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**Jun 21 2022**

**SC Court of Appeals**

**FORM 1  
NOTICE OF APPEAL IN A CIVIL CASE**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]**

**APPEAL FROM CLARENDON COUNTY  
Court of Common Pleas**

**Kristi F. Curtis Judge**

**Case No. 2022CP1400173**

Steve McKenzie Attorney for  
Frank Jones

Respondent,

v.

Samuel-Tucker Collins Jr

Appellant.

**NOTICE OF APPEAL**

Samuel-Tucker Collins Jr appeals the order of the Judge Kristi F. Curtis, Judge No. 2762, dated May 23, 2022. Appellant received written notice of entry of this order on May 23, 2022.

June 14, 2022

Samuel Collins  
2398 Hotel Street  
Alcolu, South Carolina 290001  
(803) 410-6608  
Appellant

Other Counsel of Record:  
Steve Mckenzie  
2 North Brooks Street  
Manning, South Carolina 29102  
Attorney for Respondent  
(803) 435-8847

**CERTIFIED TRUE COPY  
OF ORIGINAL FILED IN THIS OFFICE**

DATE 6/14/22

Bonnie B. Roberts

CLERK OF COURT  
CLARENDON COUNTY, SC

2022 JUN 14 AM 9:43  
Bonnie Roberts, Clerk-Clarendon S.C.

**Quod non apparet non est; et non apparet judicialiter ante iudicium.  
That which appears not is not; and nothing appears judicially before judgment.**

**Notice:**

Comes now, Samuel-Tucker:Collins Jr. Stating the following facts that "Due Process of Law" is the law of the land and I am part and parcel to this said land; **Due Process of Law has been violated** by Clarendon County Magistrate Court, Marcia N. Frye d/b/a MAGISTRATE MARCIA N. FRYE/ Clarendon County's Court of Pleas, Kristi F. Curtis d/b/a MAGISTRATE, KRISTI F. CURTIS See South Carolina Supreme Court Chief Justice Jean Hoefler Toal's Memorandum, May 16<sup>th</sup> 2012, where she held the following: "The central tenet of due process is that each person who may be deprived of life, liberty, **or property** by an act of the state has a right to a fair procedure for the consideration of his or her interests prior to any such act."

Therefore, due process would require both notice and an opportunity to be heard. Also see 211 U.S. 78, 100-101, *Twining v. State of New Jersey* (1908); 59 U.S. 272, @ 276 *Murray's Lessee V. Hoboken Improvement Company*, (1855).

- 1.) Pursuant to **326 U.S.310 @ 316 International Shoe Co. v Washington (1945)** for this record and on this record, as I did in Clarendon County Magistrate's Court and the Clarendon County Court of Common Pleas, I am establishing and asserting my liberty/right to 'Personal Jurisdiction as an indigenous native.
- 2.) I challenged subject matter jurisdiction and demanded on the record, for Marcia N. Frye d/b/a MAGISTRATE, MARCIA N. FRYE/ Kristi F. Curtis d/b/a MAGISTRATE, KRISTI F. CURTIS to present a certified copy of their jurisdictional authority; pursuant to 30 Cal 596 *Middleton v. Low* (1866), & *Prosser v. Secor* "No officer can acquire jurisdiction by deciding he/she has it". The officer whether **Judicial** or **Ministerial** decides at his/her own peril. Also see *Rosemont v Lambert* "**The burden shifts to the Court to Prove Jurisdiction**".

**Is Kristi F. Curtis d/b/a MAGISTRATE, KRISTI F. CURTIS/Marcia N. Frye d/b/a MAGISTRATE MARCIA N. FRYE sitting pursuant to 28 USC 453 Under Oath?** Marcia N. Frye d/b/a MAGISTRATE MARCIA N. FRYE and Kristi F. Curtis d/b/a MAGISTRATE KRISTI F. CURTIS refused on the record to present a Certified Copy of Jurisdictional authority compelled by the above citations of law upon request by defendant on and for and on the record.

- 3.) The Supreme Court of the United States of America has held in Landmark Case **5 US 137 (1803) Marbury v. Madison**, that "the Government of the United States has been emphatically viewed as a Government of Laws and not of men". On 21 April 2022 Marcia N. Frye, d/b/a MAGISTRATE MARCIA N. FRYE, and May 20<sup>th</sup>, Kristi F. Curtis d/b/a MAGISTRATE KRISTI F. CURTIS acted in contravention to the above Landmark Citation when they both ruled in error of law against the defendant.

