

State of South Carolina
In the Court of Appeals

Appeal from Spartanburg County

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Court of Common Pleas

Gordon G. Cooper, Master in Equity

Case No. 2012-CP-42-3027

SEP 18 2017

SC Court of Appeals

Appellate Case No. 001238

Deutsche Bank National Trust Company, as Trustee for Argent Securities, Inc.
Asset-Backed Pass-Through Certificates, Series 2004-W11

Respondent

v.

Geary Thomas Dooly, Eleanor S. Dooly and United States of America,

Appellant

Of whom, Geary Thomas Dooly is the Appellant

Initial Reply Brief of Appellant

geary-thomas, family dooly,
appellant, sui juris
c/o post office box 3326
spartanburg, south carolina [29304]
Phone (864) 978-3426

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STATEMENT OF ISSUES ON APPEAL

The Appellant is not pro se, is not educated in law and is sui juris in all matters. The Court is further noticed that, the Appellant/Defendant being sui juris, not educated in the law, the Court must read and construe liberally all pleadings by Appellant/Defendant per *Hanes v. Kerner* 404 US 520, *Birl v Estelle* 660 F.2d 592.

The primary matters before the appellate court are:

(1) During the hearing did either Judge Cooper, or Respondent address, in full, the fact stated by the Appellant; “...I am here on special appearance as the living man speaking..”? Answer: NO. This is exactly what they have done throughout this case, that is, ignore my witness to the court as to FULL Jurisdiction, as well as any other statement that they could not overcome. They are “playing” with the meaning of Jurisdiction which certainly must include “Persona Jurisdiction” as well as which court, etc. I hereby state again, that I am the living man, geary-thomas: Dooly. This has been verified by a South Carolina man and woman, both before an Officer of Court. They stated on the record to know geary-thomas: Dooly to be the living man and NOT dead. For many years the Courts have considered geary-thomas: Dooly to be dead and took the position of settling the estate. The Court of Common Pleas can not hold court against a living man, in that, there can be NO PERSONA JURISDICTION. The Courts have used trickery and twisting of word meanings so as to wrongly assume jurisdiction. THAT IS NO LONGER. geary-thomas: Dooly is alive, living, breathing, and speaking, and does NOT grant persona jurisdiction in this case, OR any previous case wherein geary-thomas: Dooly was ASSUMED to be dead. Neither does the

South Carolina Court of Appeals have persona jurisdiction. It is well known that a Court must first determine jurisdiction before continuing a case. Plaintiff, or Court has claimed or assumed or erroneously ruled that they have jurisdiction over geary-thomas: Dooly, the living man. Until anyone continues this case, they should show proof on the record that they have persona jurisdiction over geary-thomas:Dooly the living man, in answer to multiple pleas to that effect. This WRONG assumption goes all the way back to the preparation of loan documents wherein it was ASSUMED that geary-thomas:Dooly was a dead man as evidenced by the ALL CAPS spelling of the name to imply that of a dead entity rather than the living man. THAT ASSUMPTION by so many individuals has now been refuted, and must be rebutted, if that were even possible. All else is mute until certain proof is put on the record to rebut that geary-thomas: Dooly the living man is dead. Somewhat of an oxymoron – it cannot be done. Facts and copies of the sworn witnesses is filed into the Court Records and certified by the Clerk of Court, M. Hope Blackley as part of Case 2017-CP-42-01180 Caption of filing: PUBLIC NOTICE OF ENTRY AND SPECIAL APPEARANCE.

(2) Did the Respondent, in good faith, discontinue this case since the Respondent knows from my testimony before Judge Cooper that geary-thomas: Dooly the living man in special appearance to show the Court the true fact that geary-thomas: Dooly the living man is not dead and appeared in Court on the date of the hearing, yet continued the case? NO, Respondent continued in disrespect for the Court, and the honor of this living man.

(3) Did Judge Gordon Cooper, in good faith, discontinue this case while hearing the testimony of geary-thomas: Dooly the living man

was standing before him (Judge Cooper) on special appearance? NO, Judge Gordon Cooper “swept it under the rug”, and continued in disrespect for the Court, the State of South Carolina, and the honor of this living man.

