

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

November 3rd, 2013

To The Hon. Claire Allen, Deputy Clerk
1015 Sumter Street
Columbia, S.C. 29201
Attn: Elizabeth

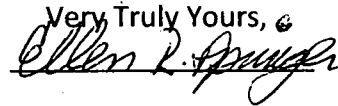
Re: CitiMortgage, Inc., v. Ellen R. Springer, Appellate Case No. 2012-212971

Greetings In The Name of the Most High.

Dear Madam Clerk of the Court:

Enclosed herewith please find (1) original and six (6) copies of Appellant's Notice of Rejection of Alleged-Respondent's initial Brief and designation of matter along with the requisite "Proof of Service" had upon Respondent's Attorney.

Please file accordingly.

Very Truly Yours, ^e


CC: Attorney for Respondent-Alleged
Nelson, Mullen, Riley & Scarborough, LLC
A.k.a. TRESPASSER
1320 Main Street-17th Floor
Columbia, S.C. 29201

RECEIVED

NOV 05 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEL 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.**

E.R.S. NOTICE OF REJECTION OF RESPONDENT'S INITIAL
BRIEF AND DESIGNATION OF MATTER, **PRO SE.**

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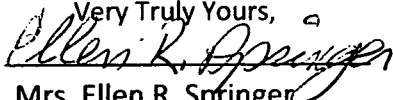
E.R.S. PROOF OF SERVICE, PRO SE

I, the undersigned do, hereby, affirm, under the penalties of perjury, known to the S.C. Constitution and also known to the United States Constitution of America, that I have served all former parties in interest to the outcome of the above captioned action matter with a true and exact copy of the following pleadings and copy of supporting memorandum of law, by placing the same into a U.S. Postage Paid, envelope, and by mailing the same by United States Mail, to the following addresses:

Pleadings: Notice of Return of Rejection of Alleged-Respondent-CitiMortgage, Inc.'s Initial Brief and Designation of matter, and for such other further relief:

Parties: Alleged-Appellate-Attorney for Respondent-alleged, a.k.a. TRESPASSER in law, Res judicata, Nelson, Mullen, Riley and Scarborough, LLC, a.k.a. TRESPASSER in law, Res judicata
1320 Main Street-17th Floor
Columbia, S.C. 29201

Dated: November 3rd, 2013
Jamaica, New York

Very Truly Yours,

Mrs. Ellen R. Springer
18 Arlington Drive, Lugoff, S.C.
C/O 147-21 109th Avenue
Jamaica, New York, 11435
Fax: (803) 438-9600

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.

E.R.S. NOTICE OF REJECTION OF RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER, PRO SE.

Pursuant to, the S.C. Law of Void, the S.C. Constitution, the uncontroverted documented evidence prevalent herein, and the SCACR Rule 240, your Appellant-Ellen R. (RUTH) Springer, **Pro se**, hereby, serve **Notice of Rejection** of Respondent's initial brief and designation of matter, upon the clerk of this Hon. S.C. Court of Appeals, and for such other further relief, based upon the following ground: (1) Alleged-Respondent's initial brief and designation of matter lacked position formerly asserted, lacked legally sufficient evidence, lacked legally admissible form, and lacked due process of law, constituted newly discovered evidence of fraud on the court commissioned by an officer of the court and, therefore, was regarded as a sham legal process that was regarded as a void act, on its face and **in fact, Res judicata**, that never happened in the first instance, **Res judicata**; (2) pursuant to the doctrine of Laches and also the doctrine of fraud on the court, respondent was collaterally estopped from change of side and use of the court procedures to win the case traceable to inability to uphold the position formerly asserted, Res judicata and, therefore, on October 14th, 2013, The Law office of Nelson, Mullen, Riley and Scarborough, LLC, demonstrated **unclean hands** and a **purely private act** of fraud on the court by an officer of the court and **their act was regarded as a void act and**, on this point, **The Law office of Nelson, Mullen, Riley and Scarborough, LLC was regarded as a TRESPASSER in law, Res judicata**; (3) Accordingly, Respondent's complaint was found upon a void act and "In persona" and "Subject matter" jurisdiction to the review was in and of itself

