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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEALS FROM SUMTER COUNTY
Court of Common Pleas

Richard L. Booth, Master-In-Equity

Appellant Case No. 2015-001341

DLJ Mortgage, Capital, Inc. LLC..... Respondent

v.

Ameer A. Amin..... Appellant

FINAL BRIEF OF THE APPELLANT

Caroline Glenn, Esquire,
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Pro SE

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STATEMENT OF ISSUES ON APPEAL

1. I Amin, Ameer – Akeem, is the record owner of AMEER AKEEM AMIN. This can be verified by checking the birth records at South Carolina DEHEC and supported by the Internal Revenue Manual 21.7.13.3.2.2.
2. The Writ of Assistance is a void order.
3. DLJ mortgage did not own the note and the mortgage prior to the foreclosure action.
4. No one has rebutted any of the affidavits that I have placed into the case.
5. A timely filed constitutional challenge was filed pursuant to federal rule 5.1.

STATEMENT OF THE CASE

I Amin, Ameer-Akeem in the capacity of AMEER AKEEM AMIN, the **owner/trustor** of the Trust (mortgage) hereinafter referred to as Appellant admit that I signed a note and mortgage for what I assumed was a loan of money on and or about May 2007, whereby an alleged mortgage was recorded in Sumter county Land Records of Sumter, South Carolina, with an original principal balance of $85,500.00 with an interest rate of 5.625%.

On or around about February 11, 2014 GMAC Mortgage initiated a foreclosure serving me with a summons and complaint through and by Brock & Scott law firm. Around about six month later or less the loan was sold to DLJ mortgage. At this time Brock & Scott law firm petition the court to substitute the plaintiff with DLJ mortgage to reflect as the plaintiff and it was granted.

QUESTIONS PRESENTED

1. Is it true that in the state of South Carolina in order a party to enforce a foreclosure action, that the party must first own the note and mortgage prior to initiating a foreclosure?

2. Is it true that after a constitutional challenge (rule 5.1) has been issued, that no final judgment can be given when the Attorney General does not intervene?

3. Is it true that an un-rebutted affidavit holds as truth and fact including but limited to material facts?

ARGUMENT

I, Amin, Ameer-Akeem, in the capacity of AMEER AKEEM AMIN, **owner/trustor** of the Trust (mortgage) pursuant to Internal Revenue Manual 21.7.13.3.2.2, hereinafter referred to as Appellant. I am appealing the Writ of Assistance because I believe it is a void order:

For background information purpose, on or around about February 11, 2014 GMAC Mortgage initiated a foreclosure serving me with a summons and complaint through and by Brock & Scott law firm see respondent's Record On Appeal pp.28. Around about six month later or less the loan was sold to DLJ mortgage. At this time Brock & Scott law firm petition the court to substitute the plaintiff with DLJ mortgage to reflect as the plaintiff and it was granted.

As a result, around about November 18, 2014, I submitted an Affidavit stating that there was no Original Note in existence and that no one was able to state otherwise see appellant's Record on Appeal pp.2. The Plaintiff never rebutted this Affidavit but instead stood in Court and declared that they had the original note. The judge never challenged the Plaintiff concerning the Note even though I clarified in the Affidavit that the Note would have been destroyed according to R.K Arnold's, (President of M.E.R.S, INC.) testimony. These words have been very important because my mortgage was handled by M.E.R.S, INC.

On or around December 17, 2014, I filed another Affidavit titled "Affidavit for Request for Settlement", in which I stated that anyone that was claiming to be a lender was committing fraud upon the Court because the alleged lenders are only intermediaries in any loan transaction (commercial transaction) and the Plaintiff never rebutted his Affidavit.

On or about January 12, 2015, I filed a Constitutional Challenged along with a brief because I felt that my constitutional rights were being violated by this Foreclosure Administrative Procedure see appellant's Record on Appeal pp.3. The Attorneys General was notified but never intervene or responded. According to the federal rule 5.1 if the Attorney fails to intervene or was never notified there could be no final judgments or decisions entered into the case, because the statue or code that is being challenged will be held as unconstitutional.

On or around about March 26, 2015, I filed an Amended Motion to Vacate Judgment and Sale, in which I was basing it upon the fact that the Plaintiff did not have my Note and if they did they would have been committing Security Fraud because the Note was, converted to a security certificates see appellant's Record on Appeal pp.5.

On or around about April 9, 2015, I filed a Motion to Reschedule the Motion to Vacate Judgment and Sale Hearing because I was unable to appear on the date that the Court had set, but it was not granted and the hearing was held without my presents. The Motion to Vacate Judgment and Sale was denied.

CONCLUSION

In Conclusion, based upon the issues of the case, statement of the case, and my argument, this administrative procedure was a direct violation of due process of law, as indicated in Charles Hill vs. SEC (security exchange commission). The judge in this case pointed out that since the establishment of administrative court that it was always illegal and unlawful, because it denies one of due process of law. Therefore, upon the issues that been raised in this appeal, the order for a writ of assistance should be rendered void as well as the entire case, and should be dismiss with prejudice.

Note:

THEREFORE, PLEASE TAKE IN CONSIDERATION, that this brief was not prepared by an attorney and that Law and precedent and in accordance with the Supreme Court of the United States pro se Pleadings MAY NOT be held to the same standard as a lawyer's and/or attorney's; and whose motions, pleadings and all papers may ONLY be judged by their functions and never their form. See: Haines v. Kerner; Platsky v. CIA; Anastasoff v. United States; Litigants are to be held to less stringent pleading standards; See: Platsky v. C.I.A., 953 F.2d. 25; In ref Platsky: court errs if court dismisses the pro se litigant without instruction of how pleadings are deficient and how to repair pleadings.

Respectfully submitted,

November 07, 2016

Amin, Ameer-Akeem
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Appellate