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Jan 31 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Benjamin C.P. Sapp, Special Referee

Case No. 2023-001394

Deutsche Bank National Trust Company as Trustee
for NovaStar Mortgage Funding Trust, Series 2006-5
NovaStar Home Equity Loan Asset-Backed
Certificates, Series 2006-5,

Respondent,

v.

Terry Lennette Grant,

Appellant.

Appellant's Return to Respondent's Non-Return to Appellant's Return to
Respondent's MOTION TO DISMISS and Non-reply to Appellant's Initial Brief

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The Appellant is filing this Motion Pursuant to Rule 240(f) and 240(g). Appellant hereby moves this Court to deem Respondent's Motion To Dismiss as one of being abandoned for the following reason: Respondent filed Motion To Dismiss on December 11, 2023. Pursuant to Rule 240(e) Appellant filed her Return within a 10 day timeframe according to this Rules and it was filed on December 18, 2023. Pursuant to Rule 240(f) Respondent as the moving party had 5 days to reply to Appellant's Return. Until this present day, Respondent has not filed a return as required by this Rule.

Based on these facts and according to Rule 240(g) - "Failure of the moving party to perform any act required by this Rule may be deemed as an abandonment of the motion" Respondent's Motion to Dismiss). Appellant hereby moves this Court to deem Respondent's Motion To Dismiss as abandoned (Abandonment of the Motion).

Additionally, Appellant is filing this Motion Pursuant to 208(a)(2) and Rule(a)(4). Appellant hereby moves this Court to take necessary actions deemed proper for Respondent's failure to timely file reply brief. Appellant filed her initial brief on November 16, 2023. According to Rule 208(a) (2), Respondent must file a reply brief within (30) days of receiving Appellant's initial brief. Currently, the Respondent has not yet filed a reply brief.

Based on these facts and according to Rule 208(4), which states, "Upon the failure of Respondent to timely file a brief, the appellate court may take such action as it deems proper", Respondent filed a Motion to Dismiss, instead of filing a reply brief; however, briefing is not automatically stayed upon filing a motion to dismiss. Respondent wishing a stay of the briefing

schedule should file a motion to suspend briefing pending disposition of the motion to dismiss.

Respondent has not filed either a reply brief or motion to suspend the briefing schedule.

Appellant hereby moves this Court to take such action as deemed proper.

Respectfully Submitted,



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January 30, 2024

SIGNATURE PAGE

Appellant's Return to Respondent's Non-Return to Appellant's Return to
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Case No. 2016-CP-07-01466

(Appellate Case No. 2023-001394)

Deutsche Bank National Trust Company as Trustee for NovaStar Mortgage Funding Trust
Series, 2006-5, NovaStar Home Equity Loan Asset-Backed Certificates, Series
2006-5.....Respondents.

v.

Terry Lennette Grant, Pro Se.....Appellant,

Appellant’s Return to Respondent’s Non-Return to Appellant’s Return to
Respondent’s MOTION TO DISMISS and Non-reply to Appellant’s Initial Brief

PROOF OF SERVICE

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PROOF OF SERVICE

This is to certify that I, Terry Lennette Grant sent true copies of Appellant's Return to Respondent's Non-Return to Appellant's Return to Respondent's MOTION TO DISMISS and Non-reply to Appellant's Initial Brief to the attorney of record named below. A true copy was sent via email of records and/or U.S.Postal Service, with adequate postage prepaid for the following:

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January 30, 2024

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