

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Perry H. Gravely, Circuit Court Judge
Trial Court Case Number: 2015-CP-23-5554

Case Number: 2018-000212

Milton Jones, Jr., Walter Davis and Angela Webb,
Respondents,

v.

CertusBank, N.A. and CertusHoldings, Inc,
Appellants,

Ex parte:
Federal Deposit Insurance Corporation,
Intervenor.

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OCT 24 2018

SC Court of Appeals

WITHDRAWAL OF THE APPEAL AND
REPORT OF AN AGREED DISMISSAL
AND MOTION FOR A DISMISSAL

COME NOW, Appellants CertusBank, N.A. and CertusHoldings, Inc. (the “Appellants”) and hereby report to the Court that the issues on appeal are mooted by the FDIC’s determinations found in its October 3, 2018 correspondence and that all the parties agree and hereby resolve all litigation pending or which could have been pending involving the parties and related to the matters set forth in the litigation pending between them. As part of this resolution, the United States District Court for the District of South Carolina has remanded this matter to this Court. A copy of the District Court’s Order is attached as Exhibit A. As part of this resolution, the Appellants hereby withdraw the appeal pending in this Court. Moreover, as part of this resolution, and in accordance

with the applicable jurisprudence, especially Rule 260, SCACR, all parties to the appeal hereby sign and agree to a dismissal of the appeal, with prejudice, with each side to bear its own costs, and no costs to be taxed against any party. The parties request the appellate court issue an order dismissing the appeal on those terms and returning the case to the Greenville County Court of Common Pleas so that Court can address the remaining issues pending in the litigation, especially the disposition of the funds presently held by the Greenville County Clerk of Court.

This ^{24th} day of October, 2018.

Respectfully submitted,

[SIGNATURES ON NEXT PAGE]

WE JOINTLY CONSENT AND REQUEST:

Charles E. McDonald III with permission by cpk

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CERTIFICATE OF SERVICE

I, Holli Miller, paralegal to the attorney for Richard A. Harpootlian, P.A. representing Respondents, with offices at 1410 Laurel Street, Post Office Box 1090, Columbia, South Carolina 29202, certify that on October 24, 2018, served the following document to the below mentioned persons:

Document: Withdrawal of the Appeal and Report of an Agreed Dismissal and Motion for Dismissal

Served: Charles E. McDonald III (S.C. Bar #9612)
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October 24, 2018
VIA HAND DELIVERY

The Hon. Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

In re: Milton Jones, Jr. v. Certusbank, NA
Case No. 2018-000212

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Dear Ms. Kitchings:

Enclosed please find the original and seven copies of the withdrawal of the appeal and report of an agreed dismissal and motion for dismissal in this matter.

With warmest personal regards, I am

Sincerely,

Christopher P. Kenney

/hm

Enclosures

cc: Charles E. McDonald, III, Esq.
William S.F. Freeman, Esq.