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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
The Honorable Ben N. Miller, III, Special Referee

Appellate Case No. 2024-001062
Case No. 2017-CP-40-01687

Deutsche Bank National Trust Company, as Trustee for Home
Equity Mortgage Loan Asset-Backed Trust, Series SPMD 2002-B,
Home Equity Mortgage Loan Asset-Backed Certificates, Series
SPMD 2002-B under the Pooling and Servicing agreement dated
Sept. 1, 2002Respondent,

v.

Janet L. Nelums a/k/a Janet Nelums, Christopher Nelums, Imperial
Warehouse Finance, Inc., and Best Distributing Company., Defendants,

of which Janet L. Nelums and Christopher Nelums are the Appellants.

**Respondent’s Return to
Third Requested Motion of Appellants to Extend Deadline to Serve, Procedural Due
Process Defect**

Respondent Deutsche Bank National Trust Company, as Trustee for Home Equity
Mortgage Loan Asset-Backed Trust, Series SPMD 2002-B, Home Equity Mortgage Loan Asset-
Backed Certificates, Series SPMD 2002-B under the Pooling and Servicing agreement dated
Sept. 1, 2002 (“DBNTC”) opposes Appellants Janet and Christopher Nelums’ latest filing titled
Third Requested Motion of Appellants to Extend Deadline to Serve, Procedural Due Process
Defect for three reasons.

First, the Court should deny Appellants’ Motion for their continued procedural failures.
Appellants filed this motion, like many others, without serving it on DBNTC’s counsel as required

by Rule 240(d), SCACR. DBNTC has detailed several other instances of Appellants' failure to serve filed documents in its March 24, 2025 Motion to Compel Conformity of the Record on Appeal, to which Appellants have not responded. Appellants also failed to file a proof of service of this Motion as required by Rule 240(c)(1), SCACR. Given Appellants' repeated failures to follow the South Carolina Appellate Court Rules, Appellants' motion should be denied. Rule 240(g), SCACR ("Failure of the moving party to perform any act required by this Rule may be deemed an abandonment of the motion or petition.").

Second, Appellants have failed to state the grounds for the Motion as required by Rule 240(c), SCACR. The reasons cited—alleged due process defects, constitutional arguments, and illness in the family—are either conclusory or unsupported by specific facts. Therefore, Appellants' motion fails to "state the grounds thereof" as required by Rule 240(c), so it should be denied.

Third, repeated requests for extension, without a showing of extraordinary circumstances, undermine the orderly administration of justice and prejudice Respondent's right to a timely resolution. *Cf. Stribling v. Fretwell*, 157 S.C. 297, 154 S.E. 415, 418 (1930) ("The very object of courts is to provide an expeditious tribunal for the enforcing the rights or redressing the wrongs of litigants.") (quoting *McAuley v. Orr*, 97 S. C. 214, 81 S. E. 489, 490). Time has long passed for this 12-year foreclosure to come to an end. DBNTC prays that the Court not unnecessarily extend this saga any longer by granting Appellants' Motion.

Conclusion

For the reasons set forth above, DBNTC requests that the Court deny the Third Requested Motion of Appellants to Extend Deadline to Serve, Procedural Due Process Defect.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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of which Janet L. Nelums and Christopher Nelums are the Appellants.

Proof of Service

I, the undersigned of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys
for Respondent Deutsche Bank National Trust Company, as Trustee for Home Equity Mortgage
Loan Asset-Backed Trust, Series SPMD 2002-B, Home Equity Mortgage Loan Asset-Backed
Certificates, Series SPMD 2002-B under the Pooling and Servicing agreement dated Sept 1, 2002,
certify that I have served parties to this appeal with the documents referenced below on the date
set forth below:

Document(s): **Respondent’s Return to Third Requested Motion of Appellants to
Extend Deadline to Serve, Procedural Due Process Defect**

Served:

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Loan Asset-Backed Certificates, Series SPMD 2002-B under the
Pooling and Servicing agreement dated Sept 1, 2002*

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