

ZIRAILI M. ELBEY

9789 CHARLOTTE HWY 400-191

INDIAN LAND, SC 29707

May 10, 2016

Jeff Hammonds
Lancaster County Clerk of Court
104 North Main Street
Lancaster, South Carolina 29720

RE: AMENDED ORDER FOR PERMANENT INJUNCTION 830) FILED, 11/07/2015
c/o Caption Title: NOTICE OF MOTION AND MOTION TO INTERVENE

Honorable Jeff Hammonds:-

Please find enclosed the "ORDER" to be signed and a copy return to this writer on the above caption title for a permanent injunction and administrative default judgment. Would you request the following court documents and attach them with this "ORDER" to be signed. Thank you for any and all consideration.

List of Documents, PLUS all attachments:-

IN REM – NOTICE OF MOTION AND MOTION TO INTERVENE- NOVEMBER 7, 2015

NOTICE OF FAULT AND AN OPPORTUNITY TO CURE- NOVEMBER 15, 2015

NOTICE OF DEFAULT – DECEMBER 2, 2015

Respectfully submitted:-

Respondent, Ziraili M. Elbey

All parties notified as previously
indicated as of 05/10/2016

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

H & R BLOCK BANK, FSB

Plaintiff(s)

vs.

ZIRAILI M ELBEY, WKFC living Under Trust Agreement, et al.

Respondent(s)

Submitted By: Ziraili M Elbey

Address: NON-DOMESTIC / NON ASSUMPST. C/o Temporary Mailing Location

Dethra L. Young, Notary Public, 3415 Dunn Commons Parkway, Ste 302

Charlotte, North Carolina 28216

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2011-CP - 29- 00035

SC Bar #:

N/A

Telephone #:

803-285-1581

Other:

REGISTERED MAIL

RE 079 914563 US

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|---|--|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Fraud/Bad Faith (150)
<input type="checkbox"/> Failure to Deliver/
Warranty (160)

<input type="checkbox"/> Employment Discrim (170)
<input type="checkbox"/> Employment (180)
<input type="checkbox"/> Other (199) | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
Previous Notice of Intent Case #
20 -NI- -
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) | Torts - Personal Injury
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Assault/Battery (370)
<input type="checkbox"/> Slander/Libel (380)
<input type="checkbox"/> Other (399) | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) |
| Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | Administrative Law/Relief
<input type="checkbox"/> Reinstate Drv. License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input checked="" type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) | Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Transfer of Structured
Settlement Payment Rights
Application (760)

<input type="checkbox"/> Confession of Judgment (770)
<input type="checkbox"/> Petition for Workers
Compensation Settlement
Approval (780)
<input type="checkbox"/> Other (799) | Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Public Service Comm. (990)

<input type="checkbox"/> Employment Security Comm (991)

<input type="checkbox"/> Other (999) |
| Special/Complex /Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb. (610)

<input type="checkbox"/> Medical (620)

<input type="checkbox"/> Other (699)

<input type="checkbox"/> Sexual Predator (510) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)

<input type="checkbox"/> Out-of State Depositions (650)

<input type="checkbox"/> Motion to Quash Subpoena in
an Out-of-County Action (660)
<input type="checkbox"/> Pre-Suit Discovery (670) | | |

Submitting Party Signature: Ziraili M Elbey

Date: November 06, 2015

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCPP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS
LANCASTER COUNTY

In the matter between

H & R BLOCK BANK, FSB

Plaintiff(s)

vs.

Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey, WKFC
Living Trust Under Trust Agreement Dated June 4,
2010, by and through its Trustee Wellesley K. Clayton
and American Home Mortgage Servicing, Inc. s/b/m to
Option One Mortgage Corporation

Respondent(s)

Case number 2011-CP-29-00035

NOTICE TO AMEND
ORDER FOR PERMANENT INJUNCTION (830)
AND ADMINISTRATIVE DEFAULT
JUDGMENT

LET IT BE KNOWN that an Order was not included with the initial filing of the Permanent Injunction on property, November 7, 2015, because the administrative process was not completed. Now, a DEFAULT JUDGMENT exist, and can be issued in favor of Respondent. Therefore, Respondent, Ziraili M. Elbey is submitting this order for the judge to sign forthwith.

