

**FORM 1**  
**NOTICE OF JUDICIAL MISCONDUCT**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

**RECEIVED**

SEP 16 2025

SC Court of Appeals

FROM RICHLAND COUNTY  
Court of Appeals

Case No. 2025-001099

FREEDOM MORTGAGE  
CORPORATION.

Respondent,

v.

Sherman Smith

Appellant.

**NOTICE OF JUDICIAL MISCONDUCT**

I, Sherman Smith, the natural living being and **Noncitizen State National**, reserve my right not to be compelled to perform under contract or commercial agreement that I did not enter into **knowingly, willingly, voluntarily or intentionally**, and I, furthermore do not accept any liability of the compelled benefit of any unrevealed contract or commercial agreement. – UCC 1-207/UCC 1-308.

I am here on “**special appearance**” to defend **the inappropriately, erroneously, & fraudulently charged “Estate” referenced, under duress of unlawful seizure, extortion, defamation of character, discrimination, Fraud & unlawful void orders due to lack of jurisdiction.**

- I am **the executor and beneficiary** of the **estate** referred to as SHERMAN SMITH.
- I **do not consent to joinder** and I am here to settle and close the matter.
- I am not the corporate fiction. I am the **living sentient man**.

- I act as **executor over the estate and require jurisdiction to be placed on the record.**
  - **No injured party, no verified affidavit, no wet ink contract, therefore no standing, jurisdiction, and no cause of action.**
  - **I stand as executor of a private trust.**
  - I accept all charges for value and require this matter be discharged in equity under **Estoppel and Res Judicata.**
  - I decline to enter a plea.
  - **I am not the trustee or the surety.**
  - I require discharge of the matter in that the record reflect **private equity jurisdiction.**
  - **I conditionally accept upon proof of claim under full commercial liability, sworn affidavit, and penalty of perjury. Otherwise, discharge and settle in equity.**
1. Defendant Sherman Smith properly identified himself as a non-citizen state national on every file on the record, using his passport ID # as verification.

### **DEFINITION OF NON-CITIZEN STATE NATIONAL**

2. “As defined by the Immigration and Nationality Act (INA, all U.S. citizens are U.S. nationals but only a relatively small number of persons acquire U. S. without becoming U.S. citizens. **Section 101(a)(21) of the INA** defines the term “national” as a person owing permanent allegiance to a state.” **Section 101(a)(22) of the INA provides that the term “national of the United States” includes all U.S. citizens as well as persons who, though not citizens of the United States, owes permanent allegiance to the United States (non-citizen nationals).**
3. In addition to Section 308 of the INA, **Section 302 of Public Law 94 – 241** provides for certain inhabitants of the Commonwealth of the Northern Mariana Islands, who became United States citizens by virtue of Article III of the Covenant, to opt for non-citizen national status. (See requirements of Section 302).

4. Pursuant of **28 USC 3002 (15)** UNITED STATES means -- (A) a **FEDERAL CORPORATION**.
5. Pursuant of **8 USC § 1101(B)(21)** The term "National" means a person owing permanent allegiance to a state.
6. Pursuant of **8 USC § 1101(B)(22)(B)**, the term "National of the United States" mean a person who, though not a citizen of the UNITED STATES, owes permanent allegiance to the United States.
7. Pursuant of **8 USC § 1452(b)(1)**, a person who claims to be a national, but not a citizen, of the UNITED STATES may apply to the Secretary of State for a certificate of non-citizen national status. Upon proof to the satisfaction of the Secretary of State that the applicant is a national, but not a citizen, of the United States.
8. The Department of State occasionally receives requests for certificates of non-citizen national status pursuant to **Section 341(b) of the Immigration and Nationality Act (INA), 8 USC 1452(b)**. As the department has received few requests, there is no justification for the creation of a non-citizen national certificate. Designing a separate document that includes anti-fraud mechanisms was seen as an inefficient expenditure of resources. Therefore, the Department determined that those who would be eligible to apply for such a certificate may instead apply for a United States passport that would delineate and certify their status as a national but not a citizen of the United States.
9. If a person believes he or she is eligible under law as a non-citizen national of the United States and the person complies with the provisions of **Section 341(b) of the INA, 8 USC 1452(b)**, he/she may apply for a passport at any passport agency or acceptance facility in the United States. When applying, applicants must execute a form DS-11 and show documentary proof of their non-citizen national status as well as his or her identity.

