

23056

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEALS FROM SUMTER COUNTY
Court of Common Pleas

RECEIVED

JUN 07 2016

Richard L. Booth, Master-In-Equity

SC Court of Appeals

Case No. 2015-001341

DLJ Mortgage Capital Inc., Respondent,

vs.

Ameer A. Amin, Appellant.

RECORD ON APPEAL

Ameer A. Amin
4240 Amelia Dr.
Sumter, SC 29154

Pro Se

Caroline Glenn, Esq.
BROCK & SCOTT, PLLC
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210

Attorney for Respondent

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Writ of Assistance

STATE OF SOUTH CAROLINA **RECORDED** IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER 2015 JUN 10 PM 12:39 CASE NO. 2014-CP-43-00270

DLJ Mortgage Capital, Inc,
PLAINTIFF,
VS.
Ameer A. Amin,
DEFENDANT(S).

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

WRIT OF ASSISTANCE

(151099.00001)

THIS WRIT OF ASSISTANCE APPLIES TO ALL OCCUPANTS AND OTHERS (including their possessions) WITH RESPECT TO THE PROPERTY DESCRIBED BELOW.

This matter came before me regarding the above named Defendants Ameer A. Amin, or any occupant of the property located at 4240 Amelia Drive, Sumter, SC 29154, to issue a Writ of Assistance by this Court to the Sheriff of Sumter County, South Carolina, ordering and directing him to remove, peaceably or forcibly, the Defendants Ameer A. Amin, together with any and all persons claiming under and through said Defendants, and this Writ of Assistance specifically and further authorizing the removal of all of their personal property, no matter the type, kind, or value, which is located within or on the subject premises described herein; and said judicial authorization herein shall be accomplished with the removal of said personal property to the curb.

It appears that the subject premises were sold by judicial sale held on January 5, 2015. As a result of said sale, the Plaintiff became the owner of the subject property by virtue of a Master's Deed filed in Book 1209, page 900 in the Office of the Register of Deeds for Sumter County. Therefore, Plaintiff is entitled to possession of the subject premises.

NOW, THEREFORE,

UPON MOTION OF SCOTT AND CORLEY, P.A., attorney for Plaintiff,

IT IS HEREBY ORDERED that the Plaintiff is entitled to recover possession of the below described property.

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND, TOGETHER WITH ANY IMPROVEMENTS THERETO, SITUATE, LYING, AND BEING IN THE COUNTY OF SUMTER, STATE OF SOUTH CAROLINA, BEING SHOWN AND DESIGNATED AS LOT 225 ON A PLAT PREPARED FOR ORE LEE AND MAXINE VONA H. RANKIN BY H. S WILLSON, RLS, DATED FEBRUARY 21, 1966, AND RECORDED IN PLAT BOOK Z-22 AT PAGE 138 IN THE OFFICE OF REGISTER OF DEEDS FOR SUMTER

COUNTY. REFERENCE TO SAID PLAT IS HEREBY MADE FOR A MORE COMPLETE AND ACCURATE DESCRIPTION.

THIS BEING THE SAME PROPERTY CONVEYED TO ISRAEL BROWN AND AMEER A. AMIN AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP AND NOT AS TENANTS IN COMMON BY DEED OF GREGORY J. COX DATED MAY 11, 2007 AND RECORDED MAY 23, 2007 IN BOOK 1078, PAGE 1914. SUBSEQUENTLY, ISRAEL BROWN DIED ON SEPTEMBER 3, 2007 AND SAID PROPERTY IS NOW HELD SOLELY IN THE NAME OF AMEER A. AMIN.

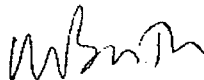
TMS No. 155-11-01-041

Property address: 4240 Amelia Drive, Sumter, SC 29154

IT IS FURTHER ORDERED that, upon service of a copy of this Order, the Sheriff of Sumter County, South Carolina or his authorized deputies be, and they hereby are, directed and authorized to post a copy of this Order, and/or serve a copy of this Order upon the occupant(s) of the referenced property.

