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IN THE COURT OF
COMMON PLEAS
TENTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2025 CP-3701075

PLAINTIFF

DEFENDANT

JUDICIAL NOTICE

Jul 02 2026

SC Court of Appeals

JUDICIAL NOTICE

1) I, Julie Dalen, am a living breathing human being; I am not a legal fiction. I have rights, not privileges, which include due process under the Common Law. I do not consent to proceedings in Chancery Court. Furthermore, any Statutes which would deprive a citizen of the rights of person or property according to the course and usage of Common Law would not be the law of the land.

2) Defendant accepts the oaths to uphold and support the Constitution of the United States of America, and bonds of “all” the officers of this Court -- including magistrate, attorneys, and bailiff -- are directed to take Judicial Notice of the following:

a) **Supremacy Clause:** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

b) **Marbury v. Madison 5 U.S. 137 (1803)** which concluded “... *Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument.*” After more than 200 years this decision still stands.

c) **Hoke v. Henderson 15 N.C. 1 (N.C. 1833)** “... that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land.”

d) **Miranda v. Arizona 384 U.S. 436, 491** “Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.”

e) **AM Jurisprudence Vol. 16, Constitutional Law, Section 97** “The Constitution shall receive a liberal interpretation in favor of the citizen as is especially true in respect to those provisions that were designed to safeguard the citizen in both person and property.”

f) **Article IV, Section 4 of the United States Constitution** The un-codified common law is the superior law of the people and the codified civil law is the special or inferior law of the government and its agency. Because the United States Constitution guarantees to each state a republican form of government (not a democracy), the law of the people outranks the law of the government. Access to the common law is guaranteed by the U.S. Constitution.

g) **Right to Practice Law** The American Bar Association (ABA) founded August 21, 1878, is a voluntary association of lawyers, and was incorporated in 1909 in the state of Illinois. The state does not accredit the law schools or hold examinations and has no control or jurisdiction over the ABA or its members. The ABA accredits all the law schools, holds their private examinations, selects the students they will accept in their organization, and issues them so-called license for a fee; but does not issue state licenses to lawyers.

The Bar is the only authority that can punish or disbar a lawyer, not the state. The ABA also selects the lawyers that they consider qualified for judgeships and various other offices in the state. Under fiction of law only the bar association or their designated committees can remove any of these lawyers from public office.

The United States Constitution does not give anyone the right to a lawyer or the right to council, or the right to any other “heresay substitute”. The Sixth Amendment is very specific, that the accused only has the right to the “assistance of council” and this assistance of counsel can be anyone the accused chooses without limitations.

h) **Butchers’ Union Co. v. Crescent City Co., 111 U.S. 746 (1884)** (Copy attached) “The term [liberty]...denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of his

own conscience.... *The established doctrine is that this liberty may not be interfered with, under the guise of protecting public interest, by legislative action.*” “*The practice of law cannot be licensed by any state.*” “*... a state cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the due process clause.*” “*The practice of law is an occupation of common right.*” Therefore, “*... there can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights.*”

i) **Sims v. Aherns, 271 S.W. 720 (1925)** “*The practice of law is an occupation of common right.*” A bar card is not a license, it’s a dues card and/or membership card. A bar association is that what it is, a club. An association is not a license; it has a certificate through the state, the two are not the same.

j) **U.S. v. Seeger, 380 U.S. 163, (1965)** “*There is a higher loyalty than loyalty to this country, loyalty to God.*” In other words, it is okay to practice God’s law without a license (Luke 11:52).

3) **Equity** Under Article III, Section 2 of the United States Constitution, We the People decreed that “*the judicial power shall extend to all cases, in law and in equity, [chancery being contrdictive was not included] arising under this Constitution, the laws of the United States, and treatates made, or which shall be made, under their authority.*”

Equity courts administer justice according to the system of equity, and according to a peculiar course of procedure or practice. This procedure or practice could be under the rules of chancery or the rules of common law, the latter was Decreed by the People and articulated under Article VI titled Law of the Land. The former was deliberately excluded by the People (chancery) it being repugnant to common law.

a) Husband’s standing to defend his wife in a court of equity

At common law, the doctrine of Coverture merged the legal identity of a wife into her husband upon marriage.

b) Unity of interest (JUS MARITI)

Under classical equity doctrine, a husband and wife are treated as having a unified legal and equitable interest in matters affecting the marital estate. Where a judgment against a wife would:

- Diminish marital property
- Affect the husband’s equitable rights in jointly held assets

- Expose community property or tenancy by the entirety property to liability... equity recognized that the husband possessed, cognizable interest sufficient to confer standing to defend. The reasoning: you cannot harm one half of a unified interest without harming the whole. Equity looks to substance over form.

c) Fiduciary duty to the marital unit

Equity courts historically treated the husband as a quasi-trustee of the marital estate. A trustee has not merely the right but the duty to defend trust assets from adverse claims. The equity reasoning flows as follows:

- The husband holds certain property interests in trust for the benefit of the marital unit
- A suit against the wife that threatens those assets triggers the trustee's defensive obligation
- Equity will not permit a fiduciary to stand idle while the res of the trust is attacked
- Therefore, the husband's standing to defend is not merely permissive but obligatory in equity

d) Prevention of multiplicity of suits

One of equity's most foundational maxims is that it will act to prevent unnecessary multiplicity of litigation. The reasoning:

- If a judgment is entered against the wife affecting marital property, the husband must then bring a separation action to vindicate his interest. Equity prevents circuitry by allowing the husband to intervene and defend in the original proceeding.
- The result is one complete adjudication rather than two fragmented proceedings.
- This serves judicial economy, which equity has always valued as a matter of conscience.

e) Equity acts in personam: the conscience of the court

Courts of equity historically exercise jurisdiction over the conscience of parties where:

- A party (the wife) is unable, practically or legally, to mount an adequate defense.
- The husband suffer direct equitable harm from a default or inadequate defense.
- No adequate remedy at law exists to compensate the husband post judgment.

Equity intervenes to prevent unconscionable outcomes. The husband's defense of his wife is not an intrusion but a fulfillment of equity's core mission.

f) Necessary party doctrine

In equity pleading, all persons whose interests would be directly affected by a decree must be made parties. The reasoning:

- Where marital property is at stake, the husband is a necessary party whose interest cannot be adjudicated in his absence.
- If the wife's defense is inadequate or she is unrepresented, the husband's presence as a defending party ensures the court can render a complete decree.
- Equity will not proceed to a final determination that binds a necessary party who has not been heard.
- Therefore, the husband's right to defend flows from his status as a necessary party in interest.

g) The maxim: Equity will not suffer a wrong without a remedy

If a husband is barred from defending his wife:

- A fraudulent or collusive judgment could be entered against her
- His marital property rights would be extinguished without hearing
- He would have no adequate legal remedy to undue the damage
- Equity steps in precisely where the law leaves a gap that produces injustice

h) The doctrine of equitable subrogation

Where the husband has:

- Contributed to the marital estate
- Paid debts or obligations of the wife
- Guaranteed or co-signed obligations
- Provided consideration that forms the basis of the disputed claim

Equity recognizes him as subrogated to her defenses. He stands in her shoes to the extent of his contribution, and equity will not allow the adversary to strip away those defenses simply because the nominal defendant is the wife alone.

i) Protection against collusion and fraud on the court

Equity has always maintained jurisdiction to prevent fraud upon its own proceedings. If:

- The wife is coerced, manipulated, or lacks capacity to mount a genuine defense
- A collusive arrangement exists between the plaintiff and the wife's nominal counsel
- The wife has been induced to consent to a judgment that harms the marital estate

The husband's intervention as a defendant party is not merely permitted but required by equity's duty to protect the integrity of its own proceedings.

j) Protective jurisdiction

Where the wife is:

- A minor
- Under disability
- Subject to undue influence
- Lacking legal capacity to fully participate

Equity's protective jurisdiction recognized the husband as the appropriate natural guardian to defend her interests. The court of equity would not permit a judgment to be entered against a person under disability without an adequate defender.

k) The clean hands doctrine

The clean hands maxim cuts both ways. A plaintiff seeking equitable relief against the wife who has an available defense cannot claim equitable standing if:

- The plaintiff deliberately excluded the husband from proceedings to prevent a full defense
- The plaintiff seeks to exploit the wife's procedural disadvantage
- The plaintiff's hands are unclean in the very matter at issue

Equity would recognize the husband's right to defend as a corrective to the plaintiff's inequitable conduct in structuring the litigation to suppress defenses.

l) Modern Constitutional overlay

In the modern American context, these equity principles intersect with Constitutional protections:

- Due process / Fourteenth Amendment
- A person with a direct property interest cannot be deprived of that interest without notice and opportunity to be heard.
- Where marital property is at stake, the husband's due process right to be heard supports his standing to defend.

- Equal protection
Courts must apply standing rules equally regardless of gender.
- If a wife could defend her husband's interest in equity, the same reasoning applies in reverse.
- Post-married women's property acts: the equity arguments apply symmetrically to either spouse; married women's property acts have been enacted in all 50 states
- These statutes abolished most common law disabilities of married women
- However, they did not eliminate the equitable interests of spouses in marital property.
- The husband's equitable standing to defend survives because it is grounded in property interest, not in the wife's legal disability

Summary of equity maxims supporting the husband's standing

Equity looks to substance over form. Marital unity creates real interest regardless of whose name is on the pleading. Equity acts in personam. A husband's conscience and duty are directly engaged. Equity abhors multiplicity of suits. One proceeding should resolve all interests. Equity will not suffer a wrong without a remedy. A husband must have a vehicle to protect his interest. Equity follows the law. Where law recognizes marital property rights, equity enforces them. He who seeks equity must do equity. Plaintiff cannot invoke equity while denying the husband standing. Equity aids the vigilant. And a husband who promptly asserts his right to defend should be heard.