## **JUDICIAL MISCONDUCT**

10. The record shows that despite the Court of Appeals tribunal being made fully aware of Defendant's status, they persist in using statutes and codes that do not apply to confirmed State National status to violate his 4<sup>th</sup>, 5<sup>th</sup>, and 10<sup>th</sup> Amendment, rights to due process

11. Pursuant of **Rule 221(b) -Rehearing and Remittitur**, *"The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal. If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court. Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur."* The record shows that as of August 29, 2025, no remittitur has been filed in the Court of Appeals, yet the Master in Equity Stephanie N. Lawrence unlawfully continues to process **Case #2023CP4003343**.

12. The record will show that the Master in Equity electronically signed a Writ of Assistance on August 8, 2025, ordering that the Defendant and his family be forcibly removed from their private property, which is held in an irrevocable, expressed, non-statutory, complex, discretionary trust. Lawrence based her decision on the grounds that Defendant did not appear in a hearing that should have never taken place (on August 1, 2025), as the matter of whether FREEDOM MORTGAGE CORPORATION ever had lawful standing (which they do NOT) or the rights to initiate a fraudulent foreclosure in

the first place is currently still being litigated in the Court of Appeals today, and no remittitur has been filed.

13. So, without jurisdiction, without a lawful binding contract, without a verified injury, without a verified claim sworn under penalty of perjury, without a proper Title, without a remittitur, without Defendant's consent, and with 13 un rebutted averments on record, newly appointed public servant Master in Equity Stephanie N. Lawrence knowingly and willingly issued a fraudulent Writ of Assistance. With this Writ of Assistance, Stephanie N. Lawrence is ordering to have private property that had no publicly reported liens on it and publicly shows that Defendant is the true party of interest and lawful owner thereof, (property is held in a lawfully binding irrevocable, expressed, non-statutory, complex, discretionary private family trust) erroneously and unlawfully seized, without probable cause, from a non-citizen state national. This is an incredibly malicious act of abuse of power.
14. The record shows that all of Defendant's presentments, evidence, and verified and validated facts of the matter have been completely ignored, while 3<sup>rd</sup> and 4<sup>th</sup> party alleged debt buyers have been allowed to use unverified and unvalidated hearsay as grounds to unlawfully seize Defendant's private property.

Let the record show that the Defendant has already filed a case against Greater Columbia Real Estate LLC for the unlawful seizure of the private property. Should the Writ of Assistance signed by Stephanie N. Lawrence be executed on September 1, 2025 or any day thereafter, this case and Lawrence's actions will be used as evidence in a claim against her performance bond, as she is a public servant, and all public servants have to have an oath of office on record, and a performance bond to hold that title.

When a public servant knowingly and willingly violates his or her oath of office, using statutes and codes in an administrative capacity to violate the 4<sup>th</sup> and 5<sup>th</sup> amended rights of one of the People protected by the Constitution, those are grounds for cause of action against performance bonds.

## **TO THE ATTORNEY GENERAL AND GOVERNOR:**

Let the record show that the offices of both **Attorney General Alan Wilson** and **Governor Henry McMaster** have been notified on the matters at hand.

“You are hereby notified that an administrative tribunal created by legislative enactment and lacking judicial power under the Constitution, is actively engaged in acts that violate the rights of one of the People, beneficiary of the public trust and the original Constitutional compact. Said acts include but are not limited to deprivation of rights, denial of access to a court of record, attempted enforcement of void orders, use of states machinery to dispossess and harm the People under the Color of Law.