regarded as a void act, **Ab initio**, on its face and **in fact, Res judicata**; (4) Therefore, the above caption wanted a Respondent recognized under color of law, and, on this point, the Fictitious-Respondent-CitiMortgage, Inc., must be removed from the caption, **Res judicata**; (5) The Law office of Nelson, Mullen, Riley and Scarborough, LLC's proffered formal pleadings and allegations upon the clerk of this court that were construed to do substantial injustice and, therefore, was in contempt of court order for failure to file an October 14th, 2013, initial brief recognized under color of law and, thereby, made a Mockery out of the "good will intent" of the S.C. Court of Appeals Administrative Justice of this court, **Res judicata**, and the ill will represented herein by Alleged-Respondent-CitiMortgage, Inc., The Law Office of Nelson, Mullen, Riley and Scarborough, LLC (Appellate-Attorney for alleged Respondent, herein), the Law Office of Rogers, Townsend and Thomas, LLC (Foreclosure-Attorney as and for alleged-Respondent, herein), alleged-Respondent's loan service Actor Agent predecessor, their predecessor in success of rights, known and unknown and, also, the Hon. Tzerman, J., must not be condoned and, on the other hand, must be rejected, **Res judicata**; (5) the proceedings held herein to date were arbitrary and caprice in nature and a miscarriage and mockery of justice that was an abuse of the judicial process, on its face and in fact, **Res judicata**, and, therefore, the lower court orders appealed from constituted newly discovered evidence proof positive that, the S.C. Constitutional Kershaw County Court of Common Plea Jurisdiction Review changed sides, herein, and became an actor agent for CitiMortgage, Inc., and, therefrom,, committed an act of civil aggression against the Public-Appellant-Defendant-Ellen R. Springer, **Pro se**, which, in turn, was a "Predatory" (unfair) "Attack" and a civil infraction, in nature, that discriminated against and, thereby, struck down the **Pro se** litigant with deprivation of equal protection of law, in a "Lawyer-dominated" hearing court, **Res judicata**; (6) the superior authority of the "Inanimate" S.C. Constitution lacked jurisdiction power and did not want to punish Appellant-Defendant, **Pro se**, for a civil infraction that never occurred, **Res judicata**; (7) the superior authority of the "Inanimate" S.C. Constitution possessed jurisdiction power to punish CitiMortgage, Inc., inter alia, for committing a civil infraction against Appellant, **Pro se**, **Res judicata**; (8) Appellant, **Pro se**, was the only party to the action with clean hands that could hold with them the pristine remedy at law, **Res judicata**, and, therefore, relief on appeal must

be granted to Appellant, Pro se, against the Fictitious Respondent that never appeared; (9) Fictitious respondent demonstrated unclean hands and a purely private individual act, not found under color or law, that was considered a civil infraction in law that did all wrong, Ab initio, and, therefore, Fictitious Respondent “failed to satisfy their burden of proof and the documented evidence wanted legally sufficient proof of claim, validation of debt, and validation of a lawful claim, wanted the real Holder in due course and wanted the real owner to the contract-mortgage-note”, Res judicata, and, notwithstanding, committed Rico Thievery that foreclosed upon an unsubstantiated claim of injury and that, thereafter, collected upon an “FHA Insured claim of loan default that never happened”, Ab initio, Res judicata, and, clearly, was a TRESPASSER in law, Res judicata, not entitled to relief, found under color of law, Res judicata, and, on this point, would be would be unjustly enriched, rewarded, and allowed to go free, without being brought to justice to face prosecution for their culpability for injuries sustained in the instant proceeding by the clean handed victim-Appellant-Defendant-Ellen R. Springer, Pro se, who uncontrovertibly did absolutely no wrong, Ab initio; (10) Appellant, Pro se, brought a justifiable claim for estoppel relief upon sufficient showing of change in material fact of injury asserted and relied on to a contrary position later asserted to win the case: reliance on the position formerly asserted to win the case: injuries sustained in the proceedings by the party bringing claim for estoppel relief by virtue of change of sides traceable to acts of the accused adversary party to the motion, Res judicata; (11) pursuant to the equal protection clause to the Fourteenth Amendment to the United States Constitution, this S.C. Court of Appeals, within its jurisdiction, shall not deny Appellant, Pro se, equal protection of law, Res judicata, known under the S.C. Law of void, S.C. Rule 60 (b), SCACR, Strickland v. Washington, 442 U.S. 662 (1984), and, inter alia, S.C. Constitutional Law, Res judicata, The doctrine of Clean hands, The doctrine of Estoppel (e.g. Equitable estoppel, Fraud on the court and Laches), Res judicata; and, in conclusion, (12) pursuant to S.C. Law of void, **the civil foreclosure complaint instrument that commenced the instant action was founded on a purely private void act of misrepresentation fraud perpetrated on the S.C. Constitutional Court by “Imaginary” Respondent’s actor agents and, therefore, jurisdiction invoked over “In persona” and “Subject matter” to the review and also all that followed thereafter, was in and of itself**

