

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM CHESTERFIELD COUNTY  
Court of Common Pleas

William O. Spencer Jr., Lawyer  
(Unlawful Special Referee)

---

Case No.2018-000355

Unpublished Opinion No. 2021-UP-231  
Submitted May 1, 2021 - Filed Jun 23, 2021

---

JPMorgan Chase Bank,  
National Association

*Respondent,*

v.

*Fritz Allen Timmons*

*Appellant.*

---

MOTION TO STRIKE AND DISREGARD ORDERS OF OCT, 1<sup>st</sup>, 2021 AND April 5<sup>th</sup>,  
2022/ DEMAND FOR RECUSAL AND DUE PROCESS/MOTION TO QUIET TITLE

---

Attorney for Respondent  
Nicholas A. Charles  
Meridian/17Th Floor  
1320 Main Street  
Columbia SC 29201

Fritz A. Timmons Pro Se  
P. O. Box 367  
Hartsville, SC 29551

**RECEIVED**

**APR 26 2022**

**S.C. SUPREME COURT**

With the Original Wet Ink Note physically in the hands of the Respondent, the Criminals (aka judges) of the South Carolina Supreme Court and Lower Courts are in fact Aiding and Abiding (and conspiracy there of) to the Unconstitutional Seizer of the Respondents Property AGAIN. Along with the Previous Criminal actions to Aid and Abide (and conspiracy there of) in the Respondents Previous Cases that Proves extreme bias and therefore has an extreme interest in said case to Protect this Criminal Syndicate that calls itself a justice system. The Criminals (aka judges) of the South Carolina Supreme Court Shall not Construe this Motion to Strike and Disregard, Demand for Recusal and Demand for Due Process as anything other then to take the Previous Unconstitutional Void and Null Orders of this Court and Shove them up Their Fucking Criminal Asses!!! When the Original Order has been Conducted and Based upon Fraud, All Following Orders that are Base upon and supports that Order are also Void and Null.

This Criminal Syndicate has also Construed that "Pro Se" has the meaning of "Fuck You and All Your Rights, We're gonna Do What the Fuck we want to and there's Not a Fucking Thing You can do About it Cause We Judge Ourselves". This System uses SC case laws that hold a Pro Se to the same standards as Lawyers and Refuses to use US Supreme Court Case Laws that are the Superior Authority in which holds Pro Se to Lesser Standards. This is Pure Bull Shit due to Fact that they hold a Pro Se so tight to Rules that They themselves has to Violate them in order to compensate as the Two previous Orders Proves beyond any ones Doubt. While at the same time, they Totally throw the Rules out when it comes to a Lawyers.

As Clearly Stated in the Petition for writ of Certiorari, These Criminals (aka judges) are therefore Prohibited and Barred under the Due Process Clause of the United States Constitution, South Carolina Constitution, Rule 501, SCACR CONON 3 and State Code §14-3-50. "Supreme Court - Kaye G. Hearn, John W. Kittredge, Donald W. Beatty, Costa M. Pleicones, Jean H. Toal, John Cannon Few. Appeal Court - James E. Lockemy. Thomas E Huff, Bruce Williams, John D. Geathers, Stephanie P. McDonald, Aphrodite K. Konduros, Paul E. Short. Circuit Court - Micheal J. Baxley, Paul M. Burch." as well as the previous Criminals of the South Carolina Supreme Court . With the Conspiracy of which now includes the newest Criminal of the South Carolina Supreme Court (judge

George C. James Jr.) is Notified of his being Prohibited and Barred from said case as stated above. The same was Done in the Appellant Court that listed the Criminals that was also prohibited and Barred. Ipso Facto, Voids and Nullifies for these Criminals are acting in a Personal Manor and Not in a Judicial Manor, Therefore they have no Jurisdiction. Therefore, When they Signed and issued the last Order, they Knowingly and Willfully Violated the Appellants Due Process while aiding and abiding the Crimes below.

Should the court not follow the law as to non-represented litigants, then the judge has expressed an "appearance of partiality" and, under the law he/she has disqualified him/herself. "[t]he Due Process Clause of the Constitution safeguards the right to impartial judges and requires recusal of judges who are or who appear to be biased, whenever a judge's impartiality might reasonably be questioned." *People v. Julien*, 47 P.3d 1194, 1202 (Colo. 2002). Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause."). The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has **engaged in treason to the Constitution**. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce. Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "**interference with interstate commerce**". The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge).

In 1994, the U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. *Liteky v.*

U.S., 114 S.Ct. 1147, 1162 (1994). The Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the appearance of justice", *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). A judge receiving a bribe from an interested party over which he is presiding, does not give the appearance of justice. Judges do not have discretion not to disqualify themselves. By law, they are bound to follow the law. Should a judge not disqualify himself as required by law, then the judge has given another example of his "appearance of partiality" which, possibly, further disqualifies the judge. Should another judge not accept the disqualification of the judge, then the second judge has evidenced an "appearance of partiality" and has possibly disqualified himself/herself. None of the orders issued by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law, and are of no legal force or effect.

