

**THE STATE OF SOUTH CAROLINA**  
**In the Court of Appeals**

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**APPEALS FROM RICHLAND COUNTY**  
**Court of Common Pleas**  
**Richard L. Booth, Master-In-Equity**

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**Case No. 2014-CP-43-00270**  
Appellate Case No. 2018-000197

DLJ Mortgage Capital Inc. Respondent,

vs.

Ameer Akeem Amin Appellant,

**RECEIVED**  
NOV 28 2018  
SC Court of Appeals

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AMENDED RECORD ON APPEAL

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Caroline Glenn, Esquire,  
s/Suzanne E Brown BROCK & SCOTT, PLLC  
3800 Fernandina Road, Suite 110 Columbia, South  
Carolina 29210 Attorneys for Respondent

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STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS  
CASE NO. 2014-CP-43-00270

DLJ Mortgage Capital, Inc

**Rule to Show Cause**

Plaintiff,

v.

Ameer A. Amin

Defendant(s)

---

TO THE ABOVE DEFENDANTS AND/OR PRESENT OCCUPANT(S):

UPON reading and filing of the within Motion of Suzanne E. Brown, attorney for the Plaintiff,

IT IS ORDERED that you do show cause before the undersigned, if any you can, at 215 N. Harvin St, Courtroom 1A, Sumter, South Carolina on the 29th day of November, 2017, at 10:00 a.m. as to why a Writ of Assistance should not be issued to the Sheriff of Sumter County, South Carolina ordering and directing him to remove peaceably or by force the said Defendant(s) and all personal property located within or on the subject premises described in the Motion.

---

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

Dated: \_\_\_\_\_



Sumter Common Pleas

**Case Caption:** DLJ Mortgage Capital Inc VS Ameer A Amin

**Case Number:** 2014CP4300270

**Type:** Rule To Show Cause

AND IT IS SO ORDERED!

The Honorable Richard L. Booth, Sumter County  
Master in Equity, Judge Code 3067

Electronically signed on 2017-10-23 23:16:07 page 2 of 2

ELECTRONICALLY FILED - 2017 Oct 24 8:45 AM - SUMTER - COMMON PLEAS - CASE#2014CP4300270

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS  
CASE NO. 2014-CP-43-00270

DLJ Mortgage Capital, Inc,

Plaintiff,

**Petition For Rule to Show Cause**

v.

Ameer A. Amin,

Defendant(s)

---

The Motion of the Plaintiff above named would respectfully show unto this Honorable Court:

1. DLJ Mortgage Capital, Inc successfully completed a mortgage foreclosure against the Defendant(s) affecting the following 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.

PROPERTY ADDRESS: 4240 Amelia Drive, Sumter, SC 29154

TMS: 155-11-01-041

2. A Judgment of Foreclosure and Sale was issued by this Court on November 20, 2014 and the subject property was sold at public auction in accordance therewith on January 5, 2015, and the successful bidder at the sale was the Plaintiff. The property was conveyed to the Plaintiff by Master In Equity's Deed recorded on February 2, 2015 in Book 1209 at Page 900.



3. The proceedings in regard to the foreclosure action are preserved in the Office of the Clerk of Court and/or the RMC/ROD for Sumter County.
4. The Defendant(s) or others claiming through the Defendant(s) still occupy and have within the premises certain items of personal property which they have failed and refused to remove from the premises although they have been given notice that the property is now owned by the Plaintiff.
5. The Plaintiff is informed and believes that it is entitled to possession of the property in accordance with the Judgment of Foreclosure and Sale:

It is further ORDERED, ADJUDGED AND DECREED that in the event the successful bidder to whom the deed of conveyance has been issued subsequent to the sale is other than the Defendants in possession herein, the Sheriff of Sumter County, by writ of assistance, may be ordered and directed to eject and remove from the premises the occupants of the property sold, together with all personal property located thereon, and put the successful bidder to whom the deed of conveyance has been issued or his assigns in full, quiet and peaceable possession of said premises without delay, and to keep said successful bidder or his assigns in such peaceable possession.

