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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY CIRCUIT COURT
Joseph M. Strickland, Master-In-Equity

Appellate Case No.: 2016-000678

Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust
2006-1, Asset-Backed Certificates, Series 2006-1,

Respondent,

v.

Helen V. Thomas; Darrel A. Thomas; Robert Lee Hutchinson; Nancy Lee Hutchinson;
Briarwood Association; Sonja Michelle Furtick,

Defendants,

Of whom, Helen V. Thomas is the Appellant.

MOTION TO DISMISS APPEAL

RECEIVED
DEC 15 2016
SC Court of Appeals

Chad W. Burgess, Esq.
Brock & Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
(803) 454-3540
Attorney for Respondent

PLEASE TAKE NOTICE that Respondent, Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-1, Asset-Backed Certificates, Series 2006-1, ("Respondent") by and through its undersigned attorney, will move before this Court for an Order dismissing the instant appeal pursuant to Rules 260 and 269 of the South Carolina Appellate Court Rules on the grounds that Appellant, though having been given ample opportunity to correct deficiencies associated with her submission of the

record on appeal, has failed to correct said deficiencies. To wit, Appellant submitted the record on appeal on October 28, 2016 which contained numerous deficiencies. On October 31, 2016, this Court issued a letter to Appellant notifying her of deficiencies to the record on appeal and allowing ten (10) days to correct any deficiency or else the appeal would be dismissed.

On November 3, 2016, Appellant submitted a proposed amended record on appeal which also contained deficiencies. On November 7, 2016, this Court sent another letter to the Defendant again notifying her of deficiencies and allowing ten (10) days for Appellant to correct the deficiencies to the record on appeal in their entirety. On that same date, counsel for Respondent notified the Court that Appellant's proposed amended record on appeal failed to include all material designated in Respondent's designation of matter to be included in the record on appeal.

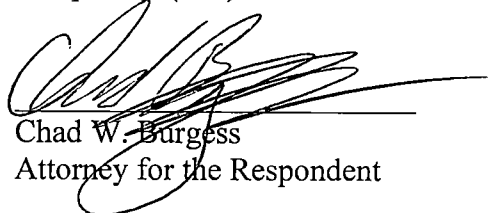
On November 14, 2016, Appellant submitted another amended record on appeal. Notwithstanding this Court's prior admonitions regarding deficiencies, this filing contained many of the same deficiencies as Appellant's prior attempts to submit the record on appeal. Specifically, this document failed to include the material proposed in Respondent's designation of matter to be included in the record on appeal. Further, the document was not accompanied by a certificate of the Appellant as required by SCACR Rule 210(g). On November 15, 2016, yet another Order was entered which gave Appellant until November 17, 2016 to correct the deficiencies outlined in the Court's November 7, 2016 letter. Appellant once again failed to cure the deficiencies noted by the Court on three separate occasions.

The South Carolina Supreme Court ruled upon a similar motion to dismiss in Henning v. Kaye, 307 S.C. 436, 415 S.E.2d 794 (1992). In Henning, the Supreme Court noted that the SCACR “are not mere technicalities, but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State. It is incumbent upon counsel to provide material that complies with the Rules and facilitates appellate review.” Id. at 437. While the Hennings court ultimately gave appellants an opportunity to correct the record (the first such opportunity granted), it noted that it “would be completely justified in dismissing this appeal based on appellant’s numerous violations of the Rules...” Id. at 438.

Unlike the appellant in Hennings, Appellant in this case has already been given **three** distinct opportunities to cure the defects in the record on appeal as is outlined above. Appellant’s continued disregard for the SCACR warrants a dismissal pursuant to SCACR Rule 269 as it has become clear that the appeal is frivolous, taken solely for the purposes of delay, and is not in compliance with the SCACR.

Based upon the foregoing, Respondent respectfully requests that this appeal be dismissed.

Brock and Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
Telephone: (803) 454-3540



Chad W. Burgess
Attorney for the Respondent

Dated: December 14, 2016
Columbia, South Carolina

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Joseph M. Strickland, Master-In-Equity

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v.

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Briarwood Association; Sonja Michelle Furtick,

Defendants,

Of whom, Helen V. Thomas is the Appellant.

CERTIFICATE OF SERVICE BY MAIL

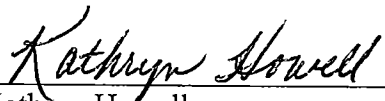
The undersigned hereby certifies that on December 14, 2016, she served a copy of Respondent's Motion to Dismiss Appeal, and Certificate of Service by Mail upon the person(s) below by depositing the same in the US Mail with proper postage affixed and addressed as follows:

Helen V. Thomas
3002 Knightbridge Road
Columbia, South Carolina 29223

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SC Court of Appeals


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December 14, 2016

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Deutsche Bank National Trust Company, as Trustee for Soundview Home
Loan Trust 2006-1, Asset-Backed Certificates, Series 2006-1 v. Helen V.
Thomas; Darrel A. Thomas; Robert Lee Hutchinson; Nancy Lee
Hutchinson; Briarwood Association; Sonja Michelle Furtick
Appellate Case#: 2016-000678
B&S file #: 13-18819

Dear Ms. Kitchings:

Enclosed please find an original and six copies of a Motion to Dismiss Appeal with regard to the above referenced matter. Kindly file the same and return a clocked copy to me in the enclosed self-addressed stamped envelope.

Thank you in advance for your assistance in this matter.

Sincerely,

Kathryn Howell
Paralegal
Brock & Scott, PLLC

Enclosures



13-18819 FC01

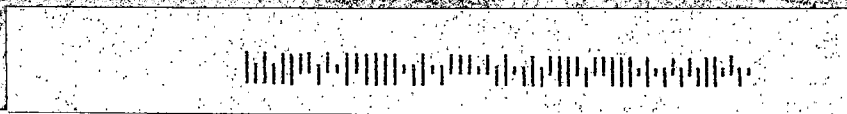




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