

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

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SC Court of Appeals

U.S. Bank Trust National Association, as Trustee of Tiki Series IV Trust,
Respondent,

v.

Angela T. Franks aka Angela Thomansina Franks and CMS Roofing, LLC,
Defendants,

Of which Angela T. Franks aka Angela Thomansina Franks is the Appellant.

Appellate Case No. 2024-000917

Appeal from Richland County
Joseph M. Strickland, Master-in-Equity

**APPELLANT'S NOTICE OF RESPONDENT'S FINAL-BRIEF DEFAULT,
OBJECTION TO ANY LATE RESPONDENT FILING,
AND RENEWED MOTION TO DISMISS WITH PREJUDICE;
ALTERNATIVELY, TO PROCEED WITHOUT CONSIDERATION OF
RESPONDENT'S FINAL BRIEF**

Appellant, Angela T. Franks, pro se, respectfully files this Notice and Renewed Motion to advise the Court that the Respondent is already in final-brief default, to object to any late respondent filing that is not supported by strict compliance with the Court's May 29, 2026 directive and Rule 211, SCACR, and to ask the Court to impose the strongest appropriate consequence. Appellant respectfully submits that dismissal with prejudice is the most appropriate relief. Alternatively, if the Court declines to dismiss with prejudice at this stage, Appellant requests that the Court proceed without consideration of any respondent final brief if the respondent does not cure the default in the manner ordered by the Clerk.

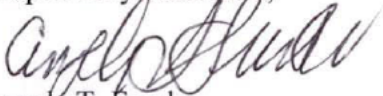
1. Appellant served the Record on Appeal on April 24, 2026 and served Appellant's Final Brief on May 4, 2026.
2. Rule 211(a), SCACR, required Respondent to serve and file its final brief within twenty (20) days after service of the Record on Appeal. Using the April 24, 2026 service date, Respondent's final brief was due on May 14, 2026.
3. On May 29, 2026, the Clerk issued a default letter to Respondent's counsel expressly stating: "Our records reflect that the time for serving and filing the respondent's final brief has expired." The Clerk further directed Respondent to file its final brief within ten days of the date of the letter, together with a motion requesting permission to serve and file the respondent's final brief outside the Rule 211 deadline, and advised that if those materials were not filed within ten days, the Court would proceed without consideration of Respondent's brief.
4. This default is not occurring in a case where Respondent lacks counsel or is unfamiliar with appellate procedure. To the contrary, the Court's April 30 and May 29 correspondence identifies multiple attorneys representing Respondent. Respondent is represented by seasoned counsel and law firms experienced in South Carolina appellate and foreclosure practice.
5. Appellant, by contrast, is proceeding pro se. Yet Appellant complied with the Court's directives by correcting the amended Record on Appeal deficiency identified by the Clerk, serving and filing the amended Record on Appeal, and serving and filing Appellant's Final Brief and required bound copy.
6. In these circumstances, Respondent's failure to comply with the final-brief deadline should not be lightly excused. Whether deliberate or the product of indifference, the effect is the same: delay, unnecessary expenditure of Court resources, and unfair procedural burden on a pro se appellant who has complied with the rules.
7. Rule 208(a)(4), SCACR, provides that upon the failure of respondent to timely file a brief, the appellate court may take such action as it deems proper. Appellant respectfully submits that the Court should take the strongest appropriate action here. A procedural default by represented, experienced counsel should not be overlooked where the same Court expects full compliance from a pro se litigant.
8. Appellant's Final Brief lays out the merits in clear terms. Appellant has argued that the foreclosure judgment rests on a defective and disputed record, including the contradiction between the Order's recital that testimony was taken and the record showing there was no court reporter and no transcript. Respondent's failure to timely defend that judgment on final briefing further supports Appellant's request that the matter be dismissed with prejudice.
9. Appellant recognizes that the Clerk has afforded Respondent a short cure period. Appellant therefore asks the Court now to make clear that any late respondent filing must strictly comply with the Clerk's May 29, 2026 directive, including a motion for leave and a showing of good cause. Appellant further asks that, if the default is not cured in exact compliance with that

directive, the Court proceed without considering Respondent's final brief and weigh Respondent's default in favor of granting the dismissal with prejudice requested by Appellant on the merits.

WHEREFORE, Appellant respectfully requests that this Court:

- (a) take notice that Respondent is already in final-brief default;
- (b) deny or strike any late respondent final brief that is not accompanied by a proper motion for leave and a showing of good cause;
- (c) if Respondent does not timely cure in exact compliance with the Clerk's May 29, 2026 directive, proceed without consideration of Respondent's final brief;
- (d) grant Appellant's renewed request that the foreclosure action be dismissed with prejudice; and
- (e) grant such other and further relief as the Court deems just and proper.

Respectfully submitted,


Angela T. Franks
Appellant, pro se
P.O. Box 983
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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing Notice and Renewed Motion upon counsel of record by United States Mail, postage prepaid, and/or authorized electronic service on the 9th day of June, 2026, addressed as follows:

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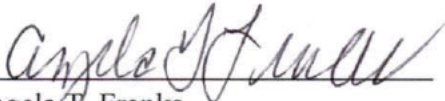
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