THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Master-in-Equity

Appellate Case No. 2024-000917

RECEIVED
JUL 23 2026
SC Court of Appeals

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

v.

Angela T. Franks, ……
……...……...……..……Appellant.

RESPONDENT'S MOTION TO DISMISS APPEAL BASED ON APPELLANT'S FAILURE TO COMPLY WITH THE COURT OF APPEALS' JULY 2, 2026 ORDER

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Pro Se Appellant

PROCEDURAL HISTORY IN THE COURT OF APPEALS

This is a mortgage foreclosure action in which the appellant, Angela T. Franks ("Franks"), has appealed the master-in-equity's judgment of foreclosure and sale entered on May 15, 2024. Franks filed her initial brief and designation of matter in this appeal on December 9, 2024. By an order dated January 21, 2025, the respondent, U.S. Bank Trust National Association, as Trustee of the Tiki Series IV Trust ("U.S. Bank"), was granted until February 10, 2025, to file its initial brief. On February 7, 2025, U.S. Bank filed a motion to dismiss Franks's appeal based on Franks's failure to comply the requirements for filing an initial brief and designation of matter. On April 8, 2025, the Court of Appeals issued an order denying the motion to dismiss but striking Franks's initial brief and designation of matter. The April 8, 2025, order required Franks, within twenty days, to serve and file an amended initial brief and designation of matter that substantially comply with the South Carolina Appellate Court Rules. On April 25, 2025, Franks filed a motion for extension of time to file her amended initial brief and designation of matter, and by an order issued on April 28, 2025, the Court of Appeals granted this motion. Franks filed a second motion for an extension of time to file her amended initial brief and designation of matter on May 28, 2025, and by an order issued on May 29, 2025, the Court of Appeals granted Franks's motion. On July 1, 2025, Franks filed her amended initial brief and designation of matter. On July 28, 2025, Franks filed a motion to submit a revised amended initial brief. U.S. Bank, on July 29, 2025, filed a motion for an extension of time to file and serve a response to Franks's amended initial brief. On September 2, 2025, the Court of Appeals issued an order granting Franks's motion to amend her amended initial brief and designation of matter and accepting the amended initial brief and designation of matter "as filed." The September 2, 2025, order required U.S. Bank to serve and file its initial brief and designation of matter within thirty days. By a motion filed on September 29, 2025, U.S. Bank

again moved to dismiss Franks's appeal for failing to comply with the requirements for filing an initial brief and designation of matter. By an order filed on November 3, 2025, the Court of Appeals issued an order denying U.S. Bank's motion to dismiss the appeal but striking Franks's designation of matter, with the order noting that the record on appeal should not include matter that was not presented to the lower court.

On December 22, 2025, Franks filed her amended designation of matter. On January 21, 2026, U.S. Bank filed its initial brief, and on January 22, 2026, U.S. Bank filed its designation of matter. On February 13, 2026, Franks filed her initial reply brief. On April 24, 2026, Franks filed a record on appeal that consisted of 312 pages. On May 13, 2026, Franks filed her final brief. On May 13, 2026, the Court of Appeals issued an order regarding a deficiency with the cover of the record on appeal and requested that Franks correct the deficiency. On May 29, 2026, the Court of Appeals issued an order to U.S. Bank regarding U.S. Bank's overdue final brief and required U.S. Bank to respond within ten days.

On June 8, 2026, U.S. Bank filed a motion to strike Franks' final brief on the grounds that the final brief filed by Franks May 13, 2026, did not comply with Rule 211(b), SCACR, because Franks's final brief was not identical to the amended initial brief that Franks submitted on July 1, 2025, except for the references to the record and the correction of typographical errors. In its filing on June 8. 2026, U.S. Bank also noted the many ways that Franks' record on appeal did not comply with the South Carolina Appellate Court Rules. On July 2, 2026, the Court of Appeals issued an order granting U.S. Bank's motion to strike Franks' final brief and also striking the record on appeal filed by Franks. The July 2, 2026, Court of Appeals' order required Franks to submit her final brief, final reply brief, and the second amended record on appeal within ten days of the date

of the order. Franks filed her amended final brief on July 13, 2016, but has not filed the second amended record on appeal.

