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Jul 15 2024

SC Court of Appeals

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:

Addendum: Table of Contents

Danny L. Ivester, Sr., Appellant,

v.

EYZC RE, LLC, Respondent.

July 12, 2024

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JURISDICTION

In this courts Original Jurisdiction

Appellant standing; First with: The Kingdom of YHWH God and Son.
The U.S. & S.C. Constitution's, with: The Preamble & Bill of Rights and to the states (14th amendment, Rights, & part 3 & 4). **IN COMMON LAW**, Within Admiralty: Title 28 1333 (1), Title 28 USC 1343 & Title 42 1983-1988. Pg 6. Citing: "*The Common Law is absolutely distinguished from the Roman or Civil Law systems.*" *People v Ballard* 155 NYS 2d 59 (1956), Corpus Juris Secundum informs us in volume 16D, section 1150 on **Constitutional Law**: Only by **due process of law** may courts acquire [requisite] jurisdiction over parties. **16D CJS Const. Law, §1150**. Cite: Establish deprivation cause of natural consequences of [State agents] defendants acting under color of law" *Ethridge v. Rhodes*, DC Ohio 268 F Supp 83 (1967), *Whirl v. Kern* CA 5 Texas 407 F 2d 781 (1968), Also: *Trinsey v Paqliaro*, 229 F. Supp 647 (1964), *Sherar v. Cullen*, 481 F. 2d 946 (1973) "There can be no sanction or penalty imposed upon one because of his exercise of constitutional right."

STATEMENT OF CASE (BACKGROUND)

Case Origin Summary: Deprivation of Constitutional Rights of Religion & Redress By: Anderson county agent w/other SC agent. Hence: Denied Appellant's payment for tax: In malice, due to redress and exercise of a Constitutional right. There were never any exigent state interest. Due: that Appellant offered tax sum in full before the fiasco sale & again: denied. FRAUD arises. **In violation of several federal statutes**. Hence: Complaint was filed in the **South Carolina Supreme Court 'original' jurisdiction** to eliminate all statutory **public policy** process and **bias** of Anderson county venue. So: Now arises Within the Admiralty, **AND demand procedural due process in:** Appellant's **cross claim** South Carolina Supreme Court case: **2019 001742, standing.** From **origin** no competent **5th or (14th @ 3,4)** amendment due process or proper compensation was offered **BEFORE** county **TAKINGS**. Therefore from the origin of Appellant's case on its face, Constitutional right

deprivations arise & **NO** jurisdictional requisites have been met. Therefore from origin to now dates: sale, orders, judgments or other related are **unconstitutional acts following the (TAKINGS) FRAUD.** In all Lack of jurisdiction and is: NULL & VOID. **Citing:** The Honorable Sandra Day O'Conner in the case of New York v. United States, 505 U.S. 144 (1992) Summary: Constitution does NOT protect state sovereignty **for benefit** of states **or** government as political entities or **officials** governing the states. To the **contrary:** Constitutions divide authority **for** protection **of individuals.** Also: *Trinsey v Pagliaro*, 229 F. Supp 647 (1964). *Hale v Henkel* 201 U.S.43: (1906), *Boddie v Connecticut* 401 U.S.371 (1971)

STATEMENT OF ISSUES ON APPEAL

Issue on Appeal is the Common Pleas Order by: Justice J. Cordell Maddox Case No: 2022-CP-04-01976. Transcript asserts The Honorable Justice **followed & affirm** the Inferior court (Case no: 2022-CV-0410700014) to evict Appellant from his private property of 38 years as evidence by Standing Title. The court magistrate Mary Francis Cole has affirmed her Lack of Jurisdiction. Hence: In Respect: The Honorable J. Cordell Maddox, mistake in judgment. "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." *Dillon v. Dillon*, 16494, Superior Ct of SC. 219 S.C. 2255 64 S.E.2d 649 (1951). See: *Trinsey v Pagllaro*, 229 F. Supp 647 (1964), *Sherar v. Cullen*, 481 F. 2d 946 (1973).