regarded as a void act, on its face and in fact, without effect, enforcement, efficacy and or respect, in any court, under color of law, that formed no justification and no time bar to recovery of the property even prior to adjudication of the void act before a court of law and, more importantly, anyone concerned with executing the instant void acts, Judgments and orders, were considered in law as a TRESPASSER, Res judicata. The grounds for the relief sought were interposed as follows:

NOTICE OF REJECTION

STANDARD OF REVIEW

Pursuant to the S.C. Law of Void, superior power and authority of the S.C. Constitution lacked jurisdiction to punish anyone for a civil infraction that never occurred, Ab initio, and, in concurrence, any void act found upon a void act, thereby, wanted due process of law, Res judicata, and was regarded as void, on its face and in fact, without effect, enforcement, efficacy and or respect in any court of law, which formed no justification and no time bar to recovery of the property even prior to adjudication of the void act in a court under color of law and, more importantly, anyone concerned with executing the instant void acts were considered TRESPASSERS in law; subject to penalties of stiff fine in proportion to the offense, imprisonment, and or both, Res judicata (S.C. Law of Void).

MAJOR MATERIAL FACTS

1. On September 13th, 2013, this court order Respondent's Appeal attorney to file their client's initial brief and designation of matter by October 14th, 2013.
2. On October 14th, 2013, The Law office of Nelson, Mullen, Riley and Scarborough, LLC, allegedly filed their "alleged-Client's" "alleged-Initial brief" and "alleged-designation of matter" upon the clerk of this S.C. Court of Appeals and misrepresented full satisfaction of this Court's September 13th, order.

3. The proffered October 14th, 2013, alleged-initial brief “lacked position formerly asserted” and, therefore, denied this court Subject matter jurisdiction vital to the power and authority of this court to review, Res judicata.
4. The subject matter nexus to the proffered October 14th, 2013, initial brief wanted evidentiary value, Res judicata, and lacked legally admissible form, Res judicata, and wanted due process of law, Res judicata, and, therefore, was regarded as a “Sham Legal Process” that never happened, Ab initio, Res judicata.
5. Pursuant to the S.C. Law of void, on October 14th, 2013, CitiMortgage, Inc. was considered a TRESPASSER in law, and, on this point, The Law office of Nelson, Mullen, Riley and Scarborough, LLC, misrepresented attorney-client agreement entered into between their firm and the “Inanimate” CitiMortgage, Inc., and, on this point, entered into attorney-client agreement with CitiMortgage, Inc.’s actor agent predecessors, with modus operandi (a) to seek injustice to injure Appellant, Pro se, (b) to win the case, (c) to dismiss the instant appeal, and (d) to leave an infirm order and judgment undisturbed, in order (e) to allow the wrongdoers, with unclean hands that did all wrong, to go free and unjustly enriched, without being brought to justice to face prosecution for injuries sustained by the victim (Appellant, Pro se) traceable to their own acts that committed a civil infraction against Appellant, Pro se, Ab initio, Res judicata.
6. No matter the rubric, on October 14th, 2013, the purely private individual “The Law office of Nelson, Mullen, Riley and Scarborough, LLC” proffered formal pleadings and allegations upon the clerk of this court that were construed to do substantial injustice.
7. From on or about November 26th, 2012, thru October 14th, 2013, “**The Law office of Nelson, Mullen, Riley and Scarborough, LLC**” was considered a TRESPASSER in law, Res judicata.
8. The “TRESPASSER-Law office of Nelson, Mullen, Riley and Scarborough, LLC” committed misrepresentation fraud on this court, herein, Non Pro Tunc, like their predecessor attorney agent, Res judicata, and, thereby, impinged upon the essential fundamental right to a fair,

impartial and unbiased appeal review of the issues brought upon on the instant appeal review, and made the proceedings held herein to date arbitrary and caprice in nature, and an abuse of the judicial process, *Ab initio*, that wanted due process of law and, on this point, was regarded as a void act that made a mockery out of the Administrative Justice of this S.C. Court of Appeals, **Non Pro Tunc**.

