

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Master-in-Equity  
The Honorable Jeffery M. Tzerman

Case No. 2012-CP-28-0981

Appellate Case No. 2012-212971

CitiMortgage, Inc.,.....Respondent,

v.

Ellen R. Springer, et al, .....Appellant, Pro se.

RECEIVED

OCT 18 2013

SC Court of Appeals

E.R.S. NOTICE OF PRO SE MOTION FOR EQUITABLE ESTOPPEL RELIEF: THE CALL TO PRECLUDE RESPONDENT'S INITIAL REPLY BRIEF AND DESIGNATION OF MATTER FROM CHANGE OF SIDE AND USE OF THE PROCEDURES TO PREVAIL ON APPEAL: THE CALL FOR THE ANCIENT STATUTORY COMMON LAW SWORD AND SHIELD OF JUSTICE TO PROTECT THE VICTIM (APPELLANT, PRO SE) WITH CLEAN HANDS THAT DID NO WRONG, WHO RELIED ON THE POSITION FORMERLY ASSERTED TO WIN THE CASE AND WAS PUNISHED FOR EXERCISING HER CONSTITUTIONAL RIGHTS: AND ALSO THE CALL TO FREEZE INCONSISTENT POSITION OF OFFICERS OF THE COURT THAT POSE ON THE INTEGRITY OF THE QUEST FOR THE TRUTH, DERAIL THE INTENDED ARRIVAL AT THE TRUTH AND RENDER THE RESULTS OF THE JUDICIAL PROCESS UNRELIABLE AS A MATTER OF DUE PROCESS OF LAW, RES JUDICATA: AND FOR SUCH OTHER FURTHER EQUITABLE MOTION TO GRANT THE INSTANT APPEAL AND DECLARE VOID THE SEPTEMBER 10<sup>TH</sup> AND JULY 9<sup>TH</sup>, 2012 LOWER COURT ORDERS APPEALED FROM, INTER ALIA, FOR GOOD CAUSE SHOWN IN THE BEST SERVED INTEREST OF JUSTICE IN THE QUEST FOR DUE PROCESS OF LAW, PURSUANT TO THE S.C. LAW OF VOID, RES JUDICATA.

RESPECTFULLY SUBMITTED, PRO SE BY

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas  
Jeffery M. Tzerman, Circuit Court Judge

Case No. 2011-CP-28-0981

Appellate Case No. 2012-212971

CitiMortgage, Inc.,

Respondent,

v.

Ellen R. Springer,

Appellant, ***Pro se.***

E.R.S. BRIEF OF APPELLANT, ***PRO SE***

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY  
Master-in-Equity  
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Case No. 2012-CP-28-0981

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CitiMortgage, Inc.,.....Respondent,

V.

Ellen R. Springer, et al, .....Appellant, Pro se.

E.R.S. NOTICE OF **PRO SE** MOTION FOR EQUITABLE ESTOPPEL RELIEF: THE CALL TO PRECLUDE RESPONDENT'S INITIAL REPLY BRIEF AND DESIGNATION OF MATTER FROM CHANGE OF SIDE AND USE OF THE PROCEDURES TO PREVAIL ON APPEAL: THE CALL FOR THE ANCIENT STATUTORY COMMON LAW SWORD AND SHIELD OF JUSTICE TO PROTECT THE VICTIM (APPELLANT, **PRO SE**) WITH CLEAN HANDS THAT DID NO WRONG, WHO RELIED ON THE POSITION FORMERLY ASSERTED TO WIN THE CASE AND WAS PUNISHED FOR EXERCISING HER CONSTITUTIONAL RIGHTS: AND ALSO THE CALL TO FREEZE INCONSISTENT POSITION OF OFFICERS OF THE COURT THAT POSE ON THE INTEGRITY OF THE QUEST FOR THE TRUTH, DERAILED THE INTENDED ARRIVAL AT THE TRUTH AND RENDER THE RESULTS OF THE JUDICIAL PROCESS UNRELIABLE AS A MATTER OF DUE PROCESS OF LAW, **RES JUDICATA**: AND FOR SUCH OTHER FURTHER EQUITABLE MOTION TO GRANT THE INSTANT APPEAL AND DECLARE VOID THE SEPTEMBER 10<sup>TH</sup> AND JULY 9<sup>TH</sup>, 2012 LOWER COURT ORDERS APPEALED FROM, **INTER ALIA**, FOR GOOD CAUSE SHOWN IN THE BEST SERVED INTEREST OF JUSTICE IN THE QUEST FOR DUE PROCESS OF LAW, PURSUANT TO THE S.C. LAW OF VOID, **RES JUDICATA**.

