

RECEIVED

**The State of South Carolina
In the Court of Appeals**

**JUL 01 2022
SC Court of Appeals**

Appeal from Spartanburg County

Court of Common Pleas

Shannon M. Phillips, Master in Equity

Case No. 2012-CP-42-3027

Appellate Case No. 2022-000814

**Deutsche Bank National Trust Company,
as Trustee for Argent Securities, Inc.,
Asset-Backed Pass-Through Certificates,
Series 2004-W11, Respondent,
v.**

**geary thomas dooly, the man; and
eleanor s. dooly, the woman. and
United States of America,**

Alleged Defendants,

Of whom the man geary thomas dooly is the Appellant.

INITIAL BRIEF OF APPELLANT

**geary-thomas, dooly, appellant, sui juris
c/o Post Office box 3326
Spartanburg, South Carolina [29304]
Phone (864) 978-3426**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Table of Contents

Table of Authorities2 & 3
Facts..... 3 & 4
Statement of Issues on Appeal..... 4
Statement of the Case.....5
Arguments5 thru 9
CONCLUSION 9
CERTIFICATE OF SERVICE11

Table of Authorities

Cases

S.C.R. 1795, Penhallow v. Daon’s Administrators (3 U. S. 54; 1 L.Ed. 57; 3 Dall. 54).
“In as much as every government is an artificial person, an abstraction and a creature of the mind only, a government can interface only with other artificial persons, the imaginary, having neither actuality nor substance, foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc.’ can concern itself with anything other than corporate, artificial persons and contracts between them.” **NOTE: This is a key case that applies.**

People v. Parks, 58 cal. 624 "The Constitution is the voice of the people speaking in their sovereign capacity, and it must be heeded; when the Constitution speaks with reference to a particular matter, it must be given effect as the paramount law of the land."

1 **Montgomery v. State, 55 Fla. 97, 45 So. 879** "It is the duty of all officials, whether
2 legislative, judicial, executive, administrative, or ministerial, to so perform every official
3 act as not to violate Constitutional provisions." **Note: Judge Phillips has failed this.**

4 **" Bailey v. New York, 3 Hill (NY) 531, 38 Am Dec 669, affirmed in 2 Denio 433**
5 If a public officer authorizes the doing of an act not within the scope of his authority, he
6 will be held liable." Bailey v. New York, 3 Hill (NY) 531, 38 Am Dec 669, affirmed in 2
7 Denio 433.

8 **UCC 1-103.6:** The code is complementary to the common law, which is still in effect.
9 Showing the superiority of common law.

10 **Other Authorities**

11 ***Cesti Que Vie Act of 1666*** When the dead shows up living, the entire estate then re-vest
12 automatically unto the one so identified as the dead for the dead is no longer dead, and
13 the personal appearance of the supposed or assumed dead man cures the condition and
14 revokes all letters of administration ab initio.

15 **Facts**

16 **1.** The Appellant is not pro Se; is not educated in law; and is sui juris in all matters. The
17 Court is further noticed that, the alleged the man geary thomas dooly being sui juris, not
18 educated in the law, the Court must read and construe liberally all pleadings by
19 Appellant/Defendant per *Hanes v. Kerner 404 US 520, Birl v Estelle 660 F.2d 592.*

20 **2.** The man known as geary thomas dooly is **NOT** a corporate entity, is **NOT** an Artificial
21 Person; has **NOT** authorized anyone to use any other derivation of the name so as to
22 construe any other entity, vessel, of form of life or death re the man geary thomas dooly.

23 **3.** The United States Supreme Court has given the opinion of interaction of corporate
24 entities such as The State of South Carolina, Inc., operating under Dunn & Bradstreet
25 #067006072 which is mere paper constructs having no authority from the people as
26 follows:

27 ***"In as much as every government is an artificial person, an abstraction and a creature***
28 ***of the mind only, a government can interface only with other artificial persons, the***
29 ***imaginary, having neither actuality nor substance, foreclosed from creating and***
30 ***attaining parity with the tangible. The legal manifestation of this is that no***
31 ***government, as well as any law, agency, aspect, court, etc.' can concern itself with***

anything other than corporate, artificial persons and contracts between them.”