IT IS FURTHER ORDERED that the Sheriff of Sumter County is herein and hereby ordered and directed to, with whatever force necessary, eject and remove from the premises the occupants and their personal possessions from the real property located at **4240 Amelia Drive, Sumter, SC 29154** with the individuals occupying the property to be removed on or after 1:00 p.m. on June 18, 2015.

IT IS SO ORDERED.



Richard L. Booth
Master in Equity for Sumter County

Sumter, South Carolina
6/4, 2015

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

DLJ Mortgage Capital, Inc,

PLAINTIFF,

vs.

Ameer A. Amin,

DEFENDANTS.

IN THE COURT OF COMMON PLEAS

CASE NO. 2014-CP-43-00270

RECORDED

2015 JUN 10 PM 12:39

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

PETITION FOR WRIT OF ASSISTANCE

(151099.00001)

The Plaintiff/Petitioner herein, DLJ Mortgage Capital, Inc, would respectfully show unto the Court as follows:

1. That this is an action for foreclosure of a mortgage of real property located in Sumter County, South Carolina and designated as **4240 Amelia Drive, Sumter, SC 291547**.
2. That pursuant to the Master in Equity's Report and Judgment of Foreclosure filed herein on November 20, 2014, the subject property was sold at judicial sale.
3. That the Plaintiff was the successful bidder at the judicial foreclosure sale.
4. That the Master in Equity for Sumter County executed a judicial deed conveying title of the subject property to DLJ Mortgage Capital, Inc.
5. That as of the date of filing of this petition, the subject property continues to be occupied by said Defendant or other occupants.

WHEREFORE, the Petitioner/Plaintiff prays that the Writ of Assistance requested herein be granted, and that the Master in Equity issue an Order requiring the Sheriff of Sumter County to commence eviction of the Defendant and/or any other occupants from the subject property, and to remove all personal property therein.

SCOTT AND CORLEY, P.A.

By: 

Ronald C. Scott, SC Bar #4996
Reginald P. Corley, SC Bar #69453
Angelia J. Grant, SC Bar #78334
Vance L. Brabham, III, SC Bar #71250
William S. Koehler, SC Bar #74935

J. Harrison Rushton, SC Bar
#100406

Andrew M. Wilson, SC Bar #72553
Andrew A. Powell, SC Bar #100210
Andrew M. Sullivan, SC Bar #100464

ATTORNEYS FOR PLAINTIFF
2712 Middleburg Drive, Suite 200
Columbia, SC 29204
(803) 252-3340

Affidavit of no Original Note

AFFIDAVIT OF
NO ORIGINAL NOTE

RECORDED
2014 NOV 18 PM 3:56
JAMES CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

For the claim is with the knowledge that the Deposition given under
R.K. Arnold (PRESIDENT & CEO) of MERS INC., is widely known that he stated
that all notes were copied and then destroyed. For with this knowledge any Note
that is presented is only a copy, no copy can be presented as proof of an original
Note.

"I declare under penalty of perjury that the foregoing is true and correct.
Executed on this 18 day of November 2014. Ameer A. Amin"
Amin, Ameer A.

IN WITNESS WHEREOF, I have here unto set my hand and seal on this
18 day of November, 2014.

Ameer A. Amin
Amin, Ameer A. UCC 1-308

Before me, the undersigned authority in the County of Richland
in the State of South Carolina, personally appeared Amin, Ameer A., who has
sworn to and subscribed before me this 18 day of November,
2014.

Sherril E. Sandy
NOTARY PUBLIC

My Commission Expires: 12/31/2015

Defendant's Notice of Constitutional Challenge
Brief and Notices of Constitutional Challenge Rule 5.1 and

Junction

In Propria Persona
Amin, Ameer A.
[4240 Amelia Drive
Sumter, SC [29154]]

RECORDED
2014 DEC 18 PM 1:22

JAMES J. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS

CASE NO.: 2014-CP-43-00270

STATE OF SOUTH CAROLINA,

Alan Wilson-Attorney General,

[GMAC Mortgage, LLC,]

NOTICE OF CONSTITUTIONAL
CHALLENGE RULE 5.1

AND INJUNCTION

Plaintiff(s)

vs.

