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THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

C. Heath Ruffner, Special Referee

Appellate Case No. 2016-001838

RECEIVED

FEB 10 2017

SC Court of Appeals

AMERICAN COMMUNITY BANK,
a division of Yadkin Valley Bank & Trust, Respondent,

vs.

MICHAEL R. BROWN; C. W. HORNE;
SHORTT AUCTION & REALTY CO., INC.;
BANK OF AMERICA, N.A.; and
JAGUAR PORTFOLIO, LLC, Defendants,

of whom MICHAEL R. BROWN is Appellant.

MOTION FOR EXTENSION OF TIME,
or TO FILE OUTSIDE TIME


Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellant, by his counsel herein, moves this Court for an order granting him an extension of time, or the right to file outside time, as to his Initial Brief and Designation of Matter to be included in the Record on Appeal, on the grounds stated below:

1. By Order of the Court, the Initial Brief and Designation of Matter of the Appellant are due as February 8th, 2017.
2. Counsel for Appellant has been prevented from completing the said Brief and Designation of Matter by reason of Court appearances, the press of business in his office and other Appellate deadlines.
3. To this end, counsel for Appellant requests an extension of time for a period of thirty (30) days, in which to complete these items.

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 Appellant herein moves this Court to be allowed an extension of time to file, or the right to file outside time, his initial Brief and Designation of Matter to be included in the Record on Appeal, as set out above, pursuant to Rule 240 and 263(b), S.C.A.C.R.

February 8, 2017



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

Other Counsel of Record:

THE STATE OF SOUTH CAROLINA
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of whom MICHAEL R. BROWN is Appellant.

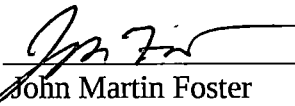
PROOF OF SERVICE

I certify that I have served the Motion for Extension dated February 8, 2017, on the following counsel or persons of record:

cc: James W. Sheedy
Susan E. Driscoll
Driscoll Sheedy, P.A.
Attorneys for American Community Bank
11520 North Community House Road, Suite 200
Charlotte, North Carolina 28277

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, S.C.A.C.R.

February 8, 2017



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

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 |

February 8, 2017

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

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SC Court of Appeals

Re: American Community Bank, Respondent
v. Michael R. Brown, Appellant
Appellate Case No. 2016-001838

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 Appellant's Motion for Extension or to File Outside Time, 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 Respondents 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 yours,


John Martin Foster

jmf/
enclosures

cc: James W. Sheedy
Susan E. Driscoll
Driscoll Sheedy, P.A.
Attorneys for American Community Bank
11520 North Community House Road, Suite 200
Charlotte, North Carolina 28277

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FEB 10 2017

SC Court of Appeals

John Martin Foster Attorney

223 East Main St Suite 520

Post Office Box 106

Rock Hill SC 29731-6106

TO:

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, S.C. 29211

