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**May 27 2025**

**SC Court of Appeals**

**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**

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.**

**WITNESS CLAIMANT'S MOTION TO DISMISS RESPONDENT'S MOTION TO DISMISS**

Comes now, Carolyn Brantley, the living woman and firsthand witness claimant, appearing sui juris, and respectfully submits this Motion to Dismiss Respondent's Motion to Dismiss, and in support thereof states as follows:

**I. Introduction**

The Respondent's Motion to Dismiss is predicated on alleged procedural deficiencies concerning the Appellant's Record on Appeal. However, this Motion fails to acknowledge the substantive legal arguments and constitutional protections afforded to pro se litigants. The Appellant contends that the Respondent's Motion lacks merit and should be dismissed in its entirety.

**II. Legal Argument**

**1.Statements of Counsel Are Insufficient Grounds for Dismissal**

The Respondent's Motion relies heavily on assertions made by counsel without accompanying affidavits or evidentiary support. As established in *Trinsey v. Pagliaro*, 229 F. Supp. 647 (E.D. Pa. 1964), "statements of counsel in brief or in argument are not sufficient for purposes of granting a motion to dismiss or motion for summary judgment." Therefore, the Respondent's Motion, lacking substantive evidence, fails to meet the threshold for dismissal.

**2.Due Process and Equal Protection Violations**

The Appellant invokes the principles set forth in *Schwabe v. Board of Bar Examiners*, 353 U.S. 232 (1957), wherein the Supreme Court held that a state cannot exclude a person from a profession in a manner that contravenes the Due Process or Equal Protection Clauses of the Fourteenth Amendment. The Respondent's attempt to dismiss the appeal based on procedural technicalities, without addressing the substantive issues raised, constitutes a violation of these constitutional protections.

### **3.Consideration for Pro Se Litigants**

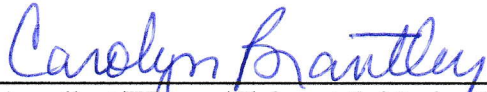
In Haines v. Kerner, 404 U.S. 519 (1972), the Supreme Court emphasized that pro se pleadings are to be held to less stringent standards than formal pleadings drafted by lawyers. The Appellant, proceeding without legal representation, has made a good faith effort to comply with appellate procedures. Dismissing the appeal on procedural grounds would undermine the equitable treatment mandated for pro se litigants.

### **III. Conclusion**

For the foregoing reasons, the Appellant respectfully requests that this Court:

- 1.Deny the Respondent's Motion to Dismiss in its entirety.**
- 2.Allow the appeal to proceed on its merits, ensuring adherence to constitutional protections and equitable treatment of sui juris litigants.**

Respectfully submitted,



Appellant/Witness/Claimant Sui Juris: Carolyn, Brantley.

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**Thomas A. Shook, Esquire: Respondent- FINKEL LAW FIRM LLC / Attorney for Defendant**

**By: Representative**

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**cc: Rachel L. Ferguson, Esquire**

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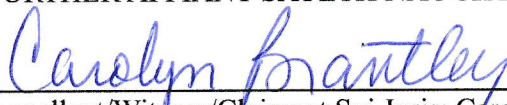
**Of which Carolyn Brantley is the Appellant.**

**AFFIDAVIT IN SUPPORT OF  
MOTION TO DISMISS RESPONDENT'S MOTION TO DISMISS**

I, Carolyn Brantley, being duly sworn, depose and affirm as follows:

1. I am the Appellant in the above-captioned matter and make this affidavit in support of my Motion to Dismiss the Respondent's Motion to Dismiss.
2. I am a sui juris litigant and have made every effort to comply with the procedural requirements of the South Carolina Appellate Court Rules (SCACR).
3. The Respondent's Motion to Dismiss is based on alleged procedural deficiencies; however, these do not warrant dismissal of the appeal, especially considering the substantive legal issues involved.
4. I assert that the Respondent lacks standing as a real party in interest, as they have not provided admissible evidence of ownership or assignment of the mortgage in question.
5. I have raised constitutional concerns regarding due process and equal protection under both the United States and South Carolina Constitutions, which have not been addressed by the Respondent.
6. I respectfully request that the Court consider the merits of my appeal and deny the Respondent's Motion to Dismiss.

FURTHER AFFIANT SAYETH NAUGHT.

  
Appellant/Witness/Claimant Sui Juris: Carolyn, Brantley.  
Cbran211@gmail.com  
+1 843-812-4724

May 27<sup>th</sup>, 2025.

**Jurat**

Carolyn Brantley  
Affiant/Witness/Claimant Sui Juris: Carolyn, Brantley.  
Cbran211@gmail.com  
+1 843-812-4724

Sworn to and subscribed before me this 27<sup>th</sup> day of May, 2025.

Cathleen H. Mervin  
Notary Public's Signature  
Notary Public for the State of South Carolina

CATHLEEN H. MERVIN  
Notary Public  
State of South Carolina  
My Commission Expires November 6, 2025

My Commission Expires: Nov. 6, 2025

**Thomas A. Shook, Esquire: Respondent- FINKEL LAW FIRM LLC / Attorney for Defendant**

**By: Representative**

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**CERTIFICATE OF SERVICE**

I, CAROLYN BRANLEY, Petitioner/Settlor certify that I have this day served counsel for the opposing parties in the foregoing matter with a copy of this pleading by EMAIL a copy of the same in a properly addressed envelope with adequate postage thereon.

**Office of the Carolyn Brantley**  
c/o:200 Oak Plantation Drive  
Ridgeland, South Carolina near 29936.  
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843.812.4724

Thomas A. Shook, Esquire: Respondent- FINKEL LAW FIRM LLC / Attorney for Defendant  
By: Representative  
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843.576.6348  
[rbailey@finkellaw.com](mailto:rbailey@finkellaw.com)

**Date:** 05/27<sup>th</sup>/2025

Petitioner's Signature:

*Carolyn Brantley 05/27/2025*

cc: **Nationstar Mortgage, LLC d/b/a/ Mr. Cooper.**  
cc: **Attorney General's Office**  
cc: **Governor's Office**  
cc: **State Bar of South Carolina**  
cc: **South Carolina Insurance Commissioner**