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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Alan D. Clemmons, Master In Equity

Case No. 2026-000925

Deutsche Bank Trust Company Americas, as Trustee for
Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-
Through Certificates, Series 2006-QS10,

Respondent,

v.

Sophia V. Brown a/k/a Sophia Victoria Brown; Rosetta S. Bethea;
Conway Hospital Inc., d/b/a Conway Medical Center; North Mill
Equipment Finance, LLC; and Republic Finance, LLC,

Defendants,

Of whom Sophia V. Brown a/k/a Sophia Victoria Brown is the

Appellant.

RETURN TO APPELLANT'S MOTION TO PROCEED UNDER RULE 210(C), SCACR

Chad W. Burgess, Esq.
(S.C. Bar No.: 72520)
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(803) 454-3540
Attorney for Respondent

NOW COMES Respondent, Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2006-QS10 (“Respondent” or “Deutsche Bank”), by and through its undersigned attorney, and pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, hereby submits its Return to the Motion to Proceed under Rule 210(C), SCACR filed by Sophia V. Brown a/k/a Sophia Victoria Brown (“Appellant” or “Brown”), averring as follows:

BRIEF PROCEDURAL HISTORY

This matter is an action to foreclose a mortgage on real property located in Horry County, South Carolina. On or about July 17, 2006, Rosetta S. Bethea was loaned the principal sum of \$115,200.00 by Homecomings Financial Network, which indebtedness was evidenced by a promissory note (the “Note”) and secured by a mortgage on real property owned by Appellant and Rosetta S. Bethea, commonly known as 1037 Morningdale Street, South Carolina 29526 (the “Mortgage”). The Note and Mortgage are collectively referred to herein as the “Loan.” The Mortgage was recorded on July 18, 2006, in the Horry County Register of Deeds in Book 4620, at Page 167.

The Note and Mortgage were subsequently transferred to Respondent. The installments of principal and interest due from and after April 1, 2023, were not paid, placing the Loan in default. Respondent filed its foreclosure complaint on October 24, 2024.

The matter was referred to the Honorable Alan D. Clemmons, Master in Equity for Horry County. A bench trial was held on February 5, 2026. On March 17, 2026, the Master in Equity entered an order granting Respondent judgment of foreclosure.

This appeal followed. The appeal was subsequently stayed based upon the Chapter 7 bankruptcy filing of Defendant Rosetta S. Bethea on May 28, 2026, in the United States Bankruptcy Court for the District of South Carolina, Case No. 26-02412-jd. The bankruptcy case was discharged on September 4, 2026.

On September 14, 2026, Appellant filed the subject Motion seeking permission to proceed under Rule 210(c), SCACR, by means of a purported “Statement of Evidence,” asserting that the transcript is unobtainable.

ARGUMENT AND CITATION OF AUTHORITY

I. Appellant has not established any basis to dispense with the transcript required by Rule 207(a)(1), SCACR.

Rule 207(a)(1), SCACR, expressly provides that, unless the parties otherwise agree in writing, an appellant must order a transcript of the entire proceedings below. The Rule further provides that, where a transcript is required, the appellant must make satisfactory arrangements in writing with the court reporter for furnishing the transcript.

Appellant's own motion establishes that she contacted the court reporter, Kathryn Bostrom, regarding preparation of the transcript. According to Appellant, the court reporter provided an estimate for preparation of the transcript, after which Appellant requested an estimate for a partial transcript limited to portions of the hearing that Appellant contends are necessary for appellate review.

Those circumstances do not establish that the transcript is “unobtainable.” To the contrary, they establish that Appellant contacted the court reporter concerning preparation of the transcript

and received an estimate for its preparation. The South Carolina Judicial Branch likewise recognizes that, after a transcript request is received, the court reporter is to acknowledge the request and provide an estimated cost, and Rule 207 establishes the applicable procedure for preparation and delivery of the transcript.

Appellant has not established a written agreement contemplated by Rule 207(a)(1) that would permit her to order less than the entire transcript. Respondent has not agreed in writing to a partial transcript. Indeed, Appellant has not contacted the undersigned counsel to request Respondent's agreement to proceed with less than the entire transcript.

Accordingly, the express exception in Rule 207(a)(1) has not been established. The Rule requires the entire transcript unless the parties otherwise agree in writing.

II. Rule 210(c), SCACR governs the contents of the Record on Appeal; it does not itself provide an exception to Rule 207's transcript requirement.

