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JUN 25 2024

S.C. SUPREME COURT

3.

**WE CHALLENGED ORDER[S] AND JUDGMENT
ON APPEAL**

EXHIBIT-A

AO 85 (Rev. 02/17) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge

UNITED STATES DISTRICT COURT for the

Plaintiff

v.

Defendant

)

)

)

)

)

Civil Action No.

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Printed names of parties and attorneys

Signatures of parties or attorneys

Dates

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(e) and Fed. R. Civ. P. 73.

Date:

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

Print

Save As...

Reset

Janet Nelums
Chris Nelums
813 N. Highland Forest Dr,
Columbia, SC 29203-1929
(803) 730-6003
jnelums@gmail.com
chrisnelums@yahoo.com

March 22, 2024

Jeanette McBride
Richland County Clerk of Court
Richland County Judicial Center
1701 Main Street, Room 205 (29201)

Re: Deutsche Bank National Trust Company as Trustee for Home Equity Mortgage
Loan Asset-Backed Trust, Series SPMD 2002-B, Home Equity Mortgage Loan Asset
Backed Certificates, Series SPMD 2002-B;
v. Janet Nelums & Chris Nelums

Re: Case No: 2017CP4001687

Dear Mr./ Ms. Clerk:

Enclosed herewith please find the original and one copy of the
following:

1. NOTICE OF INTERVENERS BY RIGHT AND CROSS-CLAIMANT S'
DEMAND TO COMPEL DISCOVERY AND INSPECTION OF EVIDENCE
AND CHALLENGE OF THE JURISDICTION OF THE COURT, AND OF THE
JUDGE. Complaint For Declaratory and Injunctive Relief
2. Intervention by Right- Federal Rules, of Civil Procedures, Rule 24(a).
Public Law 92-500, Sec. 2, Sec 505(a). Real Parties in Interest, Federal
Rules of Civil Procedures, Rule 17(a)(1); Public Law 92-500, Sec. 2,
Sec. 510; and 309(d)[see also Civil RICO, 18 U.S.C. §1964]; False
Claims Act. 31 U.S.C. §3729; and
3. FRCP Rule 60(b)(4); Public Law
92-500, Sec. 2, Sec 505(a))
4. MOTION FOR PEREMPTORY CHALLENGE AND CHALLENGE OF
SUBJECT MATTER AND PERSONAL JURISDICTION
5. A clerk is not permitted to refuse filing a document for form as
Required by rule 5.(d)(4) of the Federal Rules of Civil
Procedures specifically, state.
6. 5.(d)(4) Acceptance by the clerk. A clerk must not
refuse to file A paper solely because it is not in the form
prescribed by these rules or by a local rule or practice

Kindly return a time stamped copy of all documents to us. A return envelope
Has been provided for this purpose.

Very truly yours

Janet Nelums & Chris Nelums

JN/CN
Enclosed

**Pro Se to the Real Parties in Interest,
the people of the United States, Sui Juris**

**Interveners by Right
All Rights Reserved**

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

In re

Deutsche Bank National Trust Company as
Trustee for Home Equity Mortgage Loan
Asset-Backed Trust, Series SPMD 2002-B,
Home Equity Mortgage Loan Asset Backed
Certificates, Series SPMD 2002-B;,,

PLAINTIFF,

VS.

Janet Nelums & Chris Nelums
Two of the people of the United
States, Article III, Sec. 3,

DEFENDANTS, in ERROR

In re

The people of the United States
(the sovereignty) jus soli,
Nunc Pro Tunc
Civil Cross-claimants,
V.

Black Knight/Lender Processing
Services (LPS) a Jacksonville, FL
Corporation, a person in its individual
capacity, State Bar of South Carolina in
its individual Capacity, State of South
Carolina, In the Court of Common Pleas
County of Richland, Nelson Mullins Riley &
Scarborough LLP, is a S.C. professional
A person in its individual capacity; Matthew a
Abee a foreign person in its individual capacity.
Jeanette McBride a foreign person in its
Individual capacity; Hon, Kristi F. Curtis a
foreign person in its individual capacity,
Hon, Ben Miller a foreign person in its
Individual capacity, Adrienne L. Turner
foreign person in its individual capacity

DEFENDANTS

C/A NO: 2017CP4001687

**NOTICE OF INTERVENERS BY
RIGHT AND CROSS-CLAIMANT
S' DEMAND TO COMPEL
DISCOVERY AND INSPECTION OF
EVIDENCE AND CHALLENGE OF
THE JURISDICTION OF THE COURT,
AND OF THE JUDGE.**

ORDER FOR DISCOVERY ATTACHED.

**Intervention by Right- Federal Rules,
of Civil Procedures, Rule 24(a).
Public Law 92-500, Sec. 2, Sec 505(a).
Real Parties in Interest, Federal Rules of
Civil Procedures, Rule 17(a)(1); Public Law
92-500, Sec. 2,
Sec. 510; and 309(d)[see also Civil
RICO, 18 U.S.C. §1964]; False Claims
Act, 31 U.S.C. §3729; and**

(ATTACHMENTS)

INTERVENORS MOTION FOR DISCOVERY AND INSPECTION OF EVIDENCE

The people of the United States, interveners by right, moves this court of record and Honorable Judge, including all officers of the court, to take mandatory judicial notice of this Notice of Interveners by Right and the people of the United States' Demand to Compel Discovery and Inspection of Evidence and Challenge of the Jurisdiction of the Court, and of the Judge in its every point on and for the official public record. Comes now the people of the United States and Janet Nelums & Chris Nelums: Two of the people of the United States, Sui Juris, real party in interest (hereinafter; "the people of the United States") in the above styled and numbered cause, having stood as one of the people of the United States as contemplated in the Preamble to the Constitution for the United States of America (1789) and here in the above-entitled court of record, motions to move this Court to provide discovery and inspection of each of the following items in the matter of Cause **Case C/A NO: 2017CP4001687** - which was lawfully removed to a superior court of competent jurisdiction in the matter by "defendant" IN ERROR. But due to this Court's failure to remove the matter as ordered, the people of the United States hereby admit into the court of public record as Evidence in its entirety this Notice of Interveners by Right and The people of the United States' Demand to Compel Discovery and Inspection of Evidence and Challenge of the Jurisdiction of the Court, and of the Judge necessary regarding these matters and causes and to prove constitutional judicial standing required for this Court and its Judge(s) before they can proceed one step further, as all proceedings must stop upon a challenge of a court's jurisdiction to hear the case.

See: Fed. R. Civ. P.] 53(e) — magistrate's findings of fact are final, but

legal rulings have no binding force.

1. This is official public notice to the Court of Public Record and all officers of this court including, but not limited to the STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND Honorable Judges of said court, Judge Hon. Kristi F. Curtis, and Hon, Ben Miller special referee, each individual employed with this Court that is operating as: Court Administrator, District Attorney, Deputy District Attorney, Clerk of the Court, as well as any other "JUDGE ATTORNEY, "PRO TEMP", "NOTARY" "COURT REPORTER", "MAGISTRATE", "COMMISSIONER", "BAILIFF" "WITNESSES", "POLICE OFFICERS", "SHERIFF", Hereinafter collectively "Officers of the court", and their principal the "HONORABLE MAYOR" of the City of Columbia located in the County of Richland County Judicial District, at a minimum all the "Respondents "as defined above, and all. other "persons" that wish to preside or involve themselves in this matter.

2. The people of the United States acting through their South Carolina Supreme Court of record proceeding according to the common law, having competent and final jurisdiction in this matter, issued an Order TO COMPEL DISCOVERY to the Clerk of this Court, attached and fully incorporated herein, to move the Court of public record and the Judges of this court to order all above defined officers of this court and anyone involved in this matter that has proof and or evidence in this.

matter, to produce said proof and or evidence of Counterclaimant's.
 constitutional Pro Se by Friday 5:00 p.m., the 22nd day of March,
 2024, the days after this Courts unlawful hearing was scheduled for
 On September 21, 2023, at 2:pm Defendant Judge Hon,
 Kristi F. Curtis, an individual Bar #:8595, Case No: 2017CP4001687
Deutsche Bank National Trust Company et al V. Christopher Nelums et
Jeanette W. McBride Richland County Clerks of Court lack subject-
 matter jurisdiction under 28. U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2).
 AO Form 85, Notice, Consent and Reference of a Civil Action to a
 Magistrate Judge was not Signed-ORDER OF REFERENCE
 TERMINATED **See EXHIBIT-A, FRAUD UPON THIS COURT**, pursuant
 to S.C. Code Ann. § 17-21-80, S.C. Code Ann. §§ 22-3-10, and 22-3-20.
 Section 22-3-10, as limited by § 22-3-20, when the STATE OF SOUTH
 CAROLINA, IN THE COURT OF COMMON PLEAS COUNTY OF RICHLAND in
C/A NO: 2017CP4001687, Lack Subject-Matter Jurisdiction under. **S.C. §**
636(c)(1), § 636(c)(2), Void action., STATE OF SOUTH CAROLINA, IN THE
 COURT OF COMMON PLEAS COUNTY OF RICHLAND Dated September 21,
 2023, at 2:pm, herein without further order of the court, and without
 subject matter Jurisdiction and the amount in controversy the sum of \$
\$12,000.00, The Honorable Kristi F. Curtis, W. McBride Richland County
 Clerks of Court lack subject-matter jurisdiction under 28. U.S.C. §
 636(c)(1), 28 U.S.C. §636(c)(2), The Honorable Kristi F. Curtis, vacated
 his bench on September 21, 2023, at 2:pm, Lack of Subject-Matter
 Jurisdiction under. **S.C. § 636(c)(1), § 636(c)(2)**, Void action., proof and
 or evidence related to this matter that the above defined persons may
 have, more. specifically, to prove lawful jurisdiction of this court and this

court's judge that authorized them to proceed in this matter, for inspection, to include. copying and/or photographing of each of the answers to each of the following 20 elements of discovery defined is demanded to wit.

3. Provide true and correct copies of originals of any and all affidavits lawfully executed by an injured party, confession, declaration, testimony, video, audio, documents, papers, books, accounts, certifications, letters, photographs, registrations, objects, or tangible things not privileged, which constitute or contain evidence material to any matter involved in this action and which are in the possession, custody, or control of the ATTORNEY(s), Witnesses, the STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND or any of its AGENCIES, AGENTS, or POLITICAL SUBDIVISIONS THEREOF.

attached and signed under penalty of perjury on and for the official public record.

4. All names of any witness for The STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, qualified to testify against the people of the United States, and all names of all judges, magistrates, or commissioners who are not 'disqualified' from acting like a judge pursuant to South Carolina. Constitution, Article 6. section 18(a), on and for the official public record.

5. A true and complete copy of the original alleged contract, with wet ink signatures, between the people of the United States and the STATE

OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, or any political subdivisions thereof may have. Law confirms that for the STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND or any political subdivisions, thereof, to have "standing "to bring a claim against one of the people of the United States, there must be either an injured party, damaged property, or a Valid contract between the people of the United States and the STATE, COUNTY, CITY and or the STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, to qualify standing. If the STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, this Court and or any political subdivision thereof has a valid lawful contract between the people of the United States and them, showing the people of the United States surrendered. subject matter and personal jurisdiction to them, let. them bring it forward for the people of the United States' inspection, or immediately VOID all charges against the people of the United States AT ONCE!

6. A true and complete original and or certified copy of the criminal record of the Attorney(s) of record, Judge(s), Magistrate(s), Pro Temp(s), Commissioner(s), witnesses, grand jurors, as well as all officers of the court involved in the above defined matter, on and for the official public record.

7. A true and complete certified copy of all oaths, commissions, as

well as the Bonds of all officers of the COURT, including, but not limited. to, all DEPUTIES, COURT CLERKS, JUDGES, MAGISTRATES, ATTORNEYS of record and all JUDGES, MAGISTRATES, PRO TEMS OR COMMISSIONERS, and officers of the court that have or may decide to involve themselves in this matter appointed or elected, signed under private notary jurat, under penalty of perjury, on and for the official public record.

8. True and correct copies of the Respondents "employee's pay stub, "and the "sewer and water bill" for the courthouse and Respondents' private residences for the last three months for every Respondent above defined, attached, and signed under private notary jurat, under penalty of perjury, on and for the official public record.

9. True and correct copies of the documented proof of claim of injury via affidavit of the injured party, signed under penalties of perjury, with all immunities waived, from the Judges of this court, Attorneys of record, STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, as well as this Court And all officers of the court, signed. under private notary jurat, under Penalty of perjury, on and for the official public record.

10. A true copy of your Certificate of Constitutional Authority signed and sealed by the Secretary of State for all JUDGES,

MAGISTRATES, COMMISSIONERS, PRO TEMPS, ATTORNEYS, and officers of the court, in this matter, signed under private notary jurat, under penalty of perjury, on and for the official public record.

11. A true certified copy of the 401 Certificate of Compliance, signed and sealed by the Director of the State Department of Public Health proving the lawful compliance with standards and limitations. congressionally mandated under, at a minimum, sections 306 and 307 for all BAILIFFS, JUDGES, MAGISTRATES, COMMISSIONERS, PRO TEMPS, ATTORNEYS, CITY MAYORS, CITY POLICE, officers of the court, and witnesses involved in this matter, signed under private notary. jurat, under penalty of perjury, on and for the official public record

12. That to qualify to have good faith standing to be before the above-entitled court, Respondents must be provided your true certified copy of the congressionally mandated 401 Certificate of Compliance, signed and sealed by the State Director of the Department of Public Health, proving lawful compliance with standards and limitations. congressionally mandated under, at a minimum, sections 306 and 307 for all officers of the above-entitled MUNICIPAL COURT, JUDGES, MAGISTRATES, COMMISSIONERS, PRO TEMS, NOTARIES, ATTORNEYS, MAYORS, and POLICE, the employing-MUNICIPALITY, THE STATE, and all other officers of the court and witnesses involved in this matter who are all subject to federal, state, and local law, signed. under private notary

jurat, under penalty of perjury, on and for the official public record.

13. A true certified copy of the records mandated under section 308 identifying the technology serving your home and courthouse. incompliance with mandatory standards and limitations established. undersection 306 and 307, and a permit condition under section 402(k), evidence each of the Respondents 'good faith / good behavior compliance with federal public health and welfare laws, for all witnesses, JUDGES, MAGISTRATES, COMMISSIONERS, PRO TEMS, ATTORNEYS, and officers of the court involved in this matter, signed under private notary. jurat, under penalty of perjury, on and for the official public record.

14. The Honorable Kristi F. Curtis United States Magistrate Judge / ATTORNEY, as well as any JUDGE, MAGISTRATE, CLERK, PROTEMPORE or COMMISSIONER, that involves him or herself in this matter, produce their delegation of constitutional judicial authority, certified and sealed by the Secretary of State, signed under penalty of perjury, on and for the official public. record.

15. The chronological case summary, record of judgments and orders (order book); and indexes related to this case, on and for the official public record.

16. The Attorney(s) of record appearance form having their License to Practice signed and sealed by the Secretary of State

attached, complete with the corporate charter for the legal entity Janet Nelums & Chris Nelums , which shall be filed in this court, signed under private notary jurat, under penalty of perjury, on and for the official public record.

17. All "CUSIP" number(s) tied to this cause, which will show, that this court and or officers of the court, are profiting off this case and it is trading on the ("Stocks") – BLOOMBERG STOCK MARKET, on and for the official public record.

18. The foreign agent's registration certificate, as required under the Foreign Agents Registration Act as codified under the United States Codes, §612 et seq., signed and sealed by the United States Secretary of State showing that this court and all officers of the court are foreign agents lawfully registered to do business in the courts of the United States, on and for the official public record

19. Provide a certified copy of the registration certificate from the above defined State's Secretary of State, showing that this court and all officers of the court are lawfully registered to do business in the State of South Carolina, on and for the official public record.

a. Victor Rabinowitz et. al. v. Robert F. Kennedy, 376 US 605.

CONCLUSION

20. In support of this Motion, the people of the United States

would show that the items and information requested, are within the exclusive control and custody of the STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEA, COUNTY OF RICHLAND, ATTORNEY'S OF RECORD, or one of its AGENCIES, AGENTS or POLITICALSUBDIVISIONS THERE OF; the items are not privileged, and that, absent such discovery, the people of the United States', rights under South Carolina State Constitution; and the Bill of Rights Amendment Articles IV, V, VI, and XI of the Constitution for the United States of America (1789), have been and still are continuing to be violated, as well as trespasses of the people of the United States' Rights to live, liberty, and property, absent Due Process of Law, additionally have been and still are continuing to be violated. Further, failure to answer each element of this instrument demanding discovery by above-defined persons, and REMOVE THIS CASE immediately, would (1) be a gross breach of your fiduciary duty owed the people of the United. States and would justify a constitutional tort action and civil cross- claim. against cross-defendants, et al., at the people of the United States discretion, and (2) effects the Court's jurisdiction accordingly, and confirms cross-defendants, et al., absolute lack of standing in any court, and (3) may justify a criminal complaint to be immediately filed with a competent grand jury having the Supreme authority of the people of the United States to issue indictments. Accordingly, failure for this Court of execute the Inspection of Evidence

and Challenge of the Jurisdiction of the Court, today in honor of the constitutionally. guaranteed Right of the people of the United States would be malfeasance, breach of Oath. and duty, obstruction of justice to constitute a fraud upon the court, a fraud upon the judge, and fraud upon all officers of this municipal Court, confirming partiality of this Court and justifying Cause of Action for Removal to Proper court having competent jurisdiction in the matters. So, it be Ordered!

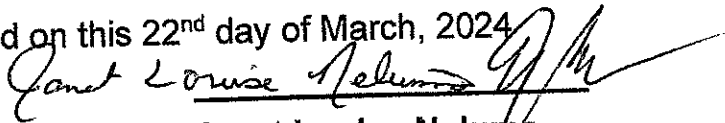
WHEREFORE, PREMISES CONSIDERED, and in the interest of fairness and justice, promotion of the general welfare and health of the people of the United States as is the standard of justice mandated by Congress assembled on pursuant to the Preamble to the Constitution for the United States of America, and the environmental peace, the people of the United States do DEMAND these herein defined unlimited. elements of Motion for Discovery and Inspection each be answered. ACCORDINGLY, the attorney of Record is HEREBY ORDERED to answer.

TAKE NOTICE that pursuant to section 504, this matter is DECLARED.

AN EMERGENCY and the answer shall be served upon and in the Hands of Constitution Pro 'se for the people of the United State and Filed with this Court by close of business on March 22, 2024, also Janet Nelums and Christopher Nelums, by rule of the South Carolina Supreme Court Scott and Corley, P.A. attorneys and counselors at Law Lack of Subject-Matter Jurisdiction under. S.C. § 636(c)(1), § 636(c)(2),

**JANET LOUISE NELUMS AND CHRIS NELUMS DEMANDS A TRIAL
BY JURY OF ANY AND ALL ISSUES BEFORE THE COURT AND
TRIAL BY A JURY**

Respectfully submitted on this 22nd day of March, 2024

A handwritten signature in cursive script, appearing to read "Janet Louise Nelums", followed by a large, stylized flourish or checkmark.

