

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. 2023-001394-000678

**RECEIVED**

**Dec 16 2024**

**SC Court of Appeals**

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,

Defendants,

Of whom, Terry Lennette Grant is the Appellant.

REPLY TO APPELLANT'S RETURN TO RESPONDENT'S RENEWED  
MOTION TO DISMISS

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

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

**BRIEF PROCEDURAL HISTORY**

Respondent filed a renewed motion to dismiss this appeal on December 10, 2024, based upon Appellant’s continued and willful failure to abide by the SCACR despite this appeal being twice dismissed for failure to follow the Rules. Following each dismissal, this Court graciously reinstated the Appeal and gave Appellant multiple opportunities to cure the defects in her filings. The gravamen of Appellant’s return to Respondent’s renewed motion is that Respondent is seeking to have the appeal dismissed based on “technicalities to avoid addressing the facts, evidence and fraud Appellant can prove in this case”.

This memorandum will reflect that failure to comply with the Rules is not a mere technicality. Rather, Appellant’s particular unwillingness to abide by the Rules appears to be a concerted effort to sow confusion and delay the appeal from reaching a decision on the merits which will ultimately result in an affirmation of the Special Referee’s ruling. Therefore, this Court should dismiss the appeal.

**ARGUMENT AND CITATION OF AUTHORITY**

Respondent is again compelled to point out that “the Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.” *Forner v. Butler*, 319 S.C. 275, 276 n.1, 460 S.E.2d 425, 426 n.1 (1995) (quoting *Henning v. Kaye*, 307, S.C. 436, 436, 415 S.E.2d 794, 794 (1992)). “Whenever it appears that an appellant . . . has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court.” Rule 260(a), SCACR. All litigants, whether pro se or represented by counsel, are held to the same standards and are expected to adhere to the Rules of the Court. *See State v. Barnes*, 407 S.C. 27, 31, 753 S.E.2d 545, 547 (2014) (“Appellant [who moved to be allowed to proceed pro se] acknowledged he understood he would be held to the same standards as an attorney regarding the rules of court and of evidence.”).

Respondent is also compelled to point out that Appellant is neither unsophisticated or uneducated, nor is she incapable of following the Rules if she chooses to do so. Appellant holds a doctorate degree and has periodically demanded that opposing parties and court personnel refer to her as “Doctor Grant”. Therefore, it is reasonable to infer that Appellant’s flippant approach to the Rules is calculated and deliberate rather than being the result of a good faith effort to follow the Rules hampered by a lack of education and comprehension. Appellant’s disdain for the Rules is directly evidenced by her return where Appellant states, “[a]ll matter designated to be included should not restrain Appellant from not using Designation of Matter that she believes she could do without”. Rule 209 of the SCACR provides that each party designate matters to be included in the record on appeal with Rule 209(c) specifically requiring each party to certify that the “Designation contains no matter which is irrelevant to the appeal”. Appellant’s statement above is clear evidence

that she included matters in her designation which are irrelevant to the appeal. If Appellant believes she could do without matters she designated, those matters should never have been included, and her inclusion of irrelevant items constitutes an additional ground for dismissing her appeal.

The most concerning violation of the Rules is Appellant's omission of the matters Respondent designated to be included in the record on appeal. Respondent's renewed motion to dismiss lists twenty-three separate items Respondent included in its Designation which Appellant omitted, in whole or in part. Most notably absent from the Record are each of Appellant's answers submitted in the underlying action as well as her responses to Respondent's requests for admissions. Appellant's failure to provide an explanation or justification for their omission in her return signals that their omission was intentional. The only conclusion to be drawn from their omission is that these items directly contradict Appellant's outrageous claims of fraud and illegality related to this foreclosure. Respondent is entirely prepared to submit its final brief and bring this protracted matter to a close but is unable to do so because of Appellant's blatant and calculated violation of Rule 210(c), SCACR. As a result, her appeal should be dismissed.

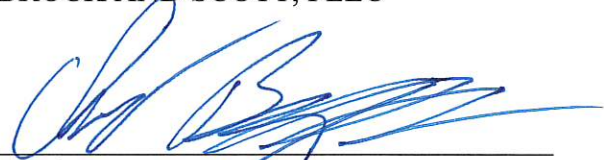
Finally, Appellant's return admits that her final brief does not comply with Rule 211(b)(1), SCACR. Appellant merely shrugs off this violation of the Rules which further evidences her contempt for the same. Furthermore, Appellant's return does not even address her failure to submit a single final reply brief which incorporates her requested supplements as provided for in the Court's Order dated November 13, 2024. In light of these additional violations of the Rules, this appeal should be dismissed.

**CONCLUSION**

Reinstatement of this appeal following two previous dismissals for failure to follow the Rules has apparently only emboldened Appellant to further disregard the SCACR. Therefore, Deutsche Bank respectfully requests that this court no longer allow Appellant to flout the SCACR and this appeal be dismissed. Respondent requests such other and further relief as this Court deems just and proper.

Respectfully submitted,

BROCK AND SCOTT, PLLC



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*Attorney for Respondent 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*

Dated: December 16, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 16, 2024, she served a copy of Respondent's Reply to Appellant's Return to Respondent's Renewed Motion to Dismiss Appeal, 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:

Terry Lennette Grant  
PO Box 21936  
Hilton Head Island, SC 29925

Terry Lennette Grant  
226 Wild Horse Road  
Hilton Head Island, SC 29926

A handwritten signature in blue ink, appearing to be 'LB', written over a horizontal line.

Lauren Browder  
BROCK & SCOTT, PLLC