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Dec 16 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Dale E. Van Slambrook, Master in Equity

Appellate Case No. 2022-001645

U.S. Bank National Association, as Trustee for the C-BASS Mortgage Loan Asset-Backed
Certificates, Series 2006-RP2,

Respondent,

v.

Angela Spann-Matthew a/k/a Angela Spann-Matthews; Veronica Spann; Regional Finance
Corporation of South Carolina d/b/a Regional Finance,

Defendants,

Of whom Angela Spann-Matthews is the Appellant.

MOTION TO DISMISS APPEAL AND MEMORANDUM IN SUPPORT

Chad W. Burgess, Esq.
(S.C. Bar No.: 72520)
BROCK & SCOTT, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
(803) 454-3540
Attorney for Respondent

NOW COMES Respondent U.S. Bank National Association, as Trustee for the C-BASS Mortgage Loan Asset-Backed Certificates, Series 2006-RP2 (“U.S. Bank”), by and through its undersigned attorney, and pursuant to Rule 260 of the South Carolina Appellate Court Rules, hereby moves this Court for an Order dismissing the instant appeal filed by Angela Spann-Matthews (“Appellant”), averring as follows:

BRIEF PROCEDURAL HISTORY

Appellant’s appeal was filed on November 21, 2022. On December 2, 2022, this Court notified Appellant of deficiencies regarding the appeal, specifically that Appellant had not filed a copy of the notice of appeal with the clerk of the lower court as required by Rule 203(d)(1)(B) of the South Carolina Appellate Court rules. The December 2, 2022 letter notified Appellant to correct the deficiency within ten (10) days (December 12, 2022) or the appeal would be dismissed.

ARGUMENT AND CITATION OF AUTHORITY

Appellant has failed to correct her appeal. She has failed to file the notice of appeal with the clerk of the lower court. A copy of the docket from the underlying circuit court action is attached hereto and incorporated herein as **Exhibit “1”**. Accordingly, the Court should dismiss her appeal.

“[T]he Appellate Court Rules ‘are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.’” *Forner v. Butler*, 319 S.C. 275, 276 n.1, 460 S.E.2d 425, 426 n.1 (1995) (quoting *Henning v. Kaye*, 307, S.C. 436, 436, 415 S.E.2d 794, 794 (1992)). “Whenever it appears that an appellant . . . has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.” Rule 260(a),

SCACR. All litigants, whether pro se or represented by counsel, are held to the same standards and are expected to adhere to the Rules of the Court. *See State v. Barnes*, 407 S.C. 27, 31, 753 S.E.2d 545, 547 (2014) (“Appellant [who moved to be allowed to proceed pro se] acknowledged he understood he would be held to the same standards as an attorney regarding the rules of court and of evidence.”).

Appellant has not adhered to the SCACR. Accordingly, this Court should dismiss the Appeal because Appellant has failed to file the notice of appeal with the clerk of the lower court though given instruction from this Court to do so.

CONCLUSION

For the foregoing reasons, U.S. Bank respectfully requests that this appeal be dismissed and requests such other relief this Court deems just and proper.

Respectfully submitted,

BROCK AND SCOTT, PLLC



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*Attorney for Respondent U.S. Bank National
Association, as Trustee for the C-BASS
Mortgage Loan Asset-Backed Certificates,
Series 2006-RP2*

Dated: December 16, 2022



2021CP0802599 : U.S. Bank National Association , plaintiff, et al VS Angela Spann Matthew , defendant,
et al
Common Pleas

Case Number 2021CP0802599
Case Subtype Foreclosure 420
Filed Date 12-15-2021
Status Judgment

Plaintiff U.S. Bank National Association et al
Defendant Angela Spann Matthew et al
Assigned Judge Clerk Of Court C P, G S, And Family Court
File Type Non-Jury

