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Apr 30 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

Robert E. Lee, Special Referee

Appellate Case No. 2026-000295

U.S. Bank National Association, as Trustee, on behalf of the COLT 2020-3 Mortgage Loan
Trust, a New York common law trust.,

Respondent,

v.

Antonio F. Rogers; Barbara H. Rogers; Wild Bird Run Homeowners Association, Inc.,

Defendants,

Of which Antonio F. Rogers and Barbara H. Rogers are the Appellants.

RESPONDENT'S MOTION TO DISMISS APPEAL AND MEMORANDUM IN SUPPORT

Chad W. Burgess, Esq.
(S.C. Bar No.: 72520)
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Attorney for Respondent

NOW COMES Respondent U.S. Bank National Association, as Trustee, on behalf of the COLT 2020-3 Mortgage Loan Trust, a New York common law trust. (“U.S. Bank” or “Respondent”), by and through its undersigned attorney, and pursuant to Rule 260 of the South Carolina Appellate Court Rules, hereby moves this Court for an Order dismissing the instant appeal filed by Antonio F. Rogers and Barbara H. Rogers (“Rogers” or “Appellants”), averring as follows:

BRIEF PROCEDURAL HISTORY

This matter is an action for foreclosure of a mortgage on real property located in Florence County, South Carolina. U.S. Bank’s Complaint was filed August 8, 2022. The matter was initially referred to The Honorable Haigh Porter as Master in Equity for Florence County on October 13, 2022. Appellants submitted what can only be described as sovereign citizen filings and filed an unfounded grievance against Judge Porter, prompting an order of recusal filed November 9, 2023.

The case was referred to Robert E. Lee, as Special Referee for Florence County on November 14, 2023. A bench trial was held on April 29, 2024. On August 23, 2024, the Special Referee entered judgment in favor of U.S. Bank. The Appellants were served with written notice of the entry of the Special Referee’s order on that same day. Appellants filed a document entitled Notice of Appeal with the Circuit Court on September 3, 2024, where they specifically acknowledged entry of the Special Referee’s Order. The document was not accompanied by a certificate of service. Further, Appellants did not file their September 3, 2024 Notice of Appeal with the Court of Appeals and no appellate case was opened. The Special Referee conducted a foreclosure sale on December 3, 2024, with U.S. Bank being the successful purchaser.

A brief discussion of Appellants' vexatious litigation regarding the subject loan, which predates the subject foreclosure, is warranted here. Appellants' frivolous filings related to the loan began August 4, 2024 with the filing of an action in the US District Court and have continued since as outlined below:

1. *Barbara Rogers v. Caliber Home Loans, et al.* (4:21-cv-02442-RBH) – Filed August 4, 2021, and summarily dismissed September 7, 2021, for failure to submit a court-required application to proceed without paying filing fees.
2. *Barbara Rogers v. Select Portfolio Servicing* (4:22-cv-00326-RBH) – Filed February 2, 2022, and summarily dismissed May 12, 2022, based on Rogers' failing to show how the U.S. District Court had jurisdiction over the case after having been given ample opportunity to do so.
3. *Barbara Hannah Rogers v. Caliber Home Loans, et al.* (4:22-cv-03771-RBH) – Filed October 31, 2022 and summarily dismissed December 20, 2022 based upon Rogers' failure to state facts sufficient to state a cause of action and failure to show how the U.S. District Court had jurisdiction over the case after having been given ample opportunity to do so.
4. *Antonio F. Rogers and Barbara H. Rogers v. U.S. Bank, National Association, et al.* (4:24-cv-04811-SAL) - Filed September 4, 2024, as a purported appeal in the United States District Court to the Special Referee's order in favor of Respondent. A copy of the Special Referee's August 23, 2024, order was attached to this complaint. This action was summarily dismissed June 30, 2025, based upon the U.S. District Court lacking authority to review the state-court judgment in favor of U.S. Bank.
5. *Barbara Hannah Rogers. v. U.S. Bank, et al.* (4:25-cv-12274-SAL) – Filed September 5, 2025, and summarily dismissed November 5, 2025 based upon Rogers' failure to state facts sufficient to state a cause of action and failure to show how the U.S. District Court had jurisdiction over the case after having been given ample opportunity to do so.

Appellants filed this appeal on February 11, 2026, in an apparent attempt to avoid eviction proceedings by U.S. Bank.

ARGUMENT AND CITATION OF AUTHORITY

In South Carolina, timely service of a notice of appeal is a jurisdictional requirement. *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004). Appellants were provided written notice of the entry of the Special Referee’s order granting judgment to Respondent on August 23, 2024. The subject appeal was not filed until February 11, 2026, without proof of service. Appellants filed an amended notice of appeal on March 2, 2026 showing purported service of the appeal on February 9, 2026, more than year after the Special Referee’s August 23, 2024 order granting judgment to respondent and more than a year after the foreclosure sale. It is unclear from Appellants’ filings what order from the lower court Appellants are challenging. The documents Appellants purport to be the orders on appeal appear to be an affidavit of default filed October 6, 2022, Respondent’s motion for summary judgment filed May 9, 2023, and the Special Referee’s report on sale filed January 14, 2025. All of these documents were entered in the lower court well over a year before the appeal was served. There is simply no order of the Circuit Court that could timely be challenged by this appeal. Based on the foregoing, the Court is without jurisdiction to entertain the Appellants’ untimely appeal.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this appeal be dismissed, preserves its right to have the full record available if the appeal proceeds, and requests such other relief this Court deems just and proper.

[SIGNATURE PAGE TO FOLLOW]

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Respectfully Submitted,

s/Chad W. Burgess
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Attorney for Respondent

Dated: April 30, 2026

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 30, 2026, he served a copy of Respondent's Motion to Dismiss Appeal and Memorandum in Support, and Certificate of Service by Mail upon the person below by depositing the same in the U.S. Mail with proper postage affixed and addressed as follows:

Antonio F. Rogers
2988 Wild Turkey Drive
Effingham, SC 29541

Barbara H. Rogers
2988 Wild Turkey Drive
Effingham, SC 29541

Served By:

s/Chad W. Burgess
Chad W. Burgess, Esq. (SC Bar No: 72520)
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