

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
NOV 02 2017
SC Court of Appeals

PrimeLending, A
PlainsCapital Company,

Respondent,

v.

Appellant.

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'S MOTION TO VOID JUDGMENT

Comes now I Ronnell Demar Bey in propria persona sui juris .

Notice to the Principles is Notice to the Agent and Notice to the Agent is Notice to the principles! Exhibit A: notice is an essential element of due process

Judicial Notice: "It is not necessary for rescission of a contract that the party making the misrepresentation should have known that it was false, but recovery is allowed even though

misrepresentation is innocently made, because it would be unjust to allow one who made false representations, even innocently, to retain the fruits of a bargain induced by such representations." Whipp v. Iverson, 43 Wis 2d 166.

Judicial Notice: SC Annotated Code the failure of an officer to obey the positive mandate of a statute is a breach of his bond, upon which suit may be had under the authority of this section. Richland County V. Owens, 92 S. C. 329, 75 S E. 549, Ann. Cas. 15D, 1235.

Judicial Notice: 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)

Judicial Notice: "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not avoidable, but simply void, and this even prior to reversal." Old Wayne Mut. I. Assoc. v McDonough, 204 U.S. 8, 27 S.Ct. 236 (1907); Williamson v Berry, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); Rose v Himely, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808).

Judicial Notice: A court "cannot confer jurisdiction where none existed and cannot make a void proceeding valid." People ex rel. Gowdy v Baltimore & Ohio R.R. Co., 385 Ill. 86, 92, 52 N.E.2d 255 (1943).

Judicial Notice: South Carolina A void judgment is one that, from its inception, is a complete nullity and is without legal effect." *Thomas & Howard Co. v. T.W. Graham and Co.*, 318 S.C. 286, 291, 457 S.E.2d 340, 343 (1995). The definition of void under the rule only encompasses judgments from courts which failed to provide proper due process, or judgments from courts which lacked subject matter jurisdiction or personal jurisdiction." *McDaniel v. U.S. Fid. & Guar. Co.*, 324 S.C. 639, 644, 478 S.E.2d 868, 871 (Ct. App. 1996). It is fundamental that no judgment or order affecting the rights of a party to the cause shall be made or rendered without notice to the party whose rights are to be affected." *Tyron Fed. Sav. & Loan Ass'n v. Phelps*, 307 S.C. 361, 362, 415 S.E.2d 397, 398 (1992). Generally, a person against whom a judgment or order is taken without notice may rightly ignore it and may assume that no court will enforce it against his person or property. The requirements of due process not only include notice, but also include an opportunity to be heard in a meaningful way, and judicial review. *Grannis v. Ordean*, 234 U.S. 385, 394 (1914) ("The fundamental requisite of due process of law is the opportunity to be heard."); *S.C. Dep't of Soc. Servs. v. Holden*, 319 S.C. 72, 78, 459 S.E.2d 846, 849 (1995).

Judicial Notice: "a void judgment, order or decree may be attacked at any time or in any court, either directly or collaterally" - The law is well-settled that a void order or judgment is void even before reversal. *Valley v Northern Fire & Marine Ins. Co.*, 254 U.S. 348, 41 S.Ct. 116 (1920)

Judicial Notice: 'it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded.' Furthermore; that all possible injuries whatsoever, that did not fall within the exclusive cognizance of either the

ecclesiastical, military, or maritime tribunals, are, for that very reason, within the cognizance of the common law courts of justice; for it is a settled and invariable principle in the laws of England, that every right, when withheld, must have a remedy, and every injury its proper redress.' [5 U.S. 137, 163] third volume Commentaries, page 23, and 109 Blackstone

Judicial Notice: An order made without any authority at law is a void order.