Pursuant to the prohibition power and authority of the doctrine of estoppel, the doctrine of clean hands, the S.C. Law of Void, and SCACR Rule 240, your Appellant-Ellen R. Springer, will move this court, **Pro se**, seeking Motion for equitable estoppel relief: "The Call" to preclude Respondent's initial brief and designation of matters from change of sides and use of the procedures of the court to dismiss the instant appeal: "The Call" for the ancient common law sword and shield of justice to protect the victim (Appellant, **Pro se**) with clean hands that did no wrong that relied on the position formerly asserted to win the case and was punished for bringing a "highly" prejudicial **Bona fide Prima fascia** claim of misrepresentation on the court by officers of the court [improper conduct complaint] that rebutted the significant act of the Presiding lower court hearing review OFFICERS: and also "the Call to Freeze" inconsistent position of officers of the court that pose on the integrity of the quest for the truth, derail the intended arrival at the truth, and render the results of the judicial proceeding unreliable as a

matter of due process of law, Res judicata, and for such other further relief that grant the instant appeal for good cause shown in the best served interest of Public justice, upon the grounds: (a) that Appellant brought a justifiable claim for estoppel relief that satisfied the three general principles that control a granting of such drastic relief, on its face and in fact, Res judicata; and (b) the doctrine of Laches precluded respondent's appeal attorney's performance that, from November 2012 thru September 2013, changed sides and exceeding the doctrine of fraud on the court to procure dismissal of the appeal, Res judicata; (c) Respondent's appeal attorney's performance made the client's hands unclean and with them they could not hold the pristine remedy at law, Res judicata; (d) Respondent's appeal attorney's damaging decision and deficient performance impinged upon Appellant's essential right to fundamental fairness of the appeal process and made the judicial proceeding want due process of law, on its face and in fact, Res judicata; and (e) Respectfully, this court of appeal wanted position formerly asserted and vital to In persona and subject matter jurisdiction to the review and, thus, lacked personal jurisdiction to grant relief to Respondent; (f) Respectfully, the Lower court orders appealed from failed to conform to the documented evidence gathered at the July 9<sup>th</sup>, 2012, Rule 60 [b] emergency Pro se show cause Order proceeding, Res judicata, and failed to follow the law, on its face and in fact, Res judicata, and, therefore, the lower court Judge's orders were regarded as void, Res judicata; (g) the lower court judge exceeded personal jurisdiction and came into conflict with the superior authority of the S.C. Constitution and was regarded as a TRESPASSER in law, on its face and in fact, Res judicata; (h) this case was an act of nature and a judicial virus that must be eradicated as a matter of due process of law; and (i) Respondent had unclean hands that did all wrong and would be unjustly enriched were any of the requested relief denied traceable to inability of the S.C. Court to provide due process of law, Res judicata. The grounds for relief are interposed as follows:

Pursuant to the Doctrine of Equitable estoppel, a movant brings a justifiable claim for estoppel defense upon showing that (1) change of sides; (2) reliance on the position formerly asserted to win the case; and (3) injury sustained by the party bringing claim for estoppel relief traceable to change of sides.

Turning to the instant matter of appeal, from November, 2012, thru September 16<sup>th</sup>, 2013, Respondent's appeal attorney exceeded the doctrine of fraud on the court to dismiss the instant appeal in violation of the doctrine of Laches, **Res judicata**. All such motions were dismissed by this court, accordingly. This performance was barred by the doctrine of fraud on the court, **Res judicata**.

