

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BERKELY COUNTY  
Court of Common Pleas

Dale Van Slambrook, Master In Equity

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

RECEIVED

JUL 21 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  
Defendants, Of whom Ronnell  
Demar Walker a/k/a Ronnell D.  
Walker is the Appellant

Appellant.

RESPONSE TO RESPONDENT INITIAL BRIEF

I Am: Ronnell Demar Walker  
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  
Tunis Territory  
C/o 412 Eastover Circle  
Summerville, SC [29483]  
Non-Domestic

**TABLE OF CONTENTS**

**TABLE OF AUTHORITIES..... ii**

**STATEMENT OF ISSUES ON APPEAL..... 1**

**STATEMENT OF THE CASE..... 2**

**STATEMENT OF FACTS.....3**

**ARUGMENT.....5**

**I. ABSENT A LOSS, A CLAIMANT HAS SUFFERED NO INJURY THEREFORE  
NO TRUE CLAIM FOR DEBT.**

**II. AN INJURY IS A REQUIRED ELEMENT OF CONSTITUTIONAL STANDING.**

**III. WITHOUT THEM FIRST PROVING INJURY IT WOULD INFRINGE ON MY  
RIGHT TO DUE PROCESS AND A FAIR AND IMPARTIAL TRIAL BECAUSE  
AS TRUSTEES THEY HAVE A DUTY TO PRODUCE THE EVIDENCE.**

**IV. THE MASTER IN EQUITY, DALE VAN SLAMBROOK DID IN FACT  
VIOLATE MY CONSTITUTIONAL PROCTECTIONS BY ALLOWING THE  
DEFENDANT TO PROCEED WITH VAGUE AND HEAVILY REDACTED  
EVINDENCE THAT DID NOT PROVE A LOSS OR SHOWED A COMPETENT  
WITNESS WITH FIRSTHAND KNOWLEDGE OF THE FACTS.**

**CONCLUSION.....8**

**TABLE OF AUTHORITIES**

**CASES**

*Marbury v. Madison*,  
5 US 137.....1,7

*Estelle v Gamble*,  
429 U.S.97 (1976).....5

*Hughes v Rowe* ,  
449 U.S 5 (1980) .....5

*Carpenter v Longan* .....5,6,8

*Lujan v. Defenders of Wildlife*,  
504U.S. 560(1992).....5,6

*United States v. Agurs*, .....7

*Miller v. Pate*.....7

*Darden v. Wainwright*.....7

*Cf. Mesarosh v. United States*.....7

*State v. Albert*,  
277 S.E. (2d) 439, 441 (N.C. 1981).....8

*State v. Miller*,  
61 N C. App. 1, 300 S.E. (2d) 431 (1983).....8

*U.S. v. Allain*,  
671 F. (2d) 248 (7th Cir.1982).....8

*U.S. v. Barrentine*,  
591 F. (2d) 1069 (5th Cir.).....8

*State v. Worthy*,  
239 S.C. 449, 465, 123 S.E. (2d) 835 (1962).....8

*Hanson v Denckla*,  
357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228.....8

<i>Kalb v. Feuerstein (1940)</i> .....	8
<i>Crawford vs Washington</i> .....	7
<i>Haygood vs State</i> .....	7
<i>South Carolina Senate Bill 702</i> .....	5,9
<i>Rule 26 of the Federal Civil Procedure</i> .....	5,6,9

**Other Authorities Restatement**

Constitution for the State of South Carolina.....	1,3,7
Constitution for the United States of America Republic.....	1,3,7
UCC Article 9, Ownership.....	5
UCC Article 3, PETE STATUS.....	5

## STATEMENT OF ISSUES ON APPEAL

Comes now I Ronnell Demar Bey and submit these Rebuttals to the Objections submitted by the Respondent:

1. That I didn't properly preserve the issues.
2. Did I abandon Issues?
3. Did the Master in Equity violate my rights secured by the constitution?
4. Did the Master in Equity properly grant foreclosure? I do not profess to be an attorney but I stand on constitutional principles, the constitution is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law by authority of Marbury v. Madison, 5 US 137 this is not my opinion, Justice John Marshal has already determined that.