AMEER A. AMIN, (Corporate Person)
Amin, Ameer A. In Propria Persona
4240 Amelia Drive
Sumter, SC [29154]

Defendant in Error,

**NOTICE OF CONSTITUTIONAL CHALLENGE RULE 5.1
AND INJUNCTION**

TAKE NOTICE THAT pursuant to the [FRCP Rule 5.1(a)] the defendant listed in the above-styled action will make an application for:

1. Short leave to be granted for the application; and
2. Relief under [24(i) of the FRCP] on the following grounds:

- A. Challenge of the constitutionality of ALL State Statues involving Foreclosure and Foreclosure proceedings.

The following is a list of Constitutional Rights that are being violated by State Statues. Also, I reserve the right to adopt other States Constitutional Rights under the United States Constitution Article IV Section 4 (Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof) and Section 2 (The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States):

AFFIDAVIT FOR RULE 5.1

Rule 5.1. Constitutional Challenge to a Statute

The Federal Civil Procedure Rule 5.1 states the following:

(a) NOTICE BY A PARTY. A party that files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute must promptly:

(1) file a notice of constitutional question stating the question and identifying the paper that raises it, if:

(A) a federal statute is questioned and the parties do not include the United States, one of its agencies, or one of its officers or employees in an official capacity; or

(B) a state statute is questioned and the parties do not include the state, one of its agencies, or one of its officers or employees in an official capacity; and

(2) serve the notice and paper on the Attorney General of the United States if a federal statute is questioned—or on the state attorney general if a state statute is questioned—either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose.

(b) CERTIFICATION BY THE COURT. The court must, under 28 U.S.C. §2403, certify to the appropriate attorney general that a statute has been questioned.

(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.

(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.

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 18 day of December, 2014. 
Amin, Ameer A

IN WITNESS WHEREOF, I have here unto set my hand and seal on this 18 day of December, 2014.


Amin, Ameer A

Before me, the undersigned authority in the County of Sumter in the State of SC personally appeared Amin, Ameer A, who has sworn to and subscribed before me this 18 day of December, 2014.


NOTARY PUBLIC

My Commission Expires 11/10/2021

My Commission Expires: _____

AFFIDAVIT FOR NOTICE OF CONSTITUTIONAL CHALLENGE RULE 5.1 AND
INJUNCTION

For the claim is I, Amin, Ameer A., have given true and correct statements in the
NOTICE OF CONSTITUTIONAL CHALLENGE RULE 5.1 AND INJUNCTION under Penalty
of Perjury.

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on 19 day of December 2014. Ameer A. Amin
Amin, Ameer A

IN WITNESS WHEREOF, I have here unto set my hand and seal on this 19 day
of December 2014.

BY: Ameer A. Amin
Amin, Ameer A

Before me, the undersigned authority in the County of Sumter
in the State of SC, personally appeared Amin, Ameer A, who has sworn to and
subscribed before me this 19 day of December 2014.

Dorell Wright
NOTARY PUBLIC

My Commission Expires: 11/10/2021

CERTIFICATE OF SERVICE

For the claim is with the knowledge I have sent a - copy - of the NOTICE OF
CONSTITUTIONAL CHALLENGE RULE 5.1 AND INJUNCTION by Certified Mail Return Receipt
Requested, to the following location(s) on this 18th day of December, in the year 2014:

Office of the Attorney General
Honorable Alan Wilson
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, S.C. 29201

Sumter County Sheriff's Office
Sheriff Anthony Dennis
1281 North Main Street,
Sumter, SC 29150

Sumter County Courthouse
James C Campbell
Clerk of Court
215 N. Harvin Street, Rm 203
Sumter, SC 29150


The Honorable W. Jeffrey Young
Chief Judge
215 N. Harvin Street,
Sumter, SC 29150

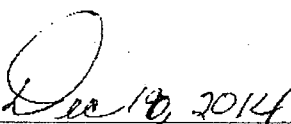
CC: Caroline Glenn, Esquire,
BROCK & SCOTT, PLLC
Columbia Office - Westpark Center
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210

CC: GMAC Mortgage, LLC
1100 Virginia Drive
Fort Washington, Pennsylvania 19034

CC: U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

CC: Department of Justice- South Carolina District
First Union Building
1441 Main Street, Suite 500
Columbia, SC 29201

BY: 
Amin, Amine A. UCC 1-308
4240 Amelia Drive
Sumter, SC [29154]



Date

AND TAKE FURTHER NOTICE THAT the grounds for this Constitutional challenge are as follows:

1. Is the Statues listed, that I have challenged Constitutional?

Take further notice as an Officer who has taken an Oath to uphold the United States Constitution and the Constitution of South Carolina, he or she has an obligation to intervene in any proceedings or actions that violate my rights under the Constitution or be guilty of Treason and become a Tortfeasor.

