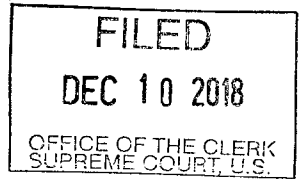


18-7225
No: _____

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE, PETITIONER

vs.

REVERSE MORTGAGE SOLUTIONS, INC., RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

The Supreme Court of Florida, Case No.: SC18-343

PETITION FOR A WRIT OF CERTIORARI

December 10, 2018

by

Neil J. Gillespie, *pro se*
8092 SW 115th Loop
Ocala, Florida 34481
Tel: 352-854-7807
Email: neilgillespie@mfi.net

QUESTIONS PRESENTED

1. Is the federal HECM reverse mortgage program unconstitutional? This petition challenges the constitutionality of the federal Home Equity Conversion Mortgage program [12 USC § 1715z-20; 24 CFR Part 206] called a HECM reverse mortgage, for lack of due process under the Fifth and Fourteenth Amendments, void for vagueness, void under section 10(b) of the Securities Exchange Act of 1934, and buyer incompetence.
2. Is The Florida Bar, as an “arm” of the Supreme Court of Florida, unconstitutional? This petition challenges the constitutionality of The Florida Bar, a private unincorporated association, created by Petition of Florida State Bar Ass'n, 40 So.2d 902 (Fla. 1949), a lawyers guild, to act as an integrated or unified bar, and the so-called disciplinary arm of the Florida Supreme Court, to serve “as an advocate and intermediary for attorneys, the court, and the public”, without a separation or wall between lawyer guild functions, disciplinary functions, and the public.
3. Does HUD have jurisdiction to decide a contested residential home foreclosure of a federal Home Equity Conversion Mortgage [12 USC § 1715z-20; 24 CFR Part 206] also called a HECM reverse mortgage? Do the courts have jurisdiction, and if so, the federal or state courts?
4. Is nonlawyer ownership of a law firm constitution? Is the law firm McCalla Raymer Leibert Pierce, LLC, a Foreign Limited Liability Company, lawfully operating in Florida when none of its named partners are members of The Florida Bar, and its only manager shown on its 2018 Foreign Limited Liability Company Annual Report, is not a member of The Florida Bar?
5. Does the Seventh Amendment to the United States Constitution guarantee the right to a trial by jury in a state court residential home foreclosure of a federal Home Equity Conversion Mortgage [12 USC § 1715z-20; 24 CFR Part 206] also called a HECM reverse mortgage?
6. Are statues or rules that nullify the “inviolable” right to trial by jury in Florida unconstitutional? Fla. Const., Art. 1, sec. 22 “Trial by jury. - The right of trial by jury shall be secure to all and remain inviolable. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.”
7. Does an indigent and disabled homeowner age 61+ have a right to assistance of counsel in home foreclosure on a federal HECM reverse mortgage under the federal Older Americans Act, 42 U.S.C. Ch. 35 - *Programs For Older Americans*, for old age, and disability, including type 2 diabetes, post traumatic stress disorder, traumatic brain injury, and a speech disorder?
8. Did Judge Craggs’ medical exam of me November 28, 2016 in open court, and misdiagnosis, amount to the unlicensed practice of medicine? Judge Craggs denied me counsel under all available options for the non-jury trial July 18, 2017 resulting in serious illness to me during the trial requiring ambulance transport the Ocala Regional Medical Center.

9. Can the Civil Rights Division, Voting Section, U.S. Department of Justice ignore the enclosed Voting Section complaint against Florida's rigged judicial elections? Fla. Const., Art. V, Sec. 10(b)(1) "The election of circuit judges shall be preserved"; Art. VI, Sec. 1. Regulation of elections. "All elections by the people shall be by direct and secret vote".

Ballotpedia reported "Unopposed races and the practice of post-dating judicial resignations to block elections highlighted questions about the role of democracy in Florida's circuit and county judicial seats in the 2016 election cycle. Only the 60 opposed seats out of the total 252 seats up for election on these courts saw a vote on August 30, 2016. All unopposed candidates were automatically elected without ever appearing on a ballot or facing a public vote."

https://ballotpedia.org/Florida_local_trial_court_judicial_elections,_2016

10. Can the U.S. Department of Justice deny on May 18, 2017 my FOIA into the mental health screening imposed by the Florida Supreme Court on bar applicants, because the records you have requested pertain to an ongoing law enforcement proceeding?

