

In this 13th year of the 2nd millennium, ~8th day of the 9th Lunar Cycle(August) aka 09/08/2013.

CASE NO.: 2012-CP-23-6148/6149
Appellate Case No.: 2013-001488

VERIFIED LEGAL NOTICE(Affidavit)

AVERMENT OF JURISDICTION – WRIT OF QUO WARRANTO

*Demand for Judicial Notice and to Certify a Question of Great Public Importance.
For The Record, To Be Read Into The Record:

Respondent(s): PLAINTIFF, SUNTRUST BANK AND ATTORNEY – SHEILA M. BIAS and/or ASSIGNS; PAUL B. WICKENSIMER, CLERK OF THE CIRCUIT COURT; JENNY ABBOTT KITCHINGS, CLERK, SOUTH CAROLINA COURT OF APPEALS;

**For Service of Process to: ALL PUBLIC SERVANTS/OFFICERS
As Under Constitutional Oath
As Prima Facie Evidence for specific performance**

Res Judicata

Hagans v Lavine 415 U.S. 533., There is no discretion to ignore lack of jurisdiction. **Joyce v U.S. 474 2d 215**; The law provides that once State and Federal jurisdiction have been challenged, it must be proven. **Main v Thiboutot 100. S. Ct 2501 (1980)**; “**Jurisdiction can be challenged at any time** ” and “jurisdiction, once challenged, cannot be assumed and must be decided”. **Basso v Utah Power and Light Co. 495 F.2d 906,910.**

As all government entities and alleged private corporations must be a creature of the American Constitution, *this is a Formal request and Command for THE GREENVILLE COUNTY 13TH JUDICIAL COURT OF COMMON PLEAS – JUDGE D. GARRISON HILL, ET AL*; associated with any and all actions taken against *Al-Bilal Abdullah and LaToya Abdullah*, in Propria Persona, Ex Rel., BILAL and LATOYA ABDULLAH, to produce For the Record, the physical documented ‘*Delegation of Authority*’ as *proof of Jurisdiction*, as required by Law per **Article III, Section 1 of the United States Republic Constitution.** So Help Me God Allah(SWT).

PUBLIC HAZARD BONDING OF CORPORATE AGENTS: All officials are required by federal, state, and municipal law to provide the name, address and telephone number of their public hazard and malpractice bonding company and the policy number of the bond and, if required, a copy of the policy describing the bonding coverage of their specific job performance. *Failure to provide this information constitutes corporate and limited liability insurance fraud (15 USC) and is prima facie evidence and grounds to impose a lien upon the official personally to secure their public oath and service of office.* (18 USC 912)

"Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury and shall be fined no more than \$2,000.00 or imprisoned not more than five years or both." **See 18 U.S.C. §1621.**

Memorandum of Law

Move for Judicial Notice: Move for the Court to take Judicial Notice: See South Carolina Rules of Evidence Rule 201: (d) When Mandatory. A court shall take judicial notice if requested by a party and supplied with the necessary information.

SOUTH CAROLINA CONSTITUTION:

Art. 1 SECTION 3; Privileges and immunities; due process; equal protection of laws— The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (See Warnock v. Pecos County, Tex., 88 F3d 341 (5th Cir. 1996) Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law.; Mandonado-Denis v. Castillo-Rodriguez, 23 F.3d 576 (1st Cir. 1994) Inadequate training of subordinates may be basis for 1983 claim.; Howlett v. Rose, 496 U.S. 356 (1990) Federal Law and Supreme Court Cases apply to State Court Cases.

