

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

Deutsche Bank National Trust Company, as Trustee for  
Soundview Home Loan Trust 2006-1, Asset- Backed  
Certificates, Series 2006-1

Plaintiff,

v.

**Helen V. Thomas; Darrel A. Thomas; Robert  
Lee Hutchinson; Nancy Lee Hutchinson;  
Briarwood Neighborhood Association; Sonja  
Michelle Furtick**

Defendant(s)

IN THE COURT OF COMMON PLEAS

CASE NO. 2012-CP-40-00009

2019 NOV 18 AM 10:38  
JEANETTE W. McBRIDE  
C.S.P., G.S., & F.C.

RICHLAND COUNTY  
FILED

**MEMORANDUM AND ASSERTION OF RIGHTS**

Now Comes The “aggrieved” , Helen Valencia Washington- Thomas, presenting the Memorandum and Assertion of Rights, to the Honorable Court. The “aggrieved” , HelenValenciaWashington-Thomas, hereby declares and asserts the Rights to which she is entitled. Preliminary understanding of the Court’s authority is basic to the assertion of rights: The Court is obliged to follow precedence decisions as stated in Faye Anastasoff vs. United States of America, 8th Circuit Court, 2000: “It is on the account that our law is deemed certain, and founded in permanent principles, and not dependent on the caprice or will of judges. A more alarming doctrine could not be promulgated by any American court, than that it was at liberty to disregard all former rules and decisions, and to decide for itself, without reference to the settled course of antecedent principles.”

The United States District Courts are courts of limited jurisdiction (see Black’s Law Dictionary – Seventh Edition) and their power is limited by precedent decisions. “While in a court of general jurisdiction, there is a presumption that the judge has subject-matter jurisdiction, such is not the case in courts of limited jurisdiction. In all courts of limited jurisdiction, there is no presumption of subject matter jurisdiction.” State Bank of Lake Zurich v. Thill, 113 Ill.2d 294, 497 N.E.2d 1156 (1986).

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

In *Anastasoff v. United States*, (8th Circuit, 2000), "The judicial power of the United States is limited by the doctrine of precedence." "Courts are constituted by authority and they cannot act beyond the 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 [254 U.S. 348, 354] not voidable, but simply void, and the even prior to reversal." *Elliot v. Piersol*, 1 Pet. 328, 340; *Old Wayne Life Ass'n v. McDonough*, 204 U.S. 8, 27 Sup. Ct. 236. (underline emphasis added) "aggrieved" asserts her right to reject the Magistrate Judge, Hugh Brenneman, as the presiding judge in the civil case. See Rules of Civil Procedure. Helen Valencia Thomas Washington has previously done so, and does, here and now, reject said Magistrate as the presiding judge in the case. "aggrieved" is entitled to her Constitutional rights. Helen Valencia Washington- Thomas does, hereby, assert her 4th Amendment rights to be secure in her person, property, papers, effects, etc. and further asserts that he will not violate any other person's Constitutional rights to be secure in their person, property, papers, effects, etc.

Some precedent decisions affecting the assertion of Constitutional rights in court are: "It is true that the constitutional claim would warrant convening a three-judge court and that if a single judge rejects the statutory claim, a three-judge court must be called to consider the constitutional issue." *Hagans v. Lavine*, 415 US 528 at 545, 39 L.ed. 577, 94 S Ct, 1372 (N.Y. March 28, 1974).

"Whatever springs the State may set for those who are endeavoring to assert rights that the State confers, the assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice." *Davis v. Wechsler*, 263 U.S. 22, 24 (1923). "It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution. *Frost v. Railroad Commission of California*, 271 U.S. 583. *Marbury v. Madison*, 5 US 137: "The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law."

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

Shushan v. United States, 117 F.2d 110 (CA5): "No trustee has more sacred duties than a public official and any scheme to obtain an advantage by corrupting such and one must in the federal law be considered a scheme to defraud." 117 F.2d, at 115. Morrison v. Coddington, 662 P. 2d. 155, 135 Ariz. 480 (1983): "Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth." "aggrieved" hereby asserts her right to due process under the Constitution and precedence decisions. "aggrieved" also asserts her right to a fair and impartial judge to make a ruling based on these facts and precedence. The canons for a judge include: "A judge should avoid even the appearance of impropriety in all of her or her activities."