11. Are privacy policies of banks and institutions unconstitutional when asserted to protect the privacy of dead people, and deny the rights of the living? Privacy laws do not protect the privacy of dead people. Dead people do not have privacy rights. Privacy rights are personal and die with the individual. Nestor v. Posner-Gerstenhaber, 857 So.2d 953 (Fla. Dist. Ct. App. 3d Dist. 2003), review denied, 869 So. 2d 540 (Fla. 2004). [E]ven where a private confidentiality agreement is otherwise proper, it will not be enforced where its effect becomes obstructive of the rights of non-parties. See, e.g., Nestor v. Posner-Gerstenhaber, 857 So. 2d 953, 955 (Fla. 3rd DCA 2003); Scott v. Nelson, 697 So. 2d 1300, 1301 (Fla. 1st DCA1997). Quoted by U.S. Judge John E. Steele in Tardif, Trustee (Jason Yerk) v. PETA, USDC, SDFla. Fort Myers Div. Case No. 2:09-cv-537-FtM-29SPC, at the Pacer link, Case 2:09-cv-00537-JES-SPC Document 179 Filed 11/04/11 Page 14 of 31 PageID 6050

12. Can the U.S. Supreme Court ignore wrongdoing in Petition 12-7747 for a writ of certiorari as stated in the enclosed letter of Mr. Clayton Higgins on October 19, 2016?

13. Do time limits on civil litigation have any meaning for pro se litigants? Pursuant to Fla. R. Jud. Admin. 2.250(a)(1)(B), the time standard for a civil trial case is 18 months from filing to final disposition. Non-jury cases — 12 months (filing to final disposition). Or are courts free to justify the end that includes harming (as in this case) and/or subjecting pro se litigants to homicide (as in the case of nonlawyer Frank Collelo, age 68, US Bank Trust et al v. Frank J. Collelo et al. Hillsborough Co. foreclosure Case No. 14-CA-002711, McCalla Raymer Leibert Pierce, LLC representing the foreclosing Plaintiff.

14. Is the Department of Justice free to ignore my Criminal Complaint To FBI Special Agent In Charge Eric W. Spooore February 12, 2018 alleging violation of Title 18 of the United States Code (U.S.C.), including but not limited to 18 U.S.C. § 371, the fraud or impairment of a legitimate government activity, the FINAL JUDGMENT OF FORECLOSURE, in my residential federal Home Equity Conversion Mortgage.?

LIST OF PARTIES

NEIL J. GILLESPIE, PETITIONER
A disabled non-lawyer appearing *pro se*
8092 SW 115th Loop
Ocala, Florida 34481
Tel: 352-854-7807
Email: neilgillespie@mfi.net

vs.

REVERSE MORTGAGE SOLUTIONS, INC., RESPONDENT
Represented by: Curtis Alan Wilson, Esq., Florida Bar No. 77669
McCalla Raymer Leibert Pierce, LLC
225 E. Robinson St. Suite 115
Orlando, FL 32801
Phone: 407-674-1850; Fax: 321-248-0420
Email: MRService@mrpllc.com
Email: MRService@mccalla.com

Parties Not Sued

PENELOPE M. GILLESPIE, BORROWER, DIED SEPTEMBER 16, 2009
ESTATE OF PENELOPE M. GILLESPIE, CLOSED WITH NOTICE OF TRUST JUNE 24, 2014

Other Parties

13CA000115AX	DEVELOPMENT & CONSTRUCTION CORPORATION OF AMERICA
13CA000115AX	ELIZABETH BAUERLE*
13CA000115AX	JOETTA GILLESPIE*
13CA000115AX	MARK GILLESPIE*
13CA000115AX	OAK RUN HOMEOWNERS ASSOCIATION INC
13CA000115AX	UNITED STATES OF AMERICA

*Justin R. Infurna, Esq., LL.M, The Infurna Law Firm, P.A.
Attorney for Defendants Mark Gillespie, Joetta Gillespie, Elizabeth Bauerle, Scott Bidgood.
121 South Orange Ave., Ste. 1500, Orlando, Florida 32801
Telephone: (800)-774-1560; Fax: (407)386-3419
Primary Email: justin@infurnalaw.com; Secondary Email: justininfurna@gmail.com

Fake Parties

- Unknown parties
- Neil J. Gillespie and Mark Gillespie as Co-Trustees of the Gillespie Family Living Trust Agreement dated February 10, 1997 (the Trust terminated on February 2, 2015)
- Unknown Settlers/Beneficiaries of The Gillespie Family Living Trust Agreement dated February 10, 1997 (NONE)

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Appendix A *Petitioner’s Amended Motion For Reinstatement* in Florida Supreme Court
Case No. SC18-343, Filing # 74489871 E-Filed 07/05/2018 10:13:00 AM

Appendix B Separate Appendix, Occupancy Permitted For Petitioner’s Home.
Case No. SC18-343, Filing # 74489871 E-Filed 07/05/2018 10:13:00 AM

Appendix C AFFIDAVIT OF NEIL J. GILLESPIE, Non-Jury Trial July 18, 2017.

