

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master In Equity

Case No. 2014-CP-10-06824

RECEIVED  
DEC 02 2019  
SC Court of Appeals

Vincent Demar Mack, Paula D. Mack

Appellants

vs.

WELLS FARGO FINANCIAL SOUTH CAROLINA INC., U S BANK TRUST N A as  
TRUSTEE

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. *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 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 Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54).

4. I/WE, Vincent Demar Mack and Paula D. Mack the real parties in Interest Object to the unlawful practices Mikell R. Scarborough, WELLS FARGO FINANCIAL SOUTH CAROLINA INC., U S BANK TRUST N A as TRUSTEE, and Bradford Meekin Stokes, Caroline Richardson Glenn, Chad Wilson Burgess, Gregory Thomas Whitley, Esq. Attorney for WELLS FARGO FINANCIAL SOUTH CAROLINA INC. and U S BANK TRUST N A as TRUSTEE.

5. A Void order has no standing or no duty to comply. I am immensely injured by the alleged "Orders and Judgments" of 12/05/2018 the issuance of the "Void Order to Award WELLS FARGO FINANCIAL SOUTH CAROLINA INC., U S BANK TRUST N A as TRUSTEE, Caroline Richardson Glenn, Bradford Meekin Stokes, Chad Wilson Burgess and Gregory Thomas Whitley Esq., the subsequent Void Order "Decree Of Foreclosure & Sale" of March Eight, Two Thousand Sixteen, ccy to auction my property on December 3, 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.3d, 870, 22 Neb. 681. A Corporation is an artificial person without natural rights. For Bradford Meekin Stokes, Caroline Richardson Glenn, Chad Wilson Burgess and Gregory Thomas Whitley 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, WELLS FARGO FINANCIAL SOUTH CAROLINA INC. and U S BANK TRUST N A as TRUSTEE challenges I/WE, Vincent Demar Mack, Paula D. Mack, 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 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, WELLS FARGO FINANCIAL SOUTH CAROLINA INC. and U S BANK TRUST N A as TRUSTEE 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 WELLS FARGO FINANCIAL SOUTH CAROLINA INC., U S BANK TRUST N A as TRUSTEE 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 Mikell R. Scarborough 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*

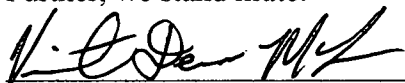
States v. Chanthasouvat, 342 F.3d 1271, 1280 (11th Cir. 2003) (internal citation omitted) (quoting Bryan v. United States, 524 U.S. .

9. I/WE, Vincent Demar Mack, Paula D. Mack, 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. 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.
12. In Conclusion I/WE, Vincent Demar Mack, Paula D. Mack, 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 26, 2019, a formal request was filed with the Charleston County Clerk of Court, Common Pleas requesting a Certified Copy of Mikell R. Scarborough 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  
Vincent Demar Mack: Real Party Interest  
c/o 1604 Pineview road

Charleston, South Carolina [29407]

Paula D. Mack

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

Paula D Mack: Real Party Interest

c/o 1604 Pineview road

Charleston, South Carolina [29407]

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 CHARLESTON

On this 2<sup>nd</sup> day of December, 2019, before me

Personally appeared Vincent Demar Mack, 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.

Darcel E. Gorham

(Notary Public)

My Commission Expires March 1, 2028

**DARCEL E. GORHAM**  
Notary Public, State of South Carolina  
My Commission Expires 3/1/2028

cc:

Donald Beatty, South Carolina Supreme Court Chief Justice  
1231 Gervais Street  
Columbia, SC 29201  
[dbeatty@sccourts.org](mailto:dbeatty@sccourts.org)

Steven Mnuchin, Secretary of Treasury  
U.S. Department of Treasury  
1500 Pennsylvania Avenue, NW  
Washington, District of Columbia 20220

Anaidah El, Minister / Dominus Nobilis El, Minister  
Great Seal National Association of Moorish Affairs  
c/o 141 Weston Street #1145  
near Hartford, Connecticut [06143]

Laura Dukes Beck

# Notice Of Interference AND Attempted Fraud

2014-CP-10-06824

**From:** Brad Stokes <Brad.Stokes@brockandscott.com>  
**Sent:** Friday, January 11, 2019 2:27 PM  
**To:** Laura Dukes Beck  
**Subject:** RE: 14-6824 US Bank v Mack  
**Attachments:** Mack Paula - Order temporarily extending Vincent Mack Stay (1-7-19).pdf

**CAUTION:** This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Laura,  
Mr. Mack was granted an order to extend the stay, so it looks like we have no choice here. I've attached the order. Thanks.

Brad Stokes  
Associate Attorney  
(803) 454-3540 x1743

**This firm is a debt collector attempting to collect a debt. Any information obtained will be used for that purpose.**

**From:** Laura Dukes Beck <LBeck@charlestoncounty.org>  
**Sent:** Friday, January 11, 2019 12:10 PM  
**To:** Brad Stokes <Brad.Stokes@brockandscott.com>  
**Subject:** FW: 14-6824 US Bank v Mack

Brad,  
This was Caroline Glenn's case. Mr. Mack has filed bankruptcy multiple times to stop sales, and the Judge won't sign the Order nullifying the sale until he knows what action you all are taking to get Mr. Mack out of bankruptcy. Please advise and see below for our original email to Caroline.  
Thank you,  
Laura

Laura Dukes Beck, Esq.  
Scheduling and Roster Clerk  
Charleston County Master-In-Equity's Office  
100 Broad Street, Suite 266  
Charleston, SC 29401  
Tel: (843) 958-5075  
Fax: (843) 958-5077  
[lbeck@charlestoncounty.org](mailto:lbeck@charlestoncounty.org)

**From:** Laura Dukes Beck  
**Sent:** Wednesday, December 19, 2018 11:14 AM  
**To:** Caroline Glenn <Caroline.Glenn@brockandscott.com>  
**Subject:** 14-6824 US Bank v Mack

Caroline,  
The Judge wants to know the status of Mr. Mack's bankruptcy filing and if it is still valid or if you have gotten him removed from BR yet. Let me know.  
Thank you,

**FORM 7  
PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Master in Equity Court

Mikell R. Scarborough, Master in Equity

Case No. 2014-CP-10-06824

Wells Fargo Financial South  
Carolina Inc., U S Bank Trust  
N A as Trustee

Respondent,

v.

Vincent Demar Mack,

Appellant.

**RECEIVED**  
DEC 02 2019  
SC Court of Appeals

**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal on Wells Fargo Financial South Carolina Inc., U S Bank Trust N A as Trustee by Hand delivering a copy, on December 2, 2019, addressed to the attorney (s) of record, Bradford Meekin Stokes, Caroline Richardson Glenn, Chad Wilson Burgess, Gregory Thomas Whitley 3800 Fernandina road Suite 110, Columbia, South Carolina 29210.

December 2, 2019



Vincent Demar Mack  
1604 Pineview Road  
Charleston, South Carolina 29407  
(843) 568-5190  
Appellant