

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM KERSHAW COUNTY

Master-In-Equity

The Honorable Jeffery M. Tzerman

Case No. 2012-CP-28-0981

Appellate Case No. 2012-212971

APR 02 2013
SC (COURT OF APPEALS)

CitiMortgage, Inc.....Respondent,

V.

Ellen T. Springer,.....Punished-Appellant-Victim, Pro Se.

E.R.S. BRIEF OF PUNISHED-APPELLANT-VICTIM, PRO SE

Mrs. Ellen Ruth Springer
18 Arlington Dr.
Lugoff, S.C.
C/o 147-21 109th Avenue
Jamaica, New York, 11435
Fax # (716) 768-5162
Fax # (803) 438-9600.

TABLE OF CONTENT

Table of Authorities.....2

Statement of the Issues.....3

Statement of the Case.....4

Background.....7-10

Statement of the Facts.....10-14

Discussion of the Facts/Application of Controlling Law/Standard of Review.....10-18

Argument (s):

1. BECAUSE THE LOWER COURT FAILED TO FIND THAT, THE HON. TZERMAN, J., AND THE LAW OFFICE OF ROGERS, TOWNSEND AND THOMAS, LLC, WERE WRONGDOERS THAT HELD SHAM COURT, AND FAILED TO RECUSE THEMSELVES FROM REVIEW OVER COMPLAINT OF FRAUD ON THE COURT THAT CHALLENGED THEIR OWN IMPROPER CONDUCT AND INFIRM ORDERS AND JUDGMENTS, THUS, THE NEXUS BETWEEN THEIR DUAL APPEARANCE AS (A) OFFICER OF THE COURT AND AS (B) DEFENDING PARTIES IN INTEREST TO THE OUTCOME OF THE CASE, HAD AN ARC EFFECT THAT STRUCK DOWN BOTH POSITIONS, **RES JUDICATA**, AND RENDERED THE RESULTS OF THE PROCEEDING UNRELIABLE AS A MATTER OF DUE PROCESS OF LAW, **RES JUDICATA**: AND THEREFORE, THE JUDGMENTS AND ORDERS APPEALED FROM WERE ERR OF THE LOWER COURT OF A CONSTITUTIONAL MAGNITUDE, AND ABUSE OF DISCRETION UNSUPPORTED BY THE FACTS, THAT WAS REVERSIBLE ERR, CONTROLLED BY LAW, **RES JUDICATA**:
2. BECAUSE THE INANIMATE LOWER COURT FAILED TO FIND THAT, DENIAL OF EMERGENCY PRO SE MOTION FOR EQUITABLE RELIEF FROM THE WRONG SIDE OF THE FRACON WAS A PROCEDURAL VOID NULLITY, THEREFORE, SAID ORDER & JUDGMENT THAT DENIED DUE PROCESS OF LAW WAS, THUS, A VOID JUDGMENT, THAT WAS AN ABUSE OF DISCRETION, UNSUPPORTED BY THE FACTS, THAT WAS AN ERR OF THE LOWER COURT, OF A CONSTITUTIONAL MAGNITUDE, THAT WAS A REVERSIBLE ERR CONTROLLED BY LAW, **RES JUDICATA**:
3. BECAUSE THE LOWER COURT OFFICERS FAILED TO FIND THAT THEIR PERFORMANCE FELL BELOW THE MINIMAL DUE PROCESS STANDARD OF REASONABLENESS ECHOED BY THE SUPREME COURT IN STRICKLAND V. WASHINGTON, SUPRA, THEREFORE, RESPONDENT WILL BE UNJUSTLY ENRICHED IF ANY OF THE REQUESTED RELIEF IS DENIED, **RES JUDICATA**:
4. BECAUSE THE LOWER COURT FAILED TO FIND THAT, THE POSITION FORMERLY ASSERTED WAS LOST AND THAT, THUS, THE FALSE POSITIVE ORDERS & JUDGMENTS RENDERED IN FAVOR OF RESPONDENT-WRONGDOER WERE SHAM JUDGMENTS/SHAM LEGAL PROCESS, PROOF POSITIVE THAT THIS WAS A PREDATORY ATTACK: AND, THAT WAS PROOF POSITIVE THAT THE S.C. COURT OF COMMON PLEAS WAS A PREDATORY COURT, **RES JUDICATA**, AND THAT THE S.C. COURT OF APPEALS WAS INHERENTLY A PREDATORY COURT, **RES JUDICATA**; THEREFORE, THE RESULTS OF

THE INSTANT PROCEED WAS A PROCEDURAL NULLITY, APPEARING ON THE FACE OF BOTH THE JUDICIAL ROLL RECORD, AND THE RULE 60 (B) SHOW CAUSE EMERGENCY PRO SE HEARING AND REVIEW PROCEEDING OF SPECIAL PLEADINGS AND, WAS AN ERR OF THE LOWER COURT AND THIS S.C. COURT OF APPEALS, THAT WAS AN ABUSE OF DISCRETION UNSUPPORTED BY THE FACTS, THAT WAS REVERSIBLE ERR OF A CONSTITUTIONAL MAGNITUDE, CONTROLLED BY LAW, **RES JUDICATA**.

Conclusion.....20

TABLE OF AUTHORITIES

Strickland v. Washington, 442 U.S. 662 (1984)16-17

S.C. Dep’t of Soc. Servs. v. Holden, 319 S.C. 72, 459 S. E.d. 846 (1995).....17

Thomas & Howard Co. v. T.W. Graham and Co., 318 S.C. 286 (1995)17

Tyron Fed. Sav. & Loan Ass’n v. Phelps, 307 S.C. 361, 415 S.E.2d 397 (1992).....17

Wong Sun v. United States, 371 U.S. 471 (1963).....15

STATUTORY LAWS

Doctrine of Estoppel (e.g. Equitable estoppel, Fraud on the Court & Laches).....15

S.C. Law of Void Judgment17

PROCEDURAL LAWS

L.R. Civ. Rule 83.119

S.C. Code (15-75-60)19

S.C. Civ. P. Rule 60 (B)19

S.C. General Rule 3619

S.C. General Rule 819

OTHER AUTHORITIES

Eastern Savings Bank fsb. v. Walter Springer, Ellen Springer, et al., Case No. 2011-cv-4431: U.S. Dist. Ct: E. Dist. Ct.: N.Y. (ERK) (Sept., 2011-Oct.2012).....8-9

U.S. Bank National & Associates as Trustees v. Ellen Springer, Queens County Index No. 6827/08, Supreme Court, State of New York.....8-9

Angela Masheyeva, Et al. v. The Law Office of David M. Green, Esq., Nassau County

