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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM YORK COUNTY  
Court of Common Pleas

Honorable S. Jackson Kimball III, Master in Equity

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Case No. 2014-CP-46-02394

OCT 10 2016

Appellate Case No. 2015-002253

SC Court of Appeals

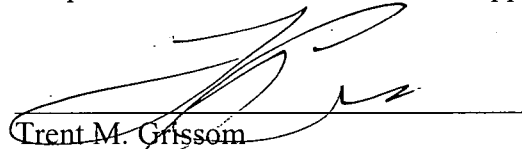
Nationstar Mortgage, LLC.....Respondent

v.

Norman D. Lowery.....Appellant

RESPONDENT NATIONSTAR MORTGAGE LLC'S MOTION TO STRIKE  
APPELLANT'S INITIAL BRIEF

Respondent, Nationstar Mortgage LLC, now moves this Court to strike Appellant's Initial Brief for failure to file an Initial Brief that complies with the South Carolina Appellate Court Rules.



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*Attorney for Respondent Nationstar  
Mortgage LLC*

Date: October 5, 2016

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondent Nationstar Mortgage LLC (“Nationstar”) hereby moves to Strike Appellant’s Initial Brief. In support of this Motion, Nationstar shows as follows:

1. On April 25, 2016, this Court issued an order striking Appellant’s first initial brief for failure to comply with the South Carolina Appellate Court Rules.

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

3. On September 28, 2016, counsel for Nationstar was finally served with a copy of Appellant’s Initial Brief.

4. After reviewing Appellant’s Initial Brief, Nationstar has determined that the brief does comply with the South Carolina Appellate Court Rules in at least seven ways:

- a. The brief does not contain references to a record or document names pursuant to Rule 208(b)(4), SCACR;
- b. The brief is in excess of fifty pages, in violation of Rule 208(b)(5), SCACR;
- c. Although the brief contains a section titled “Issues on Appeal,” many of the issues appear to be not based on existing law, are statements of Appellant’s opinion of the law, or are rhetorical questions about things that occurred in the foreclosure hearing; *see* Rule 208(b)(1)(B);
- d. On February 11, 2016, this Court issued a letter stating that this appeal would proceed without a transcript due to fact that no transcript could be produced. As such, all references to statements made at the foreclosure

hearing contained within the brief should be removed as improper pursuant to Rule 210(c), SCACR;

- e. The brief is not accompanied by a Designation of Matter to be Included in the Record pursuant to Rule 209, SCACR;
- f. The brief does contain a section that can be construed as an "Argument" section, but contains no citations to any South Carolina law, in violation of Rule 208(b)(1)(D), SCACR;
- g. The brief contains a number of exhibits, most of which were not presented to the lower court in violation of Rule 210(C), SCACR. Specifically, this Court should strike Appellant's Exhibit 1, Exhibit 2, page 1 of Exhibit 3, Exhibit 6, pg. 5, Exhibit 7 pp. 1-59, 61-75, Exhibit 9, Exhibit 10, Exhibit 11, Exhibit 12, Exhibit 13, Exhibit 14, Exhibit 15, Exhibit 16, Exhibit 17, Exhibit 18, Exhibit 19, Exhibit 21, Exhibit 23 pp. 2-3, Exhibit 25, and Exhibit 26.

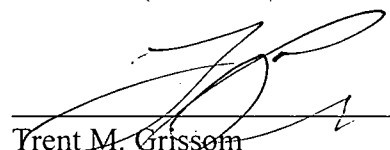
5. Given that Appellant has failed to comply with the April 25 order, Nationstar respectfully requests that the Court strike Appellant's most recent Initial Brief for failing to comply with the South Carolina Appellate Court Rules.

For the reasons stated, Nationstar hereby respectfully requests that this Court strike Appellant's Initial Brief for failure to comply with the South Carolina Appellate Court Rules and direct Appellant to file a brief that complies with the South Carolina Appellate Court Rules and file a Designation of Matter to be Included in Record on Appeal.

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

WHEREFORE, Nationstar respectfully requests that this Court grant this Motion.

This 5<sup>th</sup> day of October, 2016.



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*Attorney for Respondent Nationstar  
Mortgage LLC*


**CERTIFICATE OF SERVICE**

The undersigned certifies that *Respondent's Motion to Strike Initial Brief* 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

This the 5<sup>th</sup> day of October, 2016.

  
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October 5, 2016

VIA FEDERAL EXPRESS  
TRACKING NO. 7842 7107 8523

Jenny Abbott Kitchings  
Court of Appeals Clerk of Court  
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SC Court of Appeals

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

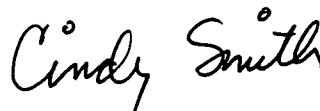
Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of *Respondent Nationstar Mortgage LLC's Motion to Strike Appellant's Initial Brief* 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. Smith

Practice Assistant to Trent M. Grissom

/cjs  
Enclosures

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

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BILL SENDER

TO JENNY ABBOTT KITCHINGS  
COURT OF APPEALS CLERK OF COURT  
1220 SENATE ST

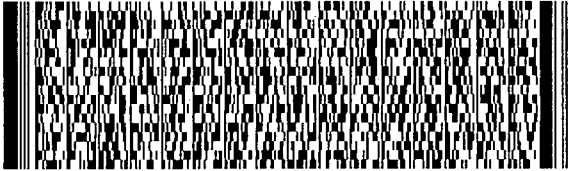
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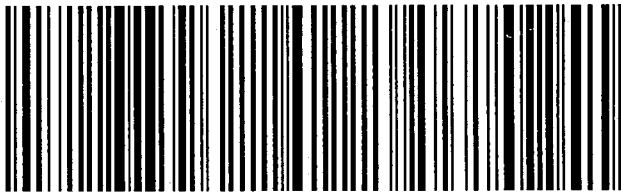
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SC Court of Appeals