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Oct 26 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Shannon M. Philips, Master-in-Equity

Case No.: 2019-CP-42-03758

Greenwich Revolving Trust by Wilmington Savings Fund Society, FSB, not in its individual capacity, but solely as Owner TrusteeRespondent,

v.

Clinton Justus aka Clinton B. Justus, Brandy L. Justus, and The South Carolina Department of Motor Vehicles,.....Defendants,

of whom Clinton B. Justus is the Appellant.

RESPONDENT’S MOTION TO DISMISS APPEAL

NOW COMES THE RESPONDENT, by and through its undersigned counsel, who hereby moves to dismiss this appeal on the grounds that the Appellant’s Initial Brief fails to comply with the requirements of Rule 208(b), SCACR, as more fully set forth below.

APPLICABLE LAW

Rule 208(b), SCACR, provides in part that the Initial Brief shall contain the following:

(E) Argument. The brief shall be divided into as many parts as there are issues to be argued. At the head of each part, the particular issue to be addressed shall be set forth in distinctive

type, followed by discussion and citations of authority. A party may also include a separate statement of facts relevant to the issues presented for review, with reference to the record on appeal, which may include contested matters and summarize the party's contentions.

Rule 208(b)(1)(E), SCRC.P.

Additionally, “[a]n issue raised on appeal but not argued in the brief is deemed abandoned and will not be considered by the appellate court.’ *Fields v. Melrose Ltd. P’ship*, 312 S.C. 102, 106, 439 S.E.2d 283, 284 (Ct. App. 1993); *Bell v. Bennett*, 307 S.C. 286, 294, 414 S.E.2d 786, 791 (Ct. App. 1992).” *Wright v. Craft*, 372 S.C. 1, 20, 640 S.E.2d 486, 497 (Ct. App. 2006). “South Carolina law clearly states that short, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not presented for review. *See Fields v. Melrose Ltd. Partnership*, 312 S.C. 102, 106, 439 S.E.2d 283, 285 (Ct. App. 1993).” *Glasscock, Inc. v. U.S. Fid. & Guar. Co.*, 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001).

ARGUMENT

Appellant’s Initial Brief contains a section captioned “ARGUMENT” with three (3) statements as follows:

1. ABUSE OF PROCESS
2. PLAINTIFF HAD AN ULTERIOR PURPOSE IN PROCEEDING WITH DEFAULT, FORECLOSURE AND SALE WITH KNOWLEDGE THAT SERVICE ON THE DEFENDANT CLINTON JUSTUS WAS IMPROPER
3. PROCEEDING WITH DEFAULT, JUDGMENT AND SALE OF PROPERTY [SIC] WITH KNOWLEDGE THAT SERVICE ON CLINTON JUSTUS WAS INEFFECTIVE IS A WILLFUL ACT THAT WAS NOT PROPER IN THE CONDUCT OF THE PROCEEDING

[Initial Brief, p. 4].

Appellant has simply set forth conclusory statements with no citation to the Order on appeal or citations in support of his conclusory position. Therefore, the issues on appeal have been abandoned. *Id.*

CONCLUSION

For the reasons set forth above, Respondent prays for an Order dismissing this appeal.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Respondent’s Motion to Dismiss has this day been caused to be served via electronic mail to counsel’s email address in the AIS, as follows:

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