

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Appellate Case No. 2020-001130

RECEIVED

OCT 30 2020

SC Court of Appeals

Wilmington Savings Fund
Society FSB as Trustee of
Stanwich M,

Respondent,

v.

Nelson L. Bruce, et al.

Appellant.

Judicial Notice / Brief

This Court is to take **judicial notice** to all applicable written law in the following.

Brief and Memorandum of Law on Want of Lawful Money of Gold or Silver Coin
for Payment of Filing Fees/Debt to the Court and State of South Carolina

1. WHEREAS ...constitutional rights cannot be denied due to hostility toward those who would assert and exercise them, *Watson v. Memphis, 375 US 526*; and no sanction or penalty can be imposed upon one because of the exercise of said rights, *Sherer v. Cullen, 481 F. 946*; and
2. WHEREAS **Article 1, Section 10** of the Constitution expressly mandates: "No State shall... make any Thing but gold and silver Coin a tender in payment of Debts"; and
3. WHEREAS Congress has no constitutional authority to authorize or require the State of South Carolina to do something that the Constitution of the United States expressly

forbids the State of South Carolina from doing; and

4. WHEREAS in the **Coinage Act of 1792**, Congress declared and defined the term "dollar" as coin consisting of gold or silver, and Congress has not since declared otherwise; and

5. WHEREAS due to **Federal Law, Title 12, Section 152**, which defines "Lawful Money of the United States" to ONLY be "gold coin" and "silver coin", said section remaining UNREPEALED to date, and

6. WHEREAS due to **48 Stat. 2, (March 09, 1933) and 48 Stat.113, (June 05, 1933)** all gold coin was removed from common circulation, at par, at the banks in America, said Statutes, remaining UNREPEALED to date, and

7. WHEREAS due to **P.L. 8931, (July 23, 1965) Senate #2080, and 9029, (June 24, 1967) Title 30, Section 9898 H, and 60 Stat. 596**, all silver coin was removed from common circulation at par, at the banks in America, said Public Laws, Sections and Statutes remaining UNREPEALED to date, and

8. WHEREAS misbehaving Congress has removed gold and silver coin (lawful money) from free circulation within the State of South Carolina, contrary to constitutional design and mandate; and

9. WHEREAS there are many judicial rulings of conflicting opinions upon the subject of "tender," "Acts of Congress making notes of the United States a legal tender do not apply to involuntary contributions in the nature of taxes, fees, fines, etc. enacted under State laws," *Hagar v. Land Reclamation District 108, 111 US 701 (S.Ct. 1884)*, is controlling; and

10. WHEREAS **Article XI, Section 1** of the Oregon Constitution being *pari materia* to all other State constitutions, **United Society v. Eagle Bank, 7 Conn. 457; State v. Gerhardt, 145Ind. 439, 44 N. E. 409, 33 L. R. A. 313; People v. New York Cent. Ry. Co., 25 Barb. (N.Y.) 201; Sales v. Barber Asphalt Pav. Co., 1G6 Mo. 071, 06 S. W. 979.**, expressly prohibits the circulation of private bank paper (i.e., Federal Reserve Notes) as money; and

11. WHEREAS Nebraska Court Rules of Evidence mandates: "Every court of this state shall take judicial notice of the common law and statutes of every state, territory and other jurisdiction of the United States"; and

12. WHEREAS the Ninth Circuit Court in *Lewis v. United States*, 680 F.2d 1239, 1241 (9th Cir. 1982), concluded that the Federal Reserve Banks are not federal instrumentalities, but are independent privately owned and locally controlled corporations; and

13. WHEREAS in the case of the *First National Bank of Montgomery v. Daly*, (1968), Federal Reserve Notes were declared to be null and void, and not "lawful money" within the contemplation of the Constitution of the United States because they are not redeemable in gold or silver coin, nor is there any fund set aside anywhere for the redemption of said notes; and

14. WHEREAS according to the Office of the General Counsel for the Department of the Treasury, "Federal Reserve Notes are not dollars"; and according to the Treasury Department, "There is no conversion of Federal Reserve Notes to dollars of gold or silver coin"; and

