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**Dec 10 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Benjamin C.P. Sapp, Special Referee, Circuit Court

Case No: 2016CP0701466

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Appellate Case No. 2023-001394

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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

Respondent,

v.

Terry Lennette Grant

Appellant.

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**RETURN TO RESPONDENT'S RENEWED MOTION TO DISMISS**

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Terry Lennette Grant, Pro Se  
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NOW COMES Appellant Terry Lennette Grant and pursuant to Rule 260 of the South Carolina Appellate Court Rules, hereby moves this Court for an Order denying Respondent's Motion to Dismiss this appeal:

### **BRIEF PROCEDURAL HISTORY**

The Respondent states that this appeal has been dismissed twice due to the Appellant's willful failure to abide by the SCACR. Appellant has never willfully failed to abide by the SCACR as accused. The Court saw fit to reinstate the Appeal because Pro Se, Litigant are not held to the strict standard of the legal expertise of licensed attorneys as the Respondent wants to assert.

Appellant submitted a Consent Motion to Extend the serving of her record on Appeal on November 18, 2024. It was sent to the Court and the Respondent for signature. Due to the fact that the Respondent did not consent, Appellant initially submitted her Record on Appeal and Final Brief simultaneously on November 20, 2024.

On November 25, 2024 Court did sent a deficiency letter to the Appellant for the following:

- The bound copy of the record of appeal volumes 1-2 exceeds 250 pages and therefore must be double-sided as required by Rule 267(c), SCACR.
- The color of the cover is not in compliance with Rule 267(e), SCACR. Specifically, the record on the appeal cover page must be white.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

On November 26, 2024 Appellant corrected the above mentioned deficiencies.therefore coming into compliance according to the Court. Appellant served the Respondent with the same deficiency corrections on the same date as the Court.

This memorandum will reflect that the Appellant's final brief, even though filed early and recorded on appeal, should not be the sole cause to support Respondent's Renewed Motion to Dismiss. Therefore, this Court should grant Appellant time to correct any deficiencies, if any, in the alternative. This would stop the Respondent from dodging addressing the facts, evidence and fraud in this case based on technicalities. This is the third time that Respondent failed to file a reply as required, instead filed a Motion to Dismiss. When the initial brief was due Respondent filed a Motion to Dismiss on December 11, 2023. Respondent filed Motion to Dismiss again on February 22, 2024 avoiding addressing the facts, evidence and fraud in this case. Respondent now filed this Renewed Motion to Dismiss based on technicalities to avoid addressing the facts, evidence and fraud Appellant can prove within this case. As stated in the Final Brief under standard review, Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Richard v. Perales*, 402 U.S. 389, 401 (1971).

Further, when reviewing the grant of a summary judgment motion, appellate courts apply same standard which governs the trial court under Rule 56(c), SCRC, which states that summary judgment is proper when there is no genuine issue as to ANY material fact and the moving party is entitled to summary judgment as a matter of law; however, On appeal from an order granting summary judgment, the appellate court will review all ambiguous, conclusions, and inferences arising in and from the evidence in light most favorable to the non-moving party below. *Willis v. Wu*, 362, S.C. 143, 150-51, 607 S.E.2d 63, 65 (2004); see also *Schmidt v. Courtney*, 357 S.c. 310, 317, 592 S.E.2d 326, 330 (Ct. App. 2003) (stating all ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party).

Respondent stated in the Motion to Dismiss that cases should be dismissed because "petitioner failed to submit sufficient record, the case presented nothing more than a dispute of a hypothetical character". This is not true and proves Appellant position, facts, evidence and argument supports that Respondent has engaged in illegal and fraudulent acts during the process

of attempting to illegally foreclose on Appellant's house.

All matter designated to be included should not restrain Appellant from not using Designation of Matter that she believes she could do without. The alleged missing Records are Respondent's attempt to have this case dismissed on technicalities to avoid addressing the obvious fraud that occurred during this process. For Example: Numbers 21, 33, 34, and others are recorded on appeal and have been provided. If there were any missing it was an oversight by the Appellant. As for the Index being missing this was another oversight by the Appellant, which is the alternative, the Appellant should have the opportunity to correct this deficiency.

The Appellant requests that Respondent's Motion to Dismiss be denied and in the alternative give the Appellant the time and opportunity to correct any deficiencies applicable. The Rules stated that the Final Brief must be identical as the Initial Brief except for spelling and typographical errors which is the reason Appellant did not change ADOM to reflect the R.p. However, ADOM is the Amended Designation of Matter. The Index has been attached.

Respectfully Submitted,

December 10, 2024

s/Terry Lennette Grant  
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PROOF OF SERVICE**

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I certify that I have served the Appellant's **RETURN TO RESPONDENT'S RENEWED MOTION TO DISMISS** on the counselor of record listed below, by electronic mail of the same on December 10, 2024 address to: Chad W. Burgess, Esq., Attorney for Respondent

Brock & Scott. PLLC  
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**SIGNATURE PAGE TO FOLLOW**

**SIGNATURE PAGE FOR APPELLANT'S  
RETURN TO RESPONDENT'S RENEWED MOTION TO DISMISS  
PROOF OF SERVICE**

December 10, 2024

s/Terry Lennette Grant  
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