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Jun 20 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]
Appellate Case No: 2023-000045

AMMENDMENT
APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox Jr., Circuit Court Judge
ADD:
R. Lawton McIntosh, Circuit Court Judge

Circuit Court Case No. 2022-CP-04-01976

AMMENDMENT APPEAL MOTION

QUASH: BOND HEARING OF COMMON PLEAS 5 24 2023,
AFFIRMED: IN AFFIDAVIT OF RECORD PRESENTED 5 25 2023.
AND: FURTHER OF CASE ENTIRETY
FOR VIOLATION OF: U.S. ART (1) & S.C. ART (1) CONSTITUTIONS,
PREAMBLE & BILL OF RIGHTS 1ST, 4TH, 5TH, 7TH & 8TH AMENDMENTS, BY:
FRAUD, ATTAINDER: DE FACTO PAINS & PENALTY ON APPELLANTS
PRIVATE PROPERTY, TAKINGS W/OUT DUE PROCESS OR COMP:
UNLAWFUL SEIZURE, EXCESSIVE PUNITIVE FINES,
IN LACK OF SUBJECT MATTER JURISDICTION

Danny L. Ivester, Sr., Appellant,

v.

EYZC RE, LLC, Respondent.

June 20, 2023

APPELLANT NOW CITING AS EXCLUSIVE FROM CASE ONSET (2017),
TO FINAL: Tyler v Hennepin Co. Minn: 598 U.S. 22 - 166 (2023)
WITH: Timbs v Indiana: 586 U.S. 17 - 1091 (2019).

1. Appellant's Motion of Amendment arises from a 'punitive' bond hearing held on the 24th day of May, (2023). In common pleas court acting under a direct discriminate/retaliatory abuse of process by the bench. Decision: De facto attainder, lack of subject matter jurisdiction.

2. EYZC RE, LLC, Respondent, in the fraud, fails to state a claim of jurisdiction, under: Ex facto color of law statute 27-40-800. In law 27-40-800 is: Intention for rental properties exclusive of commercial use, not own private property. So: Statute fails of jurisdiction on Appellant. Therefore rule 12 (b) 6 applies to EYZC LLC & injury exist. In all, these are FACTS evoke, that only a Constitutional Jury can / must decide.

3. Evidence now in FACT from the onset (2017) of Appellant's case FRAUD was prevalent by STATE OF SC, Inc with subordinates. Fraud arises on the Common Pleas court Ex facto bond decision 5/24/2023. Fraud has no statute of limitation and dictates why entirety of claims of Appellant's private property are Unconstitutional by law of the land.

4. Case Cite: Tyler v Hennepin Co. is a rare unanimous SCOTUS decision absolute relevant of: Appellant's case entirety. And, with cite Timbs v Indiana, both in part and whole are of Appellant's effects. In all, seizure actions by the STATE OF SC INC, was and is: Based upon absolute willful punitive Unconstitutional procedures. Monetary losses of private property interest have cause severe physical distresses, and some injury directly related to malady of Appellant, facts for a jury(?).

5. Now, with Honor for offices of this Honorable Court of Appeals, Appellant 'NOT of self interest only', much more so for the People of these united States and their future existence. MOTION: Remedy for Truth in fact of this case matter, a Declaratory & permanent Injunctive relief. Until: the FACTS of evidence presented show Appellant is the true record owner by: Superior Title & 'time' standing upon the land.

6. Therefore MOTION ORDER to: Quash **all** claims by Respondents due to fact no legitimate contract of sale, **Sign** by Appellant exist(?). So: Of other UNCONSTITUTIONAL allege legal sale, all are: null & void.

It is so ORDERED: The Honorable _____ Judge.

Jurisdiction

U.S. & S.C. Constitutions; **Explicitly:** Preamble & Bill of RIGHTS.
In: Common Law; Within The Admiralty, Savings to Suitor, In
Personam & Rem. Title 28 U.S.C. 1333 (1) or 1337, 1331. USC Title
42, 1982 - 83 - 85 - 86 - 88. **South Carolina 15-67-100, Jury.**
Want of Form: (a) " Judiciary Act of September 24, 1789.
Title 18 USC, 241, 242. Foreign Sovereign Immunity act.
Uniform Commercial Code: 1-308, 1-103.6. 3rd: Sovereign: Hooven
Supra 1945. 28 USC 2284 (b), (2), (3). 28 U.S.C 1343. Title 18, Part 1,
Chapter 63, § 1341: Frauds and swindles, UCC 2-201 stands

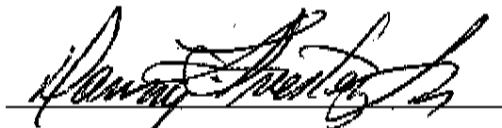
Appellate Here: **first serves:** The Sovereign Kingdom of Yahweh GOD.
Christian appellation Danny L. Ivester, Sr. is: The only true owner of
the Constitutional property of guaranteed RIGHT. The Secured party,
and ONLY: Party of **interest** and **Holder** in due course, UCC 1-308.

Pertains to all: Psalms 37, Jn 8:32, Jude 1:9.

Explicitly: All rights reserved.

UCC 1-308, 1-103.6.