A judgement is void if it not consistent with Due Process of law. *Orner v. Shalala*, 30 F.3d 1307, 1308 ( C.A.10 (Colo.),1994); *V.T.A., Inc. V. Airco, Inc.*, 597 F.2d 220, 221 (1979). A judgment reached without due process of law is without jurisdiction and thus void. *Bass v. Hoagland*, 172 F. 2d 205, 209 (1949). "A judgment is void if the court acted in a manner inconsistent with due process. A void judgment is a nullity and may be vacated at any time." 261 Kan. at 862. Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties. *Wahl v. Round Valley Bank* 38 Ariz, 411, 300 P. 955(1931), *Tube City Mining & Millng Co. v. Otterson*, 16 Ariz. 305, 146p 203(1914); and *Millken v. Meyer*, 311 U.S. 457, 61 S. CT. 339,85 L. Ed. 2d 278 (1940). If voidness of judgment is found then relief from judgment is not discretionary and any order based upon that judgment is also void. *V.T.A., Inc. V. Airco, Inc.*,supra @ 221; *Venable v. Haislip*, 721 F.2d 297, 298 (1983).

The Previous Criminal Actions in which these Criminals (aka judges) has Aided and Abided (and conspiracy there of) that Prohibited and Barred Their Crooked Asses from this case are as Follows but not limited to;

1. Barratry SC Code §16-17-10. "(1) Wilfully solicit or incite another ... maintain an action, at law ...in any court having jurisdiction within this State and (b) has no direct and substantial interest in the relief thereby sought, (c) does so with intent to

distress or harass any party to such action, (2) Wilfully bring, prosecute or maintain an action, at law or in equity, in any court having jurisdiction within this State and (a) has no direct or substantial interest in the relief thereby sought, (b) thereby seeks to defraud or mislead the court, (c) brings such action with intent to distress or harass any party thereto”

2. SC Code §16-17-735 “(A) ,, A person acting or purporting to act in an official capacity (1) subjects another to .. search, seizure, ... or other infringement of personal or property rights; or (2) denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity. (B) It is unlawful for a person falsely to assert authority of state law in connection with a sham legal process. (3) "Sham legal process" means the issuance, display, delivery, distribution, reliance on as lawful authority, or other use of an instrument that is not lawfully issued, whether or not the instrument is produced for inspection or actually exists, which purports to: (a) be a summons, ..., search warrant, or other order of a court of this State, a law enforcement officer, or a legislative, executive, or administrative agency established by state law; (b) assert jurisdiction or authority over or determine or adjudicate the legal or equitable status, rights, duties, powers, or privileges of a person or property; or (c) require or authorize the search, seizure,... trial, or sentencing of a person or property.”
3. §17-23-20. Double jeopardy (Multiple Times and on Multiple charges)
4. §56-7-80. (use of ordinance summons county for accused state law violations and unknown (not state code nor county ordinance) accusations)
5. §16-5-10. It is unlawful for two or more persons to band or conspire together ..with the intent to injure, oppress, or violate the person or property of a citizen ...attempt by any means, measures, or acts to hinder, prevent, or obstruct a citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State.
6. U. S. Const., Fifth Amendment and S. C. Const. Art. I, Section 3 (for a Shame Legal Process)

7. based upon an Affidavide that is unconstitutional upon its Face and Seach warrant that is unconstitutional upon its Face)
8. §16-13-30 **Larceny** (for the unconstitutional theft of the Respondents purebred dogs)
9. §8-13-725 (by the use of photos taken by the dog catcher and publish on broad cast tv)
10. §16-13-290 “It is unlawful for a person, with intent to defraud ...any person, to act as an officer and demand, obtain, or receive from a person ...other valuable things” (for a dog catcher (county ordanance officer) to charge accused state law violations)
11. 18 U.S. Code § 241 “If two or more persons conspire to ... oppress, ... any person in any State, ... in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, “
12. 18 U.S. Code § 242 “Whoever, under color of any law, statute, ..., regulation, ..., willfully subjects any person in any State, ... to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States”

The Criminals of the South Carolina Supreme Court also has Extreme Interest in said Case in Order to Protect their own personal Criminal Syndicate that has given itself Unconstitutional Authority and in Direct violations of State Codes. These Unconstitutional Self given Authority are as Following but not exclusive to;

1. This Criminal Syndicate has willfully, knowingly, and directly Violated S.C. Code Ann. §14-3-640, §14-3-940, and §14-8-230 by giving itself Unconstitutional Authority that are Repugnant to the Constitution of the United States and South Carolina as well as to State Law and are not rules that governing practice nor procedure. The Legislative Branch of the Government Determines the Authority and Limits Granted to judges, lawyers, masters-in-equity, special referees, clerk of courts as well as others and Not the Judicial Branch. The State Code Limit the Court Rules to be administrative only and not Authoritative as in the Following.
2. Giving a clerk of court the authority to conduct Judicial authority to issue Orders

