

**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.
Appellate Case No. 2026-000925

**MOTION FOR RECONSIDERATION OF ORDER DENYING MOTION TO PROCEED UNDER
RULE 210(c), SCACR**

Appellant **Sophia V. Brown** respectfully moves this Court, pursuant to **Rule 221, SCACR**, to reconsider its **October 2, 2026 Order** denying Appellant's Motion to Proceed Under Rule 210(c), SCACR, and requiring Appellant to file proof of payment for the full transcript within five days.

Reconsideration is warranted because the Court's order **did not address several material facts**, and because compliance with the order is **legally and practically impossible due to circumstances outside Appellant's control**.

<p>1. Compliance with Rule 207(a)(1) Is Impossible Due to Circumstances Outside Appellant's Control</p>
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The Court's order requires Appellant to "serve and file proof of payment for the full transcript" within five days. However, compliance with Rule 207(a)(1) is **impossible** for reasons entirely outside Appellant's control:

A. The Court Reporter Refused to Produce the Transcript

Appellant:

- requested the full transcript,
- received an estimate,
- requested a partial transcript limited to the portions necessary for appellate review, and
- was informed that the reporter **does not** prepare partial transcripts

This refusal renders the transcript **unobtainable in the form required**, and the Court's order does not resolve this impossibility.

B. The Borrower Is Discharged Under Federal Bankruptcy Law and Cannot Legally Pay Transcript Costs

The borrower, **Rosetta S. Bethea**, received a Chapter 7 discharge on September 4, 2026. Under **11 U.S.C. § 524(a)**:

- she cannot be compelled to pay any debt arising from the foreclosure litigation, and
- transcript costs arise directly from those proceedings.

Federal law prohibits the borrower from paying transcript costs. The Court's order does not address this federal prohibition.

C. Appellant Is Not the Borrower and Cannot Inherit a Cost Tied to a Discharged Debt

Appellant is a **successor-in-interest**, not the borrower. Transcript costs arise from the foreclosure litigation — a discharged obligation.

Under bankruptcy law:

A successor-in-interest cannot inherit or be compelled to satisfy a cost arising from a discharged debt.

D. Rule 207(a)(1) Cannot Be Satisfied Under These Circumstances

Rule 207(a)(1) requires the appellant to order the transcript unless the parties agree otherwise. But:

- the reporter refused,
- the estimate was voided,
- the borrower is legally prohibited from paying, and
- Appellant is not the borrower.

Rule 207(a)(1) cannot be satisfied. The Court's order does not address this impossibility.

2. The Court's Order Did Not Address Transcript Unavailability

The Court's order recites the reporter's refusal but does **not** address:

- the legal significance of transcript unavailability,
- whether the reporter is required to produce the transcript,
- whether the Court considered the impossibility of production, or
- whether Rule 210(c) is mandatory when the transcript cannot be obtained.

Rule 210(c) exists **specifically** for situations where the transcript is unobtainable. The Court's order does not address this.

3. The Court's Order Did Not Address the Bankruptcy Discharge

Appellant submitted evidence that:

- the borrower is discharged,
- transcript costs arise from the foreclosure litigation, and
- federal law prohibits the borrower from paying.

The Court's order does not address:

- whether federal bankruptcy law takes precedence over Rule 207(a)(1),
- whether Appellant can be compelled to assume a discharged obligation, or
- whether transcript production is legally impossible.

These omissions constitute overlooked material facts.

4. The Court's Order Did Not Address Appellant's Evidence or Narrow Issues

Appellant submitted:

- an affidavit,
- a supplemental affidavit,
- a detailed Reply, and
- a proposed order.

These filings demonstrated:

- the issues on appeal are narrow,
- partial transcripts would have sufficed,
- the reporter refused partial transcripts, and
- Rule 210(c) is appropriate.

The Court's order does not address any of these points.

5. The Five-Day Deadline Cannot Be Enforced When Compliance Is Impossible

The Court's order states:

"Failure to comply may result in the dismissal of the appeal."

Dismissal based on an **impossible requirement** would deny Appellant meaningful appellate review and violate due process.

Reconsideration is necessary to prevent dismissal based on circumstances outside Appellant's control.

6. The Court's Order Creates a Due-Process Violation by Imposing an Impossible Requirement

The October 2, 2026 order requires Appellant to “serve and file proof of payment for the full transcript” within five days. This requirement is **impossible to satisfy** due to circumstances outside Appellant's control and therefore violates Appellant's constitutional right to **meaningful appellate review** under the Due Process Clause of the Fourteenth Amendment.

A. Due Process Prohibits States From Imposing Impossible Barriers to Appellate Review

While states are not constitutionally required to provide appellate review, once an appellate review is offered, it must be administered in a manner that is **fundamentally fair** and **not an illusion**. The United States Supreme Court has held that a state may not erect **procedural barriers** that irrationally or arbitrarily deny access to appellate review, nor may it impose requirements that are not justifiable.

