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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

S. Jackson Kimball, Master in Equity

Case No. 2015-CP-46-03526

RECEIVED
JUL 28 2016
SC Court of Appeals

YADKIN BANK,

Respondent,

v.

J.W. NEAL CONSTRUCTION, LLC,
JOSHUA WILFRED NEAL and
THE WALKERS RIDGE
HOMEOWNERS ASSOCIATION, INC.,

of whom:

J.W. NEAL CONSTRUCTION, LLC and
JOSHUA WILFRED NEAL
are the

Appellants.

**MOTION FOR EXTENSION OF TIME
OR, IN THE ALTERNATIVE, TO REQUEST TRANSCRIPT OUTSIDE TIME**

Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellants, by their counsel herein, move this Court for an order granting them an extension of time in which to request a transcript of hearing, or in the alternative, to file outside time, on the grounds stated below:

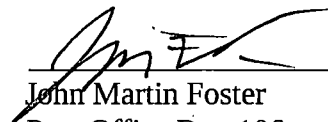
1. The Notice of Appeal herein was dated and served on June 20, 2016. Through inadvertence, the transcript of the hearing on May 3rd, 2016, which hearing resulted in the Order appealed from, was not timely requested.
2. The Appellant is informed and believes that he has a meritorious defense in this matter. The delay in ordering the transcript was caused, in part, by exploration of means of settlement by the Appellant.

3. On knowledge and information, counsel for Appellants does not believe any damage has been caused to the Respondent, nor will any undue prejudice be caused by the said delay.
4. Counsel has requested the said transcript, a copy of his letter to that effect being attached hereto and incorporated herein.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached affidavit or stipulation of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellants herein move this Court for an extension of time in which to request the transcript herein, or in the alternative, for the right to make such request outside time, as set out above, pursuant to Rules 240 and 263(b), S.C.A.C.R.

July 26, 2016



John Martin Foster
Post Office Box 106
Rock Hill, S.C. 29731-6106
(803) 324-8100
Attorney for Respondent

Other Counsel of Record:

Elizabeth Wright	Michael K. Hatch
Wright Worley Pope Ekster & Moss, PLLC	Morton & Gettys, LLC
310 N. Front Street, Suite 4-147	P.O. Box 707
Wilmington, NC 28401	Rock Hill, SC 29731

JOHN MARTIN FOSTER

Attorney at law

The Guardian Building	PO Box 106	803 324 8100
223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

July 26, 2016

The Honorable David Hamilton
Clerk of the Circuit Court
Post Office Box 649
York, SC 29706

RECEIVED

JUL 28 2016

SC Court of Appeals

Re: Yadkin Bank, Respondent
v. J.W. Neal Construction, LLC, Joshua Wilfred Neal and The Walkers Ridge
Homeowners Association, Inc.,
of whom J.W. Neal Construction, LLC and Joshua Wilfred Neal
are the Appellants
Case No.: 2015-CP-46-03526

Dear Mr. Hamilton:

Enclosed for filing is a notice of appeal in the above case. Also enclosed is our proof service of the notice of appeal on all respondents. Please return the conformed copy to us in the enclosed self-addressed stamped envelope.

Sincerely,



John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
803 324-8100
Attorney for Appellants

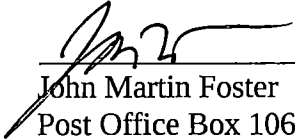
jmf/
enclosures

cc: Elizabeth Wright
Wright Worley Pope Ekster & Moss, PLLC
310 N. Front Street, Suite 4-147
Wilmington, NC 28401
Attorneys for Respondent
(910) 200-2677

Michael K. Hatch
Morton & Gettys, LLC
P.O. Box 707
Rock Hill, S.C. 29731
(803) 366-3388

that person's office with that person's clerk or some other person in charge thereof, or by leaving it in a conspicuous place therein; of if the office was closed or the person to be served has no office, by leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, all pursuant to Rule 233(b), S.C.A.C.R.

July 26, 2016



John Martin Foster
Post Office Box 106
Rock Hill, S. C. 29731-6106
(803)324-8100
Attorney for Appellants

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APPEAL FROM YORK COUNTY
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Case No. 2015-CP-46-03526

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SC Court of Appeals

YADKIN BANK,

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v.

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JOSHUA WILFRED NEAL and
THE WALKERS RIDGE
HOMEOWNERS ASSOCIATION, INC.,

of whom:

J.W. NEAL CONSTRUCTION, LLC and
JOSHUA WILFRED NEAL
are the

Appellants.

PROOF OF SERVICE

I certify that I have served the **Motion for Extension of Time or, in the alternative, to Request Transcript Outside Time**, dated July 26, 2016, on the following counsel or persons of record:

Elizabeth Wright
Wright Worley Pope Ekster & Moss, PLLC
310 N. Front Street, Suite 4-147
Wilmington, NC 28401

Michael K. Hatch
Morton & Gettys, LLC
P.O. Box 707
Rock Hill, SC 29731

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out below; or

by hand delivering copies of the same to the following persons, or by leaving the same at

JOHN MARTIN FOSTER

Attorney at law

The Guardian Building	PO Box 106	803 324 8100
223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

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JUL 28 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

SC Court of Appeals

Re: Yadkin Bank, Respondent
v. J.W. Neal Construction, LLC, Joshua Wilfred Neal and The Walkers Ridge
Homeowners Association, Inc.,
of whom J.W. Neal Construction, LLC and Joshua Wilfred Neal
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Case No.: 2015-CP-46-03526

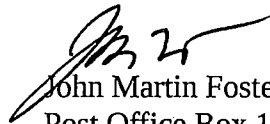
Dear Ms. Kitchings:

In accordance with Rules 240 and 263(a), S.C.A.C.R., enclosed herewith please find the original and seven (7) copies of the Appellant's Motion for Extension or to File Outside Time, together with the Certificate of Service for the same in the above referenced case. I also enclose our check for the Motion fee of \$25.00.

By copy of this letter, I am serving the attorney for the Respondents with copies of the said Motion, as evidenced by the Certificate of Service.

Please return the extra conformed copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely,



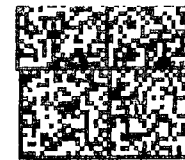
John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
803 324-8100
Attorney for Appellants

jmf/
enclosures

cc: Elizabeth Wright
Wright Worley Pope Ekster & Moss, PLLC
310 N. Front Street, Suite 4-147
Wilmington, NC 28401
Attorneys for Respondent
(910) 200-2677

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P.O. Box 707
Rock Hill, S.C. 29731
(803) 366-3388

✓



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07/26/16

Mailed From 29730



US POSTAGE

John Martin Foster Attorney

223 East Main St Suite 520
Post Office Box 106
Rock Hill SC 29731-6106

TO:

THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF THE COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211

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JUL 28 2016
SC Court of Appeals

