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Sep 25 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Deutsche Bank Trust Company Americas, as Trustee for RALI 2006-QS10,

Respondent,

v.

Sophia V. Brown; Rosetta S. Bethea,

Defendants,

of whom **Sophia V. Brown** is the Appellant.

**APPELLANT’S REPLY TO RESPONDENT’S RETURN TO MOTION TO
PROCEED UNDER RULE 210(c), SCACR**

Appellate Case No. 2026-000925

Sophia V. Brown (Appellant), respectfully submits this Reply to Respondent’s Return filed on September 24, 2026, and states as follows:

**I. Respondent’s Return Misstates the Circumstances Regarding the
Transcript’s Availability**

Respondent asserts that Appellant “elected not to obtain” the transcript and that the transcript is not “unobtainable.” This characterization is inaccurate.

Appellant’s Motion and supporting affidavit establish that:

- Appellant contacted the office of court reporter, Kathryn Bostrom, upon receiving the Court’s June 17, 2026 order.
- A representative from Ms. Bostrom’s office provided an estimate for the full transcript.
- Appellant then requested an estimate for a partial transcript limited to the portions necessary for appellate review.
- A representative from Ms. Bostrom’s office **informed Appellant that she would not prepare partial transcripts and voided the estimate.**

The reporter’s refusal to prepare partial transcripts and her voiding of the estimate constitute a **practical unavailability** of the transcript in the form required by Rule 207(a)(1). Respondent’s Return omits this critical fact.

Appellant did not “elect” anything. The reporter declined to proceed.

II. Respondent Incorrectly Suggests Rule 210(c) Cannot Substitute Transcript Production Under Rule 207

Respondent argues that Rule 210(c) “does not provide an exception” to Rule 207(a)(1). This misstates the function of Rule 210(c).

Rule 210(c) exists **precisely** to address situations where:

- a transcript is unavailable,
- a transcript cannot be produced,
- a transcript cannot be obtained in the form required,
- or the record must be reconstructed.

Rule 210(c) authorizes the use of a **Statement of Evidence** when the transcript cannot be included in the Record on Appeal. Respondent’s interpretation would render Rule 210(c) meaningless.

Appellant has demonstrated compliance with Rule 207(a)(1) and has shown that the transcript is unobtainable in the form required. Rule 210(c) is therefore the appropriate mechanism.

III. Respondent’s Return Ignores the Reporter’s Refusal and the Court’s Prior Order

Respondent asserts that Appellant “has not identified any refusal by the court reporter.” This is incorrect.

Appellant’s affidavit states that:

- the reporter refused to prepare partial transcripts,
- the reporter voided the estimate,
- the reporter declined to proceed further.

These facts directly contradict Respondent’s assertion.

Appellant complied with the Court’s June 17 order by contacting the reporter, requesting estimates, and attempting to secure the transcript. The reporter’s refusal is the reason the transcript is unobtainable.

IV. Bankruptcy Discharge Complicates Transcript Payment and Undermines Respondent's Argument

Respondent's Return ignores a critical fact: **the borrower, Rosetta S. Bethea, received a Chapter 7 discharge on September 4, 2026.**

Under 11 U.S.C. § 524(a), a discharged debtor cannot be compelled to pay any debt or expense arising from the mortgage obligation or the foreclosure litigation. Transcript costs arise directly from the foreclosure proceedings and therefore **cannot be imposed upon the discharged borrower.**

Appellant is the successor-in-interest and POA, but **not** the borrower. Transcript payment obligations under Rule 207(a)(1) traditionally fall upon the borrower, who in this case is legally prohibited from paying.

Respondent's assertion that Appellant "elected not to obtain" the transcript disregards this legal barrier. The prohibition of the discharged borrower to pay, combined with the reporter's refusal to prepare partial transcripts and voiding of the estimate, demonstrates that the transcript is **unobtainable in the form required** under Rule 207(a)(1).

Rule 210(c) exists precisely to prevent an appeal from being foreclosed due to transcript unavailability or legal barriers to transcript production.

V. Respondent's Argument Regarding Written Agreement Under Rule 207(a)(1) Is Misleading

Respondent argues that Appellant cannot proceed with a partial transcript because Respondent has not agreed in writing.

Rule 207(a)(1) establishes a **default rule**, not an absolute prohibition.

The Court of Appeals retains inherent authority to:

- authorize partial transcripts,
- authorize alternative record reconstruction,
- authorize a Statement of Evidence under Rule 210(c),
- or direct the trial judge to prepare a report under Rule 212(a).

Respondent's refusal to agree in writing does not bar the Court from granting relief under Rule 210(c).

VI. Respondent's Threat of Dismissal Is Premature and Unsupported

Respondent requests dismissal under Rule 260(a) if Appellant does not comply with Rule 207(a)(1). This request is premature.

