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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM BERKELY COUNTY
Court of Common Pleas

OCT 01 2019

Dale Van Slambrook, Master In Equity

SC Court of Appeals

Case No. 2015-CP-08-00803
Appellate Case No. 2019-001653

SAMOLA FAMILY TRUST/THE OMEGA GROUP, Donald Enoch Muhammad,
Cooper, Samuel Daniel III, AND OTHERS

Appellants

vs.

DALE EDWARD VAN SLAMBROOK, SOUTH CAROLINA COMMUNITY
BANK/OPTUS BANK, DOMINIK MJARTAN,CEO, CHARLES WEBB, ESQ

Respondents

**SUBJECT: Judicial Notice Rule 201, Void Judgment/Vacate Sale, and
EMERGENCY HEARING**

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 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).

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. *Vallye 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 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. U.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 Pagliaro, 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. Supreme Court of the United States 1795

“Inasmuch as every government is an **artificial person**, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them.” (S.C.R. 1795, Penhallow v. Doane’s Administraters (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54).

4. I/WE, Donald Enoch Muhammad, and Cooper, Samuel Daniel III, the real parties in Interest Object to the unlawful practices Dale Edward Van Slambrook, OPTUS BANK/SOUTH CAROLINA COMMUNITY BANK/Dominik Mjartan, CEO, Chuck Webb, Esq.

5. A Void order has no standing or no duty to comply. I am immensely injured by the alleged "Orders and Judgments" of 12/21/2017 the issuance of the "Void Order to Award OPTUS BANK/SOUTH CAROLINA COMMUNITY BANK/Dominik Mjartan, CEO, Chuck Webb, Esq., the subsequent Void Order "Decree Of Foreclosure & Sale" of March Sixteen, Two Thousand Nineteen, ccy to auction my property on April Fifth, Two Thousand Nineteen, ccy on "Claims of an alleged Loan," 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 one of the real parties 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 one of the real parties in interest, and cannot maintain the action. Hoagland v. Van Etten, 35 N. W.11, 870, 22 Neb. 681. A Corporation is an artificial person without natural rights. For Chuck Webb, Esq., 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.

6. Standing to prosecute an action requires that a party must have a personal stake in the subject matter of the lawsuit. In this action, OPTUS BANK/SOUTH CAROLINA COMMUNITY BANK/Dominik Mjartan, CEO challenges I/WE, Donald Enoch Muhammad, Cooper, Samuel Daniel III, the real parties 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 acceptation 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, OPTUS BANK/SOUTH CAROLINA COMMUNITY BANK/Dominik Mjartan, CEO 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, endorser, 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 OPTUS BANK/SOUTH CAROLINA COMMUNITY BANK/Dominik Mjartan, CEO 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.

7. Rule 17 of the South Carolina Rules of Civil Procedure requires that actions be prosecuted in the name of one of the real parties in interest. See S.C.R.C.P. Rule 17. According to South Carolina law, a party must be one of the real parties 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 one of the real parties in interest; consequently, it lacks standing to challenge this requirement.
8. 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 the 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 Edward 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. King*, 111 F.3d 1046, 1050 n.7, 750 S.2d 1181, 1190 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. Williams*, 2002 WL 1010770 (11th Cir. 2003) (internal citation omitted) (quoting *United States v. Williams*, 2002 WL 1010770).

9. I/WE, Donald Enoch Muhammad, Cooper, Samuel Daniel III, the real parties 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.

10. "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,

11. 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. 1140; Pub. Law 73-100, Title 1, 100, § 330016(1)(I), Sept. 13, 1994, 106 Stat. 1140.) 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.

12. In Conclusion I/WE, Donald Enoch Muhammad, Cooper, Samuel Daniel III, the real parties 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.C.T. 1398,

445 US 622, 15 U.S. Code § 1122 - Liability of United States and States, and instrumentalities and officials thereof.

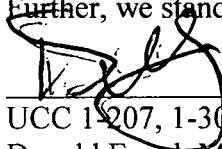
13. in Addition, Title 8 – Public Officers and Employees, Chapter 3, Commissions, Oaths, and Bonds, Section 8-3-210. State officers and employees shall advise interested persons as to bonds and furnish copies. Any officer, agent, servant or employee in any office of the State or any of its boards, bureaus, departments, commissions or other instrumentalities, upon request therefor by any interested person, shall supply such person with information as to whether any person employed in any office, board, bureau, department, commission, agency or other instrumentality of the State is bonded for any purpose and, if so, furnish such interested person with a copy of such bond. On August 30, 2019, a formal request was filed with the Berkeley County Clerk of Court, Common Pleas requesting a Certified Copy of Dale Edward Van Slambrook's Oath of Office, Performance Bond, Anti-Bribery Statement, and Foreign Registration Statement. As of the date of this filing those documents have not been issued.

14. It would be unconstitutional, unfair and unethical to up hold a Void order without following the rule of law above mention complaint and facts produce the Certified Oaths and Bonds along with proof of proper Authority. All Orders and Judgments made from the inception of this case to this very day are void, ultra vires and jurisdiction has not been invoked, **IN ADDITION TO EVERY CASE THIS Judge has presided over could very well be called into QUESTION!** This Judge is a debt collector and owes his allegiance, and performs his duties for 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 there citizenship to become foreign agents Title 50 USC 53 Trading with the Enemy Act.

15. "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).

16. 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)

Further, we stand mute.



UCC 1-207, 1-308, 1-103, 3-305, 3-301
Donald Enoch Muhammad: Real Party Interest
c/o 103 Axtell Drive
Summerville, South Carolina [29485]

Samuel Daniel III Cooper

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

Cooper, Samuel Daniel III: Real Party Interest

c/o 1250 Old Gilliard Road

Ridgeville, South Carolina [29472]

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.

ACKNOWLEDGMENT

State of SOUTH CAROLINA

county of BERKELEY

On this 1st day of Oct., 2019, before me

Personally appeared _____, 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.


(Notary Public)

My Commission Expires 04-07, 2027

cc:

Donald Beatty, South Carolina Supreme Court Chief Justice
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Steven Mnuchin, Secretary of Treasury
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