On July 9<sup>th</sup>, 2012, Respondent's predecessor foreclosure attorney appeared before the lower court to defend against appellant's emergency Pro se Rule 60 (b) show cause order proceeding of special pleadings that rebutted the position formerly asserted and the legal sufficiency of the lower court jurisdiction and the ensued order rendered, on its face and in fact, Res judicata. Moreover, said motion rebutted counsel's own significant act that filed the civil complaint instrument, in the first instance. Said attorney failed to satisfy the client's burden of proof traceable to their own inability to defend the position formerly asserted. Said attorney saw the evidence that meant that their client was not a real injured party to the action. Notwithstanding, the overzealous attorney changed sides and use the procedures of the court to procure jurisdiction, and proceeded to prosecute an unsubstantiated claim of injury. Said attorney appeared from the wrong side of the fraction, with modus operandi to win the case, leave their own infirm judgment, and with conspiracy to stop the lower court from rendering due process of law, **Res judicata**: this was intrinsic statutory fraud perpetuated on the court by an officer of the court in nature, that was an unfair (predatory) attorney service practicing attack, that corroborated Appellant-Defendant's initial **Pro se** civil complaint of misrepresentation on the court, in the first instance, **Res judicata**.

Based upon these extraordinary circumstances Appellant's legal argument was that, the doctrine of Laches collaterally barred Respondent's appeal attorney from change of sides and use of the procedures of the court to win the client's case, **Res judicata**. Respondent's appeal attorney's performance before this court failed to conform to the facts and failed to follow the law, **Res judicata**, and, henceforth, made the client's hands unclean and could not hold with them the pristine remedy at law, **Non Pro Tunc**. These were the uncontroverted MAJOR

material facts, prevalent herein, and there was no evidence to the contrary, known to Respondent's agent and or to this court, Res judicata.

Clearly, there was nothing fair about Respondent's appeal attorney's performance before this court. There was nothing fair about the emergency Rule 60 (b) show cause order proceeding of special pleadings held before the lower court. The lower court officers defended their own acts and therefore upheld CitiMortgage, Inc. and, on the other hand, failed to uphold the S.C. Constitution, Res judicata.

The simple Major fact of the matter was that, the S.C. Constitution lacked jurisdiction to strike down an Elderly female senior Citizen with deprivation of equal protection of law, in a "Lawyer-dominated" hearing court, to save Respondent-Plaintiff from high prejudice. This was a human error and act of aggression against the Public that constituted a Civil Rights Violation, on its face and in fact, Res judicata. Accordingly, on this point, the Lower court officers failed to follow protocol that required said court officers to recuse themselves from review over the emergency pro se proceedings, Res judicata. No matter the rubric, the lower court officers simply failed to follow the law. This was a purely private individual act that wanted color of law, on its face and in fact, Non Pro Tunc, Res judicata.

Pursuant to the General S.C. Rule, the neglect of the attorney was the neglect of the client, Res judicata. In this case, appeal attorney neglect constituted a purely private individual act. This performance was identical to Respondent's predecessor foreclosure Attorneys performance proffered before the lower court which also wanted color of law, Res judicata. Accordingly, the documented evidence gathered before this court constituted newly discovered evidence of misrepresentation (fraud) on the court perpetuated by Respondent's appeal attorney that, in fact, corroborated Appellant's initial Bona fide Pro se complaint of misrepresentation (fraud) perpetuated on the court, brought up for review on appeal, inter alia, Res judicata. From November, 2012, thru September, 2013, said appeal attorney's performance made the instant appeal process want essential fundamental fairness and also want due process of law vital to jurisdiction over the instant appeal review, Res judicata. Because the neglect of the attorney was the neglect of the client, therefore, this was stripped

of personal jurisdiction to grant relief to Respondent, Res judicata. Pursuant to S.C. Rule 60 (b), it was clear that Respondent was incapacitated from entering into attorney client agreement with said appeal attorney because respondent was incapable of doing wrong. Respondent's actor Agents and their predecessors known and unknown stole Respondent's identity and did not trust in God. Appellant, Pro se, had clean hands that did absolutely no wrong that held Gods unchanging hand, and relied on the position formerly asserted to win the case, and was punished for showing the lower court a wrongdoer, **Non Pro Tunc**. Accordingly, based upon the above and below stated facts, and points and authorities and appellant's declaration, this S.C. Court of Appeal must concur the Lower Court ORDERS appealed from were void, on their face and in fact, and, furthermore, that the drastic relief sought by Appellant, Pro se, on appeal was controlled by the facts and law, Res judicata, respectfully.

