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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, Master in Equity

Appellate Case No. 2021-000978

Deutsche Bank National Trust Company, as Trustee for NovaStar Mortgage Funding Trust,
Series 2006-5 NovaStar Home Equity Loan Asset-Backed Certificates, Series 2006-5,

Respondent,

v.

Terry Lennette Grant and Catherine Alls,

Defendants,

Of whom Terry Lennette Grant is the Appellant.

**RESPONDENT'S RETURN TO APPELLANT'S MOTION FOR REMAND AND
STAY**

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

Pursuant to Rule 240(e) SCACR and the request from the Court of Appeals dated September 27, 2021, Respondent respectfully submits this return to Appellant's Motion for Remand and Stay.

Respondent respectfully consents to the motion to remand to the Master in Equity to take up Appellant's Motion for Relief from Judgment filed as an exhibit to Appellant's Motion for Remand and Stay. Plaintiff has voluntarily requested that the foreclosure sale scheduled for October 4, 2021 be cancelled thereby rendering Appellant's request for stay moot because there is no event for which a stay may be interposed.

An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy. *Jackson v. State*, 331 S.C. 486, 489 S.E.2d 915 (1997). Moot appeals differ from unripe appeals in that moot appeals result when intervening events render a case nonjusticiable. See Jean Hoefer Toal, Shahin Vafai & Robert A. Muckenfuss, *Appellate Practice in South Carolina* 122 (1999). "A case becomes moot when judgment, if rendered, will have no practical legal effect upon [the] existing controversy. This is true when some event occurs making it impossible for [the] reviewing Court to grant effectual relief." *Mathis v. South Carolina State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973).

Curtis v. State, 345 S.C. 557, 567, 459 S.E.2d 591, 596 (2001).

CONCLUSION

Respondent respectfully consents to Appellant's request to remand the case to the Beaufort County Master in Equity. Based upon the cancellation of the foreclosure sale scheduled for October 4, 2021, Defendant's motion for stay is moot.

[SIGNATURE PAGE TO FOLLOW]

Respectfully Submitted,



Chad W. Burgess, Esq. (SC Bar No: 72520)
Brock & Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210
(803) 454-3540
Attorney for Respondent

Dated: October 1, 2021

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CERTIFICATE OF SERVICE

The undersigned certifies that, on October 1, 2021, Respondent's Return to Appellant's Motion for Remand and Stay were served on the below-listed parties by Depositing a copy thereof in the United States Mail, first Class, postage prepaid, addressed to:

Charles E. Houston, Jr.
The Houston Law Firm, LLC
100 Main Street, Suite 200C
Hilton Head Island, SC 29926

Served By:



Chad W. Burgess, Esq.
Brock and Scott, PLLC
3800 Fernandina Road, Suite 110
Columbia, SC 29210
(803) 454 3540

Date: October 1, 2021