**Janet Louise Nelums
Chris Nelums
813 N. Highland Forest Dr,
Columbia, SC 29203-1929
(803) 730-6003
inelums@gmail.com
chrisnelums@yahoo.com**

CERTIFICATE OF SERVICES

I HEREBY CERTIFY that a copy of the foregoing Plaintiffs NOTICE OF INTERVENERS BY RIGHT AND CROSS-CLAIMANT S' DEMAND TO COMPEL DISCOVERY AND INSPECTION OF EVIDENCE AND CHALLENGE OF THE JURISDICTION OF THE COURT, AND OF THE JUDGE. of Defendant's on Thursday, was served by email and Certified Registered Letter on March 20, 2024, to the below listed parties:

The Honorable Kristi F. Curtis
215 North Harvin Street
Sumter, SC 29150
OFFICE: (803) 436-2152
FAX: (803) 774-2825
kcurtissc@sccourts.org

Mr. Warren Stephen Curtis
Curtis & Croft, LLC
PO Box 3220
Sumter, SC 29151-3220
warren@curtisandcroft.com
(803) 778-7404

NELSON MULLINS RILEY & SCARBOROUGH LLP
Matthew A. Abee, SC Bar No. 101100
Madison C. Guyton, SC Bar No. 105205
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000
Email: matt.abee@nelsonmullins.com
Email: madison.guyton@nelsonmullins.com

Environmental Justice and Enforcement
U.S. Attorney's Office
Attn: Johanna Valenzuela, Justice Coordinator
District of South Carolina
1441 Main Street, Suite 500
Columbia, SC 29201
Ph (803) 929-3000
USASC.EnvironmentalJustice@usdoj.gov

Contacts

Keisha Long
803-898-0774
Environmental Justice Coordinator
Office of Environmental Affairs

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Environmental Justice Associate
Office of Environmental Affairs

Mr. Ben N. Miller, III
Mckenzie Lybrand, LLP
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bmiller@mckenzielybrand.com
(803) 223-6155

The United States
ATT: Adair Ford Boroughs
U.S. Attorney
for the District of South Carolina
Main Office:
Wells Fargo Building
1441 Main Street Suite 500
Columbia, SC 29201

The Honorable Daniel J. Rickenmann
1737 Main Street
Columbia, SC 29201
803-447-9768
Mayor@columbiasc.gov

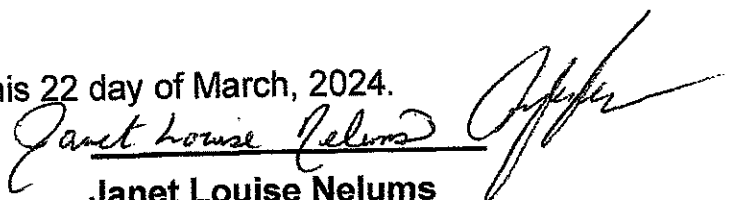
SC Secretary of State's Office
1205 Pendleton Street
Suite 525
Columbia, SC 29201

Jeanette McBride
Richland County Clerk of Court
Richland County Judicial Center
1701 Main Street, Room 205 (29201)
Post Office Box 2766

Columbia, South Carolina 29202

**JANET LOUISE NELUMS AND CHRIS NELUMS DEMANDS A TRIAL
BY JURY OF ANY AND ALL ISSUES BEFORE THE COURT AND
TRIALABLE BY A JURY**

Respectfully submitted on this 22 day of March, 2024.



**Janet Louise Nelums
Chris Nelums
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(803) 730-6003
inelums@gmail.com
chrisnelums@yahoo.com**

**Pro Se to the Real Parties in Interest,
the people of the United States, Sui Juris**

**Interveners by Right
All Rights Reserved**

**ENVIRONMENTAL DISTRICT COURT ENVIRONMENTAL
DISTRICT OF THE UNITED STATES OF AMERICA
SOUTH CAROLINA, COLUMBIA DIVISION**

RECEIVED
MAR 25 11:12
CLERK OF COURT
J. A. COLLINS
CLERK

**The people of the United States
(the sovereignty) jus soli,
Nunc Pro Tunc.**

Claimants,

VS.

Deutsche Bank National Trust Company as
Trustee for Home Equity Mortgage Loan
Asset-Backed Trust, Series SPMD 2002-B,
Home Equity Mortgage Loan Asset Backed
Certificates, Series SPMD 2002-B,;

Respondents.

NOTICE OF VOID ORDER FOR FRAUD.
NOTICE OF VOID JUDGMENT FOR FRAUD.
NOTICE OF FRAUD UPON THE COURT.
NOTICE OF FRAUD UPON THE JUDGE.
NOTICE OF DISQUALIFICATION.
ORDER TO JUDGE TO CEASE
ACTING AS A JUDGE.
ORDER TO CLERK TO REMOVE CASE.
ORDER TO COUNTY CLERKS TO
ORDER TO SHOW CAUSE.
ORDER TO COMPEL DISCOVERY.
[SERVED UPON THE CLERK OF THE
IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND,
C/A NO: 2017CP4001687]
FRCP Rule 60(b)(4); Public Law
92-500, Sec. 2, Sec 505(a))

**STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS COUNTY
OF RICHLAND, C/A NO: 2017CP4001687 -- SCILICET: JUDGES, ALL OFFICERS
OF THE COURT, CLERKS, COMMISSIONERS, OF THE COUNTY OF RICHLAND,
SHERIFFS, BAILIFFS, MAYOR OF THE CITY OF RICHLAND COUNTY, AND ALL
PERSONS ACTING IN CONCERT WITH YOU:**

COMES NOW THE ABOVE-ENTITLED COURT² OF RECORD³ OF The people of

the United States 4(without the "United States"5) on its own motion,
notices and orders6 as follows:

¹"The Oath of office is a quid pro quo contract" Davis v. Lawyers Surety Corporation, 459 S.W. 2nd. 655, 657., Tex. Civ. App. and/or cf. (U.S. Const. Art. 6, Clauses 2 and 3,) in which County Authorities, officials, or officers of the government pledge to perform (Support and uphold the organic United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract [c f. conspiracy under Titled 28 U.S.C. Sections 241, 242, treason under the Constitution at Article 3, Section 3., and intrinsic fraud as per Auerbach v. Samuels., 10 Utah 2nd. 152, 349 P. 2nd. 1112, 1114., and Alleghany Corp v. Kirby. D.C.N.Y. 218 F. Supp. 164, 183., and Keeton Packing Co. v. State., 437 S.W. 20, 28.

²A supreme court of record of the people of the United States authorized pursuant to the rights retained by the people as defined in the Preamble of the Constitution for the United States; confirmed under the Bill of Rights Amendment Article six and X; and further authorized by a Congressional Act, Public Law 92-500 Federal Water Pollution Control Act Amendments of 1972, Sec. 9. ENVIRONMENTAL COURT. "It remains rudimentary law that "[a]s regards all courts of the United States inferior to this tribunal, two things are necessary to create jurisdiction, whether original or appellate. The Constitution must have given to the court the capacity to take it, and an act of Congress must have supplied it." [Emphasis in original.] Finley v. United States, 490 U.S. 545 (1989) COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal.

FRAUD UPON THE COURT- FRAUD UPON THE JUDGE-ORDER TO REMOVE

1. NOTICE OF VOID ORDER FOR FRAUD!8
2. NOTICE OF VOID JUDGMENT FOR FRAUD! NOTICE OF
3. FRAUD UPON THE COURT AND DEMAND TO
4. CEASE! NOTICE OF FRAUD UPON THE JUDGE AND

5. DEMAND TO CEASE! NOTICE OF DISQUALIFICATION OF
 6. JUDGE AND DEMAND TO STAND DOWN! ORDER TO JUDGE
 7. TO CEASE ACTING AS A JUDGE! ORDER TO CLERK TO
 8. REMOVE CASE TODAY OR BE JOINED TO THE ACTION!
 9. ORDER TO CLERK OF COURT TO SHOW CAUSE! ORDER
 10. COMPELLING DISCOVERY ON ALL OFFICERS OF THE
 COURT!

11. THAT ALL TRESPASSES, BARRATRY, TYRANNY,
 EXTORTION, INTERFERENCE WITH INTERSTATE COMMERCE,
 AND FRAUD BY THE ABOVE NAMED TYRANTS¹¹, HEREINAFTER
 COLLECTIVELY "ENVIRONMENTAL TERRORISTS"¹²), SHALL
CEASE AND DESIST; AND THE CLERK OF THE COURT EXECUTE
 ACCORDING TO HER FIDUCIARY DUTY TO THE PEOPLE AND

rights and alleged violations thereof, and of applying the sanctions of the
 law, authorized to exercise its powers during law at times and places
 previously determined by lawful authority. [Isbill v. Stovall, Tex.Civ. App.,
 92 S.W.2d1067, 1070; Black's Law Dictionary, 4th Edition, page 425]
³ COURT OF RECORD. To be a court of record a court must have four
 characteristics and may have a fifth. They are:

- A. A judicial tribunal having attributes and exercising functions
 independently of the person of the magistrate designated generally
 to hold it [Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229;
 Ex parte Gladhill, 8 Met c. Mass., 171, per Shaw, C.J. See, also,
 Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689] [Black's
 Law Dictionary, 4th Ed., 425, 426]
- B. Proceeding according to the course of common law [Jones v.
 Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex parte Gladhill,
 8 Met c. Mass., 171, per Shaw, C.J. See, also, Ledwith v.

Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

- C. Its acts and judicial proceedings are enrolled, or recorded, for perpetual memory and testimony. [3 Bl.Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C. Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D. C. Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]
- D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C. C. Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C. Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]
- E. Generally, possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C. Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C. Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

4 As contemplated in the Preamble to the Constitution for the United States of America

5 A foreign franchised private municipal Federal Corporation of Washington D.C. foreign to the people of the United States of America.

"The government of the United States is a foreign corporation with respect to a state" [the people of the United States In re Merriam, 36 N. E. 505, 141 N. Y. 479, affirmed 16 S. Ct. 1073, 163 U.S. 625, 41 L. Ed. 287.

"The only inherent difference ordinarily recognized between superior and inferior courts is that there is a presumption in favor of the validity of the judgments of the former, none in favor of those of the latter, and that a

superior court may reshown not to have had power to render a particular judgment by reference to its record. Ex parte Kearny, 55 Cal. 212.

Note, however, that IN THE COURT OF COMMON PLEAS COUNTY OF RICHLAND is the name of a particular court. But when a court acts by virtue of a special statute conferring jurisdiction in a certain class of cases, it is a court of inferior or limited jurisdiction for the time being, no matter what its ordinary status may be. Weidenfeld v. Superior Court, 117 Cal. 348, 49 Pac. 210; Cohen Barrett, 5 Cal. 195” 7 Cal. Jur. 579

7 The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S. Ct. 511, 513, 213 U.S. 347, 53 L. Ed. 826, 19 Ann. Cas. 1047.] The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em. Dom. Sec. 3, 228; 37 C Nav. Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]

8 Any judicial record may be impeached by evidence of a want of jurisdiction in the Court or judicial officer, of collusion between the parties, or **of fraud in the party offering the record**, in respect to the proceedings. [California Code of Civil Procedure, Section 1916]

9 Sovereign immunities guaranteed all people as one of the United States [of America] from trespass by aliens and foreigners pursuant to the Constitution Amendment Article XI. Aliens and foreigners are members of the Roman Curia, i.e. employees of corporations, franchises, American Society of Civil Engineers, and BAR associations. As of September 1st, 2013, members of the Roman Curia lost all immunity from collateral attack, suits for trespass upon Rights of the people of the United States. Papal Decree of July 11, 2013.

¹⁰ Webster's 1828 Dictionary: BAR'RATRY, n. The practice of exciting and encouraging lawsuits and quarrels. Bouvier's Law Dictionary, 1856: BARRATRY, crimes. In old law French barat, barratries, signifying robbery, deceit, fraud. In modern usage it may be defined as habitual moving, exciting, and maintaining suits and quarrels, either at law or otherwise. 1 Inst. 368; 1 Hawk. 243.

¹¹ As contemplated in the Declaration of Independence, July 4, 1776.

¹² As contemplated in Section 802 of the USA PATRIOT Act (Pub. L. No. 107-52); 42 U.S.C.A. Sec. 262a and 7 U.S.C. A. Sec. 8401

FRAUD UPON THE COURT- FRAUD UPON THE JUDGE-ORDER TO REMOVE

REMOVE C/A NO: 2017CP4001687 AS NOTICED AND REQUIRED BY LAW, WITHOUT FURTHER DELAY, IN THE INTEREST OF JUSTICE.

1. Therefore, if the above orders are not obeyed, then no later than ten (10) days following the Certified Mail. 'Filed' stamp on the date mailed, the above defined Clerk shall show cause to this court why these orders should not take effect or should be modified, or why you should not be held in contempt of court and additionally joined as an adverse party to this action at law.

(2) To qualify your standing in this court, your cause shall consist of at minimum, 1) present the congressionally mandated "401 Certification of Compliance" and 2) a certified copy of your records you are individually required to maintain under section 308, proving your compliance with a permit requirement required under section 402(k) as evidence of your compliance with Public Law 92-500 Federal Water Pollution Control Act Amendments of 1972, Sec 2. and sections 301, 306, and 307 at minimum. Each officer of the court is BOUND to answer each of twenty (20) elements of the motion to compel discovery hereto

attached and incorporated here in its entirety. The officers of the court will no later than ten (10) days following the Certified Mail 'Filed' stamp on the date mailed. Failure to answer each element of discovery will constitute your admission to the fraud associated with that element. You agree your silence, as admission to all claims, shall be accepted as qui non negotiator, a Maxim of Law that means "he who does not deny, admits." Absent settlement agreements, judgments will ensue.

3. The court, mindful of the bad faith activities of the parties and the importance of the administration of justice, will liberally construe the facts and evidence presented prejudgment.

4. THIS ORDER IS NOT A MOTION OR MOVING PAPER

, but an order from the above-entitled court of record **C/A NO:**

2017CP4001687-of the people of the United States who have intervened on. behalf of Janet Nelums & Chris Nelums ; one of the people of the United States of America and a people¹³ of South Carolina, hereinafter "The people of the United States," to the Clerk of the STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, all Judges of the STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, Attorneys 2 of record, the Board of Supervisors (Commissioners) for the political subdivision of the franchise municipal utility, incorporated and doing business as The State of South Carolina, and doing business as the State licensed private corporation of the County of RICHLAND, Clerks of The County of RICHLAND, the Sheriff of RICHLAND County, the Mayor Of the franchise municipal sewer utility doing business as the City of Columbia, and all the people acting in

concert with them.

¹³ "People" is either singular or plural. People in this instance is the people of the United States as contemplated in the Preamble of the Constitution for the United States of America who ordained and established the Constitution for the United States of America (1787), and of which has only thirteen lawfully ratified Articles of Amendment (1819).

¹⁴ All Bar Attorneys - Attorneys- in the U.S. owe their allegiance and give their solemn oath in pledge to the Crown Temple, realizing this or not.

This is simply due to the fact that all Bar Associations throughout the world are signatories and franchises to the international Bar Association located at the Inns of Court at Crown Temple, which are physically located at Chancery Lane behind Fleet Street in London. Although they vehemently deny it, all Bar Associations in the U.S., such as the American Bar Association, or Minnesota Bar Association, are franchises to the Crown, i.e. foreign to America, and therefore **foreign** to the **Constitution for the United States of America** and foreign to the people of the United States. This includes all judges of the courts of the United States

¹⁵...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law...

[Confirmation Cartarum, November 5, 1297, Sources of Our Liberties
Edited by Richard L. Perry, American Bar Foundation]

FRAUD UPON THE COURT- FRAUD UPON THE JUDGE-ORDER TO REMOVE

1. The people of the United States (without the "United States" municipal franchise federal corporation), as contemplated in the Preamble of the Constitution for the United States of America, are.

"Joint Tenants in the Sovereignty¹⁶," and "people of South Carolina pro tunc." The people of the United States, as Joint Tenant in the Sovereignty, has the prerogative of claiming Sovereign Immunity¹⁷ in cases such as this one¹⁸ and does so claim.

2. This extraordinary attack upon one of the people of the United States and lawfully commissioned state officials ¹⁹ of the court of one of the people of the United States by above defined persons operating in concert with each other ²⁰, more specifically identified as employees of a private franchised corporation ²¹ doing business as "The State of South Carolina", acting to impersonate a constitutional state government of the people, but NOT; and their agents operating as corrupt members of a foreign communist organization doing business as South Carolina State BAR Association, impersonating lawful constitutional Pro 'se, but NOT; and a corrupt member of said South Carolina State Bar Association, acting to impersonate a "Judge." having Article III, judicial authority under the Constitution for the United States of America, while being automatically disqualified from acting as a Judge pursuant to South Carolina Constitution, Article 6., Section 18(a)²². ; a complicit so-called "Clerk of the STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS, County of Richland" (Clerk); and complicit "Clerks of the for the district of South Carolina, Recorder's Office, County of Richland", in concert with each other, collectively and individually conspire to dishonor and trespass upon the people of the United States. Such bad behavior constitutes overt acts.²³, committed against the constitutionally guaranteed Amendment Article V. Rights to life, liberty, and property, absent Due Process of Law (due process).

¹⁶ The people of the United States, the author and source of law in

America, creator of Congress and the national government, in whose name and by whose authority Congress publish, on July 4, 1776, *The unanimous Declaration of the thirteen United States of America*, who ordain and establish, on March 4, 1789, the *Constitution for the United States of America*, and in whom all political power inheres, i.e., "The people of the United States" (without the "United States"), are joint tenants in the sovereignty (hereinafter the "Joint Tenants in the Sovereignty"), in contradistinction to Congress, who exercise sovereign authority as well, but only in territory and other property belonging to the United States (a corporation); to wit:

3. The same feudal ideas run through all their jurisprudence, and constantly remind us of the distinction between the prince and the subject. No such ideas obtain here; at the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, ...; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty. [Underline emphasis added.] Chisholm v. Georgia, 2 U.S. 419, 471 (1793).

4. Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but, in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886)

¹⁷ "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the [people of the] United States by citizens of another state, or by citizens or subjects of any foreign state." Bill of Rights Amendment Article XI of the Constitution for the United States of America. "The people of this state do not yield their sovereignty to the agencies which serve them." South Carolina Government Code,

Section; see also South Carolina Government Code Section]

¹⁸“Except as provided in subsection (b) of this section, any citizen may commence a civil action on his own behalf —

“(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of (A) an effluent standard or limitation under this Act...” Public Law 92-500, Sec. 2. Federal Water Pollution Control Act, Title V, GENERAL PROVISIONS, CITIZEN SUITS, Sec. 505, an Act of Congress assembled October 18, 1972

¹⁹ Unlimited right to contract pursuant to the Constitution for the United States of America (March 4th, 1789), Article I, section 10, clause 1 . Violation of this constitutionally guaranteed right is a “Constitutional Tort.”

²⁰ **See R.I.C.O. 18 U.S.C. §1961 et seq**

²¹ Corporation is "engaged in commerce" under RICO "when it is itself 'directly engaged in the production, distribution, or acquisition of goods and services in interstate commerce.'" United States v. Robertson, 115 S. Ct. 1732 (1995) (per curiam) (quoting United States v. American Build. Maintenance Indus., 422 U.S. 271, 283 (1975)). Any corporation employing BAR members, the National BAR Association, an interstate body, and operating as franchised sewer utility, franchised under the 'franchising' United States municipal corporation, is actively involved in "interstate commerce."

²² A judge is disqualified from acting as a judge when there is information that he/she is committing crimes punishable as felonies under federal law. See California Constitution, Article 6, section 18(a). Also see United States Codes, Title 33§1319(c) Criminal penalties, (3) Knowing

endangerment. Knowing endangerment due to the doctrine that “anyone who has taken an oath to uphold the law is deemed to know the law.”

23 Organic Constitution for the United States of America, Article III, Section 3. **Treason** against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of **Treason** unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

FRAUD UPON THE COURT- FRAUD UPON THE JUDGE-ORDER TO REMOVE

21. As one of the people of the United States, The people of the United States was accused a “defendant” in an bankruptcy Court” not of record and not proceeding according to the common-law.²⁴ Pursuant to her lawful right to challenge the jurisdiction of the bankruptcy Court, hereinafter “Kangaroo Court,” she served the Clerk with a lawful NOTICE OF REMOVAL²⁵ of the Kangaroo Court’s case number 3:20-BK-03908 on, 2021, to a competent court of record that proceeds according to the common law and having final jurisdiction in the matter.²⁶ It is because of these criminal trespasses upon the guaranteed due process rights by the above defined imposters and Clerks, and others acting in concert against the people of the United States, this atypical method of dealing with the Fraud on the Judge and the Fraud Upon the Court is required.

22. THE STATUS OF THE PEOPLE OF SOUTH CAROLINA, AS THE SOVEREIGNS OF THE STATE OF SOUTH CAROLINA, IS A NONJUSTICIABLE POLITICAL QUESTION²⁷ UPON WHICH THE JUDGES, CLERKS, OFFICERS OF THE SOUTH CAROLINA COURTS²⁸, AND CLERKS OF THE SOUTH CAROLINA COUNTIES-⁴⁶ MAY NOT TRESPASS.³

23. No disrespect is intended toward the magistrates³¹ of the

STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY

OF RICHLAND acting as a judge during times of good behavior, for they are the mirror 32 of the sovereign people of South Carolina: the people's agents. If they are on the bench, the people of South Carolina can never be unsuited or fail to appear in court. 33 However, when judges of the State of South Carolina are operating and committing war crimes against humanity in genocide, knowingly and wantonly. poisoning the people of South Carolina drinking waters in conspiracy with others, they are not acting as a judge during times of good behavior as mandated by the Constitution for the United States of America, Article III, Clause 1., and pursuant to the South Carolina Constitution, Article 6., 18(a), are **DISQUALIFIED FROM ACTING AS A JUDGE 34 and an INDICTMENT FOR THEIR ARREST, INCARCERATION, AND CRIMINAL PROSECUTION IS IN ORDER.**

35

²⁴ Kangaroo court: 1. A self-appointed tribunal or mock court in which the principles of law and justice are disregarded, perverted, or parodied. . . .