15. WHEREAS the State may not be prohibited from accepting any Thing as a tender in payment, but it is prohibited to make any Thing but gold or silver coin; and

16. WHEREAS the term "make" as it is used in **Article 1, Section 10** of the U.S. Constitution has a concise and specific definition; and

17. WHEREAS there are two general definitions attached to the term "make," viz.:
(1) It could mean to create as in: "I will make you a coin," or (2) It could mean to force as in: "I will make you use a coin"; and

18. WHEREAS from the language in **Article 1, Section 10**, it is clear the second usage is intended, since to "coin money" and to "emit Bills of Credit" are prohibited to the several States just previous to the prohibition against making "any Thing but gold or silver Coin a Tender in Payment of Debts," the word "make" would be an anomaly if it meant to coin or emit some Thing other than gold or silver coin; and

19. WHEREAS if "make" meant "to create" it would imply that the State had the power of coinage and emission of coins; however this power is specifically prohibited by the same section; and

20. WHEREAS the only reasonable meaning of the word "make" as it is used in **Article 1, Section 10**, is "to force the use of," thus we are left with the following reading:

"No State shall... force the use of any Thing but gold or silver Coin a Tender in Payment of Debts"; and

21. WHEREAS it is the courts of the State that "make" (or is suppose to make) gold or silver Coin a Tender in Payment of Debts regardless of any laws or statute to the contrary; and

22. WHEREAS all elected, appointed and hired agents and officers of the State of **South Carolina** including, but not limited to the officers of this Court, have given their promissory Oath under the seal of the State to obey the constitutional restraints and mandates enumerated therein, and herein listed above; and

23. WHEREAS **Article 1, Section 10** has never been amended or repealed, and the judges in every state (including **South Carolina**) are still bound by Oath (and bonded) to uphold and support the Constitution for the United States of America, and they have never been released from the oath administered to them; and

24. WHEREAS it is the lawful responsibility of this State (all three branches) to ensure that Congress does mint and freely circulate lawful money dollars within this State in order that the State of South Carolina and the American Citizens are able to lawfully extinguish their debts in accordance with **Article 1, Section 10** of the Constitution for the United States of America; and

25. WHEREAS I am estopped from obtaining lawful money dollars at par value, and therefore do not have any lawful money dollars; and

26. WHEREAS because of the misbehavior of Congress and the failure of judges in this State to be the constitutional check and balance for our "Republican Form of Government," and we may be, note the following exhibit referencing, "we are here now in chapter 11"; and

27. WHEREAS because I do not have any lawful money dollars, and I am estopped from obtaining any at par value, I am therefore "unable" to lawfully "pay" any debts to this State in the form of fees, fines, assessed court costs, etc.; and

28. WHEREAS, although I am not refusing to pay any fees, fines, etc., because of the misbehavior of Congress and the failure of judges to do their duty to uphold and support the US Constitution, I am unable to; and

29. WHEREAS if this Court orders payment in gold or silver Coin, then I move this Court for an additional Order directing the Secretary of the United States Treasury to supply the Coin at par for circulation; and

30. WHEREAS if no such Coin is put into circulation, then I am precluded from complying with said order in fact, and this may then constitute a cruel or unusual punishment, for to order me to do something I cannot possibly do would be, at best, unusual and, at worst, cruel; and

31. WHEREAS it is a long and well established maxim of law that the law does not require impossibilities; and

32. WHEREAS neither the State of **South Carolina**, nor it's political subdivisions and officials or agents thereof, possess no lawful authority to punish or deprive the individual citizen for, or as a result of the negligence of the Congressmen and judges as stated herein;

33. WHEREAS Chief Judge James E. Lockemy, Judge Thomas E. Huff, Judge H. Bruce Williams, Judge Paula H. Thomas, Judge Aphrodite K. Konduros, Judge John D. Geathers, Judge Stephanie P. McDonald, Judge D. Garrison Hill, and Judge Blake A. Hewitt affirmed by their own written oath of office that in this courtroom they will preserve, protect, and defend the Constitution of the United States of America and the Constitution of the State of **South Carolina**.

