

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELY COUNTY
Court of Common Pleas

Dale Van Slambrook, Master In Equity

RECEIVED

FEB 02 2017

SC Court of Appeals

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

PrimeLending, A
PlainsCapital
Company

Respondent,

v.

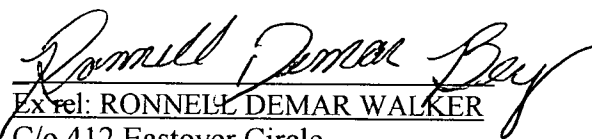
Ronnell Demar Walker a/k/a
Ronnell D. Walker; and South
Pointe Homeowners
Association, Defendants, Of
whom Ronnell Demar Walker
a/k/a Ronnell D. Walker is the
Appellant

Appellant.

DEFENDANT'S EMERGENCY MOTION TO VACATE JUDGMENT

I, Ronnell Demar Bey Ex rel: RONNELL DEMAR WALKER motion to Void/Vacate the judgment of the Honorable Dale Van Slambrook made on October 18, 2016.

January 31, 2017


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]

CC:

Nikole Deanna Haltiwanger (SC Bar #70491)

ROGERS TOWNSEND & THOMAS, PC

220 Executive Center Drive

Columbia, SC 29201

(803)744-4444

TABLE OF AUTHORITIES*

CASES

Haygood v State..... 1
Crawford v Washington..... 1

OTHER AUTHORITIES

South Carolina Rules of Civil Rules 60(b) 1
U.S. Const. amend. VI 1, 2
U.S. Const. amend. XI 2
U.S. Const. art. I Section 14 1
18 U.S.Code § 1001..... 1
18 U.S.Code § 241..... 1
18 U.S.Code § 4 1
15 U.S.Code § 1692g 2
22 U.S.Code § 611 2
42 U.S.Code § 1981 2

AFFIDAVIT OF FACT

DEFENDANT'S EMERGENCY MOTION TO VACATE JUDGMENT

Comes now, Ronnell Demar Bey, Natural Person, In Propria Persona Sui Juris,(not to be confused with, nor substituted with Pro se by the unauthorized hand of another). Do hereby file this motion to vacate foreclosure judgment, pursuant to Rules 60(b) South Carolina Rules of Civil Procedure, states:

1. South Carolina Rules of Civil Procedure 60(b) provides in pertinent part: On motion and upon such terms as are just, the court may relieve a party or a Party's legal representative from a final judgment, decree, order, or proceeding for the following reasons:... (3) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or misconduct of an adverse party; (4) that the judgment is void; This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding or to set aside a judgment or decree for fraud upon the court.

2. I, Ronnell Demar Bey, Demand an order Specifically ordering law enforcement agents, officials, trustees, fiduciaries and municipal officers to preserve All my rights to face or confront the wittiness or accuser against me and physically cross examine him or her, as protected by the United States Republic Constitution amend. VI and article 1 section 14 of the South Carolina State Constitution and produce the signed, sworn affidavit and written oath with the true facts of how I allegedly financially injured him or her; see Haygood vs State and Crawford vs Washington, Justice Scalia decision.

The United States Republic Constitution amend. VI secures the accused the right to face all witnesses against him. Therefore, this law requires the "Plaintiff" (injured party) be a physical human being that can be cross-examined. The only time an attorney can act without a human "Plaintiff" is in the case of murder". All other cases require the "Plaintiff" be present in court.

3 To establish a "crime" has been committed, there must be present evidence that you "injured" another human being or damage his/her property. Attorneys have created "*imposter laws*" that establish "*victimless*" "*crimes*". This is "Fraud" 18 USC 1001 for any attorney to present these imposter crimes, without injured party, claiming authority to prosecute .When a "Plaintiff" cannot be cross-examined, no judge can prove due process of law was administered. "Conspiracy against rights" 18 USC 241 of the "Prosecutor" and "Judge" acting in "Prosecutorial Misconduct" in "Conspiracy to convict" I fully intend to report these infractions to the proper authority. Failure of that authority to prosecute the "Attorney" and "Judge" is "Misprision of Felony" 18 USC 4.

4. I Ronnell Bey Demand the "Plaintiff" appear. Because the United States Republic Constitution amend. VI secures that no person will be deprived of life, liberty or property without due process of law. Therefore, the "Plaintiff" must appear and state he/she is owed a debt, the debtor must be given the right to challenge this debt for "validation" 15 USC 1692g. Only an "injured party" can claim a debt is owed. "Imaginary persons" cannot appear or give testimony and cannot be the "Plaintiff" of any cause of action. I challenge the attorney as a "Foreign Agent" 22 USC 611 acting for a "Foreign State"(Corporation) who has commence action in violation of the United States Republic Constitution amend. XI, therefore I Demand dismissal for lack of jurisdiction.

