

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

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FEB 01 2017

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,
JOSHUA WILFRED NEAL, are the Appellants.

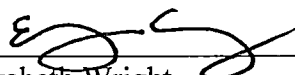
AGREED DISMISSAL OF APPEAL

Pursuant to Rules 240 and 260(b) of the South Carolina Appellate Court Rules, the Appellants in this consolidated appeal, J.W. Neal Construction, LLC and J.W. Neal hereby request that this Court enter an order dismissing the appeal (Appellate Case No. 2016-001344) in the above-captioned matter because the parties have settled the matter, rendering the appeal moot. This matter is filed with the Court of Appeals though, pursuant to Rule 261(b), S.C.A.C.R., this settlement does not require court approval.

Based on this settlement, the said Appellants desire that this appeal be dismissed in its entirety, and Respondent agrees to the dismissal. The parties further agree that no costs shall be assessed to either party under Rule 222, S.C.A.C.R.

Therefore, the parties respectfully move this Court for an Order dismissing the above-captioned appeal in its entirety.

ELIZABETH WRIGHT



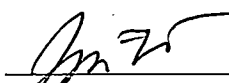
Elizabeth Wright
E-mail: elizabeth@ncsclaw.com

310 N. Front Street
Suite 4-47
Wilmington, NC 28401
(910) 200-2677

Date: 1-26, 2017

**COUNSEL FOR RESPONDENT
YADKIN BANK**

JOHN MARTIN FOSTER, ATTORNEY AT LAW



John Martin Foster
E-Mail: jmfoster@comporium.net
The Guardian Building
223 East Main Street, Suite 520
Post Office Box 106 (29731-6106)
Rock Hill, SC 29730
(803) 324-8100

Date: 1/26, 2017

**COUNSEL FOR APPELLANTS
J.W. NEAL CONSTRUCTION, LLC and
JOSHUA WILFRED NEAL**

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of whom:

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

Appellants.

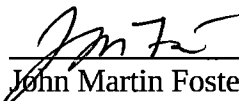
PROOF OF SERVICE

I certify that I have served the Agreed Dismissal of Appeal dated January 30, 2017, 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 above, pursuant to Rule 262(b), S.C.A.C.R.

January 30, 2017



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

JOHN MARTIN FOSTER

Attorney at law

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223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

January 30, 2017

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

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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

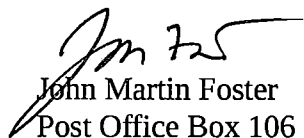
Dear Ms. Kitchings:

In accordance with Rules 240 and 260(b), S.C.A.C.R., enclosed herewith please find the original and seven (7) copies of the parties Agreed Dismissal of the above appeal, together with the Certificate of Service for the same in the above referenced case. I do not understand this to require the standard Motion fee of \$25.00.

By copy of this letter, I am serving the attorney for the Respondent with copies of the Agreement and this letter, 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.

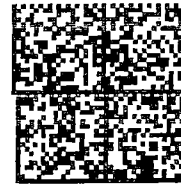
Sincerely,




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

jmf/
enclosures

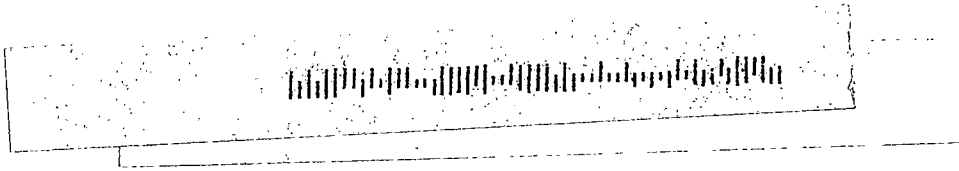
cc: Elizabeth Wright
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310 N. Front Street, Suite 4-147
Wilmington, NC 28401
Attorneys for Respondent
(910) 200-2677



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US POSTAGE



John Martin Foster Attorney

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TO:

THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF THE COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211

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