

66198

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
151 Meeting Street / Sixth Floor / Charleston, SC 29401-2239
Tel: 843.853.5200 Fax: 843.722.8700
www.nelsonmullins.com

Merritt G. Abney
Tel: 843.534.4110
Fax: 843.722.8700
merritt.abney@nelsonmullins.com

November 12, 2012

Via Hand Delivery

The Hon. Jenny Abbott Kitchings
Clerk of South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: Floyd E. Jernigan v. Suzanne Boone Katz and Bank of America, N.A.
Case No.: 2009-CP-10-2433
Our File No.: 05100/02101

Dear Ms. Kitchings:

Appellant Bank of America, N.A. ("Bank of America") respectfully requests an extension of time in which to file its Reply to the Initial Brief of Respondent Katz until ten (10) days after both Respondents have filed their initial briefs. Counsel for Defendant-Respondent Katz submitted her Initial Brief and Designation of Matter of Record on Appeal ("Initial Brief") on November 2, 2012; however, Plaintiff-Respondent Jernigan has requested an extension of time until December 2, 2012 in which to file his Initial Brief. Due to scheduling and work conflict issues, counsel for Bank of America requires an extension of the current deadline to reply to Katz's Initial Brief. Additionally, the briefs of both Respondents will likely address similar issues of law and fact, and therefore, in the interest of judicial economy, Bank of America would prefer to file a single Reply Brief addressing the Initial Briefs of both Respondents.

Accordingly, Bank of America requests an extension in which to file its Reply to Katz's Initial Brief until ten (10) days after both Respondents have filed their initial briefs. Assuming Jernigan files his Initial Brief on December 3, 2012 (December 2 is a Sunday), Bank of America's Reply to the Initial Briefs of both Respondents would be due on or before December 13, 2012. This is Bank of America's first request for an extension of time in which to file its Reply.

We have enclosed our firm's check in the amount of \$25.00 in payment of the required filing fee for this request.

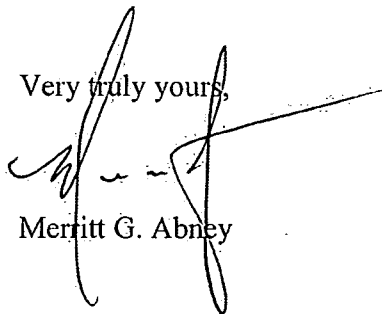
Your consideration is most appreciated.

RECEIVED

NOV 13 2012

The Hon. Jenny Abbott Kitchings
November 12, 2012
Page 2

Very truly yours,

A handwritten signature in black ink, appearing to read 'Merritt G. Abney', with a long horizontal flourish extending to the right.

Merritt G. Abney

MGA:ll

cc: Geoffrey H. Waggoner, Esq.
Aaron E. Edwards, Esq.
Lawrence E. Richter, Jr., Esq.
Brooks R. Fudenberg, Esq.