

10/19/18

No. 18-1110

In The
Supreme Court of the United States

Cecil & Patricia Daughtrey, Jr.
Petitioner(s)

v.

Luis E. Rivera, II Trustee
Respondent(s)

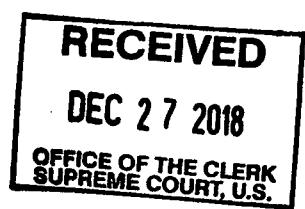
On Petition for Writ of Certiorari
To The Appeal Decision of 11th District Court
Case# **15-14544**

And

To The U.S. Middle District Court of Florida.
Case # **9:13-bk-14831**

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Why are the Bankruptcy Trustee, US Government, Army Core of Engineers, Department of Justice, Department of Interior, US Leaders, Environmental Protection Agency and NASA purposely hide a unique Global Medicine changing Drinking Water and Energy Resource deep under debtor's property that benefits millions of Americans in the Region?
2. Why did the Trustee, Luis E. Rivera II and lower Courts, deny conversion from Chapter 7 to Chapter 11 and hide an endless secret underground US Drinking Water Resource. The Resource is potentially the most valuable Health and Sustainability find on the Planet per many Oil Consultants who verified it at the property on record in April 2013.
3. Why did the Trustee and Courts deny Chapter 11 when a Party of Interest requested the Chapter 11 Conversion holding millions in permit plans to bring this unique Antioxidant Spring water with lower utility bills to the Tap of millions of Homes, US Soldiers and Businesses? The Resource and plans create a massive Cancer free housing boom that affects America's GNP.
5. Why did the Trustee Compromise leave the Debtor with only 95acres of Homestead land instead of a minimum of 160acres putting Debtor in a Zoning violation with Sarasota County?

QUESTIONS PRESENTED - Continued

5. Why did the Trustee write a Compromise that allowed 72 Partners LLC who signed the Compromise with the Trustee to file more lawsuits on the land again within days of the discharge, causing enormous emotional distress on the Debtors and other Parties of Interest?
5. Why did the Trustee and Daughtrey lawyers skip the evidentiary hearing on Water Supply and Title work the Judge recommended, wrote the compromise days later, and ignored all the exists to pump water, produce new medicine and label the Secret Resource simply as 'a Well'?
6. Why is a barrage of US Terrorist attacks, as evidence in Courts now timed with past critical court hearings for Bankruptcy and the pending foreclosure and lawsuits hidden from the Courts by the Trustee and hidden from the Media with such a valuable US Resource under attack?
7. Why are Leaders and Courts with the Trustee hiding endless National Defense Resource that submitted to over 15 Counties, over 60 Cities from Sarasota to Miami Florida, for a 300-mile Transmission to the Tap?
8. Why did Trustee hide critical information showing Wells Fargo Bank in Tampa stole over \$55,000.00 dollars of Debtors and their investor's money in 2012? Trustee had full knowledge at the 341 meetings and disclosed on the Bankruptcy petition.

PARTIES TO THE PROCEEDING

The petitioners requesting to convert from Bankruptcy Chapter 7 to Chapter 11 are Cecil Daughtrey Jr. and Patricia Daughtrey, with a 2500ac Ranch located in Sarasota Florida.

The respondents are Trustee Luis E. Rivera II, of the US Middle District Courts of Florida.

In addition, Creditors 72 Partners LLC, a limited Florida Liability Corporation, is part of a written Trustee Compromise; and Professional Engineer Joseph D. Gilberti, Jr., P.E., President of LandTech Design Group, Inc., a limited Florida Liability Corporation, who is a Party of Interest.

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OPINIONS BELOW

The Eleventh Circuit Decision, Case is reproduced in pages 1 thru 82 in Appendix I. The Decision is Official published on July 24, 2018 (11th Cir 2018), and is unofficially published at Law360 (July 25, 2018, 6:41 PM EDT).

JURISDICTION

The Eleventh Circuit issued its decision on July 24, 2018. A petition for a Writ of Certiorari was postmarked on October 19, 2018, and was filed on October 23, 2018. The jurisdiction of this Court rests on 28 U.S.C. 1254(1).

