

STATE OF SOUTH CAROLINA

COURT OF APPEALS

YADKIN BANK,

Respondent,

vs.

J.W. NEAL CONSTRUCTION, LLC, JOSHUA WILFRED NEAL, and THE WALKER'S RIDGE HOMEOWNERS ASSOCIATION, INC.,

OF WHOM J.W. NEAL CONSTRUCTION LLC, And JOSHUA WILFRED NEAL ARE THE APPELLANTS,

RECEIVED
APPELLATE FILE NO. 2016-001344
AUG 01 2016
SC Court of Appeals

RETURN ON APPELLANTS' MOTION TO REQUEST TRANSCRIPT OUTSIDE OF TIME

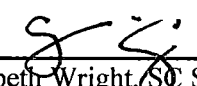
York 2015-CP-46-3526, Appeal from Hon. S. Jackson Kimball, Master-in-Equity

Now comes Respondent pursuant to Rule 240(e) of the South Carolina Rules of Appellate Practice, and moves in opposition to Appellants' Motion to Request Transcript Outside of the Time provided by these Rules. Appellants failed to attach proof of such untimely request of the court reporter to their motion. Further, Respondent filed its Motion to Dismiss for violation of the transcript rule as dated July 14, 2016, prior to the Court's courtesy notice to Appellants regarding obligations on the transcript. Still further, contrary to the position in Appellants' motion, there has been NO EFFORT TO SETTLE with Respondent. There was a statement after the hearing before the Master that the debt would be paid in full prior to the sale from Mr. Neal's retirement fund, but that has not happened. There has been no additional contact. In fact, the bid of the unwitting third party on this property is coming up for finalization in just a few days, per attached Exhibit A. Title is in peril with this frivolous appeal. The sanction should be dismissal by this Court. Upon failure to dismiss despite rules violations, Respondent will pursue all avenues to charge Appellants with its attorney's fees and damages due to a lost bidder, title problems, and this baseless appeal.

Respectfully submitted this 29th day of July, 2016.

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC

By:


Elizabeth Wright, SC State Bar No. 100892
Counsel for Respondent
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York County Sixteenth Judicial Circuit Public Index



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Switch View					
Yadkin Bank VS JW Neal Construction LLC , defendant, et al					
Case Number:	2015CP4603526	Court Agency:	York County Master In Equity	Filed Date:	03/03/2016
Case Type:	Common Pleas	Case Sub Type:	Foreclosure 420	File Type:	Non-Jury
Status:	Judgment	Assigned Judge:	Kimball, S. Jackson III		
Disposition:	Ended by Non Jury	Disposition Date:	05/17/2016	Disposition Judge:	Kimball, S. Jackson III
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:	JULY 6, 2016 DEFICIENCY SALES		

Case Parties Judgments Tax Map Information Associated Cases Actions Financials						
Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Third Party Bidder	Master/Balance of Bid on Sale Due	Action		08/05/2016-11:32		
Yadkin Bank	Notice of Appeal and Proof of Service	Filing		06/22/2016-13:29		
JW Neal Construction LLC	Notice of Appeal and Proof of Service	Filing		06/22/2016-13:29		
Third Party Bidder	Master/Bid by Third Party	Action		06/06/2016-11:32		
Yadkin Bank	Master/Bid by Third Party	Action		06/06/2016-11:05		
Yadkin Bank	Second Certificate Of Service	Filing		05/26/2016-11:32		
Yadkin Bank	Certificate Of Service	Filing		05/19/2016-11:29		
Yadkin Bank	Record of Hearing	Filing		05/18/2016-08:53		
Yadkin Bank	Notice of Sale	Filing		05/18/2016-08:53		
Yadkin Bank	Judgment/Foreclosure	Judgment		05/18/2016-08:52		
Walkers Ridge Homeowners Association Inc	Judgment/Foreclosure	Judgment		05/18/2016-08:52		
Neal, Joshua Wilfred	Judgment/Foreclosure	Judgment		05/18/2016-08:52		
Yadkin Bank	Judgment/Foreclosure	Judgment		05/18/2016-08:52		
Yadkin Bank	Judgment/Foreclosure	Judgment		05/18/2016-08:52		
	Judgment/Foreclosure	Judgment		05/18/2016-08:52		

EXHIBIT

A

STATE OF SOUTH CAROLINA

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CERTIFICATE OF SERVICE

YADKIN BANK,)

Respondent,)

vs.)

J.W. NEAL CONSTRUCTION, LLC, JOSHUA)

WILFRED NEAL, and THE WALKER'S RIDGE)

HOMEOWNERS ASSOCIATION, INC.,)

York 2015-CP-46-3526, Appeal from
Hon. S. Jackson Kimball, Master-in-Equity

OF WHOM J.W. NEAL CONSTRUCTION LLC,)

And JOSHUA WILFRED NEAL ARE THE)

APPELLANTS,)

THIS IS TO CERTIFY THAT I, ELIZABETH WRIGHT, of Wright, Worley, Pope, Ekster & Moss, PLLC, counsel, have this day served upon the Clerk and the defendants the RETURN TO APPELLANTS' MOTION TO ORDER TRANSCRIPT OUTSIDE OF TIME in this proceeding by placing a copy of the same in the United States Mail, postage prepared, in an envelope addressed as follows:

John Martin Foster
PO Box 106
Rock Hill, SC 29731 (Counsel for Appellants)

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

Clerk, SC Court of Appeals, PO Box 11629, Columbia, SC 29211

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC

By:


Elizabeth Wright, SC State Bar No. 100892
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Facsimile: (910) 202.2229
Email: ElizabethWright@wwpemplaw.com

Wilmington, NC, July 29, 2016.

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC

ATTORNEYS AT LAW

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KENNETH R. MOSS*
MICHAEL T. SMITH*
MELANIE C. NICHOLSON*
NAPOLEON B. BAREFOOT, JR.*
BOYD T. WORLEY
ELIZABETH WRIGHT**
PRESTON B. HILTON
RICHARD S. PARROTTE
CHRISTOPHER C. RUSSELL
TRACIE HESTER BRISSON**

D.F. McGOUGAN, JR.
(1921 - 1994)

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**licensed in NC & SC

*licensed in NC, DC & SC

*DRC-Certified Family Financial Mediator

July 29, 2016

Clerk, SC Court of Appeals

Re: APPELLATE FILE NO. 2016-001344

Dear Hon. Clerk:

Trust you are well. Please file and return copy.

Sincerely,

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC



Elizabeth Wright
For the Firm

Enclosures

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AUG 01 2016

SC Court of Appeals

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Wilmington NC 28401-5182

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