Appendix D AFFIDAVIT OF NEIL J. GILLESPIE, Medical Expenses Non-Jury Trial
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Appendix E Letter to HCA Healthcare, Inc. Re Ocala Regional Medical Center - ER
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Appendix F Gillespie letter to Keerrtini Kumar, MD

Appendix G TEVA CARES APPROVAL LETTER

Exhibit 1 FINAL JUDGMENT OF FORECLOSURE

Exhibit 2 Attorney solicitation by Boyette, Cummins & Nailos, PLLC and email 2013-2018

Exhibit 3 Third Verified Motion to Disqualify Circuit Judge Ann Melida Craggs

Exhibit 4 Notice of Criminal Complaint to FBI Special Agent In Charge Sporre

Exhibit 5 Denial of Adult Protective Services for Neil J. Gillespie, vulnerable adult,
age 61, and a person with disabilities, by Robert Anderson, State Director,
Adult Protective Services;
415.1034 Mandatory reporting death of Frank Collelo

Exhibit 6

U.S. Eleventh Circuit Court of Appeals, No. 13-11595-B, Composite
District Court Docket No: 5:13-cv-00058-WTH-PRL

- Gillespie letter to Hon. Ed Carnes, Chief Judge 11th COA; Response
- ORDER July 25, 2013, in relevant part, “Should Gillespie wish to petition for mandamus relief, he may file a separate petition for writ of mandamus or prohibition with this Court. See 18 U.S.C. § 1651; Fed.R.App.P.21” Before: HULL, WILSON and JORDAN
- MOTION TO RECONSIDER, VACATE OR MODIFY ORDER

Exhibit 7

NOTICE OF FILING FEDERAL CIVIL RIGHTS COMPLAINT

- U.S. Department of Justice, Civil Rights Division, Voting Section

Exhibit 8

Florida Bar complaint Danielle Nicole Parsons, The Florida Bar File No.
2014-30,525 (9A).

TABLE OF AUTHORITIES CITED

CASES

The Florida Bar Integration - 1949 Petn to Integrate the Bar of Fla.
Petition of Fla State Bar Assn 40 So2d 902 - Fla 1949 (Southern Reporter)

Keller v. State Bar of California, 496 US 1 (1990)
<https://supreme.justia.com/cases/federal/us/496/1/>

Lathrop v. Donohue, 367 U.S. 820 (1961)
<https://caselaw.findlaw.com/us-supreme-court/367/820.html>

ABA McKay Report (1992) Lawyer Regulation for A New Century: Report of the Commission on Evaluation of Disciplinary Enforcement

Two years prior to the issuance of the ABA McKay Report, the United States Supreme Court unanimously held in Keller v. State Bar of California, 496 US 1 (1990), adopting in effect the prescient minority Justices' dissents in Lathrop v. Donohue, 367 U.S. 820 (1961), that integrated state bars must not venture into political and ideological waters but stick with the narrow, legitimate functions of integrated state bars. To do otherwise these bars would become, as Justice Douglas pointed out in Lathrop, "goose-stepping brigades" that serve neither the public nor the profession.

Goldfarb v. Virginia State Bar, 421 U.S. 773 (1975)
https://en.wikipedia.org/wiki/Goldfarb_v._Virginia_State_Bar
U.S. Supreme Court held that lawyers engage in "trade or commerce" and hence ended the legal profession's exemption from antitrust laws.

18 U.S.C § 1961-68 RICO, Racketeer Influenced and Corrupt Organizations
18 USC 1346 (fraud and honest services)
18 USC 1951 (interference with commerce)
Title 15 of the United States Code pertaining to restraint of trade and monopolies (anti-trust law)

The Commerce Clause -Article I, Section 8, Clause 3, Constitution of the United States
[The Congress shall have Power] To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

Sherman Antitrust Act, 15 U.S.C. §§ 1-7; Section 1: Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal.....

