

RECEIVED

OCT 01 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court Of Appeals

APPEAL FROM SPARTANBURG COUNTY
Master-in-Equity

Gordon G. Cooper, Master-in-Equity

Case No. 2012-CP-42-3027
Appellate Case No. 2014-000600

Deutsche Bank National Trust Company, as Trustee for Argent Securities, Inc., Asset-Backed Pass-Through Certificates, Series 2004-W11, Respondent,

v.

Geary Thomas Dooly, Eleanor S. Dooly and United States, of America, Defendants,

Of whom Geary Thomas Dooly is the Appellant.

**RESPONDENT’S RETURN TO APPELLANTS’ MOTION TO SUPPLEMENT
RECORD OF APPEAL**

Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules, Respondent Deutsche Bank National Trust Company, as Trustee for Argent Securities, Inc., Asset-Backed Pass-Through Certificates, Series 2004-W11 (“Respondent”) files this Return to Motion to Supplement Record of Appeal filed by Appellants on August 28, 2014.¹ Appellants specifically seek to supplement the Record on Appeal with Appellants’ Initial Reply Brief filed with this Court on April 24, 2014.

The Motion to Supplement the Record of Appeal filed by Appellants’ violates the requirements set forth under Rule 210(c) of the South Carolina Appellate Court Rules.

¹ Appellants moved to supplement the record on appeal by letter to the South Carolina Court of Appeals dated August 28, 2014. However, because Appellants are proceeding *pro se*, Respondent is liberally construing their letter as a formal motion before this Court.

Rule 210(c) provides: “The Record shall not, however, include matter which was not presented to the lower court or tribunal.” S.C.A.C.R. 210(c) (emphasis added). Appellants’ Initial Reply Brief was filed with this Court as part of Appellants’ appeal. It was never filed or presented to the Master-in-Equity. Therefore, Appellants’ Initial Reply Brief cannot properly be part of the Record on Appeal and the Court should deny Appellants’ Motion.

I certify that this designation contains no matter which is irrelevant to this appeal.

NELSON, MULLINS, RILEY & SCARBOROUGH, LLP

By: 

Giles M. Schanen, Jr.

SC Bar No. 70391

giles.schanen@nelsonmullins.com

Sarah R. Anderson

SC Bar No. 10007

sarah.anderson@nelsonmullins.com

Nelson Mullins Riley & Scarborough, LLP

104 South Main Street, Suite 900

Post Office Box 10084 (29603)

Greenville, SC 29601

(864) 250-2300

*Attorneys for Respondent Deutsche Bank National
Trust Company, as Trustee for Argent Securities, Inc.,
Asset-Backed Pass-Through Certificates, Series 2004-
W11*

Greenville, South Carolina

September 29, 2014

THE STATE OF SOUTH CAROLINA
In the Court Of Appeals

RECEIVED

OCT 01 2014

SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Master-in-Equity

Gordon G. Cooper, Master-in-Equity

Case No. 2012-CP-42-3027
Appellate Case No. 2014-000600

Deutsche Bank National Trust Company, as Trustee for Argent Securities, Inc., Asset-Backed Pass-Through Certificates, Series 2004-W11, Respondent,

v.

Geary Thomas Dooly, Eleanor S. Dooly and United States, of America, Defendants,

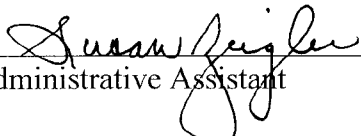
Of whom Geary Thomas Dooly is the Appellant.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Respondent, do hereby certify that I have served all parties in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Respondent's Return to Appellants' Motion to Supplement Record of Appeal

Party Served: Geary Thomas Dooly
Eleanor S. Dooly
P.O. Box 3326
Spartanburg, South Carolina 29304



Administrative Assistant

September 29, 2014

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
104 South Main Street / Ninth Floor / Greenville, SC 29601
Tel: 864.250.2300 Fax: 864.232.2925
www.nelsonmullins.com

Sarah R. Anderson
Tel: 864.250.2203
sarah.anderson@nelsonmullins.com

September 29, 2014

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

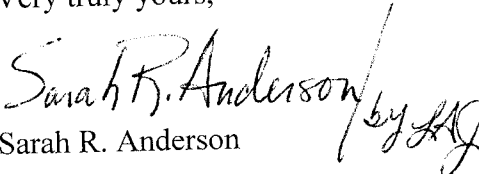
RE: Deutsche Bank National Trust Company v. Geary Thomas Dooly and Eleanor S.
Dooly
Appellate Case No. 2014-000600
NMRS File No. 33482/01540

Dear Ms. Kitchings,

Enclosed are the original and seven copies of Respondent Deutsche Bank National Trust Company's Return to Appellants' Motion to Supplement Record of Appeal regarding the above-referenced matter.

Please return a file-stamped copy of this document to our office in the enclosed return envelope. We appreciate your assistance.

Very truly yours,


Sarah R. Anderson

SRA:sz
Enclosures
cc: Geary Thomas Dooly (via U.S. Mail with enclosure)

RECEIVED

OCT 01 2014

SC Court of Appeals



ZIP 29601
011D11645516

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP

Attorneys and Counselors at Law

Attention: Kimberly N. Renaud

Post Office Box 10084 / Greenville, SC 29603-0084

33482.01540

RECEIVED

OCT 01 2014

SC Court of Appeals

RECEIVED

OCT 8 2014

SC Court of Appeals

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211