

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM CHARLESTON COUNTY
The Honorable Mikell R. Scarborough, Master in Equity

Case No. 2015-CP-10-000979
Appellate Case No. _____

Related Appellate Case No. 2018-001971

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SC Court of Appeals
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SC Court of Appeals

RS Custom Homes, n/k/a RS General Contracting, LLC,.....Respondent

v.

Matthew David DeNapoli, Lindsay Ann DeNapoli, Branch Banking & Trust, N.A., and
Mortgage Electronic Registration Systems, Inc.,

Of whom, Matthew David DeNapoli, Lindsay Ann DeNapoli are Appellants

MOTION TO CONSOLIDATE

TAKE NOTICE, that pursuant to Rules 214 and 240, SCACR, Appellants herein move this Honorable Court for an Order Consolidating this matter, with Appellate Case No. 2018-001971. This motion is based on the following:

THAT, simultaneous hereto, Appellants have served Notice of Appeal from the December 27, 2018 order of the Hon. Mikell R. Scarborough, Master in Equity in lower court Case No. 2015-CP-10-000979; and


THAT on November 5, 2018, prior to the issuance of the above-referenced Order, Appellants filed notice of appeal from a different order in the same case and that appeal is presently pending before this court bearing Appellate Case No. 2018-001971; and

THAT the December 27, 2018 order, effects the same judgment, decision, and/or decree of the trial court as that of Appellate Case No. 2018-001971; and

THAT, Rule 214, SCACR, permits this Court to consolidate multiple appeals from the same judgment, decision or decree.

THEREFORE, for the reasons stated herein and upon the good cause shown, Appellants herein request this Honorable Court Order this matter be consolidated with Appellate Case No. 2018-001971.

Respectfully submitted,


THOMAS J. RODE, SC Bar No. 77480
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-and-

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Attorneys for the Appellants

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Attorneys for Respondents

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Mortgage Electronic Registration Systems, Inc.,

Of whom, Matthew David DeNapoli, Lindsay Ann DeNapoli are Appellants

PROOF OF SERVICE

I certify that I served the below listed parties by United States Mail, postage paid, and via email a true and correct copy of the enclosed document on this date:

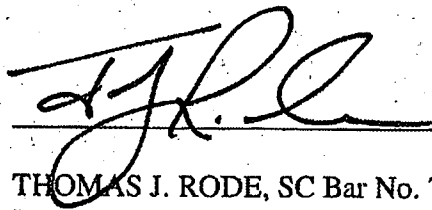
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[signature to follow]

I so certify, this 30th day of January, 2019.



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January 30, 2019

VIA US MAIL & FAX

The Hon. Jenny A. Kitchings
S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211
803-734-1839

**Re: *RS Custom Homes v. DeNapoli et. al.*
*Lower Court Number 2015-CP-10-00979***

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Dear Mrs. Kitchings,

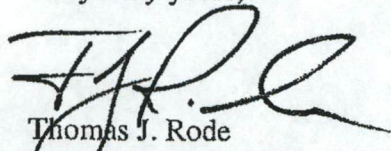
Enclosed for filing, please find the following:

1. The original and one copy of Appellant's Notice of Appeal, together with the applicable order of the trial court.
2. Check No. 15826 in the amount of \$250.00 for the filing fee of the above referenced Notice of Appeal.
3. The original and six copies of Appellant's Motion to Consolidate this appeal with Appellate Case No. 2018-001971.
4. Check No. 15827 in the amount of \$50.00 for the filing fee on the above reference Motion to Consolidate.

By copy of this letter I am serving all counsel of record with the same.

With best regards, I remain

Very truly yours,


Thomas J. Rode
thomas@tktlawyers.com

TJR

Cc: All counsel of Record

Charleston | Aiken | Summerville

Fax

Date: 1/30/2019
To: 8037341839
From: +18439374200
Subject: Fax: RS Custom Homes v. DeNapoli

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