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Apr 14 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas**

Case No: 2016CP0701466

Benjamin C.P. Sapp, Special Referee

Appellate Case No. 2023-001394

**TERRY LENNETTE GRANT, Sui Juris Beneficiary,
Appellant, Petitioner**

v.

**THE DEBT COLLECTOR ATTORNEYS DOING BUSINESS AS BROCK & SCOTT,
PLLC appearing as Attorneys for 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,
Appellees, Respondents.**

**SUPPLEMENT TO MOTION FOR SANCTIONS AGAINST THE DEBT COLLECTOR
ATTORNEYS DOING BUSINESS AS BROCK & SCOTT, PLLC FOR IMPROPER
REPRESENTATION, MISCONDUCT, AND FRAUDULENT PRACTICES; WITH THE
REQUEST FOR SUA SPONTE EQUITABLE INTERVENTION BY THE COURT OF
APPEALS FOR IMMEDIATE ADJUDICATION AND RELIEF OF EGREGIOUS ACTS**

NOW COMES the Appellant, **Terry Lennette Grant**, sui juris beneficiary of the **TERRY
LENNETTE GRANT** Trust whose trust assets were used as the deposit originally used and

prepared by Wolf and Mogil LLC on or about September 18, 2006, now identified with **NovaStar Mortgage Funding Trust, Series 2006-5 NovaStar Home Equity Loan Asset-Backed Certificates, Series 2006-5 with Deutsche Bank National Trust Company as Trustee**, and respectfully supplements the previously filed Motion for Sanctions against **the debt collector attorneys doing business as Brock & Scott, PLLC** for noncompliance under the Principles of Equity. Appellant now hereby moves this Honorable Court to exercise its **sua sponte equitable authority** to adjudicate immediately and in open court the claims against **the debt collector attorneys doing business as Brock & Scott, PLLC**, in the interest of justice, fairness, and to protect public confidence in the administration of justice.

In support thereof, Appellant states as follows:

I. LEGAL BASIS FOR SUA SPONTE EQUITABLE INTERVENTION

1. **Inherent Authority of Appellate Courts:** Appellate courts possess inherent authority to raise and decide issues sua sponte when necessary to prevent injustice or to maintain the integrity of the judicial process. This principle allows courts to address issues not raised by the parties when the proper resolution is beyond any doubt or where injustice might otherwise result.
2. **Equitable Powers to Prevent Injustice:** The equitable powers of appellate courts enable them to act sua sponte in circumstances where traditional procedures may not adequately address egregious conduct or where the failure to act would result in the miscarriage of justice. This authority is particularly pertinent when addressing the disregard for the principles of equity as exemplified by the egregious conduct and dilatory tactics of **the**

debt collector attorneys doing business as Brock & Scott, PLLC which did obstruct justice and did undermine the integrity of the legal system.

II. COMPELLING CIRCUMSTANCES WARRANTING SUA SPONTE ACTION

1. **Documented Inaction by Disciplinary Authorities:** The South Carolina Office of Disciplinary Counsel (ODC) has a well-documented history of not aggressively investigating complaints against attorneys. Reports indicate that the ODC receives approximately 1,800 to 2,200 complaints annually, yet a significant number are dismissed without thorough investigation. This pattern of inaction has eroded public trust in the disciplinary process.
2. **Egregious Conduct by the debt collector attorneys doing business as Brock & Scott, PLLC appearing as attorneys for Deutsche Bank National Trust Company as Trustee:** As detailed in the original Motion for Sanctions, Brock & Scott, PLLC and its debt collector attorneys have engaged in a pattern of misconduct, including unauthorized representation, filing unsubstantiated foreclosure documents, and misrepresenting property descriptions to facilitate wrongful foreclosure actions. These actions constitute fraud on the court, abuse of process, and a direct attack on the equitable rights of the Appellant.
3. **Necessity for Immediate Judicial Intervention:** Given the severity of the misconduct and the documented inaction by disciplinary authorities, immediate judicial intervention by this Court is necessary to prevent further injustice, to uphold the integrity of the judicial process, and to restore public confidence in the administration of justice.