This is an Order Granting a permanent Injunction against foreclosure sale of property. Plaintiff is not Real Party of Interest nor, the injured party. Respondent, Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey is the injured party. The order provides that the court having considered the November 7, 2015, "IN REM" Notice of Motion and Motion to Intervene, the November 19, 2015 Notice of Fault and Opportunity to Cure, the December 02, 2015, Notice of Default and the evidence submitted in support motion, finds that the request is well taken and should be sustained as a matter of law. **[see Clerk of Court's attachment of *above-mentioned* documents]**

All that certain piece, parcel or lot of land located in Lancaster County, South Carolina, and being designated as Lot 261 on that certain plat of Clairemont, Phase 2, Map 5, prepared by Yarbrough, Williams & Houle, Inc., dated January 18, 2005, and recorded January 28, 2005, as Plat Doc #2005 at Page 0047 in the Office of the Clerk of Court for Lancaster County, South Carolina.

Also being shown as Lot 261 of Clairemont on a plat of Ziraili Elbey prepared by Hucks and Associates, PC, dated March 3, 2006, and recorded in Plat Doc 2006 at Page 198.

Property Address: 13132 Wilburn Park Lane, Fort Mill, South Carolina

29715 - TMS# 0006M-0A-261.00

It appears that the Plaintiff obtained the public sale of the subject premises on December 2, 2013 by presenting counterfeit copies of alleged mortgage and note, **(detached, [separated] security instruments, note, now [mortgage backed security, a stock]** governed by rules of the SEC and New York Trust Laws), to the Lancaster Count of Common Pleas violating the Fed Counterfeit Detection Act of 1992, Public Law 102-550, in Section 411 of Title 31 of the Code of Federal Regulations, permits color illustrations of U.S. currency. Title 18 USC § 473 Dealing in counterfeit securities, Title 18 USC § 474 Dealing with counterfeit **images** of obligations or electronics

Further, it appears that the H & R Block Bank, FSB, Plaintiff, a foreign corporation was not registered under [Section 33-15-102(a)] to do business in South Carolina, sought to file a lawsuit to foreclosure against property owned by Respondent, Ziraili M. Elbey, Ziraili M. Elbey moved to dismiss the action prior to plaintiff's counsel's motion for summary judgment on the ground that H & R Block Bank, FSB lacked **standing** to maintain the suit because it was not authorized to do business in South Carolina as required by S.C. Code Ann. § 33-23-140(B) (Supp. 36*36 1986), the predecessor of Section 33-15-102(a), provided that a **foreign corporation** could not maintain a suit until it was authorized to do business in this State. **[EXHIBIT A]**

"Fraud vitiates the most solemn Contracts, documents and even Judgments" [U.S. vs. Throckmorton, 98 US 61, at pg. 65].

"It is not necessary for rescission of a contract that the party making the misrepresentation should have known that it was false, but recovery is allowed even though misrepresentation is innocently made, because it would be unjust to allow one who made false representations, even innocently, to retain the fruits of a bargain induced by such representations" [Whipp v. Iverson, 43 Wis 2d 166].

"Any false representation of material facts made with knowledge of falsity and with intent that it shall be acted on by another in entering into contract, and which is so acted upon, constitutes 'fraud,' and entitles party deceived to avoid contract or recover damages."
Barnsdall Refining Corn. V. Birnam Wood Oil Co. 92 26 817.

I believe that this Hon. Court and the County Recorder would have not intentionally participated, and have unknowingly violated their oaths of office in granting the Plaintiff an order to purchase Respondent's property through a wrongful foreclosure lawsuit on December 2, 2013 which violated the Respondent's rights to Due Process of Law. This action left the Respondent homeless.

NOW, THEREFORE, IT IS ORDERED that this court grants a permanent injunction against the Plaintiff, H & R Block Bank, FSB, property sale [has no certificate of authority to conduct business in South Carolina], and Plaintiff's counsel has violated his/her disciplinary rules

and ethical cannons by filing of this wrongful foreclosure action having an obligation to ensure that the party they represent in favor of Respondent. Due to the prima facie evidence that the Plaintiff is not now, nor was ever properly registered as a Real Party in Interest within the State of South Carolina and in order to have **standing** to sue in the first instance, not to mention counsel of Plaintiff also had a duty to protect this Hon Court from any void or voidable actions.

IT IS FURTHER ORDERED that Plaintiff, H & R Block Bank, FSB deed the above said property back to Respondent, Ziraili M. Elbey a/k/a Ziraili Mohassan El Bey by **Quiet Title** action in the next 30 days or before June 15, 2016 . The Respondent is entitled to recover any and all damages as being the injured party.


