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**Dec 20 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Benjamin C.P. Sapp, Special Referee

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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,

Defendants,

Of whom, Terry Lennette Grant is the Appellant.

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RESPONDENT'S RETURN TO APPELLANT'S MOTION TO EXTEND AND AMEND  
FINAL BRIEF AND RECORD ON APPEAL

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Chad W. Burgess, Esq.  
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(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”), by and through its undersigned attorney, and pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, hereby submits its Return to the “Motion to Extend and Amend Final Brief and Record on Appeal” filed by Terry Lennette Grant (“Appellant” or “Grant”) on December 10, 2024, averring as follows:

### **BRIEF PROCEDURAL HISTORY**

This matter is an action to foreclose a mortgage on real property in Beaufort County, South Carolina. This appeal has twice been dismissed due to Appellant’s willful failure to abide by the SCACR. Following each dismissal, this Court graciously reinstated the Appeal and gave Appellant multiple opportunities to cure the defects in her filings. Based upon Appellant’s continued failure to abide by the South Carolina Appellate Court Rules (“SCACR” or “Rules”) in filing, inter alia, the Record on Appeal and her Final Brief. In response, Appellant filed a motion to extend and amend her final brief and the record on appeal to request that this court give her yet another opportunity to follow the Rules. Appellant asserts that she has been diligently trying to follow the Rules and only missed a few “housekeeping items”. The deficiencies in her filings, specifically the Record on Appeal, are far beyond mere housekeeping items. Accordingly, Appellant’s motion should be denied.

### **ARGUMENT AND CITATION OF AUTHORITY**

Despite her assertions to the contrary, Appellant has not been diligently trying to follow the Rules. Appellant designated two hundred sixty-seven matters for inclusion in the Record on Appeal, only eighty of which are cited in her brief. Respondent purposely constrained its Designation of Matter to items already designated by Appellant where possible. In support of its motion to dismiss, Respondent listed twenty-three matters included in its Designation of Matter which Appellant omitted, in whole or in part, from the Record. Four of these omitted matters are specifically cited in Appellant's brief. Without a complete Record, the parties are unable to submit final briefs with references to the Record as required by the Rules. Appellant's Final Brief cites to document numbers listed in her Designation of Matter rather than page numbers in the currently improper Record. Appellant's failure to use page number citation to the Record as required by the Rules renders it impossible to determine exactly which part of the Record Appellant is citing.

Additionally, Appellant wholly omitted from the Record her answer to the original complaint and amended answers (essentially all of her pleadings responsive to the complaint and amended complaint) as well as her responses to Respondent's requests for admissions despite these documents being designated by both parties to be included on the Record. As Respondent has previously pointed out, the only conclusion to be drawn is that the omission of these items was intentional, because they directly contradict Appellant's outrageous claims of fraud and illegality related to this foreclosure.

The failures cited above and in Respondent's renewed motion to dismiss, coupled with Appellant's prior history of ignoring portions of the rules she deems inconvenient, should leave this Court with no doubt that Appellant is incapable of compiling a record and final brief that comply with the Rules. As such, Appellant should be held to the same Rules as other litigants and

not be given yet another opportunity to flout said Rules or impose upon the Court's generosity in this twice-dismissed appeal.

### CONCLUSION

Appellant failed to comply with the SCACR and this Court's explicit direction resulting in her appeal being dismissed twice. Appellant's latest request for an extension and to amend her final brief and the Record on Appeal is but the latest attempt to take advantage of the Court's prior leniency. Appellant has been given numerous opportunities to follow the plain language of the Rules and has again failed to do so. Accordingly, Respondent respectfully requests that Appellant's motion be denied and for such other and further relief to be granted to Respondent as this Court deems appropriate.

Respectfully submitted,

BROCK AND SCOTT, PLLC

*s/Chad W. Burgess*

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2006-5 NovaStar Home Equity Loan Asset-  
Backed Certificates, Series 2006-5*

Dated: December 20, 2024

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Of whom, Terry Lennette Grant is the Appellant.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on DEC 20<sup>th</sup>, 2024, she served a copy of Respondent's Return to Appellant's Motion to Extend and Amend Final Brief and Record on Appeal, and Certificate of Service 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



Ilina Bobb  
BROCK & SCOTT, PLLC