of Reference. A clerk of court may issue Orders for Administrative purposes but when a clerk of court issues an Order without the Consent of all Parties of a matter, that Matter is a Judicial Matter. Ipso Facto, Unconstitutional Authority and in Direct Violations of the limitations set be State Codes. See Code Ann §14-17-250 stating "by consent of parties" and RULE 53 (b) References. In an action where the parties consent, in a default case (*see Rule 55, not a default as in a debt*), or an action for foreclosure (*a foreclosure must have legal standing upon the Note*), some or all of the causes of action in a case may be referred to a ... special referee by order of a circuit judge or the clerk of court ( see note to 1994 Amendment stating ". This Rule 53(b) amendment clarifies the authority of the clerk of court to issue orders of reference **in default cases and where all the parties consent.**). These Criminals uses this Rule 53 in order to Violate the Due Process of the Constitution and Pull Cases out from under a Presiding Judge and give it to a Crooked ass Lawyer. (see Rule 53(a) "The term "special referee" means a member of the South Carolina Bar to whom a matter has been referred under S.C. Code Ann. §14-11-60."), (see SC Code Ann 15-31-150 in which 14-2-50 abolished the (original) equity courts, Codes §15-31-10 to §15-31-80 and §15-31-140 has been abolished, and Codes §14-11-10 to §14-11-90; §14-11-310, §15-39-380 to §15-39-400, and §15-39-490 are irrelevant. Ipso Facto, In Counties without a master-in-equity, there cannot be a vacancy to be filled by a special referee. Therefore, a special referee must be referred by a Circuit Court Judge and by consent by all parties of interest.

3. Giving a Crooked ass Lawyers the Authority of that of a Circuit Judge via the claim as to being a special referee .Rule 53(c), SCRCF, states "[o]nce referred, the master or special referee shall exercise all power and authority which a circuit court judge sitting without a jury would have in a similar matter." , Ipso Facto, giving Unconstitutional Authority as well as in direct Violations and beyond the Authority granted and limited by SC Code Ann Title 14 section 11, Title 15 section 31 and Title 15 section 39. This Criminal Syndicate has also bestowed upon a Crooked ass Lawyers the Authority to Deny Trial by Jury in order keep a case out of the Circuit Court and away from judges (that might actually be Honorable and takes their oaths

seriously), ipso Facto, Creates a "**Sham legal process**" and Barratry (*see SC Code Ann §16-17-10*) and Directly Violates Rule 53(b) stating "on any or all issues triable of right by a jury and, **upon the filing of a jury demand, the matter shall be returned to the circuit court.**"

4. The Criminal Syndicate keeps as many Decisions as possible to their own Criminals by Denying Due Process Clause of the Constitution of the United States and South Carolina by Refusing a Demand for Trial Jury. (See Rule 38(b) Demand. Any party may demand a trial by jury of any issue triable of right by a jury by serving upon the other parties a demand therefore in writing at any time after the commencement of the action and **not later than 10 days after the service of the last pleading** directed to such issue.) This is Directly Repulsive and Directly Violates Due Process Clause, Ipso Facto, Unconstitutional. Also Directly Violates 15-53-90 that states "**All existing rights to jury trials are hereby preserved**"
5. The Criminal Syndicate also Unconstitutionally uses Case Laws in order to be Extremely Bias for or against a party in order to Fuck them out of Due Process while totally ignoring Case Laws that takes precedence over case laws in which they use. (a) First Union Nat'l Bank v. Soden, 333 S.C. 554, 568, 511 S.E.2d 372, 379 (Ct. App. 1998), Jones v. Lott, 387 S.C. 339, 346, 692 S.E.2d 900, 903 (2010), S.C. Dep't of Transp. v. First Carolina Corp. of S.C., 372 S.C. 295, 301, 641 S.E.2d 903, 907 (2007), ). Knight v. Waggoner, 359 S.C. 492, 496, 597 S.E.2d 894, 896 (Ct. App. 2004) and others of same use language such as "issues not raised to **and** ruled on by the circuit court are not preserved for Appellant Review" also with "make a motion for the court to do so pursuant to Rule 59, SCRCPP, the issue is not preserved for appellate review" of which in it self are Unconstitutional for when an issue is raised and a Crooked Ass Judge/Master/Lawyer ect. Refuses to address the issue raised (Ipso Facto, any Rule 59, SCRCPP motion (for correction of errors only) useless and a waist of time), that issue is part of the Transcript and becomes part of the Permanent Record on Appeal, Ipso Facto, the issues are Preserved for Review. it's a Coonstitutional Right to be Heard and to Plead ones case in a Court of Law, These Case Laws Strike down these Rights and is Repugnant to the Constitution of the United States. (See

Bryan v. Bryan, 81, 579 S.E.2d at 610 "Extrinsic fraud is 'fraud that induces a person not to present a case or deprives a person of the opportunity to be heard.'" ). As in this current case, not a single issue Raised by the Appellant was Rule on and not a single Ruling had an issue raised by the Respondent, Ipso Facto, No less then Perjury and Direct Violation of Due Process. Ipso Facto, creates a "Sham legal process". If an Appellant Court can't deny the fact that an issue has been raised within a Transcript in the record on appeal then that court must acknowledge that that issue has been preserved for review or be in violation of Due Process.