#### **PRESENCE OF A VOID ORDER**

Pursuant to, Pennoyer v. Neff, 95 U.S. 714, 24 L.Ed. 565 [1878], any court, where it is at issue, may dismiss a void judgment, and also that, a void act or judgment may be attacked in any forum, State or Federal, where its vitality may be drawn in issue, Res judicata (Pennoyer v. Neff, supra).

#### **THE JULY 9<sup>TH</sup>, 2012, LOWER COURT ORDER THAT DENIED PRO SE EMERGENCY SHOW CAUSE RELIEF WAS VOID**

Turning to the instant case, the unadulterated nature of the appeal was that, from July 9<sup>th</sup>, thru September 10<sup>th</sup>, 2012, the lower court judge failed to conform to the Major facts that led up to the close of the July 9<sup>th</sup>, 2012, emergency Pro se Rule 60 (b) show cause order hearing that favored Appellant-Defendant, Pro se, and, therefrom, failed to follow the law. The Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that, "when a State officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." [Emphasis supplied in

original]. "When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetuated and no one is bound to obey it," **Res judicata** (Scheuer v. Rhodes, supra.).

According to the S.C. Law of void judgment, the July 9<sup>th</sup>, 2012, lower court judge's order was regarded as void, on their face and in fact, without effect, enforcement, efficacy or respect, in any court of law, that formed no justification and no time bar to recovery of the property even prior to adjudication of the void orders by a court under color of law. **PLEASE TAKE JUDICIAL NOTICE** that, **anyone concerned with executing the instant void orders were considered as TRESPASSERS in law, Res judicata**. Appellant, **Pro se**, respectfully submits that, pursuant to Strickland v. Washington, 442 U.S. 662 (1984) the proceedings had before the lower court were arbitrary and caprice in nature and a miscarriage and a mockery of justice, and, on this point, must be eradicated, **Res judicata**. It was transparent, that there was nothing fair about the Rule 60 (b) Show Cause Order proceeding held July 9<sup>th</sup>, 2012, before the lower court, on its face and in fact, **Res judicata**.

**THE SEPTEMBER 10<sup>TH</sup>, 2012, LOWER COURT ORDER THAT DENIED EMERGENCY PRO SE MOTION FOR EQUITABLE ESTOPPEL RELIEF WAS VOID**

The documented evidence, prevalent herein, proved that on August 20<sup>th</sup>, 2012, Appellant brought a justifiable claim for estoppel relief that satisfied the three general requirements that warrant estoppel relief, on its face and in fact, **Res judicata**. Respondent's foreclosure attorney changed sides. Appellant, Pro se, relied on the position formerly asserted to win the case. Appellant was injured traceable to change of sides. More importantly, the lower court judge exceeded personal jurisdiction. The lower court bought the changed side soled by Respondent's foreclosure attorney. The lower court judge proffered the inconsistent position on the inanimate "S.C. Constitutional Court and defraud and defiled said court from going about it impartial manner of objectively adjudicating the instant case brought for adjudication, **Res judicata**. On this point, the relief sought by Appellant-Defendant, Pro se, on August 20<sup>th</sup>, 2012, was controlled by the facts and the law based on the merits of the improper conduct, **Res judicata**.

Notwithstanding, on September 10<sup>th</sup>, 2012, the lower court judge exceeded personal jurisdiction and denied appellant's emergency Pro se motion for equitable estoppel relief, from the wrong side of the fraction, Non Pro Tunc. In furtherance, the judge concluded that the court would entertain no further Pro se Pleadings. The lower court wanted personal jurisdiction to strip Appellant of her constitutional right to petition the court, Res judicata. Respectfully, the actions of the lower court was an individual purely private act, not found under color of law, that made said judge a TRESPASSER in law, Res judicata.