Show/Hide Participants

Name	Description	Type	File Date
U.S. Bank National Association	NEF(10-27-2022 01:01:10 PM) Record of Hearing	Filing	10-27-2022 01:04:59 PM
U.S. Bank National Association	Record of Hearing	Filing	10-27-2022 01:01:10 PM
U.S. Bank National Association	NEF(10-26-2022 03:52:24 PM) Proposed Master/Order/Notice...	Filing	10-26-2022 04:19:20 PM
U.S. Bank National Association	Order/Order Cover Sheet \$25.00	Filing	10-26-2022 03:52:24 PM
U.S. Bank National Association	NEF(10-26-2022 11:58:46 AM) Master/Order/Notice of Forec...	Filing	10-26-2022 12:02:54 PM
U.S. Bank National Association	Master/Order/Notice of Foreclosure Sale	Order	10-26-2022 11:58:46 AM
U.S. Bank National Association	NEF(10-26-2022 11:56:20 AM) Master/Order/Foreclosure & S...	Filing	10-26-2022 11:56:58 AM
U.S. Bank National Association	Master/Order/Foreclosure & Sale and Form 4	Order	10-26-2022 11:56:20 AM
U.S. Bank National Association	NEF(10-24-2022 03:52:23 PM) Proposed Master/Order/Forecl...	Filing	10-24-2022 03:58:52 PM
U.S. Bank National Association	Affidavit/Attorney Fees	Filing	10-24-2022 03:52:23 PM
U.S. Bank National Association	Master/Exhibit/Note and Mortgage	Filing	10-24-2022 03:52:23 PM
U.S. Bank National Association	Master/Exhibit/Note and Mortgage	Filing	10-24-2022 03:52:23 PM
U.S. Bank National Association	Master/Exhibit/Note and Mortgage	Filing	10-24-2022 03:52:23 PM
U.S. Bank National Association	Order/Order Cover Sheet \$25.00	Filing	10-24-2022 03:52:23 PM
U.S. Bank National Association	NEF(10-14-2022 11:05:08 AM) Notice/Notice of Hearing and...	Filing	10-14-2022 12:05:26 PM
U.S. Bank National Association	Notice/Notice of Hearing and Service	Filing	10-14-2022 11:05:08 AM
U.S. Bank National Association	NEF(09-19-2022 01:39:21 PM) Affidavit/Attorney Fees	Filing	09-19-2022 01:55:08 PM
U.S. Bank National Association	Affidavit/Attorney Fees	Filing	09-19-2022 01:39:21 PM
U.S. Bank National Association	NEF(09-17-2022 11:21:25 AM) Proposed Master/Order/Forecl...	Filing	09-19-2022 09:13:12 AM
U.S. Bank National Association	Master/Exhibit/Note and Mortgage	Filing	09-17-2022 11:21:25 AM
U.S. Bank National Association	Order/Order Cover Sheet \$25.00	Filing	09-17-2022 11:21:25 AM
U.S. Bank National Association	NEF(09-07-2022 02:24:05 PM) Notice/Notice of Hearing and...	Filing	09-07-2022 02:48:40 PM
U.S. Bank National Association	Notice/Notice of Hearing and Service	Filing	09-07-2022 02:24:05 PM
U.S. Bank National Association	NEF(08-01-2022 11:09:21 AM) Master/Exhibit/Affidavit of ...	Filing	08-01-2022 11:21:44 AM
U.S. Bank National Association	Master/Exhibit/Affidavit of Debt	Filing	08-01-2022 11:09:21 AM
U.S. Bank National Association	NEF(06-28-2022 10:51:20 AM) Order/Referred to Master or ...	Filing	06-28-2022 10:53:21 AM
U.S. Bank National Association	Order/Referred to Master or Special Referee	Order	06-28-2022 10:51:20 AM
U.S. Bank National Association	NEF(06-23-2022 04:06:24 PM) Affidavit/Default	Filing	06-23-2022 04:26:55 PM
U.S. Bank National Association	Affidavit/Default	Filing	06-23-2022 04:06:24 PM
U.S. Bank National Association	Certificate/Certificate of Compliance with Admin Order	Filing	06-23-2022 04:06:24 PM
U.S. Bank National Association	Order/Order Cover Sheet \$25.00	Filing	06-23-2022 04:06:24 PM
U.S. Bank National Association	NEF(06-16-2022 02:39:01 PM) Affidavit/Non Military Servi...	Filing	06-16-2022 02:57:41 PM
U.S. Bank National Association	Affidavit/Non Military Service	Filing	06-16-2022 02:39:01 PM
U.S. Bank National Association	NEF(06-01-2022 01:15:28 PM) Affidavit/Publication	Filing	06-01-2022 01:19:16 PM
U.S. Bank National Association	Affidavit/Publication	Filing	06-01-2022 01:15:28 PM
U.S. Bank National Association	NEF(04-25-2022 08:43:41 AM) Order/Publication	Filing	04-25-2022 08:43:49 AM
U.S. Bank National Association	Order/Publication	Order	04-25-2022 08:43:41 AM
U.S. Bank National Association	NEF(04-21-2022 02:03:56 PM) Affidavit/Affidavit of	Filing	04-21-2022 02:24:45 PM
U.S. Bank National Association	Affidavit/Affidavit of	Filing	04-21-2022 02:03:56 PM
U.S. Bank National Association	Affidavit/Affidavit of-EX_1	Filing	04-21-2022 02:03:56 PM
U.S. Bank National Association	Motion/Petition for Order of Publication	Motion	04-21-2022 02:03:56 PM
U.S. Bank National Association	Notice/Other	Filing	04-21-2022 02:03:56 PM
U.S. Bank National Association	Service/Certificate Of Service	Filing	04-21-2022 02:03:56 PM
U.S. Bank National Association	NEF(04-13-2022 02:37:35 PM) Service/Affidavit Of Service	Filing	04-13-2022 03:34:52 PM
U.S. Bank National Association	Service/Affidavit Of Service	Filing	04-13-2022 02:37:35 PM
U.S. Bank National Association	NEF(02-11-2022 10:08:47 AM) Service/Affidavit of Non Ser...	Filing	02-11-2022 10:45:37 AM
U.S. Bank National Association	Service/Affidavit of Non Service	Filing	02-11-2022 10:08:47 AM
U.S. Bank National Association	NEF(02-02-2022 01:25:22 PM) Affidavit/Non Military Servi...	Filing	02-02-2022 02:56:48 PM
U.S. Bank National Association	Affidavit/Non Military Service	Filing	02-02-2022 01:25:22 PM
U.S. Bank National Association	Notice/Notice of Appearance	Filing	02-02-2022 01:25:22 PM
U.S. Bank National Association	NEF(01-12-2022 11:14:43 AM) Service/Affidavit of Non Ser...	Filing	01-12-2022 11:27:38 AM

