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**Apr 10 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 RETURN TO APPELLANT'S MOTION TO COMPEL ACCOUNTING

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Chad W. Burgess, Esq.  
(S.C. Bar No.: 72520)  
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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 (“Respondent” or “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 Appellant’s (“Appellant” or “Grant”) “MOTION TO FILE OUT OF TIME TO COMPEL THE FULL ACCOUNTING OF ALL TRUST TRANSACTIONS AND FOR LAWFUL SANCTIONS FOR NONCOMPLIANCE UNDER THE PRINCIPLES OF EQUITY” filed April 1, 2025, 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 February 5, 2024, this Court issued an order to resolve pending motions by the parties. The order granted Appellant’s request to file a sur-reply and denied Respondent’s motion to dismiss. The order struck Appellant’s corrected final brief filed 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. The order specifically directed that, “[w]ithin 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” and further indicated that “[f]ailure to comply will result in a dismissal”. Instead of filing an amended record on appeal as specifically directed, Appellant filed a document titled “STATEMENT OF IRREFUTABLE

FACTS BEFORE THE SOUTH CAROLINA COURT OF APPEALS” on March 4, 2025. Respondent issued a return to Appellant’s filing, and to the extent it is being treated as a motion to dismiss the underlying foreclosure action, the request is pending a decision by this Court.

Respondent filed a renewed motion to dismiss the appeal on March 12, 2025. The appeal is being held in abeyance pending a decision on Respondent’s motion. On April 1, 2025, Appellant filed a motion to, “file out of time to compel the full accounting of all trust transactions and for lawful sanctions for noncompliance under the principles of equity”. Stated bluntly, the motion is wholly comprised of nonsensical sovereign citizen theory which contains no cognizable legal theory upon which relief may be granted.

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

For the purposes of this return, the term sovereign citizen is used to refer to individuals who are members of—or involved with—one of several loosely associated and diverse groups with varying belief systems that are generally anti-government and anti-authority. Sovereign-citizen filings are commonly interposed for the illegitimate purposes of delaying or denying the institution of justice in criminal and civil matters. Such filings are often voluminous and contain no cognizable legal theory in presenting their argument. In her April 1, 2025, motion, Appellant continues to refer to herself as TERRY LENNETTE GRANT, Sui Juris beneficiary. This reference is a strong indication of the sovereign-citizen nature of her filings. As Respondent has previously pointed out, Appellant is not the beneficiary of a trust related to the subject foreclosure action and no such trust naming Appellant as a beneficiary has ever been alleged to exist until Appellant’s pivot to sovereign citizen theory beginning in her March 4, 2025, “Statement of the irrefutable facts before the South Carolina Court of Appeals”. A request for an accounting of a

non-existent trust is absurd and frivolous on its face and cannot form the basis for any request for relief. Even if this matter involved a trust for which Appellant was a beneficiary, a request for an accounting of trust transactions would not be appropriate at the appellate level, nor would such a request be timely as no such request was contained in Appellant’s responsive pleadings.

Appellant’s motion alleges that the underlying foreclosure sale was a “private foreclosure sale by the Debt Collector Attorneys”, an assertion that is patently false and consistent with sovereign citizen theory. The foreclosure sale was a public judicial sale conducted by the Special Referee on November 3, 2023. Appellant demonstrated her understanding of this fact when she sought to stay the sale in requests both to the Special Referee and this Court. The Special Referee denied Appellant’s request to stay immediately before the sale as is memorialized in a formal order filed November 21, 2023. Appellant requested this Court stay the judicial sale on December 29, 2023, nearly two months after the sale took place. This Court denied Appellant’s request for a stay in an order entered February 9, 2024. Appellant’s denied requests to stay the sale completely debunk her newly adopted sovereign citizen theory that the sale was a private sale conducted by Respondent’s counsel. This Court should disregard Appellant’s sovereign-citizen theories and deny her April 1, 2025, motion in its entirety.

### **CONCLUSION**

Based upon the foregoing, Respondent respectfully requests that Appellant’s April 1, 2025, motion be denied in its entirety. Respondent requests such further relief as this Court deems appropriate.

**[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: April 10, 2025

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v.

Terry Lennette Grant,

Defendants,

Of whom, Terry Lennette Grant is the Appellant.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 10, 2025, she served a copy of Respondent's Return to Appellant's Motion to Compel Accounting, 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



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Lauren Browder  
BROCK & SCOTT, PLLC