

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

C. Heath Ruffner, Special Referee

Appellate Case No. 2016-001838

RECEIVED

FEB 16 2017

SC Court of Appeals

American Community Bank, a division of Yadkin Valley
Bank and 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 the Appellant.

RESPONSE TO MOTION FOR EXTENSION OF TIME

Pursuant to Rule 240(e), SCACR, Respondent hereby submits the within response to the second motion for extension of time filed by Appellant (Response).

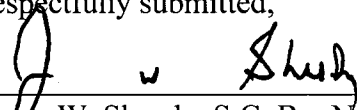
While Respondent has been and prefers to continue to be flexible and accommodating of Appellant as to time limits, this is Appellant's second request for an extension of time based in part upon "Court appearances [and] the press of business in his office". (Second Motion for Extension of Time, p.1; First Motion for Extension of Time, p.1.) This case was filed in 2010. It is a foreclosure action. Appellant has occupied the security property for more than the 6 years of this case without a payment. In the prior appeal of this case,

Appellant was given six (6) extensions during the appellate process. Respondent does not object to the Court allowing Appellant one more short extension; however, if the Court is inclined to grant the Motion, Respondent requests respectfully that this be the final extension granted to Appellant. If Appellant is not able to meet that deadline, then his appeal should be dismissed for failure to prosecute.

WHEREFORE, Respondent asks that this be a short and final extension granted to Appellant, with dismissal of the appeal upon a failure to timely file Appellant's initial brief.

Date: 2/13/17

Respectfully submitted,



James W. Sheedy, S.C. Bar No. 5052
Susan E. Driscoll, S.C. Bar No. 71447
Driscoll Sheedy, P.A.
11520 N. Community House Road
Suite 200
Charlotte, N.C. 28277
(704) 341-2101 - Telephone
(704) 341-2015 - Facsimile
jimsheedy@driscollsheedy.com
sdriscoll@driscollsheedy.com

Attorneys for Respondent

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

C. Heath Ruffner, Special Referee

Case No. 2010-CP-13-0164
Appellate Case No.: 2016-001838

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SC Court of Appeals

American Community Bank, a division of Yadkin Valley
Bank and Trust, Respondent,

vs.

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Of which Michael R. Brown is the Appellant.

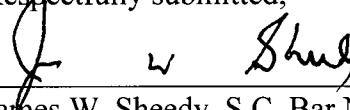
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below he served counsel for Appellant with a copy of the *Response to Motion for Extension of Time* by mailing a copy of the same via First Class, U.S. Mail, postage-paid on the date set forth below.

John Martin Foster, Esq.
The Guardian Building
223 East Main Street, Suite 520
Rock Hill, SC 29730

Date: 2/13/17

Respectfully submitted,



James W. Sheedy, S.C. Bar No. 5052
Susan E. Driscoll, S.C. Bar No. 71447
Driscoll Sheedy, P.A.
11520 N. Community House Road
Suite 200
Charlotte, N.C. 28277
(704) 341-2101 - Telephone
(704) 341-2015 - Facsimile
jimsheedy@driscollsheedy.com
sdriscoll@driscollsheedy.com

Attorneys for Respondent

Driscoll SHEEDY

A PROFESSIONAL ASSOCIATION | ATTORNEYS AT LAW

James W. Sheedy
Lic. in NC & SC
Direct: 704 341 2102
Fax: 704 341 2105
jimsheedy@driscollsheedy.com

Ballantyne: 11520 N. Community House Road
Suite 200 | Charlotte, NC 28277
South Carolina Office: 331 E. Main Street
Fountain Park Business Center
Suite 235 | Rock Hill, SC 29730
PO Box 4589 | Rock Hill, SC 29732
www.driscollsheedy.com

February 13, 2017

Honorable Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, S.C. 29201

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SC Court of Appeals

**Re: American Community Bank, a division of Yadkin Valley Bank & Trust v.
Michael R. Brown, et al.
Appellate Case No. 2016-001838**


Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the Response to Motion for Extension of Time and a Certificate of Service in the above captioned matter. Please return a filed copy to me in the enclosed envelope.

With kindest regards, I remain

Respectfully,

DRISCOLL SHEEDY, P.A.


James W. Sheedy

cc: Danny Hunter
J. Martin Foster, Esq.

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