BY:


Amin, Ameer A. UCC 1-308
4240 Amelia Drive
Sumter, SC [29154]

Date



- c) That notwithstanding the Common Law of England, nothing in this Constitution prohibits trial by jury of less than 12 jurors in any civil proceeding in which the right to a jury trial is preserved.
- 6) **ARTICLE 6.** That all persons invested with the Legislative or Executive powers of Government are the Trustees of the Public, and, as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought, to reform the old, or establish a new Government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.
- 7) **ARTICLE 19.** That every man, for any injury done to him in his person or property, ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the Law of the Land.
- 8) **ARTICLE 23.** In the trial of all criminal cases, the Jury shall be the Judges of Law, as well as of fact, except that the Court may pass upon the sufficiency of the evidence to sustain a conviction. The right of trial by Jury of all issues of fact in civil proceedings in the several Courts of Law in this State, where the amount in controversy exceeds the sum of \$15,000, shall be inviolably preserved.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

ARTICLE 1

- 9) **SECTION 9.** No Bill of Attainder or ex post facto Law shall be passed (A bill of attainder (also known as an act of attainder or writ of attainder or bill of pains and penalties) is an act of a legislature declaring a person or group of persons guilty of some crime and punishing them without privilege of a judicial trial. As with attainder resulting from the normal judicial process, the effect of such a bill is to nullify the targeted person's civil rights, most notably the right to own property (and thus pass it on to heirs), the right to a title of nobility, and, in at least the original usage, the right to life itself.

DECLARATION OF BILL OF RIGHTS- AMENDMENT VII

- 10) 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 re-examined in any Court of the United States, than according to the rules of the common law.

CONSTITUTION OF SOUTH CAROLINA OF 1886
DECLARATION OF RIGHTS
ARTICLE I

- 1) SECTION 1. All political power is vested in and derived from the people only; therefore, they have the right at all times to modify their form of government.
- 2) SECTION 3. The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.
- 3) SECTION 4. No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument shall be passed, and no conviction shall work corruption of blood or forfeiture of estate.
- 4) SECTION 23. The provisions of the Constitution shall be taken, deemed, and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissive by its own terms.

CONSTITUTION OF MARYLAND
DECLARATION OF RIGHTS

- 5) ARTICLE 5.
 - a) (1) That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that Law, and to the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven; except such as may have since expired, or may be inconsistent with the provisions of this Constitution; subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled to all property derived to them from, or under the Charter granted by His Majesty Charles the First to Cecilius Calvert, Baron of Baltimore.
 - (2) Legislation may be enacted that limits the right to trial by jury in civil proceedings to those proceedings in which the amount in controversy exceeds \$15,000.
- b) The parties to any civil proceeding in which the right to a jury trial is preserved are entitled to a trial by jury of at least 6 jurors.

Defendant's Motion to Vacate Judgment and Sale

RECORDED

2015 FEB 17 PM 1:07

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

In Propria Persona
Amin, Ameer Akeem
[Foreclosure Property Listed:
4240 Amelia Dr.
Sumter, SC [29154]]

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMTER

CASE NO.: 2014-CP-43-00270

GMAC Mortgage, LLC,

Plaintiff,

MOTION TO VACATE
JUDGMENT AND SALE

vs.