III. IMPROPER REPRESENTATION AND FAILURE TO DISCLOSE CONTRACTUAL AUTHORITY

1. The Debt Collector Attorneys doing business as Brock & Scott, PLLC did repeatedly file documents in this action purporting to represent 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, without producing any valid, lawful, or verifiable contract of representation executed by the actual individual verifiably identified as the Trustee for examination and verification for the benefit and satisfaction of the Appellant.
2. **The debt collector attorneys doing business as Brock & Scott, PLLC** have failed to demonstrate or disclose any written agreement or retention letter signed by the duly authorized representative of Deutsche Bank National Trust Company in its capacity as Trustee for examination and verification for the benefit and satisfaction of the Appellant.
3. The conduct of **the debt collector attorneys doing business as Brock & Scott, PLLC** in the state of South Carolina constitutes unauthorized practice and misrepresentation of legal agency, in violation of the South Carolina Rules of Professional Conduct.
4. Moreover, no evidence has been provided for examination and verification for the benefit and satisfaction of the Appellant to establish the true and lawful relationship between **the debt collector attorneys doing business as Brock & Scott, PLLC** and Deutsche Bank National Trust Company as Trustee. See **Greene v. Parnell, 296 S.C. 347, 372 S.E.2d 639 (1988) (requiring proof of agency where a party purports to act on behalf of another).**

IV. DOING BUSINESS WITHOUT REGISTRATION AND VIOLATING LOCAL PRACTICE RULES

1. Brock & Scott, PLLC, a foreign entity, and its associated debt collector attorneys have conducted legal business in the State of South Carolina without providing Appellant with the verifiable copy of the lawful and proper registration or the written disclosure of standing under South Carolina law.
2. The ongoing legal filings and court appearances by **the debt collector attorneys doing business as Brock & Scott, PLLC**—without full disclosure of corporate and agency standing—violate South Carolina’s business and practice laws and the rules of this Honorable Court. **See In re Unauthorized Practice of Law Rules Proposed by the South Carolina Bar, 309 S.C. 304, 422 S.E.2d 123 (1992).**

V. FRAUD ON THE COURT, FORGERY, AND ABUSE OF PROCESS

1. The debt collector attorneys doing business as Brock & Scott, PLLC have continuously acted in concert with two other debt collector law firms and did participate in filing unsubstantiated foreclosure documents concerning a subject real property valued at approximately \$1.7 million since 2009. These debt collector law firms include:
 - **Finkel Law Firm LLC** (beginning around December 1, 2009);
 - **Callison, Tighe & Robinson, LLC** (beginning around April 2012); and
 - **Brock & Scott, PLLC** (beginning around October 2015).
2. These filings lack any lawful basis and fail to identify the real party in interest as required by Federal Rule of Civil Procedure 17(a).
3. Appellant asserts that the sworn statement from the actual owner and sui juris beneficiary, **Terry Lennette Grant**, indicates that the original Promissory Note was

forged by the closing attorney in 2006—when she elected not to complete the mortgage on an adjacent property lacking improvements—and that previous debt collector attorneys misled the Master of Equity into approving an altered property description to match the \$1.7 million property with the house.

4. Such conduct represents clear abuse of process, fraud on the court, and calculated harassment of the Appellant. See **Rozier v. Ford Motor Co.**, 573 F.2d 1332 (5th Cir. 1978); **Goodman v. Praxair, Inc.**, 494 F.3d 458 (4th Cir. 2007).

VI. CALL FOR INVESTIGATION AND ENFORCEMENT BY ADDITIONAL AGENCIES

1. Given the well documented history of reserved enforcement by the South Carolina Office of Disciplinary Counsel, Appellant further requests that this Court, as necessary, notify and refer this matter to all appropriate enforcement agencies for the full investigation and prosecution of the egregious conduct by **the debt collector attorneys doing business as Brock & Scott, PLLC**. In particular, Appellant calls upon:

- **The South Carolina Office of Disciplinary Counsel,**
- **The North Carolina State Bar,**
- **The South Carolina State Bar,**
- **The Federal Trade Commission,**
- **The Bureau of Consumer Financial Protection**
- **The U.S. Department of Justice (Fraud Section),**
- **The Federal Bureau of Investigation (White Collar Crime Division),**
- **The South Carolina Attorney General's Office, and**

- **Recognition of Beneficial Ownership** – As the **sui juris beneficiary**, Appellant is not just an individual disputing foreclosure but the **lawful equitable owner** of the beneficial interest in **NovaStar Mortgage Funding Trust, Series 2006-5**. This distinction ensures that Appellant’s rights under **trust law and fiduciary duty principles** are fully recognized and upheld.
- **Avoiding Improper Jurisdictional Treatment** – If labeled as **pro se**, courts may incorrectly **apply procedural rules** as if Appellant were merely a self-represented borrower rather than the **trust beneficiary with distinct legal rights** under the **South Carolina Trust Code (S.C. Code Ann. § 62-7-813)** and the **Restatement (Third) of Trusts**.
- **Trust Law Requires Direct Beneficiary Standing** – Asserting **sui juris beneficiary** status ensures that Appellant’s claims are treated **under trust law rather than foreclosure or debtor-creditor law**. Courts of equity recognize the unique **fiduciary obligations owed to the sui juris beneficiary Terry Lennette Grant**, making this designation **legally and procedurally appropriate**.
- **Demanding Full Trustee Accountability** – A trustee has the **fiduciary duty** to provide the full accounting to **the sui juris beneficiary Terry Lennette Grant**. Using **sui juris beneficiary** instead of **pro se** reinforces that this motion is not the simple debtor dispute but the **demand for full disclosure of trust transactions**, per the **equitable principles governing trusts**.
- **Ensuring Proper Remedy Under Equity** – Appellant is seeking equitable relief under **trust law principles**, including **compelling the full accounting**,