6. The Plaintiff is informed and believes that it is entitled to a Writ of Assistance to remove the said Defendant(s), together with any and all persons claiming under them, and all the personal property from the subject premises, and to put the Plaintiff in possession thereof.

WHEREFORE, the Movant prays that this Court do issue its Rule To Show Cause, requiring the Defendant(s) and/or occupants together with any and all persons claiming under them, to show cause why a Writ of Assistance should not be issued to

the Sheriff of Sumter County for the removal of said Defendant(s) and/or occupants or any persons claiming under them, and all personal property on the subject property, including manufactured housing or similar personal property.

s/Suzanne E. Brown  
Brock & Scott, PLLC  
3800 Fernandina Road, Suite 110  
Columbia, SC 29210  
Phone 844-856-6646 Fax 866-676-7658  
Attorneys for Plaintiff

Dated: 10/12/17

Wilmington, North Carolina

RECORDED

STATE OF SOUTH CAROLINA NOV -6 PM 4:35

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

IN THE COURT OF COMMON PLEAS

CASE NO.: 2014-CP-43-00270

DLJ Mortgage, Capital, Inc

Plaintiff,

vs.

Amin, Ameer A.

Defendant(s),

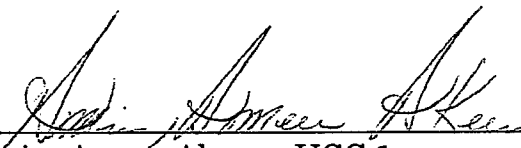
**RESPONSE TO RULE TO SHOW CAUSE AND  
OPPOSITION TO PETITION FOR RULE TO SHOW CAUSE**

It comes now Ameer Akeem Amin by special appearance responding and opposing the rule to show cause. The plaintiff in this case should not be granted the Writ of assistance that they are seeking in the petition for rule to show cause. On December the 18<sup>th</sup> of 2014, I filed a Constitutional Challenge, as well as an injunction under federal rule 24.1. The plaintiff's attorney and this court gave no consideration on what has been filed on December 18, 2014 they continued to move forward with the foreclosure process and sold my home on January 5, 2015.

According to federal rule 5.1, and rule 24.1 injunction, the attorney general of the state of south Carolina had 60 days to intervene into this case to confirm that the statues involved in this foreclosure proceedings was constitutional, but he never intervene into the case.

The federal 5.1 also stated that they may object to the Constitutional Challenge but cannot move forward on its decisions.

I filed an appeal concerning this foreclosure case and received an opinion from the court of appeals that was submitted June 1, 2017 (see attachment) which confirmed my argument concerning the constitutional challenge. Base upon this affirmation which was affirmed by a three judge panel, the conclusion is that the sale that was held on January 5 was void because the court and the plaintiff disregarded the validity of the federal rule 5.1 constitutional challenge and the injunction rule 24.1. Therefore, the plaintiff should be denied the petition for rule to show cause and writ of assistance.

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

Date Nov 1, 2017

RECORDED

2017 NOV -6 PM 4:36

STATE OF SOUTH CAROLINA  
IN THE COURT OF COMMON PLEAS  
COUNTY OF SUMTER

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

IN THE COURT OF COMMON PLEAS

DLJ Mortgage, Capital, Inc

CASE NO.: 2014-CP-43-00270

Plaintiff,

vs.

