

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEAL  
APPEAL FROM CHARLESTON COUNTY

**RECEIVED**

Master in Equity Court

Judge Mikell R. Scarborough Master-IN-Equity,  
Appellate Case Number: 2024-000756

JAN 06 2025

SC Court of Appeals

TDS of Charleston, LLC,

Respondent,

v.

Kenneth Edmondson,  
Christopher German,  
Shirlene Edwards  
Carpenter, Rufus Harve

Appellant(s).

\_\_\_\_\_  
INITIAL BRIEF  
\_\_\_\_\_

Smith, Cox & Associates, LLP Attorney,  
For respondent TDS of Charleston, LLC  
160 East Bay Street, Suite 201  
P.O. Box 20458  
Phone 843- 853-5577 Charleston, SC 29413

December \_\_\_\_, 2024 Appellant(s)

Kenneth Edmondson, Christopher  
German, Shirlene Edwards Carpenter,  
Rufus Harve

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1. Affidavits will show the real Heirs to William German etc...
2. Exhibits will show the signed Quiet title and accounting etc....
3. Memorandum established Law
4. Motion for void Order will be made and all other motions as needed

STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN GRANTING QUIET TITLE TO THE HEIRSOF WILLIAM GERMAN WITH AN SIGNED ORDER THEN REOPING THE CASE?
2. DID THE TRIAL COURT VIOLATE CONSTITUTIONAL RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF THE LAW?
3. DID THE TRIAL COURT VIOLATE CIVIL RIGHTS BY ACTING UNDER AN ABUSE OF DISCRETION BY NOT ADLLEGLY SIGNING QUIET TITLE ORDER AND FORCING PARTITION WITHOUT PROPER EVIDINCE?
4. DID TDS OF CHARLESTON HAVE A VALID CLAIM TO PROPERTY AFTER QUIET TITLE BECAUSE OF ALEDGED DEBT?
5. DID THE TRIAL COURT HAVE JURISDICTION WITHOUT PROPER SERVICE?

STATEMENT OF THE CASE

1. On November 29, 2023 Kenneth Edmondson attended a hearing with Cousin Christopher German to clear up confusion as to why they were brought back to court after a successful quiet title action Ordered which was signed and Dated June 1, 2021, Appellant's also demanded evidence of how the court removed land from Family members without Just and lawful cause based on an alleged debt between STACY L. BONNER and On TDS of Charleston. The Land in question was owned originally by the late William German TMS#: 615-00-00-022. William German Had a Will outlining his wishes to keep the land in the family and to convey it to the next of kin.

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The Master- IN-Equity Granted Quiet Title to the Heirs originally as stated above. On November 29, 2023 Master in Equity Stated he never signed the Order which is in conflict with what we understood and after the hearing speaking with STACY L. BONNER revealed that Mikell R. Scarborough testimony was false because in Stacy possession was the signed Order given to her by the retained Attorney.

Bruce A. Berlinsky was Originally retained to defend our interest in the case brought by TDS of Charleston to gain interest in African Americans Land under the guise of an equitable claim and Mikell R. Scarborough abused his discretion in his determination ignoring the full rights which would have secured appellants equitable interest in the Land, by accepting erroneous and convoluted facts forcing sale through fraud.

Heirs did not receive any monies in a large payout from previous case of over Eight Hundred Thousand to people who had no equitable interest in the Land characterize as Property.

#### FACTS

Facts understood are before the court can make a ruling they are required first to find out if there are any conflicts of interest in ownership, facts, Service and Due process. Mikell R. Scarborough took it upon himself to ignore the facts that;

1. The doctrine of res judicata applied through Quiet Title, barring the Respondents from raising the other issues after a Successful Quiet Title action of the Actual Heirs., 2. The Supreme Court recognized in Anderson that even though in-kind partitions are appropriate only where they may be made fairly and impartially without injury to any of the parties, there remains a statutory preference for in-kind partitions.