### POINTS AND AUTHORITIES

When a judge does not follow the law, the judge losses subject matter jurisdiction and the judges' orders are void, of no legal force or effect as stated by the Supreme Court in Scheuer v. Rhodes, Supra. Pursuant to 18 USC 242, and Imbler v. Pachtman, US 47 L Ed ed 128, 96 S.Ct. 37, judges have no immunities from prosecution for their judicial acts, Res judicata. Pursuant to 18 USC 242, Judges may be punished criminally for willful deprivation of ...rights (18 USC 242). Pursuant to Brady v. Fisher, US 13 Wall 335 (1871), "judicial immunity is no defense to a judge acting in the clear absence of jurisdiction, Res judicata (Brady v. Fisher, supra).

Pursuant to Miller v. U.S., 230 F 486 at 489, the claim of exercise of a constitutional right cannot be converted into a crime. On July 9<sup>th</sup>, 2012, the lower court imposed sanction against Appellant for appeal bond in the amount of \$28,500.00's. This was subsequent to Appellant's inquiry about stay of execution of writ of assistance of eviction pending final determination on appeal. On September 10<sup>th</sup>, 2012, the lower court went further and ordered that no more Pro se motions would be entertained. On this point, the lower court abrogated Appellant-Defendant's constitutional right to petition the lower court in further grievance of the dispositive orders complained from on appeal.

The documented evidence was facially void of legally sufficient proof of injury to Respondent-plaintiff traceable to acts of Appellant-Defendant were the lower court to have granted injunctive relief from execution of writ of assistance pending final determination on appeal, Res judicata. Respectfully, on this point, the lower court judge wanted personal

jurisdiction to let the wrongdoer-Respondent-Plaintiff go free and unjustly enriched with unclean hands that did all wrong, in exchange for punishing Appellant, Pro se, with clean hands that did absolutely no wrong, Res judicata. Pursuant to Sherar v. Cullen, 481 F 2d. 946 [1973], "There can be no sanction or penalty imposed upon one because of his or her exercise of Constitutional rights" (Sherar v. Cullen, supra).

Pursuant to Strickland v. Washington, 442, U.S. 662 (1984), on July 9<sup>th</sup>, 2012, the lower court officers discriminated against a bona fide complaint of misrepresentation on the court that rebutted their own significant act, Non Pro Tunc.

The July 9<sup>th</sup>, 2012, order proved that the Lower Court Officers-alleged conspired to seek injustice with modus operandi to injure your Appellant, Pro se, in order to win the case simply to leave their own infirm judgment undisturbed, Res judicata. On this point, The July 9<sup>th</sup>, and September 10<sup>th</sup>, 2012, order appealed from constituted newly discovered of evidence proof positive that said lower court officers had unclean hands that demonstrated a purely private act that struck down the Pro se litigant with deprivation of equal protection of law, in a "Lawyer-dominated" hearing court. On this point, said lower court Officers-alleged, defraud and defiled the inanimate lower court from granting Appellant-defendant due process of law, Res judicata. On this point, Pursuant to the S.C. Law of void, said orders were rendered in a manner that deprived due process of law and, therefore, said orders were a void judgment that was not voidable but simply void, Res judicata.

#### CONSPIRACY AND COLLUSION

It seems apparent that the Lower court Officers-alleged were guilty of conspiracy to win the case in order to leave their own infirm judgment undisturbed, Res judicata, based upon the facts, prevalent herein, and upon the controlling law of Strickland v. Washington, supra, Res judicata, that govern conduct of Officers of the court to ensure due process granted to the accused defending party and to the "Inanimate Constitutional court". Pursuant to S.C. Penal law, Conspiracy is "when two or more persons conspire: Falsely and maliciously to deprive another of the constitutional right to equal protection of law, or to procure another to be de-

sized of their property without due process of law: or falsely to move or maintain any suit, action or proceeding”.

