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Apr 17 2023

SC Court of Appeals

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

Appellate Case No: 2023-000045

RECORD IN FACT
RESPONDENTS FURTHER ABUSE OF PROCESS

Order on Appeal Case No. 2022 CP 04 01976
Within Admiralty: Title 28 USC, 1333 (1)
In Common Law

Danny L. Ivester, Sr., Appellant,

v.

EYZC RE, LLC, Respondent.

April 17, 2023

Appellant's case before: The Honorable S.C. Court of Appeals, having absolute jurisdiction on this case matter for Constitutional due process. Respondent continues **ulterior** purposes at abuse of process, willfully. Respondent filed in summary court this same motion and was denied for Lack of jurisdiction that stands same in the Circuit Court. The use of Unconstitutional State statutes are null & void, see Miranda (1966), Marbury v Madison. Appellant stands, that the summary judgment by magistrate court & agreed by circuit court was based on conspirators hearsay, in lack of persona and subject matter jurisdiction entirely.

Ulterior purpose arises through conspiracy (RICO) to steal Appellants U.S. & S.C. Constitutional Private Property. First done through FRAUD in an Unconstitutional allege sale by Anderson County agents. So, the Respondent's matter is with those conspirators he willfully purchase a Private Property that he should have known was **CLOUDED as is** his allege Title/Deed based on FRAUD. Respondent's fabrication of allege landlord/tenant, as perpetrated with magistrate court under a State Unconstitutional statute is null & void. Appellant's absolute true and Constitutional Ownership is protected by: Preamble & Bill of Rights. Respondent's objective is clearly an abuse of process, illegal or other for collateral self-esquire gain. Fact for jury or Respondent **annuls**.

Following citations relevant: to Respondents abuse of process, a Tort. A Plaintiff/Appellant alleging abuse of process in SC must assert 2

essential elements: **1) an "ulterior purpose"** and **2) a "willful act** in the use of the process not proper in conduct of the proceeding."

Hainer v. Am. Med. In'tl., Inc., 328 S.C. 128, 136, 492 S.E.2d 103, 107 (1997); see Lamotte v. Punch Line of Columbia, Inc., 296 S.C. 66, 370 S.E.2d 711 (1988). " An ulterior purpose **exists** if the process is use to gain an objective **not legitimate** in the use of the process."

First Union Mortgage Corp v. Thomas 317 S.C. 63, 74, 451 S.E.2d 907, 914 (Ct. App. 1994); Rycroft 281 S.C. at 125, 314 S.E.2d at 43. Thus, the element comprises three components: 1) a "willful" or overt act 2) "In the use of the process" 3) That is improper because it is either (a) unauthorized or (b) aimed at a **illgitimate collateral objective**.

As to the **2nd or "willful act"** element, our supreme court has stated that "some definite act....not authourized by the process or aimed at an object **not legitimate** in the use of the process is required. "

Hainer v. Am. Med. In'tl., Inc., 328 S.C. 128, 136, 492 S.E.2d 103, 107 (1997);(quoting Huggins, 249 S.C. at 209, 153 S.E.2d at 694);

Appellant has prove by legitimate Tile/Deed and Adverse Possession as is the sole TRUE RECORD OWNER and Respondent has NO lawful claim of interest. Therefore Respondent furthers a FRAUD in conspiracy claim unlawful extortion and forever null and void. SUIT IS IMMINENT.

Circuit Court, Moves to deny bond, lack of jurisdiction attached.

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PROOF OF SERVICE

I certify that I have served to all parties Record in fact, abuse of process, WITH: citations. By fax & depositing others CC of in United States Mail 1st class, postage prepaid, on April 17, 2023.

Wed - April 17, 2023

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At God's Grace & Guide,
Jude 1:9



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