- 4.) To attempt to operate and or adjudicate in an office without a certified oath of authority; is in contravention to the United States Constitution; is acting under Color of Law and under false pretenses. Pursuant 28 USC 1001 (a) (1), (2), (3) **Materially false, Fictitious or fraudulent statement or representation by any trick, scheme, device or material fact, brings a fraud upon the Court.**

- 5.) In **358 US 1, 17, 18 Cooper v Aaron (1958)** it states "The United States Supreme Court is the Law of the land". In 1808, Chief Justice Marshall Speaking for a 'Unanimous Court' held the following, "Referring to the Constitution as "the fundamental and paramount law of the nation,"; "It follows that the interpretation of the Fourteenth Amendment enunciated by this Court in the Brown case is the supreme law of the land, and Art. VI of the Constitution makes it of binding effect on the States "anything in the Constitution or Laws of any State to the Contrary notwithstanding.

**Quod non apparet non est; et non ap-paret judicialiter ante iudicium.  
That which appears not is not; and nothing appears judicially before judgment.**

Every state legislator, executive and judicial officer is solemnly committed by oath taken pursuant to Art. VI, cl. 3, "to support this Constitution." In 1859 Chief Justice Taney, speaking for a unanimous Court in 1859, said that this requirement reflected the framers' "anxiety to preserve it [the Constitution] in full force, in all its powers, and to guard against resistance to or evasion of its authority, on the part of a State", Ableman v. Booth, 21 How. 506," 524. Chief Justice Taney further stated, "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it".

6.) Pursuant **78 F.2d 602 In Re Thomas (1935)** the United States **Government Is Bankrupt**. How did any of the officers/Parties, Judges/ Magistrates/ Clerk of Court/Attorneys take an oath to a bankrupt system? That being said, if they did, where is the certified evidence? If they have not, then they have all committed treason and fraud upon the Court and against the Constitution of the United States in America.

7.) **Metheany v. United States, 390 F.2d 559**- Where is the certified copy of the Oath of Office that Marcia N. Frye, d/b/a MAGISTRATE, MARCIA N. FRYE and Kristi F. Curtis d/b/a MAGISTRATE, KRISTI F. CURTIS took to uphold the Constitution of the United States in America. Also see, 845. **FALSE OATH OR ACCOUNT—18 U.S.C. § 152(Z) Provides: A person who...knowingly and fraudulently makes a false oath or account in or in relation to any case under title 11;...shall be fined..., imprisoned..., or both.**

**The elements of a false oath violation have been defined as:**

- 1. the existence of a bankruptcy proceeding;**
- 2. a statement made under oath;**
- 3. the statement must be material;**
- 4. the statement must be false; and**
- 5. the statement was made knowingly, fraudulently and without full disclosure.**

8.) **19 U.S. 264 @404 Cohens v. Virginia**- When a Judge acts where he/she has no jurisdiction to act, it is a Treasonous Act. Chief Justice John Marshall held that, "It is most true that this Court will not take jurisdiction if it should not. But it is equally true, that it must take jurisdiction if it should. The judiciary cannot as the legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise of Jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution" and a violation of equity laws.

9. In Elliot v. Peirsol, if jurisdictional authority is not presented on and for the record when challenged, the case is null and void. Everyone involved against the challenger is Trespassing the liberties of said challenger.

10.) 312 U.S. 600 Sec. 7, U.S. v Cooper Corporation, the placing of my name in **ALL CAPITOL LETTERS lacks full disclosure of the Material Facts** and is a conspiracy against me by the judicial system and its Officers.

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That which appears not is not; and nothing appears judicially before judgment.**

11. 60 U.S. 393,396,45 0,518,527-529, 629, 633 Dred Scott V. Sanford (1856) "**Black People/People of African Descent have Diplomatic Immunity.**

12.) 118 U.S. 425 @ 442 Norton v. Shelby County **State Courts are Unconstitutional.**

13. 59 U.S. 272 @ 276 Murray Lessee v. Hoboken Improvement Company- **Due Process of Law is the Law of the Land.**

In light of these unaddressed questions posed before the two previous courts of Marcia N. Frye, d/b/a MAGISTRATE, MARCIA N. FRYE and Kristi F. Curtis d/b/a MAGISTRATE, KRISTI F. CURTIS who ruled in **error of law**, Prayerfully this Appellant, pursuant to the afore cited Murray Lessee v. Hoboken Improvement Company "**Due Process of Law**", now re-presents these questions to this Honorable Appeals Court to be answered before any actions, proceedings and/or ruling be given in this matter. I am invoking the 20 maximums of equity law and this appellant knows of no order, nor writ, nor process for the violation of life, liberty and property of appellant neither under law, nor color of law or commercial process. For a judge to rule in favor of the respondent, would dis-allow me due process of law and provide the respondent with unjust enrichment and gain and acts of criminal trespass and slander against my private property.