**CONSTITUTIONAL, STATUTORY
AND REGULATORY PROVISIONS**

Section 706 of the Bankruptcy Code (11 U.S.C.) - Conversion provides in pertinent part as follows:

- (a) The debtor may convert a case under this chapter to a case under chapter 11, 12, or 13 of this title at any time, if the case has not been converted under section 1112, 1208, or 1307 of this title. Any waiver of the right to convert a case under this subsection is unenforceable.
- (b) On request of a party in interest and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 11 of this title at any time.
- (c) The court may not convert a case under this chapter to a case under

chapter 12 or 13 of this title unless the debtor requests or consents to such conversion.

Section 704 of the Bankruptcy Code (11 U.S.C.) -- Duties of trustee provides in pertinent part as follows:

(a) The trustee shall—

- (1) collect and reduce to money the property of the estate for which such trustee serves, and close such estate as expeditiously as is compatible with the best interests of parties in interest;
- (2) be accountable for all property received;
- (3) ensure that the debtor shall perform his intention as specified in section 521(a)(2)(B) of this title;
- (4) investigate the financial affairs of the debtor;
- (5) if a purpose would be served, examine proofs of claims and object to the allowance of any claim that is improper;
- (6) if advisable, oppose the discharge of the debtor;
- (7) unless the court orders otherwise, furnish such information concerning the estate and the estate's administration as is requested by a party in interest;

Section 322 of the Bankruptcy Code (11 U.S.C.) - Qualifications of Trustee provides in pertinent part as follows:

- (a) Except as provided in subsection (b)(1), a person selected under section 701, 702,

703, 1104, 1163, 1202, or 1302 of this title to serve as trustee in a case under this title qualifies if before seven days after such selection, and before beginning official duties, such person has filed with the court a bond in favor of the United States conditioned on the faithful performance of such official duties.

(b) (1) The United States trustee qualifies wherever such trustee serves as trustee in a case under this title.

(2) The United States trustee shall determine—

(A) the amount of a bond required to be filed under subsection (a) of this section; and

(B) the sufficiency of the surety on such bond.

(c) A trustee is not liable personally or on such trustee's bond in favor of the United States for any penalty or forfeiture incurred by the debtor.

(d) A proceeding on a trustee's bond may not be commenced after two years after the date on which such trustee was discharged.

STATEMENT OF THE CASE

The Bankruptcy Code offers debtors different remedies under its different Chapters. Most debtors qualify for relief under more than one Chapter. The debtor's choice of a particular Chapter is determined by the cost of proceedings under it and the remedies it provides.

Abuse of Trust: Breach of Fiduciary Duty by the Trustee:

This case is significant because it implicates the rights of parties to a bankruptcy case in the context of legal malpractice. The timing of the legal malpractice is significant. Whether a party's legal rights will be limited or expanded will depend on the timing of events. If malpractice occurred before liquidation, the malpractice claim, and the proceeds flowing from it, belongs to the estate. In this situation, the estate is expanded to include any legal claims against the bankruptcy attorney who commits fraud, misrepresentation, or any other kind of malpractice that is injurious to the value of the estate. Third Party claims are in discovery against the Trustee working with 72 Partners LLC and local leaders to hide this resource in Sarasota case and a recent Notice of Intent to sue the EPA.

Throughout the entire Bankruptcy the Trustee lied about attending 341 meetings, hid the Chapter 11 exits provided with plans and permits from our professional engineer and never got any true experts to determine the land, mineral and Water Supply

value. As well as its ability to pay back all Parties of Interest.

The Trustee was never qualified to determine value of Phosphate minerals, Mining compacts nor Water Supply and ignored all of it to service, permitting and millions in engineering work paid for by the Debtor to the local water supply region. The Trustee was grossly negligent in not hiring the proper engineers and consultants to determine the property value and its exits as a function of permits, minerals, water supply future revenues and true value.

The minerals on the property were deeded to the Engineer Joseph Gilberti PE years before the bankruptcy filing. The Trustee stole them in the compromise causing more litigation and hid the Water Supply from millions of Citizens to collect a quick service fee.