Clayton Antitrust Act 15 U.S.C. § 12-27. The Clayton Antitrust Act of 1914, codified at 15 U.S.C. 12-27, outlaws the following conduct: price discrimination; conditioning sales on exclusive dealing; mergers and acquisitions when they may substantially reduce competition; serving on the board of directors for two competing companies.

Section 5, FTC Act 15 U.S.C § 45 Unfair methods of competition unlawful; prevention by Commission; (a) Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade (1) Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.

The Hobbs Act, 18 USC § 1951 - Interference with commerce by threats or violence

ABA Model Rule 5.4: Professional Independence of a Lawyer

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_4_professional_independence_of_a_lawyer/

- (a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:
- (b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.
- (d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:
 - (2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation ; or

Powell v. Alabama, 287 U.S. 45, for “due process in the constitutional sense”

MR. JUSTICE SUTHERLAND delivered the opinion of the Court...."If in any case, civil or criminal, a state or federal court were arbitrarily to refuse to hear a party by counsel, employed by and appearing for him, it reasonably may not be doubted that such a refusal would be a denial of a hearing, and, therefore, of due process in the constitutional sense..."

"...The right [p69] to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel, he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence. If that be true of men of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect. If in any case, civil or criminal, a state or federal court were arbitrarily to refuse to hear a party by counsel, employed by and appearing for him, it reasonably may not be doubted that such a refusal would be a denial of a hearing, and, therefore, of due process in the constitutional sense..."

Powell v. Alabama, 287 U.S. 45
Decided: November 7, 1932

Argued: October 10, 1932
224 Ala. 524, 531, 540, reversed.

The Supreme Court of Florida has a duty and the authority to administratively provide civil legal counsel under the Fourteenth Amendment of the U.S. Constitution for Due Process:

The Constitution states only one command twice. The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states. These words have as their central promise an assurance that all levels of American government must operate within the law ("legality") and provide fair procedures....

- Wex Due Process Article by Richard Strauss, Legal Information Institute Cornell Law, https://www.law.cornell.edu/wex/due_process

Constitutional requirement for due process under Florida law:

Article 1, section 9, Florida Constitution.

SECTION 9. Due process.—No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

Case law for due process under Florida Law:

10A Fla. Jur 2d Constitutional Law § 480 (2007)

The guaranty of due process of law extends to every type of legal proceeding. Pelle v. Diners Club, 287 So. 2d 737 (Fla. Dist. Ct. App. 3d Dist. 1974); Tomayko v. Thomas, 143 So. 2d 227 (Fla. Dist. Ct. App. 3d Dist. 1962). Whenever life, liberty, or property rights are involved in any official action, the organic requirements of due process of law must be afforded, whether such action is the exercise of the powers of government by governmental departments, State ex rel. Barancik v. Gates, 134 So. 2d 497 (Fla. 1961); Williams v. Kelly, 133 Fla. 244, 182 So. 881 (1938) or a duly authorized administrative or ministerial function or duty. State ex rel. Barancik v. Gates. The constitutional guaranty of due process of law applies not only to court and administrative procedures, but also to legislative acts. Williams v. U.S., 179 F.2d 644 (5th Cir. 1950), cert. granted, 340 U.S. 849, 71 S. Ct. 77, 95 L. Ed. 622 (1950) and judgment aff'd, 341 U.S. 70, 71 S. Ct. 581, 95 L. Ed. 758 (1951) (implied overruling on other grounds recognized by, U.S. v. McDermott, 918 F.2d 319 (2d Cir. 1990)) and (overruling on other grounds recognized by, Brzonkala v. Virginia Polytechnic Institute and State University, 169 F.3d 820, 136 Ed. Law Rep. 15 (4th Cir. 1999)).

10A Fla. Jur 2d Constitutional Law § 483 (2007)

Due process encompasses both substantive and procedural due process. McKinney v. Pate, 20 F.3d 1550 (11th Cir. 1994); M.W. v. Davis, 756 So. 2d 90, 25 Fla. L. Weekly S334 (Fla. 2000); State v. O.C., 748 So. 2d 945, 24 Fla. L. Weekly S425 (Fla. 1999).

