

In the
Supreme Court of the United States

JOHN LASCHKEWITSCH,

Petitioner,

v.

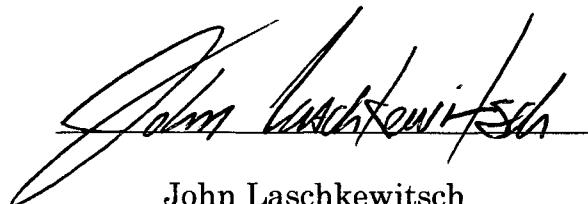
AMERICAN NATIONAL INSURANCE COMPANY

Respondent.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The Petitioner requests leave of court to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Petitioner has been granted permission to proceed *in forma pauperis* four times in the Fourth Circuit Court of Appeals. Consequently, Petitioner respectfully requests that this Court permit Petitioner to proceed without prepayment of costs since Petitioner has no income and insurmountable debt.



John Laschkewitsch

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, John Laschewitch am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

| Income source | Average monthly amount during the past 12 months | | Amount expected next month | |
|--|---|-----------------------|-----------------------------------|-----------------------|
| | You | Spouse | You | Spouse |
| Employment | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Self-employment | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Income from real property (such as rental income) | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Interest and dividends | \$ <u>25.00</u> | \$ <u>N/A</u> | \$ <u>25.00</u> | \$ <u>N/A</u> |
| Gifts | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Alimony | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Child Support | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Disability (such as social security, insurance payments) | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Unemployment payments | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Public-assistance (such as welfare) | \$ <u>0.00</u> | \$ <u>N/A</u> | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Other (specify): <u>renewal commissions</u> | \$ <u>70.00</u> | \$ <u>N/A</u> | \$ <u>70.00</u> | \$ <u>N/A</u> |
| Total monthly income: | \$ <u>95.00</u> | \$ <u>0.00</u> | \$ <u>95.00</u> | \$ <u>0.00</u> |

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

| Employer | Address | Dates of Employment | Gross monthly pay |
|----------|---------|---------------------|-------------------|
| None | N/A | N/A | \$ 0.00 |
| | | | \$ |
| | | | \$ |

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

| Employer | Address | Dates of Employment | Gross monthly pay |
|----------|---------|---------------------|-------------------|
| N/A | N/A | N/A | \$ 0.00 |
| | | | \$ |
| | | | \$ |

4. How much cash do you and your spouse have? \$ 120.00

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

| Financial Institution | Type of account | Amount you have | Amount your spouse has |
|-----------------------|-----------------|-----------------|------------------------|
| First Citizens Bank | Checking | \$ 340.00 | \$ N/A |
| Pentagon FCU | Share | \$ 25.00 | \$ N/A |
| NC State CU | Share | \$ 2500 | \$ N/A |

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home
Value \$ 240,000 less
\$ 48,000 IRS tax lien

Other real estate Unrented Condo
Value \$ 20,000 less \$ 10,000 in
property damages

Motor Vehicle #1
Year, make & model 2000 Cadillac BLS
Value \$ 100; totaled in accident
not registered, will not start

Motor Vehicle #2
Year, make & model 1990 Toyota Supra
Value \$ 500, not registered, will
not start

Other assets
Description N/A
Value N/A

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

| Person owing you or your spouse money | Amount owed to you | Amount owed to your spouse |
|--|---|-----------------------------------|
| <u>ANICO</u> | \$ <u>350,000, interest</u> \$ <u>N/A</u> | |
| | \$ <u>and treble damages</u> \$ <u></u> | |
| | \$ <u></u> | \$ <u></u> |

7. State the persons who rely on you or your spouse for support.

| Name | Relationship | Age |
|-------------|---------------------|------------|
| <u>None</u> | <u>N/A</u> | <u>N/A</u> |
| | | |
| | | |

