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January 22, 2018

**RECEIVED**

JAN 30 2018

**S.C. SUPREME COURT**

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

Re: First Citizens Bank & Trust vs. Park at Durbin Creek, et al  
#2010-CP-30-1141  
Appellate Case No. 2017-000979

Dear Mr. Shearouse:

Please find enclosed herewith for filing the original and fourteen (14) copies of the Brief of Petitioner. I am also submitting thirteen (13) additional copies of the Appendix and my Proof of Service, as required pursuant to Rule 242(i), SCACR.

Should you have any questions or need anything further from me, please do not hesitate to contact me.

Sincerely,

PRUITT & PRUITT



Joshua B. Raffini

Enclosures

Cc: James H. Cassidy (w/ 1 copy enclosure)  
Ella S. Barbery (w/ 1 copy enclosure)  
Joseph O. Smith (w/ 1 copy enclosure)

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM LAURENS COUNTY  
Court of Common Pleas

JAN 30 2018

Eugene C. Griffith, Jr., Circuit Court Judge

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**S.C. SUPREME COURT**

Case No. 2010-CP-30-1141  
Appellate Case No. 2014-002295

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

v.

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

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
**PROOF OF SERVICE**

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I certify that I have served the **BRIEF OF PETITION AND APPENDIX** on Respondent, by depositing a copy of it in the United States Mail, postage prepaid, January 22, 2018, addressed as follows:

Ella S. Barbery  
James H. Cassidy  
Joseph O. Smith  
Roe Cassidy Coates & Price, P.A.  
P.O. Box 10529  
Greenville, SC 29603  
Attorneys for Respondent

January 22, 2018.

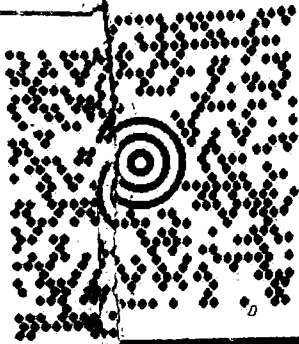
  
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J. Calhoun Pruitt, Jr. SC Bar No. 4588  
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HONORABLE DANIEL E SHEAROUSE  
SHIP TO: SUPREME COURT  
TO: 9231 GERVAIS ST

COLUMBIA SC 29201-3236

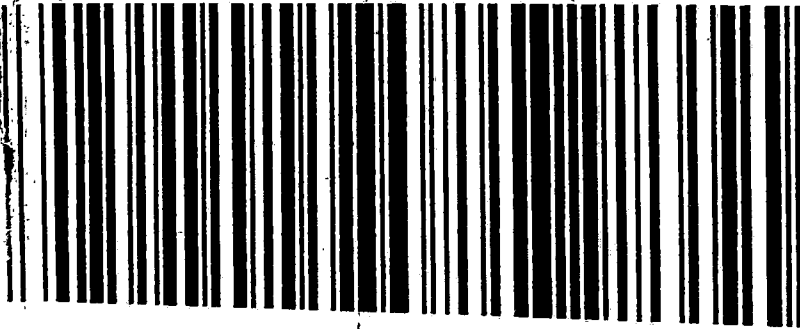


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