- (4) If Judge Cooper needed geary-thomas: Dooly to make a motion to as to persona jurisdiction, why did he not say so, knowing that I am not trained in law and the many rules of the court? I might point out that in the same hearing, Judge Cooper prompted the Respondent with the question: “And the basis for your Motion, Counsel?”
- (5) Is Judge Cooper’s ruling for Summary Judgment fair and equitable? NO, and cannot be in light of no persona jurisdiction over geary-thomas: Dooly the living man.
- (6) Did Judge Cooper focus the hearing on the erroneous statement of Counsel that the points of Appellant’s Answer to Motion for Summary Judgment “are just restatements of the counterclaim already dismissed” [see **Exhibit A page 9, lines 4 & 5 of hearing transcript- Pg _____ ROA**], when in fact they were NOT all “restatements”?
- (7) Did Judge Cooper act in bad faith by continuing the case after Appellant stated that he was the living man [**Exhibit C - Page 3, lines 8 & 9 of hearing transcript- Pg ____ ROA**], which proves that he, Geary Thomas Dooly, is not dead and he, Judge Cooper, has no right to conduct a trial against a living man?

(8) Did Judge Cooper and the Attorney of record act in bad faith by ignoring, and failing to answer or address a VERY critical issue as on the record of the court, namely, Appellant’s ANSWER TO MOTION FOR SUMMARY JUDGMENT, most specifically Item 6. On page 6 of Appellant’s Answer as repeated in part here: [**Exhibit B – Item 6-pgs 6 & 7- Pg _____ ROA**] “**Item 6. Lack of Jurisdiction over geary-thomas: dooly, the living man**”, I am geary-thomas:dooly, the living man on the soil of South Carolina. The land that I live on is in the following names: geary-thomas; dooly, the living man, and eleanor-s.: dooly, the living woman. It is published in the Spartan weekly News in two entries each of April 7, 14, 21,

2016, namely “LEGAL NOTICE OF: QUIT CLAIM ON LAND”, and LEGAL NOTICE: CERTIFICATE OF ASSUMED NAME FOR A NON-PROFIT, CHARITABLE ORGANIZATION, A SOLE PROPRIETORSHIP, A PARTNERSHIP, A LIMITED PARTNERSHIP, AND OR TRUST”. Therefore, there is no jurisdiction in a Military Court under the Military Flag.”

REPLIES TO SPECIFIC POINTS IN RESPONDENTS INITIAL BRIEF

1. On page 1 under the heading “Statement of the case and facts”, Respondent slants truth and makes judgments outside of “Good Faith”. Respondent fails to point out that the MORTGAGE is NOT in the name of geary-thomas: Dooly, but is in the dead entity named GEARY THOMAS DOOLY and ELEANOR S. DOOLY. The State and Court are SURETY for that entity. The only way to utilize the all caps is to make the ASSUMPTION of death. This Mortgage is now void and mute due to the ASSUMPTION being wrong, being refuted, and being witnessed by two witnesses to be alive. Furthermore, the alleged “lender” failed to point out that assumption and why they spelled the name in all caps. I, now, know the intent of fraud is present herein, and relates to JURISDICTION.
2. On page 2 of the brief, Respondent states “Dooly failed to make his monthly payments...” when, in fact, the “Borrower is DOOLY, not Dooly. Respondent flaunts the alleged fact that Judge Couch dismissed the counterclaims. Note: THAT dismissal occurred during a hearing wherein the Plaintiff presented a Thirty-five (35) page “Memorandum in Support of Motion to Dismiss Counterclaims at the hearing, when, in fact Plaintiff had only placed that memorandum in the mail to Defendant the afternoon before the morning hearing. Defendant questioned what was being presented only to learn that Plaintiff had violated the 72 hour rule of notification. Defendant objected, Plaintiff handed Defendant a 35 page copy, and Judge Couch overruled Defendant’s motion to set a new hearing date, and continued, and ruled in favor of Dismissal of Counterclaims, as I stood defenseless with no notice of the memorandum – a “railroad job”! Judge gave Defendant 30 days to do whatever he wanted to do! Defendant wrote a 111 page response that allegedly the Clerk of Court lost such that the 30 days pasted. Upon finding the 111 page document, Defendant paid \$25 to schedule another hearing, which was denied or at least, defendant never got a response!! What a great way to “kill” counterclaims that were impossible to beat. This is typical of how this defendant has been treated throughout this case. Wrongful actions, and in bad faith with intent to commit fraudulent activity.
3. On pages 4 & 5 of the brief, under the heading “ARGUMENT- Item I”, Respondent writes infinitum re “jurisdiction”. It is apparent that respondent does not want to address personum jurisdiction, in that, it is never addressed, however, personum is a part of jurisdiction which is the

