

**FORM 1
NOTICE OF APPELLANT'S ANSWER
TO RESPONDENT'S RETURN**

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

RECEIVED

MAY 06 2024
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph Strickland, Master in Equity

Case No. 2023-CP-400-3343
Appellate Case No. 2023-001826

FREEDOM MORTGAGE
CORPORATION,

Respondent,

v.

Sherman Smith,

Appellant.

NOTICE OF ANSWER TO RETURN

To be clear, Appellant Sherman Smith obviously is not motioning for the appeal to be dismissed.

Appellant motioned to dismiss the underlying state court action filed in the Richland County Common Pleas C/A No.: 2023-CP40-03343 on the grounds/basis that it took place under fraudulent conditions and should have never taken place. There is no statute of limitations on fraudulent actions.

Appellant objects to the notion that appellant has not provided a basis for dismissal of the trial court action. The basis for dismissal of the trial court action is Federal mortgage fraud.

Respondent FREEDOM MORTGAGE CORPORATION and its representation are attempting to illegally foreclose, seize, and resell Appellant's domicile/property on the grounds of nonpayment and breach of contract.

Appellant is challenging FREEDOM MORTGAGE CORPORATION to produce the mortgage and promissory note, as well as the lawful binding contract - demonstrating the 4 essential elements thereof - that would give them the authority to foreclose and resell property. If there is no contract, then there is no agreement.

This means that the trial court actions took place under fraudulent circumstances, and should have never taken place.

Appellant has provided evidence of ownership and a clean title.

Appellant has also proven that there are no liens in his name via a UCC11 search.

There is no evidence that FREEDOM MORTGAGE CORPORATION has provided any paperwork, evidence, or proof that they lawfully have the right to take appellant's property. If they cannot rebut or discredit or disprove appellant in any way, then their case is fraudulent.

Appellant has proven that he has no lawful agreement and that there is no evidence of a lawful binding contract having been created under lawful terms and conditions. If such a contract exists, then FREEDOM MORTGAGE CORPORATION and its representation must produce the records.

If FREEDOM MORTGAGE CORPORATION and its representation cannot produce such records or evidence then the appellant demands that the court rule in favor of himself and end this waste of governmental resources.

May 6, 2024

Sherman Smith
Sherman Smith
200 Grandview Circle
Columbia, South Carolina 29229
(803) 727-4337
Appellant

Other Counsel of Record:

J. Martin Page
BELL, CARRINGTON, PRICE & GREGG LLC
339 Heyward Street, 2nd Floor
Columbia, South Carolina 29201
Attorney for Respondent
(803) 509-5078

Table of Contents

1. Answer [2 pgs.]
2. Proof of Noncitizenship [2 pgs.]
3. Form 7 [1 pg.]

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

Control Number: NRC2024140694

March 19, 2024

SHERMAN SMITH
200 GRANDVIEW CIR
COLUMBIA, SC 29229

Dear SHERMAN SMITH:

This letter is in response to your request for records under the Freedom of Information Act (FOIA) or Privacy Act (PA), which was received in this office on March 13, 2024, regarding your documents relating to status as a US Citizen.

We have completed a search of Person-Centric Identity Services (PCIS). No records responsive to your request were located. If you have reason to believe that responsive records do exist, and you can provide us with additional information, we will conduct another search. Please forward the additional information to the address listed above and reference the control number which appears on this correspondence. If, after the second search no responsive records are located, you will be notified. At that time, you may appeal the determination by following the directions set forth below.

You have the right to file an administrative appeal within 90 days of the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. You may file an administrative FOIA appeal by mail to USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our USCIS FOIA Public Liaison at U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010, or by email at FOIAPAQuestions@uscis.dhs.gov.

A USCIS FOIA Public Liaison is an agency official to whom FOIA requesters can raise concerns about the service the requester has received from the agency's FOIA Office. USCIS FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency, and understanding of the status of requests, and assisting in the resolution of disputes.

If you are unable to resolve your FOIA dispute through our USCIS FOIA Public Liaison, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; email ogis@nara.gov; telephone 202-741-5770; toll free 877-684-6448; or facsimile 202-741-5769.

[How to Submit Questions or Changes](#)

NRC2024140694

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Questions concerning this FOIA/PA request may be mailed to U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010 or emailed to FOIAPAQuestions@uscis.dhs.gov. All FOIA/PA related requests, including address changes, must be submitted in writing, and signed by the requester. Please include the control number listed above on all correspondence with this office. For more information regarding the USCIS FOIA Program, please visit uscis.gov/foia.

Sincerely,

A handwritten signature in black ink, appearing to read "Jarrod T Panter". The signature is written in a cursive style with a large initial "J".

Jarrod T Panter

Acting Chief FOIA Officer

Freedom of Information Act & Privacy Act Unit

FORM 7
PROOF OF SERVICE OF ANSWER TO
DEFENDANT'S MOTION TO DISMISS

RECEIVED

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

MAY 06 2024
SC Court of Appeals

RICHLAND COUNTY
Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

Case No. 2023-CP-40-02967

Sherman Smith

Plaintiff,

v.

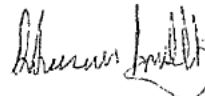
ALLSOUTH FEDERAL CREDIT UNION

Defendant.

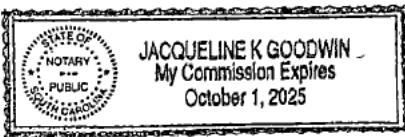
PROOF OF SERVICE

I certify that I have served an answer to defendant's motion to dismiss case #2023CP4002967 on ALLSOUTH FEDERAL CREDIT UNION by depositing a copy of it in the United States Mail, postage prepaid, on May 6, 2024, addressed to its attorneys on record, Dowse "Brad" Rustin, IV & Rayja Fowler, at their office at NELSON, MULLINS, RILEY & SCARBOROUGH LLP at 2 W. Washington St., Ste. 400; Greenville, SC 29601

May 6, 2024



Sherman Smith
200 Grandview Circle
Columbia, South Carolina 29229
803-727-4337
Plaintiff



Jacqueline K Goodwin
5/6/2024