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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM YORK COUNTY  
Court of Common Pleas

JUN 15 2016

SC Court of Appeals

Honorable S. Jackson Kimball III, Master in Equity

Case No. 2014-CP-46-02394

Appellate Case No. 2015-002253

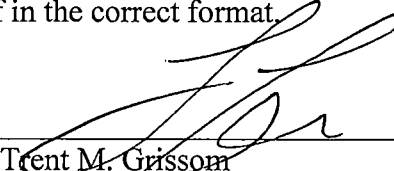
Nationstar Mortgage, LLC.....Respondent

v.

Norman D. Lowery.....Appellant

**RESPONDENT NATIONSTAR MORTGAGE LLC'S MOTION TO DISMISS APPEAL**

Respondent, Nationstar Mortgage LLC, now moves this Court to dismiss Appellant's Appeal for failure to timely file an initial brief and failure to comply with this Court's Order giving Appellant an extension of time to file his initial brief in the correct format.

  
Trent M. Grissom  
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Fax: (704) 444-8738  
*Attorney for Respondent Nationstar  
Mortgage LLC*

Date: June 14, 2016

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondent Nationstar Mortgage LLC (“Nationstar”) hereby moves to Dismiss this Appeal. Respondent, in support of this Motion, shows as follows:

1. On July 25, 2014, Respondent’s predecessor in interest filed its Summons and Complaint, bearing case number 2014-CP-46-02394 in the Court of Common Pleas, York County, South Carolina, seeking foreclosure.

2. On September 28, 2015, Judge Jackson Kimball, Master in Equity for York County, issued a Master’s Order and Judgment of Foreclosure.

3. An order confirming the sale of the Appellant’s property was filed on November 13, 2015.

4. Appellant filed his Notice of Appeal of Judge Kimball’s Judgment on October 28, 2015.

5. On April 25, 2016, this Court issued an Order Striking Appellant’s initial brief for failure to comply with the South Carolina Rules of Appellate Procedure.

6. The Court’s Order of April 25, 2016 directed Appellant to file a corrected initial brief that was compliant with the South Carolina Rules of Appellate procedure within thirty (30) days of the entry of the Order.

7. Appellant failed to file a corrected initial brief on or before May 25, 2016.

8. In fact, on June 13, 2016, 19 days beyond the Court’s imposed deadline, Appellant filed a Motion for Extension of Time to file his initial brief.

9. On February 8, 2016, this Court issued an Order directing that the appeal proceed without a transcript and allowing Appellant thirty (30) days from that date to file his initial brief.

10. Appellant has had 125 days since the February 8<sup>th</sup> Order to file an initial brief that complies with the South Carolina Rules of Appellate Procedure.

11. Despite having had ample time to file a correct initial brief, Appellant has failed to do so and has only requested yet more time to file this initial brief.

For the reasons stated, Respondent hereby objects to any further extensions of time for Appellant to file his initial brief and respectfully requests that this Court DISMISS Appellant's Appeal for failure to timely file his initial brief and for failure to comply with this Court's order regarding the same.

The request is made in good faith and not for purpose of delay.

WHEREFORE, Respondent respectfully requests that this Court grant Respondent's Motion to Dismiss Appeal.

This 14<sup>th</sup> day of June, 2016.



Trent M. Grissom  
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*Attorney for Respondent Nationstar  
Mortgage LLC*

**CERTIFICATE OF SERVICE**

The undersigned certifies that *Respondent's Motion to Dismiss Appeal* was served on Pro Se Appellant and other counsel by depositing a copy thereof in the United States Mail, first class, postage prepaid, addressed to:

Norman D. Lowery  
309 Scoggins Street  
Rock Hill, SC 29730


Andrew Montgomery, Esquire,  
Rogers, Townsend, & Thomas  
220 Executive Center Drive  
Columbia, SC 29202

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This the 14<sup>th</sup> day of June, 2016.

  
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SC Court of Appeals

June 14, 2016

**VIA FEDERAL EXPRESS**  
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Jenny Abbott Kitchings  
Court of Appeals Clerk of Court  
1220 Senate Street  
Columbia, SC 29201

Re: ***Roberts Townsend and Thomas, et al. v. Norman D. Lowery***  
**Court of Appeals No. 2015-002253**  
**Court of Common Pleas No. 2014-CP-46-02394**

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of *Respondent Nationstar Mortgage LLC's Motion to Dismiss the Appeal* in above-captioned matter, along with our check in the amount of \$25.00 for the filing fee. Please file the Motion, and return a file-stamped copy to our office in the postage-paid envelope also included.

Thank you for your assistance in this matter. If you have any questions, please do not hesitate to contact our office.

Sincerely,

MCGUIREWOODS LLP



Cindy J. West  
Practice Assistant to Trent M. Grissom

/cjw  
Enclosures

cc: Norman D. Lowery, *Pro Se* (w/encl.)

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TO JENNY ABBOTT KITCHINGS  
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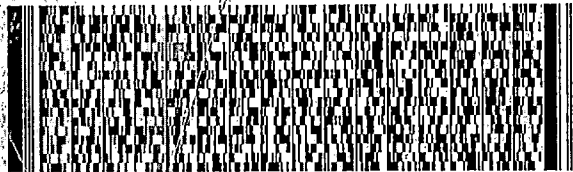
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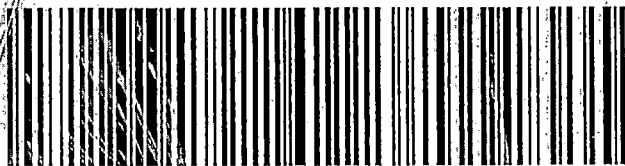
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SC Court of Appeals

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