

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

68265

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

O. Davie Burgdorf, Master-in-Equity

Case No. 2007-CP-38-807

MOTION TO DISMISS APPEAL

Deutsche Bank National Trust Company as Trustee
for the Holders of New Century Home Equity Loan
Trust, Series 2005-A, Asset Backed Pass-Through
Certificates, Respondent,

v.

Laura Toney, LaSalle Bank National Association, as
Trustee for the registered holders of Structured Asset
Securities Corporation, Structured Asset
Investment Loan Trust, Mortgage Pass-
Through Certificates, Series 2004-11 and LaSalle Bank
National Association, Trustee for Lehman Brothers
Structured Asset Investment Loan Trust Sail 2005-2
of whom
Laura Toney is, Appellant.

Laura Toney
P.O. Box 722
Bishopville, SC 29010
(803) 459-6006
pro se Appellant

H. Guyton Murrell
P.O. Box 11264
Columbia, SC 29211
(803) 252-5817
Attorney for Respondent

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JUL 30 2013

SC Court of Appeals

The Respondent would respectfully move pursuant to SCACR 240(a) and 260(a) for an order dismissing the appeal on the following grounds:

1. Appellant has a well-established history as a vexatious litigant and the order being appealed in this action imposed sanctions on Appellant for engaging in frivolous litigation.

2. Pursuant to Rule 210(a), an appellant is required to prepare and serve the Record on Appeal within thirty (30) days after service of the last brief upon all parties who have served a brief. Appellant has filed multiple Records on Appeal, none of which have complied with the express requirements of the South Carolina Appellate Court Rules.

3. Pursuant to Rule 210(c), the Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267.

4. Pursuant to an Order filed July 5, 2013, Appellant was required to file a proper amended Record on Appeal within ten (10) days.

5. Respondent would show that Appellant has failed to comply with the applicable South Carolina Rules of Appellate Practice and with the specific provisions of the July 5, 2013 Order.

6. Respondent would further show that Appellant has engaged in frivolous motions in this action. None of the Records on Appeal filed by Appellant have included all of the documents designated to be included. Furthermore, the documents that have been included have been in the various Records on Appeal are in a disjointed and disorganized fashion. The index to the various Records on Appeal are incorrect as set

forth in the prior motions to dismiss. Rather than comply with the express Order of July 5, 2013 by filing and serving a proper Record on Appeal, Appellant has filed a motion to “declare the Respondent’s Designation of Matter Null and Void”.

7. Respondent would argue that the Appellant’s current motions to accept the haphazard Records on Appeal previously filed, despite the directive of the July 5, 2013 order and to ignore Respondent’s Designation of Matter are frivolous and a continuation of the Appellant’s well established pattern of bad faith litigation and dilatory tactics exhibited in numerous state court and U.S. Bankruptcy Court actions.

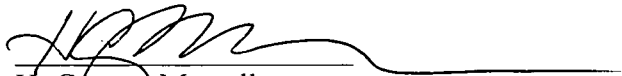
8. Pursuant to Rule 260(a), the clerk shall issue an order of dismissal whenever it appears that an appellant has failed to comply with the requirements of the South Carolina Appellate Court Rules.

9. Respondent would further show that Appellant references documents attached to or included with her current motions but such documents were not included or attached to the motions received by Respondent

For the reasons stated, Respondent would request that Court grant Respondent’s motion to dismiss the appeal.

July 30, 2013

Respectfully submitted,



H. Guyton Murrell
P.O. Box 11264
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(803) 252-5817
Attorney for Respondent

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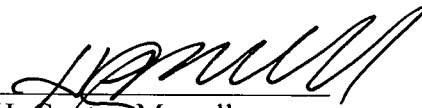
PROOF OF SERVICE

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SC Court of Appeals

I certify that I have served the Motion to Dismiss on Laura Toney by depositing a copy of it in the United States Mail, postage prepaid, on July 30, 2013, addressed to the pro se Appellant, Laura Toney, P.O. Box 722, Bishopville, SC 29010.



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Attorney for Respondent

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July 30, 2013

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

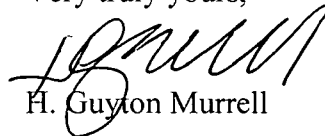
Re: Deutsche Bank v. Laura Toney, et al
Case No. 2007-CP-38-807
File No. F27-02370

Dear Sir or Madam:

Enclosed please find the original and six (6) copies of Respondent's Motion to Dismiss with Proof of Service and the requisite \$25.00 filing fee in the above noted matter. By copy of this correspondence of this letter, I am also serving the Appellant with the motion.

Your attention in this matter is very much appreciated.

Very truly yours,


H. Guyton Murrell

cc:
Laura Toney
P.O. Box 722
Bishopville, SC 29010