- Any other federal or state agencies with jurisdiction over fraud, forgery, unauthorized practice of law, and abuse of process.
2. The above-named agencies have the obligation to thoroughly investigate the unauthorized representation, forgery of the Promissory Note, misrepresentation of the mortgaged property's description, and the persistent, unsubstantiated foreclosure filings.

VI. EGREGIOUS ACTS AND THE NEED FOR IMMEDIATE ADJUDICATION AND RELIEF

1. In addition to the foregoing misconduct, **the debt collector attorneys doing business as Brock & Scott, PLLC** have acted in concert with the previous debt collector attorneys to engage in multiple egregious acts including, but not limited to:
 - a) Deliberate misrepresentation of party roles and filing documents that incorrectly designate the sui juris beneficiary Terry Lennette Grant as "Sovereign Citizen" and "Pro se Litigant", thereby misleading this Court. In legal proceedings, the term "**pro se**" refers to a person who represents themselves in a legal matter **as an individual litigant** without an attorney. However, this designation is **not appropriate** when asserting rights as the trust beneficiary. Instead, the correct lawful status is "**sui juris beneficiary**", which acknowledges Appellant's **standing and capacity** as the rightful beneficiary of the trust, rather than merely an individual litigant representing themselves. Thus, this motion is **properly brought** in the name of **Terry Lennette Grant, Sui Juris Beneficiary**, to uphold legal and equitable trust principles. By asserting **sui juris beneficiary** status, Appellant clarifies the following legal distinctions:

preventing unjust enrichment, and ensuring fiduciary compliance. These claims arise under **beneficiary rights**, not general litigation rules applicable to **pro se litigants**.

2. **The debt collector attorneys doing business as Brock & Scott, PLLC** did coordinate their efforts with other debt collection attorneys to file frivolous foreclosure actions since 2009, causing significant delay and undue hardship and depletion of the personal financial resources on the Appellant.
3. **The debt collector attorneys doing business as Brock & Scott, PLLC** did engage in fraudulent practices by materially altering the description of the mortgaged property to justify foreclosure of a property other than that which was originally financed.
4. The egregious acts of these debt collector attorneys doing business as Brock & Scott, PLLC are not only in violation of procedural rules and professional conduct standards but also constitute the direct attack upon the equitable rights of the Appellant.
5. Immediate adjudication and relief are warranted to prevent further injustice and obstruction of justice to uphold the belief of the People in the integrity of the judicial process.

VIII. PRAYER FOR SANCTIONS

WHEREFORE, Appellant respectfully requests that this Honorable Court:

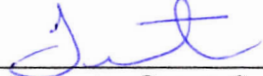
1. **Exercise its sua sponte equitable authority** to adjudicate immediately and in open court the claims against the debt collector attorneys doing business as Brock & Scott, PLLC.
2. **Issue the Lawful Order compelling the debt collector attorneys doing business as Brock & Scott, PLLC** to produce the written contract of representation with **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.**

3. **Require the sworn affidavit from the actual representative of Deutsche Bank** verifying the legal authority of **the debt collector attorneys doing business as Brock & Scott, PLLC** to act on behalf of the Trustee.
4. **Impose monetary sanctions in the amount of \$250,000** jointly and severally upon **the debt collector attorneys doing business as Brock & Scott, PLLC** for their misconduct and:
 - **Misrepresentation of legal authority, and**
 - **Unauthorized practice, and**
 - **Abuse of process, and**
 - **Filing without lawful standing, and**
 - **Conducting unregistered business in South Carolina, and**
 - **Engaging in dilatory, deceptive, and fraudulent litigation practices.**
5. **Refer the conduct of the debt collector attorneys doing business as Brock & Scott, PLLC** to the aforementioned enforcement agencies for further investigation and potential criminal prosecution and disciplinary action.
6. **Refer the conduct of the debt collector attorneys doing business as Brock & Scott, PLLC** to all the appropriate enforcement agencies for further investigation and disciplinary action and prosecution for the criminal acts.
7. **Award compensatory and punitive damages** to the **sui juris beneficiary Terry Lennette Grant** for the significant delay, hardship, and harm incurred by the Appellant due to these repeated and baseless filings since **December 2009**.

