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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Master in Equity

RECEIVED

The Honorable Charles B. Simmons, Master in Equity

APR 06 2020

SC Court of Appeals

Appellate Case No. 2019-002047

Independence National Bank.....Respondent,

v.

Buncombe Professional Park, LLC and David Decarlis s/a David D. Decarlis,

Of Whom David Decarlis is the.....Appellant.

MOTION FOR CONSOLIDATION AND EXTENSION OF TIME TO FILE INITIAL  
RESPONSE BRIEF

Respondent, Independence National Bank, by and through their undersigned counsel, respectfully move this Court pursuant to Rule 214 of the South Carolina Appellate Court Rules, for an Order consolidating this action with a related appeal bearing Appellate Case No. 2020-000490 and styled identically to this matter, as well as granting all Parties an extension of thirty (30) days to file any briefs which may be presently due until such time this Court rules upon the proposed consolidation and establishes a new briefing schedule. In support of this motion, Respondent states and respectfully shows the following:

1. This appeal was filed on or about December 5, 2019 with a Notice of Appeal stating it seeks to appeal Orders dated December 5, 2019 and November 12, 2019.
2. Another appeal was filed by the Appellant arising from the same underlying matter

by the filing of a Notice of Appeal on or about March 16, 2020 which states that it seeks appeal of a February 13, 2020 Order.

3. Both appeals relate to Orders arising from the same underlying matter, involve the same parties, and contain related and/or overlapping issues of fact and law.

4. Therefore, the Parties believe it serves judicial economy to consolidate these two matters as allowed under Rule 214 of the South Carolina Appellate Court Rules.

5. Further, given that this consolidation request, if granted, will require a new briefing schedule to be established, the Respondent, with the knowledge and consent of the Appellant, requests that all outstanding briefing deadlines, including the Initial Brief in 2020-000490 and the Respondent's Brief in 2019-002047, be extended thirty (30) days so as to afford the Court adequate time to rule on this Motion and the parties to prepare such briefs.

Counsel for the Parties have consulted, and the Appellant consents to this Motion and the relief sought by it.

(signature page to follow)

Respectfully Submitted,

**SMITH HUDSON LAW, LLC**

s/ Joseph O. Smith

Joseph O. Smith (S.C. Bar No. 77475)

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*Attorneys for Respondent  
Independence National Bank*

April 3, 2020

Greenville, South Carolina

**Other Counsel of Record:**

Shawn M. French, Sr.

1476 Ben Sawyer Blvd., Ste. 3

Mount Pleasant, SC 29464

(ph) 843-606-6440

(fax) 888-850-0948

Attorneys for Appellant, David Decarlis

THE STATE OF SOUTH CAROLINA **RECEIVED**  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY **APR 06 2020**  
Master-In-Equity **SC Court of Appeals**

The Honorable Charles B. Simmons, Jr., Master in Equity

Appellate Case No. 2019-0002047

Independence National Bank.....Respondent,

v.

Buncombe Professional Park, LLC and  
David Decarlis s/a David D. Decarlis,

Of whom, David Decarlis is the .....Appellant.

**PROOF OF SERVICE**

I certify that I have served the Respondent’s Motion for Consolidation and Extension of Time to File Initial Response Brief on the above-named Appellant via electronic means per the Court’s March 20, 2020 Order, on April 3, 2020, to counsel of record as follows.

**Shawn M. French, Esq.**  
**The French Law Firm**  
**1476 Ben Sawyer Blvd., Ste. 3**  
**Mt. Pleasant, SC 29464**  
**shawn@thefrenchlawfirm.com**

**(Signature page to follow)**



# SMITH HUDSON

LAW

April 3, 2020

**VIA USPS**

Honorable Jenny Abbott Kitchings  
Clerk of Court  
S.C. Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

RECEIVED

APR 06 2020

SC Court of Appeals

**Re: Independence National Bank v. Buncombe Professional Park, LLC and David Decarlis s/a David D. Decarlis**  
**Appellate Case No. 2019-002047**  
**SHL No. 2707.0002**

Dear Madam Clerk:

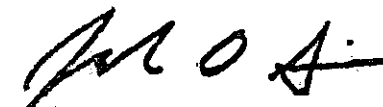
Enclosed please find the original and one copy of Respondent's Motion for Consolidation and Extension of Time to File Initial Response Brief, along with the Proof of Service and filing fee in the above-referenced appeal. The Proof of Service verifies that the Motion for Consolidation and Extension of Time was emailed to counsel for Appellants on the date of this letter.

Please file and return a clocked copy to me in the enclosed self-addressed, stamped envelope provided herein.

With highest regards, I am

Sincerely,

SMITH HUDSON LAW, LLC

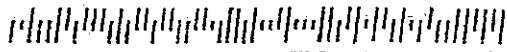


Joseph O. Smith

JOS/ads

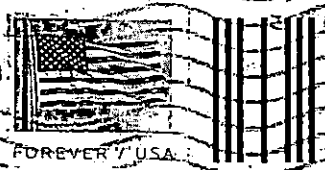
Enclosures (*as stated*)

CC: Shawn M. French, Esq.  
Aaron Angell, Esq.



**SMITH HUDSON LAW, LLC**  
 200 N. Main Street  
 Suite 301-C  
 Greenville, SC 29601

Greenville P&DC  
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**Honorable Jenny Abbott Kitchings**  
**Clerk of Court**  
**S.C. Court of Appeals**  
**1220 Senate Street**  
**Columbia SC 29201-3769**

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 APR 06 2020  
 SC Court of Appeals

