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STATE OF SOUTH CAROLINA

APPELLATE FILE NO. 2016-001344

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,)
)

RETURN ON APPELLANTS' SECOND MOTION TO BRIEF 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 yet again to Appellants' Motion for additional time for briefing. As an aside, Appellants contacted the undersigned regarding settlement in recent weeks, but such contact was completely illusory. Counsel inquired if the Respondent would make a settlement offer. That is not any settlement at all. Respondent has not responded to such an odd request. This is not settlement negotiation. This is further delay. Respondent has been told since date of the foreclosure hearing this would be resolved by payment, untrue to date.

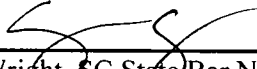
Further, Appellants have not provided the undersigned with copy of the transcript claimed to have been received September 21, 2016, and have failed to coordinate with the undersigned regarding matters to include in the Record on Appeal.

This latest request for action "outside" of prescribed time is further proof this appeal is only to delay and impair and prejudice Respondent, and the new owner of the property foreclosed upon, being a third party. This is the third time Appellants act only after prodding from this court. This is most disrespectful of the Rules and the time of all involved.

The sanction should be denial of Appellants' motion and dismissal by this Court. Due to repeated rules violations, Respondent will pursue all avenues to charge Appellants with its attorney's fees and damages due to a damaged bidder, title problems, and this baseless appeal.

Respectfully submitted this 28th day of November, 2016.

COUNSEL OF THE CAROLINAS, successor counsel to, WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC

By: 
 Elizabeth Wright, SC State Bar No. 100892
 Counsel for Respondent
 310 N. Front St., Ste. 4-147
 Wilmington, NC 28401
 Telephone: (910) 200.2677
 Facsimile: (910) 202.2229
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 HOMEOWNERS ASSOCIATION, INC.,)
)
 OF WHOM J.W. NEAL CONSTRUCTION LLC,)
 And JOSHUA WILFRED NEAL ARE THE)
 APPELLANTS,)
)

CERTIFICATE OF SERVICE

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

THIS IS TO CERTIFY THAT I, ELIZABETH WRIGHT, of Counsel of the Carolinas, counsel, have this day served upon the Clerk and the defendants the RETURN TO APPELLANTS' SECOND MOTION TO BRIEF 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

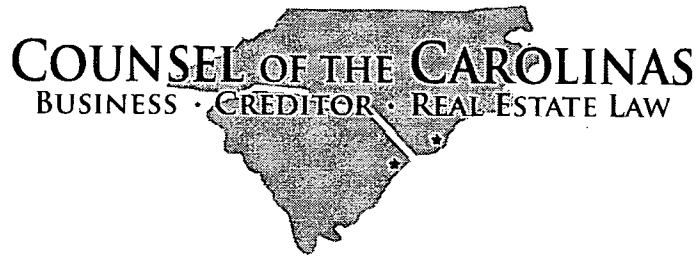
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COUNSEL OF THE CAROLINAS

By: 

 Elizabeth Wright, SC State Bar No. 100892
 Counsel for Respondent
 310 N. Front St., Ste. 4-147
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Wilmington, NC, November 28, 2016.



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elizabeth@ncsclaw.com

November 28, 2016

SC Court of Appeals
Attn: Clerk
PO Box 11629
Columbia SC 29211-1629

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NOV 30 2016

SC Court of Appeals

Re: *Yadkin Bank v. Neal et al.* 2016-001344

Dear Hon. Clerk:

Trust you are well. Please file and return copy of the enclosed Motion and Certificate of Service. I also provide notice that while my mailing address and phone number remain the same, my law firm name and email have changed. I copy counsel per below. Thank you!

Sincerely,

COUNSEL OF THE CAROLINAS

Elizabeth Wright
For the Firm

Enclosure

cc: Mr. John Martin Foster, Mr. Michael K. Hatch

**Counsel of the Carolinas
310 N Front St, Ste 4-147
Wilmington NC 28401-5182**

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