2. A court or tribunal characterized by unauthorized or irregular procedures, esp. so as to render a fair proceeding impose sable. 3. A sham legal proceeding. Black's Law Dictionary 7th ed., p. 359 ²⁵

"Where a Court has jurisdiction, it has a right to decide every question which occurs in the cause; and whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other Court. But, if it acts without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal, in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers."

Elliott v Peirsol , 1 Pet. 328,340, 26 U.S. 328, 340, 7L.Ed. 164 (1828);

Court may not proceed, 37 US 657, 718, 719.mht.

²⁶ Any person who knowingly violates section 1311, 1312, 1313, 1316, 1317, 1318, 1321(b)(3), 1328, or 1345 of this title, or any permit condition or limitation implementing any of such sections in a permit issued under section 1342 of this title by the Administrator or by a State, or in a permit issued under section 1344 of this title by the Secretary of the Interior by a State, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than \$1,000,000. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment. Codified in the government authorities' United States Codes, §1319 ENFORCEMENT, Section (c)Criminal penalties, (3) Knowing endangerment, (A)General rule. "All codes, rules and regulations are applicable to the government authorities only!"

Rodrigues v. Ray Donovan 769 F2d1344, 1348 (1985)

²⁷ The state cannot diminish rights of the people. Hertado v. California, 100 US 516.

²⁸ "Qualified immunity "protects government officials from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." Weise v. Casper, 53 F 3d 1163, 1166 10th

Cir. 2010) (quoting Pearson v. Callahan US 129 S Ct. 808, 815 (2009) and Harlow v. Fitzgerald 457 US 800, 818 (1982); "Officers of the court have no immunity, when violating a constitutional right, for they are

deemed to know the law.” *Owens v. Independence*, 100 S.C.T. 1398 (Ezra 7:23-26) 29 “An instrument is deemed in law filed at the time it is delivered to the clerk, regardless of whether the instrument is filed. marked [or signed by an attorney or judge].” *James v. Kentucky*, S Ct (1984); *Biffle v. Morton Rubber Indus., Inc.*, 785S.W.2d 143, 144 (Tex.1990);

30 “The people of this state do not yield their sovereignty to the agencies which serve them.” [South Carolina Government Code, Section see also South Carolina Government Code Section]

31 The following persons are magistrates: ...The judges of the superior courts.... [South Carolina Code, Sec.]

32 “His judges are the mirror by which the king's image is reflected.” 1 Blackstone's Commentaries, 270, Chapter 7, Section 379

33 “A consequence of this prerogative is the legal *ubiquity* of the king. His majesty in the eye of the law is always present. in all his courts, though he cannot personally distribute justice. (Fortesc.c.8. 2Inst.186)” 1 Blackstone's Commentaries,270, Chapter 7, Section 379

34 **A judge is disqualified from acting as a judge** when there is an information or indictment that he/she is committing crimes punishable as felonies under federal law. See South Carolina Constitution, Article 6, section 18(a). Also see Unit.

FRAUD UPON THE COURT- FRAUD UPON THE JUDGE-ORDER TO REMOVE

24.No disrespect is intended toward the Clerks of the STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, while serving the wishes of the people of South Carolina and honouring their NOTICE TO REMOVE when fraud on the court and fraud on the judge has been discovered. However, when the Clerks of the Courts of the State of STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, dishonourer fiduciary duty to the people of South Carolina and disregard a lawfully served NOTICE TO REMOVE for cause of fraud and disqualification of the judge, the Clerk is complicit with the corrupt judge and the fraud upon the court, and knowingly and wantonly acts to cause a "free man to lose his court 36" Such act is a constitutional violation in the nature of a "CONSTITUTIONAL TORT" AND JUSTIFIES Q CIVIL ACTION FOR PERSONAL-INJURY, DAMAGES, AND PERMANENT RELIEF OF OFFICE

25. Absolute disrespect is intended for all so-called BAR-officers. of the court" that are members of the BAR union and are parties to communism.³⁷ It is a well settled fact they are trespassers, extortionists and attorneys ³⁸ who hold no citizenship of America, and are foreign to the people of South Carolina, the people of the United States, and to the Constitution for the United States of America, and have no standing in any constitutional court of law, and are felons for refusing to register as foreign agents ³⁹ of the Crown Temple to whom they owe their allegiance. Whenever a lawyer is involved in a case directly or indirectly, as a litigant or assisting as counsel, ALL BAR-LAWYER-JUDGES HAVE TO DISQUALIFY THEMSELVES, AS THERE CANNOT BE A CONSTITUTIONAL TRIAL and also there would be a violation of the conflict-of-interest laws, along with the violation of separation of powers and checks and balances, BECAUSE "BAR-OFFICERS OF THE COURT ARE ON BOTH SIDES OF THE BENCH CONSTITUTING FRAUD UPON THE COURT!

26. No disrespect is intended toward the Clerks of the Counties Of South Carolina for they are valuable to keep proper records regarding ownership of real properties recorded with them by the people of the

United States within their respective counties. However, when Clerks refuse to record a STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS COUNTY OF RICHLAND Subject Matter Jurisdiction of one of the people of South Carolina, 40 they are in breach of their

State Code, Title 33 §319(c) Criminal penalties (3) Knowing endangerment. **Knowing endangerment** due to the doctrine that "anyone who has taken an oath to uphold the law is deemed to know the law."

35 And should include all conspirators who conspired with them in committing the acts of genocide and fraud.

36 "Henceforth the writ which is called Praecipe shall not be served on any one for any holding to cause a free man to lose his court."

Magna Carta, Article 34.

37 Pursuant to the House of Representatives 5, 79th Congress, 1st Session

The National Lawyers Guild is the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions. Since its inception it has never failed to rally to the legal defence of the Communist Party and individual members thereof, including known espionage agents. It has consistently fought against the national, State and local legislation aimed at curbing the Communist conspiracy. It has been most articulate in its attacks upon all agencies of the Government seeking to expose or prosecute the subversive activities of the Communist network, including national, State and local investigative committees, the Department of Justice, the FBI, and law enforcement agencies generally. Though its affiliation with the International Association of Democratic Lawyers, an international Communist-front organization, the National Lawyers Guild has constituted itself an agent

of a foreign principal hostile to the interest of the United States [the people united for America]. It has gone far afield to oppose the foreign policies of the United States, in line with the current line of the Soviet Union

³⁸ All Bar Attorneys – Attorneys - in the U.S. owe their allegiance and give their solemn oath in pledge to the Crown Temple, realizing this or not. This is simply due to the fact that all Bar Associations throughout the world are signatories and franchises to the international Bar Association located at the Inns of Court at Crown Temple, which are physically located at Chancery Lane behind Fleet Street in London. Although they vehemently deny it, all Bar Associations in the U.S., such as the American Bar Association, or South Carolina Bar Association, are franchises to the Crown, i.e. foreign. to America, and therefore **foreign to the Constitution for the United States of America** and foreign to the people of the United States, for which the people of the United States have absolute guaranteed immunity as provided for in Amendment Article XI of the Constitution for the United States of America, from any action being brought against them where a member of a BAR association would be involved as they are foreign

³⁹ No BAR attorney can claim an American citizenship. Their allegiance is sworn to a foreign power. Accordingly, they are limited to merely representing artificial or fictitious entities:

It is a clearly established principle of law that an attorney must represent a corporation, it being incorporeal and a creature of the law. An attorney representing an artificial entity must appear with the corporate charter and law in his hand. A person acting as an attorney for a foreign principal must be registered to act on the principal's behalf. See, c f Foreign Agents Registration Act (22 USC § 612 et seq.); Victor Rabinowitz et. al. v. Robert F. Kennedy, 376 US 605.

Failure to file the "Foreign Agents Registrations Statement" goes directly to the jurisdiction and lack of standing to be before the court and is a felony pursuant to c f 18 USC §§ 219, 951. The conflict of law, interest and allegiance is obvious.⁴⁰

⁴⁰ Janet Nelums & Chris Nelums as Two of the people of the United States proceeds in her courts according to the common law and is not subject to South Carolina laws or their statutory schemes. The Environmental District Court is entitled to issue a Writ.

FRAUD UPON THE COURT- FRAUD UPON THE JUDGE-ORDER TO REMOVE

27. fiduciary duty owed the people and have unlawfully acted to cause a free man to lose his court ⁴¹ by refusing to record her document. ⁴² A 'notice' issued by a non-constitutional entity requiring a signature of a foreign BAR attorney or judge before recording it, constitutes complicity with the enemy of the people and obstruction of justice at minimum. Accordingly, such bad behavior, and breach of fiduciary duty owed the people of South Carolina, would constitute a "CONSTITUTIONAL TORT" THAT JUSTIFIES A CIVIL ACTION FOR PERSONAL-INJURY, DAMAGES, AND PERMANENT RELIEF OF OFFICE

28. The State of South Carolina clerks, judges, and officers of The STATE OF SOUTH CAROLINA, IN THE COURT OF COMMON PLEAS, COUNTY OF RICHLAND, inferior municipal ⁴⁴ Courts are mere employees of a private for-Profit franchised. Corporation and even if they weren't committing crimes punishable a felony under federal law, do not have the same status as enjoyed by the people of South Carolina and the people of the United States: they are persons as defined in 'their' Penal Code and subject to their Penal Code§ 37 and §38, ⁴⁵ and additionally each a "person" as defined in federal law, Public Law 92-500, Sec. 2, Sec. 309(c)(3) and 502(5) ⁴⁶ (Law): they owe allegiance to the state (the

people of South Carolina There is no qualified immunity 47 for those persons who misbehave 48 in this case and are causing irreparable harm.

29. If a "person," (not one of the people) as defined in Law, comes before an inferior municipal 49 Kangaroo Court that is neither

necessary and appropriate to notice a county recorder of a lawsuit pending that is expected to affect title to a parcel of real property located within his county to wit:

"The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."

Clinton v. United States, 297 F.2d 899 (9th Cir. 1961); and

the County Clerks point to South Carolina law's statutory scheme for recording notice of a Fraudulent bankruptcy, the intent of which is.

"To restrict rather than enlarge the common law doctrine of notice, and to curb abuses of the procedure." *Palmer v. Zaklana*, 109 Cal. App. 4th 1367, 1376 (2003), such behavior justifies a "Constitutional Tort Action."

41 "Henceforth the writ which is called Praeceptum shall not be served on any one for any holding to cause a free man to lose his court."

Magna Carta, Article 34. Such act would be a *deprivation of the liberty* of the people of the United States.

42 5.(d)(4) of the Federal Rules of Civil Procedures specifically states

"Acceptance by the clerk. A clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice."

"An instrument is deemed in law filed at the time it is delivered to the clerk, regardless of whether the instrument is file marked." *Biffle v. Morton Rubber Indus., Inc.*, 785 S.W.2d 143, 144 (Tex. 1990).

"All codes, rules and regulations are applicable to the government authorities only! Rodrigues v. Donovan 769 F2d 1344,1348 (1985). Penalty defined under 18 U.S.C. §2071(a) and he confirm the fine for violation of refusing to file is \$250,000.00, or imprisonment of up to three (3) years, or both.

⁴³ "An instrument is deemed in law filed at the time it is delivered to the clerk, regardless of whether the instrument is filed marked [or signed by an attorney or judge]." James v. Kentucky, S Ct (1984); Biffle v. Morton Rubber Indus., Inc., 785 S.W.2d 143, 144 (Tex.1990)

⁴⁴ The bankruptcy court judge Ms. Helen Elizabeth Burris have no jurisdiction over a living Woman.

⁴⁵ CPC 37. (a) Treason against this state consists only in levying war against it, adhering to its enemies, or giving them aid and comfort, and can be committed only by persons owing allegiance to the state. The punishment of treason shall be death or life imprisonment without possibility of parole. The penalty shall be determined pursuant to Sections 190.3 and 190.4

(b) Upon a trial for treason, the defendant cannot be convicted unless upon the testimony of two witnesses to the same overt act, or upon confession in open court; nor, except as provided in Sections 190.3 and 190.4, can evidence be admitted of an overt act not expressly charged in the indictment or information; nor can the defendant be convicted unless one or more overt acts be expressly alleged therein

CPC 38. Misprision of treason is the knowledge and concealment of treason, without otherwise assenting to or participating in the crime. It is punishable by imprisonment in the state prison.

⁴⁶ "For the purposes of this subsection, the term 'person' shall mean, in addition to the definition contained in section 502(5) of this Act, any responsible corporate officer."

"The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body."

⁴⁷ "Qualified immunity "protects government officials from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." Weise v. Casper, 53 F 3d 1163, 1166 10th Cir. 2010) (quoting Pearson v. Callahan US 129 S Ct. 808, 815 (2009) and Harlow v. Fitzgerald 457 US 800, 818 (1982); "Officers of the court have no immunity, when violating a constitutional right, for they are deemed to know the law. "Owens v. Independence, 100 S.C.T. 1398 (Ezra 7:23-26)

⁴⁸ Clause of Article III, Section 1, of the Constitution for the United States, to wit: "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour..." [spelling and capitalization in original]; and

"Notwithstanding any other provisions of this Act it shall be unlawful to discharge any ..., chemical, or biological warfare agent... into the navigable waters." Public Law 92-500, Sec. 2., Title III STANDARDS AND ENFORCEMENT, EFFLUENT LIMITATIONS, Sec. 309(f).

⁴⁹ IN THE COURT OF COMMON PLEA, court judge /Joseph M. Strickland, have no jurisdiction over a living Man.

30. acting as a "court of record"⁵⁰ nor proceeding according to the course of the common law.⁵¹ The judge, even in times of good behavior, is not a judge having authority under the Supreme Law of the Land, but merely a ministerial clerk of a non-governmental private for-profit franchised municipal sewer utility's bankruptcy court ⁵² of an incorporated municipality ⁵³. As an employee of a person, a private for-profit franchised municipal corporation doing business under

the name of "IN THE COURT OF COMMON PLEAS Court, he cannot claim the constitutional authority of a Tribunal.

31. When a sovereign people of South Carolina is in their court of record, as is this case, they assume the mantle of the tribunal, independent of the Magistrate. The judge's role in the proceeding is limited to that of a ministerial clerk, authorized only to remove the case as law requires.

32. The people of South Carolina expect judicial integrity from those who sit on the bench as their mirror image: it is the judge's duty, obligation, and responsibility to do the wish and will of the people of South Carolina, not to join in concert with tyrants to persecute the people of South Carolina as in this case.

33. Likewise, the Clerk of the Court has no constitutional authority to deny the wish of those with the status of the "people of South Carolina," and be complicit with a fraudulent judge acting to unlawfully retain a case of the people of South Carolina in his Kangaroo Court not of record and not nisi Prius.⁵⁵

34. This case hinges on a single question of law: Does Fraud Upon the Court, Fraud Upon the Judge, and Fraud Upon the Officers of the Court affect a court's jurisdiction? ⁵⁶

⁵⁰ South Carolina Constitution (1879), ARTICLE 6, JUDICIAL: SEC.

1. The judicial power of this State is vested in the Supreme Court, courts of appeal, superior courts, and municipal courts, all of which are courts of record.

⁵¹ A court of record may not be in name only. Further, keeping a record alone is not sufficient to qualify as a court of record. The court of record must meet all the following requirements:

A. The tribunal is independent of the magistrate (judge) [Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Met c. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosal sky, 244 N.Y. 406, 155 N.E. 688, 689] [Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the common law [Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex part Gladhill, 8 Met c. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosal sky, 244 N.Y. 406, 155 N.E. 688, 689] [Black's Law Dictionary, 4th Ed., 425, 426]

C. Power to fine or imprison for contempt [Jones v. Jones, 188 Mo. App. 220, 175 S.W. 227, 229; Ex part Gladhill, 8 Met c. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosal sky, 244 N.Y. 406, 155 N.E. 688, 689] [Black's Law Dictionary, 4th Ed., 425, 426]

D. Keeps a record of the proceedings [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D. C. Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]

E. Generally has a seal [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.G a., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.G a., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.] [Black's Law Dictionary, 4th Ed., 425, 426]

"Due Process [of Law] requires the usage of the common law. Without the common law then Due Process is not applied."

Hoke v. Henderson

, 15 N.C. 15, 25; accordingly, any action absent Due Process constitutes a trespass of a constitutional magnitude upon the peoples' unalienable Rights to Life, Liberty, and Property." Amendment Article V. of the people of

the United States Bill of Rights Amendment to the Constitution for the United States (1789).

⁵² All bankruptcy courts are "courts of United States Magistrate Judges," and have no jurisdiction over a living man!

35. In any judicial proceeding, the moving party has the burden of proof of demonstrating that the court has subject matter jurisdiction over the matters and parties before it.

See the following authorities.

- Scott V. Sandford, 60 U.S. 393 (1856)
- Security Trust Co. v. Black River National Bank ,187 U.S. 211(2002)
- McNutt v. General Motors Acceptance Corp.,298 U.S. 178,189 (1936)
- Hague v. Committee for Industrial Organization Et. Al.,307 U.S. 496(59 S.Ct.954, 83 L. Ed. 1423 (1939)
- *United States v. New York Telephone Co.*,434 U.S. 159, 98 S. Ct. 36454 L. Ed. 2d376 (1977)
- *Chapman v. Houston Welfare Rights Organization Et. Al.*, 441 U.S. 600, 99 S.Ct.1905, 60 L. Ed. 2d 508 (1979)
- *Cannon v. University Chicago Et. Al.* ,441 U.S. 677, 99 S. Ct. 1946, 60 L. Ed. 2d560 (1979)
- *Patsy v. Board Regents State Florida*,457 U.S. 496, 102 S.Ct. 2557, 73 L.Ed.2d172 (1982)
- *Merrill Lynch v. Curran Et Al.*,456 U.S. 353, 102 S.Ct. 1825, 72 L.Ed.2d 182, 50U.S.L.W. 4457 (1982)
- *Insurance Corporation Ireland v. Compagnie Des Bauxites De Guinee*,456 U.S.694, 102 S. Ct. 2099, 72 L.Ed.2d 492, 50 U.S.L.W. 4553 (1982)
- *Matt T. Kokkonen v. Guardian Life Insurance Company America* ,128 L.Ed.2d391, 62 U.S.L.W. 4313 (1994)

CHALLENGE TO THE JURISDICTION OF THE COURT

36. **TAKE NOTICE:** that We, Janet Nelums & Chris Nelums the the real party of interest here by Challenge the Jurisdiction of the Court which is the legal procedure for resolving the issue of judicial authority. This measure is necessary in the light of the fact that the Judicial Officer intends to summarily conduct these proceedings without the Court obtaining my clear and unequivocal Consent to be without a Jury, which is in accordance with the mandates of English Common Law for the administration of Justice – with Justice being “the protection of rights and the punishment of wrongs”.

37. This Challenge to the Jurisdiction of the Court is to be determined by a Special Jury.

CHALLENGE GROUNDS:

38. This Challenge to the Jurisdiction of the Court is made on all grounds, including Subject Matter, Relationship and Competency In any action, both parties must give their clear and unequivocal consent to be without a Jury. Without that consent, the Court has no Jurisdiction to proceed summarily, and the Jurisdiction of the Court must be challenged. This Challenge can only be judged by a Special Jury. Should a Judge or Magistrate disregard or dismiss this Challenge, then he or she is liable to punishment for Contempt of Court, which is “interfering with the administration of Justice, as defined above. Should a Judge or Magistrate disregard or dismiss this Challenge, that is a violation of Due Process and the Rule of Law.

39. Challenge of the Jurisdiction of the Court, and of the Judge necessary regarding to these matters and causes and to prove constitutional judicial standing required for this Court and its Judge(s)

before they can proceed one step further, as all proceedings must stop upon a challenge of a court's jurisdiction to hear the case.

40. A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S. Ct. 1409.

41. "Once challenged, jurisdiction cannot be assumed, it must. Be proved to exist." Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389. The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F2d 416.