Wherefore; Defendant moves the Court to take Judicial Notice of all precedents presented herein and ***dismissing All alleged suits, summons, and citation numbers: 2012-CP-23-6148/6149 on its merits with Prejudice for Lack of Jurisdiction.*** Enter an ORDER in excess of jurisdiction and/or under Color of Authority to be 'Dismissed', 'Abated' and expunged from the Record; from the presumed Violations of DUE PROCESS, Violations of the Rules of Court and the UNCONSTITUTIONAL Restraint of my Liberty. I submit this 'Averment of Jurisdiction – Writ of Quo Warranto' as Evidence, and demand that it be processed without tampering by any unauthorized persons, So Help Me God Allah(SWT). ***A response is required within ten(10) days upon receipt, responding on a point-by-point basis, being that We do not waive any rights; I do not transfer power of attorney; and I do not willingly consent to any public trial or hearing in any 'colorable' tribunal/venue or non-Article III, unconstitutional jurisdiction.

Notice to Agent is Notice to Principal – Notice to Principal is notice to Agent.

CERTIFICATE OF SERVICE

UNDER PENALTY OF PERJURY within the law of the UNITED STATES CODES, I
HEREBY CERTIFY that a true and correct copy will be furnished by U.S. mail delivery to: **South
Carolina Supreme Court Clerk**, Post Office Box 11330, Columbia, South, Carolina 29211; **Paul B.
Wickensimer, Greenville County Clerk of the Court**, Courthouse, 305 E North Street, Greenville, SC
29601; **Sheila M. Bias- Richardson Plowden & Robinson, P.A.**, P.O Drawer 7788, Columbia, SC 29202;
State of South Carolina Attorney General, The Honorable Alan Wilson, Rembert Dennis Building,
1000 Assembly Street Room 519, Columbia, South Carolina 29211; **the United States Department of
Justice - United States Attorney General**, 950 Pennsylvania Ave., N.W., Washington, D. C. 20530-
0001; and **South Carolina Secretary of State**, 1205 Pendleton Street, Suite 525, Columbia, South
Carolina 29201

I Am: *Bilal Abdullah*
Bilal Abdullah, Ex Relatione BILAL ABDULLAH
Non-Assumpsit – All Rights Reserved, Without Prejudice:
c/o 7 Landing Lane
Simpsonville non-domestic near (29681)-9999
South Carolina united States of America

IN THE NAME OF THE ALMIGHTY!!!

NOTARY PUBLIC

In the State of **South Carolina**, County of **Greenville**

BEFORE ME personally appeared Al-Bilal Nashid Abdullah, affirmed and subscribed in my presence
this 9th day of Sept, 2013.

[Signature]
Notary Public

Personally Known _____ OR Produced Identification - Type Produced: SCDL



In this 13th year of the 2nd millennium, ~2nd day of the 3rd Lunar Cycle(September) aka 09/02/2013.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Appellate Case No. 2013-001488

SUNTRUST BANK,

Respondent,

Vs.

BILAL ABDULLAH AND LATOYA ABDULLAH.

Appellate(s)

RECEIVED

SEP 12 2013

SC Court of Appeals

VERIFIED PETITION FOR WRIT OF ERROR and REDRESS OF GRIEVANCES

*DEMAND TO PROCEED IN FORMA PAUPERIS

*NOTICE OF COMPLIANCE WITH SECTION 15-53-80 SOUTH CAROLINA CODE OF LAWS(2012)

**For Service of Process to: ALL PUBLIC SERVANTS/OFFICERS
As Under Constitutional Oath
As Prima Facie Evidence for specific performance**

COMES NOW, Al-Bilal Nashid Abdullah petitions this Court and hereby gives notice of compliance with respect to the **constitutional challenge** brought pursuant to "*Ex parte Martin*, 321 s.c. 533, 471 s.e.2D 134(1995)" as specified in your Order dated THURSDAY, AUGUST 29, 2013 and FOR THE RECORD, *I am not an inmate.*

In response the presumed VIOLATIONS of Due Process, Substantive and, Fundamental Rights secured by the *United States Constitution* and the Constitution(Common Law) of the several STATES; We submit this Petition, *being an enjoyment and exercise of Our unconditional and Constitutionally - Secured Rights to timely and speedily enforce Due Process of Law.*

U.S. Const. Article VI, Clause 2 – "*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or the Laws of any State to the Contrary notwithstanding.*"

S. C. Const.(2012) Art. 1 SECTION 2; Religious freedom; freedom of speech; right of assembly and petition.— "The General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government or any department thereof for a redress of grievances."