- real issue of this appeal wherein Judge Cooper made a ruling against a living man while having no personum jurisdiction whatsoever.
4. On page 6 and part of 7 under ARGUMENT – Item II, Respondent again slants the dismissal of counterclaims as being fair and equitable, and apparently in good faith. The “one –two punch” of two Judges wherein one favored the Plaintiff by allowing failure of 72 hour rule, made a ruling, then passed it on to the second Judge for the finishing blow of dismissal. This case, at best, is a MIS-TRIAL.
 5. On Page 7 and part of 8, Respondent covers my error of misunderstanding of the Court of Appeals ruling wherein Appellant interpreted the ONE WORD ruling “AFFIRMED” to mean that the Appellant’s claims were AFFIRMED. It is now understood what was AFFIRMED. More clarity would have been appreciated by one not trained in court laws, and procedures.
 6. On Page 8 and part of page 9, Respondent makes some 12 statements re “..Dooly asserts.... Issues..”. Replies:
 - a) #1. Fraud and deception of which there has been numerous attempts to commit fraud in this case, have no time limit or other limitations.
 - b) #2. Deutsche Bank never established authority of Attorneys upon which jurisdiction must have. Fact; Deutsche Bank is NOT bringing this case, they have nothing to do with it. They sold the documents falsely made, and Appellant entered the Cusip number into the court – that was “ignored”, “swept under the rug”, and done so in an attempt to commit fraud. All about JURISDICTION.
 - c) #3 ditto b) above.
 - d) #4 Respondent failed to answer Appellants Answer to motion for Summary Judgment. Arguments were NOT ALL previously dismissed counterclaims, THEREFORE, respondent was in default and case should have been dismissed, HOWEVER, Judge Cooper came to Respondents rescue and OK’d the error via nebulous verbiage.
 - e) #5 Respondent questions the act of bad faith by Judge Cooper by continuing the case once he learned that Defendant was the living man. Sorry, but it is “Bad Faith” to defy JUSTICE when you know better. This is relevant in that it is JURISDICTION!!
 - f) #6 Respondent questions if Judge Cooper realized that he was the surety in this case and responsible for settlement. Certainly. Cooper has been around for a long time and IS SURETY in this Case for the entity GEARY THOMAS DOOLY. This is about JURISDICTION.
 - g) #7 Ditto f) above.

- h) #8 Respondent still questions the jurisdiction question, when in fact persona jurisdiction was never established, but avoided by referring to other facets of jurisdiction.
 - i) #10 Yes it is bad faith when an attorney fails to respond to the defendants answer.
 - j) #11 The courts were “nebulous” in the previous ruling to one NOT trained in law.
 - k) #12 Respondent, apparently, does not get into proof that geary-thomas:Dooly is a living man over which Respondent has no jurisdiction. Respondent wants to hide behind the attempt to fraud by the banks using the all caps name so as to give jurisdiction to court over a living man that does not realize how the “wool is being pulled over his eyes”. Respondent must face that issue of having no jurisdiction.
7. On page 10 of the brief, Respondent, apparently did not read the case cited by Appellant since many others have confirmed that the case cited is a solid proof that once an assumption of death is proven wrong by the appearance of the live man, that assumption is void and any action taken under that assumption are reversed, null, and void.
8. In the last sentence of respondents CONCLUSION on page 11, that states, “The undisputed facts in the record show that the Master-in Equity had jurisdiction and Dooly’s counterclaims were properly dismissed.”, Appellant ask the Respondent or the Court to show one “fact”, or any evidence on the record that the Master-in Equity can have jurisdiction over a live man, proven such by two sworn witnesses in front of an Officer of the Court, a Notary. In fact, the Appellant under sworn testimony so stated when standing before Judge Cooper that he, geary-thomas: Dooly is the living man. In fact, in one hearing, wherein I was testifying to be the living man, Judge Cooper asked me if I had a Drivers License, albeit, I am not a driver, and upon showing Cooper the License, Cooper replied, See, there is your name in all caps, that is you. I countered saying I did not write that name in all caps, and that I signed it in lower case letters as it is on my birth certificate. He ruled (in bad faith) “ I am ruling that is you.” I objected and Judge Cooper over ruled my objection. THAT is not the way a Judge should treat a living man, or even a dog.

COMMENT TO MAKE A POINT

During this entire case, Appellant has been abused by Attorneys far beyond belief. Even to the point of having lost confidence in our system of law, justice, and integrity. Far too many to reiterate here, however, if one reads thru the case, you

will see where I have pointed them out over and over to no avail. Now I want to make one final point of how Attorneys abuse others:

You may note that the Respondent in the DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL Respondent list some twenty-five (25) documents, most of which are not referred to in the brief, and many that are certainly not relevant to this appeal. I point out just two: #21 Notice of Hearing Dated May 4, 2017, and # 25 Notice of Appeal, dated May24, 2017. AND, in supposedly "Good Faith", Respondent makes the false statement "I certify that this designation contains no matter which is irrelevant to this appeal." That certification is certainly false. Where in the appeal is Respondent going to use the document "Notice of Appeal"??!! It is NOT an issue.

