

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

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December 19, 2017

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James H. Cassidy, Esquire
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Joseph Owen Smith, Esquire
PO Box 10529
Greenville SC 29603

Re: First Citizens Bank v. Park at Durbin Creek
Appellate Case No. 2017-000979

Dear Counsel:

Enclosed is a letter from Justice Kittredge. If any party has a question or objection relating to Justice Kittredge's participation in this case, I would ask counsel for that party advise me of this question or objection within thirty (30) days of the date of

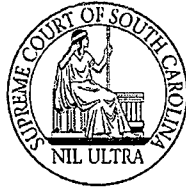
this letter.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

Enclosure



The Supreme Court of South Carolina

GREENVILLE COUNTY COURTHOUSE
305 EAST NORTH STREET, SUITE 216
GREENVILLE, SC 29601-2100
TELEPHONE: (864) 467-8593
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JOHN W. KITTREDGE
JUSTICE

SUPREME COURT BUILDING
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December 14, 2017

Daniel E. Shearouse, Clerk of Court
South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211

Re: First Citizens Bank and Trust Company, Inc. v. Park at Durbin Creek, LLC

Dear Dan:

I respectfully request that you mail a copy of this letter to counsel of record in the above case. One of my sons, Will Kittredge, is employed at First Citizens Bank and works at the branch office on McBee Street in Greenville. In an abundance of caution, I want the parties and all counsel of record to be aware of my son's employment with First Citizens Bank. While it would in no manner affect my impartiality in the above case, I will recuse myself if any party requests.

I am respectfully requesting that the parties, through their respective counsel, inform you if there is any question or objection to my participation in this matter. I further request that you notify me if there is any question or objection to my participation in this case, so that the Court can make timely arrangements for a replacement judge to be appointed by the Chief Justice as an Acting Associate Justice in the case. And finally, if there is a request that I recuse myself in this case, I want to be informed merely of the fact of the requested recusal and not the identity of the party making the request. It is my intent and hope that this disclosure complies with applicable ethical rules.

Sincerely,


John W. Kittredge