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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY
Dale van Slambrook, Master-In-Equity Court Judge

Appellate Case No. 2019-001572

Rocktop Partners I LP and Dale
Van Slambrook
and others

Respondent,

v.

Nehemiah Bryant

Appellant.

INITIAL BRIEF

I Am:

Nehemiah Bryant
Authorized Representative
Nehemiah Bryant, Appellant
151 Saint Johns Bethal Street
Moncks Corner SC, 29461
(843) 813-8572

TABLE OF CONTENTS

Table of Authorities	ii
Statement of Issues on Appeal	1
Statement of the Case	1
Facts	4
Arguments	10
Conclusion	11

TABLE OF AUTHORITIES*

CASES

Thomas & Howard Co. v. T.W. Graham and Co., 318 S.C. 286, 291, 457 S.E.2d (1995): 1

Carpenter v Longen5,8

Lujan v Defender of Wildlife 504 U.S., 560 (1992).....5

United States v Agurs6

Miller v Pate.....6

Darden v Wainwright.....6

Cf. Mesarosh v United States.....6

Crawford v Washington.....6

Haygood v State.....7

Harlow v Fitzgerald.....7

Wood v Strickland.....7

Sniadach v Family Finance Corp.....7

STATUTES

18 U.S.Code § 4731

FRCP 56 (e)II

OTHER AUTHORITIES

U.S. Const. amend. V.....4
U.S. Const. amend. VI.....4
U.S. Const amend IX4
U.S. Const art I, II,III, IV, X,XI,XIII,XIV,XVI,XXII,XXIII4

STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR IN GRANTING SUMMARY JUDGEMENT OF FORCLOSURE WITHOUT SUFFICIENT VALIDATING EVIDENCE?
2. DID THE TRIAL COURT VIOLATE MY CONSTITUTIONAL RIGHTS TO DUE PROCESS AND EQUAL PROTECTION OF THE LAW?
3. DID THE TRIAL COURT VIOLATE MY CIVIL RIGHTS BY ACTING UNDER AN ABUSE OF DISCRETION UPON AN ERROR OF LAW?
4. DID THE TRIAL COURT HAVE JURISDICTION?

STATEMENT OF THE CASE

1. On June 28 2019 I Nehemiah Bryant Motion for Void order 60 (b) (4). The Master- IN- Equity was biased and abused his discretion in his determination it is a fact before the court makes a ruling they are required first to find out if the claim is true, He took it upon himself to ignore the facts that 1. He was named in a Law Suit filed in federal Court and 2. the fact the plaintiff did not have a proper Affidavit and did not properly serve the real party in interest Nehemiah Bryant originally proving Jurisdiction according to the law the Court could of easily asked them to produce what I asked and it would not be a burden on the court at all being that the questions are relevant to

the Case. It is irrefragable that the constitutions protects my right to Due process before my property could be claimed See SWEEZER v. GREEN, 360 Mo. 1249 (Mo. 1950).

2. Proper Service requires personal service. See State v. Sullivan 127 S.C. BB&T v. Taylor An act is willful if done voluntary and intentionally with the specific intent to fail to do something the law requires to be done; with bad purpose either to disobey or disregard the law Wilson v. Walker furthermore, the person providing the service, upon information and belief, is not the sheriff or his deputy or any other duly constituted law enforcement officer, My action are out of necessity and not disregard. This is not only an injury to me and family but to the public

3. Dale Van Slambrook (Master in Equity) made a summary JUDGEMENT on October 18 2016 and ordered the unlawful sale of my private property to commence on june 28 2019, without ever obtaining any documents that validated any loan was ever issued or that the alleged defendant was the holder in due course of the alleged documents (R. p. 77).

FACTS

1. The facts of this case are that Dale Van Slambrook, By Virtute Officii, color of law and Breach of Trust caused me great injury through abuse of office and negligence. Thomas A. Shook and Rocktop Partners I LP Using Fraud, Negligence, Slander, Breach of Trust, unprofessional Conduct, Conflicts of interest and unfair practices deprived me of my constitutional secured rights to DUE PROCESS OF LAW, THE 5th, 6th and 9th amendments of The Constitution for The United States of America Republic and The South Carolina Constitution Article 1 Sections 1, 2, 3, 4, 10, 11, 13, 14, 16, 22, 23 by:

2. The State of South Carolina Senate Bill 702 specifically states, The Servicer Prime Lending a Plains Capital Company owes the homeowner the duty of utmost care, honesty, loyalty and full disclosure of all material facts, also see Rule 26 of the Federal Rules of Civil Procedure. I have been denied my right to every available remedy in state court. Furthermore as lawfully stated in Senate Bill 702, I was never given anything or told about any Mediation process.
3. holding is obvious who the true holder is in due course. Merely having paperwork doesn't mean you have a legitimate claim.
4. In Carpenter v Longen it stated the requirements quite plainly. The Supreme Court decision "clearly supports the notion that the Plaintiff must own the Note and Mortgage at the time the Complaint was filed. "Erica G Lybrand never proved this after several of my attempts through original discovery and compelled discovery to obtain the material facts and other supportive evidence showing where the alleged money came from and factually did Rocktop Partners I LP actually lose anything.. Using false or fraudulent evidence involves a corruption, see 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.