Now, here is the reason, in my humble opinion, Respondent makes this extremely large list to be included in the Record on Appeal which will amount to several hundred pages, approximately 500+ pages. As you know Appellant has to produce the 17+ copies of the Record on Appeal, therefore, it will cost this Appellant in excess of \$1,000 to deliver the 17 or so bound copies of Record on Appeal due to this ridiculous list.

This abuse is just another clear case of Respondent acting in Bad Faith, and in violation of the intent of **RULE 209, (b) Content** as follows: "*The Designation of Matter must clearly identify what the party desires to have included in Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [See Rule 210(c)]. A party shall not include any matter in his designation which is not relevant to the appeal.*" Emphasis added by underline by Appellant. This is an apparent gross violation against the Court Rules, an act of Bad Faith, and an abuse against the Appellant, and the Court wherein Respondent names entire filings from years ago including all exhibits. Just for example: Item #1 Designated by Respondent is the Initial Complaint filed July 19, 2012 constitutes 56 PAGES!!; ITEM # 13 is 36 PAGES; Item # 9 is 111 PAGES, therefore these 3 alone constitute 203 PAGES wherein virtually NONE of the pages are used in presentation of respondent ---- an obvious abuse by one trained in law. It is NOT in accord with the Rules as to content of Record on Appeal, but blatant abuse and Bad Faith.

Conversely, Appellants Designation of Record on Appeal totals three (3) items, constituting six (6) pages specifically identified as to the source of said pages!

Appellant will make a motion for the Respondent to state just the exact pages needed for the Court to be Just which will greatly reduce the volume of work on everyone including Court Clerks, Appeal Judges, and certainly the Appellant. This seems logical since every document on Record on Appeal is on the computer system in the event a Judge wants to study the source.

CONCLUSION OF APPELLANT

For the reasons stated above, geary-thomas: Dooly respectfully moves the Appeals Court of South Carolina DENY ruling of Summary Judgment by Judge Gordon Cooper, and dismiss this case in its entirety as a MIS-TRIAL or as an appropriate dismissal that pleases the Court.

The case has been laced with inappropriate activity by both the Judges and Plaintiff Attorneys to avoid establishing full jurisdiction. There are Notarized affidavits on the record as attached to "3rd Amended Counterclaim As Answer" by the Appellant wherein several Affidavits of misconduct were sworn to before a Notary verifying misconduct, yet the Court ignored them all, as well as ignoring any and all presentations by Appellant that were of prime proof in the case. This collusion included a Judge conducting a hearing for Dismissal of Counterclaims wherein the Plaintiff had failed to provide Appellant with a copy of "Memorandum of Support for Dismissal" 72 hours before the hearing. That collusion led to the dismissal as the Defendant was totally "in the dark" and kept "in the dark" by the Judge denying objection and motion to reschedule the hearing. Judge Gordon Cooper played a major part in this collusion.

A dismissal of the Case in total, wherein Plaintiff would have to completely start a new case with no reference to subject case, would be Justice. That is my humble request.

Respectfully submitted,

September 15, 2017

geary-thomas, appellant, sui juris
c/o: post office box 3326
spartanburg, south carolina [29304]
Phone (864) 978-3426

geary-thomas: Dooly, the living man

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTNBURG COUNTY
Court of Common Pleas

Gordon G. Cooper, Master In Equity

Appellate Case No. 2017-001238

Deutsche Bank National Trust Company, as Trustee for Argent Securities Inc.,
Asset-Backed Pass-Through Certificates, Series 2004-W-11..... Respondent

v.

Geary Thomas Dooly, Eleanor S. Dooly, & United States of America,

Defendants

Of whom, Geary Thomas Dooly is the..... Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the Initial Reply
Brief of Appellant, and Designation of Matter to be Included In The Record On
Appeal by, first class, U.S. Mail with postage prepaid upon the following:

Genevieve S. Johnson of Brock and Scott, PLLC , Attorneys for Respondent,
3800 Fernandina Road, Suite 110, Columbia, SC 29210.

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Geary-Thomas: Dooly
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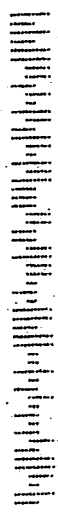
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Glary Thomas Doody
c/o P.O. Box 3326
Spartanburg, South Carol
[29304]

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