ARGUMENT

Appellant requires: Procedure due process, Bill of Rights & (14th amendment, Rights, & part 3 & 4): that to date **avow** have **never** (w/exception of this Appeals Court) **ensued**. Therefore the **unlawful fiasco** summary judgment by State of SC - Anderson county inferior magistrate courts: (Case: 2022-CV-0410700014) is void. **CITE:** Court, undertakes to exercise the jurisdiction conferred in a case to which the **statute has no application**, the judgment rendered is void. **46 Am. Jur. 2d, Judgments** Á& 25, pp. 388-89. First summary court @ malum in se, Judge S.T. Tucker recused, yet! Mary Francis Cole with Respondents by: Attorney M. Stokely Holder <>[See: *Porter v Porter*, (N.D. 1979) 274 N.W.2d 235, *The practice of an attorney* filing affidavits on behalf

of his client asserting the status of that client is **NOT** approved, inasmuch as NOT only does the affidavit **become** hearsay, but it places the attorney in a position **of** witness thus compromising his role as advocate.]<> The court relied on such affidavit **of hearsay** witness by a foreigner, then presented **by** Mr. Holder - **Malum in se**. See: *Trinsey v Pagliaro*, 229 F. Supp 647 (1964).<> Court conspired the fiction of tenant leasing, that: **statute has no application**. Therefore fraud on the court (star chambers process) exist and summary judgment has **no claim** and is: **Void**. Inferior courts **lack of jurisdiction** & when **followed** by Common Pleas Appeal Judgment Order, **Case No: 2022-CP-04-01976** The Honorable: J. Cordell Maddox or **other** are: Lacking all Constitutional requisite jurisdiction over the Appellant & in rem. **Furthering** Constitutional Rights **violation** and **TAKINGS** violation of good title property, making EYZC case claim entirety: **VOID**. See: " *Hagans v Lavine* 415 U. S. 533. (1974). **Also:** "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." **Dillon v. Dillon**, 16494, Superior Ct of SC. 219 S.C. 2255 64 S.E. 2d 649 (1951). "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). Also: **Miranda v. Ariz.**, 384 U.S. 436 at 491 (1966). *Melo v U.S.* 505 F.2d 1026 (1974), *Joyce v U.S.* 474 F 2d 215 (1973)

STANDARD OF REVIEW (CORE OF APPEAL)

Primary: Appellant is: **Property Record HOLDER**. So: This case on Appeal **is** Un-Constitutional acts against the: Appellant; In Propria persona (pro se) the private property record holder by: Perfect Title. **TAKINGS** sans exigency, **before** any right **hearing or compensation**. Hence: A clearly 4th, 5th, & (14th) amendment violation with most others. POINT: All is strictly political at abuse of office by state & Anderson county agents for benefit and so **without any compelling State interest**. The Appellant requires **cure** by: **VOID order of circuit court judgment and** set: De novo trial calendar of Appellant's **Cross Claim with jury**. A Trial in The South Carolina Supreme Court Original Jurisdiction in the state Republic. All authority of Original Jurisdiction under The U.S. & S.C. Constitutions. The U.S. Constitution under **Article III**, sec. (1), (2), **Article IV**, sec. (4) and **Article VI**, sec. (2). With: Full Preamble & Bill of RIGHTS amendments and the (14th, Rights & part 3 & 4). Remedy in fact: Rule 60 (b) (4).

Relevant Cites:

"The prohibitions of the Federal Constitution are designed to apply to **all branches** of the national government and cannot be nullified," **Reid v. Covert**, 354 U.S. 1, 1 L. Ed. 2d. 1148 (1957).

"Where rights as secured by the Constitution are involved, there can be **no rule making or legislation which will abrogate them.**" **Miranda v. Ariz.**, 384 U.S. 436 at 491 (1966).

"Congress may **not**, by any definition it may adopt, conclude the matter, since it **cannot by legislation alter the Constitution.**" **Eisner v. McComber**, 252 U.S. 189 at 207. (1920)

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

CITES: Supporting Constitutional Rights & Procedural Due Process requisites.

Boyd v. United, 116 U.S. 616 at 635 (1885)

Downs v. Bidwell, 182 U.S. 244 (1901)

Gomillion v. Lightfoot, 364 U.S. 155 (1966), cited also in *Smith v. Allwright*, 321 U.S. 649.644

Juliard v. Greeman, 110 U.S. 421 (1884)

Mallowy v. Hogan, 378 U.S. 1 (1974)

Shelby County, 118 U.S. 425 p. 442" (1886)

Perez v. Brownell, 356 U.S. 44, 7; 8 S. Ct. 568, 2 L. Ed. 2d 603 (1958)

Sherar v. Cullen, 481 F. 2d 946 (1973) "There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights."

Simmons v. United States, 390 U.S. 377 (1968)

Walter Processing Equipment v Food Machinery 382 U.S. 172 (1965)

Warnock v. Pecos County, Texas., 88 F3d 341 (5th Cir. 1996). Cites abound.

CONCLUSION

" The Constitution is a written instrument. As such its meaning does not alter. That which it meant when adopted, it means now."

South Carolina v. United States, 199 U.S. 437, 448 (1905).

Inferior Courts: 1st, Notice, **Malum in se** sheet & Affidavits Attach.