Appellant:

- complied with the Court's prior order,
- contacted the reporter,
- attempted to obtain the transcript,
- attempted to obtain a partial transcript,
- received a refusal from the reporter,
- filed a motion under Rule 210(c) supported by affidavit.

Dismissal is not appropriate where the appellant has acted in good faith, and the transcript is unobtainable due to circumstances outside the appellant's control.

VII. The Issues on Appeal Are Narrow and Appropriate for a Rule 210(c) Statement of Evidence

Appellant's appeal raises **narrow, legally-focused issues** that do not require a full transcript of the proceedings. These issues include:

1. **Standing and chain-of-title defects**, which are based on documentary evidence, assignments, and the Master's rulings.
2. **Loan accounting and balloon-payment irregularities**, which rely on exhibits and the Master's findings rather than extensive testimonial evidence.
3. **Admission and exclusion of evidence**, which can be accurately reconstructed through a Statement of Evidence.
4. **Errors in the Master's Findings of Fact and Conclusions of Law**, which are contained in the written foreclosure order.
5. **Servicing and escrow disputes**, which were addressed through exhibits and limited testimony.
6. **Procedural irregularities occurring at trial**, which can be summarized without requiring a verbatim transcript.

These issues are **precisely the type** contemplated by Rule 210(c), which allows reconstruction of the record when a transcript is unavailable or unobtainable. A full transcript is not necessary for meaningful appellate review of these narrow issues.

VIII. Appellant's Motion Properly Invokes Rule 210(c), and Relief Is Warranted

Appellant has:

- demonstrated good-faith compliance with Rule 207(a)(1),
- shown that the transcript is unobtainable in the form required,
- supported the motion with an affidavit,
- identified narrow issues appropriate for a Statement of Evidence

Rule 210(c) is the appropriate mechanism for resolving this issue and ensuring meaningful appellate review.

CONCLUSION

For the foregoing reasons, Appellant respectfully requests that the Court:

- 1. Grant Appellant's Motion to Proceed Under Rule 210(c), SCACR;**
- 2. Authorize Appellant to submit a Statement of Evidence;**
- 3. Direct Respondent to participate in the Rule 210(c) process;**
- 4. Deny Respondent's request to compel full transcript production;**
- 5. Deny Respondent's request for dismissal.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sophia V. Brown', with a stylized flourish at the end.

Sophia V. Brown

Appellant

September 25, 2026

EXHIBIT A

SUPPLEMENTAL AFFIDAVIT OF SOPHIA V. BROWN

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Appellate Case No. 2026-000925

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SC Court of Appeals

SUPPLEMENTAL AFFIDAVIT OF SOPHIA V. BROWN

I, **Sophia V. Brown**, declare under penalty of perjury that the following is true and correct:

1. I am the Appellant in this matter and submit this Supplemental Affidavit in support of my Motion to Proceed Under Rule 210(c), SCACR.

2. I contacted the office of court reporter, Kathryn Bostrom, after receiving the Court's June 17, 2026 order.

I was provided an estimate for preparation of the full transcript.

3. I requested an estimate for a partial transcript limited to the portions necessary for appellate review.

This request was made in good faith and in accordance with Rule 207(a)(1), SCACR, which permits partial transcripts when appropriate.

4. A representative from Ms. Bostrom's office informed me that she would not prepare partial transcripts and subsequently voided the estimate.

Her office declined to proceed further. I did not refuse to obtain the transcript; the transcript became unobtainable in the form required.

5. My mother, Rosetta S. Bethea, received a Chapter 7 bankruptcy discharge on September 4, 2026.

She is the borrower on the underlying mortgage loan.

6. Under 11 U.S.C. § 524(a), a discharged debtor cannot be compelled to pay any debt or expense arising from the mortgage obligation or the foreclosure litigation.

Transcript costs arise directly from the foreclosure proceedings. Because of the discharge injunction, my mother cannot legally be required to pay for the transcript.

7. I am the successor-in-interest and Power of Attorney, but I am not the borrower.

Transcript payment obligations under Rule 207(a)(1) traditionally fall upon the borrower, who in this case is legally prohibited from paying.

This creates a legal barrier to transcript production that is outside my control.

8. I attempted in good faith to comply with the Court's prior order by contacting the reporter, requesting estimates, and attempting to secure the transcript.

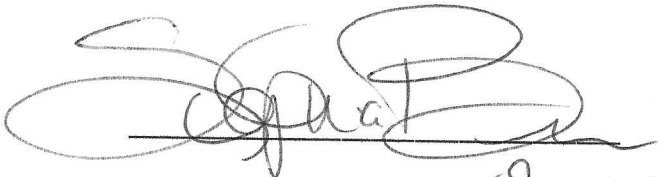
The transcript is unobtainable due to:

- the reporter's refusal to prepare partial transcripts,
- the voiding of the estimate, and
- the borrower's bankruptcy discharge.