AMEER A. AMIN, (Corporate Person)
Amin, Ameer A. (All Natural Person)

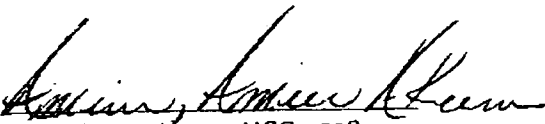
Defendant(s),

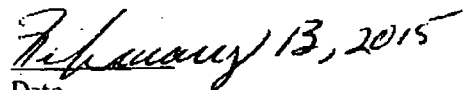
MOTION TO VACATE JUDGMENT AND SALE

I, Amin, Ameer Akeem a living man who is the Executor, Authorized Representative, Beneficial Owner, and Grantor of AMEER AKEEM AMIN Estate. I state a claim of Fraud and Void Judgment pursuant to SCRPC 60b 3(Fraud) & 4(Void Judgment) for the following reasons:

1. The failure to give full disclosure at the time of the purchase of my home has resulted to Fraud. This matter is being turned over to the IRS.
2. There is no firsthand witness testimony on record.
3. There is no firsthand knowledge verified Affidavit on record.
4. There has been no admissible evidence that has been submitted to the Court for the record, only evidence of presumption which was entered by the Plaintiff(s) Attorney.
5. There is a sworn Affidavit which is considered to be admissible evidence submitted by me that has not been rebutted from the Plaintiff(s) side. Therefore, at this time it is considered Truth and will automatically constitute that this sale and judgment is void.

In conclusion, I move this Court to Vacate Judgment and Sale immediately due to the above Facts I have brought to the attention of this Court.

BY: 
Amin, Ameer Akeem, UCC I-308
4240 Amelia Drive
Sumter, SC 29154


Date

RECORDED

2015 FEB 17 PM 1:07

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

In Propria Persona
Amin, Ameer Akeem
[Foreclosure Property Listed:
4240 Amelia Dr.
Sumter, SC [29154]]

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMTER

CASE NO.: 2014-CP-43-00270

GMAC Mortgage, LLC,

Plaintiff,

AFFIDAVIT FOR MOTION TO
VACATE JUDGMENT AND
SALE

vs.

AMEER A. AMIN, (Corporate Person)
Amin, Ameer A. (All Natural Person)

Defendant(s).

AFFIDAVIT FOR MOTION TO VACATE JUDGMENT AND SALE

I, Amin, Ameer Akeem, do hereby swear, deposes and says:

That I am over 18 years of age and competent enough to testify of my own knowledge of the facts stated herein:

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2015. BY: Amin, Ameer Akeem
Amin, Ameer Akeem

IN WITNESS WHEREOF, I have here unto set my hand and seal on this 13th day of February, 2015.

BY: Amin, Ameer Akeem
Amin, Ameer Akeem UCC 1-308

Before me, the undersigned authority in the County of Richland in the State of SC personally appeared Amin, Ameer Akeem who has sworn to and subscribed before me this 13th day of February, 2015.

KENDRA JACKSON
Notary Public, South Carolina
My Commission Expires
January 25, 2025

Kendra Jackson
NOTARY PUBLIC
My Commission Expires: January 25, 2025

RECORDED

2015 FEB 17 PM 1:05

In Propria Persona
Amin, Ameer Akeem
[Foreclosure Property Listed:
4240 Amelia Dr.
Sumter, SC [29154]]

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMTER

CASE NO.: 2014-CP-43-00270

GMAC Mortgage, LLC,

Plaintiff,

MOTION TO VACATE
JUDGMENT AND SALE

vs.

AMEER A. AMIN, (Corporate Person)
Amin, Ameer A. (All Natural Person)

Defendant(s),

PROOF OF SERVICE

I, the Defendant, Amin, Ameer Akeem certify that I am of such age and discretion to be competent to serve papers.

That on the 13th day of February, 2015, 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, and by depositing said envelope and contents in the U.S Mail.

- Documents:
- Motion to Vacate Judgment and Sale
 - Affidavit for Motion to Vacate Judgment and Sale
 - Proof of Service

Party(ies) Served:

GMAC Mortgage, LLC
1100 Virginia Drive
Fort Washington, Pennsylvania 19034

Caroline Glenn, Esquire,
BROCK & SCOTT, PLLC
Columbia Office – Westpark Center
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210

BY: Amin Ameer Akeem
Amin, Ameer Akeem, UCC 1-308
4240 Amelia Drive
Sumter, SC 29154

February 13, 2015
Date

Defendant's Amended Motion to Vacate Judgment and Sale

RECORDED

In Propria Persona
Amin, Ameer Akeem
[Foreclosure Property Listed:
4240 Amelia Dr.
Sumter, SC [29154]]

2015 MAR 27 PM 1:51

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMTER

CASE NO.: 2014-CP-43-00270

GMAC Mortgage, LLC,

Plaintiff,

AMENDED MOTION TO
VACATE JUDGMENT AND
SALE

vs.