By ordering Appellant to obtain and pay for a transcript that is **unobtainable**, the Court has imposed a barrier that makes appellate review inaccessible.

B. The Court's Order Imposes an Impossible Condition

Compliance with the Court's order is impossible because:

- the court reporter **refused** to prepare the transcript,
- the reporter **voided** the estimate and declined further action,
- the borrower is **discharged** under 11 U.S.C. § 524(a) and cannot legally pay transcript costs arising from the foreclosure litigation, and
- Appellant is **not the borrower** and cannot inherit or be compelled to satisfy a cost tied to a discharged debt.

The Court's order does not address any of these circumstances and therefore imposes a requirement that cannot be met.

C. Due Process Requires a Corrective Mechanism When a Court Imposes an Impossible Requirement

Federal due-process doctrine requires that when a state appellate court imposes a requirement that is impossible to satisfy, the court must provide a **corrective process** to prevent the denial of meaningful appellate review. Rule 210(c) exists precisely for situations where the transcript is unobtainable, and Rule 207(d) allows modification of transcript requirements when strict compliance is impossible.

The Court's order did not apply either rule, did not acknowledge impossibility, and did not provide any corrective mechanism. This omission constitutes a due-process violation.

D. The Court's Order Denies Appellant Meaningful Access to Appellate Review

By requiring Appellant to comply with an impossible condition and threatening dismissal for failure to comply, the Court has effectively denied Appellant access to appellate review. This is constitutionally impermissible.

Appellant has acted diligently, requested the transcript, attempted to obtain a partial transcript, submitted sworn affidavits, and complied with all appellate rules. The inability to obtain the transcript is due solely to circumstances outside Appellant's control.

E. Reconsideration Is Necessary to Cure the Due-Process Violation

Reconsideration is required to:

- prevent dismissal based on an impossible requirement
- restore Appellant's access to appellate review
- apply Rule 210(c) or Rule 207(d) as intended, and
- ensure the appellate process remains constitutionally valid.

For these reasons, Appellant requests that the Court reconsider its order.

Appellant requests that the Court:

- 1. Grant this Motion for Reconsideration;**
- 2. Vacate or modify the October 2, 2026 Order;**
- 3. Suspend the five-day transcript-payment deadline;**
- 4. Reconsider Appellant's Motion to Proceed Under Rule 210(c), SCACR;**
- 5. Alternatively, permit Appellant to proceed under Rule 210(c) or Rule 207(d);**
- 6. Grant such other relief as the Court deems just and proper.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sophia V. Brown', with a stylized, cursive script.

Sophia V. Brown

Appellant

Date: October 5, 2026

EXHIBIT A

SUPPLEMENTAL AFFIDAVIT OF SOPHIA V. BROWN

DUE PROCESS

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

DUE PROCESS SUPPLEMENTAL AFFIDAVIT

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

1. I am the Appellant in the above-captioned matter. I submit this Supplemental Affidavit in support of my Motion for Reconsideration of the Court's October 2, 2026 order.
2. I have diligently attempted to comply with Rule 207(a)(1), SCACR, by requesting the full transcript of the February 5, 2026 foreclosure hearing and by requesting a partial transcript limited to the portions necessary for appellate review.
3. The court reporter informed me that she **refuses** to prepare a partial transcript, that the prior estimate was **voided**, and that she would not proceed further. I have no authority to compel the reporter to produce the transcript.
4. The borrower, **Rosetta S. Bethea**, received a Chapter 7 discharge on September 4, 2026. Under 11 U.S.C. § 524(a), she cannot legally pay transcript costs arising from the foreclosure litigation. I am not the borrower and cannot inherit or be compelled to satisfy a cost tied to a discharged debt.
5. Because of the reporter's refusal, the voided estimate, the bankruptcy discharge, and my status as successor-in-interest, it is **legally impossible** for me to obtain or pay for the transcript required by Rule 207(a)(1). These circumstances are entirely **outside of my control**.
6. The Court's October 2, 2026 order requires me to "serve and file proof of payment for the full transcript" within five days. Compliance with this order is **not possible** due to the circumstances described above.
7. The Court's order imposes a condition that is legally impossible to satisfy because transcript costs arise from the foreclosure litigation and are tied to a discharged debt under 11 U.S.C. § 524(a). As a successor-in-interest who is not the borrower, I cannot inherit or be compelled to satisfy a cost arising from a discharged obligation, and therefore the transcript requirement cannot lawfully be imposed upon me."
8. I submit this affidavit to confirm the factual basis for the due-process concerns raised in my Motion for Reconsideration and to demonstrate that the inability to obtain the transcript is not due to any lack of diligence on my part.