42. "A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732. There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.

43. "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.

44. "The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." Main v. Thiboutot, 100 S. Ct. 2502 (1980).

45. "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well-established law that a void order can be challenged in any court". OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

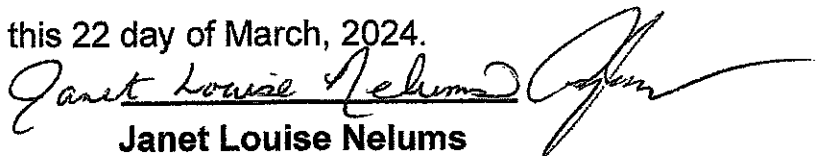
JURISDICTION CANNOT BE WAIVED

46. The principles of waiver, consent, and estoppel do not apply.

to jurisdictional issues—the actions of the litigants cannot vest a district court with jurisdiction above the limitations provided by the Constitution and Congress.

**JANET LOUISE NELUMS AND CHRIS NELUMS DEMANDS A TRIAL
BY JURY OF ANY AND ALL ISSUES BEFORE THE COURT AND
TRIAL BY A JURY**

Respectfully submitted on this 22 day of March, 2024.

A handwritten signature in cursive script, appearing to read "Janet Louise Nelums", followed by a long horizontal flourish.

**Janet Louise Nelums
Chris Nelums
813 N. Highland Forest Dr,
Columbia, SC 29203-1929
(803) 730-6003
jnelums@gmail.com
chrisnelums@yahoo.com**

CERTIFICATE OF SERVICES

I HEREBY CERTIFY that a copy of the foregoing Plaintiffs NOTICE OF INTERVENERS BY RIGHT AND CROSS-CLAIMANT S' DEMAND TO COMPEL DISCOVERY AND INSPECTION OF EVIDENCE AND CHALLENGE OF THE JURISDICTION OF THE COURT, AND OF THE JUDGE. of Defendant's on Thursday, was served by email and Certified Registered Letter on March 20, 2024, to the below listed parties:

The Honorable Kristi F. Curtis
215 North Harvin Street
Sumter, SC 29150
OFFICE: (803) 436-2152
FAX: (803) 774-2825
kcurtissc@sccourts.org

Mr. Warren Stephen Curtis
Curtis & Croft, LLC
PO Box 3220
Sumter, SC 29151-3220
warren@curtisandcroft.com
(803) 778-7404

NELSON MULLINS RILEY & SCARBOROUGH LLP
Matthew A. Abee, SC Bar No. 101100
Madison C. Guyton, SC Bar No. 105205
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
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Email: matt.abee@nelsonmullins.com
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Environmental Justice and Enforcement
U.S. Attorney's Office
Attn: Johanna Valenzuela, Justice Coordinator
District of South Carolina
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The United States

ATT: Adair Ford Boroughs

U.S. Attorney

for the District of South Carolina

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The Honorable Daniel J. Rickenmann

1737 Main Street

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803-447-9768

Mayor@columbiasc.gov

SC Secretary of State's Office

1205 Pendleton Street

Suite 525

Columbia, SC 29201

Scott and Corley

ATTORNEYS FOR THE PLAINTIFF

2712 Middleburg Drive, Suite 200

Columbia, SC 29204

803-252-3340

the common law's rejection of a rule of judicial immunity. We never have had a rule of absolute judicial immunity. At least seven circuits have indicated affirmatively that there is no immunity... to prevent irreparable injury to a citizen's constitutional rights..." "Subsequent interpretations of the Civil Rights Act by this Court acknowledges Congress' intent to reach unconstitutional actions by all state and federal actors, including judges...The Fourteenth Amendment prohibits a state [federal] from denying any person[citizen] within its jurisdiction the equal protection under the laws. Since State [or federal] acts only by its legislative, executive or judicial authorities, the constitutional provisions must be addressed to those authorities, including state and federal judges..." "We conclude that judicial immunity is not a bar to relief against a judicial officer acting in her [his] judicial capacity."

¹ See *Mireles v. Waco*, 112 S. Ct. 286 at 288 (1991)

² A judge is not immune for tortious acts committed in a purely Administrative, non-judicial capacity; however, even in a case involving a particular attorney not assigned to him, he may reach out into the hallway, having his deputy use "excessive force" to haul the attorney into the courtroom for chastisement or even incarceration. A Superior Court Judge is broadly vested with "general jurisdiction." Provided the judge is not divested of all jurisdictions, he may have his actions excused as per this poor finding.

1. Plaintiffs, Janet Nelums & Chris Nelums hereinafter "The"), pro se, ("Plaintiffs") seeks to prevent continuing and substantial injury to victims of this fraudulent scheme by bringing this action for under 65(a), See also: 28 U.S.C. § 455(a) and (b), and 18 U.S.C. § 1345 and 18 U.S.C. §§ 1345(b), (a)(2). a permanent injunction and other equitable relief under Federal Rule of Civil Procedure 65, to enjoin the ongoing which allows a district court to enjoin the actions of parties and their "Officers, agents, servants, employees, and attorneys [,] and other persons who are in active concert or participation with them." See Klay, 376 F.3d at 1100-02; see also in re Ford Motor Co., 471 F.3d at 1256 &

n.41. any Actions **18 U.S. Code § 1345 –Injunctions against fraud**, proceedings, including any eviction attempt, pending her current challenge to by reason of the conduct described herein, Defendants. Hon Judge, Kristi F. Curtis an individual, and Judge/ special referee Hon, Ben Miller, an individual. in violation of the South Carolina subject matter jurisdiction and amount in controversy, codified as S.C. Code Ann. §§ 22-3-10 et seq. and S.C. Code Ann. §§ 22-3-20”), (Taking judicial notice of Any party may request a jury pursuant to Rule 38 on any or all issues triable of right by a jury and, upon the filing of a jury demand, violated, is violating, and is about to violate 18. U.S.C. §§ 1341 and 1343 by facilitating a scheme and artifice to defraud. And obtain money or property by means of false and fraudulent representations with the intent to any proceedings, and as grounds states:

2. The practice of law cannot be licensed by any state/State”. **Schwartz v. Board of Examiners**, United State Reports 353 U.S. pages 238, 239] Lawyers and Attorneys are Not Licensed to Practice Law. The "certificate "from the state Supreme Court only authorizes to practice. law. "In courts" as a member of the state judicial branch of government can only represent wards of the court, infants, persons of unsound mind. (see corpus juris secundum, (C.J.S.) volume 7, section 4) a "certificate". is not a license to practice law as an occupation, nor to do business as a law firm. No other association, even doctors, issue their own license. all are issued by the state. The state bar is a non-governmental private association - and dues must be current to sustain membership.

3. See 28 U.S.C. § 636(b)(3) (1976) (permitting district courts to assign magistrates "such additional duties as are not inconsistent with the Constitution and laws of the United States"); S. REP. 371, supra

note 26, at 26 (judicial experimentation with magistrate duties not listed in 1968 Act will aid district courts).

4. Pursuant to Rules 53(b) of the South Carolina Rules of Civil Procedure, without the parties' consent to the master reference. 28 U.S.C. § 636(b)(2), Ben N. Miller, III SC Bar # :3977 ("special referee.") lack subject-matter jurisdiction. See 28 U.S.C. § 636(b)(2), under 28 U.S.C. § 636(c)(1), 28 U.S.C. § 636(c)(2). is not authorize in the above-entitled case to this foreclosure action for 813 N. Highland Forest Drive, Columbia, SC 29203 (Parcel 11916-2-16

5. See 28 U.S.C. § 636(b)(2) (1976) (magistrate special master appointment). Appointment of special masters to hear entire cases or evidence on key motions is tightly restricted.

6. See FED. R. Civ. P. 53(b) (limiting nonjury master appointments to "exceptional" conditions); note 76 *infra* (construction of exceptional conditions). These restrictions apply to magistrates serving as special Master's except when the parties' consent to the master reference. 28 U.S.C. § 636(b)(2) (1976); see note 43 *infra*.

³ [Fed.R.Civ.P.] 53(e) — magistrate's findings of fact are final, but legal rulings have no binding force.

7. The 1979 Act seeks only to ensure that magistrates are competent to adjudicate "cases which do not require those special attributes of Article III judges, but nonetheless do require an impartial generalist to resolve issues of importance to the parties.

8. Plaintiffs have explained repeatedly that "injunctions are enforced through the district court's civil contempt power." Thomas v. Blue Cross and Blue Shield Ass'n, 594 F.3d 823, 829 (11th Cir. 2010) (internal quotation marks omitted) (collecting cases).

9. This case was originally filed in the Circuit Court for Richland

County, Plaintiffs timely filed a Notice of Removal pursuant to a "federal. 28 U.S.C. 1337(a), and 1345

10. This Court has jurisdiction over this action under 18 U.S.C. § 1345. and 28U.S.C. §§ 1331 1337(a), and 1345

11. This Court has jurisdiction over the subject matter of this case, there is good cause to believe that it will have jurisdiction over all the parties hereto, and venue in this district is proper.

12. This Court has venue in this matter pursuant to 28 U.S.C. § 1391(b) and (c). under 28 U.S.C. § 1391(b)(1), (b)(2), (c)(1), and (c)(2), and 15 U.S.C. § 53(b)

13. Additionally, under the Fairness Act," the aggregate amount of the' damages will exceed \$10,000,000.00.0

14. There is probable cause to believe that Defendant Doe is violating and, unless enjoined, will continue to violate 18 U.S.C. § 1343.

15. **THE COURT TAKE JUDICIAL NOTICE** The Supremacy Clause of The Constitution of the United States (Article VI, Clause 2) establishes. that the Constitution, federal laws. made pursuant to it, and treaties. made under its authority, constitute the "Supreme Law of the Land", and thus, take priority over any conflicting. state laws, "the federal law will supersede the other law or laws. This is. commonly known as "Pre-emption."

16. **THE COURT TAKE JUDICIAL NOTICE** S.C. R. Civ. P. 82 (b) Venue of Action. When an action is brought in the wrong county or in the wrong court, the court shall not dismiss the action but shall transfer it to any proper county or court in which it could have been brought. Se e:

Rule 82(c) conforms to present practice.

17. IndyMac Bank/ OneWest Bank, FSB Defunct No longer. exist since July 11, 2008

18. IndyMac Bank was founded as Countrywide Mortgage

Investment in 1985 by David S. Loeb and Angelo Mozilo

19. See: JOHN T. KEMP V. COUNTRYWIDE HOME LOANS –
COUNTRYWIDE NEVER TRANSFERRED NOTES TO BANK OF
AMERICA, Countrywide Admits to Not Conveying Notes to Mortgage
Securitization Trusts

20. Deutsche, or internally as DB, is a German multinational.
investment bank and financial services company headquartered in
Frankfurt, Germany

21. In The Case of the Marshalsea, 77 Eng. Rep. 1027 (K.B.
1613), Sir Edward Coke found that Article 39 of the Magna Carta
restricted the power of judges to act outside of their jurisdiction such.
proceedings would be void, and actionable.

Analysis

22. Lawyers clearly cannot file a claim for which there is no
conceivable basis. On the other hand, lawyers normally must accept
their client's word about the underlying factual context of litigation.
Lawyers must investigate the facts before pursuing litigation or
advancing a defense, but there are both ethics and cost limitations on
that process. Moreover, the adversarial system itself generally uncovers.
any unsupportable factual allegations and legal arguments. Disciplining
lawyers for "pushing the envelope" factually could discourage ultimately.
meritorious claims.

23. Both bars (through the ethics rules and the disciplinary
process) and courts deal with the issue of frivolous factual claims.

24. On the ethics front, the old ABA Model Code had essentially A subjective test for determining whether a lawyer was advancing an impermissible frivolous claim.

In his representation of a client, a lawyer shall not: (1) File a suit, assert a position, conduct a Défense, delay a trial, or take other action on behalf of his client when he knows or when it is obvious that such action would serve merely to harass or maliciously injure another.

ABA Model Code of Professional Responsibility, DR 7-102(A)(1) (1980) (emphasis added).

The ABA Model Rules contain a more objective standard.

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.

25. On September 21, 2023, at 2:pm Defendant Judge Hon, Kristi F. Curtis, an individual Bar #:8595, Case No: 2017CP4001687 Deutsche Bank National Trust Company et al V. Christopher Nelums et al, lack subject-matter jurisdiction under **28 U.S.C. § 636(c)(1)**, **28 U.S.C. §636(c)(2)**. ("Judge Curtis") as judge in,

This motion is based on the following grounds:

26. Black Knight was founded in 1962 as Lender Processing Services (LPS), a provider of mortgage services and technology solutions. The company grew rapidly through a series of acquisitions, expanding its offerings to include loan origination, servicing, and default management services. Real Estate Services. **See EXHIBITS A to U**

27. Injunctive relief to protect the public interest is expressly authorized by 18 U.S.C. § 1345. As such, neither a specific finding of irreparable harm, a showing of the inadequacy of other remedies at law, nor a balancing of the parties' interests is necessary prior to the issuance of a temporary restraining order.

28. Even though a showing of irreparable harm is not necessary under Section 1345 in order to obtain injunctive relief, the Court has found that permitting Defendant to continue to perpetrate the alleged wire fraud would constitute irreparable harm.

29. The statutory conditions for granting a permanent or temporary injunction or restraining order under 18 U.S.C. § 1345 are therefore met. Defendant's violations 18 U.S.C. § 1343 will continue unless a temporary restraining order is issued.

30. See: 15 U.S.C. § 1692(a), to obtain permanent injunctive relief, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief for Defendants' acts or practices in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the FDCPA, 15 U.S.C. §§ 1692-1692p, in connection with Defendants' deceptive and abusive debt collection practices, including attempts to harass consumers into paying debts that they do not actually owe.

PARTIES

31. Plaintiffs' property is located in Richland County, South Carolina. Defendants have conducted business, albeit illegally in this County and throughout the (46) Counties in South Carolina and throughout the United States by filing tens of thousands of fabricated, illegal and unenforceable Promissory Notes, Assignments of Promissory Notes, Affidavits as to loan ownership and Status of Accounts, Mortgages and Assignments of Mortgages.

DEFENDANTS

32. Hon, Ben Mill Judge/ special referee, an individual. The Hon, Mr. Ben N. Miller, III at 1704 Main Street Columbia, South Carolina 29201

At all times material to this Complaint

33. Hon, Kristi F. Curtis an individual. The Honorable Kristi F. Curtis 215 North Harvin Street Sumter, SC 29150, At all times material to this Complaint

34. Nelson Mullins Riley & Scarborough LLP is a diversified law Firm doing real estate Services Business in the State of South Carolina Address at 1320 Main Street / 17th Floor Columbia, SC 29201, At all times material to this Complaint

35. Matthew A. Abee, an individual is a resident citizen of the State of South Carolina, attorneys Nelson Mullins Riley & Scarborough LLP law firm, Address at 1320 Main Street / 17th Floor Columbia, SC 29201, At all times material to this Complaint

36. Madison C. Guyton, an individual, an individual is a resident. citizens of the State of South Carolina, attorneys Nelson Mullins Riley & Scarborough LLP law firm, Address at 1320 Main Street / 17th Floor Columbia, SC 29201, At all times material to this Complaint

37. Black Knight/ Lender Processing Services (LPS) represents that 39 of the 50 largest banks in the United States based on 2007 ratings Use its services. Its technology solutions include its mortgage processing system (the "MSP") which Processes over 50% of all residential mortgage loans by dollar volume. Its outsourcing services Include "the default management services, which are used by mortgage lenders and servicers to attorneys, trustees and real estate

professionals."⁵ Reduce the expense of managing defaulted loans....

address at: Black Knight Headquarters 601 Riverside Avenue Jacksonville, FL 32204, At all times material to this Complaint, acting alone or in concert with Others

38. Plaintiffs, Janet Nelums & Chris Nelums, (hereinafter "Plaintiffs) bring this action against and (hereinafter Defendants") their agents, officers, employees and affiliated or associated parties, for their and their predecessors' actions in engaging in pattern of unlawful. Fraudulent, or. Unfair. Predator. Real estate. Practice. Causing. Plaintiff. To become victims of such behavior, and to be in jeopardy of losing Their home Through wrongful foreclosure fraud.,

THE FRAUD INJUNCTION ACT

39. Title 18, United States Code, Section 1345 provides that if a person is "Violating or about to violate" statutes prohibiting mail and wire. fraud, among others, "the Attorney General may commence a civil action in any. federal court to enjoin such violation." It continues by stating that the Court. "Shall proceed as soon as practicable to the hearing and determination of such an action and may ... enter such a restraining. order. or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought." Congress intended Section 1345 to put a "speedy end" to "fraudulent acts or

practices.” S. Rep. No. 98-225, at 401-02 (1984), reprinted in 1984.

U.S.C.C.A.N. 3182, 3539-40. See also Stop the Bleeding: Using Civil Injunctions under 18 U.S.C. § 1345 to Stop Fraud, DOJ Journal of Federal Law and Practice, December 2018, p. 29.

40. Plaintiffs contends that the court should grant this motion for possession of restitution on the grounds that, as a matter of law, the evidence is sufficient to sustain Defendants burden of proof on the issue that the Defendants and its officers of Black Knight/ Lender Processing Services (LPS) Matthew A. Abee, SC Bar No. 101100 (Madison C. Guyton, SC Bar No.105205 individual, lacked standing to sue and never stated a valid cause of action 18 U.S. Code § 1345 –Injunctions against fraud

41. Under Federal Rule of Evidence 201 the court may judicially notice a fact that is not subject to reasonable dispute because it: is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned. The Court may take judicial notice of records of any court of record of the United States.

42. This Court may also take judicial notice that the various Magistrates’ judges of the Circuit Court are routinely granting motions when the parties don’t appear at hearings.

43. Hon, Ben Mill Judge/ special referee Bar # :3977

44. Judge Ben Millier received a B.A. from the Duke University and a J.D. from the University of South Carolina School of Law. And doesn't understand the Plaintiffs, Janet Nelums & Chris Nelums Complaint and Motion that was filed in her Case James 1:8 KJV: Such a person is double-minded and unstable in all they do.

45. THE COURT TAKE JUDICIAL NOTICE On information and belief, all Article III United States Magistrate judges appointed by President Joe Biden,

46. THE COURT TAKE JUDICIAL NOTICE Hon, Ben Millier Judge/ special referee Judge was not. Appointed by President Joe Biden and he does not Have Article III Court powers.

47. Hon, Kristi F. Curtis United States Magistrate is a judge for Sumter County 3rd Judicial Circuit Court of South Carolina, She was. Elected to the bench by the South Carolina General Assembly on February 7, 2018

48. THE COURT TAKE JUDICIAL NOTICE On information and belief, all Article III United States Magistrate judges appointed by President Joe Biden,

49. THE COURT TAKE JUDICIAL NOTICE The Hon, Kristi F. Curtis United States Magistrate Judge was not. Appointed by President

Joe Biden and she does not Have Article III Court powers.

50. The Honorable Kristi F. Curtis United States Magistrate Judge 215 North Harvin Street Sumter, SC 29150 vacated her bench on September 21, 2023.at 2pm, committed multiple errors of Law. The amount in controversy was \$12,000.00, that Denied Janet Nelums & Chris Nelums Due Process of Law, and She acted outside her. Authority," the Plaintiffs wrote. "We are greatly. Troubled by the fact. that neither Jeanette W. McBride Clerk of the Court for Richland County 1701 Main Street, 1st Floor West Wing Columbia, SC 29201, nor Hon. Kristi F. Curtis United States Magistrate Judge made any effort to comply with even one of the requirements..." void. action 18 U.S. Code § 1345 – Injunctions against fraud

51. When the judge is involved in a scheme of bribery (the Aleman cases, Bracey v. Warden, U.S. Supreme Court No. 96-6133. June 9, 1997)

52. The issue of consent is key because a magistrate is an Article I (Not Article III) judicial officer, so subject-matter jurisdiction vests under the Federal Magistrates Act only "upon consent of the parties." 28 U.S.C. § 636(c)(1). Such consent is provided in writing and filed with the clerk of the court.

53. under Section 636(c)(1). That "jurisdictional requirement cannot be waived by the parties," and if the "requirements of Section 636(c)(1) are not satisfied, the 'magistrate judge [is deprived] of jurisdiction over the case' and we are statutorily deprived of appellate

jurisdiction over the magistrate judge's orders . . . Without the parties' consent, the magistrate judge, as an Article I judge, simply does not have jurisdiction. to decide the matter.