AMEER A. AMIN, (Corporate Person)
Amin, Ameer A. (All Natural Person)

Defendant(s).

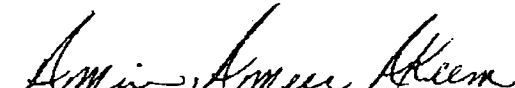
AMENDED MOTION TO VACATE JUDGMENT AND SALE

I, Amin, Ameer Akeem, a living, breathing, self-aware man, Executor, Beneficiary, Grantor of, and d/b/a AMEER AKEEM AMIN. I state a claim of Fraud and Void Judgment pursuant to SCRCP 60b 3(Fraud) & 4(Void Judgment) for the following reasons:

1. Based upon new discovery GMAC Mortgage, LLC is not the owner of my Note, because of previous FDIC Registration and Security Exchange Registration, GMAC Mortgage, LLC has indicated that they own NO Notes. They have committed Federal Security Fraud and Fraud upon this Court by indicating that they own my Note.
2. According to the records of this case, I filed an "Affidavit of No Original Note" that was not timely rebutted, and is now Facts before the Court, even before this Court rendered Summary Judgment, and the Court neglected to give any consideration of that Fact.
3. There are no Facts before the Court from the Plaintiff based upon "Statements of counsel in brief or in argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment." "Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary determination." Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647.

In conclusion, I move this Court to Vacate Judgment and Sale immediately due to the above Facts I have brought to the attention of this Court. This case is being forwarded to FDIC and Security Exchange for Investigation.

BY:


Amin, Ameer Akeem, UCC 1-308
4240 Amelia Drive
Sumter, SC 29154


Date

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED
2015 MAR 27 PM 1:51
CASE NO.: 2014-CP-43-00270

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

AFFIDAVIT FOR AMEDNED MOTION TO VACATE JUDGMENT AND SALE

I, Amin, Ameer Akeem, do hereby swear, deposes and says that I am over 18 years of age and competent enough to testify of my own knowledge of the facts stated herein:

1. Based upon new discovery GMAC Mortgage, LLC is not the owner of my Note, because of previous FDIC Registration and Security Exchange Registration, GMAC Mortgage, LLC has indicated that they own NO Notes. They have committed Federal Security Fraud and Fraud upon this Court by indicating that they own my Note.
2. According to the records of this case, I filed an "Affidavit of No Original Note" that was not timely rebutted, and is now Facts before the Court, even before this Court rendered Summary Judgment, and the Court neglected to give any consideration of that Fact.
3. There are no Facts before the Court from the Plaintiff based upon "Statements of counsel in brief or in argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment." "Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary determination." Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647.

Plaintiff has 10 days upon the receipt of this letter to rebut this Affidavit, and if it is not Rebutted it will be used as Facts and Evidence in Court against the Plaintiff.

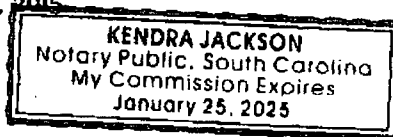
"I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 27th 2015. BY: Amin, Ameer Akeem
Amin, Ameer Akeem

IN WITNESS WHEREOF, I have here unto set my hand and seal on this 27th day of March, 2015.

BY: Amin, Ameer Akeem
Amin, Ameer Akeem UCC 1-308

Before me, the undersigned authority in the County of Richland in the State of SC personally appeared Amin, Ameer Akeem who has sworn to and subscribed before me this 27th day of March, 2015.



Kendra Jackson
NOTARY PUBLIC
My Commission Expires: January 25, 2025

STATE OF SOUTH CAROLINA

RECORDED

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMTER

2015 MAR 27 PM 1:51

CASE NO.: 2014-CP-43-00270

GMAC Mortgage, LLC,

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C

Plaintiff,

AMENDED MOTION TO
VACATE JUDGMENT AND
SALE

vs.