At common law, a conspiracy need not be based on express agreement. Furthermore, an agreement can exist although not all of the parties to it have knowledge of every detail of the arrangement, as long as each party is aware of its essential nature (Blumenthal v. United States, 332 U.S. 539, 577-58 [1947]). Moreover, a “conspiracy may exist even if a conspirator does not agree to commit or facilitate each and every part of the substantive offense (“Salinas v. United States, 522 U.S. 52, 63 [1997]). It is enough that each person agrees, at a minimum, to commit or facilitate some of the acts leading to the substantive crime, as proven herein.

Misrepresentation (Fraud) related to rendering Orders or collusion in connection with the rendition of a judgment is regarded as rendering the void judgment: the validity of a judgment may be affected by fraud in the obtainment of such judgment. Wyman v. Newhouse, (CA 2d) 93 F. 2d 313, 115 ALR 460; and also see the S.C. Law of Void.

### **EQUAL PROTECTION RIGHTS**

Pursuant to 42 U.S.C. 12203, the equal protection clause, part of the Fourteenth Amendment to the United States Constitution, applicable to all states, provided that “no state shall ... deny to any person within its jurisdiction the equal protection of the laws”. Pursuant to prohibitions against retaliation and coercion” (a) Retaliation: no person shall discriminate against any individual because such individual has opposed any act or practice made unlawfully by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter: (b) interference, coercion, or intimidation. it shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter (U.S.C. 42 Statutes 122203).

Lastly, pursuant to S.C. Rule 60 (b), your Appellant, Pro se, stood on the position formerly asserted and provided this court with extraordinary circumstances and legal argument that controlled a granting of drastic relief to set aside sale, vacate order for summary default judgment and to grant motion in lime to strike the improper foreclosure complaint instrument filed herein on or about November, 2011, with prejudice and without recourse. At second glance, the unadulterated facts and law warranted relief to Appellant and made for a newly discovered precedent case law that affect other minorities at large found similarly situated, Res judicata. Pursuant to People v. Greene, 71 Cal. 100 [16 Pac. 197, 5 Am. St. Rep. 448], and also the S.C. Law of void, "A void judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its want of vitality is, therefore, a dead limb upon the judicial tree, which should be looped off..."

Turning to the instant case, the documented evidence proved that, the lower court Orders appeal from were rendered upon affirmation of the client's attorney and was, therefore, never final, it was simply void, Res judicata. On this point, pursuant to Am. Juris Prudence Law, 45, 50, 51, this court must leave the wrongdoer where they were found, traceable to loss of the position formerly asserted and vital to the in persona and Subject matter to the review.

Accordingly, on this point, the entire orders of the lower court were an abuse of discretion unsupported by the facts that was a reversible Human error of a constitutional magnitude controlled by law, Res judicata. The unadulterated results of the instant void judgments must arrive at the public as a matter of due process, in the best served interest of the Public justice, as a matter of constitutional law, Non Pro Tunc, Res judicata.

#### LEGISLATIVE INTENT THAT CRAFTING THE DOCTRINE OF ESTOPPEL

Legislature crafted the inoculated strengths of the Doctrine of Estoppel to protect the rights of the CONSTITUTION and the rights of THE PUBLIC PRO SE LITIGANT from inconsistent position of officers of the court that use of the procedures of the court and proffer changed sides on the inanimate Court and pose on the integrity of the quest for the truth, and that derail the intended arrival at the truth, and also that render the results of the judicial process

unreliable as a matter of due process of law. This performance erode away at Public trust in the judicial system to govern over and to protect the Constitutional rights of the FREE PEOPLE to remain safe and secure from judicial proceedings of an arbitrary and caprice nature, simply to advance corporate interest over Public interest that lawfully comes first, Res judicata.

### PRO SE PLEADINGS

It was well established constitutional law that, as a defending party moves in a proceeding, Pro se, their pleadings were to be held to a less stringent standard than pleadings drafted by an Attorney, Res judicata. The review Court bears the legal duty and moral obligation to construe pro se pleadings liberally in order to raise the strongest arguments found therein, Res judicata.