This correspondence serves as lawful and public notice to the Governor and Attorney General of the state of South Carolina. As the highest officers of the Executive department and trustees of the public trust, you are now in receipt of knowledge that your agents, departments, and administrative constructs are acting in breach of their oath outside the bounds of delegated Constitutional authority. You are also hereby informed that failure to intervene or correct these actions may subject the state to further lawful action, including but not limited to original proceedings before the Supreme Court of the United States pursuant to Rule 17 should all other constitutional remedy be denied.

This notice is *NOT* a threat. It is a duty undertaken in good faith to preserve the peace and the constitutional order. Should you remain silent, this notice shall serve as evidence that you were informed and chose inaction. Silence in the face of constitutional injury is acquiescence. By this notice, you are granted the opportunity to course correct before irreparable harm is done to one of the People.

Let it be known: the People are not property of the state. The People are not subjects of administrative tribunals. The People are the source of authority and that authority is not delegated for abuse. You are urged to immediately intervene, correct the record, and ensure

that no further harm is inflicted on the undersigned, a living man on the land, entitled to full protection of law, due course of justice, and peaceful enjoyment of their rights and property.”

## **AUTHORITIES**

When a judge is operating as a clerk masquerading as a Judge, he cannot do anything judicial, it is a nullity — **“Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities.”** Burns v. Sup., Ct., SF, 140 Cal. 1

Once jurisdiction is challenged, it must be proven — **“Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris.”** Merritt v. Hunter, C.A. Kansas 170 F2d 739

**“Jurisdiction can be challenged at any time,” and “Jurisdiction, once challenged, cannot be assumed and must be decided.”** Basso v. Utah Power & Light Co. 395 F 2d 906, 910

**“Defense of lack of jurisdiction over the subject matter may be raised at any time, even on appeal.”** Hill Top Developers v. Holiday Pines Service Corp. 478 So. 2D, 368 Fla a DCA 1985)

**“Once challenged, jurisdiction cannot be assumed, it must be proved to exist.”** Stuck v. Medical Examiners 94 CA 2D 751. 211 P2d 289.

**“There is no discretion to ignore that lack of jurisdiction.”** Joyce v. US, 474 F2d 215

**“Where jurisdiction is contested, the burden of establishing it rests upon the plaintiff.”** Loos v. American Energy Savers, Inc., 168 Ill. App. 3d 558, 522 N.E. 2d 841(1988)

**“The burden of proving jurisdiction rests upon the party asserting it.”** Bindell v. City of Harvey, 212 Ill. App. 3d 1042, 571 N..2d 1017(1<sup>st</sup> Dist. 1991)

**“Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted.”** Lantana v. Hopper, 102 F. 2d 188; Chicago v. New York 37 F. Supp. 150

## **TO THE PUBLIC SERVANTS AND GOVERNING PARTIES**

These violations have currently taken place under the previously removed Joseph M. Strickland, but the moment Richland County Sheriff's Dept. attempts to execute this unlawful and fraudulent Writ of Assistance, the violations will become those of Stephanie N. Lawrence, the Richland County Sheriff's Department, Attorney General Alan Wilson, and Governor Henry McMaster. It would be a shame if all the aforementioned careers took a hit based on the actions of someone whose own colleagues did not approve of.

## **REMEDIES BEING SOUGHT**

The Defendant is seeking the following as remedy:

1. That the Writ of Assistance be publicly cancelled immediately.
2. The reinstatement of Appellate Case #2025-001099.
3. Overturning of the decision for Case #2023CP4003343 and the immediate dismissal with prejudice on the grounds of lack of subject matter jurisdiction, no verified injury, no verified claim, no lawful standing, and, therefore, no case to be had.
4. The disclosure of bond information related to this Appeals case and any cases related to it.

