

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas
Honorable Joe M. Crosby, Master-in-Equity

JUL 29 2016

SC Court of Appeals

Case No. 2011-CP-22-00342
Appellate Case No. 2015-000295

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

v.

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

RESPONDENT'S RETURN TO PETITION FOR REHEARING

TD Bank opposes the petition for rehearing filed in the above-captioned matter. Pursuant to Rule 240(e), SCACR, TD Bank hereby files this concise return to the petition for rehearing and states that should the Court request a further return, TD Bank will timely file one.

Argument

The petition should be denied because the Court's July 6, 2016 Opinion was plainly right. The petition alleges one error on the part of the Court—failure to reverse the judgment against Sharon W. Lalla. This one ground is meritless.

First, and most importantly, no judgment against Sharon W. Lalla will be entered. The trial court corrected the Form 4 judgment to accurately reflect that Sharon W. Lalla was not personally liable for any judgment. (See Attachment 1.) Therefore, contrary to the petition, the Court did not make any error or oversight. No judgment is entered against her and there was nothing for the Court to remedy.

Second, the Court correctly found that Appellants did not preserve any issue related to the judgment by failing to personally appear at the foreclosure hearing and offering no evidence whatsoever on their own behalf. Only their lawyer appeared to make argument. Moreover, Appellants failed to file any Rule 59(e) motion following the trial court's issuance of the amended order granting T.D. Bank's Rule 59(e) motion in order for Appellants to attempt to preserve any issue for this Court's review. Hence, the Opinion was also right in that the issue was not preserved.

Conclusion

Accordingly, the petition for rehearing should summarily be denied without further briefing. The sole ground for rehearing is baseless as demonstrated by Attachment 1.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: A. Mattison Bogan

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Attorneys for TD Bank, N.A., successor by merger to Carolina First Bank, N.A.

Columbia, South Carolina
July 29, 2016

Attachment 1

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
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July 10, 2015

The Honorable Alma Y. White
Georgetown County Clerk of Court
PO Box 479
Georgetown, SC 29442-0479

RE: TD Bank, NA, Successor by merger to Carolina First Bank v. Sunil V. Lalla
and Sharon W. Lalla
Civil Action No. 2011-CP-22-00342
Our File No. 04387/01834

Dear Ms. White:

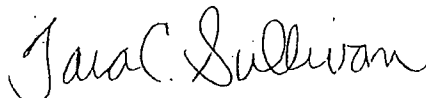
Enclosed please find the original and one copy of a corrected Form 4 in the above-referenced matter. This Form 4 corrects the Form 4 that was entered on March 9, 2015.

The previous Form 4 inadvertently indicated that a monetary judgment had been entered against Mrs. Sharon W. Lalla. However, the court has not entered any monetary judgment against her, and the public index needs to be updated to delete the monetary judgment against Mrs. Lalla. This Form 4 is intended to correct that previous error.

We would appreciate your correction of the public index and filing the original Form in your office and returning a clocked-in copy in the envelope provided for your convenience. If you have any questions, please feel free to call me so I can further explain.

By copy of this letter to counsel of record, we are serving them with a copy of the same.

Very truly yours,



Tara C. Sullivan

TCS:mk
Enclosures

July 10, 2015
Page 2

cc: S. Jahue Moore, Esquire

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF GEORGETOWN
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2011 CP-22-0342

TD Bank, NA, successor by merger to Carolina

Sunil V. Lalla and Sharon W. Lalla

First Bank

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Thomas W. McGee, III, Esquire
 Nelson Mullins Riley & Scarborough, LLP

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk : Judgment (Correction to Form 4 Entered March 9, 2015)

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
TD Bank, NA, successor by merger to Carolina First Bank	Sunil V. Lalla	\$765,851.84
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3072
 Judge Code

2/19/15
 Date

CERTIFICATE OF SERVICE

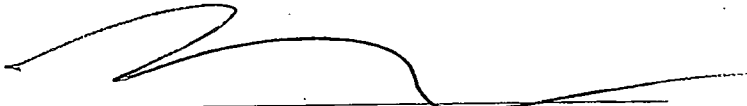
2011-CP-22-00342

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for TD Bank, NA, Successor by merger to Carolina First Bank, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Form 4

Counsel Served:

S. Jahue Moore, Esq.
Moore Taylor & Thomas
P.O. Box 5709
West Columbia, SC 29171



Maria Keeve
Administrative Assistant

July 10, 2015

FILED
GEORGETOWN COUNTY SC
2015 JUL 15 PM 3:53
ALMA Y. WHITE
CLERK OF COURT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
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TD Bank, N.A., successor by merger to Carolina First
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v.

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

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins
Riley & Scarborough LLP, attorneys for Respondent TD Bank, N.A., successor by merger to
Carolina First Bank, N.A., do hereby certify that I have served all counsel in this action with a
copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States
Mail, postage prepaid, to the following address(es):

Pleadings:

Respondent's Return to Petition for Rehearing

Counsel Served:

S. Jahue Moore, Esquire
Moore Taylor Law Firm
Post Office Box 5709
West Columbia, SC 29171



Lisa P. Whitehurst
Administrative Assistant

July 29, 2016

Nelson Mullins

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SC Court of Appeals

July 29, 2016

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: TD Bank, NA, Successor by merger to Carolina First Bank, N.A., Respondent v. Sunil
V. Lalla and Sharon W. Lalla, Appellants
Appellate Case No. 2015-000295
Our File No. 04387/01834

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Respondent's Return to Petition for Rehearing. We would ask that you file the original and return a clocked-in copy to us via our courier.

By copy of this letter to counsel of record, we are serving them with copies of these pleadings.

Very truly yours,



A. Mattison Bogan

AMB:lpw

cc: S. Jahue Moore, Esquire