A void judgment [or order] is, in legal effect, no judgment. By it no rights are divested. From it no rights can be obtained. Being worthless in itself, all proceedings founded upon it are equally worthless. It neither binds nor bars any one.' [Citation.]" (Bennett v. Wilson (1898) 122 Cal. 509, 513-514 [55 P. 390].) (Ibid)

1. THE ELEVENTH AMENDMENT

It is a violation of the Article XI for a FOREIGN CITIZEN to INVOKE the JUDICIAL POWER OF THE STATE.

Article XI. The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

2. S. citizens (federal citizens) are FOREIGN to the several State and SUBJECTS OF THE FEDERAL UNITED STATES/STATE of NEW COLUMBIA/DISTRICT OF COLUMBIA. Attorneys, therefore, are considered FOREIGN AGENTS under the FOREIGN AGENTS REGISTRATION ACT [FARA] and are SUBJECTS of the BAR

ASSOCIATION [BRITISH ACCREDITING REGENCY]. By virtue of the 11th Amendment, government and corporations and their agents are foreclosed from parity with real, living, sentient Original Men. Rights of sentient beings are God-given by virtue of Allah the father of the universe and creator of Original Man, while corporations and governments only have limited powers—powers granted to them by their human creator. Boyd v. US, 116 U.S. 616: “The court is to protect against any encroachment of constitutionally secured liberties.”, Trinsey Vs Parailgro, Title 22 USC (Foreign relations and Intercourse) Chapter 11 identifies all public officials as foreign agents., and Title 28 USC 3002 Section 15A states United States is a Federal Corporation and not a government, including the Judicial Procedural Section.

3. I Ronnell Demar Bey the real party in Interest Object to the unlawful practices of Dale Van Slambrook, Erica G. LyBrand and PRIME LENDING A PLAINS CAPITAL COMPANY: A Void order has no standing or no duty to comply. I am immensely injured by the alleged “Orders and Judgments” of 10/18/2016 the issuance of the “Void Order to Award PRIME LENDING A PLAINS CAPITAL COMPANY the subsequent “Void Order to auction my home on 12/07/2016 on “Claims of an alleged Loan,” and the Rule to show cause hearing of 02/27/2017, are not valid, they are void ab initio and ultra vires action. The phrase "real party In Interest," as used in Code, § 29, SC Rule 17 providing that an action must be prosecuted In the name of the real party in interest, means the person entitled to the avails of the suit; and a mere assignee, having no interest In the result of the suit, and who obtains an assignment on a promise to pay the assignor the

amount he may derive from the action, is not the real party in interest, and cannot maintain the action. Hoagland v. Van Etten, 35 N. W.III, 870, 22 Neb. 681. A Corporation is an artificial person without natural rights. For Erica G. LyBrand to file a civil action with a "Corporation" as "Plaintiff" is clear "Fraud on the Court". A "Corporation" cannot meet the requirements to establish Standing In order to establish standing, three elements must be established. First, the party must have suffered an injury in fact---an invasion of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical. Second, there must be a causal connection between the injury and the conduct complained of---the injury has to be fairly traceable to the challenged action of the adverse party and not the result of independent action of some third party not before the court. Third, it must be likely as opposed to merely speculative, that the injury will be redressed by a favorable decision. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 112 S.Ct. 2130, 2136, 119 L.Ed.2d 351 (1992); Chambers Medical Technologies of S.C. v. Bryant, 52 F.3d 1252 (4th Cir. 1995). Petitioner does not satisfy any of the requirements required to establish standing.

