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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM ORANGEBURG COUNTY
Master-in-Equity

James B. Jackson, Jr., Master-in-Equity

Case No. 2020-CP-38-00086
Appellate Case No. 2022-001147

US Bank National Association, as Trustee, as successor to U.S. Bank Trust National Association,
as Trustee, for Conseco Finance Home Equity Loan Trust 2001-C,Respondent,

v.

Frances L. Mack n/k/a Frances L. Mack-Marion,Appellant.

**MOTION FOR LEAVE TO FILE BRIEF OF AMERICAN LEGAL & FINANCIAL
NETWORK AS *AMICUS CURIAE***

The American Legal & Financial Network (“ALFN”) moves the Court for leave to file the attached *amicus curiae* brief regarding the public policy impact of Appellant’s arguments in this appeal. This motion is filed pursuant to Rule 213 of the South Carolina Rules of Appellate Procedure.

ALFN is a national network of legal and residential mortgage banking professionals that provides training and educational resources for the residential mortgage banking community. Founded in 2001, ALFN’s members are attorneys, residential mortgage bankers and investors, title companies, technology companies, and various other entities engaged in consulting, investment research, risk evaluation, asset protection and technology related to the mortgage industry. ALFN provides a forum for mortgage industry professionals to address issues specific

to their industry and their business, including actively litigated appellate issues. The Amicus has an interest in the matter because South Carolina mortgage foreclosure practice is a core business of many of their members and members' clients. These entities rely on the long-established precedent of South Carolina's appellate courts to inform and direct their proper conduct of foreclosure actions in the state.

In seeking to overturn a grant of judgment on the pleadings in favor of Respondent, Appellant argues that this Court's decision in *Matrix Financial Services Corp. v. Frazer*, 394 S.C. 134, 714 S.E.2d 532 (2011) should be expanded beyond the prospective-only application set forth in *Matrix* and in *BAC Home Loan Servicing, LP v. Kinder*, 398 S.C. 619, 731 S.E.2d 547 (2012).

ALFN seeks leave to file the attached *amicus curiae* brief to show that, as a matter of public policy, the prospective effect application precedent set by *Matrix* and *Kinder* should remain as applicable. The attached *amicus curiae* brief is also being submitted to show that, in the event this Court were to revisit *Matrix*, the rule in *Matix* should be reversed as there is no private cause of action for the unauthorized practice of law.

Based upon the foregoing, ALFN, hereby respectfully moves the Court for leave to file the attached *amicus curiae* brief.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

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May 3, 2024