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

| | You | Your spouse |
|---|------------------|--------------------|
| Rent or home-mortgage payment (include lot rented for mobile home) | \$ <u>741.00</u> | \$ <u>N/A</u> |
| Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | |
| Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Utilities (electricity, heating fuel, water, sewer, and telephone) | \$ <u>150.00</u> | \$ <u>N/A</u> |
| Home maintenance (repairs and upkeep) | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Food | \$ <u>100.00</u> | \$ <u>N/A</u> |
| Clothing | \$ <u>0.00</u> | \$ <u>N/A</u> |
| Laundry and dry-cleaning | \$ <u>10.00</u> | \$ <u>N/A</u> |
| Medical and dental expenses | \$ <u>0.00</u> | \$ <u>N/A</u> |

| | You | Your spouse |
|---|-------------|-------------|
| Transportation (not including motor vehicle payments) | \$ 20.00 | \$ N/A |
| Recreation, entertainment, newspapers, magazines, etc. | \$ 0.00 | \$ N/A |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ 0.00 | \$ N/A |
| Life | \$ lapsed | \$ N/A |
| Health | \$ 0.00 | \$ N/A |
| Motor Vehicle | \$ 0.00 | \$ N/A |
| Other: <u>condo maintenance fee</u> | \$ 175.00 | \$ N/A |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): <u>property tax</u> | \$ 325.00 | \$ N/A |
| Installment payments | | |
| Motor Vehicle | \$ 0.00 | \$ N/A |
| Credit card(s) | \$ 0.00 | \$ N/A |
| Department store(s) | \$ 0.00 | \$ N/A |
| Other: <u>unpaid IRS tax lien</u> | \$ 0.00 | \$ N/A |
| Alimony, maintenance, and support paid to others | \$ 0.00 | \$ N/A |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ 0.00 | \$ N/A |
| Other (specify): <u>unpaid hot water bill</u> | \$ 0.00 | \$ N/A |
| Total monthly expenses: | <u>1521</u> | \$ 0.00 |

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

I expect this case to be summarily reversed based upon my attached petition for a writ

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

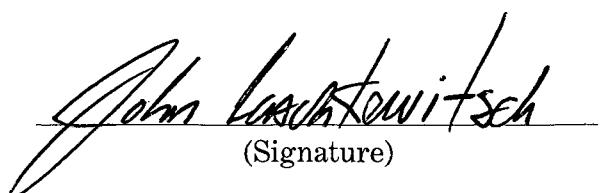
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

please see attached supplemental Declaration and Appendix 17

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 1 September, 2018


(Signature)

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AMERICAN NATIONAL LIFE INSURANCE COMPANY

Respondent.

**SUPPLEMENTAL DECLARATION IN SUPPORT OF
MOTION TO PROCEED IN FORMA PAUPERIS**

As the Petitioner captioned above, this supplement is an attachment to question number 12 in Petitioner's declaration in support of Petitioner's Motion for Leave to Proceed *In Forma Pauperis*.

QUESTION 4 (FINANCIAL INSTITUTIONS)

Regarding question 4, petitioner correctly reported account holdings with First Citizens Bank and Pentagon Federal Credit Union. Petitioner also has an IRA which is a qualified retirement plan. Thus, distributions taken before age 59 1/2 are premature withdrawals and incur a 10% withdrawal fee and a tax penalty.

In order to survive with basic necessities with no income over the past five years, petitioner has pre-maturely withdrawn from his IRA for absolute necessities only. Also, petitioner withdrew over 85% of his IRA retirement account to help petitioner's Father pay premiums on a life insurance policy before the policy finally lapsed for nonpayment of premium. This caused petitioner to be subjected to an IRS residential tax lien, which is now over \$48,000 and increases daily with penalties and interest. Further, the policy on the life of petitioner's Father became forfeited, which has harmed petitioner and petitioner's Father from receiving the accelerated living benefits for which he now qualifies for.