Index no. 2865/2012, Supreme Ct.: State of New York: Criminal Term.....11

STATEMENT OF THE ISSUES ON APPEAL

- A. DID THE LOWER COURT ERR IN FAILING TO FIND THAT, THE HON. TZERMAN, J., AND THE LAW OFFICE OF ROGERS, TOWNSEND AND THOMAS, LLC, WERE WRONGDOERS THAT HELD SHAM COURT, THAT FAILED TO RECUSE THEMSELVES FROM REVIEW OVER COMPLAINT OF FRAUD ON THE COURT THAT CHALLENGED THEIR OWN IMPROPER CONDUCT AND INFIRM ORDERS AND JUDGMENTS AND, THUS, THE NEXUS BETWEEN THEIR DUAL APPEARANCE AS (A) OFFICER OF THE COURT AND AS (B) DEFENDING PARTIES IN INTEREST TO THE OUTCOME OF THE CASE, HAD AN ARC EFFECT THAT STRUCK DOWN BOTH POSITIONS, RES JUDICATA, AND RENDERED THE RESULTS OF THE PROCEEDING UNRELIABLE AS A MATTER OF DUE PROCESS OF LAW, RES JUDICATA: AND THEREFORE, THE JUDGMENTS AND ORDERS APPEALED FROM WERE ERR OF THE LOWER COURT OF A CONSTITUTIONAL MAGNITUDE, AND ABUSE OF DISCRETION UNSUPPORTED BY THE FACTS, THAT WAS REVERSIBLE ERR, CONTROLLED BY LAW, RES JUDICATA?:
- B. DID THE INANIMATE LOWER COURT ERR IN FAILING TO FINE THAT, DENIAL OF EMERGENCY PRO SE MOTION FOR EQUITABLE RELIEF, FROM THE WRONG SIDE OF THE FRACTON, WAS A PROCEDURAL VOID NULLITY, AND THAT, THEREFORE, SAID ORDER & JUDGMENT THAT DENIED DUE PROCESS OF LAW WAS, THUS, A VOID JUDGMENT, THAT WAS AN ABUSE OF DISCRETION, UNSUPPORTED BY THE FACTS, THAT WAS AN ERR OF THE LOWER COURT, OF A CONSTITUTIONAL MAGNITUDE, THAT WAS A REVERSIBLE ERR CONTROLLED BY LAW, RES JUDICATA?:
- C. DID THE LOWER COURT OFFICERS (HON. TZERMAN, J., AND WILLIAM S. KOEHLEF; ESQ., [ROGERS, TOWNSEND & THOMAS, LLC]) ERR IN FAILING TO FIND THAT, THEIR PERFORMANCE FELL BELOW THE MINIMAL DUE PROCESS STANDARD OF REASONABLENESS ECHOED BY THE SUPREME COURT IN STRICKLAND V. WASHINGTON, SUPRA, THEREFORE, RESPONDENT WILL BE UNJUSTLY ENRICHED IF ANY OF THE REQUESTED RELIEF IS DENIED, RES JUDICATA ?
- D. DID THE LOWER COURT ERR IN FAILING TO FIND THAT, THE POSITION FORMERLY ASSERTED WAS LOST AND THAT, THUS, THE FALSE POSITIVE ORDERS & JUDGMENTS RENDERED IN FAVOR OF RESPONDENT-WRONGDOER WERE SHAM JUDGMENTS/SHAM LEGAL PROCESS, PROOF POSITIVE THAT THIS WAS A PREDATORY ATTACK: AND, THAT WAS PROOF POSITIVE THAT THE S.C. COURT OF COMMON PLEAS WAS A PREDATORY COURT, RES JUDICATA, AND THAT THE S.C. COURT OF APPEALS WAS "INHERENTLY" A PREDATORY COURT, TOO!, RES JUDICATA; AND THAT, THEREFORE, THE RESULTS OF THE INSTANT PROCEED WAS A PROCEDURAL NULLITY, APPEARING ON THE FACE OF BOTH THE JUDICIAL ROLL RECORD, AND THAT, THE RULE 60 (B) SHOW CAUSE EMERGENCY PRO SE HEARING AND REVIEW PROCEEDING OF SPECIAL PLEADINGS WAS A SHAM LEGAL PROCESS THAT, WAS AN ERR OF THE LOWER COURT AND "INHERENT" ERR OF THIS S.C. COURT OF APPEALS, THAT WAS AN ABUSE OF DISCRETION UNSUPPORTED BY THE FACTS, THAT WAS REVERSIBLE ERR OF A CONSTITUTIONAL MAGNITUDE, CONTROLLED BY LAW, RES JUDICATA ?

STATEMENT OF THE CASE

On Mar. 18th, 2013, this Court entered Order and Judgment that denied Respondent's Motion to Dismiss the Instant Matter of Appeal, Res judicata (exhibit-A). On Jan. 28th, 2013, this Court entered Order and Judgment that denied Punished-Appellant-Victim's Pro se rebuttal to Respondent's Reply Affirmation Supporting their Motion to dismiss (exhibit-B). On Dec. 24th, 2012, Respondent filed Reply Affirmation in Opposition to Punished-Appellant-Victim's Pro Se Reply Affirmation in Opposition to Motion to dismiss the instant Appeal Matter. On or about Dec. 1st, 2012, Punished-Appellant-Victim, Pro se, filed a Reply Affirmation Opposing Motion to Dismiss the Instant Appeal Matter. On or about Nov. 26th, 2012, the Law Office of Nelson, Mullens & Scarborough, LLC, filed "Notice of Appearance" for Respondent-CitiMortgage, Inc.: thereafter, said counsel filed Motion to Dismiss the Instant Appeal Matter (exhibit-C). On Nov. 10th, 2012, this Court entered void Order & Judgment directing that Appellate Brief be filed no later than Nov. 10th, 2012 (exhibit-D). On Nov. 10th, 2012, this Court entered void Order & Judgment that, Denied "Punished-Appellant-Victim's" (1) Emergency Pro Se Notice of Void Judgment [filed Nov. 2012]; (2) Emergency Pro se Motion to Vacate "Void" Judgment [filed Oct. 15th, 2012; (3) Emergency Pro Se Motion For Relief From Turnover [re-filed Oct.6th, 2012: formerly filed Sept. 21st, 2012]; (4) Emergency Pro Se Motion to Stay Execution of Writ of Assistance [Re-filed Oct.: formerly filed Sept. 21st, 2012]. (More Importantly, without Opposing Reply Affirmation Filed by Respondent and or their Actor Agent Attorney Predecessor, known to this court as, "The Law Office of Rogers, Townsend & Thomas, LLC, Res Judicata) (exhibit-D)

On Oct. 25th, 2012, Deputy Clerk Claire Allen responded to complaint that all "Equitable" Emergency Pro Se Motion(s) for requested Relief, wanted timely response, Res judicata. On Oct. 25th, 2012, Punished-Appellant-Victim, Pro Se complained to Deputy Clerk, Hon. Claire Allen, that her emergency Pro Se motions were not answered in a timely fashion and that, therefore, "ANY" Order & Judgment rendered by this S.C. Court of Appeal, thereafter, were inherently "void" judgments, Res Judicata. On Oct. 16th, 2012, Punished-Appellant-Victim, Pro se, filed Emergency Pro se Notice of Void Judgment traceable to "failure to render timely judgment" on all emergency Pro Se motions filed herein, Res Judicata. On Oct. 6th, 2012, Punished-Appellant-Victim, Pro se, filed a "Renewed-Writ" for Emergency Pro Se Motion seeking relief for: (1) Stay execution of Writ of Assistance of eviction from the property & also for (2) Relief from Turnover, Pending Final Determination on the Instant Appeal, in the Best Served Interest of the Public, and with Good Cause Shown, Res Judicata.

On Sept. 25th, 2012, Punished-Appellant-Victim, Pro Se, Maintained Possession of the "Subject" Property, Res Judicata, by virtue of failure to complete "void" "Lock-Out" Procedures prior to time of Bankruptcy filing, Res Judicata (exhibit-E). On Sept. 25th, 2012, at approximately 1: 10 P.M. in the afternoon thereof, Punished-Appellant-Victim, Pro Se, did File for Bankruptcy