3. SECTION 32-3-10. Agreements required to be in writing and signed. No action shall be brought whereby:

(4) To charge any person upon any contract or sale of lands, tenements or hereditaments or any interest in or concerning them; or

(5) To charge any person upon any agreement that is not to be performed within the space of one year from the making thereof;

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Unless the agreement upon which such action shall be brought or some memorandum or note thereof shall be in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorized.

Answer from TDS of Charleston alleging Bonner promised to pursue a quiet title action and to execute and record a deed conveying interest in the Property to TDS upon the resolution of the quiet title action. The Facts are the Quiet Title action was for the German family Heirs and TDS of Charleston Was paid in full therefore they cannot prove any debt claim or contract with the German family.

24. Despite Bonner's promises and representations, she never conveyed to TDS the 2.3 acres in the Property nor reimbursed TDS for the Fees and Taxes paid on behalf of Bonner and the German Family Defendants, even going so far as to denying TDS ever helped saved the Property. Land was not conveyed because they had no interest in the property after or before quiet title action which The German family and Heirs have 100% interest and No one in the German family Made such a deal because STACY L. BONNER cannot speak for us these are mere unfounded claims with no proof.

2. Proper Service requires personal service. See State v. Sullivan 127 S.C. BB&T v. Taylor An act is willful if done voluntary and intentionally with the specific intent to fail to do something the law requires to be done; with bad purpose either to disobey or disregard the law Wilson v. Walker furthermore, the person allegedly providing the service, upon information and belief, is not the sheriff or his deputy or any other duly constituted law enforcement officer, also take note Respondents Affidavits are not according to Law. When contested the validity must be properly sworn under oath in Order to be relevant evidence, Rule 401; my actions are out of necessity and not disregard. This is not only an injury to me and family but to the public. Proper Members of the German family did not receive Notice and other members given Notice were improper in that they had no equitable interest in the Estate of William German.

1. SECTION 15-5-90.Survival of right of action.

Causes of action for and in respect to any and all injuries and trespasses to and upon real estate and any and all injuries to the person or to personal property shall survive both to and against the personal or real representative, as the case may be, of a deceased person and the legal representative of an insolvent person or a defunct or insolvent corporation, any law or rule to the contrary notwithstanding.

2. The courts were made into a Court of Ambush, denying me of rights that would not have placed an undue burden on the Plaintiffs or the court. It is obvious who the true holders in due course are. Merely having paperwork doesn't mean you have a legitimate claim. This is why I requested and demanded the Plaintiff produce discovery Rule 26 -37.
  
3. South Carolina is a Lien Theory State. The plaintiff has the Obligation of Showing Jurisdiction and that they have the right to collect a debt" TDS of Charleston never proved this after several of my attempts through original discovery Documents to obtain the material facts and other supportive evidence showing where the alleged money came from and factually, did TDS of Charleston lose any money if it was borrowed from Crest Bank. Using false or fraudulent evidence involves a corruption, see United States v. Agurs , see also Miller v. Pate, Darden v. Wainwright, Improper Argument and Manipulation or misstatement of evidence violates due process, Cf. Mesarosh v. United States.
  
4. **SECTION 15-5-45.**Capacity of partnerships to sue and be sued; effect of judgment.

TDS of Charleston have no valid money or debt claim. I have a right to sue the bond of TDS of Charleston and ... which the bond of record is not the required amount, in addition to the formal request submitted to the Master In Equity for certified copies of his Oath of Office, Bond, Anti-Trust statement, and Anti-Bribery statement, all of which have NOT been provided, and are in direct violation of The South Carolina Code Of Laws Unannotated, Title 8, Chapter 3, Section 8-3-210, And 8-3-220. Also, bring suit against TDS of Charleston for engaging in unprofessional Conduct, fraud and Negligence. Statute of Frauds SECTION 32-3-10. Agreements required to be in writing and signed.