### **STATEMENT OF THE CASE**

I am writing to object to the respondent and the decision made March 13<sup>th</sup>, 2016 for the property listed above. There is absolutely no basis for the court order and sale of my home. It is a well-established fact that the state of South Carolina is a hot spot for mortgage fraud as evidenced by The FBI and the Mortgage fraud report. The FBI indicated South Carolina is one of the "Top Ten Hot Spots" for mortgage fraud. Additionally, the report shows that the foremost occupations for the fraudsters as finance related, including mortgage brokers, lenders and their employees. The types of fraudulent mortgage loan activity reported included falsification of the loan application, identify theft/fraud, misrepresentation of loan purpose or misuse of loan proceeds, appraisal fraud, fraudulent flipping of property and fraud involving multiple loans. The respondent has continued to deflect the most important issue did PrimeLending, A PlainsCapital Company personally lose money?

## **STATEMENT OF FACTS**

This appeal results from a wrongful foreclosure action in which the Master in Equity was unfairly impartial and biased in his judgments against me throughout the trial. My identity as a Moor exercising my right to use our ancient titles as evidenced in resolution 75, and my right to identify myself in law has nothing to do with the unconstitutional practices enforced by Erica G. LyBrand and Dale Van Slambrook. I relieved my original counsel do to unsatisfactory performance because she would not file my discovery after several attempts. Furthermore do to multiple investigations I found fraud within the contract but needed the proof as requested from the so called Lenders of the alleged original loan. Representatives for PrimeLending, A PlainsCapital Company throughout the course of these issues several of them quit the case causing me to repeat multiple times the same question to different attorneys who claim to have no knowledge of the case. I had already requested the information several times and they continued to say that they believe that my request for proof of the check and accounts was irrelevant even though they have a duty to produce the evidence to have a true claim which I constantly asserted and was ignored which violated due process, did they indeed have a personal financial injury? They only partially produced the discovery after I got the court to compel them to do what was already required of them. The Master in Equity was biased virtute officii in his determination because before the court should make a ruling they should first find out if the claim is true, he could have asked them to produce what I asked and it would not have been a burden on the court at all being the constitutions protects my right to due process before my property could be claimed. The witness on the record admitted he has no firsthand knowledge of anything in connection to the loan I was overlooked brushed aside, and rushed not having the proper time or access to

the heavily redacted documents which left me at a clear handicap and disadvantage. In which The MASTER-IN EQUITY knew and deprived me of a fair trial.

## ARGUMENTS

1. The Court must liberally construe pro se documents, *Estelle v Gamble*, 429 U.S.97 (1976), holding them to a less stringent standard than those drafted by attorneys, *Hughes v Rowe*, 449 U.S 5 (1980) it is clear that in my past statements and attempts through discovery and motions that I Ronnell Demar Bey was repeatedly requesting proof of financial injury and loss, did PrimeLending, A PlainsCapital Company personally lose money?
2. United States Supreme Court case of *Carpenter v Longen*, absent a loss, a claimant has suffered no injury. Unless a claimant can colorably assert a loss, it lacks standing. See *Lujan v. Defenders of Wildlife*, 504 U.S., 560 (1992) an injury is a required element of constitutional standing. Without them first proving injury it would infringe on my right to due process because as trustees they have a duty to produce the evidence, South Carolina Senate Bill 702 specifically states The Servicer PrimeLending, A PlainsCapital Company owes the homeowner duty of utmost care, honesty, loyalty and full disclosure of all material facts: Who is the Owner, UCC Article 9 Ownership and Did they have the Power or right to enforce UCC Article 3 PETE STATUS also see Rule 26 of the Federal Rules of Civil Procedure.
3. The respondent claims I abandoned my argument but it is plain on its face that I repeatedly requested and demanded vital debt and loan related evidence through a multiplicity of processes that were never provided properly, I was given a payment history, and several other unidentifiable documents and not any full proof of account history to identify if in fact the respondent had suffered injury, by authority of the

constitution, due process of law, Carpenter vs Longen and Lujan v. Defenders of Wildlife, 504 U.S., 560 (1992) an injury is a required element of constitutional standing.

