

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Mikell R. Scarborough, Master in Equity

RECEIVED
JUN 16 2014
SC Court of Appeals

Case No. 2006-CP-10-2859
Appellate Case No. 2012-212524

Deutsche Bank National Trust Company, as
Trustee of Ameriquest Mortgage Securities, Inc.,
Asset Backed Pass Through Certificates, Series
2005-R4CGM under the Pooling and Servicing
Agreement dated as of May 1, 2005, without
Recourse.....Respondent,

v.

Vandora M. Huggins-Edwards a/k/a Vandora
H. Edwards; Sylvia Anne Lawrence a/k/a
Sylviette Anne Lawrence; Glenn M. Huggins;
Michael Huggins; Donnell Huggins; Samuel
Huggins; Ira Huggins a/k/a Ira S. Huggins;
Derwin Huggins; Andrean Huggins Cotton
a/k/a Adrienne Huggins Cotton; Sharon H. Smack;
Dewayne Dixon; Kimberly Nelms; Timothy Nelms;
Jennifer Nelms; Michael A. Brown;
Demetrius Huggins Nelms, a minor;
Darius Simmons, a minor; Dondre Simmons, a minor;
Reginald Huggins; Joseph Huggins; Heather Huggins;
Barbara Huggins; any other Heirs-at-Law or devisees of
Ricky Henry Huggins, Deceased, their heirs,
Personal Representatives, Administrators, Successors and
Assigns, and all other persons entitled to claim through them;
any other Heirs-at-Law or devisees of Henry Buster Huggins, Jr.,
Deceased, their heirs, Personal Representatives, Administrators,
Successors and Assigns, and all other persons entitled to claim
through them; any other Heirs-at-Law or devisees of
Michelle Huggins, Deceased, their heirs, Personal Representatives,
Administrators, Successors and Assigns, and all other persons entitled
to claim through them; any other Heirs-at-Law or devisees
of Buster Huggins, Sr., Deceased, their heirs, Personal
Representatives, Administrators, Successors and

Assigns, and all other persons entitled to claim through them;
all unknown persons with any right, title or interest
in the real estate described herein; also any persons
who may be in the military service of the United States
of America, being a class designated as John Doe;
and any unknown minors or persons under a disability
being a class designated as Richard Roe; South Carolina
Department of Revenue; Safeway Finance; Ford Motor
Credit Company; General Motors Acceptance Corporation;
White Directory Holdings Carolina, Inc. d/b/a The Talking
Phone Book; Monogram Credit Card Bank of Georgia;
Michael Twitty; Deborah Twitty; the United States of America,
by and through its agency, the Internal Revenue Service;
and John C. Bigler..... Defendants,

Of whom Vandora M. Huggins-Edwards a/k/a Vandora
H. Edwards is theAppellant.

**RESPONDENT'S REPLY TO
APPELLANT'S RETURN TO RESPONDENT'S MOTION TO
DISMISS THE APPEAL**

Sean M. Foerster (SC Bar # 77466)
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Attorneys for Respondent Deutsche Bank
National Trust Company, as Trustee of
Ameriquest Mortgage Securities, Inc., Asset
Backed Pass Through Certificates, Series
2005-R4CGM under the Pooling and
Servicing Agreement dated as of May 1,
2005, without recourse

June 16, 2014

Respondent Deutsche Bank National Trust Company, as Trustee of Ameriquest Mortgage Securities, Inc., Asset Backed Pass Through Certificates, Series 2005-R4CGM under the Pooling and Servicing Agreement dated as of May 1, 2005, without recourse (“Deutsche Bank”) respectfully submits this Reply to “The Appellant Response for Motion to Dismiss” of Appellant Vandora M. Huggins-Edwards a/k/a Vandora H. Edwards (“Vandora Huggins”).

FACTS

Deutsche Bank incorporates by reference the facts set forth in its Motion to Dismiss the Appeal filed on May 29, 2014. The basis of the motion is that Vandora Huggins failed to make several of the corrections to the Second Amended Record on Appeal required by the Court’s Order of April 10, 2014, and her Third Amended Record on Appeal therefore violates the Order. The motion sets forth those deficiencies in detail.