6. This Criminal Syndicate Refuses to acknowledge or abide by superior Case Laws such as United States Supreme Court case of Carpenter v Longen, 83 U.S. 271, 16 Wall. 271, 21 L. ed. 313 (1872), "[t]he note and mortgage are inseparable; the former as essential, the latter as an incident." and "while an assignment of the latter alone is a nullity.", (also see *Hahn v. Smith*, 157 S.C. 157, 167, 154 S.E. 112, 115 (1930);) of which Requires that a lender to be the Holder and Owner of Both the Note and Mortgage at time of Filing a claim, In this case, the Respondent Failed to prove either. The Appellant had the Original Wet Ink Note while the Respondent only had indorsed copies of the note and mortgage, Ipso Facto, No Legal Standing, Ipso Facto, No Standing in Equity. Lack of standing therefore lack of subject matter.
7. With the use of copies of the note and mortgage in order to foreclose upon ones property (Unconstitutional Seizer), The Criminals of this Syndicate are thereby Aiding and Abiding in the Creation and Usage of Counterfeit Mortgages. Ipso Facto, Conspires With a Copy Produced by MERS (Mortgage Electronic Register Systems) and the Debt Collector along with So Called Judges to Violates 18 U.S. Code §472 and 18 U.S. Code §473. MERS is not licensed to conduct business nor act as a mortgagee in South Carolina, Ipso Facto, any mortgage created in South Carolina that claims MERS as a Mortgagee is in Fact Void. Ipso Facto, MERS has no Authority to assign a mortgage.
8. This Criminal Syndicate Refuses to acknowledge that a mortgage is a security for the Note and not the Debt. The Note is security for the Debt. A mortgage has no standing at Law or Equity unless the Legal Standing of the Note has been established

First, A Debt may be satisfied by Legal Tender not Equity. A Note of which is not a Debt may be satisfied by Equity in order to satisfy a Debt. Ipso Facto, a Mortgage without a Note is nothing but a useless piece of paper. A Debt without a Note is an unsecured Debt. Therefore, if a part of the Whole Mortgage (Debt, Note and Mortgage) becomes separated from the others, they become Permanently Null and Void and Lose any and/or all Standing in Law and Equity and con not be re-attached without the Consent of all parties to the Matter.

9. This Criminal Syndicate also Refuses to consider that if a Servicer (or other party) acquires a Whole Mortgage (debt, note, and mortgage) that is in default, any outstanding accumulated debt from none payments or infractions there of are waived and the Mortgage is deemed not in default. By transfer of said, the Purchaser knew or should have known of the deficiency, the deficiency would be against the Seller and not against the Buyer, Ipso Facto, the Buyer has no Legal standing upon the deficiency and the Terms of the deficiency is Renewed upon the Buyer, Therefore, the Purchaser of a Mortgage in Default has no Legal Standing for Foreclosure unless that deficiency is upon the Buyer after the Purchase. (an example of said is a purchaser of a wrecked car has no legal standing to sue a party that wrecked that car). If a Servicer (or other party) acquires the Note and Mortgage without the Debt, the Debt becomes an unsecured Debt and the Note and Mortgage becomes worthless pieces of paper and cannot be re-attached. If a Servicer (or other party) ) acquires the Debt and Note without the Mortgage, the Debt stays secured by the Note and loses any equity and the Mortgage become a worthless piece of paper and cannot be re-attached. In other words, a Mortgagor must be able to file a claim against one and have the ability to have a remedy from all. Ipso Facto, A Mortgagor or Court must be able to follow a Legal Chain of Title/Deed.

10. In conjunction with section 4 and 6 above, This Criminal Syndicate Refuses to Uphold Constitutional of the United States and the Constitution of South Carolina and the Rights Guarantied by them. The right to trial by jury is a fundamental right secured by the United States Constitution in the Bill of Rights, Seventh Amendment, It cannot be taken away on procedural grounds, Denial of this right is a denial of due

process of law. Due process of law refers to the Common Law and is also secured by the United States Constitution in the Bill of Rights, Fourth Amendment. Furthermore it is the court's duty and also its sole function to protect the Constitutional Rights of its citizens. The following United States Supreme Court decisions affirm all of the above just mentioned assertions: *Marbury v. Madison*, 5 US 135, 174, 176 (1803) "All laws which are repugnant to the Constitution are null and void.", "The Constitution is superior to any act of the legislature; the Constitution and not such ordinary act, must govern the case to which they both apply."; *Miranda v. Arizona*, U.S. Supreme Ct, 380 US 436 (1966) "Where rights secured by the constitution are involved, there can be no rulemaking or legislation which would abrogate them"; *Boyd v. U.S.*, 116 US 616, 635 (1885) "It is the duty of the courts to be watchful for the Constitutional Rights of the citizen, against any stealthy encroachments thereon."; *Dimmock v. Scalded*, 293 US 474 (1935) "Courts must indulge every reasonable presumption against waiver of fundamental constitutional rights, and ...not presume acquiescence in the loss of fundamental rights."; and *Brady v. U.S.*, 397 U.S. 742, 748 (1970) "Waivers of Constitutional Rights, not only must they be voluntary, they must be knowingly intelligent acts don with sufficient awareness."

