

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM BERKELY COUNTY  
Court of Common Pleas

Dale Van Slambrook, Master In Equity

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Case No. 2015-CP-08-00965  
Appellate Case No. 2016-002234

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**RECEIVED**

JAN 17 2017

**SC Court of Appeals**

PrimeLending, A  
PlainsCapital Company,  
Respondent

Respondent,

v.


Ronnell Demar Walker a/k/a  
Ronnell D. Walker; and South  
Pointe Homeowners  
Association

Appellant.

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INITIAL BRIEF OF APPELLANT

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Exrel: RONNELL DEMAR WALKER  
C/o 412 Eastover Circle  
Summerville  
Via South Carolina  
Via United States Republic, North America  
Non-Domestic, Non-Resident  
Zip [29483]

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## STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN GRANTING SUMMARY JUDGEMENT OF FORCLOSURE WITHOUT SUFFICIENT VALIDATING EVIDENCE?
2. DID THE TRIAL COURT VIOLATE MY CONSTITUTIONAL RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF THE LAW?
3. DID THE TRIAL COURT VIOLATE MY CIVIL RIGHTS BY ACTING UNDER COLOR OF AUTHORITY?
4. DID THE TRIAL COURT DENY ME THE RIGHT TO FACE MY ACCUSER?

## STATEMENT OF THE CASE

On April 17, 2015, PrimeLending A PlainsCapital Company sent documents alleging that I owed a debt for an alleged loan that I received from them, which said documents contained no validated proof of loan. The Constitution for the United States of America Republic notes, "No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation" (amend. V). The Constitution for the United States of America Republic notes, "the accused shall be confronted with the witnesses against him" (amend. VI). (U.S.C. Title 18 § 473) (Clearfield Trust Co. v United States 318 U.S. 363-371 1942)

On February 1, 2016 a Writ in the Nature of Discovery and Disclosure was sent certified mail, return receipt to Nikole Haltiwanger , Rogers Townsend & Thomas P.C. & The Representatives of PrimeLending A PlainsCapital Company requesting certified and verified official copies of all alleged loan related documents to make a physical inspection and verify and Witness the same in order for me to prepare a proper defense. This was a Lawful Demand and Request, and issued under the rules of Discovery, It was further stated to provide the information within twenty (20) days of receipt of this Notice of Discovery and Disclosure.

On February 4, 2016, Nikole Haltiwanger, Rogers Townsend & Thomas P.C. & The Representatives of PrimeLending A PlainsCapital Company received the Writ in the Nature of Discovery and Disclosure

On March 9, 2016, thirty five days (35) after the Writ in the Nature of Discovery and Disclosure was sent certified mail return receipt to Nikole Haltiwanger , Rogers Townsend & Thomas P.C. & The Representatives of PrimeLending A PlainsCapital Company. The Notice of Default Judgment was submitted as the request made was not honored. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." (U.S. Const.

amend. IV ) The Constitution for the United States of America Republic notes, "No person shall deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation". (amend. V ).

On April 18, 2016, I sent a Follow up to Discovery allotting defendant an additional ten (10) days to produce the documentation in order for me to prepare a proper defense.

On April 19, 2016, I made a special appearance to clear up this matter, I advised Dale Van Slambrook (Master in Equity) that a Writ in the Nature of Discovery and Disclosure was submitted and received by Nikole Haltiwanger ,Rogers Townsend & Thomas P.C. &The Representatives of PrimeLending A PlainsCapital Company with a copy to Brinkley Law Firm LLC ( Attorney Stephanie Brinkley who was representing me a that time) and that Plaintiff at this time was in Default of their obligations to answer, at which time Dale Van Slambrook (Master in Equity) (against my demands) ordered Nikole Haltiwanger,Rogers Townsend & Thomas P.C. & The Representatives of PrimeLending A PlainsCapital Company to answer the Discovery request within ten (10) days, being that they had neglected to answer. The Constitution for the United States of America Republic notes, "No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation" (amend. V). The Constitution for the United States of America Republic notes, "the accused shall be confronted with the witnesses against him" (amend. VI). "All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. 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. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States." (U.S. Const. art. VI)

On May 16, 2016, I filed a motion to compel accompanied by the original Discovery and Disclosure Affidavit.