Finally, relief sought: The reconveyance of my equity/property located at 2398 Hotel Street Alcolu, South Carolina [29001]; Re-instate the title to the rightful owner Samuel-Tucker:Collins Jr; Respondent, Frank Jones Failed to State a Claim where Relief can be granted pursuant to Rule 12 (b) 1-6. I move this Honorable Appeals Court for a ruling in my favor which reverses/dismisses the two lower courts erroneous rulings against me.

Thank You,

By: Samuel-Tucker:Collins Jr

**Samuel-Tucker:Collins**, Living Soul, Natural Man,  
**Real Party In Interest**, Secured Party Creditor to  
Fiction: **SAMUEL TUCKER COLLINS JR.**,  
Pre-paid Account #**262758387**  
**UCC3-402 (b) (1), UCC1-308, 103.6 In accordance with 28**  
**CFR 16.41 (d), 28 USC 1746 (1), 8 USC 1408; 15 stat Ch. 249**  
**Pg. 223 (1868)**  
june eighth two thousand twenty two

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF CLARENDON

2022CP1400173

SAMUEL COLLINS  
DEFENDANT

APPEAL RETURN

**CERTIFIED TRUE COPY  
OF ORIGINAL FILED IN THIS OFFICE**

DATE 4/27/22

Barclay B. Roberts  
CLERK OF COURT  
CLARENDON COUNTY, SC

VS.

FRANK JONES  
PLAINTIFF

Magistrate Civil case #2022CV1410100107 came before this court at 9:30 am on Thursday, April 21, 2022. Mr. Collins, a sovereign citizen, representing himself as Shemu Nasi El, the settlor for Samuel Tucker Collins. Attorney Steven S. McKenzie represented Mr. Frank Jones. This court granted the request of the Defendant to be called Mr. El.

Briefly, Mr. El (Collins) did not pay county taxes on his property at 2398 Hotel Street, Alcolu, South Carolina, in the county of Clarendon. The property was seized on July 18, 2019 by Clarendon County and sold at public auction on November 5, 2019 by the county to Mr. Frank Jones, Plaintiff. Twelve months lapsed since the sale and Mr. El (Collins) failed to redeem the said property. A Covid extension was also granted. The deed was delivered to Mr. Jones on December 20, 2021 by Matt Evans, Clarendon County Tax Collector. The county documentation was given to this court.

Mr. El (Collins) was served a 30 day Notice to Vacate dated February 2, 2022 by Mr. Jones. Mr. Jones filed a Notice to Quit with this court on February 18, 2022 and was served to Mr. El (Collins) by the Clarendon County Sheriff's Office on April 1, 2022. Mr. El (Collins) did not vacate, requested a hearing, and the Civil case was set for April 21, 2022 at 9:30 am. Both parties and lawyer McKenzie appeared. The case was called. Mr. McKenzie stated the plaintiff's case and provided evidence as noted above. Mr. El (Collins) questioned the jurisdiction of this case based on his sovereign citizen beliefs. This court heard his argument and ruled that we do have authority for property located in Clarendon County. The case continued. Mr. El (Collins) presented numerous sovereign citizen documents which (supplied by Mr. El a few days before the court date) this court had read thoroughly prior to the trial date. Other than these documents and the jurisdiction question Mr. El (Collins) presented no defense.

This court ruled that it does have jurisdiction, that the sale was properly conducted, that Mr. Jones has the deed and is the rightful owner of said property, thus Mr. Jones has the right of possession. The court ruled that Mr. El (Collins) is to vacate the property immediately. Mr. Jones will seek the assistance of the Clarendon County Sheriff's Office to assist with carrying out the terms of the order, dated April 21, 2022.

Presiding Judge

Clarendon County Magistrate Courty

A handwritten signature in black ink, appearing to read 'm n frye', written in a cursive style.

Marcia N. Frye

Today's date: April 27, 2022

Shemu El, Settler Nas et al  
PLAINTIFF(S)

Frank Jones  
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

This matter came before the Court on May 20th, 2022. The ruling of the lower court is hereby AFFIRMED. Appellant has failed to meet his burden of showing the lower court erred as a matter of law.

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 05/23/2022 .