4. To invoke the jurisdiction of the court they would have to already have the proof of personal injury to bring a claim, where is the evidence that it was recorded with the complaint that I requested multiple times which is simple and not vague or confusing it is the Rule of Law, see Rule 26 of the Federal Civil Procedure. If the lawsuit is based upon a loan you must allege that the loan was made. If their action is based upon acquisition of the loan you still must allege that the loan was made placed on the record and that they actually paid for acquisition of the loan. Otherwise the claim is speculative, fraudulent and cannot invoke the jurisdiction of the Court. Without that the second requirement it is impossible to meet — that you have suffered damages as a result of the making the loan and the borrower not repaying it, see Lujan v. Defenders of Wildlife. These are not mere empty recitals. Without them, no lawsuit can continue. The basis for a trial in which the evidence would be presented would be the Complaint. If the Complaint requires that ownership of a real loan be present at the time the Complaint is filed then the Court's jurisdiction has never been invoked. I still have not seen anything that I requested proving that PrimeLending, A PlainsCapital Company had personally loaned me anything they only showed a payment history and multiple unidentifiable documents and instruments that are clearly hiding something, committing outright fraud and violating the Rule of Law.

5. I have not Abandoned my Issue because there is one true Authority and that is the constitution is the supreme law of the land. Any law that is repugnant to the

Constitution is null and void of law by authority of Marbury v. Madison, furthermore the question to ask is why have I not received the loan related evidence I requested showing proof of injury. Which I said more than once in court after several Attorneys had quit the case not one would provide the evidence they would only act as if they were incompetent to understand what was being asked saying it was vague. Using false or fraudulent evidence involves a corruption United States v. Agurs , see also Miller v. Pate, Darden v. Wainwright Improper Argument and Manipulation or misstatement of evidence violates due process). Cf. Mesarosh v. United States. The discovery requested and demanded the same facts from what I argued, prove you gave me money, show evidence of the check and what account belonging to PrimeLending, A PlainsCapital Company did it come from to cause injury for a real debt if the lien is built on fraud there was never a true complaint for which relief could be granted.

6. The Master in Equity Dale Van Slambrook did in fact violate my constitutional protection by allowing the respondent to proceed with vague and heavily redacted evinced that did not prove a loss or produced a competent witness with firsthand knowledge of the facts see Crawford vs Washington also see Haygood vs State even after seeing they did not produce the debt related evidence siding with unconstitutional statutes over My Civil Liberties and my Constitutional protections, he took an oath to uphold the constitution and by allowing them to escape providing undisputable proof he denied me the right to Due process by purposely being biased, Impartial and overlooking my claims siding with the respondents claims without proof of loss.

## CONCLUSION

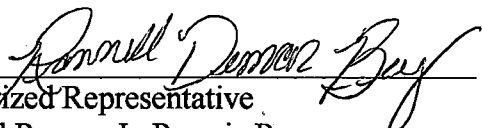
In conclusion "Where one party introduces evidence as to a particular fact or transaction, the other party is entitled to introduce evidence in explanation or rebuttal thereof, even though [the] latter evidence would be incompetent or irrelevant had it been offered initially." *State v. Albert*, 277 S.E. (2d) 439, 441 (N.C. 1981); *State v. Miller*, 61 N C. App. 1, 300 S.E. (2d) 431 (1983). See also *U.S. v. Allain*, 671 F. (2d) 248 (7th Cir.1982); *U.S. v. Barrentine*, 591 F. (2d) 1069 (5th Cir.), cert. den., 444 U.S. 990, 100 S. Ct. 521, 62 L.Ed. (2d) 419 (1979). Additionally, a party "cannot complain of an error which his own conduct has induced." *State v. Worthy*, 239 S.C. 449, 465, 123 S.E. (2d) 835 (1962). The limitations inherent in the requirements of due process and equal protection of the law extend to judicial as well as political branches of government, so that a Judgment may not be rendered in violation of those constitutional limitations and Guarantees. *Hanson v Denckla*, 357 US 235, 2 L Ed 2d 1283, 78 S Ct 1228. Furthermore "A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include **Kalb v. Feuerstein (1940)**