U.S. Bank National Association	Service/Affidavit of Non Service	Filing	01-12-2022	11:14:43 AM
U.S. Bank National Association	Service/Affidavit of Non Service	Filing	01-12-2022	11:14:43 AM
U.S. Bank National Association	Service/Affidavit Of Service	Filing	01-12-2022	11:14:43 AM
U.S. Bank National Association	ADR/Certificate of Exemption	Filing	12-15-2021	03:47:13 PM
U.S. Bank National Association	Certificate/Certificate of Compliance with Admin Order	Filing	12-15-2021	03:47:13 PM
U.S. Bank National Association	Certificate/Certificate of Non Owner Occupancy	Filing	12-15-2021	03:47:13 PM
U.S. Bank National Association	Lis Pendens Filed	Filing	12-15-2021	03:47:13 PM
U.S. Bank National Association	Summons & Complaint	Filing	12-15-2021	03:47:13 PM

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CERTIFICATE OF SERVICE

The undersigned certifies that, on December 16, 2022, the Respondent's Motion to Dismiss Appeal and Memorandum in Support was served on the below-listed parties by Depositing a copy thereof in the United States Mail, first Class, postage prepaid, addressed to:

Angela Spann-Matthews
316 Blakely Court
Lyman, SC 29365

Served By:



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