9. Accordingly, upon the entire aforementioned, upon all the proceedings had herein to date, upon the uncontroverted documented evidence, and upon the annexed memorandum of law, Appellant, **Pro se**, hereby, respectfully argue that this court must enter order that strike down the appearance of The Law office of Nelson, Mullen, Riley and Scarborough, LLC", **Ab initio, Res judicata**.
10. On this point, Appellant, **Pro se**, hereby, adopts all former positions and arguments represented on former emergency motions proffered upon the clerk of this court that sought equitable **Pro se**, relief herein, from September 25th, 2012, thru October, 2013, and hereby, sufficiently reject said alleged-initial brief, without more, **Res judicata**.

PRO SE PLEADINGS

11. 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**.
12. "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."
13. Accordingly, pursuant to Rules 8 (f) **FCPR** 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.

14. Pursuant to FCPR 8, and S.C. Law of Void, inter alia, Appellant, Pro se, had ground to believe that, 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.
15. 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).

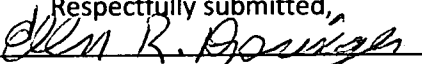
WHEREFORE, upon the entire aforementioned, upon the uncontroverted documented, upon all the proceedings had herein to date that was regarded as void, on its face and in fact, Res judicata, and the controlling S.C. Law of Void that warrant relief to Appellant-Ellen R. (RUTH) Springer, Pro se, HENCEFORTH, this court being wholly without "In persona" and "Subject Matter" jurisdiction formerly asserted and relied on to lure Appellant, Pro se, into the lower court's jurisdiction, Ab initio, Res judicata, as reflected by said documented evidence prevalent hereto is, HEREBY, respectfully requested to enter a clean judgment and 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 5th, 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 Respondent's unclean hands, 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, as a matter of due process of law, for "Good Cause Shown", in the best served interest of S.C. Constitutional Public Justice, and in the Best Served Interest of minority Public Consumers at large deserving of this win, found similarly situated and affect by the instant void orders that was an "ACT OF NATURE" which must be eradicated where found, Non Pro Tunc, Res judicata.

DECLARATION

I, Ellen Springer, do, HEREBY, DECLARE, 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 28th, 2013.
Jamaica, New York.

Respectfully submitted,

Ellen R. Springer, Appellant, **Pro se**
18 Arlington Drive, Lugoff, S.C.
C/o 147-21 109th Avenue, Jamaica, N.Y. 11435
Contact: (716) 205-7867

MEMORANDUM OF LAW

PRESENT STATE OF LAW

- Pursuant to fed. Civ. P. Rule 1.150, which is applicable to all state and local Constitutional laws: it is well established that a court “must” “immediately” “strike” a “Civil Foreclosure action complaint” with prejudice and without recourse, upon sufficient showing of “Sham pleadings” perpetuated upon the court, traceable to action of a party to the action, Res judicata.
- It is well established that, this Hon. Court can only tread the path which is marked out by duty (see Craig v. Mo., 4 Peters Report, at Pg. 912), Res judicata.
- Pursuant to the New York State Law of Void Judgment it is stated, in part, (1) that “Any judgment rendered in excess of jurisdiction of the Court in review is a Void judgment that is a “Procedural Nullity” that “appears on the face of the record” that is a procedural nullity on its face and in fact that is void, nullity, without effect, enforcement, efficacy and or respect in any court under law; and (2) that no judgment rendered upon affirmation of attorney for the client is ever final: IT IS SIMPLY VOID !!!, Res judicata (N.Y. State Law of Void Judgment).
- Pursuant to the provision of Amer. Jurist Prud. 2d., section 50, 51 and 51, “the Law leaves wrongdoers where it finds them, Res judicata.
- Pursuant to 41 USC 604 [fraudulent claim] the claimant must reimburse the Government Agency in review for all costs incurred in connection with review of any and all parts of a representation of material fact of injury to the complaint found to be a “miss-representation” of material facts of injury traceable to the acts of the claimant, Res judicata.