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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable William H. Seals, Jr.

Appellate Case No. 2012-213439

RECEIVED  
MAY 01 2013  
SOUTH CAROLINA COURT OF APPEALS

TD Bank, N.A., successor by merger to Carolina First  
Bank

Respondent-Appellant,

v.

Grande Crescent Corporation, Larry D. Silver, and  
Edward O. Minniear, Jr.,

Appellants-Respondents.

JOINT MOTION FOR STAY OF APPEAL

**I. Introduction**

The parties have reached an agreement in principle that would resolve this matter, but that is contingent on closing by a third party of sale of the collateral real property at issue here. That third party needs time to conduct due diligence and to close, and the parties believe that it makes the most sense – for the parties and for the Court – to stay this appeal for a reasonable time to allow that closing to occur.

**II. Motion**

Respondent-Appellant TD Bank, National Association, successor by merger to Carolina First Bank and Appellants-Respondents Grande Crescent Corporation, Larry D. Silver, and Edward O. Minniear, Jr., hereby jointly move to stay this appeal, including the deadline for filing

initial briefs and designations of matter, for a period of 90 days to allow an attempt to close a sale of the underlying collateral property. If closed, that sale would result in settlement of this matter. This Court previously granted a joint motion for an extension of time, making initial briefs due on May 10, 2013.

TD Bank commenced this action to foreclose on certain real property pledged as collateral for a loan to Grande Crescent, and to collect personal guarantees signed by Mr. Silver and Mr. Minniear. The Grande Crescent parties counterclaimed, alleging TD Bank had breached certain duties to facilitate sale of the collateral. This is an interlocutory appeal of certain issues addressed in an order by the Circuit Court.

In approximately mid-March, Grande Crescent received several letters of intent to purchase the collateral property. These offers have been explored, and it is believed that at least one of them is substantially likely to result in sale of the collateral property within a reasonable time. The parties to the litigation have reached an agreement in principle that would allow a settlement of all claims upon such a closing, and such a settlement would render this appeal moot.

As is normal in commercial real estate transactions like this one, the buyer requires a due diligence period to consider the transaction before it will commit to closing. The undersigned counsel are not directly involved in that process, but are informed and believe that it is being pursued actively. We believe it is reasonable to expect that the due diligence could be completed in 60 days, and that a closing could occur within 30 days of that.

In short, while resolution is still contingent on consummation of the proposed sale, there is an actual buyer who has made a concrete proposal. Under those circumstances, the parties

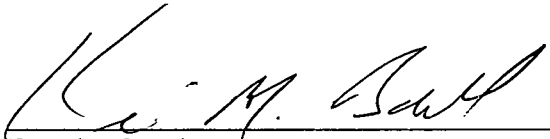
agree and submit to the Court that the best use of both party and Court resources would be to stay this matter to allow the parties to focus on attempting to resolve it.

Consequently, the parties jointly request that this appeal be stayed for a period of 90 days, with a new deadline for filing of initial briefs and designations of matter set 90 days from the current May 10 deadline. We would further propose, if it would assist the Court, that a status conference be set approximately 60 days from now, to allow the parties to report to the Court on progress.

If we can provide any further information to the Court in connection with this motion, we would be happy to do so.


Respectfully submitted,

May 1, 2013



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Appellants-Respondents.

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PROOF OF SERVICE


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I hereby certify that I have caused a copy of the Joint Motion for Stay of Appeal to be served upon opposing counsel, by mailing copies of same, postage prepaid to the following addresses:

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May 1, 2013

  
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May 1, 2013

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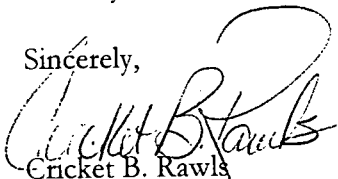
Re: *TD Bank, N.A., successor-by-merger to Carolina First Bank v. Grande Crescent Corporation; Larry D. Silver; Edward O. Minniear, Jr.*  
Appellate Case No: 2012-213439

Dear Ms. Kitchings:

Please find enclosed for filing the Joint Motion for Stay of Appeal with regard to the above-referenced matter. We would appreciate it if you would return a file-stamped copy to our courier.

Thank you.

Sincerely,

  
Cricket B. Rawls  
Litigation Paralegal

Enclosures

cc: Keith M. Babcock  
Michael W. Tighe  
J. Theodore Gentry

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SC Court of Appeals

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