The Trustee never notified the \$48,000,000 Union Bank blanket bond for surety and within weeks after the compromise lawsuits hit from Parties of Interest in the millions, which the Compromise allows.

The Trustee caused more litigation and distress to the Debtors who are capable of paying all creditors with this Unique Resource in Chapter 11. The Trustee and lower Courts hid the Water Supply critical for Medicine and America from the Public and Courts, with Debtors lawyers to steal the land, calling a massive underground River deep below simply a 'Well'.

The Trustee compromise only left Debtor 95acres of Homestead property instead of 160acres required by Florida Homestead law in unincorporated areas of a County. This has put debtor in a Sarasota County zoning violation, causing more emotional distress and damages to the project, investors and parties of interest.

All lawyers during the foreclosure and bankruptcy took thousands of dollars of debtor's money but refused to bring up the hidden Water supply; Minerals that service a massive mining compact that pays a minimum of \$57million, exit strategies, pull title policies or show the Mortgage was invalid.

The legal description has NO CHAIN of Title; hence, a pending foreclosure, which the Trustee hid to force the compromise with lies saying the Foreclosure, is over. Quiet title cases in Sarasota for by 72 Partners vs Joseph Gilberti, 2016 CA 000205 NC were withdrawn by 72 Partners last November 2018 due to New critical information shows that members of 72 Partners, Kenny Harrison sit on Peace River Manasota Water Supply Boards for FDEP and Southwest Florida Water Management districts. These agencies stole over \$500,000,000 dollars of US Federal monies to build a massive ZIKA pond reservoir for water so called water shortages knowing this site had an endless alkaline underground river next to their system for decades with a syndicated group tied to EPA Agencies, Wall Street, Department of Justice, Hospital Boards and Political leaders in the Region. See Appendix II exhibits of RV Griffin Reservoir built after Hurricane Charlie and Sarasota County using Florida Forever Trust funds to pay off local commissioners living next

door to hide this US resource for decades and its ability to charge four counties in months with Alkaline Spring water vs RED TIDE River water and arsenic treated ground water utilized today.

In this case, the Petitioner, the Debtors, sought to reorganize under Chapter 11 Bankruptcy with many exists from the permitting Water supply and secret Resource. When debtor tried to submit the Chapter 11 petition the clerk would not take in the petition unless it was Chapter 7 when the debtor tried to submit, on December 7, 2013. A Chapter 7 was filed the next day due to the land heading to a sale, which debtor never knew existed until after the Foreclosure trial was over, that did not provide Debtor Notice of Trial.

The Day of the prepared Bankruptcy Chapter 11 filing Hillsborough Police officers stormed into Debtor's engineer's home, Joseph D. Gilberti, PE while both parties were discussing exist strategies with permit plans, at gunpoint hours before the Chapter 11 filing, on December 7, 2018. They took Mr. Gilberti away for 70 days with a fake filing by Greenberg Traurig, Dave Weinstein who was fired by Debtor and is Israel Mosaic Phosphate chief council who owns 22,000 acres next door to debtor and Gilberti lands. Gilberti had all the plans and deliverables, and license to finish the Chapter 11 exits prepared with a Critical US Water supply pipeline to service millions of taps in FDEP and Federal ACOE permits.

Due to distress and no provided Notice of Foreclosure Trial in Sarasota Courts, case 2011 CA 004209 NC, debtor filed the Chapter 7 with the intent to later

convert the Chapter 11 after his Engineer was released from Jail for a dropped case created from Greenberg Traurig lawyers fired for conflicts with Israel Mosaic Mining next to our land. Greenberg was fired after finding conflicts this secret underground water resource and a Sierra vs ACOE Ft Meade mine case Dave Weinstein was on at the same time he was servicing debtor's property. In other words, we were forced to file Chapter 7 since local Police were kidnapping the only person who could provide the exits for Chapter 11.