Sophia V. Brown Appellant
Date: October 5, 2026

ORDER

Appellant has filed a Motion for Reconsideration of this Court's October 2, 2026 order denying Appellant's Motion to Proceed Under Rule 210(c), SCACR, and requiring Appellant to serve and file proof of payment for the full transcript within five days. After review of the motion, supporting affidavits, and the record, the Court finds reconsideration warranted.

1. Transcript Procurement Is Impossible Due to Circumstances Outside Appellant's Control

The record reflects that Appellant requested the full transcript of the February 5, 2026 foreclosure hearing and subsequently requested a partial transcript limited to the portions necessary for appellate review. The court reporter declined to prepare a partial transcript, voided the estimate previously provided, and declined further action. These circumstances render the transcript unobtainable in the form required by Rule 207(a)(1), SCACR.

2. Bankruptcy Law Prohibits the Borrower From Paying Transcript Costs

The borrower, Rosetta S. Bethea, received a Chapter 7 discharge on September 4, 2026. Under 11 U.S.C. § 524(a), she cannot be compelled to pay any debt arising from the foreclosure litigation, and transcript costs arise directly from those proceedings. Appellant is not the borrower and cannot inherit or be compelled to satisfy a cost tied to a discharged debt. These circumstances further prevent compliance with Rule 207(a)(1).

3. The Court's Prior Order Imposed an Impossible Requirement

The Court's October 2, 2026 order required Appellant to file proof of payment for the full transcript within five days. Because transcript procurement is impossible due to reporter's refusal and federal bankruptcy law, compliance with the order is not feasible. Imposing a requirement that cannot be satisfied due to circumstances outside Appellant's control constitutes a barrier to meaningful appellate review.

4. Due Process Requires a Corrective Mechanism When Compliance Is Impossible

Although states are not constitutionally required to provide appellate review, once appellate review is offered, it must be administered in a manner that affords a meaningful opportunity to be heard. When strict compliance with transcript requirements is impossible, due process requires the Court to provide an alternative mechanism to ensure access to appellate review. Rule 210(c) and Rule 207(d), SCACR, exist for this purpose.

5. Relief Is Appropriate Under Rule 210(c) or Rule 207(d)

Because the transcript is unobtainable and compliance with Rule 207(a)(1) is impossible, relief is appropriate under Rule 210(c), SCACR, or alternatively under Rule 207(d), SCACR. The Court therefore grants reconsideration and modifies its prior order.

IT IS THEREFORE ORDERED THAT:

1. **Appellant's Motion for Reconsideration is GRANTED.**
2. **The October 2, 2026 five-day deadline to file proof of transcript payment is VACATED.**
3. **Appellant may proceed under Rule 210(c), SCACR**, by submitting a proposed Statement of the Evidence for settlement in the trial court.
4. Appellant shall file a proposed **Statement of Evidence** within ____ days of the date of this Order. Respondent shall have ____ days thereafter to file any proposed amendments. The Statement shall then be submitted to the lower court for settlement pursuant to Rule 210(c).
5. **Alternatively, the matter is REMANDED to the trial court for the limited purpose of addressing transcript availability and compelling the court reporter to produce the transcript or certify a partial transcript as appropriate.**
6. **The appeal shall continue without risk of dismissal based on transcript procurement issues arising from circumstances outside Appellant's control.**

IT IS SO ORDERED.

Judge, South Carolina Court of Appeals

Date: _____

CERTIFICATE OF SERVICE

I, **Sophia V. Brown**, hereby certify that I have served a copy of the **Motion for Reconsideration**, together with **Exhibit A — Supplemental Affidavit** and the **Proposed Order**, upon counsel for Respondent by deposit 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

RECEIVED
Oct 05 2026
SC Court of Appeals

I certify that service was made on **October 5, 2026**.



Sophia V. Brown, Appellant

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Sophia V. Brown

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October 5, 2026

RECEIVED

Oct 05 2026

SC Court of Appeals

Clerk of Court

South Carolina Court of Appeals

1220 Senate Street Columbia, SC 29201

Appellate Case No. 2026-000925

Brown v. Deutsche Bank Trust Company Americas

RE: Filing of Appellant's Motion For Reconsideration of Order Denying Motion to Proceed Under Rule 210 (c), SCACR

Dear Clerk:

Please find enclosed for filing the following documents in the above-referenced appeal:

1. **Appellant's Motion For Reconsideration of Order Denying Motion to Proceed Under Rule 210 (c), SCACR**
2. **Supplemental Affidavit**
3. **Proposed Order**
4. **Certificate of Service**

Additionally, please be advised that **payment for the filing of Motion For Reconsideration of Order Denying Motion to Proceed Under Rule 210 (c)** was placed in the United States Mail on **October 5, 2026**. Please allow **7-10 days** for receipt.

Respectfully submitted,

Sophia V. Brown, Appellant

