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No. 2024-002119

MAY 12 2025

THE STATE OF SOUTH CAROLINA *SC Court of Appeals*
In The Court of Appeals

John C Nelums: Delmarshi Nelums Appellants
v.
Deutsche Bank/Altisource Solutions Inc, al.....Respondent

ON APPEAL FROM RICHLAND COUNTY Court of Common Pleas
Hon Daniel Coble Chief Judge/ as Special Referee, Attorney Bar
100576 Court of Common Pleas Judge (Lower Court Trial
Court Case No. 2024CP4004715)

Submitted: June 13,2024 Decided: November 14, 2024,

APPELLANT’S MOTION REQUESTING PERMISSION
TO FILE AMENDED BRIEF

ORAL ARGUMENT REQUESTED

Thursday, May 10, 2025

Respectfully submitted,

John C. Nelums
Delmarshi Nelums
315 Bentwood Ln
803-513-9903
Columbia, SC 29229-8981
Appellant pro se litigants

John C. Nelums
Delmarshi Nelums

COME NOW, Pursuant to Rule 240, SCACR, appellants John C. Nelums & Delmarshi Nelums hereinafter "The"), Appellants, pro se moves the court in the above captioned proceedings; respectfully requests the Court allow the filing of APPELLANT'S MOTION REQUESTING PERMISSION TO FILE AMENDED BRIEF, in lieu of the original brief. In support of his/her motion, Appellant's shows unto the Court:

1. Pursuant to Federal Rules of Civil Procedure 15(a) and 15(a)(1), Rule 15(a)(2), the Appellants hereby submit this Motion to File their Amended Complaint. The Appellants don't seek leave to Amend Their complaint, this motion is timely for having been filed by the Appellants on May 8, 2025, the Appellants Brief of Appellant, the Incoming (Amended Brief of Appellant) As requested by this Court on May 8, 2025, under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) and accompanied by designation of matter to be included in the record on appeal. to be filed on May 18, 2025,

2. On 05/08/2025, Deficiency - Deficiency Letter Sent

Dear Mr. Nelums and Ms. Nelums: Upon reviewing your initial brief of appellant, the following deficiency or deficiencies have been noted

under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this matter will be dismissed:

- The initial brief is not accompanied by a designation of matter to be included in the record on appeal. [**See: at Id Appendix 1**

3. The Rules provide that "leave to amend shall be freely given when justice so requires." FED.R.CIV. P. 15(a). And given that This motion is timely, and discovery is just beginning, there will be no prejudice to the current Respondent. As such, the Appellants respectfully request that the Court grant this motion to amend, and direct clerk to file the attached Second Amended brief.

4. Appellants of their right to file an amended complaint under Rule 15. If in conflict, the Local Rule must yield to the federal rule, here Rule 15. [See *Colgrove v. Battin*, 413 U.S. 149, 161 18 (1973).

5. that Rule 15 confers a "right" to amend upon parties. See *Lacey v. Maricopa Cty.*, 693 F.3d 896, 927 (9th Cir. 2012), parties have twenty-one days "to amend as of right"); *Rick-Mik Enters., Inc. v. Equion Enters. LLC*, 532 F.3d 963, 977 (9th Cir.

2008), explaining in reamendment context that until a responsive pleading is filed or a final judgment of the case is entered, the Appellants had an absolute right to amend”); *Shaver v. Operating Eng’rs Local 428 Pension Trust Fund*, 332 F.3d 1198, 1201 (9th Cir. 2003) (before a responsive pleading was filed and before the case was dismissed, the Appellants “had an absolute right to amend their complaint”); *Sanford v. Motts*, 258 F.3d 1117, 1120 (9th Cir. 2001) ([Rule 15(a)] “gives an Appellants one opportunity to amend as of right.

6. pursuant to Federal Rule of Civil Procedure 15(a), to seek leave of court before filing his Second Amended Complaint. The panel held that Rule 15(a) does not impose any particular timing mechanism governing the order in which amendments must be made. Because plaintiff’s First Amended Complaint, filed with consent of the opposing party, complied with Rule 15(a)(2) as an “Other amendment,” Appellants was permitted to file a timely Second Amended Complaint “as a matter of course” under Rule 15(a)(1), without seeking leave of court. Accordingly,

RAMIREZ V. CTY. OF SAN BERNARDINO.

7. The appellant's initial brief is presently due to be filed
No Later Than May 8, 2025

8. Pursuant to Federal Rules of Civil Procedure 15(a) and 15(a)(1), and 15(a)(2). And given that this motion is timely, the Appellants hereby submit this Motion to File their Amended Complaint. The Appellants don't seek leave to amend Their complaint because the consent of all adverse parties was Pursuant to Rule 240, SCACR, and Pursuant to Federal Rules of Civil Procedure 15(a) and 15(a)(1), the Appellants hereby submit this Motion to File their Amended Complaint. The Appellants don't seek leave to amend Their complaint, as such, the Appellants respectfully request that the Court grant this motion to amend, and direct clerk to file the attached Amended Final Brief of the Appellants,

9. Rule 15(a) provides: (1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course, within: (A) 21 days after serving it,

Respectfully submitted,

May 10, 2025



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was filed into Action **No. 2024-002119**, and served on this 9th day of May 2025, as indicated on Wednesday, May 9, 2025, was served by Certified Registered which constitutes service on all parties.

WILLIAM SHEPRO AND ALTISOURCE
SOLUTIONS, INC. DEUTSCHE BANK
NATIONAL TRUST COMPANY AS
TRUSTEE FOR RESIDENTIAL ASSET
SECURITIZATION TRUST 2005-A8CB
MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2005-H

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SC Court of Appeals

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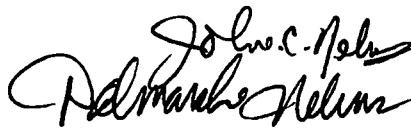
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in His Official Capacity as The Sheriff of
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and Civil Process Division 5623 Two Notch
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Respectfully submitted,

May 10, 2025




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