A litigant has a right to conflict-free counsel, http://en.wikipedia.org/wiki/Right_to_counsel

Whether counsel is retained or appointed, the defendant has a right to counsel without a conflict of interest *. If an actual conflict of interest is present, and that conflict results in any adverse effect on the representation, the result is automatic reversal.[17] The general rule is that conflicts can be knowingly and intelligently waived,[18] but some conflicts are unwaivable. [19] *Wheat v. United States, 486 U.S. 153 (1988), conflicts of interest

[17] Burger v. Kemp, 483 U.S. 776 (1987); Cuyler v. Sullivan, 446 U.S. 335 (1980); Holloway v. Arkansas, 435 U.S. 475 (1978).

[18] See United States v. Curcio, 680 F.2d 881 (2d Cir. 1982).

[19] See, e.g., United States v. Schwarz, 283 F.3d 76 (2d Cir. 2002); United States v. Fulton, 5 F.3d 605 (2d Cir. 1993).

Privacy laws do not protect the privacy of dead people. Dead people do not have privacy rights. Privacy rights are personal and die with the individual. Nestor v. Posner-Gerstenhaber, 857 So.2d 953 (Fla. Dist. Ct. App. 3d Dist. 2003), review denied, 869 So. 2d 540 (Fla. 2004).

[E]ven where a private confidentiality agreement is otherwise proper, it will not be enforced where its effect becomes obstructive of the rights of non-parties. See, e.g., Nestor v. Posner-Gerstenhaber, 857 So. 2d 953, 955 (Fla. 3rd DCA 2003); Scott v. Nelson, 697 So. 2d 1300, 1301 (Fla. 1st DCA1997). Quoted by U.S. Judge John E. Steele in Tardif, Trustee (Jason Yerk) v. PETA, USDC, SDFla. Fort Myers Div. Case No. 2:09-cv-537-FtM-29SPC, at the Pacer link, Case 2:09-cv-00537-JES-SPC Document 179 Filed 11/04/11 Page 14 of 31 PageID 6050

STATUTES AND RULES

Only a Florida licensed attorney in good standing is **competent** (Rule 4-1.1) or **diligent** (Rule 4-1.3) to provide me legal advice and/or legal representation.

Florida Bar Rule 4-1.1 Competence.

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

Florida Bar Rule 4-1.3 Diligence.

A lawyer shall act with reasonable diligence and promptness in representing a client.

Fla. Stat. § 29.007 Court-appointed counsel “This section applies in any situation in which the court appoints counsel to protect a litigant’s due process rights.”

Chapter 27 Florida Statutes, Part III, Other Court-Appointed Counsel. Civil Regional Counsel where mandated constitutionally or by general law in civil cases.

Pursuant to Fla. R. Jud. Admin. 2.250(a)(1)(B), the time standard for a civil trial case is 18 months from filing to final disposition. Non-jury cases — 12 months (filing to final disposition) My foreclosure case commenced January 9, 2013. Today is Dec-10-2018. The duration is over 5 years. This case has taken almost 6 times as long as provided by the rules for a non-jury trial; Exceeding time limits by many years has major negative health consequences. The same tactic was used by the court in the Hillsborough case, which began in 2005. That’s 13 years total.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

- FLORIDA SUPREME COURT, Case No: SC18-343

Oct 01 2018 Application (18A352) to extend the time to file a petition for a writ of certiorari from October 11, 2018 to December 10, 2018, submitted to Justice Thomas.

Oct 05 2018 Application (18A352) granted by Justice Thomas extending the time to file until December 10, 2018.

JURISDICTIONAL STATEMENT

The jurisdiction of this Court is invoked under Rule 13.5 and 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Preamble to the Constitution of the United States - Re: "establish Justice"

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Amend. I, U.S. Const., "to petition the Government for a redress of grievances."

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amend. IV, U.S. Const., right of the people to be secure in their homes, and their property against unreasonable searches and seizures by the government.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amend. V, U.S. Const.; Amend. XIV, U.S. Const.

DUE PROCESS, Legal Information Institute

WEX article Author: Peter Strauss

"The Constitution states only one command twice. The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states. These words have as their central promise an assurance that all levels of American government must operate within the law ("legality") and provide fair procedures."

https://www.law.cornell.edu/wex/due_process

Amend. V, U.S. Const., due process

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amend. VII, U.S. Const; trial by jury

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amend. XIV, sec 1, U.S. Const., due process

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Home Equity Conversion Mortgage [12 USC § 1715z-20; 24 CFR Part 206] also called a HECM reverse mortgage

Older Americans Act, 42 U.S.C. Chapter 35 - PROGRAMS FOR OLDER AMERICANS.