4. Standing to prosecute an action requires that a party must have a personal stake in the subject matter of the lawsuit. In this action, PRIME LENDING A PLAINS CAPITAL COMPANY challenges I Ronnell Demar Bey the real party in Interest of an alleged Debt based on an alleged Loan which only applies to Lawful Transactions. "The word 'money' in its usual and ordinary acceptance means gold, silver, or paper money used as a

circulating medium of exchange . . ." Lane v. Railey 280 Ky 319, 133 SW 2d 75, Public Law: "Chap 48, 48 Stat. 112". Bills and credit are not Money. Further Money is defined as Moneta gold and silver coin Metal Pascal annotated Constitution. According to the Law of evidence adduced through further investigation, PRIME LENDING A PLAINS CAPITAL COMPANY is not licensed validly or has a right by Charter to Loan Credit "In the federal courts, it is well established that a national bank has not power to lend its credit to another by becoming surety, indorser, or guarantor for him." Farmers and Miners Bank v. Bluefield Nat 'l Bank, 11 F 2d 83, 271 U.S. 669. 6. Bank of New York v. SINGH - Judge KURTZ 14Dec2007 7. Bank of New York v. TORRES - Judge COSTELLO 11Mar2008 8. Bank of New York v. OROSCO - Judge SCHACK 19Nov2007 Citi Mortgage Inc. v. BROWN - Judge FARNETI 13Mar2008 The Mortgage PRIME LENDING A PLAINS CAPITAL COMPANY and Dale Van Slambrook Through State Charter has no Jurisdiction or power to loan credit Lawfully according to the well-established rule of law and is willfully acting in the transaction of Fraud depriving me of my Liberty, and honest Service, Title 18 1346, Pub. L. 100-690, title VII, §7603(a), Nov. 18, 1988, 102 Stat. 4508... Although it may have some general economic interest in the statutes which apply to Mortgage and Banking Companies, that interest is not of such a personal nature as to satisfy the requirements for standing Trinsey v Pagliaro, D.C.Pa. 1964, 229 F.Supp. 647. "Statements of counsel in brief or in argument are not facts before the court.

5. Rule 17 of the South Carolina Rules of Civil Procedure requires that actions be prosecuted in the name of the real party in interest. See S.C.R.C.P. Rule 17. According to South Carolina law, a party must be the real party in interest in order to have standing to sue. See *Town of Sullivan's Island v. Felger*, ___ S.C. ___, 457 S.E.2d 626, 629 (Ct. App. 1995); *Bailey v. Bailey*, ___ S.C. ___, 441 S.E.2d 325, 327 (1994); *WeSav Financial Corp. v. Lingefelt*, ___ S.C. ___, 450 S.E.2d 580, 582 (1994); *Dockside Ass'n, Inc. v. Detyens, Simmons*, 285 S.C. 565, 330 S.E.2d 537 (Ct. App. 1985). Petitioner is not the real party in interest; consequently, it lacks standing to challenge this requirement.

6. Further a corporation cannot in fact sign a "Power of Attorney" or give any attorney verbal instructions to act on its behalf because it has suffered an injury in fact. The constitution is the supreme law of the land *Marbury v. Madison*, 5 US 137. No attorney can lawfully represent any "Corporation in court" Which also Deprives me of the 6th Amendment Right to face my Accuser, Article 1 Section 14 of South Carolina State Constitution and Due Process of Law; also 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*.

Further as stated above It is a well Established fact that Banks cannot Loan credit "A national bank has no power to lend its credit to any person or corporation . . . *Bowen v. Needles Nat. Bank*, 94 F 925 36 CCA 553, certiorari denied in 20 S.Ct 1024, 176 US 682, 44 LED 637. There was no Jurisdiction to Act And Dale Van Slambrook should not be Ignorant of the Law for it is a

well-established principle, often advanced by the State in criminal prosecutions, "that ignorance of the law is no excuse." *State v. Binnarr*, 400 S.C. 156, 160 n.7, 733 S.E.2d 890, 892 n.7 (2012). There would be a "fundamental unfairness [in] holding citizens to 'the traditional rule that ignorance of the law is no excuse,' while allowing those 'entrusted to enforce' the law to be ignorant of it." *United States v. Chanthasouxat*, 342 F.3d 1271, 1280 (11th Cir. 2003) (internal citation omitted) (quoting *Bryan v. United States*, 524 U.S. .

