

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Dale Van Slambrook, Master in Equity

Case No. 2016-000292

RECEIVED

SEP 12 2017

SC Court of Appeals

Branch Banking and Trust Company..... Plaintiff/ Respondent,

v.

Wilton H. Cain; Cassandra M. Durrah-Cain;
Liberty Hall Residential Property Owners
Association, Inc..... Defendants,

Of whom Wilton H. Cain and
Cassandra M. Durrah-Cain are the..... Appellants.

**RESPONDENT'S RENEWED MOTION TO DISMISS
FOR FAILURE TO COMPLY WITH COURT ORDER**

Pursuant to Rule 240(a), SCACR, Respondent Branch Banking and Trust Company moves to dismiss the above-captioned appeal in its entirety. The basis for this motion is that Appellants Wilton H. Cain and Cassandra M. Durrah-Cain have failed to properly amend and revise the Record on Appeal per South Carolina Court of Appeals Court Order of July 7, 2017. Appellants were to have submitted the amended and revised Record by August 7, 2017, but it has now been more than 30 days since the amended Record on Appeal was to have been filed and nothing has been served on counsel for Respondent. Accordingly, Appellants have failed to comply with their obligations and have violated a Court Order.

Further, Respondent cannot move forward with filing its Final Brief unless or until Appellants properly compile and submit a Record on Appeal. Thus, Respondent respectfully requests that this Court dismiss the appeal.



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ATTORNEYS FOR RESPONDENT
Rogers Townsend & Thomas, PC and its staff are debt collectors.

September 12, 2017

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PROOF OF SERVICE

I certify that I have served the **Respondent's Renewed Motion to Dismiss for Failure to Comply with Court Order** on Wilton H. Cain and Cassandra M. Durrah-Cain by depositing a copy of it in the United States Mail, postage prepaid, on September 12, 2017, addressed to Appellants Wilton H. Cain and Cassandra M. Durrah-Cain at 8111 Jareds Landing Rd, Adam Run, SC 29426.



Erica G. Lybrand (SC Bar # 79052)

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September 12, 2017

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SC Court of Appeals

VIA HAND DELIVERY

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

RE: *Branch Banking and Trust Company v. Wilton H. Cain; Cassandra M. Durrah-Cain; Liberty Hall Residential Property Owners Association, Inc.*
C/A # 2010-CP-08-03514
RTT File # 504335-02111

Dear Ms. Kitchings:

Enclosed is an original and 7 copies of Respondent's Renewed Motion to Dismiss for Failure to Comply with Court Order and Proof of Service in the above referenced matter. Also enclosed is a check in the amount of \$25.00 representing the motion filing fee.

Please file the original document, and return a clocked copy to our courier.

With kind regards, I remain

Cordially yours,

A handwritten signature in black ink, appearing to read "Karissa Richardson".

Karissa Richardson
Paralegal for Erica G. Lybrand

Enclosures

cc:

Wilton H. Cain
Cassandra M. Durrah-Cain
8111 Jareds Landing Rd
Adam Run, SC 29426