

STATE OF SOUTH CAROLINA

APPELLATE FILE NO. 2016-001344

COURT OF APPEALS

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DEC 29 2016

YADKIN BANK,)
)
Respondent,)

RETURN ON APPELLANTS' Appeals
THIRD MOTION TO BRIEF
OUTSIDE OF TIME

vs.)

J.W. NEAL CONSTRUCTION, LLC, JOSHUA)
WILFRED NEAL, and THE WALKER'S RIDGE)
HOMEOWNERS ASSOCIATION, INC.,)

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

OF WHOM J.W. NEAL CONSTRUCTION LLC,)
And JOSHUA WILFRED NEAL ARE THE)
APPELLANTS,)

Now comes Respondent pursuant to Rule 240(e) of the South Carolina Rules of Appellate Practice, and moves in opposition yet again to Appellants' Third Motion for additional time for briefing. There is no settlement negotiation, nor has there ever been any such negotiation so as to justify any prior or future extension as prayed by Appellants. It appears even the court is now out of patience with Appellants if the language in the latest directive is to enforced.

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.

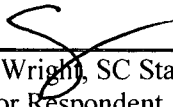
This latest request for action "outside" of prescribed time is further proof this appeal is only to delay and impair and prejudice Respondent, and the new owner of the property foreclosed upon, being a third party. This is the FOURTH time Appellants act only after prodding from this court. This is most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

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. PLEASE may the Court consider this position on this THIRD request for additional time and THIRD opposition to the same.

This 27th day of December, 2016.

COUNSEL OF THE CAROLINAS

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
Email: elizabeth@ncsclaw.com

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STATE OF SOUTH CAROLINA

COURT OF APPEALS

APPELLATE FILE NO. 2016-00374

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DEC 29 2016

SC Court of Appeals

CERTIFICATE OF SERVICE

YADKIN BANK,)
)
Respondent,)
)
vs.)

J.W. NEAL CONSTRUCTION, LLC, JOSHUA)
WILFRED NEAL, and THE WALKER'S RIDGE)
HOMEOWNERS ASSOCIATION, INC.,)

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

OF WHOM J.W. NEAL CONSTRUCTION LLC,)
And JOSHUA WILFRED NEAL ARE THE)
APPELLANTS,)

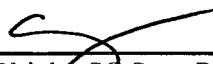
THIS IS TO CERTIFY THAT I, ELIZABETH WRIGHT, of Counsel of the Carolinas, counsel, have this day served upon the Clerk and the defendants the RETURN TO APPELLANTS' THIRD MOTION TO BRIEF OUTSIDE OF TIME in this proceeding by placing a copy of the same in the United States Mail, postage prepared, in an 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

COUNSEL OF THE CAROLINAS

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
Email: elizabeth@ncsclaw.com

Wilmington, NC, December 27, 2016.

COUNSEL OF THE CAROLINAS
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310 NORTH FRONT STREET, SUITE 4-147
WILMINGTON, NORTH CAROLINA 28401
Telephone (910) 200-2677 - Fax (910) 202-2229
elizabeth@ncsclaw.com

SC Court of Appeals

December 27, 2016

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

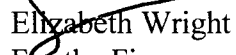
Re: *Yadkin Bank v. Neal et al.* 2016-001344

Dear Hon. Clerk:

Trust you are well. Please file and return copy of the enclosed Motion and Certificate of Service.

Sincerely,

COUNSEL OF THE CAROLINAS


Elizabeth Wright
For the Firm

Enclosure

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