IT IS FURTHER ORDERED that this case no: 2011-CP-29-00035 be dismissed with prejudice due to the fraud, and that all parties uphold their oaths of office and not violate Federal, and state constitutionally protected rights. Equality Under the Law is paramount And a Must.

IT IS FURTHER ORDERED that any and all Orders of Writ of Assistance and Notice postings from the Sheriff of Lancaster County be removed from Respondents and that the Sheriff grants safe access to Respondent's premises within ten (10) days from the execution of this permanent injunction order. Further, that Respondent should be notified of such in writing.

WHEREFORE, that the above-captioned action is granted.

AND IT IS SO ORDERED,

So moved: May 10, 2016

By: 
Ziraili M. Elbey, Respondent

Presiding Judge/Clerk of Court
Lancaster County, South Carolina

Date: _____

AFFIDAVIT OF NOTARY'S PRESENTMENT CERTIFICATION OF MAILING FOR

NOTICE OF CONSTITUTIONAL CHALLENGE TO ALL SOUTH CAROLINA STATE STATUTES WHERE No general law affecting private right, shall be varied in any particular case, by special legislation, except with the free consent, in writing of all persons to be affected thereby; AND MOTION TO INTERVENE WITH AN INJUNCTION FOR NAME(s) EL-BEY, ZIRAILI MOHASSAN C@ Estate dba T™ZIRAILI MOHASSAN EL-BEY C@

State of South Carolina § IN THE COURT OF COMMON PLEA OF THE STATE OF
 § SOUTH CAROLINA FOR THE COUNTY OF LANCASTER
 § CIVIL ACTION NO. Case No. 2011-CP-29-00035;
 §
 § NOTICE OF MOTION AND MOTION TO INTERVENE
County of Lancaster § WITH AN INJUNCTION

1. **NOTICE OF THE CONSTITUTIONAL CHALLENGE TO ALL SOUTH CAROLINA STATE STATUTES WHERE No general law effecting private rights, shall be varied in any particular case, by special legislation, except with the free consent, in writing of all persons to be affected thereby; AND MOTION TO INTERVENE WITH AN INJUNCTION FOR NAME EL-BEY, ZIRAILI MOHASSAN C@ Estate dba T™ ZIRAILI MOHASSAN EL-BEY C@cas legis**

It is hereby acknowledged that on the date noted below that the undersigned Notary Public did witness the sealing of envelope(s) addressed to:

TO:
Barry S. Faile
Dba Sheriff
Lancaster County Sheriff Office
1520 Pageland Highway
Lancaster, South Carolina 29720
Office Telephone: (803) 283-3388
RE 079 914 532 US

The Honorable Nikki R. Haley
Office of the Governor
1205 Pendleton Street
Columbia, South Carolina 29201
Phone: 803.734.2100
Fax: 803.734.5167
RE 079 914 550 US

TO:
Alan Wilson
Dba Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, South Carolina 29201
RE 079 914 529 US

TO:
Steve Willis
Dba County Administrator
Administration Building
101 North Main Street
P.O. Box 1809
Lancaster, South Carolina 29720
RE 079 914 546 US

Jeff Hammond
CLERK OF THE COURT
IN THE COURT OF COMMON PLEA OF THE STATE OF SOUTH
CAROLINA FOR THE COUNTY OF LANCASTER
104 North Main Street
Lancaster, South Carolina 29720
(803) 285-1581
REGISTERED MAIL# RE 079 914 563 US

All Mail and or Return Correspondences are to be addressed and returned to the Notary. If return communication through the below-mentioned name and address is not satisfied than any all communications is a failure to respond to said presentments and thereby tacit acquiescence. Default will ensue. Notice to agent is notice to principle; notice to principle is notice to agent.

Return mail to the following:

Ziraili-Mohassan: El-Bey T™
C/o Dethra L. Young, Notary Public
3415 Dunn Commons Parkway, Suite 302
Charlotte, North Carolina [28216]

Be it known that I, Dethra L. Young, a duly acknowledging Notary Public, in and for the State of North Carolina, County of Mecklenburg, a third party to the matter, for the sole purpose of certifying a response or want thereof, at the request of Ziraili-Mohassan: El-Bey did present on this 5th day of November, 2015. Sundry papers which include the following listed above.

Notary Public Dethra L. Young

My Commission Expires April 25, 2015

