

The Supreme Court of South Carolina

First Citizens Bank and Trust Company, Inc.,
Respondent,

v.

Park at Durbin Creek, LLC; Kenneth E. Clifton; and
Linda G. Whiteman; Defendants,

Of whom Park at Durbin Creek, LLC and Kenneth E.
Clifton are the Petitioners.

Appellate Case No. 2017-000979
Lower Court Case No. 2010-CP-30-01141

RECEIVED
DEC 13 2017
SC Court of Appeals

ORDER

Based on the vote of the Court, the petition for a writ of certiorari to review the Court of Appeals' decision in *First Citizens Bank & Tr. Co., Inc. v. Park at Durbin Creek, LLC*, 419 S.C. 333, 797 S.E.2d 409 (Ct. App. 2017), is denied as to Question 1. The petition is granted as to Question 2. The parties shall proceed to serve and file the appendix and briefs as provided by Rule 242(i), SCACR.

FOR THE COURT

BY



CLERK

'James, J., not participating.'

Columbia, South Carolina

December 13, 2017

cc:

James Calhoun Pruitt, Jr., Esquire

Ella McKenzie Sims Barbery, Esquire

James H. Cassidy, Esquire

Joseph Owen Smith, Esquire

The Honorable Lynn W. Lancaster

The Honorable Jenny Abbott Kitchings