The Foreclosure Trial was held on Columbus Day, October 14, 2013, set by debtors attorneys, Michael Owen, PA who were fired for hiding the resource and issues of Title the Invalid Mortgage has still pending in courts. Why would a fired Lawyer, Mike Owen, P.A. set trial days after being fired. Then suddenly an E-File management system Meta Data transfer mandate in Florida was timed on the so-called day of Notification, September 9, 2013 for an October 14, 2013 trial. Debtor would have won the Foreclosure case if he they were properly notified as the Mortgage is still invalid. The Sarasota Trial was held during an Obama HP Glitch Federal Shutdown for 13 days, timed with setting trial hiding a critical US Resource in permit.

Both BSFL and 72 Partners LLC are long time friends trying to serve a Global mining corporation called Israel Mosaic Phosphate next to debtors land to service a long debated Sarasota Mining compact that swings electoral votes timed with payoffs to Commissioners through Water Supply loafing along Peace River Water Supply system. These Sierra vs ACOE cases against FDEP Water and mining

permitting using high power lawyers such as Greenberg Traurig and Foley Lardner in the Tampa region of West Florida for decades via Florida Water Wars and Phosphate mining compacts. Sarasota County located in the Mosaic Phosphate district. This FDEP mining permit is showing the intent of local leaders, lawyers, Trustee and courts to hide this Critical US Drinking water resource from millions of Taps to keep Cancer rising and work a Mining Compact declined at \$57million in 2007 by Sarasota commissioner as the amount wasn't enough.

The debtor never had a chance as the trial was railroaded by a massive group of Racketeering attorney Politician caught stealing Medicaid using poor Raw Water resources for decades surrounding this US hidden underground River. The debtor was denied by the clerk to file Chapter 11 and then turned in the Chapter 7 filing the next day as the clerk instructed, without knowledge of Bankruptcy as no attorney would tell the truth or if they did, they would not take the case at the time due to Political pressure on the hidden Water supply.

Debtors Engineer Joseph Gilberti PE, a party of Interest, tried to intervene in US Middle District courts, was willing to mitigate all debts as a payback plan, to get this Water to THE PEOPLE immediately in an effort to lower Cancer Rates with a much higher Level of Service in Water supply to the Tap. This unique US Resource can create millions of Jobs, new medicine and save lives. Its plan produces over \$1million/day just in pumping rights, lowers utility bills to millions,

The Trustee is hiding this asset from THE PEOPLE and the Courts labeling it as just 'A Well', but its really access to a massive underground Alkaline Spring River with Magnesium and Calcium 7x higher than FIJI or any other natural spring water, with endless flow and capacity.

This Unique Drinking Water Resource in permit for a 300mile Transmission down I-75 in West Florida to serve over 10million homes with hundreds of millions of dollars in engineering and consulting work, plans submitted by Debtors Engineer Joseph Gilberti PE of LandTech Design Group. The first pipe phase is ready to fund, is only 9miles and can generate \$75,000/day, lower water bills to the tap, not counted medicine and bottling rights and funds.

2. On September 21, 2014, petitioner filed a motion to convert to Chapter 11 (reorganization) pursuant to 11 U.S.C. 706(a), and objected to the trustee's written Compromise to unsecured Creditor 72 Partners LLC. Petitioner explained at the 341 meeting to the Trustee that at the time he filed for relief under Chapter 7, he tried to file Chapter 11 but the Clerks would not take the petition. The Petitioner knows with the permitting and local demand, with this EPA hidden deep underground Unique Drinking Water Resource believes this case is an appropriate case for reorganization under Chapter 11" where "the debtor is entitled to deal with the assets * * * pursuant to a plan of reorganization.

3. Since the Trustee's written Compromise that discharged a Quit Claim Deed, subject to liens and litigation, many more lawsuits have been filed

which defeats the purpose of the Bankruptcy protection.

4. The Trustee skipped an critical Evidentiary hearing the US Middle District Judge Delano asked for on April 18, 2014. This evidentiary hearing would show the Mortgage from the debtor, 72 Partners and the Trustee had not Chain of Title, as the Mortgage is invalid.
5. Current Lawsuits in Sarasota case 2011 CA 004209 NC, 2015 CA 006544 NC and 2016 CA 000205 NC show evidence of Title issues and surrounding US Terrorist attacks timed with subduing our Engineer who found the Secret Resource and is permitting the project. See Appendix II for Exhibits and public records in over 15 Counties and 45 Cities solving Florida water wars.