Samuel Collins  
Clarendon County Magistrate  
Shemu El, Settler Nas for Shemu El, Settler Nas  
Frank Jones  
Shemu El, Settler Nas for Shemu El, Settler Nas

CERTIFIED TRUE COPY  
OF ORIGINAL FILED IN THIS OFFICE  
DATE 5/23/22  
*Bonnie S. Roberts*  
CLERK OF COURT  
CLARENDON COUNTY, SC

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

*Clerk of Court  
Copy of Original*

*Attachment  
Exhibit A (two)*

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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Clarendon Common Pleas

**Case Caption:** Shemu El, Settler Nas VS Frank Jones

**Case Number:** 2022CP1400173

**Type:** Order/Electronic Form 4

So Ordered

s/ Kristi F. Curtis, Circuit Court Judge, No. 2762

Electronically signed on 2022-05-23 14:53:14 page 3 of 3

CERTIFIED TRUE COPY  
OF ORIGINAL FILED IN THIS OFFICE

DATE 5/23/22

Beverly B. Roberts

CLERK OF COURT  
CLARENDON COUNTY, SC

**OFFICIAL ACT**  
**REAFFIRMATION OF OATH OF OFFICE**  
(NON STATUTORY)

and

**PRIVATE SECURITY AGREEMENT**  
(TO PROTECT AND AFFIRM UNALIENABLE RIGHTS)

Alan Wilson d/b/a ALAN WILSON SOUTH CAROLINA ATTORNEY GENERAL, Rembert Dennis Building 1000 Assembly Street, Room 519 Columbia South Carolina 29201/Kristi F. Curtis d/b/a KRISTI F. CURTIS MAGISTRATE JUDGE 215 North Harvin Street Sumter SC 29150/Beulah Roberts d/b/a BEULAH ROBERTS CLERK OF COURT 3 West Keitt Street Manning, South Carolina 29102/ Timothy Baxley d/b/a TIMOTHY BAXLEY SHERRIF 217 Commerce Street Manning South Carolina 29102; supervisors, heirs, agents and assigns.

I, Alan Wilson/d/b/a ALAN WILSON, SOUTH CAROLINA ATTORNEY GENERAL, / Kristi F. Curtis, KRISTI F. CURTIS MAGISTRATE/ Beulah Roberts/Timothy Baxley d/b/a TIMOTHY BAXLEY SHERRIF, individually and in my official capacity as a public official in and for Richland and CLARENDON Counties, State in SOUTH CAROLINA and or the United States, de facto, having previously sworn a solemn and binding Constitutional Oath of Office in regard to my office as, duties and obligations, the national Constitution of 1787, amended 1791, being under OFFICIAL BOND, do re-affirm herein, by way of this voluntary REAFFIRMATION of OATH OF OFFICE, in the form of a private security agreement, for the benefit of the Accommodation Party, Grantor, Trustor, Principle, so that the Accommodation Party may feel secure and knowledgeable in that, I, Grantee, trustee, agent, in my fiduciary capacity, will not violate the Unalienable Rights of Accommodation Party, nor will I, having a superior knowledge of the Law, opportunity, authority, power to prevent, knowingly allow other Government Officials to violate the Accommodation Party's rights and protections.

Pursuant to Title 42 U.S.C.A. Section 1981-1986, pursuant to My previous OATH OF OFFICE mentioned herein, I will diligently endeavor to stop, prevent, and or correct any violations to the Accommodation Party's rights and protections.

If this Oath or the Oath of Office previously taken and filed is violated in regards to My official capacity, I herein willingly, by confession, assent, and consent, waive and yield up, forever, any rights to claims of immunity from any Civil or Criminal prosecution brought by the Accommodation Party to redress grievances.

I have been advised and am aware of Title 18 U.S.C.A. Section 1621, and that it is a Federal Crime for "Perjury of Oath of Office" as well as 18 U.S.C. Chapter 47, and under NCGS Chapter 11, and that I could be subject to a term of imprisonment of up to five (5) years and a Two Thousand (\$2,000.00) dollar fine, under Title 28 U.S.C.A. Section 1746 for any violation thereof.

I further state that I know, or should have known all public officials, Officers of governmental bodies politic, in all branches/departments, Executive, Legislative, or Judicial, being of Oath of Office, bonded to fidelity, are under ministerial duty, Rock Island County v US ex rel. State Bank, 4 Wall 435, US v. Thomas, 15 Wall 337, US v Lee, 106 US 196, 1 S Ct 240, fiduciary/trustees, US v Carter, 217 US 286, 30 S. Ct 515. *"The implication of a trust is the implication of every duty proper to a trust. \*\*\*Whoever is*

a fiduciary or in conscience chargeable as a fiduciary is expected to live up to them.” Buffum v. Peter Barceloux Co. 289 US 227, 237; 77 L.Ed.1140, 1146, cited in Bruun v. Hansen, 103 F 2d. 685 (1939), wherein it further states “Being fiduciaries, the ordinary rules of evidence are reversed.”, must obey the law, Butz v Economou, (US) 98 S Ct 2894, Davis v Passman (1979, US) 99 S Ct 2264.

