

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

James A. Grimsley, Special Referee

Appellate Case No. 2024-00039
Trial Court Case No. 2022-CP-2700306

RECEIVED

May 12 2025

SC Court of Appeals

Nationstar Mortgage, LLC d/b/a Mr. Cooper.....Respondent,

v.

Carolyn Brantley; The United States of America acting by and through its agency, the Secretary of Housing and Urban Development; The United States of America acting by and through its agency, the Internal Revenue Service; South Carolina Department of Revenue; and T.N.S. LTD., LLC, Defendants,

Of which Carolyn Brantley is the Appellant.

**RESPONDENT'S MOTION TO DISMISS OR IN THE ALTERNATIVE TO STRIKE
APPELLANT'S RECORD ON APPEAL**

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ATTORNEYS FOR RESPONDENT

Respondent Nationstar Mortgage, LLC d/b/a Mr. Cooper hereby moves this Court to dismiss this appeal in its entirety for failure to comply with the requirements of this Court's rules. *See* Rule 260(a), SCACR. Alternatively, this Court should strike the Amended Record on Appeal, also titled "Amended Appellant Findings Brief, Revisited Motions, and Verified Service for the Court."

This is Appellant's third attempt at filing a Record on Appeal and demonstrates she continues to ignore this Court's rules and directions. As a result, the record remains inadequate for any, let alone meaningful appellate review, and this Court should dismiss the appeal based on her failure to comply with this Court's rules.

Pursuant to Rule 210(c), the Record on Appeal:

shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal. Matter contained in the Record on Appeal shall be arranged in the following order: the title page, index, orders, judgments, decrees, decisions, pleadings, transcript, charges, and exhibits and other materials or documents. Each page of the Record on Appeal shall be numbered consecutively beginning with the index. Where a portion of a page of the trial transcript, or a page of an exhibit or document, is to be included in the Record on Appeal, the entire page shall be included. When a portion of an order, judgment, decision or pleading is to be included in the Record on Appeal, the entire order, judgment, decision or pleading shall be included in the Record, to include the caption and signature(s); provided, however, that the portion of a pleading showing verification or service shall not be included unless relevant to the appeal. If the original court reporter's numbering has been deleted, the Record on Appeal shall contain ellipses or other notation indicating when pages of the court reporter's transcript have been omitted.

Appellant's third Amended Record on Appeal violates Rule 210, SCACR, in at least four ways. Appellant's repeated disregard for this Court's rules justifies dismissal of the appeal with

prejudice.

First, Appellant's Amended Record on Appeal does not meet *any* of the requirements set forth in Rule 210(c), SCACR. Rather, the Amended Record on Appeal is merely a submission of prior filings to this Court, which has been rejected. Specifically, the Amended Record on Appeal only contains Appellant's (1) Amended Brief; (2) "Objection to Unknown Respondent and Proposed Findings Notice Knowledge Offer;" and (3) two Affidavits. Inclusion of these materials in a Record on Appeal is a direct violation of Rule 210(c), SCACR, which specifically instructs the Record on Appeal "*shall not . . . include matter which was not presented to the lower court or tribunal.*" None of these submissions were presented to the Special Referee.

Second, Appellant's Amended Record on Appeal is essentially the same Amended Record on Appeal that Appellant submitted to this Court on February 27, 2025. This Court rejected that Record on Appeal on March 18, 2025, in a deficiency letter.¹ All of those deficiencies still exist in Appellant's March 28, 2025, Amended Record on Appeal which is the subject of this motion to dismiss. Specifically, (1) the document is improperly paginated in violation of Rule 210(c), SCACR;² (2) the caption/title does not comply with Rule 267(a), SCACR, because it contains extraneous and misleading information in the title that extends beyond "Record on Appeal."³; and (3) the cover of the Record on Appeal does not contain the names, addresses, and phone numbers of counsel for respondent pursuant to Rule 267(a),

¹ This Court rejected the same Amended Brief in a letter to Appellant dated November 18, 2024. The "Objection to Unknown Respondent and Proposed Findings Notice Knowledge Offer" was also rejected by the Court on November 18, 2024. The Affidavits were also previously submitted to the Court, which this Court acknowledged in a January 14, 2025, Order that denied Appellant's Motion to Strike Respondent's Initial Brief and Designation of Matter.