The alleged lender failed on a multiplicity of occasions to prove that they were financially and personally injured do to a loss of money from I Ronnell Demar Bey Ex rel: RONNELL DEMAR WALKER Non identifying corps. Because of this it would be unconstitutional, unfair and unethical to up hold this order without further investigation into who is the true holder and validation of the alleged debt showing that there was a factual injury to PrimeLending, A PlainsCapital Company, showing the loan related instruments, Accounts, deed of trust were not Bifurcated and produce a factual plaintiff in controversy. See *Carpenter vs Longan* All the authorities agree that the debt is the principal thing and the mortgage an accessory. Equity puts the principal and accessory upon a footing of equality, and gives to the assignee of the evidence

of the debt the same rights in regard to both. There is no departure from any principle of law or equity in reaching this conclusion. The fallacy which lies in overlooking this distinction has misled many able minds, and is the source of all the confusion that exists. The mortgage can have no separate existence. When the note is paid the mortgage expires. It cannot survive for a moment the debt which the note represents. Furthermore Senate Bill 702 specifically states The Servicer PrimeLending, A PlainsCapital Company owes the homeowner duty of utmost care, honesty, loyalty and full disclosure of all material facts: also see Rule 26 of the Federal Civil Procedure. But PrimeLending, A PlainsCapital Company and Erica G. LyBrand failed on several occasions to provide these material facts into Evidence.

Respectfully submitted,

July 18, 2017

I Am:   
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  
Tunis Territory  
C/o 412 Eastover Circle  
Summerville, SC [29483]  
Non-Domestic, Non-Resident

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BERKELY COUNTY  
Court of Common Pleas

Dale Van Slambrook, Master In Equity

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.

RECEIVED

JUL 21 2017

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the **RESPONSE TO RESPONDENT'S INITIAL BRIEF** by depositing a copy of it in the United States Mail, postage prepaid, on July 18, 2017, addressed to The Honorable Jenny Abbott Kitchings, Clerk of Court, South Carolina Court of Appeals at 1220 Senate Street Columbia, South Carolina 29201.

I Am: Ronnell Demar Bey  
Authorized Representative  
Natural Person, In Propria Persona: Sui Juris  
Ex Relatione RONNELL DEMAR WALKER  
All Rights Reserved:  
U.C.C. 1-207/ 1-308; U.C.C. 1-103  
Tunis Territory  
C/o 412 Eastover Circle  
Summerville, SC [29483]  
Non-Domestic, Non-Resident

July 18, 2017

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:

Please find enclosed the an Original and 7 copies of the Response to the  
Respondent's Initial Brief and Designation of Matter and Proof of Service for the above  
referenced matter.

I Am: Ronnell Demar Buyer  
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  
Tunis Territory  
C/o 412 Eastover Circle  
Summerville, SC [29483]  
Non-Domestic

Enclosures

cc:  
Erica Greer Lybrand  
Rogers Townsend Attorney at Law  
1221 Main Street, 14<sup>th</sup> Floor  
Columbia, SC 29201

Nikole Deanna Haltiwanger  
ROGERS TOWNSEND & THOMAS, PC  
220 Executive Center Drive  
Columbia, SC 29201  
(803)744-4444

RECEIVED  
JUL 21 2017  
SC Court of Appeals