11. In conjunction with section 5 above, This Criminal Syndicate Refuses to acknowledge or abide by Statutory Codes or its own Case Laws when it goes against it's agenda. With the Appellant in possession of the Original Note, See *Bank of Am., N.A. v. Draper*, 405 S.C. 214, 223, 746 S.E.2d 478, 482 (Ct. App. 2013) ("A holder is a person in possession of [an] instrument drawn, issued, transferred, or indorsed to him."); S.C. Code Ann. 36-3-301 (Supp. 2014); *Powell ex rel. Kelley v. Bank of Am.*, 379 S.C. 437, 444, 665 S.E.2d 237, 241 (Ct. App. 2008)); S.C. Code Ann. § 36-1-201(b)(21)(a) (Supp. 2018) (stating a holder is "the person in possession of a negotiable instrument that is payable . . . to . . . an identified person that is the person in possession"); S.C. Code Ann. § 36-3-301 (Supp. 2018) (noting the holder of an instrument is entitled to enforce the instrument), *Ipso Facto*, the Original mortgage (or their copy of) is note attached nor secures the Note and the Original Note in the possession of the Appellant is not attached nor acts as a security for any possible Debt

claimed. Ipso Facto, there is no equity to Foreclose on.

12. This Criminal Syndicate also Refuses to consider or abide by Statutory Codes that require any and all interest of a mortgage to be filed upon the Record of the Mortgage of which includes assignments, transfers, attorneys-in-fact or any other document or action which carries an interest to the mortgage. The Record of the Mortgage only showed the supposedly assignment of mortgage (the respondents copy) and no attorneys-in-fact (ipso facto, no assignee), no assignment of the note (the original wet ink note is physically in the hands of the Appellant, ipso facto, the Appellant is the owner and holder of the note), Ipso Facto, the Respondent has nothing but a worthless piece of paper of which is being used to foreclose on. Mortgage is a lien on a promissory note, not on property. Reattaching the note to the mortgage after securitization is evidence rising to a level of fraud. A Mortgage is also not Legal Tender, therefore, it cannot be used to pay off any Debt. Before any equity can be established, a lender has the burden of establishing an actual Debt, a Legal Contract (Original Note, ipso facto, security for the debt) a legal remedy to pay off that debt established in a Court of Law, and then establish a Legal Contract (Original Mortgage, ipso facto, security for the note) prior to any possible equity can be established. The Mortgagor also has the Right to know who is the Owner and/or Holder of each of the Debt, Note and Mortgage and if they have been separated. If you have a mortgage yourself, who would you file claims for satisfaction upon the debt, breach of contract upon the note and quiet title upon the mortgage.

13. This Criminal Syndicate also Refuses to abide in accordance to Federal Laws. Under the "FAIR DEBT COLLECTION PRACTICES ACT", 15 U.S.C. 1692, the Respondent cannot show it has right to collect the note debt and to request foreclosure, allege: At all times material, Respondent is a "debt collector" as the term is defined under 15 U.S.C. §1692a(6); And at all material times, the Note debt is a "debt" as defined under 15 U.S.C. §1692a(5); Respondent violated the Fair Debt Collection Practices Act when it filed a Complaint in Foreclosure against the Appellant because it is threatening to take a legal action that it cannot legally take and used a false misrepresentation or deception to collect a debt. 15 U.S.C. §1692(e)(5),

(e)(10). See: *Glazer v. Chase Home Finance, LLC*, No. 10-3416 (6th Cir. 2013)(held that mortgage foreclosure is debt collection under the Act).

14. This Criminal Syndicate also Refuses to apply the Fourth and Fifth Amendment of the U. S. Constitution, nor S. C. Constitution Art. I, Section 3 and 10 to Civil Cases, "No person shall be . . . deprived of life, liberty, or property without due process of law . . .", "The right of the people to be secure in their ... houses,... against unreasonable ... seizures shall not be violated, and no warrant shall issue, but upon ... cause, supported by oath or affirmation, and ... describing ...things to be seized.". When a Foreclosure action takes place upon a "**Sham legal process**", deception or Fraud, and the Courts still seizes ones property, it is unlawful and without due process of law, ipso facto, unreasonable seizer and repugnant to the Constitutions. The Constitution does not apply to only certain parts or actions of government but to all parts and actions of government.
15. This Criminal Syndicate Outright Refuses consider Evidence or Lack there of, This is Another Direct Violation of Due Process. The Record of the Mortgage only has the supposedly Assignment of the Mortgage. SC §Code 30-7-10 clearly states "all instruments in writing conveying an interest in real estate required by law to be recorded in the office of the register of deeds". It has no record of any Attorney-in-Fact (see SC Code §29-3-330), no transfer of the Debt, No Assignment of the Note. The Respondents has Failed to Prove that Any Debt (see SC Code §29-3-630) or even the Mortgage even still exist. With the Original Wet Ink Note physically in the hands of the Appellant, The Appellant has Proven that the Note still exist and is the Owner and Holder of it. The Respondents had only Copies of the note and mortgage with Fraudulent Signatures. Therefore, Does this Court Actually believe any Record provided (pre hearing only) after the Respondents has been fined and agreed to reimbursement of Billions of Dollars for Fraudulent Foreclosures and Debt collections, practices or is this Court Committing Conspiracy with the Respondents in order to Fuck the Citizens out of their Property and Due Process. Without any evidence as to being the owner of the Debt, Original Note and Original Mortgage, there is No Standing in Law or Equity, Ipso Facto, no Foreclosures are Possible.