The Court should have stayed the case, as the constitutional/jurisdictional authorization was challenged, and the Attorney General has not responded. The Court in U.S. vs. One 1972 Cadillac, Coupe Deville, 2-Door Hardtop, ID No. 6D47R2Q238129, E.D. Ky. 1973, 355 F. Supp. 513, held: "Provision of the section that civil actions may not be commenced unless Secretary of Treasury or her delegate authorizes or sanctions it and Attorney General or her delegate directs that it be commenced is jurisdictional."

The record was falsified by the DOJ attorneys. "The record must show that the statute was complied with"; In re Marriage of Stefiniw, 253 Ill.App.3d 196, 625 N.E.2d 358 (1st Dist. 1993). "Under no possible view, however, of the findings we are considering can they be held to constitute a compliance with the statute, since they merely embody conflicting statements of counsel concerning the facts as they suppose them to be and their appreciation of the law which they deem applicable, there being, therefore, no attempt whatever to state the ultimate facts by a consideration of which we would be able to conclude whether or not the judgment was warranted." Gonzales v Buist, (04/01/12) 224 U.S. 126, 56 L. Ed. 693, 32 S. Ct. 463.

The 5.1 Constitutional Challenge filing, challenged the Constitutionality of the Statutes, and the Court disregarded those challenges, and in doing so, denied the rights of Helen Valencia Washington-Thomas to a settlement of those jurisdictional challenges, in violation of Due Process.

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

"Judgments entered where court lacked either subject matter or personal jurisdiction, or that were otherwise entered in violation of due process of law, must be set aside", Jaffe and Asher v. Van Brunt, S.D.N.Y. 1994. 158 F.R.D. 278. The DOJ attorneys committed fraud by falsifying the record. "Void order which is one entered by court which lacks jurisdiction over parties or subject matter, or lacks inherent power to enter judgment, or order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that party is properly before court", People ex rel. Brzica v. Village of Lake Barrington, 644 N.E.2d 66 (Ill.App. 2 Dist. 1994). (underline emphasis) "A 'void' judgment, as we all know, grounds no rights, forms no defense to actions taken thereunder, and is vulnerable to any manner of collateral attack (thus here, by ). No statute of limitations or repose runs on its holdings, the matters thought to be settled thereby are not res judicata, and years later, when the memories may have grown dim and rights long been regarded as vested, any disgruntled litigant may reopen the old wound and once more probe its depths. And it is then as though trial and adjudication had never been." 10/13/58 FRITTS v. KRUGH. SUPREME COURT OF MICHIGAN, 92 N.W.2d 604, 354 Mich. 97. (underline emphasis)

"Fraud vitiates the most solemn contracts, documents, and even judgments" United States v. Throckmorton, 98 U.S. 61. (underline emphasis)

"Lack of subject matter jurisdiction is a non-waivable defect which may be raised at any stage of the proceedings." State v. LaPier, 961 P.2d 1274, 289 Mont. 392, 1998 MT 174 (1998). "Ruling made in absence of subject matter jurisdiction is a nullity." State v. Dvorak, 574 N.W.2d 492, 254 Neb. 87 (1998).

Helen Valencia Washington- Thomas asserts her right to a fair and impartial judge. If The Magistrate does not follow the law, i.e. vacate the Orders issued in the case, due to fraud upon the court, then it must be concluded that The magistrate is not following statutory procedure, and

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

loses subject matter jurisdiction. The canons for a judge include: "A judge should avoid even the appearance of impropriety in all of his or her activities."

28 U.S. Code 455:"Any justice, judge or magistrate of the United States shall disqualify himself in any proceeding in which her impartiality might reasonably be questioned... He shall disqualify himself in the following circumstances: Where he has a personal bias or prejudice concerning a party..."