RESPONSE TO RULE TO SHOW  
CAUSE AND  
OPPOSITION TO PETITION FOR  
RULE TO SHOW CAUSE

Amin, Ameer Akeem

Pro se

Defendant(s),

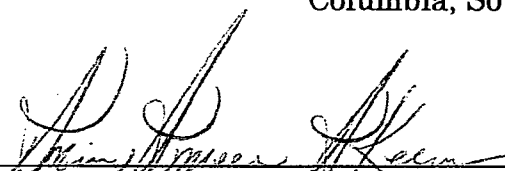
PROOF OF SERVICE

I, Amin, Ameer Akeem certify that I am of such age and discretion to be competent to serve papers. That on the 15<sup>th</sup> day of November, 2017, 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: - RESPONSE TO RULE TO SHOW CAUSE AND  
OPPOSITION TO PETITION FOR RULE TO SHOW  
CAUSE

Party (ies) Served:

s/Suzanne E Brown,  
BROCK & SCOTT, PLLC  
3800 Fernandina Road, Suite 110  
Columbia, South Carolina 29210

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

Date Nov 11, 2017

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS  
CASE NO. 2014-CP-43-00270

DLJ Mortgage Capital, Inc

Amended Rule to Show Cause

Plaintiff,

v.

Ameer A. Amin

Defendant(s)

---

TO THE ABOVE DEFENDANTS AND/OR PRESENT OCCUPANT(S):

UPON reading and filing of the within Motion of Suzanne E. Brown, attorney for the Plaintiff,

IT IS ORDERED that you do show cause before the undersigned, if any you can, at 215 N. Harvin St, Courtroom 1A, Sumter, South Carolina on the 19th day of December, 2017, at 10:00 a.m. as to why a Writ of Assistance should not be issued to the Sheriff of Sumter County, South Carolina ordering and directing him to remove peaceably or by force the said Defendant(s) and all personal property located within or on the subject premises described in the Motion.

---

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

Dated: \_\_\_\_\_



**Sumter Common Pleas**

**Case Caption:** DLJ Mortgage Capital Inc VS Ameer A Amin  
**Case Number:** 2014CP4300270  
**Type:** Rule To Show Cause

**AND IT IS SO ORDERED!**

**The Honorable Richard L. Booth, Sumter County  
Master in Equity, Judge Code 3067**

Electronically signed on 2017-11-13 11:32:05 page 2 of 2

ELECTRONICALLY FILED - 2017 Nov 13 11:41 AM - SUMTER - COMMON PLEAS - CASE#2014CP4300270

STATE OF SOUTH CAROLINA

COUNTY OF SUMTER

DLJ Mortgage, Capital, Inc

Plaintiff,

vs.

Amin, Ameer A.

Defendant(s),

RECORDED

IN THE COURT OF COMMON PLEAS

2017 NOV 20 PM 12: 23

CASE NO.: 2014-CP-43-00270

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

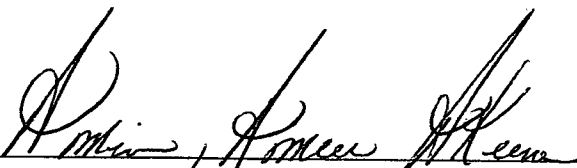
**RESPONSE TO AMENDED RULE TO SHOW CAUSE AND  
OPPOSITION TO PETITION FOR RULE TO SHOW CAUSE**

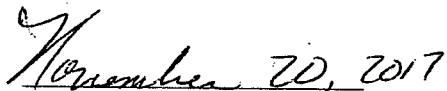
It comes now Ameer Akeem Amin by special appearance responding and opposing the Amended rule to show cause. The plaintiff in this case should not be granted the Writ of assistance that they are seeking in the petition for rule to show cause. On December the 18<sup>th</sup> of 2014, I filed a Constitutional Challenge, as well as an injunction under federal rule 24.1 for the attorney to intervene and establish that the statues for foreclosure are constitutional. The plaintiff's attorney and this court gave no consideration on what has been filed on December 18, 2014 they continued to move forward with the foreclosure process and sold my home on January 5, 2015.

According to federal rule 5.1, and rule 24.1 injunction, the attorney general of the state of south Carolina had 60 days to intervene into this case to confirm that the statues involved in this foreclosure proceedings was constitutional, but he never intervene into the case.

