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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Daniel Dewitt Hall, Circuit Court Judge

Case No. 2014-CP-46-01638  
Appellate Case No. 2015-001018

RECEIVED  
SEP 12 2016  
SC Court of Appeals

TD Bank, N.A., Successor by  
merger with  
Carolina First Bank,

Respondent,

v.

Joseph L. Huckabee, Jr., a/k/a  
Joseph Laverne Huckabee,  
Pat Huckabee; and  
The Huckabee, LLC,

Appellants.

MOTION FOR EXTENSION OF TIME

Pursuant to Rules 240 and 263(b), S.C.A.C.R., the remaining Appellant Joseph L. Huckabee, Jr., by his counsel herein, moves this Court for an order granting an extension of time in which to file the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal in the matter above, on the grounds stated below:

1. The Court has presently granted an extension of time for the Appeal listed in the Caption above through September 19<sup>th</sup>, 2016.
2. Counsel informs the Court that settlement discussions have continued in this matter. The main counsel for Respondent Bank is unavailable presently due to his absence on vacation. Despite several attempts by Counsel for Appellant,

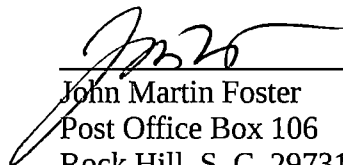
no progress on settlement has been possible in the absence of Counsel for Respondent. In turn, counsel for Movant has a long-scheduled trip abroad which will render him absent from September 11<sup>th</sup> through the 23<sup>rd</sup>.

3. The Movant acknowledges that his Initial Brief and Designation have been long delayed by reason of the case history and the attempts of the parties at settlement. It is the understanding of counsel that, upon full consultation between counsel, which should occur before the end of September, this matter will proceed either to settlement or the filing of the required Appellate pleadings.
4. Counsel for the remaining Appellant, Joseph L. Huckabee, Jr., has also been prevented from further action herein due to the press of business in his office.

The basis of this Motion is the within-cited Rules, the records of this appeal, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellant Joseph L. Huckabee, Jr. herein moves this Court for an extension of time in which to file the Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal.

September 9, 2016

  
\_\_\_\_\_  
John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731-6106  
803 324-8100  
Attorney for Appellant

Other Counsel of Record:

John T. Moore  
Brandon Keith Poston  
Nelson Mullins Riley & Scarborough, LLP  
Post Office Box 110070  
Columbia, S. C. 29211  
Attorneys for Respondent  
(803) 255-9518

Matthew J. Modica  
U.S. Attorney's Office  
151 Meeting Street, Suite 200  
Charleston, S. C. 29401  
Attorney for United States: IRS  
(843) 266-1600

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Appellants.

CERTIFICATE OF SERVICE

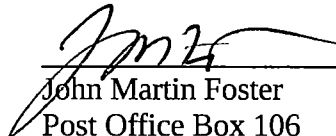
I certify that I have served the Appellant's Motion for Extension of Time dated September 9, 2016, on the following counsel or persons of record:

John T. Moore  
Brandon Keith Poston  
Nelson Mullins Riley & Scarborough, LLP  
Post Office Box 110070  
Columbia, S. C. 29211

Matthew J. Modica  
U.S. Attorney's Office  
151 Meeting Street, Suite 200  
Charleston, S. C. 29401

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 above, pursuant to Rule 262(b), S.C.A.C.R.

September 9, 2016

  
\_\_\_\_\_  
John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731-6106  
803 324-8100  
Attorney for Appellant

JOHN MARTIN FOSTER

*Attorney at law*

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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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September 9, 2016

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

SEP 12 2016

SC Court of Appeals

Re: TD Bank, N.A., Successor by merger with Carolina First Bank, Respondent  
v. Joseph L. Huckabee, a/k/a Joseph Laverne Huckabee, Jr., et al., Appellants  
Case No.: 2014-CP-46-01638  
Appellate Case No. 2015-001015

TD Bank, N.A., Successor by merger with Carolina First Bank, Respondent  
v. Joseph L. Huckabee, a/k/a Joseph Laverne Huckabee, Jr., et al., Appellants  
Case No.: 2014-CP-46-01638  
Appeallate Case No. 2015-002456

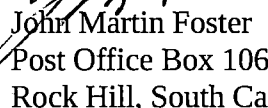
Dear Ms. Kitchings:

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

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

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

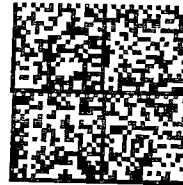
Sincerely,

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


jmf/  
enclosures

cc: John T. Moore	Matthew J. Modica
Brandon Keith Poston	U.S. Attorney's Office
Nelson Mullins Riley & Scarborough, LLP	151 Meeting Street, Suite 200
Post Office Box 110070	Charleston, S. C. 29401
Columbia, S. C. 29211	Attorney for United States: IRS
Attorneys for Respondent	(843) 266-1600
(803) 255-9518	

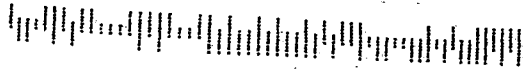
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**John Martin Foster Attorney**

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

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

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