Protection with the U.S. Dist. Ct.: Eastern Dist. Ct.: New York, under Attorney Representation, **Res Judicata** (exhibit-E). On Sept. 25th, 2012, the Lugoff County Sheriff Dept. commenced "Void" "Lock-Out" procedures traceable to Respondent's "Void" Writ of Assistance to execute "Void" Eviction Process, **Res Judicata** (exhibit-F): More importantly, **it is important to note that, Said "Lock-Out" Procedure were, "In Fact", not completed on said date.** On Sept. 24th, 2012, this S.C. Court of Appeals entered Order and Judgment that, **Denied** Emergency Pro Se Motion seeking relief to (1) Stay Execution of Writ of Assistance & Eviction from the Property that superseded the injuriously imposed \$28,500,00's Appeal Bond marked out by the Lower Court & (2) Relief from Turnover Pending Final Determination on the Instant Appeal: **More importantly, without Reply Affirmation filed in Opposition by Respondent and or their Actor Agent predecessor Attorney, The Law Office of Rogers, Townsend & Thomas, LLC, Columbia, S. C., Res Judicata.** On Sep. 21st, 2012, Punished-Appellant-Victim, **Pro Se**, filed her Notice of Appeal upon all Interested Parties to the Outcome of the Instant Appeal Action Matter, **Res Judicata**. On Sept. 21st, 2012, Your "Punished-Appellant-Victim, **Pro Se**", filed Emergency **Pro Se** Notice of Motion for (1) Stay of Execution of Writ of Assistance & Eviction "Lock-Out", and for (2) Emergency, **Pro Se**, Relief from Turnover, pending Final Determination on the instant Appeal Matter. On Sept. 10th, 2012, the Lower Court entered order & judgment that Denied Emergency Pro Se Notice of Motion for Equitable Estoppel relief from Void Judgment Denying Rule 60 (B) Show Cause Relief, and also barred further filing of Pro Se Petitions filed by Your Punished-Appellant-Victim: **More importantly, From the "Wrong Side of the Fraction", Res Judicata** (exhibit-G).

On Aug. 20th, 2012, Punished-Appellant-Victim, Pro Se, herein, filed Emergency Pro Se Motion for Equitable Estoppel Relief upon the Clerk of the Lower Court, seeking relief from Void Judgment that denied Rule 60 (b) show Cause Relief, **Inter alia**, from the "**Wrong side of the Fraction**", While in excess of Personal Jurisdiction and, while in want of jurisdiction formerly Asserted, **Res Judicata**.

On July 9th, 2012, the Lower Court entered "Void" Order & Judgment that Denied Emergency **Pro Se** Rule 60 (b) Motion for Show Cause Relief from (1) "Void" Order & Judgment for Sale of the Subject Property (entered Mar. 5th, 2012 [Hon. Tzerman, J., Auction Referee]); & from (2) "Void" summary Judgment & "Void" Order of Sale (entered Feb. 1st, 2012 [Hon. Tzerman, J.: hearing Officer]), **Res Judicata** (exhibit-H).

On June 4th, 2012, Punished-Appellant-Victim, **Pro Se**, filed Emergency Pro Se Motion for Order to Show Cause (S.C. Civ. P. R. 60 [b]) WHY? Defendant (Punished-Appellant-Victim, herein) should be granted relief from Case No. 2011-cp-28-0981 upon the grounds of Sham Pleadings, Fed. Civ. P. R. 1 (1 [50]), **Res Judicata**, by virtue of misrepresentation of material fact of injury (41 U.S 604: Fraudulent Claims) that offended the Due Process Clause embodied by the Admission Statement Requirement, **Res Judicata** (exhibit-I).

On Mar. 5th, 2012, the Lower Court entered Order & Judgment for Sale of the subject Property known as (Hon. Tzerman, J. Auction Referee) (exhibit-J).

On Feb. 12th, 2012, Punished-Appellant-Victim, Pro Se, Notified the Lower Court that, from Aug. 31st, 2011 thru Feb. 6th, 2012, she was the "Victim" of a Predatory Attorney Attack, committed by The Law Office of David M. Green, Esq., who sat on prima fascia evidence that proved that Respondent their agents and their predecessors were, in fact, wrongdoers with unclean hands that committed fraud on the court, invisible to the natural naked all-seeing-eye of the Inanimate Const. Court of Jurisdictional Review, only, **Res Judicata** (see trans' at pg. 8-17). On Feb. 1st, 2012, the Lower Court entered Summary Judgment & Order for Sale in favor of Respondent-CitiMortgage, Inc., that was granted to Rogers, Townsend & Thomas, LLC (Hon. Tzerman, J. Presiding) (exhibit-K). On Feb. 1st, 2012, a Foreclosure Hearing and Review Proceedings commenced, and concluded, the same day: only Rogers, Townsend & Thomas, LLC, and the Hon. Tzerman, J., appeared: no fact witness appeared for respondent & Your Punished-Appellant-Victim, **Pro Se**, failed to appear that, made the lower court want In persona and Subject matter jurisdiction, **Res Judicata**.

On Jan. 28th, Punished-Appellant-Victim, Pro Se, received untimely notice, sent by Rogers, Townsend, & Thomas, LLC., that referenced the Feb. 1st, 2012, foreclosure hearing and review proceeding that, therefore, created an inability to timely commute from the State of New York to appear before the Lower Court, and, therefore, deprived due process of law, **Res Judicata**. On Oct. 14th, 2012, The Law Office of Rogers, Townsend & Thomas, LLC., filed a Civil Complaint Instrument upon the Kershaw County Court Clerk upon formal pleadings & allegations which asserted that, on June 1st, 2011, Punished-Appellant-Victim, Pro Se, failed to remit the scheduled installment and all further installments thereafter, inter alia, without more; & that therefrom, Respondent were injured.

On Mar. 22nd, 2013, your Punished-Appellant-Victim, Pro Se, received copy of order & judgment rendered by this Hon. S.C. Court of Appeals, denying Respondent's Motion to dismiss the instant matter of Appeal, with direction to file the instant Appeal Brief within Ten (10) days of said receipt (exhibit-A).

Accordingly, the instant Appeal Brief is filed in a timely manner, **Res Judicata**.

LOAN HISTORY

On Jan. 4th, 1990, Punished-Appellant-Victim, **Pro se**, herein, entered into Loan Contract Agreement with C & S Mortgage, Inc. to secure purchase of 18 Arlington Drive, Lugoff, S.C. at the purchase price of 70,060.00's . Monthly Installments were set at \$746.00's (exhibit-L).

Upon information and belief thereof, From Jan. 1990 thru Feb. 1st, 2009, Your Punished-Appellant-Victim, Pro Se, remitted timely installments in the amount of \$746.00's without incident.

CitiMortgage, Inc. alleged to have acquired Assignment to the instant Loan subject matter, thru merger with A & B Ambro, Inc. Notwithstanding, the proffered Assignment instrument facially represented A & B Ambro as The Holder in Due course and, on this point, was not in admissible form to facially sustain CitiMortgage, Inc. as Holder in Due Course, Res Judicata (see exhibit-M).

BACKGROUND

Your Punished-Appellant-Victim, Pro Se, is a 79 yr. Old Senior Citizen, Primary Resident and Native, Born of The State of South Carolina: who has maintained residency in the State of New York, where she has earned her living, since 1960 (exhibit-N).

From Feb. 1990 thru Feb. 2009 (19 Yrs.), Punished-Appellant-Victim, Herein, faithfully remitted timely monthly installments of \$746.00's, without lateness, Non Pro Tunc, and Res Judicata.

Contrary to belief, on Feb. 1st, 2009, Loan Service Agents for CitiMortgage, Inc. asserted an inequitable claim of loan deficiency traceable to only one (1) missed installment for Aug. 1st, 2008 (see Trans' at Pg. 8-17).

From Mar. 1st, 2009 thru Feb. 1st, 2010, your elderly Punished-Appellant-Victim entered into forbearance and did faithfully remit \$1,500.00's per month verses \$746.00's per month, without lateness, that demonstrated a willingness to cure the alleged loan deficiency and any existing fees, Res Judicata (see Trans' at Pg. 8-17).

Notwithstanding, On Mar. 1st, 2010, Respondent's Loan Service Agent changed sides and, therefrom, led Punished-Appellant-Victim, Pro se, to believe that she was responsible for outstanding Attorney Fees in excess of \$4,000.00's (see Trans' at Pg. 8-17).

