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

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SEP 03 2019

**SC Court of Appeals**

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

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 REQUEST TO CONTINUE ABEYANCE  
UNTIL OCTOBER 2, 2019  
RULE 261, SCACR**

COME JOINTLY the above-named Appellants and Respondent (the Parties) pursuant to Rules 261 and 240 of the South Carolina Appellate Court Rules. Upon the Parties' previous and joint request, this Court issued an Order holding this matter in abeyance until September 2, 2019, for the purposes of accommodating settlement discussions. The Parties herein request this abeyance be continued until October 2, 2019.

The Parties hereby notify the Court that they have made meaningful progress in this regard and believe additional time to continue negotiations will assist them in reaching a mutually agreeable settlement.

On or before October 2, 2019, the Parties will notify this Court in writing that the matter has settled, and if not further extended, the abeyance shall end on the stated date and 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 October 2, 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: 

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*Attorney for the Appellants*

FOR RESPONDENT, WE SO MOVE AND CONSENT:

GALLIVAN, WHITE & BOYD, P.A.

BY: 

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*Attorney for the Respondent*



August 29, 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.***  
***Appellate Case No. 2018-001971***

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Dear Mrs. Kitchings,

Please find enclosed for filing the original and six (6) copies of the Consent Motion and Request to Continue Abeyance until October 2, 2019.

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,

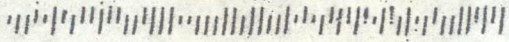
*Caroline Boyce*

Caroline Boyce  
Paralegal to Thomas J. Rode

TJR/ceb

Cc: All counsel of record

THURMOND K  
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CHARLESTON, SC 29401



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