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No action shall be brought whereby:

- (1) To charge any executor or administrator upon any special promise to answer damages out of his own estate;
- (2) To charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person;

If the lawsuit is based upon a loan you must allege that the loan was made. If their action is based upon acquisition of the loan you still must allege that the loan was made and that they actually paid for acquisition of the loan. Otherwise the claim is speculative, fraudulent and cannot invoke the jurisdiction of the Court. Without that the second requirement is impossible to meet — that you have suffered damages as a result of the making the loan and the borrower not repaying it. These are not mere empty recitals. Without them, no lawsuit can continue.

The basis for a trial in which the evidence would be presented would be the Sworn Affidavits and Complaint. If the Complaint requires that ownership of a real loan be present at the time the Complaint is filed then the Court's jurisdiction has never been invoked. The Court has no choice as it is plain on its face that there has been a deprivation of my rights and civil liberties. And the reason for this is that it is very well-settled that when you bring a matter to court that there must be an actual controversy and a plea for relief that can be legally granted. a." Fed. R. Civ. P. 56(e)(1).

A party who submits evidence in the form of affidavits must do so in the proper, authenticated form. Even at a preliminary stage of trial, courts should not permit admission of documents that do not strictly comply with procedural rules. It is imperative that a party's sworn submission be sufficient in execution and substance, as well as consistent with prior assertions, to ensure the integrity of the process.

- a. The Courts and Practitioners also should examine opposing counsel's submissions and move to strike any that do not meet the clear standards set forth for admissible affidavits and sworn statements.
- b. The mere signing of a statement in the presence of a notary, or a notary's placement of an "acknowledgment" on a statement, does not constitute a sworn statement or affidavit. In Orsi v. Kirkwood, 999 F.2d 86, 91 (4th Cir. 1993),

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Furthermore Harlow v. Fitzgerald (points) inter alia- among other things. Executive officials in general are usually entitled to only qualified or good faith immunity. Such immunity is not available if the official asserting the defense took the action with malicious intention to cause a deprivation of constitutional rights or other injury see Wood v. Strickland.

Constitutional requirements of due process apply to garnishment and prejudgment attachment procedures whenever state officers act jointly with a private creditor in securing the property in dispute. Sniadach v. Family Finance corp.

**Injury:**

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Due to the above mentioned facts Appellant's Land rights are violated by Misrepresentation of the facts cranial fraud to Steal Land from the rightful Heirs of William German resulted not only in the foreclosure of our Land aka property, but the foreclosure of my ability to challenge the validity of debt with an undisclosed equitable creditor, or with the alleged legal owner of the loan in the property records. We (my family...PHYSICALLY EJECTED DURING A PANDEMIC, AGAINST STATE AND FEDERAL MANDATES PROHIBITTING SUCH ACTIONS!!!!), have suffered extreme mental anguish and loss of time from work including but not limited to doctor visits, I have also suffered from an extreme miscarriage of justice and inequity, being that Mikell R. Scarborough has caused our Land referred to as property to be listed for sale by color of law. And my family has undergone tremendous stress and tension By Mikell R. Scarborough fraudulent actions and In South Carolina Mikell R. Scarborough is well known for fraudulent, wanton and negligent practices. Everyone must have equal access to the courts under the Human Rights Act. There is also the right to a fair and public hearing. Citing: Montgomery vs State; The duty rest upon all courts, State and federal, to guard, protect, and enforce every right granted or secured by the Constitution whenever such rights are involved in any proceeding before the court and the right is duly and properly claimed or asserted.

**Relief**

WHEREFORE, I the Appellant (s) would like the court to grant a new, fair and impartial trial to have a chance to void and vacate the court order(s) based on the established law and precedents of stare decisis voiding the original hearings for Due process violations and resolve this Matter Peacefully if Possible, if Representing TDS of Charleston cannot produce evidence before the court to support their claim of money or real debt they have a clear Conflicts of interest. Further request/Pray judgment against defendant(s) Representing TDS of Charleston for economic, Civil Tort, damages and psychological damages as well as compensatory damages plus costs and fees in the Amount determined by the courts and respectfully ask this Court for leave to move for punitive damages. I was violated by fraud, negligence, unprofessional Conduct and never contacted about any mediation process or given the proper notices that would have allowed me the ability to properly negotiate. Which caused a deprivation of my civil liberties; and constitutional secured rights to Due process and a fair and impartial trial.