From Apr. 1st, 2010 thru May 1st, 2011, Punished-Appellant-Victim, Pro Se, remitted timely double-payments in the amount of \$1,500.00's, per month, that fully executed and satisfaction "Forbearance agreement #-2": a Grand total of \$36,000.00's as opposed to the required \$18,000.00's (see Trans' at Pg. 8-17).

Again, On June 1st, 2011, Respondent's Loan Service Agent Predecessor changed sides and, therefrom, asserted that Punished-Appellant-Victim, Pro se, was still responsible for outstanding Attorney Fees in excess of \$4,000.00's, with inference that \$18,000.00's failed to

cure one missed installment (Aug. 1st, '08) and any and all existing attorney fees, Res Judicata (see trans' at Pg. 8-17).

On Aug. 31st, 2012, Punished-Appellant-Victim, Pro Se, entered into Attorney-Client agreement with the Law Office of David M. Green, Esq. (Hempstead, N.Y.) to resolve the interest in conflict: said attorney was later found to have been a Predatory Attorney that molested Punished-Appellant-Victim, herein, from Aug. 31st, 2011 thru Feb. 6th, 2012 (e.g. sat on the case and did absolutely nothing, while respondent's attorney had their way in court), and thereafter, demonstrated a willful unilateral abandonment of Your Punished-Appellant-Victim, herein (see Trans' at Pg. 8-17).

On Oct. 14th, 2011, Rogers, Townsend & Thomas, LLC, filed a civil complaint instrument upon formal pleadings and allegations which asserted that, on June 1st, 2011, their client was injured by acts traceable to Punished-Appellant-Victim, herein, that failed to remit June 1st, 2011 scheduled loan installment and all further installments thereafter: However, their admissions statement failed to disclose the totality of the mitigating circumstances that led up to the date and time of injury alleged, as required by Due process of Law.

On Jan. 4th, 2012, the Green Law Group represented to Punished-Appellant-Victim, Pro Se, that application for loan modification had been submitted to Respondent's agent Loan Service Co. (see Trans' at Pg. 8-17).

On Jan. 28th, 2012, Punished-Appellant-Victim, Pro Se, received untimely notice of the scheduled Feb. 1st, 2012, foreclosure hearing and review proceeding, from Rogers, Townsend & Thomas, LLC (see Trans' at Pg. 8-17), that caused hardship and inability to appear from the state of New York (e.g. on Feb. 3rd, 2012, Your Punished-Appellant-Victim, Pro Se, was stricken with verified, "Life threatening", "Family" Medical Emergency to wit: her biological brother, George R. Peay, who was stricken with complications from chronic heart disease dating back to Aug. 2011, was finally hospitalized on Feb. 3rd, 2012: sedated thru the weekend; and, on Feb. 6th, 2012, said sibling underwent open heart Surgery on Feb. 6th, 2012 [e.g. "Long Island Jewish Cardiology Hospital": Maspeth, N.Y.] that commenced at 7:00 am, and concluded at approximately 8:00 pm: from Feb. 6th thru Feb. 13, 2012 said sibling remained sedated to allow mass-swelling to digress: on Feb. 13th, 2012, said open wound was thereafter closed: and from Feb. 2012 thru June 2012, Punished-Appellant-Victim, nurtured said sibling while, simultaneously, moving Pro Se, in three civil foreclosure action matters bungled by said Green Law Group, Res Judicata) (see Eastern Savings Bank fsb. v. Walter Springer, Ellen Springer, et al., Supra [Feb. 19th, 2012: court granted extension for time extension to reply 5 months after case was filed, with ensued hearings thru Nov. 2012: case dismissed]; and U.S. Bank National & Associates as Trustees v. Ellen Springer, Supra [Mar. 15th, 2012: show cause order granted, with ensued hearings thru Apr. 24th, 2012: w/motions still pending).

On Feb. 1st, 2012, said Foreclosure Hearing and Review proceeded in abstencia of (1) a competent fact witness appearing for Respondent, and (2) in abstencia of your Punished-Appellant-Victim (e.g. for reasons above stated): only Judge Tzerman, J. and Rogers, Townsend & Thomas, LLC., appeared (see Judicial Roll Record).

On Feb. 1st, 2012, the Hon. Tzerman, J. and Rogers, Townsend & Thomas, LLC, shook hands on the entering of "foreclosure summary judgment and order for sale" (see Judicial Roll Record).

On or about Feb. 6th, 2012, the Green Law Firm demonstrated a willful unilateral abandonment of the client-Punished-Appellant-Victim, herein; just 5 days after Respondent's counsel had their way in court, **Res Judicata** (see trans' at pg. 8-17).

On Feb. 8th, 2012, your Punished-Appellant-Victim, Pro Se, contacted the Kershaw County Clerk's Office to Report that she was the victim of a predatory attorney attack and, furthermore that the order & judgment of summary foreclosure and sale were founded upon sham pleadings perpetuated on the court by virtue of improper conduct and misrepresentation of injury, **Inter alia, Res Judicata** (see trans' at pg.8-17).

On or about Feb. 13th, 2012, the Hon. Tzerman, J., returned Punished-Appellant-Victim's earlier Phone call, and was, at that time, duly notified that (1) the said Order for Sale and Summary Judgment were predicated upon sham pleadings: (2) that she possessed verifiable evidence that rebutted the position asserted, on its face: and that (3) her abstencia in the foreclosure proceedings were owed to (A) untimely receipt of notice of scheduled hearing & (B) Predatory Attorney Attack, traceable to inter action with the Green Law Group of David M. Green, Esq., Supra, **Inter Alia**. On Feb. 12th, 2012, the Hon. Tzerman, J. exclaimed that S.C. Rule 60 (b) was the way to go to show extraordinary circumstances and legal argument that would justify a granting of relief from Summary Judgment and Order of Sale, **Res Judicata** (see Trans' at Pg. 8-17).

Notwithstanding, on Mar. 5th, 2012, just twenty (20) days later, the Hon. Tzerman, J. executed Order & Judgment of sale of the property to The Law Office of Rogers, Townsend & Thomas, LLC, for Respondent-CitiMortgage, Inc., **Res Judicata**.

VERIFIED HARDSHIP: EXCUSABLE NEGLIGENCE FOR DELAY IN BRING ACTION

On July 9th, 2012, the lower court was provided with verified prima fascia evidence that proved that, From Feb. 20th, 2012 thru June, 2012, as a direct result of the aforementioned predatory attorney attack by said New York Attorney, The Law Office of David M. Green, Esq., that she (Punished-Appellant-Victim, herein) sought emergency judicial relief by virtue of appearance, **Pro Se**, in the civil foreclosure action matters of (1) Eastern Savings Bank, fsb. v.

Walter Springer & Ellen Springer, Supra (e.g. that court granted relief after 5 month abstencia), and (2) U.S. Bank National v. Ellen Springer, Supra (e.g. that Court grant relief after property was deeded off to Plaintiff therein), to cure injuries in those case that were also traceable to infected by the same aforementioned Predatory Attorney Attack that, injured Your Punished-Appellant-Victim, in the instant civil foreclosure matter, **Res Judicata** (see Trans' at Pg. 8-17).

RULE 60 (B) EMERGENCY PRO SE MOTION

On June 4th, 2012, Emergency **Pro Se** Rule 60 (b) Motion for Order to Show Cause was filed upon the Clerk of Kershaw County Court of Common Pleas, upon grounds of (1) Sham Pleadings: by improper conduct and misrepresentation of injury, Ab initio (Fed. Civ. P. R. 1 [1: 50]); (2) Absence of Holder in Due course; (3) absence of jurisdiction formerly asserted, Inter alia, **Res Judicata** and Fraud on the court, invisible to the natural naked all seeing eye of the Inanimate S.C. Constitutional Kershaw County Court of Common Pleas, of Jurisdictional Review, only, **Non Pro Tunc, Res Judicata**.