“The law will protect an individual who, in the prosecution of a right does everything which the law requires him to do but fails to obtain his right by the misconduct or neglect of a public officer.” Lytle v Arkansas, 9 Howe 314, 13 L Ed 153, Duluth & Iron Range Co. v Roy, 173 US 587, 19 S Ct 549, 43 L Ed 820, and “It is a maxim of the law, admitting few if any exceptions, that every duty laid upon a public officer for the benefit of a private person is enforceable by judicial process”. Butterworth v US ex rel. Hoe, 112 US 50, 5 S Ct 25, 28 L Ed 656.

I know it is a crime to conceal a crime, a fraud to conceal a fraud. I refuse to be a party to a crime or a fraud, therefore I refuse to compel Accommodation Party, to become a tort feisor to the aforesaid Article I, Section 10, Clause 1, national Constitution of 1787, amended 1791.

#### DISCLAIMER-CAVEAT and GRAVAMEN

“A ministerial officer is liable for an injury done, where his acts are clearly against law.” Tracy v Swartwout, 10 Pet. 80, 9 L Ed 354, “\*\*\* or where he acts willfully, maliciously, and unjustly, in a case within his jurisdiction.” Kendall v Stokes, 3 How 789, 11 L Ed 833, “may be liable in tort for misfeasance’s which are violations of public laws or official duties.” Garland v Davis, 4 Howe 131, 11 L Ed 907, “and action will lie against him; and a verdict for nominal damages should be rendered unless special damage is alleged and proved.” Boyden v Burke, 14 How 575, 14 L Ed 548, and “When the law requires a ministerial act to be done by a public officer, and he neglects or refuses to do such act, he is liable in damages to the party injured. Mistake or honest intentions will not excuse him.” South v Maryland, 18 How 396, 15 L Ed 433, Amy v Barkholder (Amy v The Supervisors) 11 Wall 136, 20 L Ed 101, “For breach of public duty an officer is punishable by indictment.” South v Maryland, 18 How 396, 15 L Ed 433, “The judicially fashioned doctrine of official immunity of judicial, legislative, or executive officers does not reach so far as to immunize criminal conduct proscribed by an Act of Congress.” O’Shea v Littleton, 414 US 488, 94 S Ct 669, 38 L Ed 674., holding each and all public officials, Officer, Government agent, contractor, assign, Corporate Officer of the Federal Reserve Banks/System, agents, contractors, assigns, “\*\*\* in equity there are certain rules prohibiting parties bearing certain relations to each other from contracting between themselves; and if parties bearing such relations enter into contracts with each other, courts of equity presume them to be fraudulent, and convert the fraudulent party into a trustee.” Perry on Trusts (7th Ed) Sec. 194, in Bruun v Hansen, (1939) 103 F 2d 685, under the doctrines of *res gestae*, *res ipsa loquitur*, *respondeat superior*, as now having prior knowledge, authority, power, opportunity to prevent or aid in preventing injury, damage, to Accommodation Party having been or about to be committed, Title 42 USCS Section 1986, as applies to public officials, Officers, by the existence of an agreement between 2 or more persons, acting in a private conspiracy, McNalley v Pulitzer Pub. Co. (1976) 532 F 2d 69, 429 US 855, 50 L Ed 2d 131, for deprivation of substantive Rights, Dickerson v City Bank & Trust (1983) 575 F Supp 872, regardless of source, Thirteenth Amendment, Gillespie v Civiletti (1980) 629 F2d 637, 30 FR Serv 2d 407, to conspire, through said conspiracy, to impede or hinder, or obstruct or defeat the due course of justice in a State or Territory, with the purposeful intent to deny the equal protection of the law, under color of State law or authority, or other, Griffin v Breckinridge (1971) 403 US 88, 29 L Ed 2d 338, 91 S Ct 1790, depriving Accommodation Party of having or exercising a Right, Federal Conspiracy to Obstruct Justice Act (Title 42 USCS Section 1985(2)), by invidiously, discriminatory, class based animus, Rowe v Tennessee (1977) 431 f Supp 1257, for political motivations, Grimes v Smith (1985) 776 F2d 1359, Cameron v Brock (1973) 473 F2d 608, by ostensibly government actions, Gemini Enterprises v WFMY (1979) 470 F Supp 559, deprivation of due process, even by federal officials, Williams v Wright (1976) 432 F Supp 732, Founding Church of Scientology v Director, FBI (1978) 459 F Supp 748, 98 L Ed 2d 150, 108 S Ct 199, Mori-

