

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-BackedCertificates, Series 2006-5

Respondent,

v.

Terry Lennette Grant

Appellant.

LETTER MOTION

Appeal No:2023-001394

Honorable Letitia H. Verdin

LETTER MOTION

I am the pro-se Defendant in the above action and appeal that's been before your court since September 5, 2023.

I submit this letter motion seeking:

- a) An order reinstating my appeal

- b) Reversing the lower court decision that sold my property on November 3, 2023 for \$2,500 to Deutsche Bank Plaintiff in this action and Respondent in this appeal, even though there was a Satisfaction release dated April 21, 2004 and January 13, 2023.
- c) Allow this appeal to move forward with me filing my final brief or
- d) In the alternative, consider examining all documents, evidence and arguments submitted by Defendant and conclude that the lower court erred in granting Plaintiff foreclosure and sale of Defendant's property.

On or around November 16, 2023 Defendant filed her Initial Brief and Designation of Matter. According to SCRCP, Respondent were due to file their Reply Brief within a specified time frame. Respondent failed to file their Reply Brief. Instead, Respondent filed a Motion to Dismiss on December 11, 2023.

On December 18, 2023 Appellant filed a Return to Respondent's Motion to Dismiss. Appellant filed a Motion to Stay on December 29, 2023 and Motion to Dismiss. Respondent claims that Appellant failed to submit Initial Brief within time required by SCRCP and was not in accord with the Rules.

On or around January 5, 2024 Respondent filed a Return to Appellant's Motion to Stay. Appellant replied to the Return on January 11, 2024.

On January 31, 2024 Appellant filed a Motion of Non-Return because Respondent did not file a Return in the five (5) days as required by SCRCP (Motion to Dismiss).

On February 9, 2024 Court denied Respondent's Motion to Dismiss; however, gave Appellant ten (10) days to submit Amended Initial Brief.

On February 22, 2024 Respondent filed a Renewed Motion to Dismiss stating that Appellant failed to file Amended Initial Brief within Court's specified time within the

February 9, 2024's Order.

On February 26, 2024 Appellant filed her Amended Initial Brief and Designation of Matter which was within the specified time as required by SCRCP. Appellant also filed a Return to Respondent's Motion to Dismiss denying their misrepresentation of facts as to the date of filing Amended Initial Brief and Designation of Matter.

On March 1, 2024 Respondent filed a Reply to Appellant's Return of their Motion to Dismiss.

On March 5, 2024 Appellant submitted Surreply to Motion to Dismiss; however, Appellant had to file a Motion to File Sur-Reply, which was filed on March 8, 2024.

On March 28, 2024 the granted Respondent's Order stating that Appellant did not file within the required ten (10) day specified timeframe.

On April 1, 2024 Appellant filed a Motion to Reinstate appeal because the calculation of the time to file Amended Initial Brief was within the specified time. It was filed timely.

On April 16, 2024 Court made an entry that Respondent made no Return to Motion to Reinstate.

WHEREFORE:

- 1) Respondent failed to file a Reply to the Motion to Reinstate;
- 2) Respondent failed to Reply to the Sur-Reply;
- 3) Respondent failed to submitted Reply Brief as required by SCRCP 208(a)3,4;

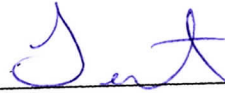
- 4) Respondent also forfeited the opportunity to file a Reply Brief at this point (SCRCP 208(b)2: If a respondent does not include his own statement of the case, they shall be bound by the matters stated or alleged in appellant's statement of the case.

Appellant respectfully request that this Court enter an Order stating:

- e) An order reinstating my appeal;
- f) Reversing the lower court decision that sold my property on November 3, 2023 for \$2,500 to Deutsche Bank Plaintiff in this action and Respondent in this appeal, even though there was a Satisfaction release dated April 21, 2004 and January 13, 2023.
- g) Allow this appeal to move forward with me filing my final brief; or
- h) In the alternative, consider examining all documents, evidence and arguments submitted by Defendant and conclude that the lower court erred in granting Plaintiff foreclosure and sale of Defendant's property.

Respectfully Submitted

June 22, 2024



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SIGNATURE PAGE LETTER MOTION

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Benjamin C/P. Sapp, Special Referee

Case No. 2016-CP-07-01466

(Appellate 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.....Respondents.

v.

Terry Lennette Grant, Pro Se.....Appellant,

LETTER MOTION PROOF OF SERVICE

This is to certify that I, Terry Lennette Grant sent true copies of
Appellant’s **LETTER MOTION** to the attorney of record named below. A
true copy was sent via email of records and/or U.S.Postal Service,
with adequate postage prepaid for the following:

Chad W. Burgess, Esq.
Brock & Scott, PLLC
3800 Fernandina Rd Ste 110
Columbia, SC 29210
Email: chad.burgess@brockandscott.com

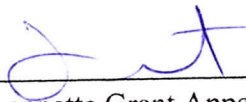
Counsel for Respondents

SIGNATURE PAGE LETTER MOTION

PROOF OF SERVICE

Respectfully Submitted

June 22, 2024



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