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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

NOV 19 2025

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Honorable Ben Miller III, Circuit Court Judge  
As Special Referee

Appellants Case No. 2024-001062

Lower Court Case No. 2017CP4001687

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

v.

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, .....  
Respondent,

UNOPPOSED APPLICATION FOR AN EXTENSION OF TIME TO FILE  
SUGGESTION OF MOOTNESS AND UNOPPOSED MOTION TO LIFT  
ABEYANCE, DISMISS APPEAL, AND VACATE CIRCUIT COURT  
ORDER

Appellants Janet Nelums and Christopher Nelums hereby move  
Pursuant to Rule 263(b), SCACR, for a 60-day extension of Time  
Extraordinary circumstances or other justifiable reasons to file a

Motion.

1. Pursuant to Supreme Court Rules Rule 263(b), Appellants Janet Nelums and Christopher Nelums respectfully requests an extension of 60 days to and including November 10,2025,1 of the time to file a Motion for UNOPPOSED APPLICATION FOR AN EXTENSION OF TIME TO FILE SUGGESTION OF MOOTNESS AND UNOPPOSED MOTION TO LIFT ABEYANCE, DISMISS APPEAL, AND VACATE CIRCUIT COURT ORDER in this matter. In support of this request, counsel state as follows:

2. A party may raise a mootness challenge at any time during the litigation, including for the first time on appeal.

3. The principal grounds for vacatur include:

1. Mistake, inadvertence, surprise, or excusable neglect  
Newly discovered evidence
2. Fraud, misrepresentation, or other misconduct
3. Void judgment due to jurisdictional or due process defects
4. Judgment satisfied, released, or reversed
5. Extraordinary circumstances or other justifiable reasons

4. On September 19, 2024, Respondent's Local counselor Matthew A. Abee, SC Bar No. 101100, failure to Notify, Counsel shall timely inform the Clerk's Office whenever a change in circumstances, because "mootness is a doctrine related to subject matter jurisdiction," (Matter of Grand Jury Subpoenas, 72 N.Y.2d 307, 311 (1988)), it may be raised at any point in the litigation, Jenny Abbott Kitchings, Clerk of Court, Catherine S. Harrison,

Chief Deputy Clerk of Court, and Chief Judge H. Bruce Williams  
Court of Appeals

**5.** The duty to disclose mootness is part of a lawyer's boulder duty of candor to the tribunal

**6.** The Supreme Court can remand moot cases involving constitutional violations to ensure justice and uphold constitutional rights

**7.** a moot case is one which seeks to get a judgment on a pretended controversy, when in reality there is none, or a decision in advance about a right before it has been actually asserted and contested, or a judgment upon some matter which, when rendered, for any reason, cannot have any practical effect upon a then existing controversy." 14

**8.** A statute that purports to confer jurisdiction to decide a moot case is unconstitutional because it violates the case-or-controversy requirement enshrined in Article III, Section 2, of the U.S.

Constitution. Federal courts are courts of limited jurisdiction and may only adjudicate actual, live controversies where parties have adverse interests and substantial legal stakes.

**9.** Mootness in legal cases refers to the situation where a court can no longer provide a remedy because the issue at hand has become irrelevant or resolved

**10.** The Appellants file for a second 30-day extension of Time October 27, 2025, that a good cause to grant

**11.** Appellants Janet Nelums and Christopher Nelums hereby move Pursuant to Rule 263(b), SCACR, for a second 30-day extension of Time to November 7, 2025, in which to serve and file what the Court is Requesting from the appellants, The matter is currently Due on or before October the 8th 2025,

**12.** Catherine S. Harrison, Chief Deputy Clerk of Court Filed Oct 28, 2025, hereby extended until November 7, 2025. No Further Extensions will be granted absent extraordinary circumstances. On Nov 10, 2025, Respondent's Return to Third Requested Motion of Appellants to Extend Deadline to Serve, Procedural Due Process Defect

**13.** Respondent's Local counselor Matthew A. Abee, SC Bar No. 101100 Has Admitted In the pleadings that they represent, 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 Nov 10, 2025, Sept. 1, 2002, ..... Respondent,

14. See SUPREME COURT OF THE UNITED STATES ACHESON HOTELS, LLC v. LAUFER CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT No. 22–429. Argued October 4, 2023—Decided December 5, 2023, Held: This case is vacated as moot. The Court has the authority to address jurisdictional issues of mootness and standing in any order it chooses. **See Sinochem Int’l Co. v. Malaysia Int’l Shipping Corp.**, 549 U. S. 422, 431. And while the Court is sensitive to Acheson’s concern about litigants manipulating this Court’s jurisdiction, the Court is not convinced that Laufer abandoned her case in an effort to evade the Court’s review. Pp. 2–3. 50 F. 4th 259, vacated and remanded.

15. Common-law courts have long recognized the strict requirement that permits only cases presenting justiciable controversies to be decided. This is a jurisdictional limitation. If the parties are not adverse, if the controversy is hypothetical, or if the judgment of the court for some other reason cannot operate to grant any actual relief, the case is moot, and the court is without power to render a decision.

16. In the United States federal courts, this limitation is more than a rule of decision; it is a constitutional requirement. Article III, Section 2 of the Constitution confines the jurisdiction of

the federal judicial system to "cases" and "controversies." 3 A lawsuit which is, or has become, moot is neither a case nor a controversy in the constitutional sense and no federal court has the power to decide it.<sup>4</sup>

17. The defect in jurisdiction is so fundamental that a court will dismiss a case at any stage of the proceedings upon determining or being advised that it was either moot when commenced or became moot because of subsequent events.

