

# The South Carolina Court of Appeals

Freedom Mortgage Corporation, Respondent,

v.

Sherman Smith, Appellant.

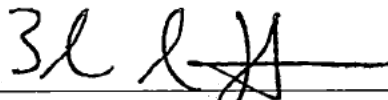
Appellate Case No. 2023-001826

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## ORDER

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Appellant filed a notice of appeal concerning an order of foreclosure and sale. On April 17, 2024, Appellant filed a motion to dismiss and listed case numbers for both the circuit court and appellate court cases; however, in his reply to the return, he stated he was not seeking to dismiss the appeal, but he was asking for dismissal of the circuit court case. Appellant argued for dismissal based upon a "lack of [c]ommon law jurisdiction," "evidence," "constitution," "rebutted affidavits," "lawful binding contract not created under fraudulent circumstances," and "fail to show cause." The remainder of Appellant's arguments concern the merits of the appeal and may be resolved only after briefing. Respondent filed a return, not objecting to the appeal being dismissed, but objecting to dismissal of the circuit court case. Appellant filed a reply. After careful consideration, we deny Appellant's motion to dismiss the circuit court case. Appellant shall file his initial brief and designation of matter within thirty days of the date of this letter. The motion decided here is the second motion to dismiss Appellant has filed within a span of a few months. Orderly administration of the appellate process requires Appellant to promptly file his initial brief and designation of matter by the deadline given above. Failure to comply will result in dismissal of this appeal. In the event Appellant files additional motions instead of his initial brief and the filing is deemed to have not been made in good faith, the court will take appropriate action which may include dismissing the appeal.



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FOR THE COURT

Columbia, South Carolina

**FILED**  
**May 29 2024**

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cc:

Sherman-Lanarous Smith  
James Martin Page, Esquire  
Don Maxwell Sims, Esquire