7. I Ronnell Demar Bey the real party in Interest Substantive and procedural Due Process has been violated by Banking Fraud. PROOF BANKS DEPOSIT NOTES AND ISSUE BANK CHECKS. THE CHECKS ARE ONLY AS GOOD AS THE PROMISSORY NOTE. NEARLY ALL BANK CHECKS ARE CREATED FROM PRIVATE NOTES. FEDERAL RESERVE BANK NOTES ARE A PRIVATE CORPORATE NOTE (Chapter 48, 48 Stat 112) WE USE NOTES TO DISCHARGE NOTES.

8. "Neither, as included in its powers not incidental to them, is it a part of a bank's business to lend its credit. If a bank could lend its credit as well as its money, it might, if it received compensation and was careful to put its name only to solid paper, make a great deal more than any lawful interest on its money would amount to. If not careful, the power would be the mother of panics . . . Indeed; lending credit is the exact opposite of lending money, which is the real business of a bank, for while the latter creates a liability in favor of the bank, the former gives rise to a liability of the bank to another. I Morse. *Banks and Banking* 5th Ed. Sec 65; Magee,

9. The doctrine of ultra vires is a most powerful weapon to keep private corporations within their legitimate spheres and to punish them for violations of their corporate charters, and it probably is not invoked too often . . .” Zinc Carbonate Co. v. First National Bank, 103 Wis 125, 79 NW 229. American Express Co. v. Citizens State Bank, 194 NW 430. further (June 25, 1948, ch. 645, 62 Stat. 753; Pub. L. 103-322, title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2147.) Furthermore the Judiciary Act of 1789 under the authority of the constitutional provision the district courts have exclusive original cognizance of civil cases of admiralty and maritime jurisdiction, of seizures and all suits for penalties and forfeitures incurred, and of all suits against consuls or vice consuls.

10. In Conclusion I Ronnell Demar Bey the real party in Interest have requested the Oath and bonds in Accordance with sections 23-13-10 and 23-13-20 of the South Carolina Code. As evidence to the alleged Judge and any other Official Appointed or Elected Acting Virtute Officii in Good faith and not acting colorable Or simulating a legal or judicial process as an de facto Officer in any way Ryder v. United States (94-431), 515 U.S. 177 (1995). Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently. Furthermore to protect against Void Judgment’s, Unfair Trials, gross Negligence and Misconduct of public officials: enforcing Non-Positive law. “Officers of the court have no immunity, when violating a Constitutional right, from liability. For they are deemed to know the law.” -Scheuer v. Rhodes, 416 U.S. 232, 1974

expounds upon *Owen v. Independence* 100 S.Ct. 1398, 445 US 622, 15 U.S. Code § 1122 - Liability of United States and States, and instrumentalities and officials thereof.

11. It would be unconstitutional, unfair and unethical to uphold a Void order without following the rule of law above mentioned complaint and facts produce the Certified Oaths and Bonds along with proof of proper Authority. All Orders and Judgments made on 10/18/2016, 12/07/2016, and 02/27/2017 are void, ultra vires and jurisdiction has not been invoked. Judges are debt collectors and owe a duty to the banks this is a major conflict as well as all courts and officers are foreign and a state of their own and have given up their citizenship to become foreign agents Title 50 USC 53 Trading with the Enemy Act.

12. "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply void, and this even prior to reversal." *Old Wayne Mut. I. Assoc. v McDonough*, 204 U.S. 8, 27 S.Ct. 236 (1907); *Williamson v Berry*, 8 How. 495, 540, 12 L.Ed. 1170, 1189 (1850); *Rose v Himely*, 4 Cranch 241, 269, 2 L.Ed. 608, 617 (1808).

13. A court "cannot confer jurisdiction where none existed and cannot make a void proceeding valid." *People ex rel. Gowdy v Baltimore & Ohio R.R. Co.*, 385 Ill. 86, 92, 52 N.E.2d 255 (1943)

The use of notary below is for identification only, and such use does NOT grant any jurisdiction to anyone.

