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January 15, 2013

RECEIVED
JAN 16 2013
SC COURT OF APPEALS

Ms. V. Claire Allen
Deputy Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RE: Bank of America, N.A. v. Jerry C. Wardlaw Construction of South Carolina, Inc., et al.
Case Tracking Number 2011196888/Case No. 2010-CP-07-2407

Dear Ms. Allen:

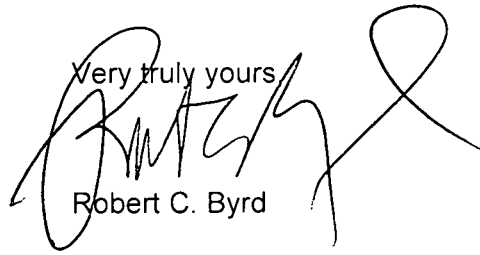
We are in receipt of the Court's ruling on our Motion to Dismiss the appeal and also your transmittal letter dated January 11, 2013, wherein you invited the parties to either: (1) agree to proceed with the appeal without the transcript; or (2) move to remand the matter to the circuit court in order to reconstruct the record.

In December, we received a copy of a letter from appellants' counsel to Ms. Desiree Allen in the Office of Court Administration confirming a telephone conversation they apparently had relating to the court reporter, Deborah Everett. A copy of that letter is enclosed herewith. According to the letter, it appears that the Office of Court Administration understands that the Supreme Court intends to issue a Rule to Show Cause requiring the court reporter to show cause as to why the transcript has not been delivered. Obviously, if the Supreme Court issues its Rule to Show Cause and if the court reporter responds by delivering the transcript, then the parties' decisions on how to proceed in the appeal would necessarily be affected.

We would greatly appreciate any assistance you might provide in confirming whether the Supreme Court does, in fact, intend to issue a Rule to Show Cause. In the meantime, we would respectfully request that the deadlines contained in your letter of January 11th be held in abeyance while the parties undertake to confirm whether the Supreme Court intends to act in the manner suggested by the Office of Court Administration.

PPAB 2012825v1

With best regards, I am

Very truly yours,

Robert C. Byrd

RCB:kcm
Enclosures

cc: Joshua D. Walker, Esq. (Via U.S. Mail)
Wm. Weston J. Newton, Esq. (Via U.S. Mail)

JOSHUA D. WALKER

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JOSHUA D. WALKER, P.C.
(Licensed in GA & SC)

December 3, 2012

South Carolina Office of Court Administration
Attn: Desiree Allen
1015 Sumter Street
Columbia, South Carolina 29201

RE: Bank of America vs. Jerry Wardlaw Construction of SC, et. al.
Case #2011196888

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SC COURT OF APPEALS

Dear Ms. Allen,

This letter confirms our telephone conversation wherein you informed me that the Supreme Court of South Carolina intends to issue a Show Cause Order requiring that the court reporter in the above-referenced matter, Deborah Everett, show cause as to why the transcripts she prepared have not been delivered. As we discussed in our telephone conversation, I am writing to inform you that my office did pay Ms. Everett a one hundred dollar (\$100) deposit in anticipation of receiving the transcripts for the above-referenced case.

If you have any questions or comments regarding this matter, please feel free to contact me.

Sincerely yours,



Joshua D. Walker

For the Firm

Cc: Frank Ulmer, Esq.