Subject matter jurisdiction fails: if a judge does not follow statutory procedure, and where the judge does not act impartially, *Armstrong v Obucino*, 300 Ill 140, 143 (1921), *Bracy v. Warden*, U.S. Supreme Court No. 96-6133 (June 9, 1997). (underline emphasis)

"Not every action by any judge is in exercise of her judicial function. It is not a judicial function for a Judge to commit an intentional tort even though the tort occurs in the Courthouse. When a judge acts as a Trespasser of the Law, when a judge does not follow the law, the judge loses subject matter jurisdiction and the Judge's orders are void, of no legal force or effect. "Yates Vs. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962). (underline emphasis)

"A void judgment is one rendered by a court which lacked personal or subject matter jurisdiction or acted in a manner inconsistent with due process." *In re Estate of Wells*, 983 P.2d 279, (Kan. App. 1999). (underline emphasis)

"Res judicata consequences will not be applied to a void judgment which is one which, from its inception, is a complete nullity and without legal effect" *Allcock v. Allcock* 437 N.E. 2d 392 (Ill. App. 3 Dist. 1982). (underline emphasis)

"Void judgment is one entered by court that lacks the inherent power to make or enter the particular order involved, and it may be attacked at any time, either directly or collaterally; such a judgment would be a nullity." *People v. Rolland* 581 N.E.2d 907, (Ill.App. 4 Dist. 1991).

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

“Void judgment is one entered by court without jurisdiction of parties or subject matter or that lacks inherent power to make or enter particular order involved; such judgment may be attacked at any time, either directly or collaterally.” *People v. Sales*, 551 N.E.2d 1359 (Ill.App. 2 Dist. 1990).

Helen Valencia Washington- Thomas asserts her right to the findings and conclusions on all matters of fact, law, and any discretionary matters. See April 11, 2006, “aggrieved” filing which stated, “The Court lacks personal jurisdiction to hear the case. See Undisputed Facts, in particular numbers 8 through 18.” The Magistrate refused to present findings and conclusions, in violation of precedent decision: *South Carolina State Port Authority v. Federal Maritime Commission et al.* certiorari to the united states court of appeals for the fourth circuit No. 01-46. Argued February 25, 2002–Decided May 28, 2002: “

The proceedings are adversary in nature. They are conducted before a trier of fact insulated from political influence. A party is entitled to present her case by oral or documentary evidence, and the transcript of testimony and exhibits together with the pleadings constitutes the exclusive record for decision. The parties are entitled to know the findings and conclusions on all of the issues of fact, law, or discretion presented on the record.” (underline emphasis)

Helen Valencia Washington- Thomas hereby asserts her right to an impartial judge who will follow precedence law, from which the Court derives its powers. *Anastoff v. United States* (8th Circuit, 2000), “The judicial power of the United States is limited by the doctrine of precedence.”, hereby asserts her right to challenge jurisdiction and the right to have the Court follow precedence and stop all proceedings until the jurisdictional questions are settled. See April 11, 2006 filing for “undisputed facts”,

“However late the objection has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, before any court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction. Jurisdiction is the power to hear and determine the subject matter in controversy between parties to a suit, to

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

adjudicate or exercise any judicial power over them; the question is, whether on the case before a court, their action is judicial or extra-judicial; with or without the authority of law, to render a

judgment or decree upon the rights of the litigant parties.” State of Rhode Island v. Com. of Massachusetts, 37 U.S. 657, 718 (1838). (underline emphasis)

The United States Supreme Court and numerous federal courts have ruled that when jurisdiction is challenged, it must be proven, on the record, or the case must be dismissed. See: Melo v. U.S. , 505 F 2d, 1026. “Once jurisdiction has been challenged, the court cannot proceed when it clearly appears that the court lacks jurisdiction. The court has no authority to reach merits, but, rather, should dismiss the case.” and see Joyce v. U.S. , 474 F2d 215.

Helen Valencia Washington- Thomas asserts her right to have Court of limited jurisdiction, adhere strictly to its statutory authority, and be presented with statutory authority for actions.

“Whereas a court of general jurisdiction is presumed to have jurisdiction to render any judgment in a case arising under the common law, there is no such presumption of jurisdiction in cases arising under a specific statutory grant of authority. In the later cases the record must reveal the facts which authorize the court to act.” Zook v. Spannaus, 34 Ill.2d 612, 217 N.E.2d 789 (1966).

Subject matter jurisdiction fails: if a judge does not follow statutory procedure, and where the judge does not act impartially, Armstrong v Obucino, 300 Ill 140, 143 (1921), Bracy v Warden, U.S.

