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May 25, 2018

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
 Clerk of Court, Court of Appeals
 1220 Senate St.
 Columbia, SC 29201

Womble Bond Dickinson (US) LLP

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Re: *TD Bank, N. A. v. Black Diamond, LLC, et al.*
Appellate Case No. 2016-000537

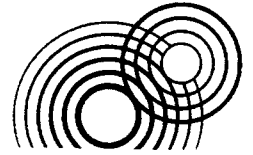
Dear Ms. Kitchings:

I am writing the Court on behalf of Respondent TD Bank N.A., Successor by Merger to Carolina First Bank, and Appellants Black Diamond, LLC, J. Christopher Lindgren and David A. Brosman in the above-referenced appeal, following up on my correspondence dated May 9, 2018 in which I notified the Court of a likely settlement of this case and appeal, and requested a continuance of oral arguments. (For your reference, a copy of the May 9, 2018 letter is attached.)

By way of an update, the refinancing of the subject property has been conditionally approved by the lender and is proceeding through due diligence. Appellants have paid a good faith deposit of \$47,500 to facilitate the refinancing, a portion of which is non-refundable. According to the loan term sheet, closing is to occur on or before July 31, 2018.

In light of these developments, the parties respectfully request that oral argument be continued past the June 5, 2018 date to the next available term, which I understand to be in the Fall. The parties anticipate this will be the last such request, as the refinancing is set to close before that date.

Please call or email if you should have any questions or concerns. We appreciate your attention to this request.



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Best regards,

Womble Bond Dickinson (US) LLP

Michael James Bogle

*On behalf of Respondent TD Bank N.A., Successor
by Merger to Carolina First Bank and Appellants
Black Diamond, LLC. J. Christopher Lindgren and
David A. Brosman*

MJB:scc

cc: V. Claire Allen, Deputy Clerk (Via Fax# 803-734-1839)
Clayton Monroe Custer, Esq.
Catherine Farrell Wrenn, Esq.
Keating L. Simons, III, Esq.
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