The federal rule 5.1 also stated that the court may object to the Constitutional Challenge but cannot move forward with the case.

I filed an appeal concerning this foreclosure case and received an opinion from the court of appeals that was submitted June 1, 2017 (see attachment) which confirmed my argument concerning the constitutional challenge. Base upon this affirmation which was affirmed by a three judge panel, the conclusion is that the sale that was held on January 5, 2015 was void because the court and the plaintiff disregarded the validity of the federal rule 5.1 constitutional challenge and the injunction rule 24.1. Therefore, the plaintiff should be denied the petition for rule to show cause and writ of assistance because the statues for foreclosure are deem unconstitutional.

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

  
Date

STATE OF SOUTH CAROLINA  
IN THE COURT OF COMMON PLEAS  
COUNTY OF SUMTER

RECORDED

2017 NOV 20 PM 12:23

IN THE COURT OF COMMON PLEAS

DLJ Mortgage, Capital, Inc

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

CASE NO.: 2014-CP-43-00270

Plaintiff,

vs.

RESPONSE TO AMENDED RULE  
TO SHOW CAUSE AND  
OPPOSITION TO PETITION FOR  
RULE TO SHOW CAUSE

Amin, Ameer Akeem

Pro se

Defendant(s),

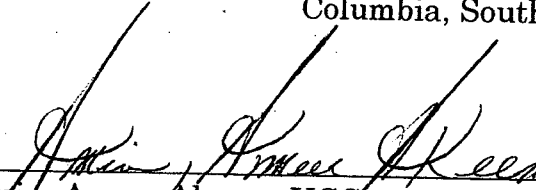
PROOF OF SERVICE

I, Amin, Ameer Akeem certify that I am of such age and discretion to be competent to serve papers. That on the 20<sup>th</sup> day of November, 2017, 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: - RESPONSE TO AMENDED RULE TO SHOW CAUSE AND  
OPPOSITION TO PETITION FOR RULE TO SHOW  
CAUSE

Party (ies) Served:

s/Suzanne E Brown,  
BROCK & SCOTT, PLLC  
3800 Fernandina Road, Suite 110  
Columbia, South Carolina 29210

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

Date November 20, 2017

RECORDED

2017 NOV 20 PM 12:24

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

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

IN THE COURT OF COMMON PLEAS

CASE NO.: 2014-CP-43-00270

DLJ Mortgage, Capital Inc.

Plaintiff,

vs.

Ameer A. Amin,

Defendant


MOTION TO SET ASIDE SALE  
AND VACATE SUMMARY  
JUDGMENT

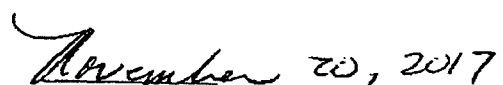
MOTION TO SET ASIDE SALE AND VACATE SUMMARY JUDGMENT

It comes now Amin, Ameer Akeem by special appearance motioning this court to set aside the sale and vacate the summary judgment in this case. I'm asking this judgment be vacated pursuant to SCRPC 60b 4(Void Judgment) for the following reasons:

1. This case was appealed to the South Carolina Court of Appeals, and return the from appeals court in their opinion clearly identifies that this court error in handling the constitutional challenge that I filed in this case. (see attachment)
2. The mishandling of the constitutional challenge demes that the sale should had never taken place because rather or not the clerk of the court certified the constitutional challenge, the attorney general had 60 days to intervene to establish whether or not the statues for foreclosure were constitutional.
3. As a result of the attorney general not intervening and by which this court was given the opportunity to object to the constitutional challenge the court still cannot move forward in this case.

In conclusion, to protect my interest I'm asking this court to set aside the sale and vacate the summary judgment, including but not limited to having this case expunge from the record and compelling the plaintiff to remove all negative reporting from my credit.