16. This Criminal Syndicate also Refuses to take disciplinary actions against itself due to the fact that the disciplinary board is composed mainly and majority comprised of its own members of this Criminal Syndicate, Ipso Facto, any complaints goes upon Deaf Ears, this is no different then having Prisoners guarding the Prison. It also would threaten and/or take actions against an Actual Honest Attorneys that takes their Oath seriously to constantly Rule against them or even revoke their License to Practice Law. No judge has been punished publicly in over 25 years, ipso facto, an Improbability. As well, Attorneys are required that any criminal actions by a judge to be considered and called an "Error" and not the actual criminal actions that they are for in fear of losing the License to Practice Law.

The Current Criminal Actions in which these Criminals (aka judges) are Aiding and Abiding (and conspiracy there of) and attempting to cover up the Crimes of the Lower Criminal Syndicate, Ipso Facto, Produces even more Extreme Interest in and that Further Prohibited and Barred Their Crooked Asses from this case and of which includes Violations of Constitutional, Federal and State codes are as Follows but not limited to;

1. Having a County Clerk of Court make a Judicial decision not within the authority given by statutory Law as stated above. The clerk conspired with the Respondent who specifically picked and hired William O. Spencer Jr. as supposedly as a Special Referee. Unconstitutionally Signed an Order of Reference (A Judiciary and not an Administrational decision) made by the Respondent without the Consent of the Appellant and Without a Consent Order.
2. Violation of the Due Process Clause of the Constitution of the United States and South Carolina by the Clerk of Court for the above said.
3. Violation of 18 U.S. Code § 242 by the Clerk of Court for the above said
4. Violation of 18 U.S. Code § 241 Conspiracy against rights by the Clerk of Court for the above said
5. Violation of S.C. Code Ann. §16-5-10 Conspiracy against rights by the Clerk of Court for the above said

6. Violation of 18 U.S. Code § 241 Conspiracy against rights by the Respondent and their Attorneys for the above said
7. Violation of S.C. Code Ann. §16-5-10 Conspiracy against rights by the Respondent and their Attorneys for the above said
8. Violation of 18 U.S. Code § 241 Conspiracy against rights by the William O. Spencer Jr. for the above said
9. Violation of S.C. Code Ann. §16-5-10 Conspiracy against rights by William O. Spencer Jr. for the above said.
10. Violation of the (a) Due Process Clause of the Constitution of the United States and (b) South Carolina, (c) S.C. Code Ann. §15-53-90, (d) Rule 38(b) and (e) Rule 53(b) by Respondent creating an Order and William O. Spencer Jr. by Rubber Stamping (signing) and Filing the Order in which Denied the Appellants Demand for Jury.
11. Violation of the Due Process Clause of the Constitution of the United States and South Carolina by Respondent creating a Pre Trial made Order and William O. Spencer Jr. by Rubber Stamping (signing) and Filing the Order on Appeal.
12. Violation of 18 U.S. Code § 241 by William O. Spencer Jr. for the above part 10(a), (b), (c), (d) and (e).
13. Violation of S.C. Code Ann. §16-5-10 by William O. Spencer Jr. for the above part 10(a), (b), (c), (d) and (e).
14. Violation of 18 U.S. Code § 242 by William O. Spencer Jr. for the above part 10(a), (b), (c), (d) and (e)
15. Violation of 18 U.S. Code § 241 by William O. Spencer Jr. for the above part 11
16. Violation of S.C. Code Ann. §16-5-10 by William O. Spencer Jr. for the above part 11
17. Violation of 18 U.S. Code § 241 by Respondent for the above part 10(a), (b), (c), (d) and (e).
18. Violation of S.C. Code Ann. §16-5-10 by Respondent for the above part 10(a), (b), (c), (d) and (e).
19. Violation of 18 U.S. Code § 241 by Respondent for the above part 11

20. Violation of S.C. Code Ann §16-5-10 by Respondent for the above part 11
21. Violation of S.C. Code Ann §16-13-30 for **Larceny** by the Respondent
22. Conspiracy to Violation of S.C. Code Ann §16-13-30. by William O. Spencer Jr. and the Clerk of Court
23. Conspiracy to Violation of S.C. Code Ann §16-17-410. by William O. Spencer Jr. and the Respondent for part 16 above.
24. Violation of S.C. Code Ann §16-17-735(A)(2) by the Clerk of Court for denying the Appellant's Rights to Due Process
25. Violation of S.C. Code Ann §16-17-735(A)(1) by William O. Spencer Jr. for the Unconstitutional Seizure of the Appellant's Property
26. Violation of S.C. Code Ann §16-17-735(A)(2) by William O. Spencer Jr. for denying the Appellant's Demand for Jury Trial
27. Violation of S.C. Code Ann §16-17-735(C) by William O. Spencer Jr. for acting as a circuit court judge, a master-in-equity and/or other authorized official (special referee)
28. Violation of S.C. Code Ann §16-17-410 to commit violation of §16-17-735 by the Respondent, the Clerk of Court and William O. Spencer Jr.
29. Violation of S.C. Code Ann §16-17-10(1)(b) by the Respondent, the Clerk of Court and William O. Spencer Jr.
30. Violation of S.C. Code Ann §16-17-10(2)(b) by the Respondent, the Clerk of Court and William O. Spencer Jr.
31. Violation of S.C. Code Ann §16-9-260 by the Respondent
32. Violation of S.C. Code Ann §16-17-735(C) by William O. Spencer Jr. for acting as a circuit court judge, a master-in-equity and/or other authorized official (special referee)
33. Violation of S.C. Code Ann §16-9-10(2) by the Respondent for producing the Order #1 (denial of jury) of William O. Spencer Jr.
34. Violation of S.C. Code Ann §16-9-10(2) by William O. Spencer Jr. for Order #1
35. Violation of S.C. Code Ann §16-17-735(C) by William O. Spencer Jr. for signing Order #1

