



SMITH HUDSON
LAW

JOSEPH O. "JOSH" SMITH
(864) 908-3913
JSMITH@SMITHHUDSONLAW.COM

RECEIVED
Apr 07 2022
SC Court of Appeals

April 7, 2022

VIA EMAIL

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

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

Dear Madam Clerk:

Respondent, Independence National Bank, is providing this letter in response to the Court's correspondence dated March 28, 2022. Respondent understands the Court's confusion as to what the Parties wish to do with this appeal. As noted in our second letter dated February 21, 2022, it was determined that pursuant to a settlement agreement between the Parties involved in the underlying action (which did not include Respondent's Appellate Counsel) it was agreed that Respondent would withdraw its opposition to this appeal following receipt of settlement funds. Those funds have been received, and therefore Respondent notified the Court that it was withdrawing its opposition to the present appeal as agreed by the Parties who negotiated the settlement. As Respondent's Appellate Counsel, I view this matter as moot in light of the settlement and do not understand how or why it could proceed. Appellant's Counsel, however, has expressed concern that dismissal of the appeal potentially exposes his client to being held in contempt under the Contempt Order(s) challenged in this appeal. While I do not agree with that position I certainly appreciate and respect Appellant counsel's opinion and the fact that he is taking the actions he thinks best protects his client. Respondent leaves it to the wisdom of the Court as to whether it will allow an unopposed appeal challenging orders in settled underlying action proceed. If the Court has any question or requires further clarification, please let me know.

With highest regards, I am

Sincerely,

SMITH HUDSON LAW, LLC

A handwritten signature in blue ink, appearing to read "J O S", is positioned above the printed name.

Joseph O. Smith

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