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

  
November 20, 2017  
Date

RECORDED

STATE OF SOUTH CAROLINA

2017 NOV 20 PM 12: 24

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMTER

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

CASE NO.: 2014-CP-43-00270

DLJ Mortgage, Capital Inc.

AFFIDAVIT FOR MOTION TO  
SET ASIDE SALE AND  
VACATE SUMMARY  
JUDGMENT

Plaintiff,

vs.

Ameer A. Amin

Defendant

AFFIDAVIT FOR MOTION TO SET ASIDE SALE AND VACATE  
SUMMARY JUDGMENT

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 November 20, 2017. BY: Ameer Akeem Amin  
Amin, Ameer Akeem

IN WITNESS WHEREOF, I have here unto set my hand and seal on this 20<sup>th</sup> day of November, 2017

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

Before me, the undersigned authority in the County of Richland, in the State of South Carolina personally appeared Amin, Ameer Akeem who has sworn to and subscribed before me this 20<sup>th</sup> day of November, 2017

Maile Turner  
NOTARY PUBLIC  
My Commission Expires: June 09, 2025

RECORDED

2017 NOV 20 PM 12: 24

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

DLJ Mortgage, Capital Inc.

Plaintiff,

MOTION TO SET ASIDE SALE  
AND VACATE SUMMARY  
JUDGMENT

vs.

Ameer A. Amin

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 20<sup>th</sup> day of November, 2017, 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 set aside Sale and Vacate Summary Judgment  
  -Proof of Service

Party (ies) Served:

s/Suzanne E Brown,  
BROCK & SCOTT, PLLC  
Columbia Office  
3800 Fernandina Road, Suite 110  
Columbia, South Carolina 29210

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

November 20, 2017  
Date

STATE OF SOUTH CAROLINA  
COUNTY OF SUMTER

IN THE COURT OF COMMON PLEAS  
CASE NO. 2014-CP-43-00270

DLJ Mortgage Capital, Inc,

**ORDER FOR WRIT OF ASSISTANCE**

Plaintiff,

v.

Ameer A. Amin,

Defendant(s)

---

This matter comes before me upon a Petition requesting that the Sheriff of Sumter County remove peaceably or forcibly the Defendant, and those claiming through Defendant, and all of their personal property located within or on the premises described in the Petition.

Upon examining the Judgment of Foreclosure and Sale issued in the above case, and upon reading the Petition, it appears to the Court that a Writ of Assistance should be issued against the above mentioned Defendant and those claiming through Defendant of the subject premises.

IT IS HEREBY ORDERED that the Sheriff of Sumter County or his authorized deputies be, and they are hereby are, authorized and directed to enter upon the premises, 4240 Amelia Drive, Sumter, SC 29154, described in the Petition and in the Judgment of Foreclosure and Sale at any time after 11:00 a.m. on the 30th day of January, 2018, and to either peaceably or forcibly remove the Defendant and those claiming through Defendant and all personal property of same located within or on the premises, and that force may be used, if necessary, to enter the premises.

TMS #: 155-11-01-041

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

\_\_\_\_\_, 2017

\*CID613754\*

\*DID200232\*



Sumter Common Pleas

**Case Caption:** DLJ Mortgage Capital Inc VS Ameer A Amin  
**Case Number:** 2014CP4300270  
**Type:** Master/Order/Writ of Assistance

AND IT IS SO ORDERED!


The Honorable Richard L. Booth, Sumter County  
Master in Equity, Judge Code 3067

Electronically signed on 2018-01-18 16:22:02 page 2 of 2

ELECTRONICALLY FILED - 2018 Jan 18 4:29 PM - SUMTER - COMMON PLEAS - CASE#2014CP4300270

Signature Page

November 28, 2018

BY:   
Ameer Akeem Amin UCC1-308  
470 Shedrick Lane.  
Sumter, South Carolina 29154