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**OF COUNSEL

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May 1, 2019

Via U.S. Mail

The Honorable Jenny Abbott Kitchings
Clerk of Court -The South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED

MAY 03 2019

SC Court of Appeals

RE: Country Properties, LLC v. Nancy Dunn Martin
Appellate Case No.: 2017-001795
Civil Action No.: 2014-CP-40-1805
BPWM File No.: 8-2376.102

Dear Ms. Kitchings:

In accordance with The South Carolina Court of Appeals' Order filed October 5, 2017, the Appellant is providing a status update. The current status of this matter is that the Defendant, Nancy Martin, prevailed on the Rule 60(b) motion, granting a new trial. However, on, or about, March 26, 2019, the Plaintiff (Country Properties, LLC) filed an appeal of Judge Strickland's Order granting Appellant a new trial. Country Properties, LLC's appeal will be referred to herein as "the second appeal."

On March 29, 2019, the Appellant (Nancy Martin) filed a *Motion to Stay Appeal or, in the Alternative, for Extension of Time to File Appellant's Brief*. Nancy Martin is seeking an Order from the Court of Appeals to hold the appeal of the Trial Court's final order ("the first appeal") in this civil action in abeyance, pending the outcome of the second appeal, i.e. Country Properties, LLC's appeal of Judge Strickland's Order granting Nancy Martin a new trial. If Nancy Martin prevails on the second appeal, the first appeal would be moot. If Country Properties, LLC prevails on the second appeal, the parties in this case would then proceed with briefing the first appeal. In the interim, Nancy Martin believes that the first appeal should remain stayed/held in abeyance for the preservation of Nancy Martin's appellate rights.

Letter to Court of Appeals

May 1, 2019

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Counsel for Country Properties, LLC has filed a reply and we are currently waiting on a ruling from the Court of Appeals. In light of the second appeal, we believe that it would be more practical for the second appeal to be heard first since the second appeal could result in a new trial. If the appeals were consolidated and the Court of Appeals affirms Judge Strickland's grant of a new trial, the parties will have invested an inordinate amount of time and money briefing issues that would not be decided by the Court of Appeals. For these reasons, we believe that it would be prudent to allow the Court of Appeals to rule on the second appeal before proceeding with the briefing of the first appeal, if the first appeal is even necessary.

We will continue to keep the Court of Appeals updated on the status of this matter in accordance with the October 5, 2017 Order. In the interim, I would respectfully request that the first appeal remain in its current status (stayed), until further Order from the Court of Appeals.

With my highest regards, I am,

Sincerely,



Joey R. Floyd

JRF/hos

cc: John Wells, Esquire (Via E-Mail Only)
M. Brent McDonald (Via E-Mail Only)
Nancy D. Martin (Via E-Mail Only)

BRUNER, POWELL, WALL & MULLINS, LLC

A Professional Limited Liability Company

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