On June 4th, 2012, your Punished-Appellant-Victim challenged: (A) the "Presumption" of the legal sufficiency of summary foreclosure judgment/sale order, and (B) the presumption of the legal sufficiency of Order & Judgment of sale of the property; that were (C) all entered and endorsed by the Hon. Tzerman, J.; and also challenged (B) the presumption of the legal sufficiency of the Complaint filed by Rogers, Townsend & Thomas, LLC, **Ab initio, Non Pro Tunc, Res Judicata**.

On June 4th, 2012, all interested parties to the outcome were served with a copy of said Emergency Pro Se Writ and all supporting documents, via "U.S. Overnight Express Mail Parcel Post Service, **Non Pro Tunc, Res Judicata**.

From June 4th (e.g. filing date) thru July 9th, 2012 (Rule 60 [b] motion: Hearing date), Respondent and their actor agent Attorney failed to file Reply Affirmation in opposition to said emergency **Pro Se** Writ, **Non Pro Tunc, Res Judicata**.

STATEMENT OF FACTS

FIRST, on July 9th, 2012, "The Scope of review upon Comparative analysis Hearing via Rule 60 (b) Emergency Pro Se Motion for show cause relief, challenged the rational and fact find of the Hon. Tzerman, J. that endorsed foreclosure summary judgment and order for sale, and also order and judgment for sale.

SECOND, on July 9th, 2012, "The Scope of review upon Comparative analysis Hearing via Rule 60 (b) Emergency Pro Se Motion for show cause relief challenged the improper conduct of The Law Office of Rogers, Townsend & Thomas, LLC that affirmed to formal pleadings and

allegations that purported to sustain 2011-cp-28-0981, that wanted full disclosure of the totality of the facts that led up to the alleged date of injury, that was a definitive defense to the action, conclusive of a more favorable outcome to Punished-Appellant-Victim, Pro Se, were it not for the neglect of Respondent's actor attorney agent, and actor agent loan service Co. predecessors, **Ab Initio, Res Judicata**

On July 9th, 2012, "The Law Office of Rogers, Townsend & Thomas, LLC." appeared in the proceeding, from the wrong side of the fraction, as an officer of the court, and defend their own actions, with intent to injure Punished-Appellant-Victim, in order to win the case, simply to leave the infirm judgments undisturbed, **Res Judicata**.

On July 9th, 2012, "The Hon. Tzerman, J." appeared in the proceeding, from the Wrong side of the Fraction, as an Officer of the Court, to defend his own actions, with intent to injure Punished-Appellant-Victim, in order to win the case, simply to leave the infirm judgments undisturbed, **Res Judicata**

On July 9th, 2012, Your Punished-Appellant-Victim appeared from the State of New York, before the lower Court, **Pro Se**, along with her son, Walter Springer {"Unskilled Layman at Law"} and also along with her Niece, Meisha Massey, and, but, however, without counsel of choice (Note: "S.C. Attorneys were incapacitated with reluctance to bring challenge against the likes of the Hon. Tzerman, J., Master in Equity: "Highly Prejudicial", **Res Judicata**).

On July 9th, 2012, Your Punished-Appellant-Victim relied on the position formerly asserted and her well documented, 246 page **Pro Se** Writ and, did provide the lower court with copies of cancelled checks which verified Respondent's undisclosed receipt of said \$36,000.00's, as was alleged: this evidence rebutted the presumption of the legal sufficiency of Respondent's civil complaint instrument, from its inception, and made the 2011-cp-28-0981 want a real injured party to the action, **Non Pro Tunc**, and **Res Judicata**.

With respect to "Excusable Neglect" for abstencia: on July 9th, 2012, Punished-Appellant-Victim provided the lower court with (1) verification of the attorney-Client agreement (endorsed Aug. 31st, 2011), and (2) verification of the Modification application allegedly prepared by the Green Law Group (dated Jan. 4th, 2012) (see Transcript at Pg. 8-17).

On July 9th, 2012, The Lower Court saw clear and convincing evidence which sustained a finding that, the "David M. Green, Esq. was, **In fact**, an "Undisclosed" "Predator" Attorney Law firm who, from Aug. 31st, 2011 thru Feb. 6th, 2012, sat on the inflammatory evidence of fraud on the court, and did nothing at all, while Respondent's attorney had their way in Court, **Res Judicata** (see Trans' at Pg. 8-17).

On July 9th, 2012, the lower court saw prima fascia evidence that proved that, said David M. Green, Esq, was, **In fact**, arrested by the authorities, and was, therefrom, charged for the commission of like crimes against the Public at Large, see Angela Masheveva, Et al. v. The Law Office of David M. Green, Esq., Nassau County File Index no. 2865/2012, Supreme Ct.: State of New York: Criminal Term), **Res Judicata**.

On July 9th, 2012, Respondent's attorney-Wrongdoer, William S. Koehler, Esq. (Rogers, Townsend & Thomas, LLC, Columbia, S.C.), saw the evidence that rebutted the "Presumption" of the legal sufficiency of File Case No. 2011-cp-28-0981, **Res Judicata**, that made the lower court want position formerly-asserted, **Res Judicata**.

On July, 9th, 2012, the purely private William S. Koehler, Esq., wanted position formerly-asserted to sustain their Burden of Proof on Rule 60 (B) emergency **Pro Se** show cause motion, **Res Judicata**, that, the moving party (Respondent herein) possessed legal standing to bring suit, **Ab initio, Res Judicata**, and, wanted position formerly-asserted that, failed to prove that "Jurisdiction" "Requirements" were met, at the time this action was commenced, **Res Judicata**.

On July 9th, 2012, the overzealous Attorney, William S. Koehler, Esq., had unclean hands and inequitable conduct that demonstrated purely private act, not found under color of law, **Res Judicata**; that, changed sides and use of the procedures of the court to win the client's case, to the detriment of your punished-appellant-victim, who relied on the formerly-asserted position to win the case, **Res Judicata**, simply to leave "Their own" "Infirm judgment" and "Wrongdoings" undisturbed, **Res Judicata**; with intent to injure Punished-Appellant-Victim, Pro Se, in order to prohibit the wrongdoers from being brought to justice for injuring your Punished-Appellant-Victim, herein, **Res Judicata**: according to the Doctrine of fraud on the court, this Was Fraud On The Court By An Officer Of The Court, that corroborated Punished-Appellant-Victim's initial, **Pro Se**, civil complaint of Fraud on the Court, **Res Judicata** (see Trans' at Pg. 17-23).

On July 9th, 2012, the purely private actor agent, and overzealous Hon. Tzerman, J., also saw the "Inflammatory" evidence that rebutted presumption of the legal sufficiency of (1) File No. 2011-cp-28-0981, (2) Holder in due course, (3) Summary Judgment & Order for Sale (entered Feb. 1st, 2012), and (4) Order & Judgment for Sale of the Property (entered Mar. 5th, 2012).

Notwithstanding, on July 9th, 2012, said overzealous Hon. Tzerman, J., demonstrated a purely private act that, bought the changed side and inconsistent position sold by Respondent's attorney, **Res Judicata**, and, therefrom, entered Order & Judgment denying Emergency Pro Se Rule 60 (B) Motion for Show Cause Relief, otherwise warranted by S.C. Rule 60 (B), **Res Judicata**, in "want of position formerly-asserted", **Res Judicata**: this was Treason on the Inanimate Court by a Justice of the Court, **Res Judicata** (see Trans' at Pg. 23-26).

On July 9th, 2012, the Lower Court wanted position formerly-asserted, and, nonetheless, sanctioned Punished-Appellant-Victim, herein, with injurious \$28,500.00's Appeal Bond, **Res Judicata**, in want of prejudice to Respondent traceable to acts of Your Punished-Appellant-Victim, herein, **Res Judicata**. (Trans' Pg. 27).

