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Nov 22 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Alan D. Clemmons, Master in Equity

Appellate Case No. 2024-001119

Specialized Loan Servicing LLC,

Respondent,

v.

Cindy B. Hunt,

Defendants,

Of whom, Cindy B. Hunt is the Appellant.

REPLY TO APPELLANT'S RETURN TO RESPONDENTS MOTION TO DISMISS

Chad W. Burgess, Esq.
(S.C. Bar No.: 72520)
BROCK & SCOTT, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
(803) 454-3540
Attorney for Respondent

NOW COMES Respondent, Specialized Loan Servicing LLC. (“Specialized Loan Servicing”), by and through its undersigned attorney, and pursuant to Rule 240(f) of the South Carolina Appellate Court Rules, hereby submits its Reply to Appellant’s Return to Respondent’s Motion to Dismiss, averring as follows:

BRIEF PROCEDURAL HISTORY

This matter is an action to foreclose a mortgage on real property in Horry County, South Carolina. Appellant challenges the Master in Equity’s Order and Judgment of Foreclosure and Sale in favor of Respondent entered on June 26, 2024. Appellant submitted documents purporting to be her initial brief and designation of matter on September 19, 2024. On October 1, 2024, Respondent filed a motion to dismiss the appeal based upon Appellant’s filings being so deficient as to make it impossible for Respondent to issue its initial brief and designation of matter. Appellant submitted a request for an extension of time to file a return on October 14, 2024. Appellant submitted a return to Respondent’s motion to dismiss her appeal on November 7, 2024. On November 20, 2024, this Court issued an order granting Appellant’s request for an extension of time to file her return, accepting Appellant’s return, and allowing Respondent five (5) days to serve and file a reply to Respondent’s return. Appellant’s return does not address the egregious deficiencies contained in Appellant’s initial brief and designation of matter which form the grounds for Respondent’s motion to dismiss. Accordingly, Respondent’s motion to dismiss should be granted.

ARGUMENT AND CITATION OF AUTHORITY

Appellant’s return argues that Respondent’s motion to dismiss her appeal should be denied because “[t]he facts relied upon in support of Attorney Burgess Motion to Dismiss Appeal and

Memorandum were not included in the Record on Appeal, Appendix, affidavits, or other documents in support of Respondent SLS's position". See Appellant's return, P. 2. Appellant ignores that the documents relied upon in support of Respondent's motion to dismiss are Appellant's facially deficient initial brief and designation of matter filed September 19, 2024. As outlined in Respondent's motion to dismiss, Appellant's filings are so deficient as to make it impossible for Respondent to issue its brief. No further documentation is necessary to support Respondent's motion.

As outlined in Respondent's motion to dismiss, Appellant's September 19, 2024 filing (her purported initial brief and designation of matter) can only be described as a "stream of consciousness monologue" wholly comprised of rambling incoherent statements which are largely indecipherable. Appellant's return does not address any of the deficiencies in her filings, but rather she appears to stand by these woefully deficient documents. Simply put, the deficiencies contained in Appellant's initial brief and designation of matter dictate that the appeal be dismissed.

CONCLUSION

For the reasons set forth in Respondent's motion to dismiss, and because Appellant has failed to address the egregious deficiencies in her initial brief and designation of matter, Respondent respectfully requests that this appeal be dismissed and requests such other relief this Court deems just and proper.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

BROCK AND SCOTT, PLLC

s/Chad W. Burgess

S.C. Bar No.: 72520

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*Attorney for Respondent Specialized Loan
Servicing, LLC*

Dated: November 22, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 22, 2024, she served a copy of Respondent's Reply to Appellant's Return to Respondent's Motion to Dismiss, and Certificate of Service by Mail upon the person below by depositing the same in the U.S. Mail with proper postage affixed and addressed as follows:

Cindy B. Hunt
195 Willow Green Dr, Unit D
Conway, SC 29526


Chad Burgess
BROCK & SCOTT, PLLC