Appellant's reliance upon Rule 210(c), SCACR, does not cure her failure to comply with Rule 207(a)(1). Rule 210(c) addresses the contents and organization of the Record on Appeal. It provides that the Record shall include the matter properly designated under Rule 209 and, subject to the Rule's requirements, includes the transcript among the materials comprising the appellate record.

Likewise, Rule 209 permits a party to designate specific portions of a transcript and other materials for inclusion in the Record on Appeal; it does not eliminate the requirement that the transcript be ordered in accordance with Rule 207.

Thus, Appellant cannot rely upon Rule 210(c) as an independent basis for avoiding the transcript requirement imposed by Rule 207(a)(1). To the extent Appellant is asking this Court to permit some alternative means of reconstructing the evidence presented at trial, Appellant has not identified a rule or other authority establishing that the circumstances presented here justify such relief. Rule 212(a), SCACR, for example, addresses supplemental materials and permits the appellate court to require a report of the trial or hearing to be made by the trial judge or administrative tribunal. Appellant has not established that such extraordinary relief is warranted here.

III. Appellant has not demonstrated that the transcript is unavailable; her motion instead indicates that Appellant has elected not to obtain it.

Appellant's assertion that the transcript is “unobtainable” is unsupported by the circumstances described in her Motion and affidavit. Appellant does not identify any statement from the court reporter that the transcript cannot be prepared. Nor does Appellant identify any refusal by the court reporter to prepare the transcript, any failure by the court reporter to comply with the applicable production requirements, or any order or other circumstance preventing preparation of the transcript.

Instead, Appellant's Motion indicates that she requested an estimate for the transcript and then sought an estimate for a partial transcript. A cost estimate does not establish that a transcript is unavailable. If Appellant contends that the transcript cannot be obtained for some reason other than cost, she has not identified that reason or supported it with competent evidence.

Moreover, Appellant has not explained why a partial transcript would be adequate for appellate review or identified the specific portions of the proceedings that she contends are necessary. More importantly, Respondent has not agreed in writing to proceed on a partial transcript, as contemplated by Rule 207(a)(1).

Our courts have repeatedly recognized that an appellant bears responsibility for providing a sufficient record from which the appellate court can conduct meaningful review. *Harkins v. Greenville County*, 340 S.C. 606, 533 S.E.2d 886 (2000); *see also Goode v. St. Stephens United Methodist Church*, 329 S.C. 433, 494 S.E.2d 827 (Ct.App.1997); *see also* Rule 210(h), SCACR (providing that, subject to specified exceptions, the appellate court will not consider facts that do not appear in the Record on Appeal).

Appellant should not be permitted to avoid that responsibility merely by asserting, without adequate explanation or evidentiary support, that the transcript is “unobtainable.”

IV. At a minimum, Appellant should first be required to comply with Rule 207(a)(1), SCACR.

If this Court determines that Appellant has not forfeited her right to seek alternative relief, Respondent respectfully submits that the appropriate course is to require Appellant to comply with Rule 207(a)(1) by ordering the transcript of the entire proceedings, unless the parties thereafter agree otherwise in writing. This approach is consistent with the plain language of Rule 207(a)(1) and preserves the ability of the appellate court to conduct meaningful review based upon an adequate record.

Respondent further notes that the Rules provide consequences for an appellant's failure to comply with the appellate rules. Rule 260(a), SCACR, provides for involuntary dismissal when it appears that an appellant has failed to comply with the requirements of the South Carolina Appellate Court Rules.

Accordingly, Respondent requests that, if Appellant fails to comply with the Court's directive or otherwise fails to comply with the applicable appellate rules, Respondent be permitted to seek such further relief, including dismissal of the appeal, as may then be appropriate.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that this Court deny Appellant's Motion to Proceed under Rule 210(c), SCACR, and require Appellant to order the transcript of the entire proceedings below pursuant to Rule 207(a)(1), SCACR, unless the parties otherwise agree in writing. If Appellant fails to timely comply with the applicable appellate rules after being directed to do so, Respondent respectfully submits that dismissal would be appropriate. Respondent further requests such other and further relief as this Court deems just and proper.

Respectfully submitted,

BROCK AND SCOTT, PLLC

s/Chad W. Burgess

S.C. Bar No.: 72520

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Attorney for Respondent

Dated: September 24, 2026

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Defendants,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 24, 2026, she served a copy of Respondent's Return to Appellant's Motion to Proceed under Rule 210(c), SCACR, 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:

Sophia V. Brown a/k/a Sophia Victoria Brown
1140 Woodruff Road, Ste 106-155
Greenville, SC 29607


Lauren Guy
BROCK & SCOTT, PLLC