On June 17, 2016 (31 thirty-one days later) I received a response from defendant Erica G Lybrand and PrimeLending A PlainsCapital Company in which Discovery was answered with General objections to which I responded with an Affidavit of fact advising Plaintiff of their duties as trustee and moved to have the case dismissed under FRCP 12b(6). The Constitution for the United States of America Republic notes, "No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation" (amend. V). The Constitution for the United States of America Republic notes, "the accused shall be confronted with the witnesses against him" (amend. VI)

On August 24, 2016 I made a special appearance at a hearing on a Motion to Compel to which Dale Van Slambrook (Master in Equity) allotted defendant an additional fifteen (15) days while

disregarding the FACT that defendant is in default to answer Discovery request to which I was still denied documentation on the alleged grounds that the information was irrelevant. (in violation of SCRCP 401 "relevant evidence"). The Constitution for the United States of America Republic notes, "No person shall deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation". (U.S. Const. amend. V ). The Constitution for the United States of America Republic notes, "the accused shall be confronted with the witnesses against him" (amend. VI). "All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. 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. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States." (U.S. Const. art. VI)

On October 13, 2016 the day of the final hearing, I was handed a reply dated August 24, 2016 from the Court of Common Pleas stating the following: "MOTION DENIED in part and GRANTED in part. To which said motion still denied me the lawfully requested documentation. The Constitution for the United States of America Republic notes, "No person shall deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation". (U.S. Const. amend. V ). "The Constitution for the United States of America Republic notes, "the accused shall be confronted with the witnesses against him" (amend. VI).

I Ronnell Demar Bey was also subjected to a witness brought forth by Erica G Lybrand that admitted under oath that he possessed no first hand knowledge of any financial injury to PrimeLending A PlainsCapital Company. As stated in the court transcript from Garber Reporting Service on October 13, 2016, appellant asked witness question (page 35, line 9) " Mr. Crawford, did you personally witness me sign a loan or receive a loan from said witness – said plaintiff? Answer (page 35, line 14) "I stated before I was not part of your closing." "The Constitution for the United States of America Republic notes, "the accused shall be confronted with the witnesses against him" (amend. VI). RULE 602: LACK OF PERSONAL KNOWLEDGE ;A witness may not testify to a matter unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of Rule 703, relating to opinion testimony by expert witnesses.

Dale Van Slambrook (Master in Equity) made a summary JUDGEMENT on October, 18 2016 and ordered the unlawful sale of my private property to commence on December 7, 2016, without ever obtaining any documents that validated any loan was ever issued or that the alleged defendant was the holder in due course of the alleged documents. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." (U.S. Const.

amend. IV ) The Constitution for the United States of America Republic notes, "No person shall deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation". (U.S. Const. amend. V ). The Constitution for the United States of America Republic notes, "the accused shall be confronted with the witnesses against him" (amend. VI). "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law." (U.S. Const. amend. VII). "All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation. 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. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States." (U.S. Const. art. VI) (Black's Law Dictionary, Sixth Edition, page 1574: Void judgment) (Reynolds v Volunteer State Life Ins. Co., Tex.Civ.App., 80 S.W.2d 1087, 1092)

I Ronnell Demar Bey posses certified return receipts of all documents mailed to Defendants In the above noted claim.

## FACTS

The facts of this case are that Dale Van Slambrook, Erica G Lybrand and PrimeLending A PlainsCapital Company all three conspired to deprive me of my private property. (U.S.C. Title 18 § 241) Denying me my constitutional rights to DUE PROCESS OF LAW and intentionally and fraudulently not answering the lawful demands issued under the rules of discovery and contained in Discovery and Disclosure affidavit over the period of approximately 1 year and 6 months. (U.S.C. Title 18 § 242) Defendants have had ample opportunity to provide me with documentation in order for me to prepare a proper defense for myself, to which I have been repeatedly denied, Dale Van Slambrook has ordered the unlawful sale of my private property without a proper investigation as to who owns both the alleged 'NOTE' and 'MORTGAGE'. (U.S. Const. amend. IV). I have been denied my 6th amendment right to face my accuser and have been confronted with a false witness brought in by Erica G Lybrand, to which said witness admitted under oath that he possesses no first hand knowledge that PrimeLending A PlainsCapital Company has suffered any personal financial injury. (U.S. Const. amend. VI) (Hanson v Denckla, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228)

### **UNITED STATES CODE TITLE 18 - CRIMES AND CRIMINAL PROCEDURE PART I - CRIMES CHAPTER 13 - CIVIL RIGHTS:**

#### **§ 241. Conspiracy against rights**

If two or more persons conspire to injure, oppress, threaten, or intimidate any inhabitant of

any State, Territory, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured -

They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.

