

The South Carolina 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, Appellant.

Appellate Case No. 2023-001394

ORDER

On November 22, 2024, Appellant filed a corrected final brief. On November 25, 2024, Appellant filed a corrected record on appeal. On December 10, 2024, Respondent moved to dismiss this appeal because Appellant has failed to follow the South Carolina Appellate Court Rules. Specifically, Respondent argued Appellant's corrected final brief and corrected record on appeal failed to comply with the rules. Appellant filed a return on December 10, 2024, arguing against dismissal. Respondent filed a reply to the return on December 16, 2024. Thereafter, Appellant moved to file sur-reply to the reply to the return to the motion to dismiss, and she conditionally filed her sur-reply. On December 23, 2024, Respondent filed a return to Appellant's motion to file sur-reply, opposing Appellant's request. After careful consideration, we grant Appellant's motion to file sur-reply, and we accept her conditionally-filed sur-reply as filed.

We deny Respondent's motion to dismiss. However, we strike Appellant's corrected final brief filed on November 22, 2024, the corrected record on appeal filed on November 25, 2024, and the index for the record on appeal filed by Appellant on December 10, 2024. Within thirty days of the date of this order, Appellant shall serve and file an amended record on appeal that complies with

Rule 210 of the South Carolina Appellate Court Rules.¹ Within twenty days of service of the record on appeal, the parties shall file and serve their respective final briefs.² On November 13, 2024, this court granted Appellant's motion to supplement her initial reply brief, accepted the supplemental initial reply brief as filed, and explained we expected Appellant to file a single final reply brief. We maintain that expectation, and Appellant shall file and serve a single final reply brief within twenty days of service of the record on appeal. Failure to comply will result in dismissal.

In light of our decision to strike Appellant's corrected final brief and corrected record on appeal, Appellant's "motion to extend and amend final brief and record on appeal" filed on December 10, 2024, is moot.



FOR THE COURT

Columbia, South Carolina

cc:

Terry Lennette Grant
Chad Wilson Burgess, Esquire
Brook Dangerfield, Esquire
Caroline Richardson Glenn, Esquire
Genevieve Speese Johnson, Esquire
Mary R. Powers, Esquire
William Price Stork, Esquire
Kenneth Gregory Wooten, III, Esquire

FILED
Feb 05 2025

¹ We take this opportunity to note that the record on appeal "shall include all matter designated to be included by any party" *See* Rule 210(c), SCACR. Further, we note the record shall include a title page and index, must be arranged in a specific order, and shall be numbered consecutively beginning with the index. *See id.* We caution Appellant to review the South Carolina Appellate Court Rules thoroughly to ensure compliance.

² We again take this opportunity to note the final brief shall be identical to the initial brief except references in the initial brief shall be revised to indicate where the material appears in the record on appeal and the correction of typographical errors and misspellings. *See* Rule 211(b), SCACR. We again caution Appellant to review the South Carolina Appellate Court Rules thoroughly to ensure compliance.