54. Section 636(c)(1), before obtaining the consent of the named parties (Whether express or implied) create constitutional problems for Section 636(c)(1): it would permit a non-Article III officer to independently exercise Article III powers (by entering a final order that is not reviewable by the district court) before he is given the authority to do so."

55. On information and belief, the litigant must be given notice. And an opportunity to be heard failure of unserved Plaintiffs to consent. to a U.S. federal magistrate judge (magistrate) before the complaint is heard deprives the magistrate of subject-matter jurisdiction under 28 U.S.C. § 636(c)(1), before an order is entered.

56. The magistrate shall carefully explain to the Plaintiffs that he has a right to trial.

57. The magistrate shall not proceed to try the case unless the Plaintiffs, after such explanation, file a written consent to be tried. before. the magistrate that specifically waives trial, judgment, and sentencing by a judge of the district court

58. Where service of process was not made pursuant to statute and Supreme Court Rules, Janove v. Bacon, 6 Ill. 2d 245, 249, 218

N.E.2d 706, 708 (1955).

59. Section 636(c)(2) requires that the Clerk of Court, Jeanette W. McBride Clerk of the Court for Richland County notify the parties Of their right to refuse to proceed before a magistrate judge, but there is no indication in the Case No: 2017CP4001687 records that the Plaintiffs Janet Nelums & Chris Nelums ever received such a notice from the Clerk of Court, Jeanette W. McBride for the.

60. [T]he records here in Case No: 2017CP4001687 shows only that Janet Nelums & Chris Nelums Plaintiffs were aware of being sued. [They] do not point to anything in the record showing that they were made aware of the need to consent and their right to refuse to do so.”

61. The Hon. Kristi F. Curtis United States Magistrate Judge stated at the hearing on September 21, 2023, that she didn't understand Janet Nelums & Chris Nelums Plaintiffs Complaint and Motion that was filed in his Case.

62. Curtis received a B.A. from the University of South Carolina School 1991 and a J.D. from the University of South Carolina School of Law. And doesn't understand Janet Nelums & Chris Nelums Plaintiffs Complaint and Motion that was filed in his Case James 1:8 KJV: Such a person is double-minded and unstable in all they do.

63. Pursuant to Fed. R. Civ. P. 65(b)(4), Plaintiffs will have an opportunity to request a modification of the asset freeze order to allow

for funds reasonable and necessary for living expenses and legal fees. protect the victims of the fraud. See SEC v. Antar, 831 F. Supp. 380, 402-03 (D.N.J. 1993) ("[A]s between the [relief] defendants and the victims of the fraud, equity dictates that the rights of the victims should control.").

64. Plaintiffs have Article III standing to seek statutory damages from the DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE, SPECIALIZED LOAN SERVICING LLC, for its violations of South Carolina mortgage-satisfaction-recording statutes, these statutes require mortgage lenders and Servicers to record satisfactions of mortgage (also known as "certificates of discharge") within thirty days of the borrowers' repayment: a failure renders the lender and Servicers "liable to the mortgagor" for increasing statutory damages in amounts dependent on the tardiness of the ultimate filing. Here, the Bank and Servicers did not record the satisfaction of the Nelums' mortgage,

65. See: Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) Note: By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). When a judge acts as a trespasser of the law, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the judges' orders are not voidable, but VOID, and of no legal force or effect. The U.S. Supreme Court stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States."

66. See Caperton v. A. T. Massey Coal Co., 556 U.S. 868 (2009), Is a case in which the United States Supreme Court held that the Due Process Clause of the Fourteenth Amendment requires a judge to recuse themselves not only when actual bias has been demonstrated or when the judge has an economic interest in the outcome of the case but also, when "Extreme facts" create a "probability of bias." [1]

I. I MOVE TO DISQUALIFY JUDGE CURTIS BECAUSE I FEAR I WILL NOT RECEIVE A FAIR TRIAL OR HEARING BECAUSE OF SPECIFICALLY DESCRIBED PREJUDICE OR BIAS OF THE JUDGE:

•Conclusion: Disqualification of Judge Curtis Required as a Matter of Law

67. In my view, no ordinary Black person can get a fair trial or hearing before Judge Curtis because of prejudice and racial bias of the judge, specifically **and Judges. practice of law and dual office holding** that Circuit Court shall each receive compensation for their services to be fixed by law, which shall not be diminished during the term they shall not, while in office, engage in the practice of law, or hold any other office or position of profit under the United States, shall there by forfeit his/her judicial office

II. I MOVE TO DISQUALIFY JUDGE CURTIS BECAUSE I FEAR I WILL NOT RECEIVE A FAIR TRIAL OR HEARING BECAUSE OF SPECIFICALLY DESCRIBED PREJUDICE OR BIAS OF THE JUDGE:

•Judge Curtis Conflict of Interest: Lawyer Title Member: Merged into Fidelity in 2010

68. The Current venue violates procedure. If for any reason, clerical or otherwise, the case is being handled by the wrong court or a court with no jurisdiction, the venue may be changed to a more suitable court in a different location Once the sufficiency of the affidavit is.

determined, such that belief that a fair trial cannot be obtained is justified, a change of venue is mandatory, (Browning Manufacturing Co. v. Brunson, 187 S.C. 278, 197 S.E. 311 (1938)), and all the papers relating to the action should be turned over to the nearest magistrate in the county who is not disqualified from hearing the case, so that he may proceed as if the action had been originally filed with him. Section 22-3-920 points out specifically, that only "one such transfer shall be allowed. each party in any case." Changes of venue may be sought for a variety of reasons, from emotional causes of action preventing the drawing of an impartial jury to the personal knowledge or involvement of the magistrate before whom the action was brought, but in every case, the change should only be granted where reasons sufficient to justify a belief that a fair trial is not possible are alleged in the affidavit.

69. Apparently, my written motions, judicial notices etc. are not "On the record" and have no legal significance in this courtroom, and only those items expressed verbally are "on the record," as every motion or other paperwork submitted was totally ignored by the Judge, unless I specifically brought it up verbally in court. If it was meant to be that way, I'm sure the law wouldn't have gone to so much trouble making sure that everything is in writing. Therefore, there was apparently nothing on the record.

III. I MOVE TO DISQUALIFY JUDGE CURTIS BECAUSE I FEAR I WILL NOT RECEIVE A FAIR TRIAL OR HEARING BECAUSE OF SPECIFICALLY DESCRIBED PREJUDICE OR BIAS OF THE JUDGE:

• Judge Curtis Prejudicial and Biased Demand for lacks the mental competency Required to participate in legal proceedings

70. THE COURT TAKE JUDICIAL NOTICE Furthermore, DEUTSCHE BANK NATIONAL TRUST COMPANY / Circuit Judge, United States Magistrate Hon, Kristi F. Curtis, an individual Bar #:8595, NELSON MULLINS RILEY & SCARBOROUGH LLP, and Local Counsel Matthew A. Abee, SC Bar No. 101100) (Madison C. Guyton, SC Bar No.105205 , is a trustee in this case, and does not and cannot own this. mortgage, as they are acting on behalf of the Fidelity investment trust

71. Plaintiffs Demand THE COURT TAKE JUDICIAL NOTICE of all. Defendants Employer Identification Number 04-3022712 FIDELITY MANAGEMENT TRUST COMPANY is a USA domiciled entity or foreign entity operating in the USA. The EIN has been issued by the IRS

Company Name:	<u>FIDELITY MANAGEMENT TRUST COMPANY</u>
Employer identification number (EIN):	04-3022712
EIN Issuing Authority	Brookhaven, NY
401k Pension/Benefits registration	<u>FIDELITY MANAGEMENT TRUST COMPANY</u> <u>401k plan information</u>
State of Incorporation	Massachusetts, MA

Organization Addresses...The following addresses have been detected as associated with Tax Identification Number 043022712 Company Information and have a conflict of interest prohibited by Rule 1.7 of the Rules of Professional Conduct (eff. Jan.1, 2010).and Rule 1.8 of the Rules of Professional Conduct, 28 U.S. Code § 455 –Disqualification of justice, judge, or magistrate judge. the Rules of Professional Conduct, and rule 5.4 Professional Independence of a Lawyer a. A lawyer or law firm shall not share legal fees with a non-lawyer, except that, b. A lawyer shall not form a partnership with a non-lawyer if any of the activities of the partnership consist of the practice of law Sc law prohibits fee

agreement kickback c. Because of the FIDELITY/LPS responsibility to serve the public interest, South Carolina (SC) law places a strict limitation on the use of private, outside counsel by the FIDELITY/LPS: Sharing Legal fees with-Lawyers are illegal, and FIDELITY / LPS is not a Law Firm, the attorney fee fixing provisions of the Network Agreement are a criminal violation of 18 U.S.C. § 155.

72. When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment: he acts no longer as a judge, but as a "minister" of his own prejudices. [386 U.S. 547, 568].

73. The Supreme Court, in Hazel-Atlas Glass Co. v. Hartford-Empire Co., created the standard necessary to establish a fraud on the court claim.¹⁶ The Court held that, "only the most egregious misconduct, such as bribery of a judge or members of a jury, or the fabrication of evidence by a party in which an attorney is implicated, will constitute a fraud on the court."¹⁷ In order to adequately plead a fraud on the court claim, a Defendant must allege "a scheme by which the integrity of the judicial process had been fraudulently subverted" and must involve far more than an injury to a single litigant.¹⁸

IV. INTRODUCTION

74. To protect the integrity of this Virtual Courtroom hearing proceeding that was Dated September 21, 2023, at 2:pm Circuit Judge, United States Magistrate Hon, Kristi F. Curtis, an individual Bar #:8595 pursuant to S.C. Code Ann. § 17-21-80, S.C. Code Ann. §§ 22-3-10, and 22-3-20. Section 22-3-10, as limited by § 22-3-20, counterclaim must be transferred to the docket. of the trial COURT from COMMON PLEAS,

COUNTY OF RICHLAND October 26, 2023, at 2: Pm Case No: 2017CP4001687 herein without further order of the court, and without subject matter Jurisdiction and the amount in controversy Circuit Judge, United States Magistrate Kristi F. Curtis, an individual Bar #:8595 vacated her bench on September 21, 2023, at 2: Pm, Virtual Courtroom by failing to return Case back to the Proper Court.,

75. The Court pointed out, however, that the procedure specified in the federal rules envisions advance, written consent. FED. R. CIV. P. 73(b)(1) specifies that the parties signify their consent by jointly or separately filing a statement consenting to the referral. In administering the consent process, the district clerks use the judiciary's national form, sometimes with local variations – AO Form 85, Notice, Consent, and Reference of a Civil Action to a Magistrate Judge. See EXHIBIT-A

76. This subdivision implements the blind consent provision of 28 U.S.C. §636(c)(2) and is designed to ensure that neither the judge nor the magistrate attempts to induce a party to consent to reference of a civil matter under this rule to a magistrate. See House Rep. No. 96–444, 96th Cong. 1st Sess. 8 (1979).

77. In the present case, the court determined that "parties" Includes both plaintiffs and defendants. The court relied on the U.S. Supreme Court decision in Murphy Bros. v. Michetti Pipe Stringing, Inc. that the due process clause entitles a named defendant to procedural protections. Such protection includes choosing between an Article I and an Article III judge,

78. ²⁶⁷With regard to the case-dispositive consent authority of magistrate judges, the Court added specifically that "[c]onsistent with our

precedents, the Courts of Appeals have unanimously upheld the constitutionality of 28 U.S.C. § 636(c).” *Id.* at 1948 n.12.

79. ²⁷⁴ 28 U.S.C. § 636(c)(1), which governs consent to disposition of a civil case by a part-time magistrate judge requires a “Specific written request” by the parties; and 18 U.S.C. § 3401(b) specifies that a magistrate judge may try a [Class A] misdemeanor only if the defendant “expressly consents . . . in writing or orally on the record.” 275 538 U.S. at 588.

Consenting to a magistrate judge also offers the parties the prospect of an early, firm trial date. Magistrate judges often have more flexible trial schedules than district judges because they do not preside over felony cases, which are given priority and may bump civil trials. The parties are

234 28 U.S.C. § 636(c)(3); FED. R. CIV. P. 73(c).

235 FED. R. CIV. P. 73(b)(1)

236 AO Forms 85 and 85A.

237 FED. R. CIV. P. 73(b); 28 U.S.C. § 636(c)(2). The 1979 statute had prohibited judges from discussing consent with the parties after the clerk of court had sent the parties the original consent notice. The restriction, though, was relaxed by a 1990 statutory amendment designed both to encourage consent and protect the voluntariness of the parties’ action. Federal Courts Study Commission Implementation Act of 1990, Pub. L. No. 101-650, § 308, 104 Stat. 5104, 5112.

238 U.S.C. § 636(c)(4); FED. R. CIV. P. 73(b)(3).

80. The Clerk of Court in your Office, failed notify the parties of

their right to consent to the exercise of such jurisdiction

81. The decision of the parties shall be communicated to the clerk of Court

82. **Elmore v. McCammon** (1986) 640 F. Supp. 905 "...the right Filing a lawsuit pro se is one of the most important. rights under the constitution and laws.

83. **Miller v. US**, 230 F 486, 489. "There can be no sanction or penalty imposed upon one because of this exercise of constitutional. rights."

84. **See Cook v. Mack's Transfer & Storage**, 291 S.C. 84, 352 S.E.2d 296 (Ct.App.1986). The circuit court had no jurisdiction to entertain a common law action for recovery of damages. See id. Accordingly

85. **See: S.C. Supreme Court in Ex re Daniel R. McLeod v. Roger A. Crowe**, 272 S.C. 41, 249 S.E.2d 772 (1978), district. jurisdiction between magistrates were allowed, but as of **McLeod v. Crowe, supra.**, all magistrates now constitutionally possess "uniform. county wide jurisdiction."

86. To understand the latter two determinations of jurisdiction, subject matter jurisdiction and amount in controversy, one must look to S.C. Code Ann. §§ 22-3-10, and 22-3-20. Section 22-3-10, as limited by § 22-3-20, sets out magisterial jurisdiction over fourteen areas of civil subject matter as follows:

a. Actions on contracts for the recovery of money, where the claim does not exceed \$7,500.00.

b. Actions for damages for injury to rights pertaining to the person, or personal or real property, where the damage does not exceed \$7,500.00.

c. Actions for a penalty, fine or forfeiture, not to exceed \$7,500.00.

d. Actions commenced by attachment of property, as provided by statute, where debt or damages do not exceed \$7,500.00.

e. Actions upon a bond conditioned for the payment of money, Not exceeding \$7,500.00, whether the money is due in sum total or in installments.

f. Actions upon a surety bond taken by the magistrate, when penalty or amount claimed does not exceed \$7,500.00.

g. Actions upon a judgment rendered in magistrate's court when it is not prohibited by the South Carolina Rules of Civil Procedure.

h. Taking and entering judgment on the confession of a defendant in the manner prescribed by law when the amount confessed does not exceed \$7,500.00.

i. Actions for damages or for fraud in the sale, purchase, or Exchange of personal property, not to exceed \$7,500.00.

j. All landlord and tenant matters, as well as those included in Chapter 33 through 41 of Title 27, encompassing matters of leasehold. estates, rent, ejectment of tenants and undertenants of life tenants.

k. Actions to recover the possession of personal property, whose. stated value does not exceed \$7,500.00.

l. In all actions provided for in this section when a filed counterclaim involves a sum not exceeding \$7,500.00.

m. In interpleader actions arising from real estate contracts for the recovery of earnest money, only if the sum claimed does not exceed. \$7,500.00.

87. As a rule, magistrates need not make a determination. themselves of the amount in controversy for the purpose of determining their jurisdiction, since jurisdiction is determined by the amount claimed. by the plaintiff and not the amount actually due. It should also be. understood. that if a defendant makes a counterclaim against the plaintiff in an amount in excess of \$7,500.00, then the initial claim and counterclaim must be transferred to the Court of Common Pleas for that. judicial circuit as required by § 22-3-30.

88. FRAUDULENT CONCEALMENT the actions of hiding something or preventing it from being known...

89. In, Fact the bank may not be at a loss according to the Pooling and Servicing Agreement ("PSA") trusts terms. Notably, banks never inform the courts of the PSA terms in their foreclosure complaints.

90. The Defendant' bank must establish "the existence of the mortgage and mortgage note, ownership of the mortgage and note, and the plaintiff's default in payment." Campaign v. Barba, 23 AD3d 327 (2nd Dept. 2005). The PSA is the insurance existing specifically to

protect the banks from homeowner's default, which by its terms always pays any defaulting mortgage and other fees, including real estate taxes. Logically, if the bank is paid then there is no default or damage to the bank. How can a loan be in default if the servicer advanced every payment to cover any alleged default?

91. the PSA for a trust called OAR2 names not one but two servicers as SPECIALIZED LOAN SERVICING LLC, (the master servicer and securities administrator) and Wilshire Credit Corporation. Those servicers are responsible to advance payments to protect all mortgaged property in the trust in the event a homeowner defaults in payment (at PSA pages 53 and 116) as follows:

92. "Servicing Advances: All customary, reasonable and necessary "out of pocket" costs and expenses incurred in the performance by a Servicer of its servicing obligations hereunder, including, but not limited to, the cost of **(1) the preservation, inspection, restoration and protection of a Mortgaged Property, including without limitation advances in respect of prior liens, real estate taxes and assessments, (2) any collection, enforcement or judicial proceedings, including without limitation foreclosures, collections, and liquidations, (3) the conservation, management, sale and liquidation of any REO Property, (4) executing and recording instruments of satisfaction, deeds of reconveyance, substitutions of trustees on deeds of trust or Assignments of Mortgage to the extent not otherwise recovered from the related Mortgagors or payable under this Agreement, (5) correcting errors of prior servicers; costs and expenses charged to such Servicer by the Trustee; tax tracking; title research; flood certifications; and lender paid mortgage insurance, (6) obtaining or correcting any legal documentation required**

to be included in the Mortgage Files and reasonably necessary for the Servicer to perform its obligations under this Agreement and (7) compliance with the obligations under Sections 13.01 and 13.10.” and

93. “Section 6.04 Advances. If the Monthly Payment on a Mortgage Loan that was due on a related Due Date and is Delinquent other than as a result of application of the Relief Act and for which the applicable Servicer was required to make an advance pursuant to this Agreement exceeds the amount deposited in the Master Servicer Collection Account that will be used for an Advance with respect to such Mortgage Loan, **the Master Servicer will deposit in the Master Servicer Collection Account not later than the Distribution Account Deposit Date immediately preceding the related Distribution Date an amount equal to such deficiency**, net of the Servicing Fee for such Mortgage Loan, except to the extent the Master Servicer determines any such Advance to be nonrecoverable from Liquidation Proceeds, Insurance Proceeds or future payments on the Mortgage Loan for which such Advance was made. If the Master Servicer has not deposited the amount described above as of the related Distribution Account Deposit Date, the Trustee will, subject to applicable law and its determination of recoverability, deposit in the Master Servicer Collection Account not later than the related Distribution Date, an amount equal to the remaining deficiency as of the Distribution Account Deposit Date. Subject to the foregoing, the Master Servicer shall continue to make such Advances. through the date that the applicable Servicer is required to do so under the Applicable Servicing Agreement. If applicable, on the Distribution Account Deposit Date, the Master Servicer shall present an Officer’s Certificate to the Securities Administrator (i) stating that the Master

Servicer elects not to make an Advance in a stated amount and (ii) detailing the reason, it deems the advance to be nonrecoverable."

94. Circuit Judge, United States Magistrate Kristi F. Curtis, an individual Bar #:8595, in violation of the South Carolina subject matter jurisdiction and amount in controversy, codified as S.C. Code Ann. §§ 22-3-10t seq. and S.C. Code Ann. §§ 22-3-20"),

95. That a Counterclaim was file in this action by the Nelums And never answer by all Defendants

96. A judge is not the court. People v. Zajic, 88 Ill.App.3d 477, 410 N.E.2d 626(1980).

97. The U.S. Supreme Court has stated that "No state legislator. or executive or judicial officer can war against the Constitution without violating his undertaking to support it.". Cooper v. Aaron, 358 U.S.1, 78 S. Ct. 1401 (1958).

98. Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and **engages in acts in violation of the Supreme Law of the Land The judge is engaged in acts of treason.** Having taken at least two, if not three, oaths of office to support the Constitution of the United States, and the Constitution of the State of Illinois, any judge who has acted in violation of the Constitution is engaged in an act or acts of treason. (see below). If a judge does not fully comply with the Constitution, then

his orders are void, In re Sawyer, 124 U.S. 200 (1888), he/she is without jurisdiction, and he/she has engaged in an act or acts of treason.

TREASON

99. Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.

U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821) What is the penalty for treason?

100. Any judge or attorney who does not report the above judges For treason as required by law may themselves be guilty of misprision of treason, 18 U.S.C. Section 2382

Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his/her judicial function ---thus where the impartial functions of the court have been directly corrupted."

101. Fraud upon the court" makes void the orders and judgments of that court. it is also clear and well-settled Illinois law that any attempt to commit "fraud upon the court" vitiates the entire proceeding. The People of the State of Illinois v. Fred E. Sterling, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other.

transactions."); Allen F. Moore v. Stanley F. Sievers, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters ..."); In re Village of Willow brook, 37 Ill.App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); Dunham v. Dunham, 57 Ill. App. 475 (1894), affirmed 162 Ill.589 (1896); Skelly Oil Co. v. Universal Oil Products Co., 338 Ill. App. 79, 86N.E.2d 875, 883-4 (1949); Thomas Stasel v. The Federal law when any officer of the court has committed "fraud upon the court", the orders and judgment of that court is void, of no legal force or effect.

102. In 1994, the U.S. Supreme Court held that "**Disqualification. Is. required if an objective observer.** would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. Liteky v. U.S., 114 Ct. 1147,1162 (1994)

103. That Court also stated that Section 455(a) "requires a judge to recuse himself in any proceeding in which her impartiality might reasonably be questioned." Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989). In Pfizer Inc. v. Lord, 456 F.2d 532 (8th Cir. 1972), the Court stated that "It is important that the litigant not only actually receive justice, but that he believes that he has received justice.

104. "Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself sua sponte under the stated circumstances." Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989).

105. None of the orders issued by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law and are of no legal force or effect.

106. Should a judge not disqualify himself, then the judge is in violation of the Due Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.").

107. Should a judge issue any order after he has been disqualified by law, and if the party has been denied any of his / her property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce". The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbors (provided that he is not a judge). However, some judges may not follow the law.

108. If you were a non-represented litigant and should the court.

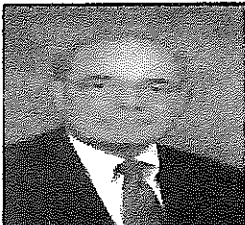
not follow the law as to non-represented litigants, then the judge has expressed an "appearance of partiality" and, under the law, it would seem that he/she has disqualified him/herself.

109. However, since not all judges keep up to date in the law, and since not all judges follow the law, it is possible that a judge may not know the ruling of the U.S. Supreme Court and the other courts on this subject. Notice that it states, "disqualification is required" and that a judge "must be disqualified" under certain circumstances.

JUDGE YOU HAVE BEEN AUTOMATICALLY DISQUALIFIED BYLAW.

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason and may be engaged in extortion and the interference with interstate commerce.

110. Should there be a refusal to recuse, Plaintiffs petitions pursuant to the statutorily mandated disqualification under 28 U.S.C. § 455 of BEN N. MILLER, III, JUDGE/ ATTORNEY/ special referee and



² His practice has centered on real estate mortgage foreclosures since 1980: -

³ in relevant part, 28 U.S.C. § 455(a) provides that "[a]ny judge of the United States shall disqualify herself in any proceeding in which his impartiality might reasonably be questioned." In keeping with the aim of "promot[ing] confidence in the judiciary by

avoiding even the appearance of impropriety whenever possible, **"United States v. Patti**, 337 F.3d 1317, 1321 (11th Cir.2003) (quoting **Liljeberg v. Health Servs. Acquisition Corp.**, 486 U.S. 847, 865 (1988)), recusal under § 455(a) turns on "whether an objective, BEN N. MILLER, III, the "Judge and Magistrate" of this action, without any waiver directed or implied to further disqualifications.

⁴ Hon, Ben N. Miller, an individual Bar #: 3977 he stated NELSON MULLINS RILEY & SCARBOROUGH LLP, Matthew A. Abee, SC Bar No. 101100) (Madison C. Guyton, SC Bar No.105205, that they didn't know of LPS, LPS network, attorneys had to execute a "Network Agreement" with LPS. This agreement imposed significant. limitations on attorneys and set forth improper fee arrangement between LPS and network attorneys.

LPS Default Solutions, Inc. provides real estate services. The Company offers title and closing services. LPS Default Solutions serves customers in the United States.

⁵Under the Judicial Conduct and Disability Act of 1980 and Title 28, U.S. Code, Section 351(a), any person may file a complaint against a judge for conduct that contravenes court processes.

111. Should there be a refusal to recuse, Plaintiffs petitions.

pursuant to the statutorily mandated disqualification under 28 U.S.C. §

455 of KRISTI F. CURTIS, JUDGE and

² Elected by the South Carolina General Assembly: - Year Service: 2018

³ in relevant part, 28 U.S.C. § 455(a) provides that "[a]ny judge of the United States shall disqualify herself in any proceeding in which his impartiality might reasonably be questioned." In keeping with the aim of "promot[ing] confidence in the judiciary by avoiding even the appearance of impropriety whenever possible, **"United States v. Patti**, 337 F.3d 1317, 1321 (11th Cir.2003) (quoting **Liljeberg v. Health Servs. Acquisition Corp.**, 486 U.S. 847, 865 (1988)), recusal under § 455(a) turns on "whether an objective, KRISTI F. CURTIS, the "Judge and Magistrate" of this action, without any waiver directed or implied to further disqualifications.

⁴ Hon, Kristi F. Curtis, an individual Bar #:8595 she stated NELSON MULLINS RILEY & SCARBOROUGH LLP, Matthew A. Abee, SC Bar No. 101100) (Madison C. Guyton, SC Bar No.105205, that they didn't know of LPS, LPS network, attorneys had to execute a "Network Agreement" with LPS. This agreement imposed significant. limitations on attorneys and set forth improper fee arrangement between LPS and network attorneys.

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⁵Under the Judicial Conduct and Disability Act of 1980 and Title 28, U.S. Code, Section 351(a), any person may file a complaint against a judge for conduct that contravenes court processes.

112. Courts have repeatedly ruled that judges have no immunity

for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts; no judge has immunity to engage in such acts.

113. The reason Fraud upon the Court by Officers of the Court has no statute of limitations is because it can never be, as a check on balance of judicial powers, that an officer of the court may use an inherent level of trust and influence upon the reason Fraud upon the Court by Officers of the Court has no statute of limitations is because it can never be, as a check on balance of judicial powers, that an officer of the court may use an inherent level of trust and influence upon the system in the hope that an intentional deception need only skate by a time pathway to succeed.

114. see also Vitols v. Citizens Banking Co., 984 F.2d 168, 169–70 (6th Cir. 1993) (explaining that a “magistrate judge, acting pursuant to a reference under § 636(b)(1) or (3), has no authority to issue a dispositive ruling on a motion.

115. "Fraud upon the court" has been defined by the 7th Circuit. Court of Appeals to "embrace that species of fraud which does, or Attempts to defile the court itself, or is a fraud perpetrated by officers of The Court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." Kenner v.C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal

Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon The court is not in essence a decision at all, and never becomes final."

116. (Taking judicial notice Rule 38. Right to a Jury Trial; Demand (a) Right Preserved. The right of trial by jury as declared by the Seventh Amendment to the Constitution—or as provided by a federal statute—is preserved to the parties inviolate. (b) Demand. On any issue triable of right by a jury, a party may demand a jury trial by demand,

117. THE COURT TAKE JUDICIAL NOTICE SEE Section 11 Attorneys Network Agreement Confidentiality. Privileged information supplied To the Firm. By Fidelity shall be kept confidential in accordance: with applicable rules of professional conduct. Notwithstanding anything in this Agreement to the contrary, the Firm shall comply with all privacy and data. protection laws, rules, and regulations which are, or which may in the future. be applicable to the Services. The Firm agrees that it will keep. confidential. and will not use nor disclose to any other party any nonpublic personal, information which it receives from or on behalf of the Client in connection with providing Services under this Agreement, except to perform Services under this Agreement. The term "Nonpublic personal information shall have the meanings set forth in Section 509 of the gramm-Leach Bliley Act (PJ, 106-102X I 5 U.S.C Section 6809) and implementing. Regulations thereof These obligations. shall survive termination of this. Agreement, That Defendants Demands strict proof. Thereof. At Jury Trial.

118. THE COURT TAKE JUDICIAL NOTICE 2.9 Name in which Foreclosures or Bankruptcies are Brought or Handled. Fidelity

shall instruct Local Counsel to bring all actions for all Mortgage Loans in the name of the Person identified by **DEUTSCHE BANK NATIONAL TRUST COMPANY** at the time of referral. **DEUTSCHE BANK NATIONAL TRUST COMPANY** shall provide Fidelity with the name in which title to the Mortgaged Property shall be taken following a Foreclosure sale.

DEUTSCHE BANK NATIONAL TRUST COMPANY acknowledges that **Fidelity** shall rely Upon **DEUTSCHE BANK NATIONAL TRUST COMPANY** to provide such information in order For **Fidelity and Local Counsel** to perform the Services identified in Section 2.9.in this Case on referral. Action to Foreclosure NELSON MULLINS RILEY & SCARBOROUGH LLP and **Local Counsel** and Matthew A. Abee, SC Bar No. 101100(Madison C. Guyton, SC Bar No.105205, LPS Default Solutions, Inc. provides real estate. services See: Exhibit-O Any Fraudulent and fabricated Documents That They Need the Law Offices of NELSON MULLINS RILEY & SCARBOROUGH LLP.,

V. I MOVE TO DISQUALIFY JUDGE MILLER BECAUSE I FEAR I WILL NOT RECEIVE A FAIR TRIAL OR HEARING BECAUSE OF SPECIFICALLY DESCRIBED PREJUDICE OR BIAS OF THE JUDGE:

- Judge Miller Conflict of Interest: Judges practice of law and dual office holding. each receive compensation for their services to be fixed by law, Judge. Curtis shall not while in office, engage in the practice of law shall there by forfeit his judicial

119. Ben Miller, of McKenzie Lybrand, LLP Lawyer Title

Member: Merged into Fidelity in 2010, and Fidelity Assumed All rights, assets, and Liabilities of Lawyers Title. For each transaction, Lawyer's Title issued a title insurance policy address. At: 206 Sumter Street, 2nd Floor Columbia, South Carolina 29201 **FRAUD UPON THIS COURT**

120. [See Lawyers Title Merged into Fidelity in 2010, and Fidelity

VI. I MOVE TO DISQUALIFY JUDGE CURTIS BECAUSE I FEAR I WILL NOT RECEIVE A FAIR TRIAL OR HEARING BECAUSE OF SPECIFICALLY DESCRIBED PREJUDICE OR BIAS OF THE JUDGE:

- Judge Curtis Conflict of Interest: Judges practice of law and dual office holding. each receive compensation for their services to be fixed by law, Judge. Curtis shall not while in office, engage in the practice of law shall there by forfeit his judicial

121. The Law Firm of Kristi F. Curtis PA Lawyer Title Member:

Merged into Fidelity in 2010, and Fidelity Assumed All rights, assets, and Liabilities of Lawyers Title. For each transaction, Lawyer's Title issued a title insurance policy address. At: 325 W Calhoun St, Sumter, SC 29150

FRAUD UPON THIS COURT

122. [See Lawyers Title Merged into Fidelity in 2010, and Fidelity

Law Firm:	Kristi F. Curtis PA
Lawyer:	Kristi F. Curtis PA
Phone:	803-778-7404
Fax:	
Lawyer Title:	Member
Practice Areas:	Real Estate
Bio:	
Admitted:	1995, South Carolina;
College:	
Law School:	
Membership:	
Web:	
Languages:	English

Assumed All rights, assets, and liabilities of Lawyers Title. For each transaction, Lawyer's Title issued a title insurance policy and a CPL. The issuing agent was Metro-West. A title insurance policy protects against defects and Default in title. "Comparatively, the closing protection letter contains the underwriter's promise to reimburse the addressee if loss results from an agent's failure to follow closing instructions to apply settlement funds in an honest fashion." JP Morgan Chase Bank, 795 F. Supp. 2d at 629. Specifically, the CPLs provided.

123. THE COURT TAKE JUDICIAL NOTICE S.C. Constitution Article V, § 16: Compensation of Justices and Judges. practice of law and dual office holding. The Justices of the Supreme court and the judges of the Court of Appeals and Circuit Court shall each

receive compensation for their services to be fixed by law, which shall not be diminished during the term. They shall not, while in office, engage in the practice of law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions except in the militia, nor shall they be allowed any fees or perquisites of office. Any such Justice or judge who shall become a candidate for a popularly elected office shall there by forfeit his judicial office.

124. [See dishonestly or fraudulently handled WaMu's funds. or Documents, thus triggering Fidelity's liability under the CPLs. See Bank of America v. Fidelity Nat. Title Ins. Co., __ N.W. 2d __, 2016 WL 3430535 (Mich. App. 2016) ("FNTIC") (coverage under CPL triggered when closing Agent "had knowledge and participated in the fraudulent scheme").

125. See: Patel v. Specialized Loan Servicing, LLC, No. 16-12100 (11th Cir. 2018) "force-placed insurance" ("FPI") or "lender-placed insurance." "kickbacks" from the force-placed insurer to Specialized Loan Servicing, LLC ("SLS");

126. See LPS DEFAULT SOLUTIONS, INC. v. FRIEDMAN & MACFADYEN, P.A. CIVIL NO. WDQ-13-0794 08-02-2013

127. In the United States District Courts, there are two types of federal judges: United States District Judges (confirmed by the Senate with life tenure); and United States Magistrate Judges (appointed through a merit selection process for renewable, eight-year terms).

128. When both sides to a civil case consent, Magistrate

Judges hear the entire dispute, rule on all motions, and preside at trial.

129. The U.S. district courts are presided over by district judges, who under Article III of the Constitution are appointed by the President, confirmed by the Senate and enjoy lifetime tenure.

130. Magistrate judges and bankruptcy judges serve as judicial officers of the district courts, but they are appointed for fixed terms of office by Article III judges, rather than the President as the Supreme Court

131. United States magistrate judges are appointed by the judges of the district courts and serve as an integral part of the district courts. They are not a separate court and have no original jurisdiction of their own

132. United States Magistrate Hon. John E. Waites Bar # 5769, (Case No. 18-05885-jw) in November 2018,),(Case No. 19-80032-jw), in May 2019. (Order on Summary judgment. March 17, 2020.) Chapter 13 of the Bankruptcy, lack subject-matter jurisdiction. Under 28 U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). AO Form 85, Notice, Consent, and Reference of a Civil Action to a Magistrate Judge was not signed-
ORDER OF REFERENCE TERMINATED See EXHIBIT-A.

a. SCRPC Form 4CE (08/31/2017) Oct 02 9:20 AM RICHLAND – COMMON PLEAS – CASE #2017CP400168 Circuit Judge, United States Magistrate Kristi F. Curtis Bar #: 8595, lack subject-matter jurisdiction. under 28 U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). AO Form 85, Notice,

Consent, and Reference of a Civil Action to a Magistrate Judge was not signed- ORDER OF REFERENCE TERMINATED See EXHIBIT-A.

b. See SCRCF Form 4 See EXHIBIT-B.

c. Order on Plaintiff's Motion for Sanctions and Gatekeeper Order FILED (Oct 31, 2023) 4:17 PM CASE #2017CP400168 Circuit Judge, United States Magistrate Kristi F. Curtis Bar #: **8595**, lack subject-matter jurisdiction. under 28 U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). AO Form 85, Notice, Consent, and Reference of a Civil Action to a Magistrate Judge was not signed- ORDER OF REFERENCE TERMINATED See EXHIBIT-A.

d. See Order on Plaintiff's Motion for Sanctions Case No. 2017-CP-40-01687 See EXHIBIT-C.

133. I MOVE TO DISQUALIFY Attorney/ Judge, United States Magistrate Kristi F. Curtis Bar #: **8595**, lack subject-matter jurisdiction under 28 U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). AO Form 85, Notice, Consent, and Reference of a Civil Action to a Magistrate Judge was not. Signed- ORDER OF REFERENCE TERMINATED See EXHIBIT-A

134. I MOVE TO DISQUALIFY NELSON MULLINS RILEY & SCARBOROUGH LLP lack subject-matter jurisdiction under 28 U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). AO Form 85, Notice, Consent, and Reference of a Civil Action to a Magistrate Judge was not. Signed- ORDER OF REFERENCE TERMINATED See EXHIBIT-A

135. I MOVE TO DISQUALIFY Local Counsel Matthew A. Abee, SC Bar No. 101100, lack subject-matter jurisdiction under 28 U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). AO Form 85, Notice, Consent and Reference of a Civil Action to a Magistrate Judge was not Signed- ORDER OF REFERENCE TERMINATED See EXHIBIT-A

136. I MOVE TO DISQUALIFY Local Counsel (Madison C. Guyton, SC Bar No.105205 lack subject-matter jurisdiction under 28

U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). AO Form 85, Notice, Consent and Reference of a Civil Action to a Magistrate Judge was not Signed-
ORDER OF REFERENCE TERMINATED See EXHIBIT-A

137. I MOVE TO DISQUALIFY Jeanette W. McBride Richland County Clerks of Court lack subject-matter jurisdiction under 28 U.S.C. § 636(c)(1), 28 U.S.C. §636(c)(2). AO Form 85, Notice, Consent and Reference of a Civil Action to a Magistrate Judge was not Signed-
ORDER OF REFERENCE TERMINATED See EXHIBIT-A

138. Do Fraud upon the Court, Fraud upon the Judge, and Fraud Upon the Officers of the Court affect a court's jurisdiction ("YES")

139. See: United States v. Throckmorton, 98 U.S. 61(1878) established the well settled doctrine at law that fraud vitiates everything, to include judgments, orders, rulings and proceedings, and all judges of all courts of the United States, to

⁶ The people of the United States and the people of South Carolina, respectively, the State, have a strong interest in protecting their constitutional rights The constitutional right of specific interest of the Janet Nelums & Chris Nelums is the peoples' constitutional right to a fair proceeding overseen by an impartial judge lawful ordained under constitutional judicial power by the people through their Secretary of State pursuant to the Constitution for the United States of America (1789), and said judge (and officers of the court) to not be disqualified from acting as a judge pursuant to South Carolina Constitution, Article 6. 18(a); and is in breach of U.S. Constitution, Article III, Section 1 requiring a "good behavior.

140. The Supreme Court of the United States possesses the power to investigate, question and overturn cases that were decided in lower courts to ensure "EQUAL JUSTICE UNDER LAW" as written above the main entrance to the Supreme Court Building.

141. See Promatek Indus., Ltd. v. Equitrac Corp., 300 F.3d 808, 814 (7th Cir.2002) (affirming district court's grant of a preliminary Injunction

142. See Ty, Inc. v. GMA Accessories, Inc., 132 F.3d, 1167,

1169 (7th Cir. 1997) (ordering preliminary injunction preventing the Defendant from selling bean bag animals "Preston the Pig" and "Louie. the Cow" pursuant to plaintiff's action under the Copyright Act as infringing its "Beanie Babies" line of stuffed animals).6.

143. See Friends of the Earth, Inc. v. Laidlaw Env'tl. Serv.

(TOC), Inc., 528 U.S.167, 173 (2000) (noting that a district court may prescribe injunctive relief for violation of the Clean Water Act under 33 U.S.C. §§ 1365(a), (g))

144. In their thinly veiled misuse of legal process to halt Plaintiffs' exposure activities, Defendants have engaged in a conspiracy. inflicting harm upon Plaintiffs'. Defendants, acts Violated civil and Constitutional rights, under color of state law, violating federally. protected Rights. These Violations create a cause of action under the Civil Rights Act (Title 18 U.S.C. §§ 1983-1988); Under RICO (Title 18 U.S.C. §§ 1961- 1965).

