

87650

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas  
14<sup>th</sup> Judicial Circuit

Marvin H. Dukes, III, Master In Equity

Appellate Case No. 2016-000537

**RECEIVED**  
AUG 24 2018  
SC Court of Appeals

TD Bank, N.A., Successor by  
Merger to Carolina First Bank,

Respondent,

v.

Black Diamond, LLC; J.  
Christopher Lindgren; David A.  
Brosman; Julie H. King; and The  
Greenery, Inc., Defendants

Of Whom

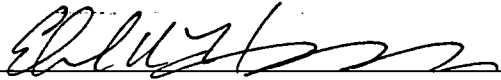
Black Diamond LLC; J.  
Christopher Lindgren; and David  
A. Brosman are

Appellants.

MOTION TO REINSTATE

The Appellants, Black Diamond, LLC, J. Christopher Lindgren and David A. Brosman, respectfully request the reinstatement of the appeal in this matter for good cause shown since the parties have not yet been able to finalize the settlement owing to delays in the refinance of the subject property. This Court's Order filed May 30, 2018 states that if the parties notify the Court before ninety (90) days have passed that they could not finalize the settlement, the appeal will be reinstated upon request. Tuesday, August 28, 2018 is the ninetieth (90<sup>th</sup>) day.

The undersigned has consulted with opposing counsel, who has agreed to the reinstatement request.

  
Ehrick K. Haight, Jr., Esq.  
Stacey S. Collins, Esq.  
MINOR, HAIGHT & ARUNDELL, P.C.  
Post Office Drawer 6067  
Hilton Head Island, South Carolina 29938  
(843) 785-8040  
Attorneys for Appellant David A. Brosman

Keating L. Simons, III, Esq.  
SIMONS & DEAN  
147 Wappoo Creek Drive  
Suite 604  
Charleston, SC 29412  
(843) 762-9132  
Attorneys for Appellants Black Diamond,  
LLC and J. Christopher Lindgren


Hilton Head Island, South Carolina  
August 23, 2018

Other Counsel of Record:  
Michael J. Bogle, Esq.  
Clayton Monroe Custer, Esq.  
Catherine Farrell Wrenn, Esq.  
WOMBLE BOND DICKINSON  
Post Office Box 10208  
Greenville, SC 29603  
Attorney for Respondent  
(864) 255-5426

**RECEIVED**  
AUG 24 2018  
SC Court of Appeals

Certificate of Service

I certify that I served the foregoing Motion to Reinstate upon all counsel of record by affixing same with proper postage and placing same with the United States Postal Service addressed to counsel's last known address on August 23, 2018.

By:   
Ehrick K. Haight, Jr.

# MINOR, HAIGHT & ARUNDELL, P.C

ATTORNEYS and COUNSELORS AT LAW

JOHN W. MINOR, JR. (1940-2003)  
EHRICK K. HAIGHT, JR. ‡  
ROBERT J. ARUNDELL\*

1000 WILLIAM HILTON PARKWAY, SUITE 203  
CLARENDON BUILDING - VILLAGE AT WEXFORD  
POST OFFICE DRAWER 6067

TELEPHONE (843) 785-8040  
FACSIMILE (843) 785-3506  
MHALAWFIRM.COM

STACEY S. COLLINS

HILTON HEAD ISLAND, SOUTH CAROLINA 29938

‡ CERTIFIED CIRCUIT COURT MEDIATOR AND ARBITRATOR  
\* ALSO A MEMBER OF THE NORTH CAROLINA BAR

MEMBER, AMERICAN BAR ASSOCIATION  
MEMBER, HHI CHAMBER OF COMMERCE

August 23, 2018

VIA FEDEX

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

RECEIVED  
AUG 24 2018  
SC Court of Appeals

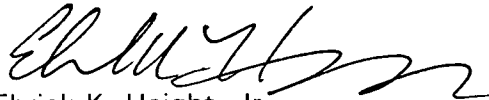
Re: TD Bank, N.A. v. Black Diamond, LLC et al.  
Appellate Case No. 2016-000537

Dear Ms. Kitchings:

Enclosed for filing is Appellants' original Motion to Reinstate and seven (7) copies along with a \$25.00 check for the filing fee. Please file the original and return a clocked copy via the enclosed self-addressed stamped envelope. Thank you for your assistance.

With kind regards, I remain

Yours very truly,  
MINOR, HAIGHT & ARUNDELL, P.C.

  
Ehrick K. Haight, Jr.

EKH, Jr./ehm  
Enclosures

cc: Michael James Bogle, Esq. (w/encl.)  
Clayton Monroe Custer, Esq. (w/encl.)  
Catherine Farrell Wrenn, Esq. (w/encl.)  
Keating Simmons, III, Esq. (w/encl.)

ORIGIN ID:HHHA (843) 785-8040  
ELAINE MONTGOMERY  
MINOR, HAIGHT & ARUNDELL, P.C  
203 CLARENDON BUILDING  
VILLAGE AT WEXFORD  
HILTON HEAD ISLAND, SC 29928  
UNITED STATES US

SHIP DATE: 23AUG18  
ACTWGT: 1.00 LB  
CAD: 2347663/INET4040

BILL SENDER

TO HON. JENNY ABBOTT KITCHINGS  
SOUTH CAROLINA COURT OF APPEALS  
1220 SENATE ST.

562J13309JDC45

COLUMBIA SC 29201

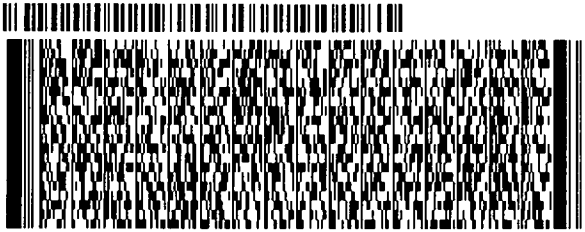
(803) 734-1890

REF: HL5429BLK-12

INV:

PO:

DEPT:



FedEx  
Express



#1211321150107

FRI - 24 AUG 3:00P

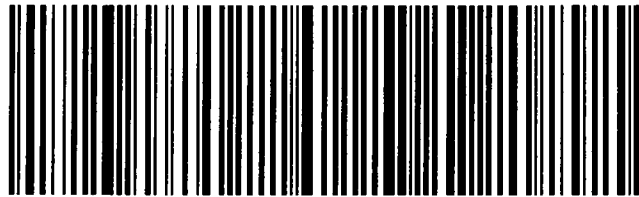
STANDARD OVERNIGHT

TRK#  
0201

7730 4800 5906

XH USCA

29201  
SC-US CAE



RECEIVED

AUG 24 2018

SC Court of Appeals

**After printing this label:**

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning:** Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.