S. C. Const.(2012) Art. 1 SECTION 9; "Court; speedy remedy.— "All courts shall be public, and every person shall have speedy remedy therein for wrongs sustained."

The U.S. Supreme Court has ruled that a natural individual entitled to relief is entitled to free access to its judicial tribunals and public offices in every State. Crandall v. Nevada, 73 US (6 Wall) 35.

Also see the following STATE Constitutions which declares the right and justice administered without sale, denial, or delay: Colorado Constitution Art 2 § 6; Connecticut Constitution Art 1 § 10; Delaware Constitution Art 1 § 9; Florida Const. Art 1 § 21; Idaho Const. art 1 § 18; Indiana Const. art 1 § 12; Kansas Const. Bill of Rights § 18; Kentucky Const. § 14; Louisiana Const. art 1 § 22; Maine Const. art 1 § 19 and § 20; Maryland Const. Declaration of Rights art 19; Massachusetts Const. art XI; Minnesota Const Art 1 § 8; Montana Const. Art. II § 16; Nebraska Const. Art 1 § 13; New Hampshire Const Bill of Rights § 14; North Carolina Const. Art 1 § 18('favor' per definition includes sale, etc.); North Dakota Const. Art. 1 § 16; Ohio Const 1.16; Oregon Const. Art. 1 § 10; Pennsylvania Const. Art. 1 § 11; Rhode Island Const. Art 1 § 5; South Dakota Const. Art VI § 20; Tennessee Const. Art 1 § 17; Utah Const. Art. 1 § 11; Vermont Const. Ch. 1 Art. 4; Washington Const. Art. 1 § 10; West Virginia Const. Art. III § 17 and Wyoming Const Art 1 § 8: pursuant to SC Code § 19-3-120 (2012); "Every court of this State shall take judicial notice of the common law and statutes of every state, territory and other jurisdiction of the United States when such common law or statutes shall have been put in issue by the pleadings."

In Ex Parte: Martin v. State, 321 S.C. 533, 471 S.E.2d 134 (1995), The supreme court held: "In the absence of a statutory provision allowing the general waiver of filing fees, we conclude motions to proceed in forma pauperis may only be granted where specifically authorized by statute or required by constitutional provisions." Id. at 535, 471 S.E.2d at 134-35 (citations omitted); also see Boddie v. Connecticut, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed.2d 113 (1971).

The fees/costs(to SALE) and acts imposed seems to reduce an individual's constitutionally guaranteed right of access to the courts **PEACEABLY(avoiding contentious situations)** for the redress of any injury and to the administration of justice, to something other than the individual right that it is. Pursuant to these fundamental rights access to the court should be allowed. See Boddie, 401 U.S. at 377. The existences of such fundamental rights are matters governed by substantive law by rightful due process. "Potentially, any deprivation of personal liberty can be tested by habeas corpus," and it often is called the "great writ." **Legal Maxim: "Courts are for the people to command the power of the State."**

In an effort to settle this matter in the most efficient manner possible, I can accept your offer/order upon providing proof of claim(written opinion) of all the following conditions:

1. The requested "COURT FEES" are not an attempt to 'DENY' the People their Rights of Access to the Court for administered justice?
2. The requested "COURT FEES" are not an attempt to 'DELAY' the People their Rights to Access the Court for administration of justice?
3. The requested "COURT FEES" are not an attempt to breach the Peoples *peaceable right* to Petition the Court.
4. The requested "COURT FEES" are not an indication to the People their Rights to Access the Court for administered justice is 'FOR SALE'?

Legal maxim: "Unjust is State power where the law is either uncertain or unknown."

