

THE STATE OF SOUTH CAROLINA )  
)  
)  
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, )

IN THE COURT OF APPEALS

Appellate Case #: 2016-001344

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

**LETTER IN OPPOSITION  
TO APPELLANTS' MOTION  
FOR EXTENSION OF TIME**

**RECEIVED**

OCT 27 2016

SC Court of Appeals

Dear Honorable Clerk,

I am writing to express my objection to the Appellants' request for additional delays in the above-referenced appeal of a mortgage foreclosure case from York County, SC. I was the high bidder for the property at issue in the case (Lot 73 of Walker's Ridge subdivision in Rock Hill) at the upset bid sale on July 6, 2016 and received a deed for the property on August 4, 2016 (a copy of the deed which conveys title of the property to Barrett M. Maners and Edwin G. Young is enclosed).

This appeal is preventing Mr. Young and me from building on or selling Lot 73, due to the fact that title insurers will not issue policies on properties subject to pending appeals, however futile and frivolous the appeal at issue may be. The Appellants' counsel has already delayed progress in the appeal via his failure to request a transcript of the hearing from York Co. 2015-CP-46-3526 within time, and his subsequent Motion for Extension of Time, which was granted by the Court.

I have been paying for the upkeep, homeowner's association dues, and property taxes on Lot 73 since we received the deed to the property from Judge Kimball, and any extensions of time and allowances for late filing granted by the Court to the Appellant's counsel add additional months to the carrying costs we have been accruing on Lot 73. Appellant's counsel is aware of this, but did not mention our interests in his Motions for Extension of Time regarding the transcript, and now, the initial brief.

Furthermore, I have scanned the open cases that J.M. Foster, counsel for the Appellants, has before the Court of Appeals, and cannot find a single one in which he has filed an initial brief within the time specified by the Appellate Court Rules. Multiple extensions are always requested and granted due to "press of business" or "the pressure of business" within Mr. Foster's office. The issues at hand in this appeal are very simple and Mr. Foster has already had over five months to prepare his arguments. It is hard to comprehend why additional extensions of time are necessary for this appeal, given the facts of the case.

This appeal is futile for the Appellants, due to the fact that third party purchasers at foreclosure sales are protected by statute and common law, even if the order of sale is reversed on appeal, rendering this appeal

moot. In addition, even if every piece of research that I have read on this subject is erroneous and the Appellants somehow prevail in this case, the outcome for the Appellants will be that they are returned to a "negative equity" position on Lot 73, given that the outstanding mortgage balance, including unpaid interest and penalties, is over \$50,000, and the lot is only worth approximately \$40,000 (Lot 74, which is adjacent and nearly identical to Lot 73, except for the fact that it is slightly larger, sold on July 27, 2016 for \$39,900 in an arm's length transaction [see York Co. Deed Book 15826 at Page 84]).

I am not looking for special treatment from the Court in this matter, but would like the aforementioned information placed into the record and considered the when Court is contemplating the allowance of additional delays or other matters that affect the trajectory of the appeal. Thank you.

Respectfully submitted,

October 25, 2016



Barrett M. Maners  
773 Milton Ave.  
Rock Hill, SC 29730  
(803) 517-1196



TO HAVE AND TO HOLD all and singular the above-described premises unto the Grantee(s) its successors and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as Master In Equity for York County, South Carolina, this 2<sup>nd</sup> day of August in the year of two thousand sixteen 2016.

Signed, Sealed and delivered in the presence of:

Mary Ann Motz  
Kathryn A Thorpe

S. Jackson Kimball (SEAL)  
S. Jackson Kimball  
Master-In-Equity for York County

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF YORK                  )

PERSONALLY appeared before me Mary Ann Motz, who first being duly sworn, deposes and say that she saw S. Jackson Kimball, Master-In-Equity for York County, sign, seal and as his act and deed, deliver the within Written Deed; and that (s)he with Kathryn A. Thorpe witnessed the execution thereof.

SWORN to before me this 2<sup>nd</sup> day of August, 2016.

Mary Ann Motz

Kathryn A Thorpe (L.S.)  
Notary Public for South Carolina  
My commission expires: 8.31.25

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IN THE COURT OF APPEALS

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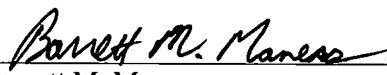
Appeal of York Co. 2015-CP-46-3526,  
Hon. S. Jackson Kimball, Master-in-Equity

**CERTIFICATE OF SERVICE  
BY MAIL**

The undersigned hereby certifies that he effected service of the Letter in Opposition to Appellants' Motion for Extension of Time filed in the above-captioned case, to be served via United States Mail, first-class, postage-paid, on the parties listed below on the 25th day of October 2016.

John Martin Foster  
P.O. Box 106  
Rock Hill, SC 29731  
Attorney for Appellants

Elizabeth Wright  
310 N. Front St.  
Suite 4-147  
Wilmington, NC 28401  
Attorney for Respondent

  
\_\_\_\_\_  
Barrett M. Maners  
773 Milton Ave.  
Rock Hill, SC 29730

**RECEIVED**  
OCT 27 2016  
SC Court of Appeals

Rock Hill, South Carolina  
October 25, 2016

Barrett M. Maners  
773 Milton Ave.  
Rock Hill, SC 29730  
(803) 517-116

October 25, 2016

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

**RECEIVED**

OCT 27 2016

SC Court of Appeals

Re: Case: 2016-001344; 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

Dear Honorable Clerk,

Please find the enclosed original and seven copies of the Letter in Opposition to Appellants' Motion for Extension of Time, along with the Certificate of Service By Mail for the same. Please return the extra conformed copy to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance.

Sincerely,



Barrett M. Maners

bmm/  
enclosures

cc: John Martin Foster  
P.O. Box 106  
Rock Hill, SC 29731  
Attorney for Appellants

Elizabeth Wright  
310 N. Front St.  
Suite 4-147  
Wilmington, NC 28401  
Attorney for Respondent

**Barrett M. Maners**  
773 Milton Ave.  
Rock Hill, SC 29730

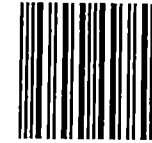
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  
**CERTIFIED MAIL®**



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29211

U.S. POSTAGE  
PAID  
ROCK HILL, SC  
29732  
OCT 25 16  
AMOUNT  
**\$5.71**  
R2304M110803-08

**RECEIVED**  
OCT 27 2016  
SC Court of Appeals

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