“THE FEDERAL RULES reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits.” Accordingly, pursuant to Rules 8 (f) FCRP and the State Court rules, the Lower court orders appealed from were construed to do substantial injustice with **modus operandi** to suppress evidence of a civil infraction committed against Appellant-Defendant, Pro se, simply to win the case in order to leave the lower court officers own infirm judgment undisturbed. This Major material fact was invisible to the natural naked all-seeing-eye of the “inanimate” Lower S.C. court of Common Pleas on the grounds that said proceeding was void of due process of law and never happened in the first instance. Legislature crafted such tools as the Doctrine of Estoppel (Equitable estoppel, Fraud on the court, and Laches), to protect the rights of inanimate court and the Public Defendant, Pro se, Res judicata. Pursuant to Boyd v. U.S., 116 U.S. 616, 635 (1885), it was the duty of the courts to be watchful for CONSTITUTIONAL RIGHTS of the citizen, against any stealthy encroachments thereon, Res judicata (Boyd v. U.S., supra).

WHEREFORE, based upon the entire aforementioned, the neglect and high prejudice belonging to Respondent, their attorney agents and their predecessors was improperly distributed unto your Appellant, Pro se, it is respectfully requests that this court enter Order

that grant the instant Pro se motion for equitable estoppel relief for the call to preclude Respondent's initial brief and designation of matter from change of sides and use of the procedures of the court to dismiss the appeal, Res judicata, and for the call for the ancient common law statutory sword and shield of Justice to protect your Appellant, pro se, with clean hands that did absolutely no wrong, who relied on the position formerly asserted to win the case and who was punished for showing the lower court a wrongdoer: and also for the call to Freeze inconsistent positions of officers of the court that pose on the integrity of the quest for the truth, derail the intended arrival at the truth and render the results of the judicial proceeding unreliable as a matter of due process of law, with prejudice and without recourse therefrom, Res judicata; and for such other further relief that grant the instant appeal in favor of Appellant against Respondent on the ground that, pursuant to S.C. General Rule, the neglect of Respondent's foreclosure attorney and their appeal attorney was the neglect of their own client, and not Appellant, Pro se, which, thereby, made Respondent's hands unclean and with them they could not hold the Pristine remedy at law, Res judicata, and upon the ground that the doctrine of Estoppel (equitable estoppel, fraud on the court & Laches) barred Respondent's appeal Attorney agents performance before this court, traceable to their own significant individual purely private act, on its face and in fact, Res judicata; AND ALSO

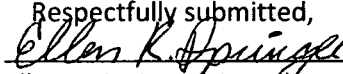
**WHEREFORE**, upon the documented evidence that the lower court judge failed to conform to the Major facts gathered at the Rule 60 (b) emergency show cause proceeding, and failed to follow the law and his orders were regarded as void, on their face and in fact, Res judicata; this court, on this point, being wholly without "In persona" and "Subject Matter" jurisdiction formerly asserted wherein the lower court was stripped of position formerly asserted traceable to Respondent's predecessor attorney agents own unclean hands and purely private individual act, as reflected by said documented evidence prevalent hereto; is hereby respectfully requested to enter Order that grant the instant Appeal in favor of Appellant against Respondent; and to notice the Respondent-CitiMortgage, Inc., their counsels, and their Actor Agents Predecessors, known and unknown, of the instant void judgment, Res judicata; and, thereafter, enter Order to declare void the deed to the property known as 18 Arlington Drive, Lugoff, S.C., conveyed to Respondent May 5<sup>th</sup>, 2012; and grant Motion in Lime for order to

