

THE SOUTH CAROLINA COURT OF APPEALS

Terry Lennette Grant, sui juris beneficiary of TERRY LENNETTE GRANT,
Appellant,

v.

**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,**
Appellee.

APPELLATE CASE NUMBER: 2023-001394

**STATEMENT OF THE IRREFUTABLE FACTS
BEFORE THE SOUTH CAROLINA COURT OF APPEALS**

Appellant Terry Lennette Grant, sui juris beneficiary of TERRY LENNETTE GRANT (hereinafter "Appellant"), comes now to move this Honorable Court to dismiss this entire foreclosure action initiated by the attorneys for Appellee 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 (hereinafter "Appellee") , for failure to prove and verify standing, failure to join the actual trustee for the TERRY LENNETTE GRANT Trust account as the necessary and indispensable party in this cause of action in equity and not a cause of action in law, and failure to provide the full and verifiable accounting to the actual beneficiary Terry Lennette Grant as required by trust law, and violation of Rule 11. In support of this motion, Appellant states as follows:

I. FAILURE TO PROVE AND VERIFY STANDING

1. The attorneys for Appellee did fail to prove and certify standing to bring this foreclosure action around December 1, 2009 and all the attorneys for Appellee have failed to comply

with Rule 11 and establish the clear chain of title to the closing attorney forged TERRY LENNETTE GRANT Adjustable Rate Note dated September 18, 2006.

2. Under DEUTSCHE BANK NAT'L TRUST CO. v. BURKE, 117 F. Supp. 3d 953 (S.D. Tex. 2015), courts have found that Deutsche Bank, as trustee for securitized trusts, has failed to demonstrate valid ownership of mortgage loans.
3. The attorneys for Appellee did not produced the original Pooling and Servicing Agreement (PSA) and verifiable assignment records proving lawful ownership of the closing attorney forged TERRY LENNETTE GRANT mortgage loan.
4. The attorneys for Appellee did fail to determine if the TERRY LENNETTE GRANT mortgage loan may had been satisfied and extinguished through securitization.

II. FAILURE TO JOIN THE TRUSTEE AS THE NECESSARY AND INDISPENSABLE PARTY

5. The attorneys for Appellee did fail to join the actual trustee for the TERRY LENNETTE GRANT Trust account as the necessary and indispensable party in this cause of action in equity and the actual trust entity and any verifiable note holder as required under Federal Rule of Civil Procedure 17(a) (Real Party in Interest Doctrine).
6. Courts have ruled that the trustee cannot unilaterally claim authority to foreclose without compelling joinder of the actual trust beneficiary.
7. Appellant's trust name TERRY LENNETTE GRANT is listed on the warranty deed and TERRY LENNETTE GRANT on the county tax records as the legal owner of the property, yet the attorneys for Appellee have failed to account for this in its foreclosure action.
8. The attorneys for Appellee must be required to disclose the identity of TERRY LENNETTE GRANT the actual creditor-beneficiary before proceeding further.

III. FAILURE TO PROVIDE THE FULL ACCOUNTING

9. Equity demands full disclosure of financial transactions before any foreclosure action may proceed.
10. Appellee has not provided an accounting ledger showing all payments, credits, and loan transfers, which is required under principles of equity and fair dealing.
11. The Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692 requires the proper debt validation and verification, which the attorneys for Appellee have failed to produce.
12. If the alleged debt has been satisfied through credit enhancements, insurance, or other financial instruments, Appellant is lawfully entitled to this information.

IV. VIOLATION OF RULE 11

13. The attorneys for Appellee have violated Rule 11 of the South Carolina Rules of Civil Procedure, which requires that pleadings and motions be signed in good faith and not for improper purposes.
14. All the attorneys for Appellee have knowingly violated Rule 11 to present false and misleading claims regarding the ownership and standing of the TERRY LENNETTE GRANT trust to act in complicity and as accomplices in this foreclosure action.
15. By violating Rule 11 and failing to verify the validity of the TERRY LENNETTE GRANT trust and standing of DEUTSCHE BANK as trustee, all the attorneys for Appellee have engaged in improper conduct warranting sanctions.
16. Appellant respectfully requests that the Court impose appropriate sanctions on all the attorneys for Appellee for violating Rule 11 and presenting and sustaining the fraudulent and unverified claims.

V. INVOCATION OF THE DOCTRINE OF *LURA NOVIT CURIA*

17. The Doctrine of Lura Novit Curia requires that this Court apply the law correctly, even if not raised by the parties.
18. The presiding judge must apply the law correctly to the fact that the entire foreclosure proceedings did not comply with legal and equitable requirements.
19. The presiding judge must apply the law correctly to the irrefutable fact that the attorneys for Appellee did fail to comply with Rule 11 and the fundamental legal and equitable principles which renders this foreclosure claim unsubstantiated and unenforceable.

V. PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully invokes *lura novit curia* to request that this Court:

1. **Compel the attorneys for Appellee to produce the original PSA and the verifiable assignment records and joinder of the actual individual acting as the actual trustee for the TERRY LENNETTE GRANT Trust account who is the necessary and indispensable party that will certify the full verifiable accounting and close the TERRY LENNETTE GRANT Trust account within 30 days and accept the Dismissal of this entire foreclosure action with prejudice to render this foreclosure claim unsubstantiated and unenforceable and bring an end to this litigation.**
2. **Impose sanctions against all the attorneys for Appellee for violating Rule 11.**
3. **Grant any further monetary relief this Court deems just and proper.**

Respectfully submitted on March 4, 2025,

By: s/Terry Lennette Grant

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SC Court of Appeals

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PROOF OF SERVICE

This is to certify that I, Terry Lennette Grant, sui juris, beneficiary of TERRY LENNETTE GRANT, delivered a copy of STATEMENT OF THE IRREFUTABLE FACTS BEFORE THE SOUTH CAROLINA COURT OF APPEALS (Motion) to the attorney for the Appellee listed below on March 4, 2025 and attached same again on March 6, 2025, via electronic media email address and listed below:

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March 6, 2025