## ARGUMENTS

- I. Respondent TDS of Charleston has not proven that he/she/or the corporate organization has a true claim to the German Heirs Land after they were not Named in a Singed Quiet title action or suffered any Personal Financial injury for which relief can be granted with any factual documentation to date.
  
- II. Respondent TDS of Charleston has repeatedly violated my Civil Liberties and denied me my Constitutionally Secured Rights to Due Process, Misrepresentation and fraud by Testifying that they

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produced LEGAL and LAWFUL Title when their ownership is in question made by Affidavits that fail the standards of Rule 56 (e) issued under the FRCP.

III. Respondent TDS of Charleston Never Served the other members of the German Family  
There was a lack of proper Notice also they introduced a witness in this alleged matter to which I or others of the German family have no contract with as well as the court going forward on a unfair partition Sale without the proper facts being considered

#### CONCLUSION

For the reasons stated, this Court should reverse the judgment of the Master IN Equity Court and I pray grant me a New Trial.

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For respondent TDS of Charleston, LLC  
160 East Bay Street, Suite 201  
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Phone 843- 853-5577 Charleston, SC 29413

December \_\_\_\_, 2024 Appellant(s)

Respectfully submitted,  
Kenneth Edmondson, Christopher  
German, Shirlene Edwards Carpenter,  
Rufus Harve

**PROOF OF SERVICE FOR INTIAIL BREIF AND DEGSIGNATION OF  
MATTER**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEAL  
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Judge Mikell R. Scarborough Master-IN-Equity,

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Respondent,

v.

KENNETH EDMONDSON,  
CHRISTOPHER GERMAN,  
SHIRLENE EDWARDS  
CARPENTER, RUFUS  
HARVE

Appellant(s).

**PROOF OF SERVICE**

I hereby certify that a copy of the Initial Brief and Degeneration Of Matter was served in person or by Certified mail upon [W Jamison Cox 160 East Bay Street, Suite 201 Charleston, SC 29401, The Honorable Mikell R. Scarborough 100 Broad St Ste 266 Charleston, SC 29401-2243 OFFICE: (843) 958-5070 FAX: (843) 958-5077, The County of Charleston Common Pleas 100 Broad Street, Suite 143 Charleston, SC 29401 TDS of Charleston LLC PO Box 248 SC, Mount Pleasant 29465 and Exercising Appellant Court Rule 262 1220 Senate Street /Columbia, South Carolina 29201 Voice: (803) 734-1890 FAX: (803) 734-1839, (This DAY 2nd MONTH JAN, 20 25).

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December \_\_\_\_, 2024

KENNETH EDMONDSON,  
CHRISTOPHER GERMAN, SHIRLENE  
EDWARDS CARPENTER, RUFUS  
HARVE

Appellant(s)

Subscribed and sworn, without prejudice, and with all rights reserved.

*Kenneth Edmondson*  
Principal, by Special Appearance, in Propria Persona, proceeding Sui Juris.

*Kenneth Edmondson*  
Signature of Affiant

ACKNOWLEDGMENT

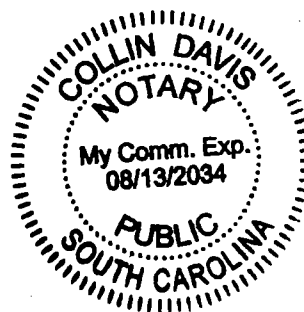
state of SOUTH CAROLINA

county of Charleston

On this 2nd day of January, 2025, before me

personally appeared *Kenneth Edmondson*, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed, for the purposes therein set forth.

*Collin Davis*  
(Notary Public)



KENNETH EDMONDSON  
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GOOSE CREEK SC 29445



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Retail



RDC 99



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