

In the Court of Appeals
Supreme Court of South Carolina

RECEIVED
Dec 11 2024
SC Court of Appeals

Damien Johnson

Case number 2022 cp 26-07656

V

Margaret Ann Shifflett

Notice of appeal

The plaintiff Damien Johnson is filing an appeal to a civil judgement in Horry County Case number 2022- CP-26- 07656 based upon the lower courts' final judgment which conflicts with South Carolina statutory laws and violations to the lineal descendant's fourteenth amendment Constitutional rights to due process of law and article 1 section 3 of the South Carolina Constitution and succession rights which are meritorious and matters of law that were not addressed.

The plaintiff Humbly request that this Honorable court review and substantiate the lower courts action through deposition. In comparison to the recorded material evidence of fact, and the predicated actions of the defendant on record which are analogous to blatant violations of meritorious, matters of law, which conflict with normal procedure of due process.

On February 21, 2006, my father Anthony Johnson suffered a massive aneurysm predicating his incapacity (62--8-105) he was induced into a medical coma by his physicians in ICU. Margaret A Shiflet whom came from California after a foreclosure on her home. whom is not an heir or spouse. Was not designated as a principal, administratrix, nomination of conservator, or guardian by any legal authority or fiduciary. Nor permitted by the lineal descendants or Anthony Johnson, had no preemptive declaration to POA see (62-8-108) prior to his aneurysm or a designation of agent (62-6-105). The statute (62-8-108) (b) promulgates That Typically after a principal executes a power of attorney, a court appoints a conservator or guardian of the principal's estate or other fiduciary charged with the management of some or all of the principal's property.



This procedure never transpired based upon the assistance of Mr. Counts and Ms. Shiflet circumventing procedures that violated the lineal descendants due process and intestate succession rights.

Giving free reign without supervision to Ms. Shiflet to do as she pleased concerning Mr., Johnson's finances, real property and absconding any legal rights of the lineal descendants without verifiable legal notice (62-7-109)(a) . Which violated the legal heirs due process rights.

- Ms. Shiflet secretly obtained Counsel George E Counts and violated the due process rights of the lineal descendants, of Anthony Johnson. By executing a general durable power of attorney on May 17, 2006, after my father was revived from his medical induced coma. Ms. Shiflet Secretly without verifiable legal notice (62-7-109) (a) to Anthony Johnsons Heirs, nor legal authority based upon no one designating her a role. Ms. Shiflet deliberately impeded upon the intestate's succession rights. Ms. Shiflet was in direct contact with the eldest son at the hospital she had previously told the physicians that I did not exist albeit, she knew the where abouts addresses and phone numbers of all my father's descendants.
- Mr. Counts Knowingly violated statutory, procedural and due process laws in failing to complete a procedural requisite on someone who was deemed incapacitated by Doctors, a documented competency hearing (44-23-410), to aver Anthony Johnsons contractual capacity S.C. CODE (62-8-105.) which transpired subsequent to Mr. Johnson's aneurysm and his resuscitation from a medical coma and purported to have signed a general durable power of attorney May 17, 2006 with no attempt to give Anthony Johnsons Lineal descendants verifiable notice as her attorney .(see Affidavit Of Mr., Counts)
- George Counts did not converse with Anthony Johnsons physicians, at the hospital prior to having him sign a lawfully binding affidavit after a massive aneurysm nor attempted to contact his liMr. Johnsons lineal descendants. Yet failed to file the competency hearing to the record with the clerk of court of either Berkley, or Horry County until May 17, 2024, of that same date. Which was subsequent to the Plaintiff questioning the validity of the competency hearing, which Predicates evidence of material evidence of fact, and an affidavit made in bad faith. (see Affidavit of Mr., Counts)

-
- Albeit Mr. Counts purports a competency hearing was initiated yet it can't be verified or substantiated on record on the date of May 17, 2006. George E Counts violated statute 62-8-109 which states: in the principal's incapacity an agent may exercise their authority granted unto the agent under the power of attorney **only if, the power of attorney has been recorded in the same manner as a Deed. In the county where the principal resides** at the time the instrument is recorded. It is predicated through material evidence on record, that the general durable power of attorney was recorded in Berkley County. See (General durable Power of attorney)
 - The statutes language is unambiguous, Anthony Johnson was from Horry and did not have a residence or property in Charleston County, nor any legal infractions to encounter Mr. Counts in Charleston. George E Counts was aware of this, it is substantiated by My father's military; State identification and George E Counts contractual obligation to verify Mr. Johnson's identity. Averring Mr. Counts cognizance and that his actions were deliberate, in addition to the lack of a verifiable competency hearing on the proper record and date, after Mr. Johnsons massive aneurysm. Which is analogous to a sham legal process (30-9-30) making the document null and void at inception. See (General durable Power of attorney)
 - . Subsequent to Margaret being granted general durable power of attorney by George E Counts, Margaret benefited as an interested party pursuant to 62-7-105 (3) from having exclusive access to my father's finances, and real property then violated the intestate's succession rights, disavowing the natural heirs in favor of herself and her descendants. By conveying herself the property in a life estate in which her descendants inherit the property at inception from her death that purports a defense to her personal intentions which can be changed and executed at any time. pursuant to 62-7-105 (3) the requirement t
 - In Addition, Margaret Shifflett violated the law (11-9-10) in utilizing and emptying Anthony Johnson's personal bank account to pay off his own Mortgage. See (Mortgage pay off letter) Prior to purchasing his land and home for herself for only \$10.00.see (conveyance Deed dated October 16 2006 and recorded n0vember 3 2006 in which the title was not examined) Predicating Ms. Shiflet accepted the

conveyance to herself individually. Hence a resulting trust arose in favor of those beneficially entitled to the estate to which the descendants had no verifiable notice of. Averting a violation of their Succession rights pursuant to title 62 article 2 section 101;(62-2-103).

- When in fact Ms. Shiflett was not granted authority to act as a principal or administratrix by probate to execute a power of attorney lawfully. Which violated the lineal descendant procedural due process Constitutional rights. Whom are the rightful heirs and lawful decision makers, a violation of the 14th constitutional amendment due process and South Carolinas article 1 section 3 privileges and immunities due process equal protection of laws. As well as Title 62 article 6-105 designation of agent.
- Margaret Shiflet then violated the laws in utilizing Anthony Johnson's personal bank account to pay off his own Mortgage. After the property was paid of she called upon Mr., Counts to convey Anthony Johnsons land and home for herself for only \$5.00. Predicating Ms. Shiflet accepted the conveyance to herself individually. Hence a resulting trust arose in favor of those beneficially entitled to the estate to which the descendants had no notice of what was transpiring.

The petitioner humbly prays that the Honorable court of Appeals grant this petition as a matter of law based upon the meritorious claims expounded upon in the antecedent paragraphs which consists of numerous meritorious claims of procedural and statutory law violations and that the court address the sham legal process be addressed for what it is and the title Deed be returned to the estate.

SUI JURIS

In the South Carolina Supreme Court Court of Appeals

Damien Johnson

Versus

Margaret Shiflet

RECEIVED

Dec 11 2024

SC Court of Appeals

proof of service

Damien Johnson certified that I have served the notice of motion for notice of appeal to the clerk of court of county and sent a copy to 1220 Senate St. Columbia SC 29201 and set a copy to Margaret shiflett to her last known address on record 2218 osprey point circle Pooler GA 31322

State of South Carolina County of Horry
Subscribed and sworn before me on 12-10-2024
Sara Childress
(Notary Signature)
(Date)



A handwritten signature in black ink that reads "Damien Johnson".