1
2 **4. In view of the above #3 “United States Supreme Court” ruling, How can any member**
3 **of this court conduct a SALE of land owned, and recorded on the Records of Spartanburg**
4 **County in the name of the living man geary thomas dooly without violating United**
5 **Supreme Court ruling of our Supreme Court, which of course is a criminal act,**
6 **particularly since having been duly NOTICED as in instant case? Any SALE of the land**
7 **of this man would be void and serious violation of The Constitution.**

Statement of Issues on Appeal

8 **1. Why would Courts, and Attorneys continue to refuse to prove the identity of the man**
9 **known as geary thomas dooly by simply ignoring the issue with unrelated discussion even**
10 **with me presenting the Court with adequate documentation that is on the court record of**
11 **this court, and identifies me as a natural living man, as NOT a USA Citizen, NOT a**
12 **corporate entity, and NOT an artificial entity?**

13 **2. Did Judge Shannon Phillips consider that the filing(s) she denied was addressing issues**
14 **of unlawful actions of ignoring Constitutional and NOT challenging merits of the case,**
15 **and noting that Jurisdiction and Malfeasance act can be addressed to the Court at any**
16 **juncture?**

17 **3. Does the Court have Jurisdiction to hear an in rem, admiralty action against the land of**
18 **geary thomas dooly, especially absent a Trial By Jury, and the FACT that the land is not**
19 **residential property? This is a KEY statement**

20 **4. Does the Constitution of South Carolina provide “the right to Trial By Jury to the**
21 **natural man?**

22 **5. Did the man known as geary thomas dooly demand a Trial By Jury in a timely fashion**
23 **after the initial Complaint in subject case?**

24 **6. Was the Power of Sale ever available for Plaintiff to have standing?**

STATEMENT OF THE CASE

- 1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
- A. Case was started July 19, 2012 as a Foreclosure on alleged note and mortgage.
 - B. The answer to Complaint was defended by demand for Trial By Jury of the man known as geary thomas dooly per Constitutional Law, and South Carolina wherein Trial By Jury is an indispensable component of due process of law, as well as other issues.
 - C. Over the next approximately 10 years the Courts and Attorneys continued prosecution while ignoring pleas for Trial By Jury.
 - D. The mode consisted of many Filings by parties with hearings before Master-In-Equity, and "fill-in" Judges.
 - E. The amount involved in Appeal is approximately \$280,000.
 - F. After a denial by Master-In Equity made without hearing of plea as to identity and status of the man known as geary thomas dooly, an objection was made and denied.
 - G. Judge Phillips ruled denial of the above objection on June 3, 2022.
 - H. The man geary thomas dooly filed Notice of Appeal on June 6, 2022

Arguments

- 16
17
18
19
20
21
22
23
24
25
26
27
28
- 1. The primary matters before the appellate court are;
 - (A) The manipulation of the Case by ignoring points made or skillfully having points wrongly dismissed, or misrepresented.
 - (B) The repeated refusal of either of the State agents, namely Shannon Phillips and Attorneys of record to recognize the man geary-thomas: dooly as a natural man and NOT a corporate entity, or Artificial Person which results in this court having NO JURISDICTION WHATSOEVER over the man known as geary thomas dooly.
 - (C) The major relevant matter in this Appeal, and/or in this entire errant Case 2012-CP-42-3027 is that the Court, the Plaintiff Attorneys, and any Court official that has participated has failed miserably to acknowledge the status of the man known as geary thomas dooly, "alleged defendant". Such refusal to establish proof on the Record

of the Court that the man known as geary thomas dooly:

1 (1) IS a Corporate Entity, (2) IS dead, (3) IS a United States Citizen,

2 (4) IS an Artificial Person (5) IS some other fictitious entity.

3 This failure is an act of Malfeasance and/or Misfeasance.

4
5 2. Judge Phillips, apparently, did NOT recognize the filings she denied as addressing
6 illegal, malfeasance activity which can be addressed at any point. The primary issues
7 were related to activity that does not belong in any Court, that is, violations of (a) due
8 process, (b) The Constitution, (c) and committing Jurisdictional errors.

9
10 3. **KEY POINT:** The Court lacks Jurisdiction to hear an in rem, admiralty action against
11 Defendant's land, especially absent a Trial by Jury. "The Legislature may not abrogate
12 the right to a jury trial simply by designating a proceeding as a civil action without a jury.
13 1985 Ford F-150 Pick Up, 308 S.C. at 72, 417 S.E.2d at 87." Mims Amusement Co. v.
14 South Carolina Law Enforcement Division, 366 S.C. 141, 149 (S.C. 2005) Number Forty-
15 one of The Fundamental Constitutions of Carolina of March 1, 1669 gives the
16 Jurisdiction of admiral's courts as follows; "consisting of one of the proprietors and his
17 six councillors, called consuls, shall have the care and inspection over all ports, moles,
18 and navigable rivers, so far as the tide flows, and also all the public shipping of
19 Carolina, and stores thereunto belonging, and all maritime affairs. This court also
20 shall have the power of the court of admiralty; and shall have power to constitute
21 judges in port-towns to try cases belonging to law-merchant, as shall be most
22 convenient for trade. The twelve assistants belonging to this court shall be called
23 proconsuls." **The Constitution of South Carolina - March 26, 1776 XVII** puts a limit
24 on Admiralty cases as follows; "That the jurisdiction of the court of admiralty be confined
25 to maritime causes." The United States Constitution Article VI The Supreme Law
26 Clause 1 Obligations of New Federal Government States "All Debts contracted and
27 Engagements entered into, before the Adoption of this Constitution, shall be as valid