145. These trusts are each governed by Pooling & Servicing Agreements establishing the duties of various entities involved in the creation and operation of the trust

146. THE COURT TAKE JUDICIAL NOTICE RMBS features a trustee, but the name is deceptive. The trustee is not common law.

trustee with general fiduciary duties. Instead, it has a limited purpose. corporate trustee. whose duties depend on whether there has been a default as defined UN. the PSA. A failure to pay all tranches their regularly scheduled principal and interest payments are not an event of default. Instead, default relates to the financial condition of the servicer, whether the servicer has made required. advances to the trust, whether the servicer has submitted its monthly report, and whether the servicer. has failed to meet any of its covenants. under the PSA.

147. THE COURT TAKE JUDICIAL NOTICE While RMBS servicers do not receive interest on servicing advances, they are. compensated for their "out-of-pocket" expenses. This includes any. expenses spent on preserving the collateral property, including force-placed insurance, legal fees, and other foreclosure-related expenses. Large servicers frequently "in-source" default management expenses to their affiliates.

148. Plaintiffs contends that the court should grant this motion for possession of restitution on the grounds that, as a matter of law, the evidence is sufficient to sustain Defendants burden of proof on the issue that the Defendants and its officers of Nelson Mullins Riley & Scarborough LLP, Matthew A. Abee, an individual, Madison C. Guyton, an individual lacked standing to sue and never stated a valid cause of

action 18 U.S. Code § 1345 –Injunctions against fraud

149. The Court Should Grant an Injunction Because Defendants is Threatening Acts Which Would Render Judgment Ineffectual

FIS | desktop **FIS | desktop** **Indymac Bank®**
Process Management Document Management 11/14/14

Foreclosure Transmittal Package
IndyMac Mortgage

To: [REDACTED] From: **FIS Foreclosure Solutions, Inc.**
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120
Phone: (651) 234-3500

Phone: [REDACTED] Fax: [REDACTED]

Wired Instructions to Plaintiff's Counsel

Why not under the owner?

MORTGAGE CURRENTLY HELD BY AND FORECLOSURE SHOULD BE IN THE NAME OF:
IndyMac Federal Bank FSB

VEST TITLE IN THE NAME OF:
Deutsche Bank National Trust Company, as Trustee of the IndyMac INDX Mortgage Trust 2006-AR4, Mortgage Pass-Through Certificates, Series 2006-AR4 under the Pooling and Servicing Agreement dated March 1, 2006

Investor: DEUTSCHE BANK
Please consult your Network Agreement to identify and follow any investor specific billing guidelines.

Trust identified, clearly shows mortgage loan is securitized
Deutsche Bank National Trust Company identified as Investor (Note Owner) and the entity in which title should vest.

ACCOUNT INFORMATION:
ACCOUNT NUMBER: [REDACTED] INTEREST RATE: [REDACTED]
PRINCIPLE BALANCE: [REDACTED] LIEN POSITION: [REDACTED]
PAYMENT DUE: [REDACTED] INVESTOR LOAN NUMBER: [REDACTED]

BORROWER INFORMATION:
[REDACTED]

PROPERTY ADDRESS (S):
[REDACTED]

OCCUPANCY STATUS: Original owner occupied

SPECIAL INSTRUCTIONS AND ACCOUNT INFORMATION:
Forward to our attention a copy of your title report obtained for the foreclosure for our review. If any title defects exist that would affect our lien position or ability to obtain clear title by foreclosure, please explain in a cover letter.
Please open an Issue (for files that are able to proceed, or for files) or a Hold (for files which cannot proceed) through FIS/Process Management instead of sending an email on these matters. If your firm has an attachment such as a title worksheet, please upload to FIS Document Management and then advise you have done so in the Issue or Hold.

Instruction not to email on any of these matters

FIS Foreclosure Solutions, Inc. / IndyMac Bank

150. PT. 2 "NO TRUST LOAN TRANSFER" DEPOSITION TRANSCRIPT
OF DEUTSCHE BANK NATIONAL TRUST CO. VP RONALDO REYES

151. Plaintiff Janet Nelums & Chris Nelums herein had their Due Process violated by the submission of fraudulent Affidavits related to foreclosure proceedings which do not comport with South Carolina procedural rules or fundamental fairness. These Affidavits were and are

materially. false and at best create a significant first issue cloud on title. and, more than likely, render the transactions legally defective.

152. The second issues that Nelson Mullins Riley & Scarborough LLP have is the "Color. of title" is a phrase used in property law that refers to a title to real property. It may have the appearance of good and valid title to a parcel of property, but does not provide full, legally recognized title to the parcel. A person who holds property under color of title does not hold actual title for a variety of possible reasons, e.g., adverse possession. Or there is a significant defect in the written. document supporting title, e.g., a deed, that makes the document invalid.

153. according to the color of title property laws, color of title, that is, a title that is defective, fails to establish true ownership of land. The color of title is also sometimes referred to as "Apparent title," because at first glance it may appear that the document's establishing title is legally valid. In fact, However, they are not. The color of title is based on written documents that purport to establish title but are not. legally sufficient for that purpose.

154. A Clarification of Color-of-Title Color- of-title refers to a document or another instrument that appears to be a legitimate claim of title to a piece of land but due to a title defect, cannot transfer or convey. ownership. In plainer language, a scrap of paper without all the required elements of a clear deed of title could still be used to claim. ownership via adverse possession.

155. DEUTSCHE BANK NATIONAL TRUST COMPANY A violation of Section 17(a)(3) (prohibiting engaging in any course of business that operates or would operate as a fraud or deceit upon the purchaser in the offer or sale of securities) may rest on a finding of simple negligence. scienter is not required. **SEC v. Hughes Capital Corp.**, 124 F.3d 449, 453-54 3d Cir. 1997).

156. See U.S. Bank NA v Cannella:: 2019 :: New York Other Courts ...Web Neither **U.S. Bank N.A. v Guy**, supra, nor **Deutsche Bank Trust Co. Ams. v Codio**, supra, specifically addressed UCC § 3-202(2). In Guy, the court stated that the plaintiff "by producing the underlying adjustable rate note with an affixed undated allonge. Endorsed in ...

157. (see US Bank N.A. v Cusati, 185 AD3d 870, 871 [2020]). The Plaintiffs reliance on the assignments of the mortgage is misplaced. "Because the mortgage is not the dispositive document of title as to the mortgage loan" (Aurora Loan Servs., LLC v Taylor, 25 NY3d at 362 [internal quotation marks omitted]; see Bank of N.Y. v Silverberg, 86 AD3d 274, 280 [2011]) Since the Defendants failed to establish Standing,

Borrower Has Standing to Challenge Void Assignment

158. See Supreme Court of California held that a borrower on a

home loan secured by a deed of trust has standing to base an action for wrongful foreclosure on allegations that defects in the purported assignment of the note and deed of trust renders the assignment void. Yvanova v. New Century Mortgage Corp., No. S218973 (Cal. Feb. 18, 2016).

A. An injunction is warranted to stop the ongoing fraud and freeze Defendants' assets to prevent ongoing harm to homeowners.

1. Section FRCP 64 (a) Throughout a case, any remedy under the applicable state law that provides for seizing property to secure satisfaction of a potential judgment is available to the plaintiff. But a federal statute governs to the extent it applies.

159. The Fraud Injunction Statute provides broad authority for a court to —enter such a restraining order or prohibition, or take such other action, as is warranted to prevent a continuing and substantial injury to the United States or to any person or class of persons for whose protection the action is brought. **FRCP 64(a).**

2. An injunction is needed to enjoin the ongoing fraud and prevent serious harm to victims.

160. Second, when "Jurisdiction, once challenged, cannot be Assumed and must be decided." Maine v. Thiboutot, 100 S. Ct. 250 and the U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; [...] and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).

161. Third, courts are required to follow the decisions of higher courts in the same jurisdiction

162. Fourth, Federal law & Supreme Court cases apply to state court cases." Howlett v. Rose, 496 U.S. 356 (1990). Fifth, this case illustrates the deliberately planned and carefully executed scheme to defraud, directed to the judicial machinery itself, with fabrication of evidence by Respondents in which the attorney and judge are implicated. Coupled with defiance of the higher court, lacking jurisdiction and ignoring Federal law, the main case, now over years-old, has been afforded no discovery, no opportunity to defend, remains in a stayed status and has Plaintiffs Janet Nelums & Chris Nelums under a crippling preliminary entry.

163. Fraud upon the Court by Circuit Judge, United States Magistrate Attorney/ Judge, United States Magistrate Kristi F. Curtis Bar #: 8595 help the party to conceals some material fact within her own knowledge, which it is her duty to disclose, Non-disclosure by Circuit Judge, United States Magistrate Attorney/ Judge, United States Magistrate Kristi F. Curtis Bar #: **8595** becomes fraudulent concealment.

164. United States Bankruptcy Order filed April 1, 2020 was approved for payoff or cure by Hon. John E. Waites for Deutsche Bank as Trustee through SLS SPECIALIZED LOAN SERVICING LLC, the amount of Payment \$218,479.21

a. Motion for Sanction 12,000.00

165. Circuit Judge, United States Magistrate Kristi F. Curtis Bar #: **8595**, in violation of the South Carolina subject matter jurisdiction and amount in controversy, codified as S.C. Code Ann. §§ 22-3-10 et

seq. and S.C. Code Ann. §§ 22-3-20"), lack subject-matter jurisdiction.

166. When the judge is involved in a scheme of bribery (the Aleman cases, Bracey v. Warden, U.S. Supreme Court No. 96-6133.

June 9, 1997

167. A Clarification of Color-of-Title Color- of-title refers to a document or another instrument that appears to be a legitimate claim of title to a piece of land but due to a title defect, cannot transfer or convey ownership. In plainer language, a scrap of paper without all the required elements of a clear deed of title could still be used to claim ownership via adverse possession.

168. Black's Law Dictionary defines forgery as the "act of fraudulently making a false document or altering a real one to be used as if genuine." It is a criminal offense in the US, designated as either a felony or a high-degree misdemeanor. In some states, the charges depend on the details of the crime, including the dollar amount and/or the nature of the document; forging real estate deeds generally leads to a higher-level offense

169. Many fraudulent deeds contain one or more forged details. The grantor or an authorized representative must sign all real property deeds, so a "false document" may be a new transfer with a non-authentic signature. A signer may pose as the property owner and sign the deed in front of a notary. Others may use a completely made-up.

name or identify themselves as the owner's personal representative.

CHALLENGE TO THE JURISDICTION OF THE COURT

170. TAKE NOTICE: that We, the Plaintiffs Janet Nelums & Chris Nelums, here by Challenge the Jurisdiction of the Court which is the legal procedure for resolving the issue of judicial authority. This measure is necessary in the light of the fact that the Judicial Officer intends to summarily conduct these proceedings without the Court obtaining my clear and unequivocal Consent to be without a Jury, which is in accordance with the mandates of English Common Law for the administration of Justice – with Justice being “the protection of rights and the punishment of wrongs”.

171. This Challenge to the Jurisdiction of the Court is to be determined by a Special Jury.

CHALLENGE GROUNDS:

172. This Challenge to the Jurisdiction of the Court is made on all grounds, including Subject Matter, Relationship and Competency. In any action, both parties must give their clear and unequivocal consent to be without a Jury. Without that consent, the Court has no Jurisdiction to proceed summarily, and the Jurisdiction of the Court must be challenged. This Challenge can only be judged by a Special Jury. Should a Judge or Magistrate disregard or dismiss this Challenge, then he or she is liable to punishment for Contempt of Court, which is “interfering with the administration of Justice, as defined above. Should a Judge or Magistrate disregard or dismiss this Challenge, that is a violation of Due Process and the Rule of Law.

173. Challenge of the Jurisdiction of the Court, and of the Judge necessary regarding to these matters and causes and to prove constitutional judicial standing required for this Court and its Judge(s)

before they can proceed one step further, as all proceedings must stop upon a challenge of a court's jurisdiction to hear the case.

174. A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S. Ct. 1409.

175. "Once challenged, jurisdiction cannot be assumed, it must. Be proved to exist." Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389. The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F2d 416.

176. "A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732. There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.

177. "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.

178. "The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." Main v. Thiboutot, 100 S. Ct. 2502 (1980).

179. "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well-established law that a void order can be challenged in any court". OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

JURISDICTION CANNOT BE WAIVED

180. The principles of waiver, consent, and estoppel do not apply.

before they can proceed one step further, as all proceedings must stop upon a challenge of a court's jurisdiction to hear the case.

174. A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S. Ct. 1409.

175. "Once challenged, jurisdiction cannot be assumed, it must. Be proved to exist." Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389. The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert, 469 F2d 416.

176. "A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732. There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215.

177. "Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.

178. "The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." Main v. Thiboutot, 100 S. Ct. 2502 (1980).

179. "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well-established law that a void order can be challenged in any court". OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

JURISDICTION CANNOT BE WAIVED

180. The principles of waiver, consent, and estoppel do not apply.

to jurisdictional issues—the actions of the litigants cannot vest a district court with jurisdiction above the limitations provided by the Constitution and Congress.

181. Judge, United States Magistrate Kristi F. Curtis Bar #:

8595, The Courts of Appeals have unanimously upheld the constitutionality of 28 U.S.C. § 636(c)(1).” *Id.* at 1948 n.12.

182. the clerk of court never sent the parties the original consent. notice 28 U.S.C. §636(c)(2). AO Form 85 Notice, Consent, and Reference of a Civil Action to a Magistrate Judge was not. Signed-See EXHIBIT-A

183. The issue of consent is key because a magistrate is an Article I (Not Article III) judicial officer, so subject-matter jurisdiction vests under the Federal Magistrates Act only “upon consent of the parties.” 28 U.S.C. § 636(c)(1). Such consent is provided in writing and filed with the clerk of the court.

184. No Statutory Laws no Rules nor Regulations can take away. Our Right to Trial by Jury.

185. We do not consent to be without a Jury. The Court has not obtained our consent to be without a Jury which is clear and unequivocal. We have not signed a Memorandum of Consent to be without a Jury and allow this Court to proceed summarily.

186. This Challenge to the Jurisdiction of the Court is to be determined by a Special Jury

187. “No sanction can be imposed absent proof of jurisdiction.” Standard v. Olesen, 74 S. Ct. 768

188. By order dated November 12, 2015, DEMANDS A TRIAL BY JURY, the Supreme Court of South Carolina has now mandated mediation in all 46 counties in both civil and domestic cases

COUNT I
(Injunctive Relief)

189. The PLAINTIFFS re-alleges and incorporates by reference. Paragraphs 1 through 156 of this Complaint as though fully set forth. herein.

190. By reason of the conduct described herein, Defendants. violated, is violating, and is about to violate 18 U.S.C. §§ 1341 and 1343. by facilitating a scheme and artifice to defraud and obtain money or property by means of false or fraudulent representations with the intent. to defraud, and, in so doing, use the United States mails and interstate. or foreign wire communications.

191. Upon a showing that Defendants is committing or about to commit mail or wire fraud, the United States is entitled, under 18 U.S.C. § 1345, to seek a permanent injunction restraining all future fraudulent conduct and to any other action that this Court deems just and proper to prevent a continuing and substantial injury to victims.

192. As a result of the foregoing, the Court should enjoin. Defendant's conduct under 18 U.S.C. § 1345.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Janet Nelums & Chris Nelums, requests of the Court the following relief:

A. That the Court issue a permanent injunction, pursuant to 18 U.S.C.

§ 1345, ordering that Defendants is restrained from engaging participating, Deutsche Bank as Trustee through SLS, agrees to maintain in full. force and effect. A professional Liability Policy. The minimum amount of Coverage shall not be less than one Million Dollars (\$1,000,000.000). Invoice settlement services for payment concealment of (\$218,479.21), Deutsche Bank as Trustee and SLS submitted. fraudulent proof of claim on April 1,2020 in the name of creditor Deutsche Bank National Trust Company, as Trustee for Home Equity Mortgage Loan Asset-Backed Trust, Series SPMD 2002-B, Home Equity Mortgage Loan Asset-Backed Certificates, Series SPMD 2002-B under the Pooling and Servicing agreement dated Sept 1, 2002,

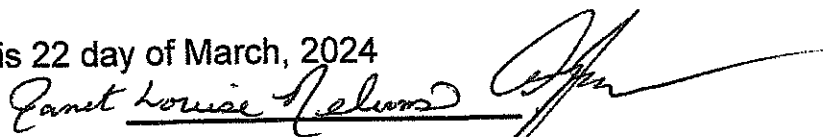
B. The Court Should Grant an Injunction Because Defendants Is Threatening Acts Which Would Render Judgment Ineffectual, or assisting in any Insurance scam or money transmitting business; and

C. That the Court issue a permanent injunction, pursuant to 18 U.S.C. § 1345, ordering that Defendant is restrained from engaging, participating, or assisting in any scam or money transmitting business; and Defendants for Concealment of Default Insurance Payment that was paid out from the Plaintiffs Property And using Plaintiffs Names to Secure Insurance Payments from a Fraudulent Insurance Kickback-scheme Invoice settlement services for payment

D. That the Court order such other and further relief as the Court shall deem just and proper.

**JANET LOUISE NELUMS AND CHRIS NELUMS DEMANDS A TRIAL
BY JURY OF ANY AND ALL ISSUES BEFORE THE COURT AND
TRIABLE BY A JURY**

Respectfully submitted on this 22 day of March, 2024



**Janet Louise Nelums
Chris Nelums
813 N. Highland Forest Dr,
Columbia, SC 29203-1929
(803) 730-6003
inelums@gmail.com
chrisnelums@yahoo.com**

CERTIFICATE OF SERVICES

I HEREBY CERTIFY that a copy of the foregoing Plaintiffs **COMPLAINT FOR PERMANENT INJUNCTION AND CHALLENGE TO THE JURISDICTION OF THE COURT** of Defendant's ON Friday, was served by email and Certified Registered Letter on March 22, 2024 to the below listed parties:

The Honorable Kristi F. Curtis
215 North Harvin Street
Sumter, SC 29150
OFFICE: (803) 436-2152
FAX: (803) 774-2825
kcurtissc@sccourts.org

Mr. Warren Stephen Curtis
Curtis & Croft, LLC
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Sumter, SC 29151-3220
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NELSON MULLINS RILEY & SCARBOROUGH LLP
Matthew A. Abee, SC Bar No. 101100
Madison C. Guyton, SC Bar No. 105205
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(803) 799-2000
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Environmental Justice and Enforcement
U.S. Attorney's Office
Attn: Johanna Valenzuela, Justice Coordinator
District of South Carolina
1441 Main Street, Suite 500
Columbia, SC 29201
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USASC.EnvironmentalJustice@usdoj.gov

Contacts

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Environmental Justice Coordinator

Office of Environmental Affairs

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Environmental Justice Associate

Office of Environmental Affairs

Mr. Ben N. Miller, III

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1704 Main Street

Columbia, South Carolina 29201

bmiller@mckenzielybrand.com

(803) 223-6155

Scott and Corley

ATTORNEYS FOR THE PLAINTIFF

2712 Middleburg Drive, Suite 200

Columbia, SC 29204

803-252-3340

EXHIBIT-A

AO 85 (Rev. 02/17) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge

UNITED STATES DISTRICT COURT for the

Plaintiff

v.

Defendant

Civil Action No.

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Printed names of parties and attorneys

Signatures of parties or attorneys

Dates

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date:

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

Print

Save As

Reset

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Richland
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2017CP4001687

Deutsche Bank National Trust Company et al
PLAINTIFF(S)

Christopher Nelums et al
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 13(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:

I heard Defendants' Motion to Disqualify during the August 21st term of court in Richland County and took the matter under advisement. After reviewing the Motion, relevant case law, and the record, I find that Defendants have failed to establish sufficient grounds for disqualification under Rule 501, Canon 3(E)(1). The Motion to Disqualify is therefore denied.

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 09/29/2023.

Ntc/Non Party
Janet L Nelums for Janet L Nelums
Christopher Neluma for Christopher Nelums
Robert A Bernstein for Best Distributing Company
Imperial Warehouse Finance Inc
Janet L Nelums for Janet L Nelums
Christopher Nelums for Christopher Nelums
Janet Nelums

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

SCRPC Form 4CE (08/31/2017)

Page 1 of 2

**PT. 2 "NO TRUST LOAN TRANSFER" DEPOSITION TRANSCRIPT OF
DEUTSCHE BANK NATIONAL TRUST CO. VP RONALDO REYES**

ELECTRONICALLY FILED - 2023 Oct 02 9:20 AM - RICHLAND - COMMON PLEAS - CASE#2017CP4001687

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-Fileers or who are appearing pro se. See Rule 77(d), SC RCP.