The constitutional requirement of due process and the safeguarding of the liberty of the citizen against deprivation through the action of a state embodies the fundamental conceptions of justice which lie at the base of the civil and political institutions in the United States. Mooney v. Holohan, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791 (1935).

The right to be free from unlawful detention has been interpreted to mean not only that the government may not deprive a person of liberty without Due Process of Law, but also that a citizen has a right "to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his living by any lawful calling; and to pursue any livelihood or vocation"

United States Constitution (Bill of Rights) Amendment IX

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"

S.C. Const.(2012) Art. 1 SECTION 1 *"Political power in people.— All political power is vested in and derived from the people only, therefore, they have the right at all times to modify their form of government.. "*

Where rights secured by the Constitution are involved, there can be no rule-making or legislation, which would abrogate them. Miranda v. Arizona 384 US 436, 125.

WHEREFORE; based upon the **forementioned grounds and Authorities** presented herein, the Petitioner(s) **moves this Honorable Court to enter an Order for Appellants to proceed in forma pauperis** for the presumed Rights of DUE PROCESS and the CONSTITUTIONAL Restraint of my Liberty, Pursuant to U.S. Const. and S.C. Const.(2012); we shall demand to proceed in forma pauperis; by way of infringements upon Our liberties; and for the mental anguish imposed upon us by **being forced under threat, to answer to 'colorable' actions, caused by Agent(s) or persons, who concurred in their 'agreed' actions to cause my private, Divine Rights, Civil Liberties, Pursuit of Happiness, Security of Personalty or Property, etc.; to be infringed upon, confiscated, arrested or restrained in any manner, by any acts, actions, and/or processes that, in any respect, violates the BILL OF RIGHTS or the SOUTH CAROLINA DECLARATION OF RIGHTS.** A plain/fundamental error is often said to be so obvious and substantial that failure to correct it would infringe a party's due-process rights and damage the integrity of the judicial process. See Fed. R. Evid. 103(e). The existence of such rights is a matter governed by substantive law. ***A response is required within ten(10) days upon receipt, responding on a point-by-point basis.

Notice to Agent is Notice to Principal. Notice to Principal is Notice to Agent.

I declare UNDER PENALTY OF PERJURY within the laws of the UNITED STATES CODES that the above is true and correct to the best of my own personal knowledge and honorable intent. **SO HELP ME GOD!!!**
RESPECTFULLY PRESENTED.

CERTIFICATE OF SERVICE

UNDER PENALTY OF PERJURY within the laws of the UNITED STATES CODES, I HEREBY CERTIFY that a true and correct copy will be furnished by hand delivery in court or by U.S. mail delivery to: **Jenny Abbott Kitchings, Clerk of Court**, P.O. Box 11629, Columbia, South Carolina 29211; **S. Nelson Weston, Jr. - Richardson Plowden & Robinson, P.A.**, P.O. Drawer 7788, Columbia, South Carolina 29202; **State of South Carolina Attorney General, The Honorable Alan Wilson**, Rembert Dennis Building, 1000 Assembly Street Room 519, Columbia, South Carolina 29211. **South Carolina Secretary of State**, 1205 Pendleton Street, Suite 525, Columbia, South Carolina 29201

I am: Al-Bilal Nashid Abdullah
Al-Bilal Nashid Abdullah, Authorized Representative
Non-Assumpsit – All Rights Reserved, Without Prejudice:
c/o 7 Landing Lane
Simpsonville non-domestic near (29681)-9999
South Carolina united States of America

IN THE NAME OF THE ALMIGHTY!!!

NOTARY PUBLIC

In the State of **South Carolina**, County of **Greenville**

BEFORE ME personally appeared Al-Bilal Nashid Abdullah, affirmed and subscribed in my presence this 1 day of Sept, 20 13.

[Signature]
Notary Public

Personally Known _____ OR Produced Identification - Type Produced: SCDC