**§ 242. Deprivation of rights under color of law**

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if bodily injury results shall be fined under this title or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

**Federal rules of Civil Procedure: Rule 37 :(4) (a), an evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond**

## ARGUMENTS

- I. Respondent Erica G Lybrand Representing PrimeLending A PlainsCapital Company has not proven without doubt that he/she has suffered any Personal Financial injury for which relief can be granted with any factual documentation to date.
- II. Respondent Erica G Lybrand Representing PrimeLending A PlainsCapital Company has repeatedly denied me my Constitutionally Secured Rights to Due Process by Testifying that the LEGAL and LAWFUL request made by Affidavit of Discovery and Disclosure issued under the rules of discovery are not Relevant
- III. Respondent Erica G Lybrand Representing PrimeLending A PlainsCapital Company introduced a witness in this alleged matter to which I have no contract with as well as him testifying under oath to the fact that he possessed no first hand knowledge of any factual financial injury to PrimeLending A PlainsCapital Company.
- IV. As stated on the alleged promissory note "In return for a loan received from Lender, Borrower promises to pay the principal sum of **ONE HUNDRED EIGHTY-EIGHT THOUSAND FIVE HUNDRED TWENTY TWO AND 00/100** Dollars (U.S. \$188, 522.00), plus interest, to the order of Lender. Interest will be charged on unpaid principal, from the date of disbursement of the loan proceeds by Lender, at the rate of **FOUR AND ONE-FOURTH** percent (4.250%) per year until the full amount of principal has been paid." Alleged borrower request validation of said loan.
- V. Maxims of Commercial Law "truth is expressed in the form of an affidavit".
- VI. Maxims of Commercial Law "an unrebutted affidavit stands as truth in commerce".
- VII. Maxims of Commercial Law "an unrebutted affidavit becomes the judgment in commerce".

## CONCLUSION

For the reasons stated, this Court should reverse the judgment of the circuit court.

January 12, 2017

Respectfully submitted,

  
Exrel: RONNELL DEMAR WALKER

C/o 412 Eastover Circle

Summerville

Via South Carolina

Via United States Republic, North America

Non-Domestic, Non-Resident

Zip [29483]

January 12, 2017

CERTIFICATE OF SERVICE

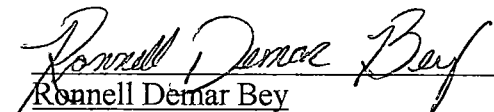
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**  
JAN 17 2017  
SC Court of Appeals

RE: PrimeLending, A PlainsCapital Company, Respondent, V. Ronnell Demar Walker,  
Appellant, Case No. 2015-CP-08-00965 / Appellate Case No. 2016-002234

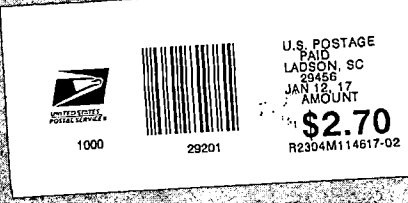
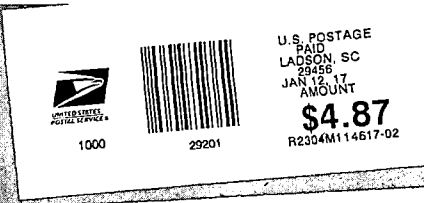
Dear Ms. Kitchings:

I, Ronnell Demar Bey, hereby certify that I have this date served via U.S. Mail, with sufficient postage prepaid, a true and correct copy of the Initial Brief. In the matter of PrimeLending, etc v. Ronnell Demar Walker, et al. above case.

  
Ronnell Demar Bey  
Ex rel: RONNELL DEMAR WALKER  
C/o 412 Eastover Circle  
Summerville  
Via South Carolina  
Via United States Republic, North America  
Non-Domestic, Non-Resident  
Zip [29483]

FROM:

Russell Dumas Bay  
C/o 412 Eastover Circle  
Summerville S.C.  
[29483]



TO:

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia S.C.  
29201

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