“Reseeded” Title and Deed to said property back unto its rightful owner, your Appellant, **Pro se**, with clean hands that did absolutely no wrong, **Res judicata**, and, thereafter, enter sanction Order against Respondent, their attorney agent actors and their predecessors known and unknown, that all funds taken by the unclean hands of Respondent, herein, be forthwith returned along with imposition of sanctions (Rule 11) (41 USC 604), for out of pocket expenses, bank fees and attorney fees to be paid to Appellant, **Pro se**, without haste nor waste, for civil rights violations and violations of disciplinary rules of conduct, rules of procedure, violations of the Uniform Commercial Code and the Fair Debt Collections Practice Act and the United States and the South Carolina State Constitutional Protections; and for such other further equitable prudent relief controlled by the facts and the law, **Res judicata**, for “Good Cause Shown”, in the interest of Justice, and in the Best Served Interest of minority Public Consumers at large, found similarly situated and affect by the instant void orders that was in turn an “Act of nature”, on its face and in fact, and a procedural void nullity which must be eradicated where found, **Non Pro Tunc, Res judicata**.

**DECLARATION**

I, Ellen Springer, do, HEREBY, DÉCLARE, under penalties and pains of perjury known to the United States Constitution of America, and can testify that all of the aforementioned statements, prevalent to the instant emergency Motion, are true, partly from my own Personal knowledge, and belief thereof, that, thereby, gave vitality to the instant complaint of void judgment, **Res judicata**.

Dated: October 15th, 2013.

Respectfully submitted,  
  
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PROOF OF SERVICE

I, the undersigned Appellant, Pro se, do hereby certify that I have served all parties in interest to the outcome of the instant action with a true, exact, copy of the Pleading (s) herein below specified by mailing a copy of the same and supporting papers by United States Parcel Post Mail, postage prepaid, to the following address:

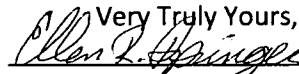
Pleadings:

Motion for Equitable Estoppel Relief: "the call to preclude" Respondent's initial brief and designation of matter from change of sides and use of the procedures of the court to dismiss the instant appeal: and also "the call" for the ancient common law statutory "sword and shield of justice" to protect the victim (Appellant, Pro se) with clean hands that did no wrong who relied on the position formerly asserted to win the case and was punished: and also "the call" "to Freeze inconsistent position of officers of the court" that pose on the integrity of the quest for the truth, derail the intended arrival at the truth, and render the results of the judicial process unreliable as a matter of due process of law: and for such other further relief controlled by the facts and application of S.C. Law of Void, Res judicata, that declare void the lower court orders appealed from, Respectfully;

Parties Served:

Alleged-attorney for Respondent  
Nelson, Riley, Mullen & Scarborough  
Columbia, S.C. 29201

Dated: October 16<sup>th</sup>, 2013  
Jamaica, New York

Very Truly Yours,  


Mrs. Ellen "Ruth" [Biblical] Springer, Pro se  
18 Arlington Drive, Lugoff, S.C.  
C/o 147-21 109<sup>th</sup> Avenue  
Jamaica, New York, 11435

Mrs. Ellen "RUTH" Springer, Appellant, Pro se  
18 Arlington Drive, Lugoff, S.C.  
C/o 147-21 109<sup>th</sup> Avenue  
Jamaica, New York 11435  
Fax # (803) 438-9600

70125

October 16<sup>th</sup>, 2013

Delivered by Certified Mail Overnight Service  
The Hon. Madam Claire Allen, Deputy Clerk  
S.C. Court of Appeals  
1015 Sumter Street  
Columbia, S.C. 29201  
Attn: MS. ELIZABETH

RECEIVED

OCT 18 2013

SC Court of Appeals

Re: CitiMortgage, Inc. v. Ellen R. Springer, Case No. 2011-CP-28-0981: Appellate Case No. 2012-212-971.

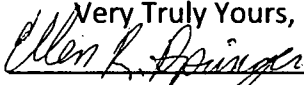
Greetings in the Name of the Most High

Dear Madam and Hon. Deputy Clerk:

Dear Ms. Elizabeth, clerk:

Enclosed herewith please find the one (1) Original and six (6) copies of Appellant's Pro se Motion for Equitable estoppel, inter alia, along with proof of service and the required sum of \$25.00's to satisfy filing fees.

Please file accordingly. Should you have any questions please contact me via phone: (716) 205-7867, accordingly.

Very Truly Yours,  
  
Appellant, Pro se.