² (requiring a Record on Appeal to be numbered consecutively beginning with the index).

³ Specifically, Appellant's Amended Record on Appeal contains additional information in the caption/title that reads: "Amended Appellant Findings Brief, Revisited Motions, and Verified Service for the Court."

SCACR. Therefore, none of these documents are proper for a Record on Appeal.

Third, Appellant's Amended Record on Appeal does not include any matter designated by Appellant or Respondent. *See* Appellant's October 24, 2024 Designation of Matter; Respondent's November 8, 2024 Supplemental Designation of Matter; *see also* Rule 210(c), ("The Record on Appeal shall include all matter designated to be included by any party under Rule 209); Rule 209(b), SCACR ("The Designation . . . may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal . . . A party shall not include any matter in his Designation which is not relevant to the appeal.") Here, Appellant's Amended Record on Appeal does not contain any pleadings, orders, exhibits or other materials designated by either party; therefore, the record is inadequate for meaningful appellate review.

Fourth, the "Index Knowledge" in Appellant's Amended Record on Appeal is not permitted under Rule 210(e). Rule 210(e), SCACR, mandates that every Record on Appeal contain an index "to the principal matters therein to include order, judgments, decisions, pleadings . . . motions and exhibits," but Appellant has not provided this Court with any of those materials in the Amended Record on Appeal.

CONCLUSION

Appellant's Amended Record on Appeal fails to comply with Rule 210, SCACR. The record is inadequate for any, let alone meaningful appellate review. Considering this is Appellant's third attempt to file a Record on Appeal and her attempts remain deficient and ignore this Court's directions, this Court should dismiss the appeal. *See generally* Rule 260, SCACR(a) ("Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and

effect as an order of the appellate court.”). Alternatively, this Court should strike Appellant’s
March 28, 2025, Amended Record on Appeal.

Respectfully submitted,

s/Rachel L. Ferguson

Rachel L. Ferguson (SC Bar #75224)

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s/Thomas A. Shook

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ATTORNEYS FOR RESPONDENT

North Charleston, South Carolina
May 9, 2025

Carolyn Brantley
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Appellant Pro Se

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

James A. Grimsley, Special Referee

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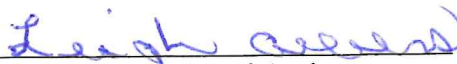
Carolyn Brantley; The United States of America acting by and through its agency, the Secretary of Housing and Urban Development; The United States of America acting by and through its agency, the Internal Revenue Service; South Carolina Department of Revenue; and T.N.S. LTD., LLC, Defendants,

Of which Carolyn Brantley is the Appellant.

PROOF OF SERVICE

I, the undersigned, of the law offices of Finkel Law Firm LLC, attorneys for Respondent, do hereby certify that I have served the Appellant Carolyn Brantley at 200 Oak Plantation Drive, Ridgeland, SC 29936 on this date, May 9, 2025, in this action with a copy of Respondent's Motion to Dismiss or in the Alternative to Strike Appellant's Record on Appeal, by depositing same in the United States mail, first-class postage pre-paid.

Finkel Law Firm LLC
1201 Main Street, Suite 1800 (29201)
Post Office Box 1799
Columbia, South Carolina 29202
(803) 765-2935
(803) 973-0333 fax


Leigh Albers, Legal Assistant

Columbia, South Carolina
May 9, 2025



May 9, 2025

Leigh Albers, Legal Assistant
lalbers@finkellaw.com

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Reply to:
Columbia Office

May 12 2025

SC Court of Appeals

Carolyn Brantley
200 Oak Plantation Drive
Ridgeland, South Carolina 29936

RE: Nationstar Mortgage, LLC d/b/a Mr. Cooper v. Carolyn Brantley, et al.

Dear Ms. Brantley:

Enclosed please find a copy of Respondent's Motion to Dismiss or in the Alternative to Strike Appellant's Record on Appeal filed today, which we hereby serve upon you by mail.

Sincerely,

Leigh Albers
Legal Assistant

/la
Encl.