against the United States under this Constitution, as under the Confederation.”

1
2 4. The South Carolina Constitution provides "the right of Trial By Jury shall be
3 preserved inviolate." S.C. Const. art. I, § 14. The right to a Trial By Jury is guaranteed in
4 every case in which the right to a jury was secured at the time of the adoption of the
5 Constitution in 1868. *Medlock v. 1985 Ford F-150 Pick Up*, 308 S.C. 68, 70-71, 417
6 S.E.2d 85, 86 (1992).

7
8 5. The Court's order that led to this Objection and subsequently to the June 3, 2022 order
9 by Judge Shannon Phillips Order that stated that the "Defendant has no right to a Jury
10 Trial on the claims at issue, which were equitable." First, the Court overlooks some
11 important facts in this matter. First: I asked for a "Trial By Jury", however Judge Phillips
12 denied a "Jury trial" (two different things] A Trial By Jury is a fundamental Right that the
13 I am entitled to and demanded in the First counterclaim, Second Amended Counterclaim,
14 and even their Third Counter Claim which where all within the 10 days of the closing of
15 the Pleadings. See Civil Court Rules of South Carolina Rules 38, and 39, South Carolina
16 Constitution. Furthermore, the right to Trial By Jury is a fundamental right. See *Wright v*
17 *.Colleton County School Dist.*, 301 S.C. 282, 291, 391 S.E.2d 564, 570 (1990). As such,
18 Verified by-" constitution" in "The statutes at Large of South Carolina Edited by Thomas
19 Cooper, M. D.; LL. D. Vol. I. Columbia s. c. 1836" pp. 128-134, any abridgement of that
20 right is subject to strict scrutiny. See *City of Beaufort v.*
21 *Holcombe*, 369 S.C. 643, 632 S.E.2d 894 (Ct.App. 2006). To meet strict scrutiny, a law
22 or policy must meet a compelling state interest and be narrowly tailored to effectuate
23 that interest. See *In re Treatment and Care of Luckabaugh*, 351 S.C. 122, 140-41, 568
24 S.E.2d 338, 347 (2002) If the State of Carolina has compelling state interest in helping
25 an attorney steal another man's property, then something is seriously wrong with this
26 government and needs to be abolished.

27
28 6. To allow for the Power of Sale to be available for a party to have standing, the

1 chain of endorsements appearing on the face of the Note Instrument must be in tandem,
2 and match the recordation of the chain of Assignments of Security Instrument in the
3 Public Records. Plaintiff failed to properly record Assignments of the Security
4 Instrument. The Counterclaim specifically revolved around the enforceability of "the
5 note" (lien) which would memorialize a Note's negotiation, where without endorsements
6 as it pertains to the transfer of beneficial and security interest in real property, can render
7 the [Security Instrument] a nullity by operation of law as the Note is unenforceable
8 under UCC 3-201, 3-204 & 3-302(d). "A security interest cannot exist independent of
9 the obligation it secures." *Negus-Sons, Inc.*, 460 B.R. at 758, quoting *In re Advanced*
10 *Aviation, Inc.*, 101 B.R. 310, 313 Bankr. M.D. Fla. 1989. It is a cornerstone and long held
11 concept within United States Law, that when the rights to the Tangible Paper Note and
12 the rights to the Security Instrument are separated, the Security Instrument, because it
13 can have no separate existence, cannot survive and becomes a nullity. In *Carpenter v.*
14 *Longan* 16 Wall 271, 83 U.S. 271, 274, 21 L.Ed. 313 (1872), the U.S. Supreme Court
15 stated "The note and mortgage are inseparable; the former as essential, the latter as an
16 incident. An assignment of the note carries the mortgage with it, while assignment of the
17 latter alone is a nullity... The mortgage can have no separate existence. When the note is
18 paid the mortgage expires. It cannot survive for a moment the debt which the note
19 represents. This dependent and incidental relation is the controlling consideration . . .".
20 The rights to the Dooly Intangible Obligation have been conveyed as a
21 Transferable Record to multiple classes of the ARSI 2004-W11 Trust. For the conditions
22 of Dooly Mortgage over the Dooly Intangible Obligation not to have been stripped away
23 by that conveyance, the rights to the Dooly Mortgage must have also been transferred to
24 multiple classes of the ARSI 2004-W11 Trust. The beneficial interest (ownership) of the
25 Dooly Mortgage has been recorded in the Official Records of Spartanburg County
26 Recorder's Office as being in the name of Argent Mortgage Company, LLC, the Original
27 Lender of the loan dated July 30, 2004. However, it is clear that Argent Mortgage
28 Company, LLC sold all ownership interest in the Dooly Intangible Obligation to multiple

