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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

APPEAL FROM BEAUFORT COUNTY

Benjamin C.P. Sapp, Special Referee, Circuit Court

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,

Exhibit #3 Complaint and Summons dated June 29, 2016 C/A No.: 2016CP07001466v.

Terry Lennette Grant Appellant.

**AMENDED DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL**

Appellant proposes the following be included in the Record on Appeal:

1. Order of September 1, 2023 Exhibit #8: Order By Special Referee dated September 1, 2023,
2. Order of June 28, 2023 Exhibit #:9: Order by Special Referee Benjamin C. P. Sapp
3. Exhibit #1 Complaint and Summons dated December 1, 2009 C/A No.:2009CP0705612.....4
4. Exhibit #2 Complaint and Summons dated April 12, 2010 C/A No..2010CP0701690.....4
5. Exhibit #3 Complaint and Summons dated June 29, 2016 C/A No.: 2016CP07001466.....4

6. Exhibit #4 Order by Judge Marvin H. Dukes, III dated January 14, 2016 Vacating and dismissing C/A No.: 2010CP0701690 foreclosure judgment granted on May 28, 2014 and any supplemental judgments.....	4
7. See Exhibit #5 Transcript of hearing dated May 4, 2023 pg.6, line 15-pg.9 line 4; Exhibit #5 Transcript of hearing dated May 4, 2023 pg.27, line 2-pg.28 line 20; Exh #5 Transcript May 4, 2023 pg.23 Line No.24–pg25, line No.25.....	4,5, 22
8. Exhibit # 6: Grant’s Proposed Order filed on June 5, 2023.....	5
9. Exhibit # 7: Grant Motion to Reconsider dated July 7, 2023.....	5
10. Exhibit #8: Order By Special Referee dated September 1, 2023, (On Appeal) Denying Grant Motion to Reconsider dated July 7, 2023.....	5
11. Exhibit #:9: Order by Special Referee Benjamin C. P. Sapp signed on June 12, 2023 but filed on June 28, 2023 (On Appeal).....	5
12. Exhibit# 10: GreenPoint Mortgage for \$398,000 dated December 8, 2003.....	7
13. Exhibit #11: Release of Mortgage for #398,000 dated April 21, 2004	7
14. Exhibit #12 Satisfaction of Mortgage for Grant dated January 13, 2023 from GreenPoint...7	
15. Exhibit #13 Assignment of Mortgage dated December 2, 2009 filed December 10, 2009 after lawsuit was initiated.....	7
16. Exhibit#14: Alleged Mortgage dated September 18, 2006.....	7
17.Exhibit #15: Alleged Note dated September 18, 2006.....	7
18. Exhibit # 16: email dated September 19, 2006 closing did not have taken place as evidenced within this email.....	7
19. Exhibit #17: Notice of Case Dismissal dated February 12, 2010 (Why did they dismiss the case?).....	7
20. Exhibit #18 Allonge dated June 25, 2012, almost three years after the initial lawsuit in 2009 and the second lawsuit.in 2010.....	7

21. Exhibit #18a:the second Allonge created sometime in January of 2023. It was introduced as an exhibit at William H Sloan, Jr.'s deposition. Totally different Allonge lacking information such as date and not attached to Original Note as required by law.....	8
22) Exhibit # 19 Judge Dukes Order granting foreclosure judgment dated May 28, 2014.....	8
23. Exhibit #20 exhibits in Support of Memorandum dated June 22, 2017.....	8
24. Exhibit # 21) Alleged Note submitted as exhibit for January 13, 2023 deposition.....	8
25 Exhibit # 22 Corrective Assignment of Mortgage dated November 9, 2018 and record to Beaufort County Recorder of Deeds On November 16, 2018 while Grant was under bankruptcy protection.....	9
26. Exhibit #23: Dukes Order of May 22, 2018 stating all correspondence was to be sent to Grant's P O Box.....	9
27 Exhibit #24 Return of Clerk of Court August 6, 2021 showing the Court violated Judge Order by mailing hearing date of August 3, 2021 to Grant's physical location causing her to miss the hearing.....	9,10
28 Exhibit # 25 Grant's Motion for Relief of Judgment.....	10
29 Exhibit # 26 Consent Order vacating another foreclosure judgment dated May 6 2022.....	10
30. Exhibit #27 Grant Response in Opposition).....	10.
31 Exhibit # 28 Grant's MSJ.....	10
32 Exhibit #29 Respondent Memo in Opposition to Grant's MSJ).....	10
33 Exhibit #30 Grant's Return to Respondent Opposition.....	10
34 Exhibit # 31 Judge Dukes Order of Recusal.....	11
35 See Exhibit #32 and 32a William Sloan's deposition page 65 and 87.....	11
36 Exhibits #33 Order of Carmen T Mullen appointing Special Referee.....	11
37 Exhibit #34 Grant's supplement to her memo in support of her MSJ.....	11
38 Exhibit #35 Unsigned HUD 1 Closing Settlement Statement.....	
39. Exhibit #36 Transcript of August 3, 2021 hearing William Stork, Esq. and Marvin H Dukes, III.....	19
40 Exhibit #37 Order of Special Referee dated November 21, 2023.....	12

All Exhibits 1-35 above mentioned were clearly identified and are available as Matter of Record on Appeal. Appellant's Amended Initial Brief will accompany this designation of matter.

I certify that this designation contains no matter which is irrelevant to this appeal.

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SIGNATURE PAGE TO FOLLOW

APPELLANT SIGNATURE PAGE FOR
APPELLANT'S AMENDED DESIGNATION OF MATTER

Respectfully submitted,



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