On July 9th, 2012, said hearing concluded, with notice taken to all objections, **Res Judicata** (see Trans' at Pg. 28).

PUNISHED-APPELLANT-VICTIM OBTAINS TRANSCRIPTS: PURSUED EMERGENCY PRO SE MOTION FOR EQUITABLE ESTOPPEL.

On July 9th, 2012, Punished-Appellant-Victim, herein, contacted Creel Court Reporting, Inc., and ordered the transcripts akin to said Rule 60 (b) Order to Show Cause Proceeding of Special Pleadings and Comparative Analysis Hearing and Review Venue (invoice No. 12-1807) and, On July 16th, 2012, said transcripts were received, **Non Pro Tunc, Res Judicata**.

On Aug. 20th, 2012, Punished-Appellant-Victim, herein, filed an "Emergency" **Pro Se** Motion for Equitable estoppel Relief, pursuant to the Ancient Common Law Statutory Doctrine of Estoppels, upon the Kershaw County Clerk of Court, **Non Pro Tunc, Res Judicata**.

On Aug. 20th, 2012, Punished-Appellant-Victim sought relief under the "Sword & Shield of Common Law Justice" in order to "shield & protect" her own clean hands that, did no wrong!, **Res Judicata**, and, but, who was punished by the inconsistent positions of the Lower Court Officers that, sought injustice, and therefrom, posed on the integrity of the instant "Quest for the Truth", **Res Judicata**, and, therefrom, rendered the results of the "Emergency" Pro Se, Rule 60 (B) "Proceeding of Special Pleadings" and "Comparative analysis hearing and review venue", "Unreliable" as a matter of "Due Process" of Law, **Non Pro Tunc, Res Judicata**.

On Aug. 20th, 2012, all Interested Parties to the outcome of the instant case were properly served with a copy of said emergency **Pro Se** Writ, along with supporting documents, **Non Pro Tunc, Res Judicata**.

From Aug. 20th thru Sept. 10th, 2012, no Reply affirmation was filed by Respondent's Actor Agent Attorney Predecessor, Rogers Townsend & Thomas, and LLC, **Non Pro Tunc, Res Judicata**.

On Sept. 4th, 2012, The Law Office of Rogers, Townsend & Thomas, LLC, communicated to the Hon. Tzerman, J., their receipt of the above said "Emergency" **Pro Se** motion for equitable estoppel Relief, and asserted their own willingness to resolve said motion in "What Ever manner that, "The Hon. Tzerman, J." found adequate, and on the other hand, not whatever manner that was proscribed by law, **Non Pro Tunc, Res Judicata** (exhibit-).

On Sept. 10th, The Hon. Tzerman, J., exceeded both personal jurisdiction, and the procedural prohibitions of the doctrine of equitable estoppel, **Non Pro Tunc, Res Judicata**, and, therefrom, entered “Void” Order & Judgment that Denied Motion for Equitable Estoppel Relief, notwithstanding said court’s appearance from the Wrong side of the Fraction traceable to the selling & buying of changed sides proffered on the Inanimate Lower Court, prevalent to the instant matter of Appeal, **Res Judicata**: this was Treason on the Inanimate Court, **Res Judicata**.

THE S.C. COURT OF APPEALS SYSTEMICALLY DENIED ALL EQUITABLE EMERGENCY PRO SE MOTIONS FILED FOR REQUESTED RELIEF, IN WANT OF A OPPOSING REPLY AFFIRMATION FILED, HEREIN, BY RESPONDENT AND OR THEIR ATTORNEY AGENTS, NON PRO TUNC, RES JUDICATA.

From Sept. 24th thru Nov. 10th, 2012, This Hon. S.C. Court of Appeals “Systemically” entered “Void” Orders & Judgments that denied all of Your Punished-Appellant-Victim’s “Equitable” Emergency Pro Se Motions for relief from (1) Turnover and (2) Stay of Execution of writ of Assistance in re Lock-Out Process, pending final determination on the instant appeal matter; and (3) all motions to dismiss upon grounds that Respondent’s assignment wanted admissible form to sustain holder in due course that rebutted the presumption of the legal sufficiency of Respondent’s standing to bring suit, **Ab initio, Res Judicata**: without Reply Affirmation filed in opposition by Respondent-CitiMortgage, Inc., and or their Actor Agent Attorney Predecessor, The Law Office of Rogers, Townsend & Thomas, LLC.

Accordingly, From Sept. 24th thru Nov. 10th, 2012, this S.C. Court of Appeals performed as an Actor Agent for Respondent, **Res Judicata**.

Mention of the Law office of Nelson, Mullen & Scarborough is unwarranted.

Punished-Appellant-Victim, **Pro Se**, hereby renews Emergency Pro se, Motion for Rule 60 (B) show cause relief, and emergency motion for equitable estoppel relief, formerly-filed, and hereby renews all formerly-asserted Emergency **Pro Se** Motions for relief from Case file No. 2011-cp-28-0981, **Res Judicata** by virtue of want of position formerly-asserted, **Res Judicata** (see “The Doctrine of Fraud on the Court”), with request for such other further relief controlled by law, **Res Judicata**.

DISCUSSION OF THE FACTS AND THE LAW

STANDARD OF REVIEW

Pursuant to the doctrine of fraud on the court: the inability to represent the position formerly asserted that, result in use of the procedures of the Court to win the Client’s case, to the detriment of the victim who relied on the formerly-asserted position to win the case: this is fraud on the court by an officer of the court, **Res Judicata** (The Doctrine of Fraud on the court).

Turning to the instant case: because jurisdiction formerly-asserted was lost, therefore, the Inanimate Court was incapacitated from rendering judgment in favor of Respondent by virtue of want of jurisdiction formerly-asserted, **Res Judicata**. Therefore: on this point, said judgment was a sham Legal process (S.C. Code 15-75-60), and that, was a human err, and a gross abuse of discretion, unsupported by the facts, that was a reversible err of a constitutional magnitude, controlled by law, **Res Judicata** (The Doctrine of Estoppel [e.g. Equitable estoppel, Fraud on the Court & Laches]).

Accordingly, on July 9th, 2012, the nexus between the position formerly-asserted, and the contrary position later-asserted to win the case, has an Arc Effect, that made both positions strike down one another and cancel one another out, Res Judicata, and struck down 2011-cp-2-0981 and therefrom struck down foreclosure summary judgment & order for sale (Feb. 1st, 2012), and therefrom struck down Order & Judgment for sale ((Mar. 5th, 2012) that were the fruit of the poisonous tree, Wong Song v. United States, 371 U.S. 471 (1963), and struck down the appearance of the officers of the lower court from the wrong side of the fraction, **Res Judicata**.

STANDARD OF REVIEW

Pursuant to the Doctrine of Equitable Estoppel: the selling and buying of changed sides proffered on the Inanimate Constitutional Court of Jurisdictional Review traceable to inability to defend the position formerly-asserted thus, poses on the “Quest for the truth”, **Res Judicata**, and derails an intended arrival at the truth, **Res Judicata**; that renders the results of the judicial process “unreliable” as a matter of Due Process of Law, Res Judicata, and is, for this reason, procedurally barred, **Res Judicata** (The Doctrine of Equitable Estoppel).

Turning to the instant case, the Doctrine of Equitable Estoppel barred the “Void” Order & Judgment denying requested “Emergency” **Pro se** Motion for Rule 60 (B) Show Cause Order relief, by virtue of the purely private acts of the Hon. Tzerman, J. and, the purely private act of William S. Koehler, The Law Office of Rogers, Townsend & Thomas, LLC, that, bartered in the “Black” “Market” of the “selling and buying” of changed sides and inconsistent positions, proffered on the Inanimate Constitutional Court of Jurisdictional Review, from the wrong side of the fraction, **Non Pro Tunc, Res judicata**, prevalent to the instant matter of appeal, **Res Judicata**.

