

LYLES & ASSOCIATES, LLC

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Member

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July 9, 2018

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RECEIVED
JUL 12 2018
SC Court of Appeals

Re: *Florida Citizens Bank v. Sustainable Building Solutions, Inc., et al.*
Appellate Case Number: 2016-000971

Dear Ms. Kitchings:

This firm represents the Appellant, Florida Citizens Bank, in regard to the above-referenced matter. On June 13, 2018, the notice of Opinion was mailed to each party. Fifteen days later, on June 28, 2018, after speaking with the Court of Appeals, my office placed in the U.S. Mail the Appellant's Petition for Rehearing. Early that morning my paralegal, Sydney Wolk, called the Court of Appeals to ask if the petition needed to be physically in your office or if it could be postmarked for June 28, 2018. She was told that all that was necessary was for the petition to be postmarked that day. Accordingly, we did not drive the petition to Columbia but put it in the mail, postmarked that day. Her affidavit is enclosed. On June 29, 2018, the remittitur was sent to the Clerk of Court for Charleston County. On July 5, 2018, we received a letter stating the remittitur ended appellate jurisdiction and no further action will be taken.

I am hereby requesting that the appeal be reinstated and the petition considered by the Court of Appeals.

Very truly yours,

LYLES & ASSOCIATES, LLC


Robert T. Lyles, Jr.

RTL/sw

Enclosures

cc: Paul Tinkler, Esquire

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master In Equity

Case No. 2016-000971

RECEIVED
JUL 12 2018
SC Court of Appeals

Florida Citizens Bank, Appellant,

v.

Sustainable Building Solutions, Inc., John Porretto, Sr., Sue A. Porretto, The County of Charleston,
and Island Preservation Partnership, Defendants,

Of Whom John Porretto, Sr. and Sue Porretto are the Respondents.

AFFIDAVIT OF SYDNEY WOLK

PERSONALLY, APPEARED BEFORE ME, Sydney Wolk, who being duly sworn
deposes and says that

1. I am an employee of Lyles & Associates, LLC and am one of the Paralegals assisting Robert T. Lyles, Jr.
2. On the morning of June 28, 2018, I called the Court of Appeals at (803)734-1890 and asked the receptionist if a Petition for Rehearing needed to be physically in the Court of Appeals office fifteen days after the Opinion was issued or if the petition could be postmarked for that same day.
3. The receptionist did not refer me to the assigned case manager.
4. The receptionist told me the Petition for Rehearing could be postmarked for

fifteen days after the Opinion.

5. Pursuant to the Proof of Service the Appellant's Petition for Rehearing was placed in the US Mail on June 28, 2018.

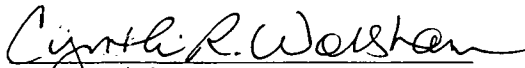
FURTHER DEPONENT SAYETH NOT.



Sydney Wolk
Paralegal to Robert T. Lyles, Jr.
Lyles & Associates, LLC
342 East Bay Street
Charleston, SC 29401

July 9, 2018

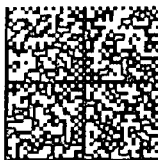
SWORN to before me this 9th
Day of July, 2018.




Notary Public for South Carolina
My Commission expires: 2-6-24

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CHARLESTON
SC 294
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PM 31



UNITED STATES POSTAGE

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JUL 12 2018

SC Court of Appeals

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29211-162929