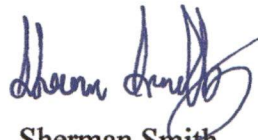
I, Sherman Smith, the natural living being have provided statements that are sworn under penalty of perjury and notarized and documented for the record, as well as documented evidence proving every statement to be true.

**CC:**

Governor Henry McMaster

Attorney General Alan Wilson

September 16, 2025

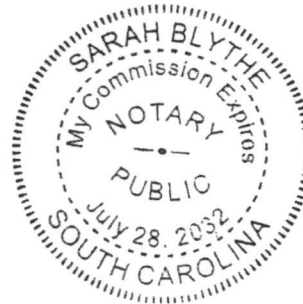


Sherman Smith  
Sherman Smith  
P.O. Box 290234  
Columbia, South Carolina 29229  
(803) 727-4337  
Defendant

Other Counsel of Record:

J. Martin Page  
BELL, CARRINGTON, PRICE & GREGG LLC  
339 Heyward Street, 2<sup>nd</sup> Floor  
Columbia, South Carolina 29201  
Attorney for Plaintiff  
(803) 509-5078

sworn and subscribed by:  
Sarah Blythe 09/16/2025



**FORM 7  
PROOF OF SERVICE OF NOTICE OF  
JUDICIAL MISCONDUCT**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals  
[In The Supreme Court]

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RICHLAND COUNTY  
Court of Appeals

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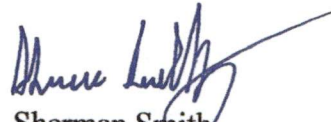
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**PROOF OF SERVICE**

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I certify that I have served a **NOTICE OF JUDICIAL MISCONDUCT** on Attorney General Alan Wilson by depositing a copy of it in the United States Mail, postage prepaid, on September 16, 2025, addressed to his mailing address at P.O. Box 11549, Columbia, South Carolina 29211.

September 16, 2025

  
Sherman Smith  
P.O. Box 290234  
Columbia, South Carolina 29229  
803-727-4337  
Appellant

Sworn and subscribed by:

*Sarah Blythe*

09/16/2025



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Appellant.

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I certify that I have served a **NOTICE OF JUDICIAL MISCONDUCT** on Governor Henry McMaster by depositing a copy of it in the United States Mail, postage prepaid, on September 16, 2025, addressed to his office at 1100 Gervais Street, Columbia, South Carolina 29201.

September 16, 2025

Sherman Smith   
P.O. Box 290234  
Columbia, South Carolina 29229  
803-727-4337  
Appellant

sworn and subscribed by:

*Sarah Blythe*  
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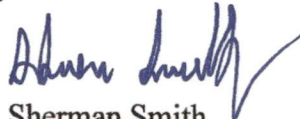
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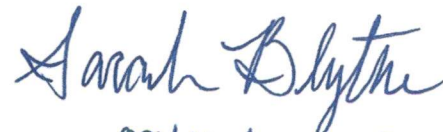
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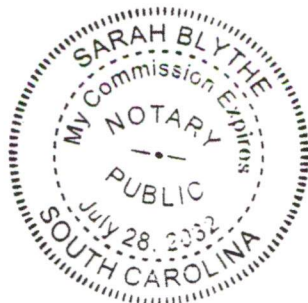
I certify that I have served a **NOTICE OF JUDICIAL MISCONDUCT** on the Master in Equity by delivering a copy of it, on September 16, 2025, to the Richland County Clerk of Court, at 1701 Main St, #205, Columbia, SC 29201.

September 16, 2025

  
Sherman Smith  
P.O. Box 290234  
Columbia, South Carolina 29229  
803-727-4337  
Appellant

sworn and subscribed by:

  
09/16/2025



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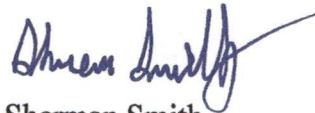
Sherman Smith

Appellant.

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September 16, 2025



Sherman Smith  
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