AMEER A. AMIN, (Corporate Person)
Amin, Ameer A. (All Natural Person)

Defendant(s).

PROOF OF SERVICE

I, Amin, Ameer Akeem certify that I am of such age and discretion to be competent to serve papers.

That on the 27th day of March, 2015, 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, and by depositing said envelope and contents in the U.S Mail.

Documents: -Amended Motion to Vacate Judgment and Sale
 -Affidavit for Amended Motion to Vacate Judgment and Sale
 -Proof of Service

Party(ies) Served:

GMAC Mortgage, LLC
1100 Virginia Drive
Fort Washington, Pennsylvania 19034

Caroline Glenn, Esquire,
BROCK & SCOTT, PLLC
Columbia Office – Westpark Center
3800 Fernandina Road, Suite 110
Columbia, South Carolina 29210

BY: Amin, Ameer Akeem
Amin, Ameer Akeem, UCC 1-308
4240 Amelia Drive
Sumter, SC 29154

March 27, 2015
Date

Order Denying Defendant's Motion to Vacate Judgment and sale and Motion to
Continue

ORIGINAL

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED

2015 MAY 12 PM 2:42

DLJ Mortgage Capital, Inc. Plaintiff,
vs.
Ameer A. Amin, Defendant(s).

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

IN THE COURT OF COMMON PLEAS

C/A NO.: 2014-CP-43-00270

**ORDER DENYING DEFENDANT'S
MOTION TO VACATE JUDGMENT
AND SALE AND MOTION TO
CONTINUE**

THIS MATTER came before me on the Defendant's Motion to vacate judgment and sale issued by this Court on November 20, 2014. After careful review of the arguments presented, pleadings, the applicable rules of civil procedure and case law concerning those rules, I make the following findings of fact and conclusions of law:

FINDINGS OF FACT:

1. The Plaintiff's Lis Pendens, Summons and Complaint were filed on February 11, 2014. Judgment of foreclosure and sale was entered in the action on November 20, 2014. The Defendant filed a Motion to vacate judgment and sale on February 17, 2015, and thereafter submitted a request for a continuance of the hearing.
2. The defendant did not put forth any credible evidence or grounds to constitute a continuance.
3. The Motion to vacate judgment and sale contained nothing on its face to indicate that the Defendant would be entitled to some relief under the rules of applicable case law. This denial is not based on the Defendant's failure to appear.

CONCLUSIONS OF LAW:

Based upon the foregoing, Plaintiff is entitled to an Order denying Defendant's motion to vacate judgment and sale.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Defendant's motion to vacate judgment and sale is denied.

IT IS SO ORDERED.



The Honorable Richard L. Booth
Master in Equity, Sumter County

Dated: 5/12, 2015
Sumter, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER
DLJ Mortgage Capital, Inc,

Plaintiff,

vs.

Ameer A. Amin,

Defendant(s).

RECORDED
2015 MAY 12 PM 2:43
JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

IN THE COURT OF COMMON PLEAS
C/A NO.: 2014-CP-43-00270

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee of Brock & Scott, PLLC, and is a person of such age and discretion as to be competent to serve papers.

That on the 7th day of May, 2015, she served a copy of the Order Denying Defendant's Motion to Vacate Judgment and Sale and Motion to Continue by placing said copy in a postage paid envelope addressed to each of the following persons at the address stated below, which is the last known address, and by depositing said envelope and contents in the U.S. Mail.

Pleading: Order Denying Defendant's Motion to Vacate Judgment and Sale and Motion to Continue

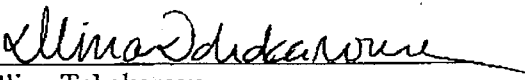
Party (ies) Served:

Ameer A. Amin
4240 Amelia Drive
Sumter, SC 29154

Ameer A. Amin
P.O. Box 2362
Sumter, SC 29151

The Honorable Richard L. Booth, Master In Equity
141 North Main Street
Sumter, SC 29150

Att: Lynn Dunn
Scott & Corley, P.A.
2712 Middleburg Drive, Suite 200
Columbia, SC 29204


Ilina Tchakarova,
Litigation Paralegal
Brock & Scott, PLLC

Columbia, South Carolina

14-00966