

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEALS FROM DORCHESTER COUNTY

James E. Chellis, Master-In-Equity

Case No.: 2013-CP-18-00519

Appellant Case No. 2016-000-704

RECEIVED

JUL 25 2016

SC Court of Appeals

WELLS FARGO BANK, N.A., Respondent,

vs.

LATISA L. CUNNINGHAM, et al., Defendants,

Of Whom Latisa L. Cunningham is the Appellant.

AMENDED INITIAL BRIEF

J. Martin Page
BROCK & SCOTT, PLLC
3800 Fernandina Road Suite 110
Columbia, SC 29210
Attorney for Respondent

Cunningham, Latisa L.
1227 Wild Goose Trl
Summerville, SC 29483

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- Non Rebutted Affidavits are "Prima Facie Evidence in the Case," United States vs. Kis, 658 F.2d, 526, 536-337 (7th Cir. 1981);.....3
- "Based on that uncontested affidavit, the court found that Col. Hardesty had personally and properly appointed Lt. Col. Harmon to Pvt. Wright's court-martial. " Wright v. Commandant, USDB, No. 03-3214 (10th Cir. 04/09/2004).....3

STATEMENT OF ISSUES ON APPEAL

1. On January 27, 2016, I gave a judicial notice to the court concerning my status stating that I was an American and not a U.S. Citizen, also indicating that the court lack jurisdiction, because the court only has jurisdiction over U.S. Citizens. The court did not take judicial notice of this claim.
2. In the judicial notice of January 27, 2016, I also indicated that I had appointed someone to be Power of Attorney of my estate and that this is the only person I had authorize to administer any affairs of LATISA LENETTE CUNNINGHAM which is property and franchise of the Federal Government in which I am the Authorized Representative of.
3. On January 27, 2016, I filed a Notice of Citizenship with an Affidavit of Facts Concerning American Citizen and it was never rebutted by the Plaintiff.
4. On February 25, 2016 a Motion to Stay of Sale was filed with the court that was denied without giving any legal reason why it was denied.
5. On April 1, 2016, I filed an objection to Sale in which I indicated to the court that I did not consent, neither did my power of attorney consent to the sale of my home.
6. On April 18, 2016, the Report on Sale & Disbursement was filed. This is evidence of the unauthorized administrative procedure that was done by the Plaintiff attorney and the Master in Equity.

STATEMENT OF THE CASE

In the matter concerning this case involving a mortgage loan default that has resulted in a foreclosure proceeding in the Master In Equity of Dorchester County. At the closing of this loan, the closing documents indicated that I was U.S. Citizen. Prior to January 27, 2016, I came to understand that there was a difference an American and a U.S. Citizen. At this point, I notified the court by giving a judicial notice that I was an American and not a U.S. Citizen. I also, gave notice that I have appointed someone as power of attorney of LATISA LENETTE CUNNINGHAM affairs.

In support of my judicial notice concerning me being an American and not a U.S. Citizen I filed an affidavit concerning citizenship. This affidavit was not rebutted by the plaintiff in a timely fashion nor was there any attempt by the Plaintiff to rebut. As it is well established an unrebutted affidavit holds as truth and facts on the record. Early February, there was a supplementary hearing by the Plaintiff for Summary Judgement, which the topic of discussion was the fact that I had given Ronald Wright power of attorney to handle the affairs of LATISA LENETTE CUNNINGHAM. The Master In Equity avoided making any new rulings at this hearing after he realized that I was indicating that no one had authority to make any decisions concerning the affairs of LATISA LENETTE CUNNINGHAM except my power of attorney. He directed the Plaintiffs attorney to refer back to the old summary judgement that was already given to move forward for the foreclosure sale.

In spite of the judicial notice and the affidavit of facts the court and the Plaintiff attorney still proceeded to administrate the affairs concerning LATISA LENETTE CUNNINGHAM without my consent nor the consent of my power of attorney and which the evidence of this is in the Report on of Sale & Disbursement that was filed by the Plaintiffs attorney.