QUESTION 5 (OTHER ASSETS)

Neither of petitioner's vehicles is registered in the State of North Carolina or safety inspected, as required by law. Petitioner's 28 year-old 1990 Toyota Supra is garage kept, will not start, and is not registered or safety inspected. Petitioner's 18 year-old 2000 Cadillac DTS was totaled in an accident on November 25, 2014, will not start, and is no longer registered, drivable or safety inspected.

Petitioner's home has a \$48,000 IRS tax lien attached, which increases daily. In addition, petitioner's home has no heat, air or hot water, eight outlets do not work, and the clothes dryer, microwave, refrigerator, and dishwasher do not work. The only appliance that works is the kitchen stove. Also, the plumbing in two sinks and two toilets needs to be repaired and three large blinds have fallen down, which need to be repaired or replaced. Moreover, a large piece of molding (30 feet) near the roofline has fallen to the ground and is twisted, exposing underneath wood to water and outside elements and needs to be replaced, which petitioner cannot afford to do.

Petitioner has a 35 year old rental property that was damaged by a previous tenant. The rental property needs approximately \$10,000 in repairs before it can be rented again. The value of the rental property is about \$20,000 less the cost needed to repair the property.

QUESTION 8 (TAXES AND OTHER)

In addition to an IRS Tax lien on petitioner's home that grows daily and is currently over \$48,000, petitioner owes over \$32,000 in credit card debt from three credit cards, which petitioner has not been able to pay. The result is that petitioner has lost his excellent credit rating while litigating this case over the incontestable policy contract and the ineffective, undated, and never submitted or timely received Agreement, which petitioner first received from ANICO over five years untimely.

FURTHER ISSUES SUPPORTING IFP APLLICATION APPROVAL

Petitioner has not been employed or earned any income since January, 2012. Petitioner lost ownership of his timeshare property, valued at \$32,000.00, while spending his time and resources litigating this contest. Petitioner has not been able to pay for routine medical, vision or dental care or for prescription medication for petitioner's severe and worsening psoriasis condition. Further, with no heat and air, hot water, or refrigeration in petitioner's residence, petitioner is danger of suffering a heat stroke and is more susceptible to becoming ill. Further, because ANICO first commenced its contest on February 5, 2015 petitioner has been unable to afford attending two family weddings, two family funerals, two family reunions, and three family graduations, and has not had the resources to visit any family members.

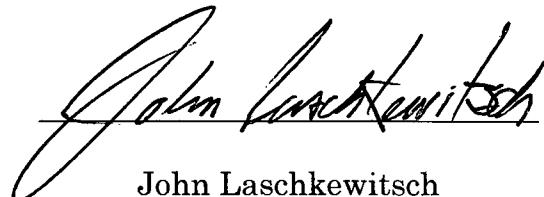
Moreover, petitioner's residence has a cracked roofline, gutter damage, and three feet of drywall damage in his garage. Petitioner also has a 2016 local court order against him for a rental property water leak in the amount of \$1,350 and a county fee against Petitioner for not being able to properly maintain his overgrown yard in the amount of \$700. Moreover, Petitioner has an unpaid \$185 plumbing bill to fix a frozen water leak from a frozen pipe bursting in petitioner's residence in 2016 due to no heat or hot water when the temperature fell below freezing.

Petitioner has been damaged by losing over \$144,000 in paid premiums on a life insurance policy covering his Father's life. Petitioner relied on proceeds from the incontestable ANICO policy to help his Father keep the premiums paid. However, after ANICO denied petitioner's claim over an alleged broker agreement not dated, submitted, agreed to or timely received by petitioner, petitioner could not help his Father with premium payments and the policy lapsed.

Finally, the lower courts have held Petitioner liable for over \$800,000 in judgments over incontestable policies and non-mutual, never agreed to agreements, despite petitioner's special circumstances and inability to pay any of the judgments.

Pursuant to 28 U.S.C. §1746, I affirm that the above supplemental responses are true and correct and that under penalty of perjury, because of my poverty, I cannot pay the docket fees of my petition for a writ of certiorari.

This the 1st day of September, 2018



John Laschkewitsch