REASONS FOR GRANTING THE PETITION

Bankruptcy code allows and debtor to convert from Chapter 7 to Chapter 11 per Section 706 of the Bankruptcy Code (11 U.S.C.) -Conversion provides in pertinent part as follows:

- (a) The debtor may convert a case under this chapter to a case under chapter 11, 12, or 13 of this title at any time, if the case has not been converted under section 1112, 1208, or 1307 of this title. Any waiver of the right to convert a case under this subsection is unenforceable.
- (b) On request of a party in interest and after notice and a hearing, the court may convert

a case under this chapter to a case under chapter 11 of this title at any time.

Joseph Gilberti the Debtors engineer has millions in services we can pay back and it avoids other creditors like 72 Partners from potentially loosing land from the compromise that has them both in litigation and holding up the Water supply to millions from the Trustee Compromise that wanted a fee for sale. A party of interest has requested this conversion through LandTech Design Group and Mr. Gilberti so it should be approved.

All damages can be paid to all creditors and debtors by the Blanket bond due to malpractice and negligence by the Trustee and more hiding this US Resource for large corporations in a massive racketeering act for Eugenics through Water Supply in the Region that is obvious.

All parties of interest and the Debtor can be more benefited with the Chapter 11 payback utilizing this Resource and debtor's investors, parties of interest plans and permits in demand for Water supply in the Region. This massive Florida project is held up by the Trustee Compromise and has caused many lawsuits within days of the compromise on the land, destroying the intent for Bankruptcy protection.

The Critical US Resource for Drinking Water Resource hidden by US Leaders, Media, the US Trustee under the Debtors land that has permits for mining and infrastructure plans to millions of Taps, to provide a Region with Water Supply Sustainability. This Resource can payback creditors in a Chapter 11 protection and debtors can keep save the land for their family. It was purposely omitted

from Debtors lawyers and the Trustee to hide it from Millions of People, keep cancer rates rising at the Tap, with a syndicated group of Medicaid Fraud operations led up by Governor Rick Scott, ex-President Obama and a long list shown in other courts being processed as a function of this Compromise. The Trustee Compromise condemns the debtor from opportunities to help protect his family and US Citizens.

The Trustee and his subcontracted lawyers failed their Fiduciary Duty on the Estate and hid the US Resource that may very well be America's No1 Asset for US National Defense, Medicine production and knowledge that opens many more similar in Nature across the Globe, potentially ending World Hunger and reasons for wars, oppression and immigration problems.

The Trustee failed in fiduciary duty as a Lawyer and Trustee and wrote an ILLEGAL or Fraudulent Compromise to hide the Resource, caused more litigation, distress to the Debtor, Creditors, and Parties of Interest and failed to notify Union Bank blanket bond that was valued 10x the amount of the Fraudulent Discharge. All parties and the bond are now potentially more damaged than if the bond was called in earlier. But worst of all many lives went by with Cancer rates and young children have died from poor Water Supply coming from RED TIDE Rivers and Desalinization plants that could have Alkaline mineral antioxidant less expensive spring water.

United States Court of Appeals, Fifth Circuit.
IN RE: ROBERT DEAN SCHOOLER; TINA MARIE
SCHOOLER, Debtors LIBERTY MUTUAL
INSURANCE COMPANY, Appellant v. UNITED
STATES OF AMERICA BY LAMESA NATIONAL
BANK, Appellee
12-10677 No.

Decided: August 06, 2013
Before KING, DAVIS, and ELROD, Circuit Judges.

After a trial on Lamesa's claim, the bankruptcy court concluded that the trustee had committed gross negligence, causing damages to the bankruptcy estate in the amount of \$112,247.66. In 2009, the United States by Lamesa National Bank filed suit against Liberty Mutual Insurance Company, asserting that Liberty Mutual was liable under a federally-required surety bond for the alleged misconduct of its principal, a trustee in a Chapter 7 bankruptcy proceeding.

CONCLUSION

The judgment of the court of appeals should be reversed.