1 classes of the ARSI 2004-W11 Trust on or about October 08, 2004, the Closing Date of
2 the ARSI 2004-W11 Trust. To exercise claims of rights to the Dooly Intangible
3 Obligation, proper assignments of the Dooly Mortgage should have been accomplished
4 for the Court to act lawfully in considering subject case thus malfeasance. This Court
5 should not avoid unlawful activity by ignoring FACT, and allowing Debt Collector
6 Agencies commit repeated unlawful acts. Justice cannot ignore UNjustice.

7 **CONCLUSIONS**

- 8
- 9 1. The man known as geary thomas dooly has proven throughout this case that he is a
10 natural living man, and NOT a corporate entity or an artificial person.
 - 11 2. The record reflects, along with the herein testimony, the man known as geary thomas
12 dooly has a right to a Trial By Jury, however Judge Shannon Phillips refuse to act in
13 accord with the Constitutional Law, Supreme Court Case law, and South Carolina
14 Constitution by failing to make available or rule that the man geary thomas dooly can
15 only be brought before a Trial By Jury of his peers.
 - 16 3. The references prove, adequately, that Judge Shannon Phillips, and this court,
17 CANNOT refuse the man geary thomas dooly a Trial By Jury without acting contrary to
18 Constitutional Law, and the Oath upon which she is sworn.
 - 19 4. It is, therefore concluded that Judge Shannon Phillips has wrongly acted against:
 - 20 a) The man known as geary thomas dooly, and
 - 21 b) The United States Constitution, Article 1 Section 6 Clause 17, and
 - 22 c) The United States Constitution Article 6, Clause 1, and
 - 23 d) The Constitution of South Carolina- March 26, 1776 XVII.
- 24 In accord with arguments presented herein this Appeals Court should reverse the ruling of
25 Judge Shannon Phillips, and more importantly, dismiss this case in its entirety,
26 immediately, since there is no need to waste additional court time and cost on a case that
27 has no merit, no foundation, no jurisdiction, no Due Process of Law, and fails to keep and
28 acknowledge the Constitution of her oath. A sale would complicate this errant case.

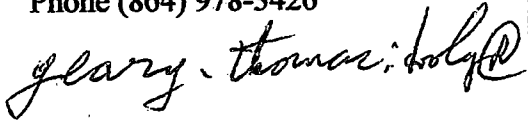
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

The man known as geary-thomas: dooly operates in peace and harmony with our Father the Creator God, and has no desire to impose any kind of hurt or penalty on anyone. Therefore, I request dismissal in total of this order and the case, barring others for repeating such harm.

July 1, 2022

Respectfully submitted,

geary-thomas: dooly, the man
c/o: Post Office Box 3326
Spartanburg, South Carolina [29304]
Phone (864) 978-3426



CERTIFICATE OF SERVICE

I, Geary-Thomas: Dooly, hereby certify that a copy of the following documents have been mailed on or before this date via USPS with proper postage to each party listed below:

DOCUMENTS

- 1. INITIAL BRIEF OF APPELLANT
- 2. DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL – Form 14.

PARTY(IES)

BROCK & SCOTT PLLC
 Attn: William Stork
 3800 Fernandina Road, Suite 110
 Columbia, South Carolina 29210

Judge Shannon M. Phillips
 P. O. Box 5666
 Spartanburg, South Carolina 29304

South Carolina Court of Appeals
 Jenny Abbott Kitchings, Clerk of Court
 Post Office Box 11629
 Columbia, South Carolina 29211

Date: July 1, 2022

RECEIVED

JUL 01 2022

SC Court of Appeals

geary-thomas: dooly, the man
 c/o: Post Office Box 3326
 Spartanburg, South Carolina [29304]
 Phone (864) 978-3426

geary-thomas: dooly@

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31