Accordingly, the nexus between the documented evidence of the position formerly-asserted and the contrary position-later-asserted, had an arc effect that struck down both positions and that, therefrom, struck down both judgments later-asserted and the judgments formerly-asserted, **Res Judicata**, and there from struck down Civil Case No. 2011-cp-28-0981, **Non Pro Tunc, Res Judicata**.

STANDARD OF REVIEW

Pursuant to the doctrine of Laches: the inventor that possessed the invention, but that sat on said invention and did nothing at all; is procedurally barred from stopping another inventor, who makes the invention work, from showing the invention to the Public, Res Judicata.

Turning to the Instant Case: The Doctrine of Laches barred order & judgment denying equitable estoppel relief traceable to the "Purely Private" act of the Hon. Tzerman, J., that bought the changed side proffered on the Inanimate Constitutional court of Jurisdiction, by Respondent's wrongdoer-attorney, Res Judicata.

STANDARD OF REVIEW

Pursuant to Strickland v. Washington, Supra, "JUDGES & PROSECUTING ATTORNEYS ARE OFFICERS OF THE COURT", who are held to a higher Standard of reasonableness to seek justice, and not to seek injustice, with intent to injure the victim, in order to win the case, simply leave their own improper conduct and infirm judgment undisturbed, Res Judicata (Strickland v. Washington, Supra)

Turning to the instant case: Strickland v. Washington, Supra, barred the performance of the lower court officers that fell below a minimal Due Process Standard of Reasonableness, that was, in Nature, and In fact, a Predatory Attack, that was "Invisible" to the "Natural Naked" "All-Seeing Eye" of the Inanimate Constitutional Court of Jurisdictional Review, Res Judicata, by virtue of their own improper conduct that appeared from the wrong side of the fraction, Res Judicata, that sought injustice, with intent to injure Punished-Appellant-Victim, herein, Res Judicata, with intent to win the case, in order to suppress prima fascia evidence, proof positive that, civil complaint instrument case filed no. 2011-cp-28-0981 was, In fact, fraud on the court, as alleged, Res Judicata; simply in order to leave their own improper conduct, and infirm judgments undisturbed, Res Judicata: this was Conspiracy, by said alleged-Officers of the Court, that rose to a level of Treason committed on the Court, Res Judicata, and that also Fraud perpetuated on the court, Res Judicata. Were it not for the neglect of said alleged-Officers of the Lower Court, the outcome to the case would have inescapably resulted in favor of Your Punished-Appellant-Victim, Pro Se, Herein, Res Judicata, and, on this point, must be reversed as a matter of Due Process of Law, Res Judicata (Strickland v. Washington, Supra).

Accordingly: the nexus between the dual appearances of the Hon. Tzerman, J. and William S. Koehler, Esq., as (1) said alleged-officers of the court and as (2) undisclosed defending parties to the 2011-cp-28-0981 civil complaint action filed, and resulting orders and Judgments endorsed, thus, had an Arc Effect, that struck down both appearances, Non Pro Tunc, Res Judicata, by virtue of want of effective assistance of Officers of the court, Res Judicata, and, on this point, the results of said Emergency Pro Se Rule 60 (B) Motion for requested relief was a sham legal

process (S.C. Code 15-75-60) that was a gross abuse of Discretion, unsupported by the facts, that was reversible err of a constitutional magnitude, that was controlled by law, Res Judicata (Strickland v. Washington, Supra.).

STANDARD OF REVIEW

Pursuant to “The S.C. Law of Void Judgment”, it is well established that: any judgment rendered upon affirmation of attorney for the client was never final, IT WAS SIMPLY VOID!, **Res Judicata** (see The S.C. Law of void Judgment [stating that, “although an attorney may file notice of appearance, it is the client that must appear to give testimony that provides the court with the required two halves of jurisdiction to move jurisdictionally]).

Turning to the instant case: the judicial Roll Record sustains clear and convincing evidence which proved that, the Orders & Judgments appealed from were, **In fact**, rendered upon the affirmation of the actor agent attorneys representing The Law Office of Rogers, Townsend & Thomas, LLC, and were never final, **Res Judicata**: they were not voidable, **Res Judicata**: THEY WERE SIMPLY A PROCEDURAL VOID NULLITY!, **Res Judicata**, appearing on the face of the record that, was void nullity on its face and **In Fact**, without effect, enforcement, efficacy of respect, in any Court, under color of law, **Res Judicata**, that formed no justification, from its inception, and, **More importantly**, that formed no bar to a recovery of the property even prior to adjudication of the issue and **Moreover**, **“ANYONE”** concerned with executing the instant void judgments complained from are consider as **TRESPASSERS** in Law, **Res Judicata** (see The S.C. Law of Void Judgment) (see S.C. Dep’t of Soc. Servs. v. Holden, Supra; Thomas & Howard Co. v. T.W. Graham and Co., Supra; and Tyron Fed. Sav. & Loan Ass’n v. Phelps, 307 S.C. 361, 415 S.E.2d 397 (1992)).

Accordingly, the nexus between the formerly-asserted presumption that the lower S.C. Kershaw County Court of Common Pleas was a constitutional court of jurisdictional review, only, and the contrary later-asserted position that said court was a sham court, therefore, had an Arc Effect that struck down the jurisdictional gate of Said S.C. Kershaw County court of Common Pleas by virtue that this was a Predatory Attack that meant that said court had unclean hands, that made the S.C. Constitution want nexus and Position to Federal Constitution formerly-asserted, **Non Pro Tunc, Res Judicata**.

STANDARD OF REVIEW

Pursuant to the S.C. Law of Void Judgment, any judgment rendered in a manner that deprived the pro se litigant equal protection of law in a lawyer dominated hearing court was a void judgment, **Res Judicata** (S.C. Law of Void Judgment).

Turning to the instant case: the simple fact of the matter was that, that the Orders & Judgments complained from were procured in excess of the doctrine of fraud on the court, **Res Judicata**, and therefrom, were rendered in excess of the Doctrine of Equitable estoppel, **Res Judicata**, and, thus, treated the instant civil citizen's complaint of fraud on the court in a wholly discriminatory-manner that, in effect, struck down your Punished-Appellant-Victim, **Pro Se**, with deprivation of equal protection of law, in a "**Lawyer-dominated**" hearing court, **Res Judicata**; and therefore, rendered said Orders & Judgments were void judgments that were, on this point, an abuse of discretion unsupported by the facts, that was a reversible err of the lower court, of a constitutional magnitude, that was controlled by well-established Law, **Res Judicata**, and, on this point, must be validated as SIMPLY VOID!, **Res Judicata**.

STANDARD OF REVIEW

Pursuant to S.C. Rule 60 (B): a party brings a justifiable claim for drastic relief from Summary Judgment & Order for Sale, Inter alia, upon sufficient showing of "Extraordinary" Circumstances and "Legal" Argument that justify a grant of relief, **Res Judicata**.

Turning to the instant case: the unadulterated facts of the instant case provide this court with extraordinary circumstances and legal argument that justify a granting of relief from all the "Void" Orders & Judgments traceable to Kershaw County, Civil Foreclosure Case File No. **2011-cp-28-0981** to wit: the nexus between the position formerly-asserted and the contrary position later-asserted hand an Arc Effect that struck down both positions asserted, and that, therefrom, struck down file No. **2011-cp-28-0981**, as formerly asserted, and struck down all the fruits of the instant sham legal process, that ensued, **Res Judicata**, and, on this point, Your Punished-Appellant-Victim, Pro Se, brings a justifiable claim for relief from 2011-cp-28-0981, **Res Judicata**, as a matter of S.C. General Rule 60 (B): fraud on the court; improper conduct by a party to the action, absence of jurisdiction, from its inception; absence of In persona and Subject Matter, Jurisdiction, **Res Judicata**; absence of the real holder in due course; and absence of a real injured party to the action as alleged, **Res Judicata**.