- The Older Americans Act (OAA) 42 U.S.C. 3001 et seq., as amended, provides for legal services under **Title III B** Services or Activities for persons age 60 and over.
- In Florida, the OAA is administered under Chapter 430, Florida Statutes, by the Department of Elder Affairs, section 430.101, Administration of federal aging programs.
- The Department of Elder Affairs was established by Section 20.41, Florida Statutes.

Fla. Const., Art. V, Sec. 10(b)(1) "The election of circuit judges shall be preserved"; Art. VI, Sec. 1. Regulation of elections. "All elections by the people shall be by direct and secret vote".

Fla. Const., Art. I, Sec. 2, Basic Rights - All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

Fla. Const., Art. I, Sec. 9. Due process. - No person shall be deprived of life, liberty or property without due process of law, or be twice put in jeopardy for the same offense, or be compelled in any criminal matter to be a witness against oneself.

Fla. Const., Art. I, Sec. 21. Access to courts. - The courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay.

Fla. Const., Art. I, Sec. 22. Trial by jury. - The right of trial by jury shall be secure to all and remain inviolate. The qualifications and the number of jurors, not fewer than six, shall be fixed by law.

STATEMENT OF THE CASE

This is an appeal of a FINAL JUDGMENT OF FORECLOSURE (Exhibit 1) on my Florida residential homestead property, on a federal HECM reverse mortgage.

My name is Neil J. Gillespie, an indigent nonlawyer, unable to obtain adequate counsel, a consumer of legal and court services affecting interstate commerce, a consumer of personal, family and household goods and services, consumer transactions in interstate commerce, a person with disabilities, a vulnerable adult age 62 suffering the infirmities of aging, henceforth in the first person, reluctantly appearing *pro se* to save my home from wrongful foreclosure.

I was denied the counsel of my choice, Boyette, Cummins & Nailos, PLLC, at the outset of this case in January 2013. Information in September 2018 shows likely involvement by The Florida Bar and/or others acting on its behalf. The attorney solicitation by Boyette, Cummins & Nailos, PLLC dated January 11, 2013 and mailed to me, and my acceptance by email two separate times, appears at Exhibit 2

Email, Monday, January 14, 2013 6:53 PM

Email: Friday, January 18, 2013 11:43 PM

and when considered with the email in 2018, and lack of response by any party, shows I was denied the counsel of my choice, with likely involvement by The Florida Bar and/or others acting on its behalf.

I was denied counsel under the Older Americans Act, 42 U.S.C. ch. 35. My affidavit of July 28, 2017 shows: (Appendix C)

“On July 18, 2017 I was taken by ambulance to the hospital after becoming sick during a non-jury trial on the foreclosure of my home. I was alone and without counsel to represent me. Presiding Judge Ann Melinda Craggs continued the trial without me and ruled for the bank.”

Judge Cragg’s three Orders of May 5, 2017 prohibit local counsel from representing me at the trial-only without a notice of appearance as co-counsel for the entire case. Also see,

Appendix D Affidavit of Neil J. Gillespie, Medical Expenses Non-Jury Trial July 18, 2017

Appendix E Letter to HCA Healthcare, Inc. Re Ocala Regional Medical Center ER visit July 18, 2017

The FINAL JUDGMENT OF FORECLOSURE does not mention the arguments I made at the non-jury trial before becoming sick on July 18, 2017, which are found in FSC17-1321. Judge Craggs did not include any of my documents into evidence, see FSC17-1321. This has been a sham proceeding going into its sixth year. In fact, it appears Judge Craggs did not prepare the order. That was done, apparently, by McCalla Raymer Leibert Pierce, LLC, see Exhibit 3, Third Verified Motion to Disqualify Circuit Judge Ann Melida Craggs.

A *Home Equity Conversion Mortgage*, or HECM, is a Federal Housing Administration (FHA) “reverse” mortgage program administered by the Secretary, United States Department of Housing and Urban Development (Secretary or HUD) to enable home owners over 62 years old access the subject home's equity. 12 U.S.C. § 1715z20 et seq. and 24 C.F.R. Part 206. The record shows substantial violations of the HECM rules by the HUD-approved lender and lender parties.

This appeal is to save my home from foreclosure. I am one of three (3) borrowers, with my mother Penelope Gillespie, and brother Mark Gillespie. Plaintiff's state court *in rem* action alleges the 2009 death of Penelope Gillespie is grounds to foreclose a Home Equity Conversion Mortgage on my homestead residence, 8092 SW 115th Loop, Ocala, Marion County, Florida (the property) in a 55+ community called Oak Run, built by the Development and Construction Corporation of America (DECCA), and managed by DECCA's successor, Oak Run Associates LTD (ORAL). The property's market value is \$87,985 according to the MCPA (2017).

