

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

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

JUL 26 2019
SC Court of Appeals

Appellate Case No. 2018-001971

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

v.

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

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

**CONSENT MOTION AND AGREEMENT TO HOLD IN ABAYANCE
UNTIL SEPTEMBER 1, 2019
RULE 261, SCACR**

COME NOW JOINTLY the above-named Appellants and Respondent (the Parties) pursuant to Rules 261 and 240 of the South Carolina Appellate Court Rules, who consent and jointly move this Honorable Court for an Order holding this appeal in abeyance until September 1, 2019, to allow the Parties time to continue to the pursuit of a settlement of the issue(s) pending before this Court. In support of this motion the Parties jointly state as follows:

THAT the Parties have initiated settlement discussions and request this Court provide them until September 1, 2019, to continue these discussions in the hopes of reaching a settlement of the matters and issue(s) pending before this Court; and

THAT on or before September 1, 2019, the Parties will notify this Court in writing that the matter has settled or whether additional time is needed to reach or finalize a settlement; and

THAT if the Parties are unable to reach a settlement by September 1, 2019, or by the expiration of any further time that may be extended by the Court, this matter will resume its normal schedule and briefing will continue with Appellants' Initial Reply Brief being due ten (10) days thereafter.

THEREFORE, for good cause shown and to facilitate potential settlement of the issue(s) pending before this Court, the Parties jointly request this Court hold the instant matter in abeyance until September 1, 2019, as set forth above.

Respectfully submitted,

[Signature Pages to Follow]

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FOR APPELLANTS, WE SO MOVE AND CONSENT:

THURMOND KIRCHNER & TIMBES, P.A.

BY: 

THOMAS J. KODE, SC bar No. 77480

Thurmond Kirchner and Timbes, P.A.

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Attorney for the Appellants

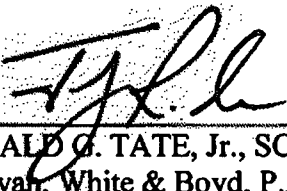
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FOR RESPONDENT, WE SO MOVE AND CONSENT:

GALLIVAN, WHITE & BOYD, P.A.

BY:  *of permission*
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July 26, 2019

VIA US MAIL & FAX

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

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Re: *RS Custom Homes v. DeNapoli et. al.*
Appellate Case No. 2018-001971

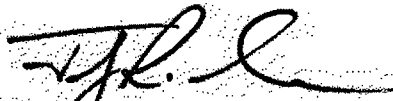
Dear Mrs. Kitchings,

Please find enclosed for filing the original and six (6) copies of the Consent Motion and Agreement to Hold in Abeyance.

By copy of this letter I am serving all counsel record with the same. Should you have any questions or concerns, please do not hesitate to contact me.

With best regards, I remain

Very truly yours,



Thomas J. Rode
thomas@tktlawyers.com

TJR/ceb

Cc: All counsel of record