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Aug 19 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Benjamin C.P. Sapp, Special Referee, Circuit Court

Case No: 2016CP0701466

Appellate Case No. 2023-001394

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

Appellant.

**Appellant's Reply to Respondent's Return to
Motion to Amend Record on Appeal**

Terry Lennette Grant, Pro Se
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Appellant's Reply to Respondent's Return to Motion to Amend Record on Appeal

Appellant, Terry Lenette Grant, respectfully submits this Reply to Respondent's Return regarding Appellant's Motion to Amend the Record on Appeal.

1. Procedural History

- On July 7, 2025, Appellant filed her Motion to Amend the Record on Appeal.
- Pursuant to Rule 240(d), SCACR, Respondent was required to file a return within 10 days — i.e., no later than July 17, 2025.
- Respondent did not file within this deadline.
- On August 8, 2025, the Clerk of the Court issued correspondence stating that “the Court requests a return within 10 days of the date of this letter,” and further indicated that the time for perfecting the appeal would be held in abeyance pending resolution of the motion.
- Respondent filed its Return on August 18, 2025 — more than a month after the Rule 240(d) deadline, but within the additional time period provided by the Clerk's notice.

2. Respondent's Return Was Untimely Under Rule 240(d)

Rule 240(d), SCACR, clearly states:

“Any party opposing a motion shall have ten (10) days after service thereof to serve and file a return in opposition.”

By operation of the rule, Respondent's time to oppose Appellant's motion expired on July 17, 2025. No return was filed during that period. Accordingly, Appellant respectfully submits that Respondent's Return is untimely and should not be considered.

3. Court's Discretionary Authority

Appellant recognizes that the Court, through its Clerk, subsequently issued an August 8 letter requesting a return within 10 days. While this letter effectively extended Respondent's time, it also had the effect of excusing Respondent's prior default.

Appellant respectfully preserves the objection that Respondent's return was late under Rule 240(d) and that any extension granted after the expiration of the original 10-day period prejudices Appellant by depriving her of the benefit of Respondent's waiver.

4. Request for Relief

For these reasons, Appellant respectfully requests that the Court:

1. Strike Respondent's Return as untimely under Rule 240(d), SCACR; or,

2. In the alternative, if the Court elects to consider Respondent's Return under its discretionary authority, Appellant requests that the Court give weight to the fact that Respondent failed to timely oppose the motion and consider the motion to amend on its merits, unopposed as of July 17, 2025.

Respectfully submitted,

August 18, 2025

s/Terry Lennette Grant

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PROOF OF SERVICE

I certify that I have served the **Appellant's Reply to Respondent's Return to Motion to Amend Record on Appeal** on the counselor of record listed below, by electronic mail of the same on August 18, 2025 address to: Chad W. Burgess, Esq., Attorney for Respondent

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SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE FOR

Appellant's Reply to Respondent's Return to Motion to Amend Record on Appeal

PROOF OF SERVICE

August 18, 2025

s/Terry Lennette Grant
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