Jurisdiction

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

In: Common Law; Within Admiralty, Savings to Sultor, & 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) " Judlciary 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
Citing: Timbs v Indiana: 586 U.S. 17-1091 (2019). And: Tyler v Hennepin Co. Minn:
598 U.S. 22-166 (2023) & all citings therein. Appellant under duress due to lack of
equal protection & procdural due process by heighten pleadings, while Plaintiff has
prove ***nothing in fact*** of claim or affidavits (?). So applies: Malum in se, by: Bill of
pain & penalty upon the Appellant. U.S. Consti- Art I, Sec 9 (3), States Art I, Sec 10.
Explicitly: To all in claim or judgment: Penalty of perjury applies.

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

Christian appellation Danny L. Ivester, Sr. is: The only true owner of

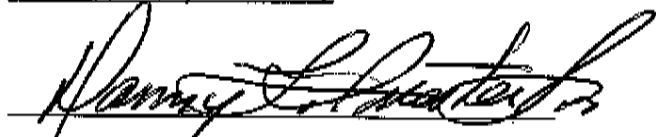
The property c/o 211 Hwy 17, Piedmont, S.C. of Inalienable RIGHTS.

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.

All rights reserved.

UCC 1-308, 1-103.6.

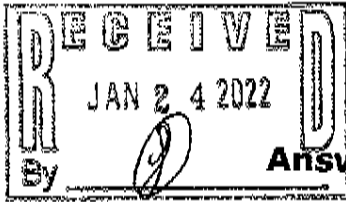
Date: July 12, 2024



[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
Postal zone (29673)
864 437 9099

Phone:



AFFIDAVIT



"Motion to Quash"

Answer, Public Notice: & Statement of Facts

Ad 1/25

State of South Carolina)	Ref: (<u>2022CV0410700014</u>)
Anderson County)	Magistrate's Summary Court
(EYZC RE, LLC) (?))	In Special Appearance Only
Plaintiff)	Explicitly: All Rights Reserved
vs)	<u>UCC 1-308 & 1-103.6 Entirety</u>
Danny Ivester, Sr. Sui Juris,)	In Common Law
In Propria Persona: Owner,)	Full: Preamble & Bill of Rights
c/o 211 Hwy 17)	6th am <u>Cause & Nature Demand</u>
Piedmont, South Carolina)	Ask: Quash , vacate, set aside.
Postal zone 29673)	

Judge, S. Thompson Tucker Date: Monday, Jan 24, 2022
 Powdersville-Piedmont Summary Court
 4 Civic court, Easley, S.C. 29642
 Mail add:- PO Box 51312, Piedmont, S.C. 29673
 Phone: (864) 269-5947

SHOW CAUSE: Malum in se. The presentment as allege by: EYZC is "**Unconstitutional**". So in: Constructive Fraud, conspiracy, criminal Trespass, collusion, and Barratry on this court. LLC is presumption of unconscionable contract, conveying possible extortion on all. EYZC LLC under guise of a false Title in: Fraud. EYZC makes any/all actors related liable. A case, already exist In Original Jurisdiction of the S.C. Supreme Court. A matter related of U.S / S.C. Constitutional violations that has NOT yet been: fully finale. A Stall by (COVID), But: Affidavit of Reserved time stands, so with: ((a)" Judiciary Act of September 24, 1789, Section 342, First Congress, Sess. 1, ch. 20, 1789) accrues as is continuance. May petition move to Federal court or S.C. court of same Original Jurisdiction, record, Jury, fact & law: Org: Complaint stands. Jurisdiction is Questioned: Rule 12 (b) 1,2,4,6, & S.C. Sec 14-9-120. Respectfully: Court is ask to **Quash**, vacate, set aside with prejudice.

Statement of Facts - Public Notice & Record

1. Here: Danny Ivester, Sr., First serves: Kingdom of Yehovah God.

2. Danny Ivester, Sr. is **NOT** a State of SC tenant or mere occupant of statute **or other** as alleged in presentment. Danny Ivester, Sr., Is, the Sole" Entitled and unconditional Property Owner, Of: Allodial Property, Domicile on the land:

c/o 211 Hwy 17, Piedmont, South Carolina (29673)
GPS-GI: Latitude N 34d 42' 25", Longitude W 82d 30' 17"
Anderson County (ID) as: Lot 6+p7 Hwy 17, map 216-01-03-011.
3. Danny Ivester, Sr., Is Sole: Real party of **interest**, absolute Holder in due course. A creditor not debtor. NOTE: Standing On the land. No Trespassing as recorded and NO CONSENT: Entirely absolute.
4. Danny Ivester, Sr., man is vessel owner and claims all Unalienable rights of Allodial title as related of **noted** Constitutional property.
5. Danny Ivester, Sr., has owned this noted Constitutional Property from 1984, sole entire interest since 2001, in all at God's grace.
6. Danny Ivester, Sr., reserves right to change of venue. These facts are based upon STARE DECISIS & Constitutional public law of Art - icle III due process, ENTITLED Preamble & Bill of Rights entirety.
7. Danny Ivester, Sr., Is: A South Carolina Republic National and U.S. American National: A Sovereign with USA people interest at large.
8. Danny Ivester, Sr., Demands Constitutional Inalienable Rights to contract or NOT. Registration of any is unconscionable NO contract exist with State of SC, and It is Unconstitutional on the Natural born state Citizen. There is NO sign contract: NO claim. Malum in se.
9. Danny Ivester, Sr., **In Common law right** & entitlement not to be compelled under **any** contract, commercial agreement, or other: That was not entered into knowingly, voluntarily, and intentionally. All Rights reserved serves notice upon all administrative agencies of government national, state and local, & LLC persons of No Consent, and: WILL NOT, accept associated liability of "compelled" benefit of all unrevealed commercial agreement **of** public policy. Malum in se.
10. Danny Ivester, Sr., Re states: Statutes related to this matter onset 2017 from malfeasance, are UNCONSTITUTIONAL entirely & without any Exigency. Stands: **(a)"** Judiciary Act of September 24, 1789 Section 342, First Congress, Sess. 1, ch. 20, 178, Article III judicial required, no adhesions or penumbra, in public law. Malum prohibit.

First serve; Kingdom of Yehovah God. Explicitly: All rights reserved.
Psalms 37, Jn 8:32, Jude 1:9. UCC 1-308, 1-103.6.

Date: Monday, Jan 24, 2022

In Propria Persona, Sui juris:>

Phone: Caller ID must appear:>

[Signature]

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

Witness *[Signature]*

Print John V Clement

Witness *[Signature]*

Print Jennifer Rose

On this day of 1-24-22 maintains before this Notary, a flesh & blood man in good faith: Danny Ivester, Sr. - Sui juris, In Propria Persona, Constituted entirely in Truth and conviction at will, By: The Kingdom of Yehoveh God. For all in claim: Penalty of perjury applies.

9.10.29
My commission expires

[Signature]
Notary Public - witness & seal



Affidavit
Public NOTICE

Motion Hearing: Null & Void - Total: Lack of Jurisdiction
Hereafter: Pending complaint in S.C. State court of competent
jurisdiction, as is, in Admiralty: **Savings to Suitor**: In Personam.

State of South Carolina
Anderson County

Judge S. Thompson Tucker

Powdersville-Piedmont Summary Court
4 Civic Court, Easley, S.C. 29642

Date: Monday, Aug 8, 2022

Mail add-: PO Box 51312,
Piedmont, S.C. 29673
Phone: (864) 269-5947

(Civil Case: 2022CV0410700014).

EZYC RE, LLC - Plaintiff

vs

Danny Ivester - Defendant

1. Danny Ivester, defendant by compulsory. In good faith Avers: NO Jurisdiction hereafter to this or other SC Inferior courts of maritime that by design & custom inflict punishment upon the public at large. Bills of pain & penalty attach. Malum in se.
2. No contract adhesion or other exist with plaintiff or the court.
3. In pais, Estoppel, UCC 1-308 - 1-103.6 **Vacated** plaintiff and the courts act in acquiescence, entirety. Arises: Nulla Bona.
4. Plaintiff: EZYC RE, LLC **fail** to pursue this fraudulent piratical claim in basis of conspiracy, collusion, corruption. Joining with agents of government in custom as public policy, NOT LAW.
5. Pending: Cross Action Suit - Compulsory counterclaim upon the plaintiff for injury to defendant, damages of: \$ 150,000.00 due. Pending: Complaint cause of action: Absolute deprivation of the contract - property rights guarantee of U.S. & S.C. Constitutions, Preamble: Restrictive / Declaratory Bill of Rights 1st, 4th, 5th, and relative 14th, specifically. Cross Joinder: by **Original** Complaint case no: 2019-001742, In S.C. Supreme Court - Total of attach.

RECEIVED

Jul 15 2024

SC Court of Appeals

Fax

To: *SC Court of Appeals*

From: *D.L. Ivester, Sr.*

Fax: *803-734-1839*

Fax: *N/A*

Pages: *10*

Phone: *864 437 9099*

Date: *7-15-2024-1139*

Subject: *Table of Contents, Affidavits*