36. Violation of S.C. Code Ann §16-9-10(2) by the Respondent for producing the Order #2 (Order on Appeal of William O. Spencer Jr.
37. Violation of S.C. Code Ann §16-9-10(2) by William O. Spencer Jr. for Order #2
38. Violation of S.C. Code Ann §16-17-735(C) by William O. Spencer Jr. for signing Order #2
39. Violation of S.C. Code Ann §16-9-10(2) by the Respondent for the Fictional Transcript
40. Violation of S.C. Code Ann §16-13-10(A)(2) by the Respondent for the Fictional Transcript for signing as a Court Reporter
41. Violation of S.C. Code Ann §16-13-10(A)(1) by the Respondent for the Fictional Transcript for signing as a notary public
42. Violation of S.C. Code Ann §16-13-240 by the Respondent
43. Violation of S.C. Code Ann §16-13-260 by the Respondent
44. Violation of 18 U.S. Code § 1962 (a) (c) and (d) by the Respondent and William O. Spencer Jr.
45. Violation of 18 U.S. Code § 2383 by the Respondent, the Clerk of Court and William O. Spencer Jr.
46. Violation of 18 U.S. Code § 2384 by the Respondent, the Clerk of Court and William O. Spencer Jr.
47. Violation of 18 U.S. Code § 1343 by the Respondent
48. Violation of S.C. Code Ann. § 39-5-20(a) by the Respondent

With the Conspiracy of the following, the Lieutenant Criminal of this Criminal Syndicate (judge Aphrodite K. Konduros) is Notified of her being Prohibited and Barred from any future cases of the Appellant. The Lieutenant Criminals (aka Appellant Court judges) of this Criminal Syndicate Crimes are as follows

1. Due Process Clause of the United States Constitution, South Carolina Constitution, Rule 501, SCACR CONON 3 by Stephanie P. McDonald
2. Due Process Clause of the United States Constitution, South Carolina Constitution, Rule 501, SCACR CONON 3 by John D. Geathers

3. Violation of S.C. Code Ann §14-3-50 by Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros
4. Violation of S.C. Code Ann §16-17-10(1)(c) by Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros
5. Violation of S.C. Code Ann §16-17-10(2)(b) and (c) by Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros
6. Violation of S.C. Code Ann §16-17-410 to commit violation of Violation of S.C. Code Ann §16-17-10 by Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros
7. Violation of 18 U.S. Code § 2383 by Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros
8. Violation of 18 U.S. Code § 2384 by Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros
9. Violation of 18 U.S. Code § 241 by Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros
10. Violation of 18 U.S. Code § 242 by Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros
11. Conspiracy to Violation of 18 U.S. Code § 1961 (1) (A) and (B) by Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros Konduros
12. Violation of 18 U.S. Code § 1962 (d) by Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros Konduros
13. Stephanie P. McDonald, John D. Geathers and Aphrodite K. Konduros Konduros have aided and abided and are conspirators after the fact to all the Crimes stated in the Previous Section.

The General Criminals (aka Supreme Court judges) as well as the Chef Criminal himself (Donald W. Beatty) of this Criminal Syndicate Crimes are as follows

1. Violation of S.C. Code Ann §14-3-320 by Donald W. Beatty for Creation of an Order that is based upon Fraud (and proven there of ) of which Discards the

appellant manor to Strike an Order in which he himself had issued, Ipso Facto, Extreme Bias.

3. Conspiracy to §14-3-50 by Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few
4. Violation of S.C. Code Ann §16-17-10(1)(c) by Donald W. Beatty, Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few
5. Violation of S.C. Code Ann §16-17-10(2)(b) and (c) by Donald W. Beatty, Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few
6. Conspiracy to §16-17-10 by Donald W. Beatty, Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few
7. Violation of 18 U.S. Code §241 by Donald W. Beatty, Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few
8. Violation of 18 U.S. Code §242 by Donald W. Beatty, Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few
9. Violation of 18 U.S. Code §2383 by Donald W. Beatty, Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few
10. Violation of 18 U.S. Code §2384 by Donald W. Beatty, Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few
11. Conspiracy to Violation of 18 U.S. Code §1961 (1) (A) and (B) by Donald W. Beatty, Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few
12. Violation of 18 U.S. Code § 1962 (d) by Donald W. Beatty, Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few
13. Donald W. Beatty, Kaye G. Hearn, George C. James Jr, John W. Kittredge and John Cannon Few have aided and abided and are conspirators after the fact to all the Crimes stated in the Two Previous Sections.