RESPONDENT'S MOTION TO DISMISS APPELLANT'S APPEAL

U.S. Bank moves to dismiss Franks' appeal on the basis Franks has failed to comply with the July 2, 2026, order from the Court of Appeals. It has now been twenty days since the July 2, 2026, order, and Franks has not complied with the order by submitting her second amended record on appeal. U.S. Bank would not have filed this motion if this was the only time, or even one of the few times, Franks had failed to comply with the South Carolina Appellate Court Rules ("SCACR"). U.S. Bank also would not have filed this motion if Franks' failures to comply were minor in nature. However, the procedural history in this case reveals that Franks has on multiple occasions failed to comply with the SCACR, and that those failures were, for the most part, not minor in nature.

After Franks filed her first initial brief and designation of matter, U.S. Bank filed a motion to dismiss the appeal because Franks' initial brief and designation of matter failed to comply with the SCACR. On April 8, 2025, the Court of Appeals issued an order denying U.S. Bank's motion to dismiss but striking Franks' initial brief and designation of matter and requiring Franks, within twenty days, to submit an initial brief and designation of matter that complied with the SCACR. After Franks submitted her amended initial brief and amended designation of matter, U.S. Bank again moved for the appeal to be dismissed because these amended documents did not comply with the SCACR. On November 3, 2025, the Court of Appeals issued an order denying U.S. Bank's second motion to dismiss the appeal, but this order struck Franks's amended designation of matter and required Franks to submit another amended designation of matter that did not include matter that was not presented to the lower court. Instead of complying with this November 3,

2025, order, Franks filed an amended designation of matter and a record on appeal that, as noted by the affidavit filed with U.S. Bank's June 8, 2026, motion, were not received by U.S. Bank's attorney. The record on appeal filed by Franks was a confusing 312 page jumble of documents that did not contain an index referencing the documents. The record on appeal contained partial portions of some documents, duplicates of other documents, and documents that were not submitted to the lower court. The July 2, 2026, order from the Court of Appeals required Franks to, within ten days of the date of this order, "serve and file a second amended record on appeal that includes an accurate index and all matters designated by the parties but does not include any matters not presented to the circuit court." It has been twenty days since the date of the July 2, 2026, order, and Franks has failed to serve and file the second amended record on appeal.

This is one of many times during this appeal that Franks has failed to comply with the South Carolina Appellate Court Rules and with orders from the Court of Appeals, therefore, U.S. Bank moves that this appeal be dismissed.

Respectfully submitted,

/s/ *Dean A. Hayes*
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Attorney for Respondent

July 22, 2026

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JUL 23 2026
SC Court of Appeals

APPEAL FROM THE RICHLAND COUNTY
COURT OF COMMON PLEAS

The Honorable Joseph M. Strickland, Master-in-Equity
Civil Action Number: 2022-CP-40-02905

Appellate Case No.: 2024-000917

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

vs.

Angela T. Franks.....Appellant.

PROOF OF SERVICE

I hereby certify that on July 22, 2026, I served Respondent's Motion to Dismiss Appeal Based on Appellant's Failure to Comply with the Court of Appeals' July 2, 2026 Order by mailing it to the pro se Appellant and emailing it to other counsel of record at the address noted below:

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Appellant

s/ Dean A. Hayes

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SC Court of Appeals

July 22, 2026

South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: U.S. Bank Trust National Association, as Trustee, Respondent v. Angela T Franks, Appellant
Appellate No.: 2024-000917
MTB File No.: 22350.1.2

Dear Court of Appeals:

On behalf of the respondent, U.S. Bank Trust National Association, as Trustee, we submit motion to dismiss the appeal based on Appellant's failure to comply with the Court of Appeals' July 2, 2026 Order.

Please let me know if you have any questions. My direct telephone number is (803) 724-5006, and my email address is dean.hayes@mccabetrotter.com.

Sincerely,

s/ Dean Hayes

Dean Hayes

cc: Angela T. Franks
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