COMES NOW the Appellant on a Court of Record to argue the issues concerning this case. At the closing of the loan, I did not fully understand what it meant to be called a U.S. Citizen. Recently I discovered that a U.S. Citizen was under the trading with the enemy act and that a U.S. Citizen was civilly dead entity. According to The Legislative Act of February 21, 1871, Forty-first Congress, Session III, Chapter 62, page 419, Congress chartered a Federal Company entitled "United States," a/k/a "US Inc.," a "Commercial Agency" originally designated as "Washington, D.C.," in accordance with the 14th Amendment which the record indicates was never ratified (*see Utah Supreme Court Cases, Dyett v Turner*, (1968) 439 P2d 266, 267; *State v. Phillips*, (1975) 540 P 2d 936; as well as *Coleman v. Miller*, 307 U.S. 448, 59 S. Ct. 972; 28 *Tulane Law Review*, 22; 11 *South Carolina Law Quarterly* 484; *Congressional Record*, June 13, 1967, pp. 15641-15646). A "citizen of the United States" is a civilly dead entity operating as a co-trustee and co-beneficiary of the PCT, the private constructive, *cestui que* trust of US Inc. under the 14th Amendment, which upholds the debt of the USA and US Inc. in Section 4.

Therefore, accordingly, it is a crime for a person, the living man or woman to call themselves a U.S. Citizen and it is also false and misleading information for the court, the attorney or any other entity to label a man or woman as a U.S. Citizen and this would be a violation of Title 18 USC, 1001.

With a clear understanding about what a U.S. Citizen was about I discovered that I was being misidentified and misrepresented by the system. So I filed a judicial notice January 25, 2016. In this judicial notice I indicated that I was not a U.S. Citizen and that I was an American, I also indicated to the court that the court lack jurisdiction because I was not that U.S. Citizen in which they assumed I was. In conjunction with this judicial notice, I also indicated that I had given Power of Attorney concerning the affairs of LATISA CUNNINGHAM to Ronald Wright, in which this is perfectly legal. Included in this Power of Attorney that was given to Ronald Wright it indicated that he had the ability to handle administrating procedures which is the exact authority that the court tries to assert. With this in place, this would mean that if the court continues to administrate anything concerning the affairs of LATISA CUNNINGHAM that the court will be trespassing against LATISA CUNNINGHAM.


No one made an attempt to rebut the affidavit concerning my citizenship; now this affidavit stands as evidence before the court that I am an American that is not under this foreign court jurisdiction. See, "United States vs. Kis, 658 F.2d, 526, 536-337 (7th Cir. 1981); Non Rebutted Affidavits are "Prima Facie Evidence in the Case.; See...." *Wright v. Commandant, USDB*, No. 03-3214 (10th Cir. 04/09/2004) "Based on that uncontested affidavit, the court found that Col. Hardesty had personally and properly appointed Lt. Col. Harmon to Pvt. Wright's court-martial.

CONCLUSION

In conclusion, based upon the argument and issues in this brief all orders and judgements must be rendered void and case dismiss with prejudice, because this court does not have jurisdiction concerning an American. This court is foreign because the attorneys are foreign agents. Therefore the sale must be recalled and the title to the property must be conveyed back to LATISA LENETTE CUNNINGHAM.

July 16, 2016

Respectfully submitted,


Cunningham, Latisa Lenette
Columbia, South Carolina 29223
Appellate

Cunningham, Latisa L.
1227 Wild Goose Trl
Summerville, SC 29483

Date 7.19.2016

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PROOF OF SERVICE

I, Cunningham, Latisa L. certify that I am of such age and discretion to be competent to serve papers. That on the 19th day of July, 2016, I have served a copy of the documents listed below, by Certified Mail, sent to each of the following persons at the locations stated below, which is the last known location, 16

Documents: - AMENDED INITIAL BRIEF

Party(ies) Served:

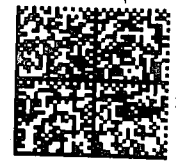
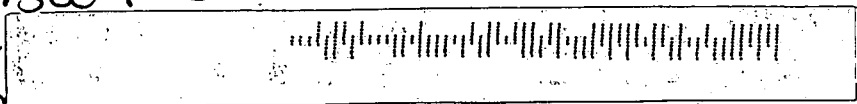
J. Martin Page, SC Bar No. 100200
BROCK & SCOTT, PLLC
3800 Fernandina Road Suite 110, Columbia, SC 29210


Cunningham, Latisa L.
1227 Wild Goose Trl
Summerville, SC 29483

7.19.2016
Date

Latisa McAllister

122
Sun



U.S. POSTAGE
\$1.15
FCM LG ENV
29483
Date of sale
07/20/16
06 2500
08309187

FOLD HERE

go Clerk of Court
Court of Appeals
1220 Senate St.
Columbia, SC 29201

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