ARGUMENT

1. BECAUSE THE LOWER COURT FAILED TO FIND THAT, THE HON. TZERMAN, J., AND THE LAW OFFICE OF ROGERS, TOWNSEND AND THOMAS, LLC, WERE WRONGDOERS THAT HELD SHAM COURT, AND FAILED TO RECUSE THEMSELVES FROM REVIEW OVER COMPLAINT OF FRAUD ON THE COURT THAT CHALLENGED THEIR OWN IMPROPER CONDUCT AND INFIRM ORDERS AND JUDGMENTS, THUS, THE NEXUS BETWEEN THEIR DUAL APPEARANCE AS (A) OFFICER OF THE COURT AND AS (B) DEFENDING PARTIES IN INTEREST TO THE OUTCOME OF THE CASE, HAD AN ARC EFFECT THAT STRUCK DOWN BOTH POSITIONS, **RES JUDICATA**, AND RENDERED THE RESULTS OF THE PROCEEDING UNRELIABLE AS A MATTER OF DUE PROCESS OF LAW, **RES JUDICATA**: AND THEREFORE, THE JUDGMENTS AND ORDERS APPEALED FROM

WERE ERR OF THE LOWER COURT OF A CONSTITUTIONAL MAGNITUDE, AND ABUSE OF DISCRETION UNSUPPORTED BY THE FACTS, THAT WAS REVERSIBLE ERR, CONTROLLED BY LAW, **RES JUDICATA**:

2. BECAUSE THE INANIMATE LOWER COURT FAILED TO FINED THAT, DENIAL OF EMERGENCY PRO SE MOTION FOR EQUITABLE RELIEF FROM THE WRONG SIDE OF THE FRACTON WAS A PROCEDURAL VOID NULLITY, THEREFORE, SAID ORDER & JUDGMENT THAT DENIED DUE PROCESS OF LAW WAS, THUS, A VOID JUDGMENT, THAT WAS AN ABUSE OF DISCRETION, UNSUPPORTED BY THE FACTS, THAT WAS AN ERR OF THE LOWER COURT, OF A CONSTITUTIONAL MAGNITUDE, THAT WAS A REVERSIBLE ERR CONTROLLED BY LAW, **RES JUDICATA**:
3. BECAUSE THE LOWER COURT OFFICERS FAILED TO FIND THAT THEIR PERFORMANCE FELL BELOW THE MINIMAL DUE PROCESS STANDARD OF REASONABLENESS ECHOED BY THE SUPREME COURT IN STRICKLAND V. WASHINGTON, SUPRA, THEREFORE, RESPONDENT WILL BE UNJUSTLY ENRICHED IF ANY OF THE REQUESTED RELIEF IS DENIED, **RES JUDICATA**:
4. BECAUSE THE LOWER COURT FAILED TO FIND THAT, THE POSITION FORMERLY ASSERTED WAS LOST AND THAT, THUS, THE FALSE POSITIVE ORDERS & JUDGMENTS RENDERED IN FAVOR OF RESPONDENT-WRONGDOER WERE SHAM JUDGMENTS/SHAM LEGAL PROCESS, PROOF POSITIVE THAT THIS WAS A PREDATORY ATTACK: AND, THAT WAS PROOF POSITIVE THAT THE S.C. COURT OF COMMON PLEAS WAS A PREDATORY COURT, **RES JUDICATA**, AND THAT THE S.C. COURT OF APPEALS WAS INHERENTLY A PREDATORY COURT, **RES JUDICATA**; THEREFORE, THE RESULTS OF THE INSTANT PROCEED WAS A PROCEDURAL NULLITY, APPEARING ON THE FACE OF BOTH THE JUDICIAL ROLL RECORD, AND THE RULE 60 (B) SHOW CAUSE EMERGENCY PRO SE HEARING AND REVIEW PROCEEDING OF SPECIAL PLEADINGS AND, WAS AN ERR OF THE LOWER COURT AND THIS S.C. COURT OF APPEALS, THAT WAS AN ABUSE OF DISCRETION UNSUPPORTED BY THE FACTS, THAT WAS REVERSIBLE ERR OF A CONSTITUTIONAL MAGNITUDE, CONTROLLED BY LAW, **RES JUDICAT.**

CONCLUSION

BECAUSE THE DOCTRINE OF LACHES BAR RESPONDENT'S AND THEIR ATTORNEY'S COUNTER CLAIM TO THE INSTANT MATTER OF APPEAL FOR WANT OF ADMISSION STATEMENT FORMERLY-ASSERTED (SEE S.C. GENERAL RULE 8, Rule 36 & Rule 38.1; & S.C. CODE [15-75-60]), THEREFORE, RESPONDENT WILL BE UNJUSTLY ENRICHED, IF ANY OF THE REQUESTED RELIEF IS NOT GRANTED, **RES JUDICATA**.

THE INANIMATE S.C. CONSTITUTIONAL COURT OF APPEALS, OF JURISDICTIONAL REVIEW, ONLY, WOULD DEMONSTRATED CLEAR AND CONVINCING EVIDENCE, PROOF POSITIVE THAT, SAID CONSTITUTIONAL COURT WAS A WRONGDOER, TOO, IF ANY OF THE REQUESTED RELIEF WERE NOT GRANTED, **RES JUDICATA**: SAID INANIMATE S.C. CONSTITUTIONAL COURT OF APPEALS, IS INCAPABLE OF HUMAN ERR, **RES JUDICATA**.

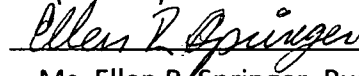
CLOSING PRAYER

WHEREFORE: the Lower Court was wholly without jurisdiction of the In persona and or the Subject matter, **Ab Initio, Res Judicata**, thus, this Hon. S.C. Court of Appeals is,

HENCEFORTH, charged with the "Legal" "Duty" and the "Moral" "Obligation", **Res Judicata**, to Notice Respondent and their counsel of this void judgment of default, and order all funds to be forthwith returned along with sanctions, out of pocket expenses, Bank fees and attorney's fees paid to Punished-Appellant-Victim, for violation of Disciplinary rules of conduct, rules of procedure, violations of the Fair Debt Collections Practice Act, and the Constitutional Protections of property from unreasonable seizures, **Res Judicata**, and for such other further relief controlled by law, **Res Judicata**.

Dated: Mar. 28th, 2013.

Respectfully Submitted with All rights reserved,



Ms. Ellen R. Springer, Punished-Appellant-Victim, **Pro Se**.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM KERSHAW COUNTY
Master-In-Equity
The Honorable Jeffery M. Tzerman

Case No. 2012-CP-28-0981

Appellate Case No. 2012-212971

CitiMortgage, Inc.....Respondent,

V.

Ellen R. Springer,.....Punished-Appellant-Victim, Pro Se.

PROOF OF SERVICE

I, the undersigned Punished-Appellant-Victim, Pro Se, do hereby certify that I have served all former parties in interest to the instant action with a copy of the Pleading (s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Pleading: E.R.S. Brief for the Punished-Appellant-Victim, **Pro Se**

Parties served:

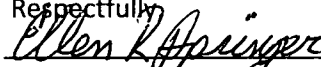
Alleged-Attorney for Respondent,

Nelson, Riley & Scarborough, LLP, Columbia, S.C.

Dated: Mar. 28th, 2012.

County of Queens.

Respectfully



Mrs. Ellen Ruth Springer, Punished,
Appellant-Victim, **Pro se**.

18 Arlington Dr.

Lugoff, S.C.

C/o 147-21 109th Avenue

Jamaica, New York, 11435

Fax # (716) 768-5162

Fax # (803) 438-9600