

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

RALPH P. STROMAN SPECIAL REFEREE  
Case No. 14-CP-26-4835  
Appellate Case No. 2016-000329

**RECEIVED**  
OCT 18 2016  
SC Court of Appeals

First Citizens Bank and Trust Co, Inc.  
Respondent

vs

CORNELIUS J. BECK, JR.  
Appellee,

INITIAL BRIEF

Attorney For Respondent  
Robert A. Kerr, Jr.  
78 Wentworth Street  
Charleston, SC 29401

Cornelius J. Beck, Jr.  
34 Old Evergreen Lane  
Pawley's Island,  
South Carolina 29585

\_\_\_\_\_  
**INITIAL BRIEF**  
\_\_\_\_\_

I, Cornelius Johnathan Beck, Jr., am writing this initial brief to establish a grounds for this appeal. I am appealing this order that was filed on 2/11/16, which was issued by special referee Robert P. Stroman because of misrepresentation of information concerning the hearing that brought about the results of this order.

1. At no point in the hearing did I agree to strike, remove, or relinquish my right to the constitutional challenge that was filed in this case.
2. At no point during this hearing did we discuss the constitutional challenge that had been filed in this case.
3. To the best of my knowledge the clerk of the court never certified the constitutional challenge, according to 28 U.S.C. §2403.
4. According to Federal Rule 5.1.(c), the court may reject the constitutional challenge, but may not enter a final judgment holding the statute unconstitutional..

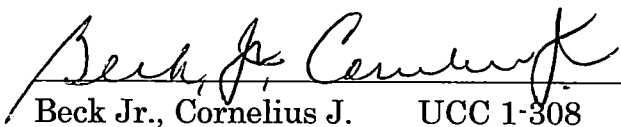
(c) INTERVENTION; FINAL DECISION ON THE MERITS. Unless the court sets a later time, the attorney general may intervene within 60 days after the notice is filed or after the court certifies the challenge, whichever is earlier. Before the time to intervene expires, the court may reject the constitutional challenge, but may not enter a final judgment holding the statute unconstitutional.

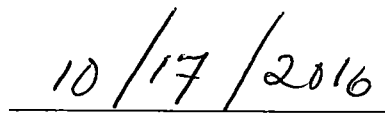
5. At no point in this case has my claim of constitutional challenge has been forfeited pursuant to Federal 5.1.(d).

(d) NO FORFEITURE. A party's failure to file and serve the notice, or the court's failure to certify, does not forfeit a constitutional claim or defense that is otherwise timely asserted.

**CONCLUSION:**

The fact that I have timely inserted the constitutional challenge for the statutes for foreclosure, there should be no final judgement for foreclosure and sale. According to the rule, this will indicate that the foreclosure statutes are being held as unconstitutional.

  
\_\_\_\_\_  
Beck Jr., Cornelius J.      UCC 1-308

  
\_\_\_\_\_  
Date

34 Old Evergreen Lane  
Pawley's Island, South Carolina 29585

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APPEAL FORM HORRY COUNTY  
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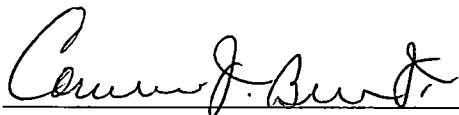
PROOF OF SERVICE

I, Cornelius J. Beck, Jr., certify that I am of such age and discretion to be competent to serve papers. That on the 17<sup>th</sup> day of October, 2016, I have served a copy of the documents listed below, by Certified Mail, sent to each of the following person at the locations stated below, which is the last known location, and by depositing said envelope and contents in the U.S. Mail.

Document: INITIAL BRIEF, Proof of Service

Party Served(s)

Attorney For Respondent  
Robert A. Kerr, Jr.  
78 Wentworth Street  
Charleston, SC 29401



Cornelius J. Beck, Jr. UCC 1-308  
34 Old Evergreen Lane  
Pawley's Island, SC 29585

10/17/2016  
Date