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**Mar 21 2025**

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

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Chad W. Burgess, Esq.  
(S.C. Bar No.: 72520)  
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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 (“Respondent” or “Deutsche Bank”), by and through its undersigned attorney, and pursuant to Rule 240(f) of the South Carolina Appellate Court Rules, hereby submits its reply to Terry Lennette Grant’s (“Appellant” or “Grant”) return to Respondent’s renewed motion to dismiss appeal, 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 South Carolina Appellate Court Rules (“SCACR” or “Rules”). Following each dismissal, this Court graciously reinstated the Appeal, giving Appellant multiple opportunities to cure the defects in her filings. On March 12, 2025, Respondent was forced to file a renewed motion to dismiss the appeal based upon Appellant’s failure to serve and file an amended record on appeal as explicitly directed in this Court’s February 5, 2025, order. The February 5, 2025, order admonished Appellant that failure to comply would result in dismissal. Appellant submitted a return to Respondent’s renewed motion on March 17, 2025. Appellant’s return confirms her continued willful and blatant disregard for the Rules and this Court’s clear instructions.

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

In her return, Appellant does not dispute that she has not served and filed an amended record on appeal, but rather she asserts, “Appellant lawfully filed the Motion to Dismiss the Foreclosure Action on March 4, 2025, prior to the March 5, 2025 deadline to file an amended

record on appeal, to halt any time frame which the Court included within the Order of February 5, 2025, until the Motion to Dismiss has been fully adjudicated”. *See* Appellant’s Return, Page 3. This statement removes all doubt about Appellant’s contempt for the Rules and this Court, despite her assertions to the contrary.

The February 5, 2025, order twice cautioned Appellant to review the Rules thoroughly to ensure compliance. Had Appellant heeded this Court’s direction, she would have read SCACR, Rule 240 (b), which specifies, “Unless otherwise provided by these Rules, or ordered by the appellate court, **the time limits imposed by these Rules shall not be stayed by the filing of a motion or petition.** A motion to dismiss an appeal or a motion to relieve counsel shall, however, automatically stay the time limits for perfecting the appeal until the motion is decided”. Bold emphasis added. Appellant’s March 4, 2024, filing titled “STATEMENT OF IRREFUTABLE FACTS BEFORE THE SOUTH CAROLINA COURT OF APPEALS”, to the extent it is construed as a request to dismiss the underlying foreclosure action is wholly improper as is outlined in Respondent’s return to that filing. Appellant is aware that her March 4, 2025, filing is neither a motion to dismiss the appeal nor a motion to relieve counsel and her contention that it’s filing stayed the time for her to file an amended record on appeal is not credible. This is especially true in light of Appellant’s past refusal to follow the Rules which twice resulted in this appeal being dismissed. While the Court graciously reinstated the appeal following the prior dismissals, the February 4, 2025, order was clear and unambiguous as to what was expected from Appellant and the consequence of failure to comply. The point upon which Appellant has exhausted the good graces of this Court has long passed and the appeal should be dismissed with finality.

There are two aspects of Appellant’s return that must be addressed. First, Appellant’s return slings mud at counsel for Respondent, asserting that the current and prior motions to dismiss

the appeal constitute frivolous attempts to unnecessarily delay the appeal in violation of Rule 11. Appellant expressly accuses Respondent's counsel of professional misconduct for what Appellant incorrectly asserts as his failure to follow the Rules. There is no merit to Appellant's misconduct allegations. Respondent's prior motions to dismiss the appeal were not frivolous and generally led to the Court striking inappropriate filings by Appellant and requiring that she correct the stricken filings. Appellant ignores that Respondent filed its initial brief and designation of matter on October 10, 2024, in compliance with this Court's September 10, 2024, order and that Appellant's failure to follow the Rules in compiling the Record has prevented Respondent from filing a final brief.

When called out for her failure to follow clear and unambiguous Rules, or presenting misinformation to the Court (i.e., arguing that the subject loan transaction never took place despite having admitted executing the subject Note and Mortgage in numerous responsive pleadings submitted by her counsel) Appellant has often projected her actions onto others and argued that extreme repercussions be levied against opposing parties. This tactic should be rebuked off hand.

The second aspect of Appellant's return that must be addressed is that the return confirms the sovereign citizen nature of her latest filings. Appellant doubles down on her assertion that she is the "actual sui juris beneficiary of the TERRY LENNETTE GRANT trust accounts and securities held by Deutsche Bank Trust Company as Trustee not a pro se litigant or a sovereign citizen", adding that, "[i]n essence, an "actual sui juris beneficiary" is an beneficiary who is of age and has the legal capacity to manage their own affairs, including those related to the benefits they receive from a will, trust, or other legal arrangement". See Appellant's return, Page 4. The use of all caps in referring to oneself is a feature prevalent in sovereign citizen pleadings. Appellant's denial that she is proceeding pro se, is consistent with sovereign citizen behavior. Appellant is a

self-represented litigant, and there is no cognizable reason for Appellant indicating she is not proceeding pro se. Appellant is alive, so there is no will implicated in this action. Appellant was properly named as an individual and not as a beneficiary of a trust because the subject property was titled in Appellant's name when the lawsuit was filed. Appellant continued to hold title to the property until the recording of the Special Referee's deed. Respondent holds no trust accounts for the benefit of Appellant. Therefore, Appellant's reference to herself as the "actual sui juris beneficiary for the TERRY LENNETE GRANT trust accounts..." is wholly frivolous on its face.

Appellant's return doubles down on her reference to the doctrine of "lura novit curia" although she again provides absolutely no context as to how this Court or the Court below failed to apply the law correctly. Sovereign citizens often use legal jargon and misapply legal theories in setting forth their position. In referencing "lura novit curia", Appellant asserts that she is "not obligated to invoke all relevant legal rules or convince the court of the content". See Appellant's return, Page 5. Appellant is suggesting this Court dispense with the Rules and any formalities designed specifically for the orderly dispensation of justice and simply rule in her favor. While this may explain Appellant's flippant approach to the Rules and this Court's instructions, Appellant was warned that failure to comply with the Court's February 5, 2025, order would result in dismissal of her appeal. Rather than comply, Appellant chose to ignore the warning, thereby leaving this Court with little choice but to dismiss her appeal.

### **CONCLUSION**

For the foregoing reasons, Deutsche Bank respectfully requests that this appeal be dismissed and requests such other relief this Court deems just and proper.

**[SIGNATURE PAGE TO FOLLOW]**

Respectfully submitted,

BROCK AND SCOTT, PLLC

s/Chad W. Burgess

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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: March 21, 2025

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Of whom, Terry Lennette Grant is the Appellant.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on MARCH 21, 2025, she served a copy of Respondent's Reply to Appellant's Return to Respondent's Renewed Motion to Dismiss, 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



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Ilina Bobb  
BROCK & SCOTT, PLLC