Supreme Court No. 96-6133 (June 9, 1997). (underline emphasis)

Helen Valencia Washington- Thomas asserts her right to have all jurisdictional matters and questions on jurisdiction settled before the Court proceeds further. The Magistrate denied my request to settle jurisdictional questions and proceeded without even a pause or serious reflection on the jurisdiction matters.

However late the objection has been made, or may be made in any cause, in an inferior or appellate court of the United States, it must be considered and decided, before any court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction. “STATE OF RHODE ISLAND v. COM. OF MASSACHUSETTS, 37 U.S. 657, 718 (1838). (underline emphasis)

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

Helen Valencia Washington- Thomas asserts her right to be informed if any corrections are necessary. See Haines v. Kerner , 404 U.S. 519 (1972) and Plaskey v. CIA, 953 F.2d 25, "Court errs if court dismisses pro se litigant without instructions of how pleadings are deficient and how to repair pleadings.

Helen Valencia Washington- Thomas asserts her right to know the cause of action that gave rise to the case. Without a cause of action listed, the case cannot be filed in District Court. The DOJ attorneys cited 28 USC section 1340, as the cause of action. "Einhorn" clearly states the fallacy of such a claim. The DOJ attorneys are presumed to know the law, and show incompetence or deceit, by making such a claim.

"A void judgment is a simulated judgment devoid of any potency because of jurisdictional defects only, in the court rendering it and defect of jurisdiction may relate to a party or parties, the subject matter, the cause of action, the question to be determined, or relief to be granted, Davidson Chevrolet, Inc. v. City and County of Denver, 330 P.2d 1116, certiorari denied 79 S.Ct. 609, 359 U.S. 926, 3 L.Ed. 2d 629 (Colo. 1958). (underline emphasis)

"Only by the filing of an information which complies with the mandatory statutory requirement can the district court obtain subject matter jurisdiction in the first instance which then empowers the court to adjudicate the matters presented to it." Buis v. State, 792 P.2d 427 at 431, (Okla. Cr. 1990).Helen Valencia Washington- Thomas asserts her right to have the District Court adhere to precedence. There was no true plaintiff name on the complaint, and no verification by a complaining party. As such, no action has been commenced.

"Complaint must identify at least one plaintiff by true name; otherwise no action has been commenced." Roe v New York (1970, SD NY) 49 F.R.D. 279, 14 FR Serv 2d 437, 8 ALR Fed 670.

Helen Valencia Washington- Thomas asserts her right to confront witnesses against the wrongdoer(s) "No instruction was asked, but, as we have said, the judge told the jury that they were to regard only the evidence admitted by him, not statements of counsel", Holt v. United States, (10/31/10) 218 U.S. 245 at 250, 54 L. Ed. 1021, 31 S. Ct. 2.

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

And it is remarkable, we submit, that in a case of the magnitude, with every means and resource at their command, the complainants, after years of effort and search in near and in the most remote paths, and in every collateral by-way, now rest the charges of conspiracy and of gullibility against these witnesses, only upon the bare statements of counsel. "DOLBEAR v. AMERICAN BELL TELEPHONE COMPANY. MOLECULAR TELEPHONE COMPANY V. AMERICAN BELL TELEPHONE COMPANY. AMERICAN BELL TELEPHONE COMPANY V. MOLECULAR TELEPHONE COMPANY. CLAY COMMERCIAL TELEPHONE COMPANY V. AMERICAN BELL TELEPHONE COMPANY. PEOPLE'S TELEPHONE COMPANY V. AMERICAN BELL TELEPHONE COMPANY. OVERLAND TELEPHONE COMPANY V. AMERICAN BELL TELEPHONE COMPANY. (PART TWO THREE) (03/19/88) 126 U.S. 1 , 31 L. Ed. 863, 8 S. Ct. 778.

Statements of counsel in brief or in argument are not sufficient for motion to dismiss or for summary judgment." Trinsey v. Pagliaro, D. C. Pa. 1964, 229 F. Supp. 647.