PT. 2 "NO TRUST LOAN TRANSFER" DEPOSITION TRANSCRIPT OF
DEUTSCHE BANK NATIONAL TRUST CO. VP RONALDO REYES



Richland Common Pleas

Case Caption: Deutsche Bank National Trust Company , plaintiff, et al vs Christopher
Nelums , defendant, et al
Case Number: 2017CP4001687
Type: Order Electronic Form 4

So Ordered

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

Electronically signed on 2023-09-29 16:07:45 page 3 of 3

PT. 2 "NO TRUST LOAN TRANSFER" DEPOSITION TRANSCRIPT OF
DEUTSCHE BANK NATIONAL TRUST CO. VP RONALDO REYES

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

Deutsche Bank National Trust Company,
as Trustee for Home Equity Mortgage
Loan Asset-Backed Trust, Series SPMD
2002-B, Home Equity Mortgage Loan
Asset-Backed Certificates, Series SPMD
2002-B under the Pooling and Servicing
agreement dated Sept 1, 2002.

Plaintiff.

vs.

Janet L. Nelums a k a Janet Nelums;
Christopher Nelums; Imperial
Warehouse Finance, Inc.; and Best
Distributing Company.

Defendants.

Civil Action No. 2017-CP-40-01687

**Order on Plaintiff's Motion for Sanctions
and
Gatekeeper Order**

This is a foreclosure action involving 813 N. Highland Forest Drive, Columbia, SC 29203 (Parcel 11916-2-16) (the "Property"). On August 21, 2023, the Court heard the Motion for Sanctions Against Janet and Christopher Nelums and Entry of a Gatekeeper Order ("the Motion") filed by Plaintiff Deutsche Bank National Trust Company, as Trustee for Home Equity Mortgage Loan Asset-Backed Trust, Series SPMD 2002-B, Home Equity Mortgage Loan Asset-Backed Certificates, Series SPMD 2002-B under the Pooling and Servicing agreement dated Sept 1, 2002 by WebEx. Present for the hearing was Matthew A. Abes of Nelson Mullins Riley & Scarborough LLP for Plaintiff, and Defendants Janet L. Nelums a k a Janet Nelums and Christopher Nelums, both appearing *pro se*. All parties were appropriately notified of the hearing.

After reviewing the Motion, relevant case law, and the record, I find it proper to enter a vexatious-litigant gatekeeper order barring Janet and Christopher Nelums ("Defendants") from filing new documents related to the Property without leave of the Court or the signature of a licensed attorney. The Court also makes the following findings of fact and conclusions of law.

Findings of Fact

A. 2013 Foreclosure Proceedings

As set forth in the Special Referee's Foreclosure Order, in August 2002, Janet L. Nelums signed a \$112,000 note to Plaintiff predecessor-in-interest. (Foreclosure Order and J. ¶ 11, July 1, 2021).¹ Defendants also signed a first-priority mortgage on the Property, which was recorded in the County Register of Deeds. (*Id.* ¶ 12.) Defendants defaulted on the mortgage. (*id.* ¶ 10), and Plaintiff sued them and others for foreclosure. (*Id.* ¶ 4.) Defendants answered and counterclaimed for (1) accounting; (2) failure to provide default notice; (3) breach of contract rescission; (4) violation of the Truth in Lending Act; (5) violation of the Real Estate Settlement and Procedures Act; (6) predatory lending; (7) predatory servicing; (8) violation of the Fair Debt Collection Practices Act; and (9) malicious prosecution. (*Id.* ¶ 5.) The Clerk of Court referred the case to the Master in Equity in February 2014, but in November 2014, the Master recused himself. (*Id.* ¶ 4.) The Circuit Court then granted Plaintiff's motion for judgment on the counterclaims. (Order Granting Mot. for J. on the Pleadings, July 16, 2015; Foreclosure Order ¶ 5.) Then in November 2015, the case was stricken from the active roster under Rule 40(j), SCRCP. (*Id.* ¶ 4.)

B. 2017 Foreclosure Proceedings and Ms. Nelums's Bankruptcy

Plaintiff restored the case to the roster in March 2017 (Case No. 2017-CP-40-01687) and the Clerk of Court referred the case to the Honorable Jeffrey M. Tzerman, Special Referee. (*Id.*)

¹ This matter was previously referred to the Richland County Master in Equity Joseph M. Strickland. After he recused, the Clerk referred the matter to Special Referee Jeffrey M. Tzerman. Thereafter, the Special Referee also recused himself, vesting jurisdiction of the matter in the Circuit Court once again. Although Defendants sought to have the undersigned judge and Plaintiff's counsel also disqualified, the Court denies Defendants' motion and concludes it may properly consider the pending motions in this action. The Court rejects Defendants' claim that Plaintiff's current and former counsel is also disqualified from representing Plaintiff.

Order on Plaintiff's Motion for Sanctions
Case No. 2017-CP-40-01687

Ms. Nelums petitioned for relief under Chapter 13 of the Bankruptcy Code (Case No. 18-05885-jw) in November 2018, and the Court stayed the foreclosure. (Foreclosure Order ¶ 9.) Then Ms. Nelums filed an adversary proceeding against Plaintiff and its servicing agent, Specialized Loan Servicing LLC ("SLS") (Case No. 19-80032-jw), in May 2019. (See Pl.s' Mot. Exhibit 4, Bankr. Order on Summ. J., March 17, 2020.)²

After discovery and a hearing, the Bankruptcy Court granted summary judgment against Ms. Nelums. (*Id.* at 1.) Among other arguments, the Bankruptcy Court rejected Ms. Nelums' claims that Plaintiff and SLS (1) were not creditors under the Bankruptcy Code; (2) lacked rights of payment under Article 3 of the South Carolina Commercial Code; (3) lacked standing to foreclose on the note and mortgage; (4) could not enforce the note and mortgage because of securitization; and (5) had no valid note and mortgage because servicing pooling agreements between Plaintiff and SLS rendered them void. (*Id.* at 6–19.) Ms. Nelums' bankruptcy counsel withdrew shortly after the order. Ms. Nelums then filed a 112-page motion with 353 pages of attachment *pro se* titled "Motion Fraud Upon the Court Bogus Adversary Proceeding We Demand for a Mistrial," which the Court denied in a detailed 17-page order. (Pl.s' Mot. Exhibit 5, Order Denying Motion, May 22, 2020.) The Court rejected Ms. Nelums' claims that counsel for Plaintiff and SLS—the same firm previously representing Plaintiff in this foreclosure—committed fraud upon the court. (*Id.*)

In the month after granting summary judgment in the adversary proceeding, that court also dismissed Ms. Nelums' bankruptcy case. (Pl.s' Mot. Exhibit 6, Order Dismissing Bankr., April

² Defendants raised no objection to the Court's consideration of the court filings in the collateral proceedings. These filings are appropriate subjects for taking judicial notice, and the Court does so here.

21, 2020; *see also* Foreclosure Order ¶9.) This dismissal caused the Special Referee to restore this foreclosure to the active docket, and then issue his Foreclosure Order and Judgment in July 2021. (*Id.*)³ In so doing, he rejected Defendants' claim—renewed in their pending Temporary Injunction Motion—that Plaintiff does “not have the right to foreclose on the property because said defendant, and each of them, did not properly comply with the terms of plaintiff's own scrutinization requirement[.]” (Def.s' Mot. Temp. Inj. at 29, ¶59.) In rejecting this claim, the Court noted that the bankruptcy court had already resolved Ms. Nehms' claim that Plaintiff lacked standing to foreclose. (Foreclosure Order at 8.)⁴ The Special Referee then issued a \$150,000 appellate-bond order. (Order Setting Appeal Bond, July 1, 2021.)

C. Defendants' Frivolous RICO Lawsuit and Appeal

While the case was proceeding towards a foreclosure sale, Defendants again turned to the federal courts by filing a *pro se* complaint in alleging RICO claims against Bankruptcy Judge John E. Waites, Special Referee Jeffrey Tzerman, foreclosure counsel, Defendants' prior retained counsel, Plaintiff, and SLS (Case No. 3:21-cv-2161). (Pl.s' Mot. Exhibit 7, Report and Recommendation, Aug. 31, 2021; Pl.s' Mot. Exhibit 8, Order Adopting R&R, Feb. 2, 2022.) Defendants commenced the lawsuit by filing a “Motion for an *Ex-Parte* Temporary Restraining

³ When the case was restored to the active roster in 2017, Attorney Adrienne L. Turner was listed as counsel of record for Defendants. She originally appeared as counsel for Defendants in 2014, about a year after they had filed their counterclaims *pro se*. (Not. Appearance, July 2014.) She represented Defendants when this Court granted Plaintiff's motion for judgment on the pleadings. Although she moved to withdraw as counsel in April 2021, no order granting the withdrawal was filed until February 10, 2023. Plaintiff does not seek sanctions against Ms. Turner and the Court determines that she has *not* been involved in the numerous frivolous filings from Defendants in any way.

⁴ This Court has reviewed the filings from the bankruptcy proceedings that were filed with the Motion and agrees that the issues raised again by Defendants here have been raised and ruled upon already. Each court to have considered Defendants' challenges to the foreclosure have rejected them. So too does this Court.

Order on Plaintiff's Motion for Sanctions
Case No. 2017-CP-40-01687

Order, Show Cause Order, and Permanent Injunction with Asset Freeze," which the District Court characterized as "frivolous" for four reasons. (Pl.s' Mot. Exhibit 6, R&R at 4-7.) The District Court dismissed the action and Defendants appealed (Case No. 22-1223). The Fourth Circuit Affirmed in June 2022. (Pl.s' Mot. Exhibit 9, Unpublished Op., June 27, 2022.)

D. Status of the 2017 Foreclosure

In August 2022, Plaintiff gave notice of a September 7, 2022, foreclosure sale. Six days before the sale, Defendants filed their *pro se* Temporary Injunction Motion with this Court. The 47-page motion purports to assert 11 causes of action: lack of standing, fraud in the concealment, fraud in the inducement, intentional infliction of emotional distress, slander of title, quiet title, declaratory relief, violation of TILA, violation of RESPA, rescission, and anti-trust. This filing is frivolous as it raises the same issues Defendants had previously raised and had rejected in the previous proceedings. The motion also improperly and without any evidentiary support accuses Plaintiff, its counsel, and this Court of wrongdoing, fraud, ethics violations, and even treason. Because of the allegations created the appearance of impropriety, the Special Referee recused himself in November 2022. Plaintiff's counsel also withdrew for the same reasons.

E. Plaintiff's Attempts to Confer with Defendants

On February 7, 2023, Plaintiff's counsel notified Defendants by letter that it intended to file its Motion for sanctions, enclosing a copy of the draft motion. (Pl.s' Mot. Exhibit 10, Letter to Defendants.) The letter gave Defendants ten days to withdraw their Motion for Temporary Injunction and to agree to allow the foreclosure sale to proceed.⁵ Plaintiff's counsel mailed and

⁵ Although not required by Rule 11 or the FCPSA, DBNT gave this pre-filing notice out of an abundance of caution and so Defendants could be on notice that their frivolous conduct could result in monetary and non-monetary sanctions. *Burns v. Universal Health Servs. Inc.*, 340 S.C. 509,

Order on Plaintiff's Motion for Sanctions
Case No. 2017-CP-40-01687

emailed a second letter on February 21, 2023, giving borrowers through Friday, February 24, 2023, to withdraw the motion. (Pl.s' Mot. Exhibit 11. Letter to Defendants (without enclosures).) Defendants failed to respond to Plaintiff's attempts to resolve the matter in good faith.

Based on the record and arguments presented at the hearing, the Court concludes that Defendants have abused the judicial process and engaged in a pattern of frivolous litigation aimed at stalling the foreclosure instead of the rightful administration of contested issues before the Court. The Court also finds that Defendants have been given ample opportunity to withdraw their frivolous filings and avoid the entry of this Order by the Court, but have refused or declined to do so despite notice that such filings could result in sanctions. As a result, the Court finds this gatekeeper order is reasonable, necessary, and appropriately tailored to address Defendants' conduct. The Court further finds it has the authority to enter this gatekeeper order under Rule 11, SCRCF, the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10 through -100 ("FCPSA"), and its inherent authority.

Conclusions of Law⁶

"[A] court of equity may properly intervene to prevent continued and vexatious litigation[.]" *Ramantanin v. Poulos*, 240 S.C. 13, 25, 124 S.E.2d 611, 617 (1962). The State's courts have a history of issuing such pre-filing injunctions. *See Holmes v. E. Cooper Cmty. Hosp., Inc.*, 408 S.C. 138, 165 n.18, 758 S.E.2d 483, 498 n.18 (2014). Rule 11 and the FCPSA anticipate them as well. *Ex parte Bon Secours-St. Francis Xavier Hosp., Inc.*, 393 S.C. 590, 598, 713 S.E.2d 624, 628 (2011) (authorizing trial courts to issue under Rule 11 "a directive of a nonmonetary

514, 532 S.E.2d 6, 9 (Ct. App. 2000) (requiring notice and an opportunity to respond to any motion for sanctions under Rule 11, SCRCF).

⁶ Any conclusions of law that are findings of fact shall be so regarded, and vice-versa.

Order on Plaintiff's Motion for Sanctions
Case No. 2017-CP-40-01697

nature designed to deter the party or the party's attorney from bringing any future action in bad faith."); S.C. Code Ann. § 15-36-10 (authorizing sanctions that include "a directive of a nonmonetary nature, including injunctive relief, designed to deter a future frivolous action or an action in bad faith."). A trial court "has inherent power to do all things reasonably necessary to the administration of justice in the case before it." *State-Rec.*, 332 S.C. at 349, 504 S.E.2d at 593 (1998), including those necessary "to punish for offenses that are calculated to obstruct, degrade, and undermine the administration of justice." *Miller v. Miller*, 375 S.C. 443, 455, 652 S.E.2d 754, 760 (Ct. App. 2007) (quoting *Brandt v. Gooding*, 368 S.C. 618, 628, 630 S.E.2d 259, 264 (2006)).

"[B]ecause many of the terms used in the [FCPSA] also appear in Federal Rule 11, the South Carolina courts may look to decisions interpreting the Federal Rule to determine what constitutes a proper purpose and good faith with respect to potential liability of attorneys under the [FCPSA]." *Father v. S.C. Dep't of Soc. Servs.*, 345 S.C. 57, 72 n.34, 545 S.E.2d 523, 531 n.34 (Ct. App. 2001) (quoting Susan Taylor Wall & Joseph R. Weston, *An Analysis of Current Theories of Liability*, 45 S.C. L.Rev. 857, 871 (1994)), *aff'd*, 353 S.C. 254, 578 S.E.2d 11 (2003). The Fourth Circuit uses a four prong test for deciding when a gatekeeper order is warranted: (1) the party's history of litigation, in particular whether he has filed vexatious, harassing, or duplicative lawsuits; (2) whether the party had a good-faith basis for pursuing the litigation, or simply intended to harass; (3) the extent of the burden on the courts and other parties resulting from the party's filings; and (4) the adequacy of alternative sanctions. *Cromer v. Kraft Foods N. Am., Inc.*, 390 F.3d 812, 818 (4th Cir. 2004).⁷ Pre-filing injunctions are appropriate where a litigant repeatedly

⁷ Other states have adopted the *Cromer* test. *Barrington v. Dyer*, 282 N.C. App. 404, 409, 572 S.E.2d 88, 93 (N.C. Ct. App. 2022) (affirming trial court's gatekeeper order under *Cromer* standard). Thus, the Court concludes it is the proper test to be applied here.

sues "everyone that did anything even remotely connected to a foreclosure." *Scott v. U.S. Bank, N.A.*, No. 2:09-cv-516, 2011 WL 10618730, at *1 (E.D. Va. Oct. 14, 2011).

The *Cromer* elements are met here. *First*, Defendants have a history of *pro se* filings in state and federal court. Given the duplicative claims and arguments they have raised, Defendants have a history of "vexatious, harassing, or duplicative lawsuits" establishing the first prong. This is especially true given that other courts have previously considered and rejected Defendants' foreclosure challenges. *Second*, Defendants have presented no good-faith basis for accusing DBNT and well-respected members of the South Carolina Bar of fraud, ethical violations, and even starting "a war against South Carolina. [sic] constitution." and claiming they "will be jailed." (Mot. Temp. Inj. at 7, ¶ 11.) *Kalos v. Centennial Sur. Assocs.*, No. CCB-12-1532, 2012 WL 6210117, at *6 (D. Md. Dec. 12, 2012) (considering litigants' decision to sue counsel connected to previous litigation in granting pre-filing injunction). Such claims can be intended only to harass those parties and stall the foreclosure. *Third*, Defendants repeated frivolous filings have placed a burden on Plaintiff and its counsel, as well as the now nine judges across four courts who have been called to respond to Defendants' claims. Further, Defendants have been put on notice by a federal judge that their claims were frivolous. *Id.* (considering prior warnings that claims were frivolous when granting gatekeeper order).

Fourth, monetary sanctions cannot address Defendants' repeated abuses of the court system and the waste of time their filings have caused. Defendants' involvement in foreclosure proceedings suggest they may not have liquid assets available to satisfy monetary sanctions. Defendants' repeated filings seek only to stall Plaintiff's ability to sell the Property at foreclosure and secure the equitable relief this Court has already determined it is entitled to. A sanction short of prohibiting Defendants from presenting frivolous filings would be inadequate.

As a result, the Court finds and concludes that the gatekeeper order Plaintiff seeks is both appropriate and narrowly tailored to permit Plaintiff to exercise its remedies under the mortgage.

Order

Therefore, it is **ORDERED** that:

1. Defendants are **PROHIBITED** from filing, presenting, or serving additional documents, papers, or pleading related to the Property, Plaintiff, SLS, and/or this foreclosure until the Property can be sold and the foreclosure proceedings completed unless (i) Defendants secure leave of the undersigned to present the document to the Clerk of Court, or (ii) the filing is signed by a member of the South Carolina Bar in good standing. This order is not meant to prohibit Defendants from resorting to the judicial branch to redress the claims, but is necessary to prevent additional frivolous proceedings from being initiated by Defendants. *Defendants are cautioned that a failure to comply with the provisions of this order is punishable by contempt of Court.*

2. The Clerk of Court is **ORDERED** that it may not accept for filing any document, paper, or pleading from Defendants in this foreclosure unless it is accompanied by a separate Order from the undersigned permitting the filing or unless it is signed by a member of the South Carolina Bar in good standing. Plaintiff's counsel is **ORDERED** to provide a copy of this order to the Clerk of Court, specifically directing her and her deputies' attention to this provision of the Order.

3. To remedy Defendants' frivolous pleadings aimed at delaying this matter and ensure this foreclosure proceeds towards a timely resolution, it is **ORDERED** that Plaintiff shall file a motion to refer this matter to a special referee in this matter given the recusal of the Richland County Master in Equity. Upon the filing of such motion, the Richland County Clerk of Court refer this matter to another appropriate special referee for the resolution of all remaining issues and judgments necessary in this action. See Rule 53, SCRCF. Upon the entry of the order of

Order on Plaintiff's Motion for Sanctions
Case No. 2017-CP-40-01687

reference, the special referee shall be further empowered to enforce, modify, or amend the terms of this gatekeeper order as he or she deems appropriate to remedy the frivolous litigation in which Defendants have engaged to date.

4. Plaintiff's counsel is **ORDERED** to serve a copy of this order on Defendants by regular mail and to file a certificate of service, in accordance with Rule 5, SCRCP.

IT IS SO ORDERED.

[Court's electronic signature page to follow.]



Richland Common Pleas

Case Caption: Deutsche Bank National Trust Company , plaintiff, et al vs Christopher Nehums , defendant, et al
Case Number: 2017CP4001687
Type: Order Sanctions

So Ordered

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

Electronically signed on 2023-10-31 15:17:35 page 11 of 11

CERTIFICATE OF SERVICES

I HEREBY CERTIFY that a copy of the foregoing Plaintiffs NOTICE OF INTERVENERS BY RIGHT AND CROSS-CLAIMANT S' DEMAND TO COMPEL DISCOVERY AND INSPECTION OF EVIDENCE AND CHALLENGE OF THE JURISDICTION OF THE COURT, AND OF THE JUDGE. of Defendant's on Thursday, was served by email and Certified Registered Letter on March 20, 2024, to the below listed parties:

The Honorable Kristi F. Curtis
215 North Harvin Street
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Environmental Justice and Enforcement
U.S. Attorney's Office
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