IN THE COURT OF APPEALS OF THE STATE OF MISSISSIPPI

NO. 2025-CA-00694-COA

ODELL DUCKSWORTH AND PATRICIA DUCKSWORTH — **APPELLANTS**

v.

REVERSE MORTGAGE SOLUTIONS, INC. — **APPELLEE**

DATE OF JUDGMENT:	05/15/2025
TRIAL JUDGE:	HON. MATTHEW GORDON SULLIVAN
COURT FROM WHICH APPEALED:	JASPER COUNTY CIRCUIT COURT, FIRST JUDICIAL DISTRICT
ATTORNEY FOR APPELLANTS:	STEPHEN PAUL WILSON
ATTORNEYS FOR APPELLEE:	AMANDA McGREGOR BECKETT PETER LAWRENCE LUBLIN
NATURE OF THE CASE:	CIVIL - REAL PROPERTY
DISPOSITION:	AFFIRMED - 11/24/2026
MOTION FOR REHEARING FILED:	

BEFORE WILSON, P.J., WESTBROOKS AND McCARTY, JJ.

McCARTY, J., FOR THE COURT:

¶1. A couple owned a home in Jasper County but lost it to foreclosure. The company that purchased the home filed suit to evict the couple and was awarded possession in justice court. The couple appealed to circuit court. In turn, the company sought summary judgment on its right to evict the couple. Several months later, their counsel asked for more time to respond through a motion for continuance. The trial court granted summary judgment. Finding no error, we affirm.

FACTS

¶2. Odell and Patricia Ducksworth owned a house in Jasper County. In January 2012, the

couple signed mortgage documents conveying their house to a company via a Deed of Trust. Four years later, the mortgage was assigned to Reverse Mortgage Solutions. Provisions within the Deed of Trust explained that in the event of foreclosure, the company could seek to evict at any time.

¶3. In December 2018, the Ducksworths received a default notice letter from the company. The letter explained that they were in default on their mortgage in the amount of $2,284. The letter also advised the couple they needed to take immediate action or risk foreclosure. Unfortunately, they did not respond or cure the default.

¶4. Nine months later, Reverse Mortgage Solutions foreclosed and purchased the couple's home for $32,000. Still, the Ducksworths remained in the house.

PROCEDURAL HISTORY

¶5. A slow procedural history began. First, Reverse Mortgage Solutions filed a Complaint for Unlawful Detainer against the Ducksworths in justice court. Two years later, the company was awarded possession. The couple was ordered to vacate the house.

¶6. The following month, the Ducksworths filed a notice of appeal to the circuit court. The couple's appeal sat idle in the following months.

¶7. The company served the Ducksworths with discovery requests for admissions, interrogatories, and production. However, the couple only responded to the requests for admissions.

¶8. One year later, Reverse Mortgage filed for summary judgment. The company argued

that as a matter of law it owned the house. The company further argued that as the borrowers, the Ducksworths waived "any challenges to and underlying foreclosure."

¶9. No response or filings from the Ducksworths occurred for the next eight months. Three days before the summary judgment hearing, counsel for the Ducksworths filed a request for more time to respond. Counsel attached an affidavit to the motion, which explained that Mrs. Ducksworth "[had] been hospitalized for prolonged periods of time" and could not communicate with him about the proceedings.

¶10. At the hearing, Reverse Mortgage noted that "legally, it's a simple case" because under Mississippi law, a title deed could suffice to prove the right of possession of real property.

¶11. In response, the couple's counsel explained how Mrs. Ducksworth remained hospitalized while Mr. Ducksworth also suffered from poor health. Despite "tr[ying] everything but smoke signals" to communicate, counsel remained unable to contact the couple since they received the discovery requests.

¶12. According to their counsel, the Ducksworths simply could not participate in the same capacity at the circuit court's proceedings as they had at justice court. He highlighted their "intense desire" to remain in the home but noted the couple's physical health was impeding the case.

¶13. The circuit court granted summary judgment in favor of Reverse Mortgage. The trial court found the deed's terms were clear that Reverse Mortgage had the right to terminate the

tenants' possession at any time. The Ducksworths appeal the grant of summary judgment, and the case has been assigned to us for review.

STANDARD OF REVIEW

¶14. This Court follows "a de novo standard of review of a trial court's grant or denial of summary judgment." *United Servs. Auto. Ass'n v. Moffatt*, 334 So. 3d 165, 168 (¶15) (Miss. Ct. App. 2022). When "pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any," demonstrate "no genuine issue" of material fact, summary judgment is proper. M.R.C.P. 56(c). The non-movant carries the burden to provide "supportive evidence of *significant* and *probative* value in opposition to the motion for summary judgment." *Ward v. Ill. Cent. R. R. Co.*, 271 So. 3d 466, 469 (¶8) (Miss. 2019) (emphasis added).

DISCUSSION

¶15. The Ducksworths raise a single issue on appeal. They claim "the trial court erred by not allowing additional time to procure" necessary affidavits from the couple to "adequately defend the motion for summary judgment." The Ducksworths also pose that denial of their 56(f) motion precludes them from defending on the merits of the case itself.

