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.

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Oct 26 2026
SC Court of Appeals

Appellate Case No. 2026-000925

APPELLANT'S REPLY TO RESPONDENT'S RETURN IN OPPOSITION TO MOTION FOR RECONSIDERATION

Brief Procedural History

Appellant filed a Notice of Appeal from the Master-in-Equity's foreclosure judgment. Pursuant to Rule 207(a)(1), SCACR, Appellant contacted the court reporter to obtain an estimate for preparation of the transcript. The reporter provided an estimate but later voided it after learning that Appellant did not intend to purchase the full transcript. The reporter also declined to prepare a partial transcript. Appellant thereafter filed a Motion to Proceed Under Rule 210(c), SCACR, supported by affidavit, asserting that the transcript could not be lawfully obtained and requesting authorization to submit a Statement of Evidence. On October 2, 2026, the Court denied the motion and ordered Appellant to file proof of payment for the full transcript within five days, stating that failure to comply may result in in dismissal of the appeal. Appellant timely filed a Motion for Reconsideration under Rule 221, SCACR, asserting that the October 2, 2026 order imposed an impossible condition, misapplied Rule 210(c) and Rule 207(a)(1), and overlooked

material facts demonstrating that the transcript cannot be included in the Record on Appeal. Respondent filed a Return opposing reconsideration, and Appellant now submits this Reply.

I. Respondent Misstates the Applicability of Rule 221(c)

Respondent asserts that Rule 221(c) does not permit reconsideration because the October 2, 2026order did not dismiss or finally decide the appeal. This argument mischaracterizes both the nature of the order and the scope of Rule 221(c). Rule 221(c) authorizes reconsideration when the Court has overlooked or misinterpreted material facts or misapplied controlling law. The October 2, 2026 order did precisely that: it imposed a five-day deadline, threatened dismissal, denied Rule 210(c) relief, and required Appellant to satisfy a condition that is not legally permissible. An order that imposes conditions that determine whether an appellant may proceed, or threatens dismissal is grounds to be reheard under Rule 221 (c) even if it is not a final decision on the merits. The October 2, 2026 order is not a routine administrative directive. It is a substantive procedural ruling that directly affects Appellant's ability to prosecute her appeal. It denied access to the substitute record mechanism provided by Rule 210(c), required compliance with Rule 207(a)(1) despite applicable protections under 11 U.S.C. § 524(a), and overlooked the factual and legal implications established in Appellant's filings. These are precisely the circumstances in which Rule 221(c) permits reconsideration. Even if Rule 221(c) were construed narrowly, the Court retains inherent authority to reconsider interlocutory orders that impose conditions that conflict with federal law, misapply procedural rules, or threaten dismissal. Appellant's motion is therefore procedurally proper under Rule 221(c) and under the Court's inherent authority to correct an order that prevents meaningful appellate review.

II. Respondent Misstates the Text and Function of Rule 210(c)

Respondent asserts that Rule 210(c) does not support Appellant's position in that the rule exists "specifically" for unavailable transcripts. This argument overlooks the operative language of Rule 210(c). The rule provides that **when a transcript cannot be included in the Record on Appeal**, the appellant may prepare a Statement of Evidence subject to approval by the trial judge. The phrase "cannot be included" necessarily encompasses circumstances in which the transcript cannot be produced or cannot be incorporated into the record due to legal parameters. Appellant's filings establish that the transcript **cannot be included** because transcript cost arises directly from enforcement of a discharged mortgage obligation. As successor-in-interest and titled owner of the property tied to that discharged debt, Appellant cannot be compelled to satisfy any cost arising from enforcement of that obligation. Transcript acquirement is therefore not legally permissible; independent of cost or reporter willingness. Where transcript cost cannot be lawfully imposed, Rule 207(a)(1) cannot be satisfied, and the transcript cannot be included in the Record on Appeal. Rule 210(c) provides a substitute mechanism for these circumstances. It does not require party agreement, and it does not require physical unavailability of the transcript. It applies when the transcript cannot be included — whether due to reporter refusal or lawful exclusions. Respondent's narrow reading of Rule 210(c) is inconsistent with its text, structure, and purpose within the appellate rules.

III. Respondent's Misstates Appellant's Evidence That Establishes That the Transcript is Unavailable

Respondent asserts that Appellant "neither identifies" nor "supports with competent evidence" any reason the transcript cannot be obtained other than cost. This is incorrect. Appellant's filings identify and support first that the transcript is unavailable in a legal sense. Respondent overlooks transcript acquirement is inseparably tied to enforcement of the discharged mortgage debt, and

Appellant is successor-in-interest and titled owner of the property that was the subject of that discharged obligation. Transcript cost is not a neutral appellate expense; it is a cost arising directly from the foreclosure litigation itself. Because Appellant cannot be compelled to satisfy any cost arising from enforcement of a discharged obligation, the transcript cannot be lawfully obtained.

Respondent further asserts that Appellant failed to identify the portions of the transcript necessary for meaningful appellate review. In response to that assertion, Appellant clarifies that the issues on appeal are narrow, and capable of reconstruction under Rule 210(c). These issues include: (1) the Master-in-Equity's findings regarding standing; (2) the evidentiary basis for admission of the loan documents; (3) testimony concerning chain of title; and (4) the factual findings underlying the foreclosure judgment. These issues are specific, identifiable, and limited in scope, and they demonstrate why a partial transcript or a Statement of Evidence is sufficient and would permit meaningful appellate review.