4) **Fair Debt Collection Practices Act** Plaintiff has filed documents proving that they have failed to validate the alleged debt. Thus, barring their claim. The Fair Debt Collection Practices Act gives debt collectors thirty days (30 days) to validate a debt that is disputed. The documents filed by the Plaintiff include account statements that are the only "proof" Plaintiff has provided me in response to my request for validation of the disputed debt. These are not sufficient to validate debt under the FDCPA.

FDCPA violations under 15 U.S.C. Section 1692 et seq.:

- If the debt buyer filed suit without being able to produce a signed contract or proper chain of title documentation, this may constitute an attempt to collect a debt through false or

misleading representations – specifically, representing to the court that a valid, enforceable debt exists when the documentary foundation for that claim does not exist.

South Carolina Unfair Trade Practices Act S.C. Code Ann. Section 39–5–10 et seq.:
The South Carolina Unfair Trade Practices Act provides additional state-level protection:

- Unfair or deceptive acts in trade or commerce are unlawful
- Filing a debt collection lawsuit without proper documentation may constitute an unfair trade practice
- The absence of a signed contract as a foundational requirement for debt collection lawsuits is increasingly recognized by South Carolina courts as a critical evidentiary gap that plaintiffs must fill
- Billing statements alone do not establish a contract
- No signed agreement has been produced
- The account stated doctrine requires proof of an agreed balance, which cannot be established without evidence of the underlying agreement

Plaintiff is an assignee who has failed to produce chain of title documentation. Without proof of valid assignment, plaintiff lacks standing. Lack of standing is a jurisdictional defect requiring dismissal. Plaintiff has failed to produce a signed contract establishing the existence of an enforceable obligation.

5) **Jurisdiction** Please see the attached case: **Uzzell v. Velocity Investments LLC (2025)**, District Court of Appeal of Florida, Second District.

This is a debt collection case where Mr. Uzzell maintained that the plaintiff did not establish the existence of a valid legal contract or present anything with a signature, verbal agreement or digital acknowledgement. *“No person or entity is bound by a contract absent the essential elements of offer and acceptance.”* **Cf. Nowlin v. Nationstar Mortg., LLC** 193 So. 3d 1043, 1045 (Fla. 2d DCA 2016)

A judge who acts in the absence of subject matter jurisdiction may be held liable for his judicial acts. **Stump v. Sparkman**, 435 U.S. 349, 98 S. Ct. 1099, (1978); **Bradley v. Fisher**, 80 U.S. 335 (1872)

If a court lacks jurisdiction over a party, then it lacks “all jurisdiction” to adjudicate that party’s rights, whether or not the subject matter is properly before it. **Kulko v. Superior Court**, 436 U.S. 84, 98 S. Ct. 1690 (1978)

Ex parte proceeding would be a flagrant violation of due process, rendering any order null and void. **In re: Wellman**, 3 Kan. App. 100, 45 P. 726 (1896)

When want of jurisdiction is known to the judge, no excuse is permissible. **Turner v. Raynes**, 611 F. 2d 92 (5th Cir. 1980)

FOC Lawshe Ltd. P’ship v. Int’l Paper Co. 352 S.C. 408, 412, 574 S.E. 2d 228, 230 (Ct. App. 2002). Quoting Rule 12(b)(6), SCRPC: *The trial court must dispose of a motion for failure to state a cause of action based solely upon the allegations set forth on the face of the complaint.*”

Melo v. United States 505 F. 2d 1026, 1030 (8th Cir. 1974) “*When it clearly appears that the court lacks jurisdiction, the court has no authority to reach the merits. In such a situation the action should be dismissed for want of jurisdiction.*”

Basso v. Utah Power and Light Co., 495 F. 2d 906, 909 (10th Cir. 1974) Citing **Bradbury v. Dennis**, 310 F. 2d 73 (10th Cir. 1962): “*A court lacking jurisdiction cannot render judgment but must dismiss the case at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking.*”

6) **Court Rules, Rule 4 Process**

Rule 4 (c) By Whom Served

Service of summons may be made by the sheriff, his deputy, or by any other person not less than eighteen (18) years of age, not an attorney in or a party to the action. Service of all other process shall be made by the sheriff or his deputy or any other duly constituted law enforcement officer or by any person designated by the court who is not less than eighteen (18) years of age and not an attorney in or a party to the action, except that a subpoena may be served as provided in Rule 45.

By: _____

Julie Dalen
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(864) 647 – 4705

DATED this ____ day of _____ 2026

To:

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