

No. 24-10924

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

B.B. Barr; Vinida Barr,

Appellants

v.

Wilmington Saving Fund Society, FSB,

Appellee

On Appeal from

United States District Court for the Northern District of Texas, Dallas Division

3:22-CV-735

**APPELLANTS' UNOPPOSED THIRD MOTION FOR
EXTENSION OF TIME TO FILE APPELLANTS' BRIEF**

**TO THE HONORABLE COURT OF APPEALS FOR THE FIFTH
CIRCUIT:**

Appellants B.B. Barr and Vinida Barr respectfully move this Court to extend the time to file Appellants' Brief.

MOTION

1. In accordance with Federal Rule of Appellate Procedure 27 and Fifth Circuit Rule 26.2 and 27.1.2, Appellants B.B. Barr and Vinida Barr file this unopposed third motion to extend time to file their opening brief on the merits. On December 10, 2024, the Court noticed the parties that the Record was complete for the purposes of the appeal, making Appellants' Brief due on January 21, 2025. Appellants respectfully sought and received a 30-day extension of time to file their opening brief making the new deadline February 20, 2025. A second extension was requested and granted making the new deadline March 21, 2025.

2. Appellants now respectfully seek an additional 30-day extension of time, as is necessary because of the reasons listed below which have prevented the drafting an opening brief that is thorough and helpful to the Court.

3. The basis for Appellants' Motion is as follows:

4. On March 6, 2025, Appellee provided twelve pages of "short sale" papers to Appellants. Both parties agree that Appellant requires additional time to collect and provide the current information needed for completing the paperwork and implementing a short sale. Appellants have not been able to complete their Brief due to the work necessary for a short sale. Justice would be better served by permitting the parties to attempt a short sale.

5. Appellants, ages 86 and 74, have continued to encounter delays due to the continuing illness of B.B. Barr, who suffered a stroke this past year and remains physically and mentally limited and continues to require medical care. B.B. Barr continues to have medical issues which cause him to black out. He has regular medical appointments and tests to determine his care. B.B. Barr has been the primary, (if not the sole) Appellant responsible for defending this litigation and appeal. These factors impeded Appellants' ability to prepare their brief. The family is continuing to seek legal representation so that it can expect to file a brief within the time of the requested extension.

6. This extension is sought in the interest of justice, not for delay; and no party will be prejudiced if this unopposed request for an extension is granted.

7. Good cause exists for Appellants' request for the reasons set forth above.

8. This is Appellants' third request for an extension for filing their brief.

9. Based on the foregoing reasons, Appellants request an extension of time to file its brief, making Appellants' brief due on April 20, 2025.

CONCLUSION AND PRAYER

WHEREFORE, Appellant respectfully requests that the Court grant this Unopposed Motion for Extension of Time to File Appellants' Brief.

DATED this 20th day of March, 2025.

Respectfully submitted,

By: 

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By: 

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CERTIFICATE OF CONFERENCE

This is to certify that on March 20, 2025, Appellant B.B. Barr's daughter conferred with Appellee attorney Christopher D. Kratovil, and is unopposed to the extension.

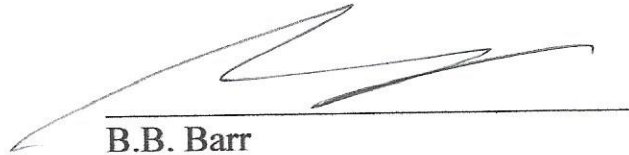

B.B. Barr

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2025, a true and correct copy of the foregoing document was transmitted via email to counsel for Appellee:

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B.B. Barr

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) because this motion contains 469 words, excluding the accompanying documents authorized by Fed. R. App. P. 27(a)(2)(B). This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the typestyle requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Word Perfect in Times New Roman font size 14.


B.B. Barr