Demand for Cause

34. THEREFORE, be it known that I am by law, insolvent before this Court because of congressional mischief, and do hereby demand relief from this State's filing fees, fines, etc., and because of said mischief, and through the neglect and violations of the Constitution of the United States by certain state actors, I am estopped from paying the same in accordance with **Article 1, Section 10** and the positive law made in pursuance thereof, and that this demand is made under the authority of **Article 1, Section 10**, and **Articles 1 Section 10 and 20** of the Constitution for the United States of America and the **South Carolina** Bill of Rights.

Intent

35. My intent is to enjoy and exercise my natural, God given independence as

guaranteed and secured by the Constitutions for this Land, and the Constitution of the State of **South Carolina**, including and especially my right to extinguish debts and receive "just compensation" in accordance with the express provisions of said instruments supra, legislative acts to the contrary notwithstanding.

Caveat and Notice to Trespassers

This is notice to all who would subject me to a deprivation of my rights; That willful disregard for, or disobedience of, those constitutional restraints which are clearly enumerated therein and herein above, including but not limited to all forms of retaliatory action taken by any official of this Court, directly or indirectly, or by his/her/their instruction to any individual or agency, maybe actionable.

RESPECTFULLY PRESENTED,

“Without Prejudice”

Nelson L. Bruce 10-28-2020

THE BENEFICIAL OWNER OF THE CESTI QUI EQUITABLE TRUST

Nelson L. Bruce, Propria Persona, Sui Juris

All Natural Rights Explicitly Reserved and Retained

U.C.C. 1-207/1-308, 1.103.6

c/o 144 Pavilion Street, Summerville South Carolina [29483]

Ph. 843-437-7901

Record/FILE ON DEMAND

**PROOF OF SERVICE OF A NOTICE/MOTION TO THE COURT IN AFFIDAVIT
FORM TO CHALLENGE FILING / JUDICIAL NOTICE/BRIEF**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas Case No. 2016-CP-18-01678

Diane S. Goodstein, Circuit Court Judge

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Wilmington Savings Fund Society FSB as Trustee of Stanwich Mortgage Loan Trust C,

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v.

Nelson L. Bruce, et al.

Appellant.

PROOF OF SERVICE

I Nelson L. Bruce, Appellant, hereby certify that I served a copy of the
“NOTICE/MOTION TO THE COURT IN AFFIDAVIT FORM TO CHALLENGE FILING /
JUDICIAL NOTICE/BRIEF” on Wilmington Savings Fund Society FSB as Trustee by
depositing a copy of it in the United States Mail, postage prepaid under priority mail addressed
to their attorney of record, William S. Koehler, to South Carolina Housing Trust Fund / SC
Housing Corp by depositing a copy of it in the United States Mail, postage prepaid under priority
mail addressed to their attorney of record, Tracey C. Easton and to the Governor of the State of
South Carolina. Dated this 28th day of October, 2020.

RESPECTFULLY PRESENTED,

“Without Prejudice”

Nelson L. Bruce 10-28-2020

THE BENEFICIAL OWNER OF THE CESTI QUI EQUITABLE TRUST

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U.C.C. 1-207/1-308, 1.103.6
c/o 144 Pavilion Street
Summerville, South Carolina [29483]
Ph. 843-437-7901

Addressed To:

ALBERTELI LAW
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(803) 828-0880
Attorney for Respondent

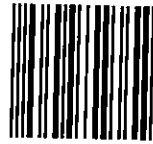
South Carolina Housing Trust Fund
SC Housing Corp
Attention: Tracey C. Easton
300-C Outlet Pointe Boulevard
Columbia, South Carolina 29210
(803) 896-8771 / (803) 896-9023
Other Respondent Attorney

The Honorable Henry McMaster
State House
1100 Gervais Street
Columbia, South Carolina 29201
Governor for the State of South Carolina

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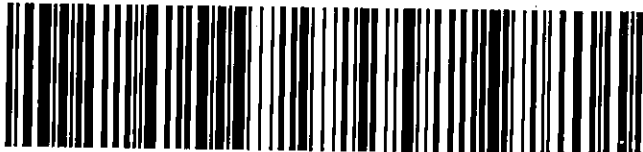
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