9. The issues on appeal are narrow and legally focused and can be accurately reconstructed through a Statement of Evidence under Rule 210(c).

A full transcript is not necessary for meaningful appellate review.

10. I respectfully request that the Court grant my Motion to Proceed Under Rule 210(c), authorize submission of a Statement of Evidence, and deny Respondent's request to compel full transcript production or dismissal.

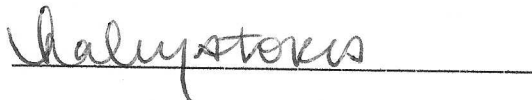


Sophia V. Brown

Sophia Brown

Appellant

Subscribed and sworn before me this 25 day of September 2026.



Notary Public for South Carolina (*Horry*)

My Commission Expires: 03-06-2034

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Respondent,

v.

Sophia V. Brown; Rosetta S. Bethea,

Defendants,

of whom **Sophia V. Brown** is the Appellant.

PROPOSED ORDER ON APPELLANT'S MOTION TO PROCEED UNDER RULE 210(c), SCACR

This matter comes before the Court on Appellant's Motion to Proceed Under Rule 210(c), SCACR, Respondent's Return, and Appellant's Reply and Supplemental Affidavit.

After careful consideration of the filings submitted, the Court finds that Appellant has demonstrated good-faith compliance with Rule 207(a)(1), SCACR, and has shown that the transcript of the proceedings below is unobtainable in the form required due to circumstances outside Appellant's control. The Court further finds that the issues on appeal are narrow and appropriate for reconstruction under Rule 210(c).

Accordingly, **IT IS ORDERED** that:

1. **Appellant's Motion to Proceed Under Rule 210(c), SCACR, is GRANTED.**
2. **Appellant shall prepare and submit a Statement of Evidence** pursuant to Rule 210(c), SCACR, within the time period prescribed by the Rule.
3. **Respondent shall participate in the Rule 210(c) process**, review the Statement of Evidence, and submit any proposed amendments or objections within the time allowed by the Rule.
4. **The trial judge shall settle and approve the Statement of Evidence** in accordance with Rule 210(c), SCACR.
5. **Respondent's request to compel production of the full transcript is DENIED.**
6. **Respondent's request for dismissal under Rule 260(a), SCACR, is DENIED.**

IT IS SO ORDERED.

Judge, South Carolina Court of Appeals

Date: _____

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Deutsche Bank Trust Company Americas, as Trustee for RALI 2006-QS10,
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v.

Sophia V. Brown; Rosetta S. Bethea,
Defendants,
of whom **Sophia V. Brown** is the Appellant.
Appellate Case No. 2026-000925

CERTIFICATE OF SERVICE

I, **Sophia V. Brown**, hereby certify that I have served a copy of the following documents:

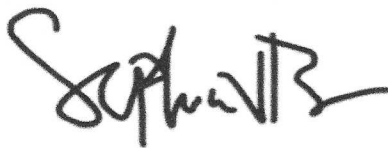
- **Appellant's Reply to Respondent's Return to Motion to Proceed Under Rule 210(c), SCACR**
- **Supplemental Affidavit of Sophia V. Brown**
- **Proposed Order**

upon all counsel of record listed below by depositing a copy in the United States Mail,
addressed as follows:

Chad Wilson Burgess, Esq.
Brook Dangerfield, Esq.
Mary Winter Clark Dawson, Esq.
Kevin Ted Brown, Esq.
Brock & Scott, PLLC
WESTPARK CENTER
3800 Fernandina Road, Suite 110
Columbia, SC 29210

I certify that service was made on **September 25, 2026**.

Sophia V. Brown, Appellant



1140 Woodruff Rd Ste 106-155 | Greenville, SC 29607 | Newcandy2010@gmail.com | 864-325-6354

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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

September 25, 2026

Re: Appellant's Reply Packet

Appellant Case No. 2026-000925

Deutsche Bank Trust Company Americas v. Sophia V. Brown

Dear Clerk of Court:

Please find enclosed for filing in the above-referenced matter the following documents submitted by Appellant, **Sophia V. Brown**:

- 1. Appellant's Reply to Respondent's Return to Motion to Proceed Under Rule 210(c), SCACR**
- 2. Supplemental Affidavit of Sophia V. Brown (notarized)**
- 3. Proposed Order**
- 4. Certificate of Service**

These documents relate to Appellant's pending **Motion to Proceed Under Rule 210(c), SCACR**, filed on September 14, 2026.

Please file these materials in the appellate record.

Thank you,



Sophia V. Brown

Appellant

1140 Woodruff Rd. Ste. 106-155

Greenville, SC 29607

864-325-6354

Newcandy2010@gmail.com