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January 19, 2018

Via facsimile: 803.734.1839 and U.S. Mail
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
JAN 22 2018
SC Court of Appeals

Re: *William F. Tomz v. Capital Funding, et al*
C/A No.: 2008-CP-23-3665
Appellate Case No. 2013-002676

Dear Ms. Kitchings:

Please accept this letter in response to the Court's letter of January 11, 2018.

The parties have been attempting to implement a Global Settlement Agreement ("GSA") that would end not only this appeal but all federal and state cases involving the parties (and additional parties).

The lower court continued to pursue sanctions against Appellant, while simultaneously stating the GSA was approved in its Order of December 1, 2017. The lower court again continued to pursue sanctions against Appellant while stating the GSA was approved in a subsequent Order dated December 21, 2017. By its explicit terms the GSA states: "In the event a court issues an order that . . . imposes sanctions or penalties upon Arthur Field . . . then immediately upon the issuance of such order, this Agreement [the GSA] shall become immediately null and void . . ." Therefore, the lower court's continuing to pursue sanctions and penalties (payment of attorneys fees) against Appellant violates an essential term of the GSA. The lower court held a hearing on December 7, 2017 for the purpose of pursuing sanctions against Appellant and scheduled another hearing on January 8, 2018 for the same purpose (which was postponed, and the lower court stated it will be rescheduled).

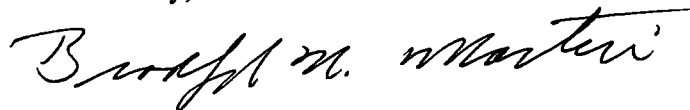
Therefore, the issues pending in this Appeal (including that the lower court judge should be recused) are not settled. Until such time as the lower court issues a dismissal of C/A No. 2008-CP-23-3665 with no "sanctions or penalties" against Appellant, this Appeal cannot be dismissed.¹

¹ The other remaining case to be ended by the GSA (*Capital Investment Funding, LLC v. Arthur Field, et al.*, C/A No. 2015-CP-23-1263) must also be dismissed to fully effectuate the terms of the GSA.

The Honorable Jenny Abbott Kitchings
January 19, 2018
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I will update you again within thirty (30) days of the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Bradford N. Martin". The signature is written in black ink and is positioned above the printed name.

Bradford N. Martin

BNM/pm

cc: George Brandt, Esq. via facsimile: 864.582.2927 and US Mail
Stan Case, Esq. via facsimile: 864.585.2034 and US Mail
Micah Caskey, Esq., via email and U.S. Mail
The Hon. Edward W. Miller via facsimile: 864.233.4173 and US Mail

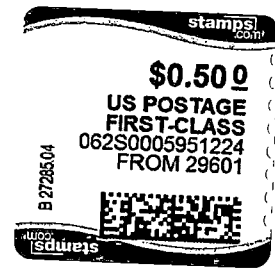
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