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Jun 04 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

THE HONORABLE KRISTI F. CURTIS, CIRCUIT COURT JUDGE

APPELLATE CASE NO.: 2023-001575

CASE NO. 2019-CP-10-4503

Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit
Loans, Inc., Pass-Through Certificates 2007-QH2,.....Respondent,

v.

Ashley Johnson Beshera as Trustee of the Revocable Trust Agreement for
2235 Shoreline Drive originally dated 3rd day of March 2010; Shoreline
Farms Community Association, Inc.; Wells Fargo Bank, N.A.; Cadle Rock
Joint Venture, L.P. an Ohio Limited Partnership, Curtis Rogers and Julie
Rogers, Defendants,

Of whom Curtis Rogers, Julie Rogers and Ashley Johnson Beshera as Trustee
of the Revocable Trust Agreement for 2235 Shoreline Drive originally dated
3rd day of March 2010 are theAppellants,

AND

Ashley Johnson Beshera as Trustee of the Revocable Trust Agreement for
2235 Shoreline Drive originally dated 3rd day of March 2010, Third-Party
Plaintiff,

v.

Nationstar Mortgage LLC, Third-Party Defendant.

MOTION PURSUANT TO RULE 240, SCACR

Pursuant to the South Carolina Appellate Rule 240, Appellants Curtis Rogers, Julie Rogers and Ashley Johson Beshara (“Appellants”), jointly, by and through their undersigned counsel, move this Honorable Court for an Order identifying Nationstar Mortgage LLC as a Respondent in the within action.

The basis for said motion is as follows:

On July 10, 2023, the Honorable Krisi F. Curtis entered an Order ruling, in part, on Nationstar Mortgage LLC’s (“Nationstar”) Motion for Summary Judgment.

The Order granted the relief sought by Nationstar disposing of Appellants’ causes of action against Nationstar.

Appellants, Curtis Rogers and July Rogers filed a Notice of Appeal on November 27, 2023, followed by a Notice of Appeal filed by Ashly Johnson Beshara on November 30, 2023.

Both Notices of Appeal identified the Order as one of the orders being appealed.

On February 23, 2024, the Rogers filed a Motion for Extension to file their initial brief wherein the caption they identified Nationstar as a Respondent.

On March 21, 2024, Deutsche and Nationstar filed a Motion for Extension to file their initial briefs wherein in the caption Nationstar was identified as a Respondent.

The issues before this Court addressed by the parties directly involve the portion of the Order dealing with the rulings relating to Nationstar.

On March 26, 2024 the Clerk of Court for the Court of Appeals transmitted a letter that provides in part as follows:

Also, upon reviewing your motion for extension of time to serve and file the respondent's initial brief and designation of matter, it states that Nationstar Mortgage, LLC is a respondent to this appeal. Our records reflect that Nationstar Mortgage, LLC has not been designated as a respondent to this appeal by the appellants.

If you wish to add Nationstar Mortgage, LLC as a party to this appeal, you must serve and file a motion pursuant to Rule 240 of the South Carolina Appellate Court Rules (SCACR).

Deutsche Bank and Trust Company Americas (“Deutsche”) nor Nationstar have filed a motion to add Nationstar as a party.

If Nationstar is not party it would appear that Appellants should be granted the relief they seek in this appeal as to Nationstar.

Thus, Appellants request that this Court either add Nationstar as a Respondent due to it inadvertently not being identified as a Respondent in certain pleadings or in the alternative grant the relief sought by Appellants in this appeal against Nationstar.

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Farms Community Association, Inc.; Wells Fargo Bank, N.A.; Cadle
Rock Joint Venture, L. P. an Ohio Limited Partnership, Curtis Rogers and
Julie Rogers, Defendants,

Of Whom Curtis Rogers, Julie Rogers and Ashley Johnson Beshera Trustee
of the Revocable Trust Agreement for 2235 Shoreline Drive originally dated 3rd
day of March 2020 are theAppellants,

and

Ashley Johnson Beshera as Trustee. of the Revocable Trust Agreement for 2235 Shoreline Drive
originally dated 3rd day of March 2020, Third-Party Plaintiff,

v.

Nationstar Mortgage LLC,Third-Party Defendant.

PROOF OF SERIVCE

I HEREBY CERTIFY that I have served the APPELLANTS, MOTION TO ADD PARTY on Respondent and all parties of interest via electronic mail, on June 4, 2024 as follows

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