8. **Order immediate adjudication of the egregious acts described herein.**
9. **Grant such further relief** as this Court deems just and proper to remedy the ongoing harm to the **sui juris beneficiary Terry Lennette Grant** and to deter similar misconduct in the future.

Respectfully submitted,

By: 

Terry Lennette Grant, Sui Juris Beneficiary
of the **TERRY LENNETTE GRANT** Trust
P O Box 21936,
Hilton Head Island, SC 29926
843-301-5750
terrygrantseries@gmail.com

Date: April 14, 2025 at 4:14pm

Special Note: This petition is submitted in the interest of justice and to uphold the integrity of the legal system. The Appellant exercises the right to submit with this petition the additional evidence and arguments as necessary in the “**SUPPLEMENT TO MOTION FOR SANCTIONS AGAINST THE DEBT COLLECTOR ATTORNEYS DOING BUSINESS AS BROCK & SCOTT, PLLC FOR IMPROPER REPRESENTATION, MISCONDUCT, AND FRAUDULENT PRACTICES; WITH THE REQUEST FOR SUA SPONTE EQUITABLE INTERVENTION BY THE COURT OF APPEALS FOR IMMEDIATE ADJUDICATION AND RELIEF OF EGREGIOUS ACTS**”.

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Appellees, Respondents.**

PETITION FOR WRIT OF MANDAMUS

COMES NOW the Appellant, **Terry Lennette Grant**, sui juris beneficiary of the **TERRY LENNETTE GRANT** Trust, and respectfully petitions this Honorable Court for the issuance of the Writ of Mandamus compelling the appropriate authorities to perform their ministerial duties

in investigating and addressing the actual misconduct and dilatory tactics of **the debt collector attorneys doing business as Brock & Scott, PLLC**. This petition is grounded in the necessity to stop the obstruction of justice and to uphold the integrity of the legal system and protect public confidence in the fair administration of justice in harmony with the Principles of Equity.

I. JURISDICTION AND LEGAL BASIS

1. **Jurisdiction:** This Court has the inherent authority to issue writs of mandamus under the South Carolina Constitution and relevant statutes.
2. **Legal Basis:** The writ of mandamus is appropriate to compel a public official or entity to perform a ministerial duty required by law. The South Carolina Supreme Court has recognized that mandamus is a proper remedy when a public official fails to perform a duty that is ministerial in nature.

II. FACTUAL BACKGROUND

3. In 2006, I decided not to proceed with a mortgage on an adjacent property without a house. Despite this, a promissory note was forged by the closing attorney Wolf and Mogil LLC on or about September 18, 2006. Subsequently, **the debt collector attorneys doing business as Brock & Scott, PLLC**, allegedly representing Deutsche Bank National Trust Company, initiated foreclosure proceedings on my primary residence, valued at approximately \$1.7 million, using altered property descriptions and the aforementioned forged note.
4. Despite providing sworn affidavits and evidence indicating the forgery and misrepresentation, the foreclosure actions continued unabated. **The debt collector attorneys doing business as Brock & Scott, PLLC** have failed to produce any valid

contract of representation from the trustee, raising concerns about unauthorized practice and misrepresentation.

III. GROUNDS FOR MANDAMUS


5. **Ministerial Duty:** The appropriate authorities have the clear legal duty to investigate allegations of attorney misconduct, especially when such allegations involve fraud, forgery, and abuse of process.
6. **Failure to Act:** Despite the submission of complaints and supporting evidence, the relevant authorities have failed to take appropriate action to investigate and address the misconduct of **the debt collector attorneys doing business as Brock & Scott, PLLC.**
7. **Lack of Alternative Remedies:** There is no adequate remedy at law to compel the authorities to perform their duties, making mandamus the appropriate remedy.

IV. PRAYER FOR RELIEF

WHEREFORE, the Appellant respectfully requests that this Honorable Court:

1. Issue the Writ of Mandamus compelling the appropriate authorities to perform their ministerial duties in investigating and addressing the alleged misconduct of **the debt collector attorneys doing business as Brock & Scott, PLLC.**
2. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

By: 
Terry Lennette Grant, Sui Juris Beneficiary
of the **TERRY LENNETTE GRANT** Trust
P O Box 21936,
Hilton Head Island, SC 29926
843-301-5750
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