ani v Hunter (1978) 462 F Supp 353, Kenvatta v Moore (1985) 623 F Supp 224, even attorneys, Stevens v Rifkin (1984) 608 F Supp 710, even District Attorneys, Rouselle v Perez (1968) 293 F Supp 298, places upon the perpetrators the badges of fraud, prior knowledge, superior knowledge of the law, will of intent, perjury of Oath of Office, constructive treason, bad faith, breach of fiduciary/trustee responsibility, whereupon "*Being fiduciaries, the ordinary rules of evidence are reversed,*" Bruun v Hansen, (1939) 103 F 2d 685, further being advised, as in Ex Parte Young, 209 US 123 (1908), "*The attempt of a State Officer to enforce an unconstitutional statute is a proceeding without authority of and does not affect, the State in its sovereign or governmental capacity, and is an illegal act, and the officer is stripped of his official character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to its officer immunity from responsibility to the supreme authority of the United States.*"

Further, be it known, in the classic phrase of Justice Cardozo, in Steelman v All Continent Corp., 301 US 278, 81 L Ed 1085 "*Suits as well as transfers may be the protective coverings of fraud.*", that as in First National Bank v Flershem, 290 US 504, 78 L ed. 465, "*The fact that the means employed to effect the fraudulent conveyance was the judgment of a court and not a voluntary transfer does not remove the taint of illegality.*", and "*\*\*\*it is obvious that the fraud did not occur in open court nor in that sense enter into the decrees under attack, hence the fraud of which we complain was not susceptible to insulation. In the language of Shapiro v Wilous, 287 US 348, 77 L Ed 355. "It was part and parcel of a scheme whereby the form of a judicial remedy was to supply a protective cover for a fraudulent design."* Also, Steelman, supra, Flershem, supra, Bruun, supra, "*That in the absence of an adversary trial or decision the distinction between extrinsic and intrinsic fraud becomes immaterial and made clear by the following from the Throckmorton opinion, 98 US 61, 65; 25 L Ed 93, 95. Bruun, supra, therefore, I will answer Accommodation Party demand to know if it is true that all court actions, municipal, county, State, Federal are actions in debitatus assumpsit, or not. My failure to reply will be deemed that the actions are, in truth, in debitatus assumpsit.*

From Perry on Trusts, (7th ed), Sec. 851 "*But \*\*\* in order that the release, confirmation, waiver, or acquiescence may have any effect \*\*\* The cestui que trust must also know the law, and what his rights are, and how they would be dealt with by the court.*" The Supreme Court of Arizona in Garrett v Reid Cashion Land, 34 Ariz 245 at page 1052 quotes thus from Adair v Brimmer, 74 NY 539 "*Confirmation and ratification imply to legal minds, knowledge of a defect in the act to be confirmed, and the right to reject or ratify it. The cestui que trust must therefore not only have been acquainted with the facts, but appraised by the law, of how these facts would be dealt with by a court of equity. All that is implied in the act of ratification, when set up in equity by a trustee against his cestui que trust, must be proved, and will not be assumed. The maxim 'ignorantis legis excusat neminem' cannot be invoked in such a case. The cestui que trust must be shown to have been apprised of his legal rights.*" Also from Ungrich v Ungrich, 115 NYS 413, 417, "*The rule (is) that to fasten ratification upon a cestui que trust he must not only have been made acquainted with all the facts, but apprised also of the law, and how such facts would be dealt with by a court of equity.*", Likewise, Thaw v Thaw, 27 Fed 2d 729, US v Carter, 217 US 286, 54 L Ed 769, Wendt v Fischer(Cardozo, J.) 234 NY 439, 154 N.E. 303, Leach v Leach, 65 Wis. 284, 26 NW 754.

