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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

S. Jackson Kimball, Master in Equity

Appellate Case No. 2016-001344

**RECEIVED**  
NOV 28 2016  
SC Court of Appeals

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.

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**MOTION FOR EXTENSION OF TIME**

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Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellants, by their counsel herein, move this Court for an order granting them an extension of time in which to submit their Initial Brief and Designation of Matter to be included in the Record on Appeal, on the grounds stated below:

1. Counsel for the Appellants received the Transcript of Hearing herein on September 21<sup>st</sup>, 2016. It is his understanding that his Initial Brief and Designation of Matter are due as of this date, after an extension.

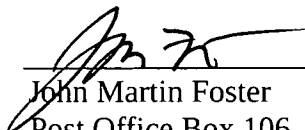
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2. Because of the press of business in the office of the Appellants' attorney, including Court hearings, he has been unable to meet the present deadline for the Appellant's Initial Brief and Designation of Matter.
3. For the benefit of the Court, counsel for Appellants would note that the parties are in settlement discussions, which would resolve this appeal.
4. On the basis of the facts set out above, the Appellants, by their counsel, request an additional thirty (30) days to prepare, file and serve the documents referenced above.
5. On knowledge and information, counsel for Appellants does not believe any damage will be caused to the Respondent, nor will any undue prejudice be caused by the said delay.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached affidavit or stipulation of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellants herein move this Court for an extension of time in which to submit their Initial Brief and Designation of Matter to be included in the Record on Appeal, as set out above, pursuant to Rules 240 and 263(b), S.C.A.C.R.

November 22, 2016

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

Other Counsel of Record:

Elizabeth Wright  
Wright Worley Pope Ekster & Moss, PLLC  
310 N. Front Street, Suite 4-147  
Wilmington, NC 28401

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of whom:

J.W. NEAL CONSTRUCTION, LLC and  
JOSHUA WILFRED NEAL  
are the

Appellants.

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**PROOF OF SERVICE**

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I certify that I have served the **Motion for Extension of Time**, dated November 22, 2016, on the following counsel or persons of record:

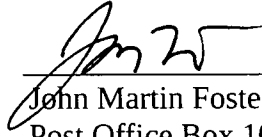
Elizabeth Wright  
Wright Worley Pope Ekster & Moss, PLLC  
310 N. Front Street, Suite 4-147  
Wilmington, NC 28401

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 below; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving

it in a conspicuous place therein; of if the office was closed or the person to be served has no office, by leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, all pursuant to Rule 233(b), S.C.A.C.R.

November 22, 2016

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

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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November 22, 2016

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

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NOV 28 2016

SC Court of Appeals

Re: 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  
Appellate Case No.: 2016-001344

Dear Ms. Kitchings:

In accordance with Rules 240 and 263(a), S.C.A.C.R., enclosed herewith please find the original and seven (7) copies of the Appellants' Motion for Extension, together with the Certificate of Service for the same in the above referenced case. I also enclose our check for the Motion fee 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 copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

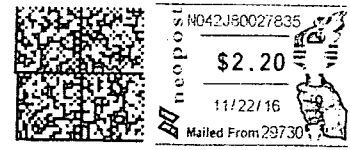
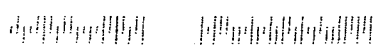
Sincerely,



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

jmf/  
enclosures

cc: Elizabeth Wright  
Wright Worley Pope Ekster & Moss, PLLC  
310 N. Front Street, Suite 4-147  
Wilmington, NC 28401  
Attorneys for Respondent  
(910) 200-2677



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SC Court of Appeals

**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