Vandora Huggins has now served Deutsche Bank with a document titled “The Appellant Response for Motion to Dismiss,” which it construes as being a Return to the Motion to Dismiss the Appeal.

ARGUMENT

Vandora Huggins’s Return argues that she complied with the Order of April 10, 2014, but fails to refute that she omitted the following documents from the Third Amended Record on Appeal that Deutsche Bank listed in its Designation of Matter:

- Order Granting Partial Summary Judgment – filed February 15, 2012; and
- The last page of the Trial Transcript from the trial held on February 28, 2012. (*See* Third Amended R. Vol. I pp. 184-324.)

Vandora Huggins does not refute that the copy of the Affidavit of Attorney’s Fees included at pages 325-332 of the Third Amended Record on Appeal is missing the last

page. Without a complete version of the affidavit, Deutsche Bank is unable to discern whether this is an accurate copy of the affidavit offered to and accepted by the Master in Equity at the trial.

Vandora Huggins does not refute that she restarted the numbering of the pages of the Third Amended Record on Appeal when she started the second volume, thus making it difficult and confusing to cite to the record. This failure to consecutively number all of the pages violates both Rule 210(c), SCACR, and the Court's Order of April 10, 2014.

She argues that she included the Complaint filed on July 24, 2006, at page 85 of the Third Amended Record on Appeal. (Return p. 1.) However, only the Summons, Lis Pendens, and Civil Action coversheet filed on July 24, 2006, are included at that page. She failed to include the Complaint itself.

Vandora Huggins argues that she included a copy of Plaintiff's Notice of Motion and Motion for Partial Summary Judgment at page 54 of the Third Amended Record on Appeal. (Return p. 1.) However, the copy of the Third Amended Record on Appeal served on Deutsche Bank is missing pages 43 to 58 and there is no copy of the motion included anywhere else in its copy of the record. If Vandora Huggins did include pages 43 to 58 in the copy of the Third Amended Record on Appeal she filed with the Court, then she must explain why she served Deutsche Bank with an incomplete copy of the Third Amended Record on Appeal. Her Return offers no such explanation.

Vandora Huggins argues that Deutsche Bank never filed a First Amended Lis Pendens, Summons, & Complaint. (Return p. 1.) That is not correct. The First Amended Lis Pendens, Summons, & Complaint was clocked in on September 2, 2008, and the

effective filing date of the document was September 10, 2008, when the lower court entered the order granting Deutsche Bank's motion to amend.

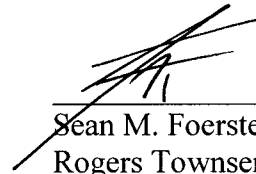
Vandora Huggins argues for the inclusion of letters found at pages 39, 61, 123, and 183 of the Third Amended Record on Appeal simply because she found them in the Clerk of Court's file for this case. (Return pp. 2-3.) However, she fails to offer a satisfactory explanation as to 1) how these letters are relevant to the issues raised in her Initial Brief of the Appellant, or 2) why they should be included in the record when neither she nor Deutsche Bank listed them in their respective designations of matter. The letter included at page 39 of the Third Amended Record on Appeal is a copy of an administrative cover letter from Deutsche Bank's counsel to the trial judge forwarding him a copy of a proposed order and notifying him of Vandora Huggins's attempt to appeal. The letter included at page 61 of the Third Amended Record on Appeal is a copy of an administrative cover letter from Deutsche Bank's counsel to the Clerk of Court for Charleston County forwarding the Motion for Partial Summary Judgment for filing. The letter included at page 123 of the Third Amended Record on Appeal is a copy of an administrative cover letter from Deutsche Bank's counsel to the Clerk of Court for Charleston County forwarding the Second Amended Lis Pendens, Second Amended Summons, Second Amended Complaint for filing. The letter included at page 183 of the Third Amended Record on Appeal is a copy of an administrative cover letter from Deutsche Bank's counsel to the Clerk of Court for Charleston County forwarding the Reply to Defendant John Bigler's Answer and Counterclaim for filing. None of these letters are relevant to this appeal and none of them were designated for inclusion in the record.

