

# Nelson Mullins

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November 29, 2012

## Via Hand Delivery

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, SC 29201

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S.C. Supreme Court

RE: Cody Steven P., et al. v. Bank of America, et al.  
C/A No. 03-CP-45-207  
SC Court of Appeals Case Tracking No. 2009118326  
SC Supreme Court Tracking No. 2012-205966  
LMN No. THOD-5MJHY4  
Our File No. 05100/01756

Dear Mr. Shearouse:

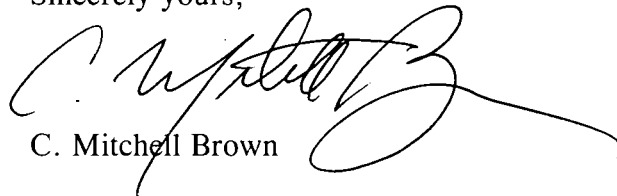
Pursuant to Rule 208(b)(7) of the South Carolina Appellate Court Rules, Petitioner Bank of America, N.A. ("BOA") submits the following pertinent and significant authority that has come to BOA's attention after briefing on its Petition for a Writ of Certiorari was completed in the above referenced case:

1. Sulton v. HealthSouth Corporation et al., Op. No. 27192 (S.C. Sup. Ct. filed Nov. 21, 2012) (Shearouse Adv. Sh. No. 42 at 74). Section III (pp. 79-90) of the Sulton Opinion is pertinent to the arguments set forth in Section II (pp. 14-16) of BOA's Petition for a Writ of Certiorari, and in Section I.C. (pp. 7-8) of BOA's Reply in Support of the Petition for a Writ of Certiorari.

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With kind regards, I remain

Sincerely yours,

A handwritten signature in black ink, appearing to read 'C. Mitchell Brown', with a long horizontal flourish extending to the right.

C. Mitchell Brown

CMB:bpc  
cc: W.E. Jenkinson, III, Esquire  
Jennifer Kellahan, Esquire  
Ronnie A. Sabb, Esquire