All the issues raise above, there is absolutely no Doubt as to that every so called judges and lawyers Don't Give A Fuck about the Constitution of the United States, Constitution of South Carolina, Federal Laws, State Laws or their Oaths of Office. Their self preservation takes precedence over anything else. (See S.C. Const. art. VI.

Constitution of South Carolina, Federal Laws, State Laws or their Oaths of Office. Their self preservation takes precedence over anything else. (See S.C. Const. art. VI.

SECTION 5. Form of oath. "..., and all members of the bar... shall take and subscribe the following oath: "I do solemnly swear ... to exercise the duties of the office to which I have been elected... **preserve, protect, and defend the Constitution of this State and of the United States.** So help me God.")

There are Cases after Cases that has had the Same Criminal Results as this one has so far and is considers as Racketeering. With the Plandemic that has plagued the World in the past few years, and has about destroyed the economy and continue to do so, It is the Duty of this government to Protect its citizens and not Unconstitutionally Seize it's citizens property on behalf of big Banks for their Profit. As to Chase, they have been Fined and/or agreed to pay Several Billions of Dollars for their unlawful debt collection practices of which includes unlawful Foreclosures and practices there of.

With the Two Previous Orders were based upon Fraud with Criminal Intent, the first was to disregard the Appellant's Petition of certiorari (aka Appeal) by claiming it was not timely file and proven to be Fraud and when the Appellant filed to strike that order. This Striking of the Order would deem the Petition would stand unaffected and still in Full effect for consideration, Therefore, the rest of the Criminals of the Supreme Court conspired together and made up a most Pathetic Excuse to prevent them from making an order of which they would have to explain why they would have dismiss the Petition, that excuse was that they construed the Motion to Strike as being a Motion to reinstate due to the fact that when they applied Rule 242(c), SCACR, they Outright Refused to apply Rule 263, SCACR stating that the day of action (the day the order was signed) is not to be included and that the last day of which falls upon a Saturday as well as Sunday are not to be included in the calculation of the timing for filing. Ipso Facto, Extreme Bias and a Violation of Due Process.

This Extreme Bias was also applied by the Chief Criminal of the Appeals Court by allowing the Respondent to File a Supplemental Record with complete Disregard of Court Rules after argument had started, failed to move the appellate court for leave, without consent of the Appellant, and without any designated materials by the Appellant

such as the Transcript of the Original Civil Court Hearing of this case on May 24, 2016 in front of the Honorable Roger E. Henderson. This Supplemental Record of the Respondent included a Respondent made fictional Transcript as well as matter that was not raised to nor part of the hearing that is on appeal. Thus creates a Fraudulent Record on Appeal. *Ipsa Facto*, Completely contradicts the case law that this court constantly uses that states an issue must be raise to and ruled upon in order for it to be preserve for appeal and may not be raise for the first time on appeal.

With the Orders to stricken due to Fraud are are Deemed Void and Null, the petition for writ of certiorari stands unaffected and in full effect to be decided. Therefore, Under S.C. Const. art. V. SECTION 5. that states “.... The Court shall have appellate jurisdiction only in cases of equity, and in such **appeals they shall review the findings of fact as well as the law**” and under S.C. Code Ann. §1-23-390 stating “by taking an appeal in the manner provided by the South Carolina Appellate Court Rules” , this Court is Mandated to and Shall Review this Appeal with disregard as to the Naming of the Appeal as a “petition for writ of certiorari” in according to court ruls. This is a Fraudulent Scheme of the Courts to Deny Appeals without Review and Directly Violate S.C. Code Ann. §1-23-350 that states “A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings”

#### IN CONCLUSION

The Appellant Demands the Due Process to be Enforced and Followed.

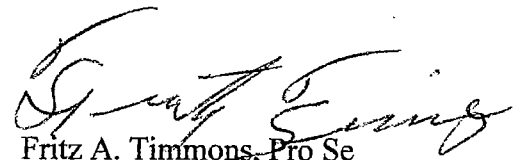
All the Criminals (aka judges) as listed above are therefore Deem Recused

This Court under S.C. Code Ann. §14-3-60, shall notify the Governor of South Carolina so he/she may appoint Acting South Carolina Supreme Court Judges for Motion as well as the Appeal/ Certiorari (as stated in the Previous Motion to Strike).

These Acting Judges shall Strike and Discard the Order of October 1, 2021 and Order of April 5, 2022 in accordance to Due Process, then Review the petition for writ of

certiorari (aka Appeal) in accordance and with the appropriate Federal and State Laws and the Superior Case Laws and Due Process.

With the Unconstitutional Seizer of the Appellants Property and Sales there of and transfers of the Deed/Title to others (see 18 U.S. Code § 1957), and Currently under the Threat of Eviction, The Appellant Motions this Court for the Immediate Quieting of Deed/ Title or stay of the Unconstitutional order of William O. Spencer Jr. and the reversal of any and all Sales of the Appellant's Property in order to Prevent injury or worse upon those who (knowingly or not) trespass (clearly posted) upon the Appellants Property. Any Blood shed will be upon the hands of this Court. Due to the Appellants Residence has already been Broken into twice by those who has made a claim of ownership, Luckily for them the Appellant was not home!



Fritz A. Timmons, Pro Se  
P. O. Box 367  
Hartsville, SC 29551

April 25, 2022.