Michaud v Girod, 4 How 561, 11 L Ed 1076, Pomeroy's Equity, Sec. 847, Winget v Rockwood 69 F 2d 326, et seq., and from Texas & Pacific Ry. v Pottorff, 291 US 245, 78 L Ed 777, in Bruun, supra, "*the doctrine is thus affirmed, "It is the settled doctrine of this Court that no rights arise on an ultra vires contract, even though the contract has been performed; and that this conclusion cannot be circumvented by erecting an estoppel which would prevent challenging the legality of a power exercised "* and from US v Grossmayer, 9 Wall 72, 19 L Ed 627, "*A transaction originally unlawful cannot be made any better by being ratified.*" and, further, following Bruun, supra, "*It is held axiomatic that no right, by ratification or other means, can arise out of fraud. 13 C.J. 492, Sec. 440, 6 R.C.L., p 698*, the following

is quoted in Thompson on Corporations, 3rd Ed Sec. 2828, from Central Transportation Co. v Pullman's Palace Car Co., 139 US 24, 35 L Ed 55, as established doctrine of the Supreme Court, "No performance on either side can give the unlawful contract any validity, or be the foundation of any right of action upon it." As said long ago by the great Justice Story in Prevost v Gratz, 6 Wheat 481, 497; 5 L Ed 311, 315, "It is certainly true that length of time is no bar to a trust clearly established; and in a case where fraud is imputed and proved, length of time ought not, upon principles of eternal justice, to be admitted to repel relief. On the contrary, it would seem that the length of time during which the fraud has been successfully concealed and practiced, is rather an aggravation of the offence, and calls more loudly upon a court of equity to grant ample and decisive relief."

Peonage and involuntary servitude, the principle of the violation of the Thirteenth Amendment of prohibition of imprisonment for debt is well settled in Clyatt n US, 197 US 207 (1905), Pressy v Ferguson, 163 US 537, 542, therefore keep in mind the word "whoever" as used in Fact of Law Title 18 USC 1581, "Whoever holds or returns any person to a condition of peonage, or arrests any person with the intent of placing him in or returning him to a condition of peonage, shall be fined not more than \$5,000.00 or imprisoned not more than five years.

The fact is that the term 'whoever' denies immunity to even the highest office in government, barring none. Whoever holds someone in peonage, or is in a conspiracy, coven, confederation, collusion, combination, aids and or abets in the act, in any way, is nonetheless liable for the penalty.

Notice to Principle is Notice to Agent. Notice to Agent is Notice to Principle. By this Public Notice and Declaration, the world is now informed.

By My default, failure to timely respond, reply, object to, this Public Notice and Declaration, it will be deemed willing, knowing, informed consent, approval, to be sued, by the sovereign, , giving rise to estoppel, 3J. Pomeroy, Equity Jurisprudence Section 805, p.192, Restatement 2d of Torts Section 894(1)(1979), now reasonably relied on, by Accommodation Party, Wilber National Bank v US 294 US 120, 124-125 (1935), due to misconduct by Government Officials, contractors, sub-contractors, agents, assigns, Heckler v Community Health Services, 467 US 51, at 59, 60, Federal Crop Ins., supra.

It is important to remind Myself of the doctrine of Estoppel By Silence. "It arises where person is under duty to another to speak or failure to speak is inconsistent with honest dealings. In Re McArdles Estate, 250 NYS 276, 287, 140 Misc. 257, et seq., and Silence, to work estoppel, must amount to bad faith. Wise v USDC Ky., 38 F Supp 130, 134, where duty and opportunity to speak, Codd v Westchester Fire Ins. Co. 14 Wash. 2d 600, 128 P 2d 968, 151 ALR 316, creating ignorance of facts, Cushing v US , DC Mass, 18 F Supp 83, 76 F 2d 17, 100 ALR 87, inducing person claiming estoppel to alter his position, Braunch v Freking, 219 Iowa 556, 258 NW 892, knowledge of facts and of rights by person estopped, Harvey v Richard, 200 La. 97, 7 So. 2d 674, 677, mislading of party claiming estoppel, Ridgill v Clarendon County, 192 S.C. 321, 6 S.E. 2d 766, 768, willful or culpable silence, Lenconi v Fidelity Trust & Savings Bank of Fresno, 96 Cal. App. 490, 273 P. 103 et seq., "silence" implies knowledge, and an opportunity to act upon it., Pence v Langdon, 99 US 581, et seq.

WILLIAMSON et al v JONES et al 27 S.E. Rep. 411 June 11, 1897.