Date: June 20, 2023



In Propria Persona, Sui juris:
All at God's grace & guide

Danny L. Ivester, Sr.
c/o 211 Hwy 17
Piedmont, South Carolina
Postal zone (29673)
864 741 9054

Phone:

Appellant certifies: He Constituted entirely as true, correct and complete, bill of lading. For **all in** claim or judgment:

Penalty of perjury attaches.

cc: S.C. Office of Court Administration
1220 Senate St, Suite 200
Columbia, S.C. 29201

S.C. Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211

M. Stokely holder, LLC, Attorney
PO Box 1804
Greenville, SC 29602
(864) 335-8808

Clerk of Court
P.O. Box 8002
Anderson, S.C. 29622

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CERTIFICATE OF SERVICE

This is to certify that Appellant is serving this AMENDMENT MOTION to **Quash** bond decision by Common Pleas court May 24, 2023. And, in all - **ORDER to QUASH** Respondents claim entirely, due Fraud within, lack of Jurisdiction and UNCONSTITUTIONAL. Depositing copies to all parties in United States Mail, postage prepaid, on June 20, 2023.

May Yahweh God's blessings be upon all, case related.

NOTE: To the Honorable Court of Appeals. Why is it Respondents are allowed to go outside the Appeals process in collusion with the lower courts? This heightens the pleadings for opposing parties. Also doesn't this challenge the procedural due process of Appeals severely? How do patriot citizens In Propria Persona have equal protection served?

HOLDER
PADGETT
LITTLEJOHN+
PRICKETT, LLC
ATTORNEYS AT LAW

Carolyn G. Denney

Reply to: Greenville
direct: 864.558.9440
fax: 864.248.4090
cdenny@hpiplaw.com

June 13, 2023

The Honorable R. Lawton McIntosh
P.O. Box 8002
Anderson, SC 29622

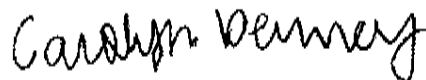
RE: EYZCRE, LLC vs. Danny L. Ivester, Sr.
Magistrate Case No.: 2022-CV-0410700014
Appellate Case No.: 2022-CP-04-01976

Dear Judge McIntosh:

Please find enclosed the proposed Order from the May 24, 2023 hearing in the above-referenced matter.

Should you have any questions or concerns, feel free to contact our office.

Regards,



Carolyn Denney
HOLDER PADGETT LITTLEJOHN + PRICKETT, LLC
Paralegal to M. Stokely Holder and
Jonathan G. Abrams

Enclosures

Cc: Danny L. Ivester, Sr.

CHARLESTON

945 Houston Northcutt Blvd.
Mount Pleasant, SC 29464

COLUMBIA

1201 Main St., Ste. 1430
Columbia, SC 29201

GREENVILLE

P.O. Box 1804, Greenville, SC 29602
800 E. North St. (29601)

RALEIGH

3737 Glenwood Ave., Ste. 270
Raleigh, NC 27612

was subsequently heard on May 24, 2023. Present at the hearing was Attorney Jonathan G. Abrams for Plaintiff/Respondent and Defendant/Appellant, *pro se*.

Pursuant to South Carolina Code Ann. § 27-40-800, Defendant/Appellant is entitled to a stay of the execution of ejectment should the Defendant/Appellant post a bond in an amount determined by order of the Judge of the Circuit Court, which may include, without limitation, amounts ordered to be paid periodically during the pendency of the appeal. As such, this Court retains authority to issue an order requiring a bond to stay the execution of the prior judgment.

At the hearing on this Motion, the Court ruled that the evidence presented supported a value for the use and occupancy of the Property at One Thousand Seven Hundred and 0/100ths Dollars (\$1,700.00) per month (the "Bond Amount"), which this Court ordered the Defendant/Appellant to pay into the Anderson County Clerk of Court on or before the first day of each month, beginning on June 1, 2023, and for each following month through the duration of the pending appeal. The Court further ordered that the Defendant/Appellant's appeal will be dismissed if the Bond Amount is not paid. The Court subsequently filed a Form 4 Order further memorializing its ruling.

As of today's date, June 7, 2023, the Defendant/Appellant has failed to pay the Bond Amount for the first applicable month – June, 2023.

THEREFORE, IT IS ORDERED that the Defendant/Appellant's Appeal shall be forthwith dismissed. Furthermore, the Defendant/Appellant shall immediately remove all personal property from the subject Property, vacate the subject Property along with all other occupants, and the Defendant/Appellant shall be considered on trespass notice. Within seventy-two (72) hours from the filing of this Order, the Anderson County Sheriff's Office shall be

authorized to immediately remove the Defendant/Appellant and any occupants from the subject Property, and to perform a set-out if necessary. Should the Defendant/Appellant and/or any other occupants fail to abide by this Order, the Defendant/Appellant and/or any other violators shall be subject to sanctions which may include imprisonment and/or fines, in addition to any criminal charges which may be sought by the Anderson County Sheriff's Office.

IT IS SO ORDERED!

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

EYZC RE, LLC,

Plaintiff/Respondent,

v.

Danny L. Ivester, Sr.,

Defendant/Appellant.

IN THE COURT OF COMMON PLEAS

Magistrate Case No.: 2022-CV-0410700014

Appellate Case No.: 2022-CP-04-010976

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the Proposed Order Granting Plaintiff/Respondent's Motion Requesting Bond, along with this Certificate of Service for same on this 13th day of June 2023 by regular mail to:

Danny L. Ivester, Sr.
211 Highway 17
Piedmont, SC 29673

Carolyn Denney, Paralegal
HOLDER, PADGETT, LITTLEJOHN + PRICKETT, LLC

Greenville, SC