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Jun 27 2024

SC Court of Appeals

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

Appellate Case No: 2023-000045

Appellant's Initial Brief
Amend

Danny L. Ivester, Sr., Appellant

c/o 211 Hwy 17

Piedmont, South Carolina

Postal Zone 29673

864 437 9099

JUNE 25, 2024

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

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr., Circuit Judge

Trial case No. 2022-CP-04-01976
Appellate Case No: 2023-000045

Appellant's Initial Brief

Amend

Danny L. Ivester, Sr., Appellant,

v.

EYZC RE, LLC, Respondent.

JUNE 25, 2024

INITIAL BRIEF

Adequate consideration: Appellant: re-affirms he is NOT learn in law, & inept' to professionals filing. Respectfully to the court, defense under: Want of Form: (a)" Judiciary Act of September 24, 1789, Section 342, FIRST CONGRESS, Sess. 1, ch. 20, 1789.

Appellant: Standing upon the Land, Danny L. Ivester, Sr. enters under duress, without Dishonor in Good Faith by: YHWH GOD'S grace & will. Any & all filings to date stand relevant 1st at: Inalienable Constitutional Rights in this suit under: (USC Title 42, 1983.). **Within Admiralty;** Appellant's: Cross Claim in/of the South Carolina Supreme Court case: 2019 001742. Complaint Stands, with TIME reserved, due to **person's** of interest (hereafter – POI) **continuing in** Constitutional Bill of Rights Deprivation of Appellant's true private property in value loss. POI: Has never offered Appellant a competent HEARING – **BEFORE** a punitive attack on Appellant's true private property, direct malice deprivation of Constitutional Rights. See: **Carrera v. Bertaini**, 63 C.A. 3d 721; 134 Cal.Rptr. 14: (1976), **Fuentes v Shevin** (1972) 407 U.S. 67, 81-81 [32.Ed.2d 556, 570-571, 92 S.Ct. 1983] Cites abound, 4th, 5th & 14th Amendments due process attach in violation of: Inadequate REMEDY, in TAKINGS. POI: Fraud originates in punitive attack on Appellant by denying payment of allege tax, creating frivolous sums, actually as: Excessive fines. Now arises & adds 8th amendment violation through

14th. See *Timbs v. Indiana* 586 U.S. ___ (2019) See - Thomas J. concur, & *United States v. Bajakajlan* 524 U.S. 321, (supra at 335) 336 (1998). **Significant fact Matter** is trial case ORIGINATED in Fraud & from Appellant's action of Constitutional Rights. ORG-, summary court Magistrate: Mary Francis Cole (Case: 2022-CV-0410700014), acknowledged: Lack of all jurisdiction. Transcript states clearly that the court of CP was bound by decision of its inferior court. Therefore entire trial case matter of THIS APPEAL from the Court of CP, The Honorable J. Cordell Maddox, Jr. Judge, & entirety of orders or other **is: without** persona & subject matter jurisdiction. Claim Entirety is **Void**. EYZC fails to state a claim, SC RL 12 (b,c,g,h). Defective summary judgment is **moot/void**; Yet!!! furtherance demands for **jury**, S.C. rule 38 **or** damages due. Fraud ensues criminal liability (6th, Amend - attach.) (Title 18 USC, 241, 242), (*State v. Alexander*, 303 S.C. 377, 401 S.E.2d 146 (1991), (*State v. Schmidt*, 288 S.C. 301, 342 S.E.2d 401 (1986)). Appellant demands: Respondent's '**Identify**' and answer to all / any therein OF: Affidavits & filings by a true, correct, complete hand sign **Affidavit** under: Penalty of perjury. see *U.S. v. Prudden*, 424 F.2d. 1021 (1970); *U.S. v. Tweel*, 550 F. 2d. 297, 299, 300 (1977): Silence can only be equated with fraud. *Morrison v. Coddington*, 662 P. 2d. 155, 135 Ariz. 480 (1983): Fraud deceit may arise from silence.

Jurisdiction

U.S. & S.C. Constitutions; Explicitly: Preamble & Bill of RIGHTS.

In: Common Law; Within Admiralty, Savings to Suitor, & Rem.

Title 28 U.S.C. 1333 (1) or 1337, 1331, 1332. USC Title 42, 1982 – 83 – 85 – 86 – 88. **South Carolina 15-67-100, Jury.**

Want of Form: (a) " Judiciary Act of September 24, 1789.

Title 18 USC, 241, 242. Foreign Sovereign Immunity act.

Uniform Commercial Code: 1-308, 1-103.6. 3rd: Sovereign: Hooven
Supra 1945. 28 USC 2284 (b), (2), (3). 28 U.S.C 1343. Title 18, Part
1, Chapter 63, § 1341: Frauds and swindles, UCC 2-201 stands

Appellant Here: **first serves:** The Sovereign Kingdom of Yahweh GOD.

Christian appellation Danny L. Ivester, Sr. is: The only true owner of
The property c/o 211 Hwy 17, Piedmont, S.C. of Inalienable RIGHTS.

The Secured party and ONLY: Party of **interest** and **Holder in** due
course, UCC 1-308. Pertains to all: Psalms 37, Jn 8:32, Jude 1:9.

Explicitly: All rights reserved. UCC 1-308, 1-103.6.

Date: June 25, 2024

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

Danny L. Ivester, Sr.] (pro se)
c/o 211 Hwy 17
Piedmont, South Carolina
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Danny L. Ivester, Sr., Appellant,

v.

EYZC RE, LLC, Respondent.

PROOF OF SERVICE

I Certify I have served Initial Brief and Designation of Matter, electronically, quid pro quo FAX, and mailing by US postal service, prepaid and address as following:

M.Stokely Holder, Esq.
P.O. Box 1804
Greenville, S.C. 29602

Attorney for Respondent EYZC, LLC

Danny L. Ivester, Sr.
c/o 211 Hwy 17
Piedmont, South Carolina
Postal Zone 29673

Appellant: In Propria persona. (pro se)

INITIAL BRIEF SIGNING

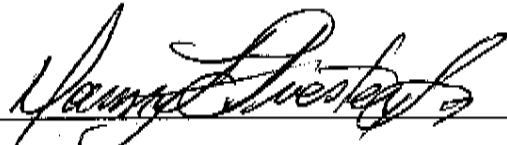
Respectively submitted:

Explicitly: All Rights Reserved.

Date: June 25, 2024

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

Phone:



Danny L. Ivester, Sr.] (pro se)
c/o 211 Hwy 17
Piedmont, South Carolina
Postal zone (29673)
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CC: The Honorable Jenny Abbott Kitchings
P.O. Box 11629
Columbia, S.C. 29211

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

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SC Court of Appeals

Fax

Clerk of Court: J.A. Kitchings

D.L. Ivester, Sr.

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June 27, 2024-1118

Date:

Subject:

Initial Brief - Designation