General rule- The general rule of equitable estoppel, or, as it is frequently called, Estoppel in Pais, (The doctrine is that a person may be precluded by his act or conduct or silence, when it is his duty to speak, from asserting a right which he otherwise would have had. Marshall v Wil-

son, 175 Or. 506, 154 P 2d 547, 551. The effect of a party's voluntary conduct whereby he is precluded from asserting rights as against another person who has in good faith relied upon such conduct and has been led thereby to change his condition for the worse\* \* \*. Oswego Falls Corporation v City of Fulton, 265 NYS 436, 148 Misc. 170. Elements or fundamentals of 'Estoppel in Pais' include admission, statement, or act inconsistent with claim afterwards asserted. National Match Co. v Empire Storage 227 Mo. App. 1115, 58 S.W. 2d 797, et seq., change of position to loss or injury of party claiming estoppel, Personal Finance Co. v Henley-Kimball Co., 61 R.I. 402, 1 A 2d 121, 125, 117 ALR 1476, et seq., circumstances such that the party Estopped knew or should have known to be otherwise or pretended to know facts which he did not know, Briscoe v O'Connor, 119 N.J. Eq. 378, false representation or concealment of material facts, Pickens v Maryland Casualty Co. 141 Neb. 105, 2 N.W. 2d 593, 596, inducement to alter position, Haschenberger v Dennis, 118 Neb. 411, 225 N.W. 25, 26, 63 ALR 493, et seq., intention that false representation or concealment be acted upon, Malloy v City of Chicago, 369 Ill. 97, 15 NE 2d 861, 865, knowledge of facts, by party to be estopped, Darling Stores v Fidelity-Bankers Trust Co., 178 Tenn. 165, 156 SW 2d 419, et seq., lack of knowledge or means of knowledge of party claiming estoppel, Triplex Shoe v Rice & Hutchins, 17 Del. Ch. 356, 156 A 342, et seq., misleading of one person by another person to his prejudice or injury, Garmon v Davis, 63 Ga. App. 815, 12 SE 2d 209, 211, et seq., prejudice or loss or injury to one claiming Estoppel, City of St. Louis v Mississippi River Fuel, D.C. Mo. 57 F Supp 549, 554, et seq., reliance by one party on belief induced by other party, Clover v Peterson, 203 Minn 337, 281 NW 275, et seq., all from Black's Law Dictionary, 4th Edition) is that when one person by his statements, conduct, action, behavior, concealment, or even by silence, has induced another, who has a right to rely upon those statements, etc., and who does rely upon them in good faith, to believe in the existence of the facts with which they are compatible, and act upon that belief, the former will not be allowed to assert, as against the latter, the existence of a different state of facts from that indicated by his statements or conduct, if the latter has so far changed his position that he would be injured thereby: Rochester Canal Co. v King, 16 Beav. 630, et seq as listed at WILLIAMSON, supra, page 259 through 262.

Knowledge on the Part of the one Estopped a Necessary Element. See WILLIAMSON, supra page 269 #10.

Intent Necessary to Create an Estoppel. See WILLIAMSON, supra, page 276 #13.

Estoppel by Negligence. See WILLIAMSON, supra, page 277 #14.

Matters Relied upon must have induced the Claimant to act. See WILLIAMSON, supra, page 281, #16, page 283 #17.

The matters must mislead. See WILLIAMSON, supra, page 287 #19.

Action and Injury, See WILLIAMSON, supra, page 288 #20, page 299, #21.

Estoppel by Representations, See WILLIAMSON, supra, page 290 #22, arises from inquiries, See WILLIAMSON, supra, page 295 #23.

**Affidavit of Truth**

Estoppel by Admissions, See WILLIAMSON, supra, page 303 #27, and Judicial Admissions, page 304, #28.

Estoppel by Actions, See WILLIAMSON, supra, page 312 #31, and Inconsistent Positions, page 314 #32.

Estoppel by Concealment, See WILLIAMSON, supra, page 325 #36, and by Silence, page 326 #37.

Estoppel as to ultra vires acts, See WILLIAMSON, supra, page 345 #45.

Of this presentment take due **NOTICE** and heed, and govern yourself accordingly.

Our date of attestation in this the \_\_\_\_\_ day of June, in the year of Our Mighty Creator, two thousand twenty two.

Attestation Seal: \_\_\_\_\_  
(Print Official's Name Clearly) (Official's Signature in blue ink)

Accommodation Party Acknowledgment: Samuel-Tucker Collins Jr

Clarendon county De Jure  
in the state in South Carolina {organic},  
expressly not within the United States (de facto corporate)

Common Pleas  
Clerk : Beulah Roberts  
PO Box 136  
Manning, SC 29102  
Phone:(803) 435-4443 Fax:(803) 435-4844

Received From: Samuel Tucker Collins Jr.

Date : 6/13/2022

Paying for: Samuel Tucker Collins Jr.,

RECEIPT # 347294

Clerk: c14sbrang

Payment Type: Cash \$12.00

Reference #:

Total Paid 12.00

Comment: 3 Copies of Notice of Appeal with  
Non-Refundable exhibitis-22CP1400173

Total Received            \$12.00  
Change Due \$0.00



**RECEIVED**  
JUN 13 2022  
SC Court of Appeals