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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

The Honorable Joe M. Crosby, Master-In-Equity

Case No. 2011-CP-22-00180
Appellate Case No. 2013-001447

Kennedy Funding, Inc. as predecessor-in-interest, and BNP Paribas Respondents,

v.

Pawleys Island North, LLC, Will Darwin Wheeler, Peggy Wheeler-Cribb, and
J. Mars Sapp, Defendants,
of whom Pawleys Island North, LLC, Will Darwin Wheeler and Peggy Wheeler-
Cribb are Respondents and

J. Mars Sapp is the Appellant.

**MOTION TO STAY REMITTITUR, COMPEL SETTLEMENT OR IN THE
ALTERNATIVE REINSTATE APPEAL**

Daniel T. Brailsford [00849]
Thomas W. Bunch, II [01011]
Paul H. Hofer [77506]
ROBINSON, MCFADDEN & MOORE P.C.
Post Office Box 944
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Counsel for Appellant

Other Counsel of Record:

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Gwin Law Office, LLC
5001 N. Kings Highway
Suite 210 Rainbow Harbor
Myrtle Beach, SC 29577
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MOTION

On October 28, 2016, the Respondents Kennedy Funding, Inc. and BNP Paribas agreed to settle this case. See attached email. After notification by Respondents' counsel, this Court dismissed this appeal by Order entered November 7, 2016, and provided that the remittitur would be issued in accordance with Rule 221, SCACR.

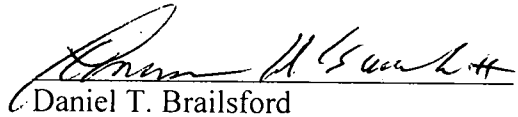
The settlement required that Respondents pay a sum of money to the Appellant Sapp, that Sapp would release his interest in certain real property that was the subject of the underlying case, and Respondents draft appropriate settlement documents. The Respondents have neither paid the agreed upon settlement amount, nor have they provided a final settlement agreement to Appellant, and the time period for issuance of the remittitur expires today. Appellant Sapp has provided and Respondents' counsel has approved the document fulfilling Sapp's settlement obligation to release the subject property from Sapp's claim.

Therefore, Appellant J. Mars Sapp moves that the issuance of the remittitur be stayed and that this Court compel Respondents to carry out the terms of settlement by December 9, 2016, or in the alternative that this appeal be restored and the Court's order of November 7, 2016 be vacated. Appellant Sapp prays that his costs and legal fees be assessed against Respondents.

The undersigned has consulted with opposing counsel regarding this matter, but they have been unable to conclude a settlement before the deadline that the remittitur will be issued.

Signature on following page

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel T. Brailsford", written over a horizontal line.

Daniel T. Brailsford

Thomas W. Bunch, II

Paul H. Hoefler

ROBINSON, MCFADDEN & MOORE P.C.

Post Office Box 944

Columbia, SC 29202

(803)779-8900

Counsel for Appellant

Thomas W. Bunch, II

From: Thomas W. Bunch, II
Sent: Friday, October 28, 2016 3:42 PM
To: 'Jordan, Robert H.'
Cc: phoefer@robinsonlaw.com; Daniel T. Brailsford
Subject: Kennedy Funding v. Sapp
Attachments: RMM W-9.pdf

Dear Robert,

This will confirm the agreement among counsel to settle Sapp's claim in this suit for _____ Sapp will release any interest he has in the subject property, retain the judgment he has against Wheeler, and you will provide appropriate settlement documents. I have requested payment within the next two weeks. My firm's W-9 is attached. I would like to provide wiring instructions, but if the payment is to be made by check, please make it payable to "Robinson, McFadden & Moore, P.C. as attorneys for J. Mars Sapp." Thanks. Please let me know what else you need.

Tommy



Thomas W. Bunch, II
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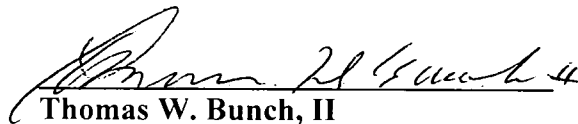
J. Mars Sapp is theAppellant.

PROOF OF SERVICE

I certify that I have served Appellant's Motion to Stay Remittitur, Compel Settlement, or
in the Alternative, Reinstate Appeal on opposing counsel by depositing a copy of it in the United
States Mail, postage prepaid, on **November 22, 2016** addressed as follows:

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