

STATE OF SOUTH CAROLINA

COUNTY AT: CHARLESTON

IN THE MATTER OF:
MIQUELL L. BRYAN
(Supposed Decedent)

RECEIVED
MAR 08 2021
SC Court of Appeals

IN THE COURT OF GENERAL SESSIONS

**MOTION FOR TRANSFER OF VENUE
FOR SUPPOSED DECEDENT RULE 82(b),SCRIP**

CASE NUMBER: _____

COMES NOW Miquell L. Bryan, ("Supposed Decedent") sui juris, non-absentee who is before this court by special re-appearance without prejudice, without waving any rights remedies or defenses statutory or procedural solely to challenge the jurisdiction and venue of the court. Specially rebutting the statutory presumption of the supposed decedent ("MIQUELL L. BRYAN"). I conditionally accept the offer of the court of SC Court of Appeals & The 9th circuit general sessions court to move forward on this void judgement and to force upon the supposed decedent ("MIQUELL L. BRYAN") who is in fact alive a conservator ("Jason T. Mikell") to represent the estate [NAME] of the supposed decedent ("MIQUELL L. BRYAN") upon proof of claim that a court ("any administrative court") can administrate the estate of a person that is in fact alive. See SC Code. 62-1-507(1) SEE Scott v. McNeal U.S. 154 U.S 134(the case remains a binding authority)

1. Clearly states the Probate code instructs that death maybe established according to the Uniform Determination of Death Act, Section 44-43-460.[1] S.C. 62-1-507(1). The Probate Code outlines two documents that are considered "'prima facie" evidence of death: a death certificate or a record or report of death.[2] C. Code Ann. Section 62-1-507(2)-(3)-(4)
2. Death may also be established by clear and convincing evidence, including, circumstantial evidence.[3] S.C. Code Ann. Section 62-1-507 (4) A person's death may also presumed if that person has been absent continuously for five years and the absence is not satisfactorily explained after diligent search or inquiry [4] S.C. Code Ann. Section 62-1-507(5) Specifically states this burden is deemed met when curtained documents are presented [8] (SC Code Ann. Section 62-1-507(6)
3. The only court that has territorial jurisdiction and venue over the matters involving estates [of deceased persons is the ("civiliter mortuus ("civilly dead") or natural death with death certificate or autopsy report. There is no autopsy or death certificates with the supposed decedent ("MIQUELL L. BRYAN") unless the State brings forth either the summary administration is ("VOID AB INTIO.") SEE CJS 1941-1998 DEATH 25 A page 554: The presumption of death is effective for practically all legal purposes, and is available as a method of proof of death in cases where death is a jurisdictional fact that must be made to appear.
4. See CJS 1941-1998 BOOK 33 "Administration" is the management of the estate of a decedent and expresses the jurisdiction assumed ("presumed") by the proper court over it. ("VENUE")
5. The "estate" of a deceased person is not a legal entity but is merely a name indicting the sum total of the decedent's assets and liabilities... and is not an entity ("See Lon Fuller Fiction") known to the law ("common") and is not a natural or artificial person, but is merely a name of the sum total of the assets. Note 43 page 881: "Estate" is generally used as meaning property belonging to a decedent, a ward, a mentally incompetent person or a bankrupt, and which is being administered in the courts.

See ADMINISTRATION UPON ESTATES OF PERSONS PRESUMED TO BE DEAD LAW REVIEW

Clearly states the power of a court to grant letters of administration exists only when the person whose estate is sought to be administered is dead ("civiliter mortuus") and if he is not dead, the authorities are almost unanimous in holding that a grant of administration or probate of a will,("or not as intestate without one") and all proceedings thereunder are void.

See American and Eng. Enc. Of law 2nd Edition, Vol. II p.759, for a full collection of citations.

Bank of Jonesboro v Wilson ,43 Ga. App. 839, 160 S.E. 653 (1913.)

I hereby rebut the statutory presumption of the administration of person who is in fact alive, who also challenges subject matter jurisdiction, territorial jurisdiction and venue of this South Carolina Court of Appeals and as well as the 9th Circuit General Sessions court or any administrative court is void and cannot move forward. Until the plaintiff ("STATE OF SOUTH CAROLINA") proves on the record what is the jurisdiction & venue of the court.

Proceedings concerning the above matter were commenced on the 6th - 7th day of Jan uary 2020, in Charleston County General Sessions Court. I hereby move for a transfer of venue to the Charleston county probate estate division as that court is the only court that is authorized by the South Carolina Constitution. To litigate matters involving estates of deceased persons("fictions") and as well as the power of attorney or conservator. The petitioner ("Miquell L. Bryan") filed a motion to terminate attorney on the 31st of December 2019. At 1:22 PM at Charleston County General Sessions Court because there is no ("corpus delecti") to give the court ("in personam jurisdiction") or a contract for specific performance.

Where the petitioner agreed to become surety for the \$ 107,145.75 under the Statute of Frauds SC CODE 32-3-10 (5) 32-3-20, I do not consent to being a surety. Based on the plaintiff ("STATE OF SOUTH CAROLINA") who is not an injured party in law or substance. And the Case needs to be dismissed sua sponte as to the real jurisdiction that lies in the probate court at Estates Division.

By copy of this Motion, the undersigned is giving notice to interested persons as required by law.

Executed this _____ day of _____, 20_____.

Signature: _____
Print Name: _____
Address: _____

Relationship to Decedent/Estate: (supposed Decedent)

ORDER FOR TRANSFER OF VENUE

Following proper consultation with the Probate Judge or Associate Probate Judge for _____ County,

IT IS HEREBY ORDERED that the above Motion for Transfer of Venue be DENIED GRANTED and that this file be transferred to _____ County with all further proceedings to be filed in that Court.

Executed this _____ day of _____, 20_____.

_____, Probate Court Judge

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
COUNTY AT CHARLESTON) FOR THE NINTH JUDICIAL CIRCUIT
)
) Trial Court Case No.2017GS1003228
)
Miquel L. Bryan)
Defendant,)

I certify that on this date, I served a copy of Notice Motion for Transfer of Venue RULE 82(b), and Affidavit of Miquell Lutron Bryan dated, on 26 February 2021 (nunc pro tunc) by U.S. Mail/Mailing it to him/her, at his /her last known address as follows:

Cc: Clerk of Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

Clerk of Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

William M. Blich, Esquire
1000 Assembly St,
Columbia, SC 29201

Office of the Probate/Surrogate/Ordinary Court Judge
Attention: Appointed Trustee Irwin G. Condon
84 Broad Street
Charleston, South Carolina 29401

Stephanie Linder
101 Meeting Street
Charleston, South Carolina 29401
(843)958 -5150
(843) 958 -5160 (fax)

Chief Justice Donald W. Beatty
Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

Alan Wilson
1000 Assembly St,
Columbia, SC 29201

Jason Mikell
321 Wingo Way #201
Mt. Pleasant, South Carolina 29464

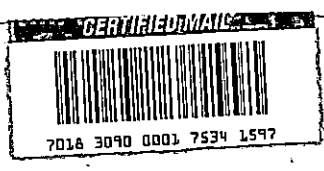
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On this 26th of Feb 2021
Date

by: Miquel Bryan (sui juris)
Miquel Bryan #282448
Ridgeland CI CB31
c/o 5 Correctional Drive
Ridgeland, South Carolina [29936]

Miquell Bryan 292448
Ridgeland, MS 39157
P.O. Box 2039
Ridgeland, MS 39157



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1220 Senate St
Columbia, S.C. 29201