A HECM does not require a homeowner to make mortgage payments as a conventional mortgage does. Instead, a HECM does not become due and payable until the last surviving

homeowner dies or no longer lives in the home. 12 U.S.C. § 1715-z20(j) Safeguard to prevent displacement of homeowner. The HECM becomes due and payable in full “if a mortgagor dies and the property is not the principal residence of at least one surviving mortgagor....and no other mortgagor retains title to the property.” 24 C.F.R. § 206.27(c).

I am one of two surviving HECM mortgagors, and the only surviving homeowner living in the home, alone, in substantial compliance with the HECM Note, making this foreclosure of a HECM premature. My bother Mark Gillespie of Fort Worth Texas is also a surviving borrower, but he does not live in the home. The HECM becomes due and payable in full “if a mortgagor dies and the property is not the principal residence of at least one surviving mortgagor....and no other mortgagor retains title to the property.” 24 C.F.R. § 206.27(c). Mortgagor Ms. Gillespie died in 2009. But I am a surviving borrower or mortgagor living in the home as my principal residence, and retain title to the property. Therefore I dispute the Plaintiff’s allegations in its “Verified Complaint to Foreclose Home Equity Conversion Mortgage”.

The Florida Bar

The Florida Bar failed to competently complete its inquiry in Danielle Nicole Parsons, The Florida Bar File No. 2014-30,525 (9A).

Is The Florida Bar, as an “arm” of the Supreme Court of Florida, unconstitutional? This petition challenges the constitutionality of The Florida Bar, a private unincorporated association, created by Petition of Florida State Bar Ass'n, 40 So.2d 902 (Fla. 1949), a lawyers guild, to act as an integrated or unified bar, and the so-called disciplinary arm of the Florida Supreme Court, to serve “as an advocate and intermediary for attorneys, the court, and the public”, without a separation or wall between lawyer guild functions, disciplinary functions, and the public.

McCalla Raymer Leibert Pierce, LLC

Is nonlawyer ownership of a law firm constitution? Is the law firm McCalla Raymer Leibert Pierce, LLC, a Foreign Limited Liability Company, lawfully operating in Florida when none of its named partners are members of The Florida Bar, and its only manager shown on its 2018 Foreign Limited Liability Company Annual Report, is not a member of The Florida Bar?

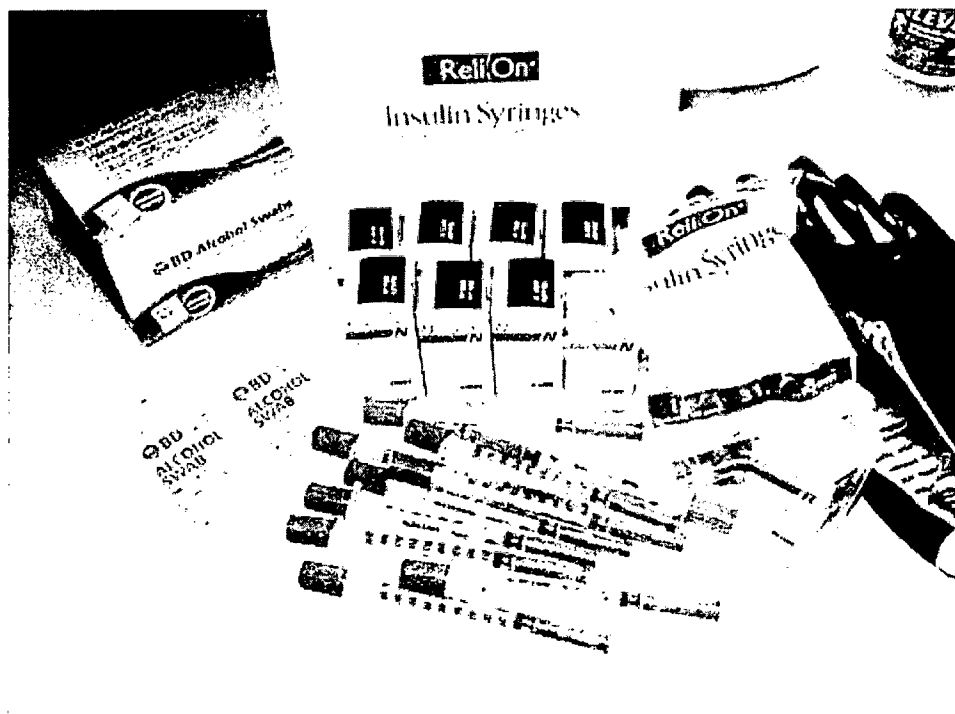
ABA Model Rule 5.4: Professional Independence of a Lawyer

https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_5_4_professional_independence_of_a_lawyer/