Respondent also cites Harkins v. Greenville County, Goode v. St. Stephens United Methodist Church, and Rule 210(h) for the general principle that an appellant bears the burden of providing a record sufficient for meaningful appellate review. Appellant does not dispute that principle. Rather, Appellant disputes Respondent's assumption that the principle applies in circumstances where transcript acquirement is legally permissible. The cases Respondent cites assume that the transcript can be lawfully obtained, that Rule 207(a)(1) can be satisfied without legal exemptions. None of those conditions exist here. Where transcript is not legally permissible, Rule 210(c) and Rule 207(d) provide the mechanisms for creating a record.

IV. Respondent Misconstrues the Effect of the Bankruptcy Discharge

Respondent asserts that 11 U.S.C. § 524(a) is irrelevant because Appellant is not the borrower and therefore is free to pay transcript costs. This argument misunderstands both the nature of the foreclosure litigation and Appellant's legal relationship to the discharged debt. Appellant is a successor-in-interest and titled owner of the property that was the subject of the discharged mortgage obligation. The foreclosure action is the enforcement of that discharged debt, and the transcript is the record of that enforcement. Transcript cost is therefore not a neutral appellate expense; it is a cost arising directly from the enforcement of the discharged obligation. **Other appellate costs are administrative; transcript costs alone revive the discharged debt and are therefore prohibited under 11 U.S.C. §524(a). Because transcript cost arises from the foreclosure hearing itself, imposing that cost on Appellant would indirectly revive the discharged mortgage obligation** and require Appellant, as successor-in-interest to the property, to bear a cost inseparably tied to enforcement of the discharged debt. Appellant cannot be compelled to satisfy any cost arising from enforcement of a discharged obligation, regardless of whether she was the original borrower. This legal shield makes transcript acquirement impossible as a matter of law. Where transcript cost cannot be lawfully imposed, Rule 207(a)(1) cannot be satisfied, and the transcript cannot be included in the Record on Appeal. Rule 210(c) therefore applies by its plain text, which authorizes a Statement of Evidence when a transcript cannot be included. Respondent's argument that the bankruptcy discharge is irrelevant, is contrary to federal law and the legal relationship between Appellant, the property, and the discharged debt.

V. The October 2, 2026 Order Violates Due Process

Respondent asserts that Appellant's due-process concerns are unfounded. They are not. The October 2, 2026 order denied Appellant meaningful appellate review by imposing a condition that is legally impossible to satisfy. Due process requires that an appellant be afforded a fair opportunity to obtain review of a lower court's decision. An order that threatens dismissal unless the appellant complies with an act that is not lawfully permissible violates that principle. The Court required Appellant to file proof of payment for the full transcript within five days. Appellant established through sworn affidavit that transcript cost arises directly from enforcement of a discharged mortgage obligation and cannot be lawfully imposed on her as successor-in-interest to the property tied to that discharged debt. The reporter refused the partial transcript, voided the estimate and declined further action. Under these circumstances, transcript acquirement is not legally permissible, and the transcript cannot be included in the Record on Appeal. By requiring compliance with Rule 207(a)(1) despite Appellant's legal protections under 11 U.S.C. §524(a) and by denying access to the substitute-record mechanism provided by Rule 210(c), the October 2, 2026 order deprived Appellant of the only appropriate means of creating a record for appellate review. When a court imposes an impossible condition that threatens dismissal, overlooks material facts, and misapplies controlling rules, due process is violated. Rule 221(c) offers provisions to correct such orders. Appellant does not seek special treatment or exemption from the appellate rules. She seeks only the procedural fairness guaranteed by Rule 210(c), Rule 207(d), and the constitutional requirement that an appellant be afforded a meaningful opportunity to obtain review. The October 2, 2026 order denied that opportunity, and reconsideration is necessary to prevent dismissal based on an impossible requirement.

Conclusion

Appellant does not seek special treatment or exemption from the appellate rules. She seeks only the procedural fairness guaranteed by Rule 210(c), Rule 207(d), and the constitutional requirement that an appellant be afforded a meaningful opportunity to obtain review. For the foregoing reasons, Appellant requests that the Court grant reconsideration under Rule 221(c), vacate the October 2, 2026 order, and permit Appellant to proceed under Rule 210(c) with a Statement of Evidence or other substitute record authorized by Rule 207(d). Reconsideration is necessary to prevent dismissal based on a requirement that is not permissible.

Respectfully submitted,

Sophia V. Brown

Appellant

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Date: October 26, 2026

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CERTIFICATE OF SERVICE

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

▪ **Appellant's Reply To Respondent's Return In Opposition To Motion For Reconsideration**

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 October 26, 2026.

Sophia V. Brown, Appellant

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Oct 26 2026

SC Court of Appeals

October 26, 2026

Clerk of Court

South Carolina Court of Appeals

1220 Senate Street Columbia, SC 29201

Re: Appellate Case No. 2026-000925

Brown v. Deutsche Bank Trust Company Americas

Dear Clerk:

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

▪ Appellant's Reply To Respondent's Return In Opposition To Motion For Reconsideration

Respectfully submitted,

Sophia V. Brown, Appellant