18. The Supreme Court has gone so far as to recall its mandate, vacate a decree of affirmance, and dismiss the appeal after a considerable lapse of time upon being advised of facts indicating that the case was already moot when brought up on appeal. 10

19. a moot case is one which seeks to get a judgment on a pretended controversy, when in reality there is none, or a decision in advance about a right before it has been actually asserted and contested, or a judgment upon some matter which, when rendered, for any reason, cannot have any practical effect upon a then existing controversy." 14

### I. FICTITIOUS CONTROVERSIES

20. The classic variety of moot cases is a fictitious statement of "facts" dressed in the trappings of a bona fide lawsuit. An attempt to obtain a judicial ruling on a hypothetical question by this method will be dismissed as soon as the collusive character of the

proceeding becomes known to the court.<sup>15</sup> In addition to the constitutional requirement, an obvious consideration of public policy dictates this result. It is only in the atmosphere of an honest dispute involving real facts that a court can function with propriety. The adversary character of the proceeding is a "safeguard essential to the integrity of the judicial process." <sup>1</sup> This principle does not condemn a so-called "test case." The distinction is substantial. The Typical test cases involve a very lively dispute. Only the manner of conducting the litigation is amicable. Suits of this nature, far from being disapproved, have traditionally been encouraged by the courts. <sup>7</sup>

**21.** The law offices of Nelson Mullins Riley & Scarborough LLP, and its Counsels' concealment of DBNTC Prudentially Mootness Since (Nov. 18, 2009), Affirmed (May-11-2014), FDIC were prudentially moot. and Terminated as Third Tier Of 240 Mortgage Securitization Trust as Beneficiaries Created by IndyMac and IndyMac Federal,

**22.** SEC DBNTC foreign bank Trustee, a non-existent entity.

- DBNTC does exist. It is the successor to Banker's Trust, which was a legitimate national bank. Today, DBNTC operates under a national charter.
- But DBNTC is not a bank in the traditional sense. It does not make loans or accept deposits

**23.** Due Process of Defective service of process See  
RETURN TO SENDER EXHIBIT-A

24. On information and belief, pursuant to the United States Postal Service "Domestic Mail Manual Section S912, If the addressee an individual, the notice must be mailed to its last known post office address by certified mail, return receipt requested, as described in **Section S912**.

25. Appellants Submit to this Court on record their new forwarding address Janet Louise Nelums, Chris Nelums P.O. Box, 290942 Columbia, SC 29229

26. We fully trust in the justice system and believe that a fair review of the facts will demonstrate Our innocence.

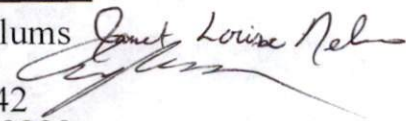
WHEREFORE Appellant prays for an order extending the time in which to serve And File the Motion for UNOPPOSED APPLICATION FOR AN EXTENSION OF TIME TO FILE SUGGESTION OF MOOTNESS AND UNOPPOSED MOTION TO LIFT ABEYANCE, DISMISS APPEAL, AND VACATE CIRCUIT COURT ORDER appellants Request from the Court

Respectfully submitted,

Wednesday, November 19, 2025.

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SC Court of Appeals

\_\_\_\_\_  
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Appellant pro se litigants



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed into Action No. **2024-001062** and served on this November 19<sup>th</sup>, 2025, as indicated on November 19, 2025, was served by Certified Registered which constitutes service on all parties.

The Honorable Kristi F. Curtis  
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Mr. Ben N. Miller, III  
Mckenzie Lybrand, LLP

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Richland County, Sheriff Leon Lott  
in His Official Capacity as The Sheriff of  
The Richland County Sheriffs Department  
and Civil Process Division  
5623 Two Notch Road Columbia, S.C. 29223  
phone: 803-576-3000.  
fax: 803-576-319

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in His Official Capacity as The Sheriff of  
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Hon, Mr. Daniel McLeod Coble  
ATTN: Chief Judge Richland County  
1701 Main Street  
Columbia, SC 29202.  
Office: (803) 576-1773  
[dcoblej@sccourts.org](mailto:dcoblej@sccourts.org)

**EXHIBIT-A**



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
CHIEF DEPUTY CLERK

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October 09, 2025

Janet Nelums  
813 N. Highland Forest Dr.  
Columbia SC 29203

Christopher Nelums  
813 N. Highland Forest Dr.  
Columbia SC 29203

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OCT 14 2025

SC Court of Appeals

Re: Deutsche Bank National Trust Company v. Janet L. Nelums  
Appellate Case No. 2024-001062

Dear Ms. Nelums and Mr. Nelums:

Upon reviewing your motion for an extension of time to serve and file the bound copies of the final brief of appellant and record on appeal, 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 your filing will not be considered:

- The required filing fee has not been submitted. The correct filing fee is \$50.00

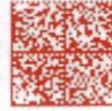
Very truly yours,

*Catherine Harrison, deputy*  
CLERK



**South Carolina Court of Appeals**  
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 COLUMBIA, SOUTH CAROLINA 29211

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JANET NELUMS  
 813 N. HIGHLAND FOREST DR.  
 COLUMBIA SC 29203



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 FORWARD TIME EXP RTH TO SEND  
 NELUMS, JANET L  
 1000 WILLIAM LAKES DR APT 11303  
 COLUMBIA SC 29203-0872  
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