¶16. Pursuant to Mississippi Rule of Civil Procedure 56(f), a party opposing a motion for summary judgment may request a continuance for further discovery. Rule 56(f) provides:

> [S]hould it appear from the affidavits of a party opposing the motion that he cannot for reasons stated present by affidavit facts essential to justify his opposition, the court . . . may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such

order as is just.

MRCP 56(f).

¶17. In essence, 56(f) allows a party to explain her inability to fully oppose a summary judgment at that time. *Prescott v. Leaf River Forest Prods. Inc*., 740 So. 2d 301, 307 (¶13) (Miss. 1999). But to gain additional time, a movant "may not rely on vague assertions" and "unspecified facts." *Id*. at 308 (¶13). Instead, the motion "must specifically demonstrate how postponement of a ruling" on summary judgment will advance the movant's rebuttal to show a genuine issue of material fact. *City of Jackson v. Shavers,* 97 So. 3d 686, 691-92 (¶21) (Miss. 2012) (quoting *United States v. Little Al*, 712 F.2d 133, 135 (5th Cir. 1983)). Likewise, when a summary judgment motion is filed before discovery is closed, "the trial court may postpone ruling . . . to permit . . . discovery to be had." *Sea Breeze Condominiums & Resort Owners' Ass'n Inc. v. Lyons*, No. 2025-IA-00398-SCT, 2026 WL 2663750, at *5 (¶28) (Miss. Sept. 10, 2026), mot. for reh'g filed (Sept. 24, 2026).

¶18. In that recent property dispute, our Supreme Court addressed the substantive purpose of 56(f). *Id*. at (¶31). In *Sea Breeze*, a condominium owner filed suit against his homeowners association for imposing a fine when he refused to remove a series of decorative glass artwork from his condo. *Id*. at *2 (¶¶11-12).

¶19. The HOA moved for summary judgment. *Id*. at (¶14). In response, the owner moved in part for more time through a 56(f) motion. *Id*. at *3 (¶19). He requested more time to show how multiple other condo owners had similar artwork without consequence. *Id*. Through

further discovery, the owner planned to gather evidence about this disparate treatment. *Id*.

¶20. On review, the Supreme Court found the owner proved how "postponement of a ruling" would "enable him, by discovery or other means" to defend against "the absence of a genuine issue of fact." *Id*. at *6 (¶33). The Court found that a genuine issue of fact remained and that the owner should have been allowed to complete discovery before the summary judgment hearing. *Id*. at *7 (¶37).

¶21. Unlike the diligent condo owner in *Sea Breeze*, the Ducksworths did not identify any specific discovery in their request for more time. A motion pursuant to 56(f) seeks to aid where "necessary information rests" with the party seeking summary judgment and where discovery completion is "desirable and necessary." *Id*. at *5 (¶31). But the couple's 56(f) motion—which only included an affidavit from their attorney saying he was unable—did not explain what information he would seek if the continuance was granted.

¶22. Procedurally, 56(f) continuance protects litigants whose discovery can determine the outcome of a summary judgment motion. But the rule does not automatically shield "litigants who are lazy or dilatory, and normally the party invoking Rule 56(f) must show what steps have been taken to obtain access to the information allegedly within the possession of the other party." *Owens v. Thomae*, 759 So. 2d 1117, 1120 (¶12) (Miss. 1999); *see also 10B Wright & Miller, Federal Practice & Procedure* § 2741 (4th ed.) (updated Apr. 2026).

¶23. The Ducksworths received ample time to litigate this matter. Two years passed after foreclosure before the justice court initially granted possession to Reverse Mortgage. After

appealing, the Ducksworths did not conduct any discovery nor respond to the company's discovery requests over the course of eleven months. Eight more months passed without response after Reverse Mortgage filed for summary judgment. Undoubtedly, the couple was not prejudiced during the litigation process, which began in 2019 and continues.

¶24. We also note that movants have a duty "to pursue said motion to hearing and decision by the court." UCRCCC 2.04. After the hearing, counsel did not actively pursue a ruling on the motion for continuance for over a year and a half before the circuit court granted summary judgment.

¶25. Ultimately, "an action for unlawful entry and detainer is meant to be a summary remedy." *Gandy v. Citicorp*, 985 So. 2d 371, 373 (¶7) (Miss. Ct. App. 2008). And a deed, absent contrary evidence, suffices to establish a plaintiff's possession of land as prima facie correct. *Huff v. Murray*, 171 Miss. 656, 158 So. 475, 476 (1935). The company had a deed, which proved its ownership and right of possession. No further discovery would alter the outcome of the trial court's ruling on the merits.

CONCLUSION

¶26. Ultimately, the Ducksworths do not challenge Reverse Mortgage's right to possess the house it purchased in foreclosure. Therefore, we find no error in the granting of summary judgment. Nor was it error for the trial court to impliedly deny the motion for continuance when the couple received the benefit of over 18 months of delay and did not seek a ruling on the motion. Accordingly, we affirm.

¶27. **AFFIRMED.**

BARNES, C.J., CARLTON AND WILSON, P.JJ., WESTBROOKS, McDONALD, LAWRENCE, EMFINGER, WEDDLE AND LASSITTER ST. PÉ, JJ., CONCUR.