Rocktop Partners I LP has proved no valid claim. Because of the fraud and deprivation of my constitutional rights by virtue of office abuse and negligence. I have claim to sue the bond of Dale Van Slambrook. Also bring suit against Rocktop Partners I LP, Thomas A. Shook for engaging in unprofessional Conduct, fraud and Negligence.

If the lawsuit is based upon a loan you must allege that the loan was made. If their action is based upon acquisition of the loan you still must allege that the loan was made and that they actually paid for acquisition of the loan. Otherwise the claim is speculative, fraudulent and cannot invoke the jurisdiction of the Court. Without that the second requirement is impossible to meet — that you have suffered damages as a result of the making the loan and the borrower not repaying it. These are not mere empty recitals. Without them, no lawsuit can continue.

The basis for a trial in which the evidence would be presented would be the Complaint. If the Complaint requires that ownership of a real loan be present at the time the Complaint is filed then the Court's jurisdiction has never been invoked. The Court has no choice as it is plain on its face that there has been a deprivation of my rights and civil liberties. And the reason for this is that it is very well-settled that when you bring a matter to court that there must be an actual controversy and a plea for relief that can be legally granted.

Fannie MAE, Freddie Mac and MERS are known for the fabrication of instruments after the filing of the lawsuit for the express purpose of the lawsuit. Furthermore Harlow v. Fitzgerald (points) inter alia= among other things. Executive officials in general are usually entitled to only qualified or good

faith immunity. Such immunity is not available if the official asserting the defense took the action with malicious intention to cause a deprivation of constitutional rights or other injury see Wood v. Strickland.

Constitutional requirements of due process apply to garnishment and prejudgment attachment procedures whenever state officers act jointly with a private creditor in securing the property in dispute. Sniadach v. Family Finance corp.

The U.S. Supreme Court has apparently never retreated, from the precedent and merits set in Carpenter v Longen this means that the trial court was saying that this issue was decided years ago, it is the law of the land and it overrides any state court that would rule otherwise.

Injury:

Due to the above mentioned facts the failure of the court to recognize that they must apply the rules of law resulted not only in the foreclosure of my property, but the foreclosure of my ability to negotiate a settlement with an undisclosed equitable creditor, or with the alleged legal owner of the loan in the property records. We (my family) have suffered extreme mental anguish and loss of time from work including but not limited to doctor visits and extreme migraines, I have also suffered from Slander, being that Dale Van Slambrook has caused my home to be listed for sale by color of law. And my family has undergone tremendous stress and tension By Virtute Officii of Dale Van Slambrook fraudulent actions and Thomas A. Shook fraudulent, wanton and negligent practices.

Relief

WHEREFORE, I the plaintiff (s) would like the court to grant a new, fair and impartial trial to void and vacate the court order(s) based on the established precedents of the stare decisis voiding the sale of my home and resolve this Matter Peacefully if Possible, if Representing Rocktop Partners I LP cannot produce evidence that support they have personally lost anything (financial injury) pertaining to the loan and have a valid claim. And request/Pray judgment against defendant(s) Representing Rocktop Partners I LP, Dale Van Slambrook and Thomas A. Shook for economic, Civil Tort, \$270,000.00 and psychological damages of \$2500.00 as well as compensatory damages of \$150,000.00 plus costs and fees in the Amount of \$5000.00 and respectfully ask this Court for leave to move for punitive damages. I was violated by fraud, negligence, unprofessional Conduct and never contacted about any mediation process or given the proper notices that would have allowed me the ability to properly negotiate. Which caused a deprivation of my civil liberties; and constitutional secured rightst to Due process and a fair and impartial trial.

ARGUMENTS

- I. Respondent Thomas A. Shook Representing Rocktop Partners I LP has not proven that he/she/ or the Corporate organization has suffered any Personal Financial injury for which relief can be granted with any factual documentation to date.

- II. Respondent Thomas A. Shook Representing Rocktop Partners I LP has repeatedly violated my Civil Liberties and denied me my Constitutionally Secured Rights to Due Process by Testifying that they produced LEGAL and LAWFUL request made by Affidavits Rule 56 (e) issued under the FRCP.

- III. Respondent Thomas A. Shook Representing Rocktop Partners I LP introduced a witness in

this alleged matter to which I have no contract with as well as him testifying under oath to the fact that he possessed no first hand knowledge of any factual financial injury to Representing Rocktop Partners I LP.

CONCLUSION

For the reasons stated, this Court should reverse the judgment of the Master IN Equity Court.

Respectfully submitted,

February 4, 2020

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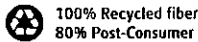
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