"As we have said of other unsworn statements which were not part of the record and therefore could not have been considered by the trial court: "Manifestly, [such statements] cannot be properly considered by us in the disposition of [a] case." Adickes v. Kress and Co., 398 U.S. 144 - 158, n. 1

"A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere. Pennoyer v. Neff, 95 U.S. 714, 732 -733 (1878). Due process requires that the "aggrieved" be given adequate notice of the suit, Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313-314 (1950), and be subject to the personal jurisdiction of the court, International Shoe Co. v. Washington , 326 U.S. 310 (1945)." World-Wide Volkswagen Corp. v. Woodson , 444 US 286, 291 (1980); National Exchange Bank v. Wiley , 195 US 257 (1904); Pennoyer v Neff, 95 US 714 (1878).

"Judgments entered where court lacked either subject matter or personal jurisdiction, or that

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

were otherwise entered in violation of due process of law, must be set aside”, Jaffe and Asher v. Van Brunt, S.D.N.Y.1994. 158 F.R.D. 278.

“Decision is void on the face of the judgment roll when from four corners of that roll, it may be determined that at least one of three elements of jurisdiction was absent: (1) jurisdiction over parties, (2) jurisdiction over subject matter, or (3) jurisdictional power to pronounce particular judgment that was rendered”, B & C Investments, Inc. v. F & M Nat. Bank & Trust, 903 P.2d 339 (Okla. App. Div. 3, 1995).

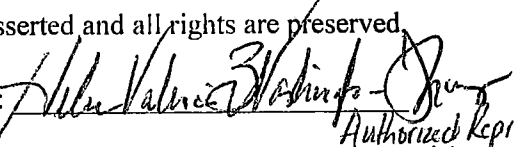
Uphold the laws and the Constitution of the United States. The subversion of law and violation of Due Process under the 14th Amendment, were not mere oversights, nor mere neglect; they were deliberate, calculated, willful, and knowing acts of subversion and rebellion against the laws, i.e., 26 USC 7401, against the common law, and against the Due Process of the 14th Amendment to the Constitution. I CHALLENGE THE CONSTITUTIONALITY OF THIS WHOLE PERCEEDING.

Attorneys from Brock and Scott, PLLC Law Firm Attorney(s) for Plaintiff Deutsche Bank National Trust Company, as Trustee for Soundview Home Loan Trust 2006-1, Asset-Backed Certificates, Series 2006-1 IS NOT THE REAL PARTY AND LACKS THE AUTHORITY TO MAKE A PRESENTMENT ON BEHALF OF ANOTHER PARTY.

Wherefore, “aggrieved” , Helen Valencia Washington- Thomas, orders the Judgment Void.

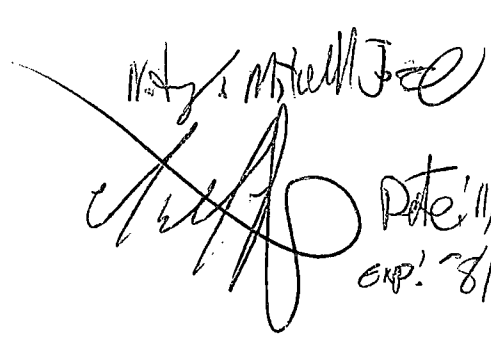
Date: November 18, 2019

The above rights are asserted and all rights are preserved.

Signature: 

Printed Name: Helen Valencia Washington-Thomas

Authorized Representative  
All Rights Reserved

  
Date: 11/18/19  
Exp: 8/18/2023

**STATE OF SOUTH CAROLINA**  
**COUNTY OF RICHLAND**

Certificate of Service

I hereby certify that on November 18, 2019, I made service of these documents, "MEMORANDUM AND ASSERTION OF RIGHTS", by first class mail, postage pre-paid, case no. 2012-CP-40-00009 \_\_\_\_\_

following attorney(s): Chad Wilson Burgess, Esquire; Suzanne E. Brown, Esquire; Caroline Richardson, Esquire; William Price Stork, Esquire; John Marshall Swails, Jr. Esquire; All AND SCOTT, LLP LAW FIRM  
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*Authorized Responder  
All Rights Reserved*  
Signed: *Helen Valencia Washington-Thomas*

Helen Valencia Washington- Thomas

Dated: November 18, 2019

*Notary Mitchell Jesse*  
*per 11/18/19*  
*copy 8/13/2023*