- (a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:
- (b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.
- (d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:

(2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation ; or

Disability of Neil J. Gillespie



I have type 2 adult onset diabetes. Walmart's ReliOn Novolin Insulin N is my lifeblood. Currently I use eight (8) vials of Novolin insulin per month, and one (1) vial of the R type fast acting, nine (9) total vials of insulin a month at \$24.88 = \$233.92, plus \$12 for syringes, and \$2 for prep pads. Fortunately I can purchase Walmart's ReliOn Insulin over the counter without a prescription. I wear light weight mechanics gloves to function with diabetic neuropathy.

I am also disabled with, *inter alia*, traumatic brain injury, and have relied upon the drug Nuvigil to focus my attention since 2013, obtained through Teva Cares Patient Assistance. While Nuvigil is a controlled substance, it is not a pain medication, it is a wakefulness drug. I spent the month of August 2018 trying to get a prescription for Nuvigil, but was only able to get 60 tablets, which I cut in half to stretch the medication, and for which I paid \$180 for the generic Armodafinil 150mg table. My regular dose of Nuvigil 150mg is one tablet a day. I was

effectively on a half dose, or 75mg of Nuvigil a day, using generic Armodafinil. This lack of vital medication has slowed my ability to work.

I responded to a mail solicitation from Keertini Kumar, MD for a primary care doctor, but she refused to see me as a patient, apparently, because Nuvigil was on my list of medications, as shown in my letter October 22, 2018. (Appendix F). I was finally able to find a primary care doctor who took me as a patient, and prescribed Nuvigil. My application was approved December 2, 2018, and I received the medication on December 5, 2018. Not enough time to make much of a difference with this petition. (Appendix G).

REASONS FOR GRANTING THE PETITION

For a man's house is his castle*

—Sir Edward Coke
Third Institute (1644)

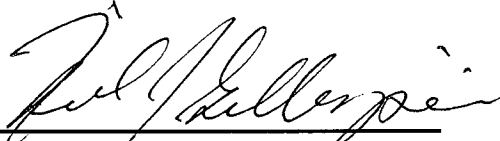
The maxim that a "man's house is his castle" is one of the oldest and most deeply rooted principles in Anglo-American jurisprudence. It reflects an egalitarian spirit that embraces all levels of society down to the "poorest man" living "in his cottage." The maxim also forms part of the fabric of the Fourth Amendment to the Constitution, which protects people, their homes, and their property against unreasonable searches and seizures by the government.

*Citation: Sir Edward Coke, Third Institute of the Laws of England 162 (1644). The complete quotation is: "For a man's house is his castle, *et domus sua cuique tutissimum refugium*." The Latin means: "and his home his safest refuge." See *Semayne's Case* (1603) 77 Eng. Rep. 194 (K.B.) ("[T]he house of every one is to him as his castle and fortress, as well for his defence against injury and violence, as for his repose."), *quoted in* *Wilson v. Layne*, 526 U.S. 603, 609–10 (1999); *Weeks v. United States*, 232 U.S. 383, 390 (1914) ("[E]very man's house is his castle." (quoting Judge Thomas McIntyre Cooley, *A Treatise on the Constitutional Limitations Which Rest upon the Legislative Power of the States of the American Union* 299 (1868))); William Blackstone, 3 *Commentaries* 288 (1768) ("[E]very man's house is looked upon by the law to be his castle..."); William Blackstone, 4 *Commentaries* 223 (1765–1769) ("[T]he law of England has so particular and tender a regard to the immunity of a man's house, that it stiles it his castle, and will never suffer it to be violated with impunity..."); *Miller v. United States*, 357 U.S. 301, 307 (1958) (quoting William Pitt's 1763 speech in Parliament: "The poorest man may in his cottage bid defiance to all the forces of the crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the king of England may not enter—all his force dares not cross the threshold of the ruined tenement!").

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Neil J. Gillespie". The signature is written in black ink and is positioned above a horizontal line.

Neil J. Gillespie, a nonlawyer, *pro se*

Date: December 10, 2018