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**Aug 20 2024**

**SC Court of Appeals**

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.

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**LETTER MOTION**

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Appeal No:2023-001394

Honorable Letitia H. Verdin

**LETTER MOTION**

I am the pro-se Defendant/Appellant 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 once again.

- b) Allow this appeal to move forward with me filing my final brief or
- c) 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 August 19, 2024, I received an email from your clerk of court dismissing my appeal, stating, "Appellant failed to serve and file the appellant's amended initial brief and designation of matter, as required by Rules 208 and 209, SCACR, and this Court's letter dated July 15, 2024. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221 (b), SCACR".

Upon information and belief, Appellant has not exhausted the 30 days as required by law for filing initial brief and designation of matter as evidence of the previous filings within this case.

On or around November 16, 2023 Defendant filed her Initial Brief and Designation of Matter. According to SCRCR, 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 SCRCR 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 SCRCPP (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 SCRCPP. 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 Reinstatement.

On July 9, 2024 Court of Appeals Order reinstated appellant Appeal, after a careful review, with further instructions for Respondent to file initial brief within 30 days from the date of the July 9, 2024 Order.

On July 12, 2024 Respondent filed correspondence requesting clarification -Motion to Reinstatement.

On July 15, 2024 Clerk of Court sent Appellant a letter stating, "July 9, 2024 cover the letter inadvertently set a timeline for the respondent's initial brief and designation of matter. Please disregard the deadline". It further stated, " Within thirty (30) days from the date of this letter, the appellant must service and file the amended initial brief and designation of matter. Failure to serve and file the appellant's amended initial brief and designation of matter within thirty (30) days from the date of this letter will result in the dismissal of this appeal".

Dismissal of Appellant's appeal on August 19, 2024, upon information and belief violated Appellant's rights to due process of law. In addition the dismissal was premature. Appellant has not exhausted her time for filing amended initial brief and amended designation of matter.

As previous filing will show evidence that Appellant filed within time frame given by this court each time. The filing of said documents are as a matter of law allowed to file within specified *time given by said court*. However, it does not include weekends (Saturday, Sunday)

nor (Holidays). This court has followed that rule of law throughout this case. What has changed?

Furthermore, Appellant filed her initial brief and designation of matter on November 16, 2023. Appellant also filed her first amended initial brief and designation of matter on February 26, 2024 which was the thirtieth (30) days of this court deadline given by Order/Letter dated February 9, 2024. Appellant will be filing her 2nd amended initial brief and designation of matter within the courts thirty (30) day deadline; however, in the meantime, the Appellant is THEREFORE stating that:

- 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.
- 5) Respondent have been given all kinds of opportunities to not address these matters within this case.
- 6) The Court never stated that the Appellant's amended initial brief and designation of matter filed on February 26, 2024 was insufficient.

Appellant respectfully request that this Court enter an Order stating:

- d) An order reinstating my appeal;
- e) 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.
- f) Allow this appeal to move forward with me filing another amended initial brief and designation of matter or my final brief; or
- g) 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



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Terry Lennette Grant Appellant, Pro Se  
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843-301-5750

August 20, 2024

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**SIGNATURE PAGE LETTER MOTION**

**RECEIVED**

**Aug 20 2024**

**SC Court of Appeals**

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



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843-301-5750

August 20, 2024