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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GEORGETOWN COURT
The Honorable Joe M. Crosby

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JUL 20 2016

APPELLATE CASE NO. 2015-00029

SC Court of Appeals

TD Bank, N.A., Successor by merger to Carolina First Bank, N.A.,.....Respondent,

vs.

Sunil V. Lalla and Sharon W. Lalla,.....Appellants.

PETITION FOR REHEARING

S. Jahue Moore
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Attorneys for Appellant

Pursuant to Rule 221 and Rule 240, SCACR, Appellant Milton Oakley Dickson files this Petition for Rehearing with respect to the Court's decision in *Milton Oakley Dickson v. Arthur B. Beasley*, Opinion No. 2016-UP-197, (S.C. Ct. App. Filed May 11, 2016). Appellant suggests that the Court overlooked and/or misapprehended the following points in affirming the decision of the Trial Court.

1. The Court's opinion overlooked, misapprehended, and ignored the facts of this matter and the Briefs submitted by the parties in affirming the award of a deficiency judgment against Sharon Lalla. The proceedings before the Master clearly set forth that Respondent was not seeking a deficiency judgment against the Appellant Sharon Lalla. Respondent's witness stated:

Q – You don't contend that the debt that you're attempting to foreclose is a debt of Sharon Lalla, do you?

A – No.


Q – Okay. Now – so the persons against whom you claim to be seeking this deficiency judgment is Dr. Sunil Lalla, correct?

A – Yes.

(Tr. 42). In spite of this clear testimony, the Master's Order provided for a deficiency judgment against Sharon Lalla. When this issue was raised on appeal by Appellants in their Initial Appellant's Brief, Respondent acknowledged and recognized the Master's mistake (and subsequently filed an amended Order with the Master which vacated any deficiency judgment against Sharon Lalla. (Final Brief of Respondent, Footnote 3). The Order of the Court of Appeals affirming an award of deficiency against Sharon Lalla is clearly erroneous and is based upon the Court's overlooking the facts of this matter as contained in the record.

For reasons set forth above, this Court should grant this Petition, withdraw its prior Opinion, and issue a new opinion reversing the Trial Court's decision and Order.

MOORE TAYLOR LAW FIRM, PA

By: 
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ATTORNEYS FOR APPELLANT

West Columbia, South Carolina

July 19, 2016

July 19, 2016

The Honorable Jenny Abbott Kitchings
Court of Appeals Clerk of Court
P.O. Box 11629
Columbia, SC 29211

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JUL 20 2016

SC Court of Appeals

RE: TD Bank, N.A., Successor by merger to Carolina First Bank, N.A.
v. Sunil V. Lalla and Sharon W. Lalla
Appellate Case No. 2015-000295

S. Jahue Moore*
J. Mark Taylor*
C. Vance Stricklin, Jr.
James Edward Bradley*
Sheila McNair Robinson
Christian G. Spradley
C. David Sawyer, Jr.
William H. Edwards
Stanley L. Myers
Jane H. Downey*
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Ralph Nichols Riley, Jr.
Amber Cary Fulmer
Sarah Taylor Cassidy
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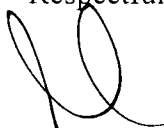
Dear Ms. Kitchings:

Please find enclosed for filing the original and seven (7) copies of the *Petition for Rehearing* in reference to this case. I have also enclosed a proof of service of this document upon counsel for Respondent and a check in the amount of \$25.00 for filing this motion. For the Court's convenience, I have enclosed a self-addressed, stamped envelope for the return of the clocked-in copies.

Thank you for your attention to this matter. If you have any questions or need any additional information, please do not hesitate to contact me.

With kindest regards I am,

Respectfully yours,



John C. Bradley, Jr.

/gmn

Enclosures

cc: Thomas W. McGee, III, Esquire (w/enclosures)

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vs.

Sunil V. Lalla and Sharon W. Lalla,.....Appellants.

PROOF OF SERVICE

I certify that I have served the Appellants Petition for Rehearing by U. S. Mail on July 19, 2016 to the following counsel of record addressed as follows:

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