5. This motion is filed because Defendant verily believes he will and should prevail on the merits, that the Plaintiff has been paid, that the holder in due course has been paid, and that the affidavits and representations of counsel were false, and known to be false when made.

6. Most of the cases filed as civil actions are "Fraud" of attorneys claiming a "Corporation" has rights, privileges and immunities in court, common knowledge dictates a Corporation is an artificial person without natural rights. For an attorney to file a civil action with a "Corporation" as "Plaintiff" is clear "Fraud on the Court". A "Corporation" cannot sign a "Power of Attorney" or give any attorney verbal instructions to act on its behalf. Therefore, no attorney can lawfully represent any "Corporation in court".

7. Defendant intends to file affirmative defenses for set off violations to the Truth in Lending Act, and a counterclaim for damages for RICO, Sherman, TILA violations, usury, fraud in the inducement and fraud in the execution, quiet title, and malicious abuse of process among other causes of action.

8. The people have rights, Corporations do not have rights. Among these "Rights" is the right to contract, the people have this right under 42 USC 1981. The people exercise this right by their signature and/or Social Security Number. Corporations cannot sign and therefore cannot enter into any contract, with any attorney. The right to contract is reserved to the people. This is established by the age-old principle of "Agency". To establish an "Agency", the "Principal" must ask the "Agent" to perform a task. The "Agent" must agree to perform the task. It is a time tested principle, of "American Jurisprudence" that the "Court" must not rely upon the "Agent" to prove "Agency". The "Court" must follow the "Principal" to establish "Agency". The law is simple no "Principal" no "Agency" to "Capacity to Sue". Contraproferentum is a well-established principle. In cases of fraudulent and ambiguous contracts the fault is with the creator of the contract terms. Case must be dismissed.

9. The failure to disclose the real parties, and all the fees paid to the undisclosed parties is a violation on the face of TILA, the contract between the parties, the Good Faith Estimate provided to Defendant, and fair dealing, in addition to a breach and in fact total abdication of the fiduciary duty owed by a lender to its borrower.

10. If the court were to allow the Plaintiff in this case to prevail in light of serious Misrepresentation and fraud upon the court, it would result in a major injustice to the Defendant. **The Court cannot be in a position of enabling Plaintiff and its attorneys to commit material misrepresentation or felony crimes.**

WHEREFORE, the defendant files this motion, and makes all other motions and objections in this case whether or not specifically noted at the time of making of the motion or objection, on the following grounds and authorities: The Due process clause, the right To a fair trial by an impartial jury, the right to counsel, Equal protection, Confrontation and compulsory process, The right to remain silent and Appeal, and the right to be free from cruel and unusual Punishment, pursuant to the federal and south Carolina constitution generally, and specifically, the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth and Fourteenth amendments to the United States Constitution, and Article 1 through 23 of the state of South Carolina Constitution and will not waive any of my Rights. I am not surety for the accused and demand to be heard as protected by the constitution. Without prejudice Ucc1-103, 1-207, 1-308, 1-305, 1-306 all rights reserved. Defendant(s) prays that this Honorable Court grant Defendant's motion for vacating judgment and for all other relief to which these defendants prove themselves entitled.

Respectfully submitted this 31st day of January, 2017

I am Ronnell Demar Bay
Authorized Representative
Natural Person, In Propria Persona:
Ex Relatione RONNELL DEMAR WALKER
All Rights Reserved:
U.C.C. 1-207/ 1-308; U.C.C. 1-103
C/o 412 Eastover Circle
Summerville
Via South Carolina
Via United States Republic, North America
Non-Domestic, Non-Resident
Zip [29483]

Scribed and affirmed before me, SHARON L. MULDEW, Notary Public,

On 31st day of January 2017 having proven to me on the basis of satisfactory evidence to be the person who appeared before me.

Commission Expiration: 03 / 09 / 2021

Signature Sharon L Muldrew



January 31, 2017

CERTIFICATE OF SERVICE

RECEIVED

FEB 02 2017

SC Court of Appeals

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

RE: PrimeLending, A PlainsCapital Company, V. Ronnell Demar Walker a/k/a
Ronnell D. Walker; and South Pointe Homeowners Association, Defendants, Of
whom Ronnell Demar Walker a/k/a Ronnell D. Walker is the 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 Motion to Vacate Judgment. 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

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Ronnell D. Walker; and South Pointe Homeowners Association, Defendants, Of
whom Ronnell Demar Walker a/k/a Ronnell D. Walker is the Appellant, Case No.
2015-CP-08-00965, Appellate Case No. 2016-002234

Dear Ms. Kitchings:

Enclosed is Motion to Vacate/Void judgment of foreclosure from trial court
decision on October 13, 2016 in the above case.

1. One Original Copy Motion to Vacate/Void Judgment
2. Six Copies of the Motion to Vacate/Void Judgment
3. Filing Fee of \$25.00



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