Subscribed and sworn, without prejudice, and with all rights reserved.

Ronnell Demar Bey

Principal, by Special Appearance, in Propria Persona, proceeding Sui Juris.

Ronnell Demar Bey

Signature of Affiant

ACKNOWLEDGMENT

State of SOUTH CAROLINA

County of BERKELEY

On this 01 day of November, 2017, before me

Personally appeared Ronnell Demar Bey, to me known to be the person described in and who purposes executed the foregoing instrument and acknowledged that he executed the same as his free act and deed, for the therein set forth.

Kristal Dawn Marrero

(Notary Public)

My Commission Expires May 21, 2018 ^{-KDM}

cc 1-207 1-308 1-103, 3-305, 3-301

I Ronnell Demar Bey the real party in interest
C/o 412 Eastover Circle
Summerville, SC [29483]
843-509-0077



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.

Appellant.

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

RECEIVED
NOV 02 2017
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the **MOTION TO VOID JUDGMENT, MEMORANDUM OF LAW IN SUPPORT OF VOID JUDGMENT, AND NUNC PRO TUNC AFFIDAVIT IN LAW AND PUBLIC NOTICE, REVOCATION OF EXECUTOR DE SON TORT 3-305, 3-306, 3-307** by depositing a copy of it in the United States Mail, postage prepaid, on November 1, 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 certify that I have served the **MOTION TO VOID JUDGMENT, MEMORANDUM OF LAW IN SUPPORT OF VOID JUDGMENT, AND NUNC PRO TUNC AFFIDAVIT IN LAW AND PUBLIC NOTICE, REVOCATION OF EXECUTOR DE SON TORT 3-305, 3-306, 3-307** by depositing a copy of it in the United States Mail, postage prepaid, on November 1, 2017, addressed to Eric G. Lybrand, Rogers Townsend Attorney at Law at 1221 Main Street 14th Floor Columbia, SC 29201.

I certify that I have served the **MOTION TO VOID JUDGMENT, MEMORANDUM OF LAW IN SUPPORT OF VOID JUDGMENT, AND NUNC PRO TUNC AFFIDAVIT IN LAW AND PUBLIC NOTICE, REVOCATION OF EXECUTOR DE SON TORT 3-305, 3-306, 3-307** by depositing a copy of it in the United States Mail, postage prepaid, on November 1, 2017, addressed to Nikole Haltiwanger, Rogers Townsend Attorney at Law at 220 Executive Center Drive Columbia, SC 29201.

I Am: Ronnell Demar Bay
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

November 1, 2017

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

RECEIVED
NOV 02 2017
SC Court of Appeals

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 Appellant's Motion to Void Judgment and Proof of
Service in for the above referenced matter.

1. One Original Copy of the Motion to Void Judgment
2. Six Copies of the Motion to Void Judgment
3. Filing Fee of \$25.00
4. Memorandum of Law in Support of Void Judgment
5. NUNC PRO TUNC Affidavit in Law and Public Notice, Revocation of Executor
DE SON TORT 3-305, 3-306, 3-307

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, Non-Resident.

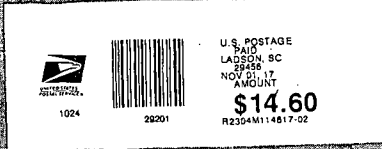
Enclosures

cc:

Erica Greer Lybrand
Rogers Townsend Attorney at Law
1221 Main Street, 14th Floor
Columbia, SC 29201

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

Ronnell Dumar Buj
Apt. 412 Eastover Circle
Sville SC [29783]



RECEIVED
NOV 02 2011
SC Court of Appeals
TO:

SC Court of Appeals
Jerry Abbott Kitchings
Clerk of Court
1220 Senate Street
Columbia SC 29201