For these reasons, the Return presents no valid arguments that would excuse Vandora Huggins for failing to comply with the Order of April 10, 2014.

CONCLUSION

Deutsche Bank respectfully asks the Court to dismiss this appeal. In the event that this appeal is not dismissed, Deutsche Bank respectfully requests relief from having to serve and file its Final Brief of the Respondent until the deficiencies in the Third Amended Record on Appeal are corrected.

Respectfully submitted,



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Attorneys for Respondent Deutsche Bank
National Trust Company, as Trustee of
Ameriquest Mortgage Securities, Inc., Asset
Backed Pass Through Certificates, Series
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Personal Representatives, Administrators, Successors and
Assigns, and all other persons entitled to claim through them;
any other Heirs-at-Law or Devisees of Henry Buster Huggins, Jr.,
Deceased, their heirs, Personal Representatives, Administrators,
Successors and Assigns, and all other persons entitled to claim
through them; any other Heirs-at-Law or Devisees of
Michelle Huggins, Deceased, their heirs, Personal Representatives,
Administrators, Successors and Assigns, and all other persons entitled
to claim through them; any other Heirs-at-Law or Devisees
of Buster Huggins, Sr., Deceased, their heirs, Personal
Representatives, Administrators, Successors and

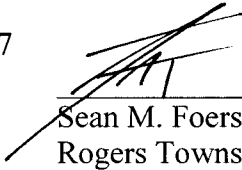
Assigns, and all other persons entitled to claim through them;
all unknown persons with any right, title or interest
in the real estate described herein; also any persons
who may be in the military service of the United States
of America, being a class designated as John Doe;
and any unknown minors or persons under a disability
being a class designated as Richard Roe; South Carolina
Department of Revenue; Safeway Finance; Ford Motor
Credit Company; General Motors Acceptance Corporation;
White Directory Holdings Carolina, Inc. d/b/a The Talking
Phone Book; Monogram Credit Card Bank of Georgia;
Michael Twitty; Deborah Twitty; the United States of America,
by and through its agency, the Internal Revenue Service;
and John C. Bigler..... Defendants,

Of whom Vandora M. Huggins-Edwards a/k/a Vandora
H. Edwards is theAppellant.

PROOF OF SERVICE

I HEREBY CERTIFY that I have served the Respondent's Reply to Appellant's
Return to Respondent's Motion to Dismiss the Appeal on June 16, 2014, by depositing a
copy of each in the United States Mail, postage prepaid, addressed to the following party
of record:

Vandora M. Huggins
1218 Gunn Avenue
Charleston, South Carolina 29407


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Trust Company, as Trustee of Ameriquest Mortgage
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June 16, 2014

RECEIVED
JUN 16 2014
SC Court of Appeals

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
The South Carolina Court of Appeals Clerk of Court
1015 Sumter Street
Columbia, South Carolina 29201

RE: *Deutsche Bank National Trust Company, as Trustee of Ameriquest Mortgage Securities, Inc., Asset Backed Pass Through Certificates, Series 2005-R4CGM under the Pooling and Servicing Agreement dated as of May 1, 2005, without recourse vs. Vandora M. Huggins-Edwards a/k/a Vandora H. Edwards, et al.*
Appellate Case No. 2012-212524
Civil Action# 2006-CP-10-2859
Our File # 010378-00062

Dear Ms. Kitchings:

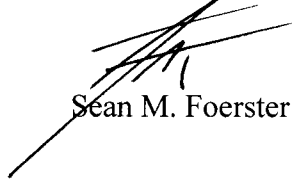
Enclosed for filing are the original and eight (8) copies of Respondent's Reply to Appellant's Return to Respondent's Motion to Dismiss the Appeal with Proof of Service in the above matter.

By copy of this letter, I am serving one copy of Respondent's Reply to Appellant's Return to Respondent's Motion to Dismiss with Proof of Service on Appellant Vandora M. Huggins-Edwards.

Please have your staff return a filed copy of this document to me via the courier.

Thank you for your assistance in this matter.

Very truly yours,



Sean M. Foerster

SMF/tds
Enclosures

cc:
Vandora M. Huggins-Edwards
1218 Gunn Avenue
Charleston, South Carolina 29407