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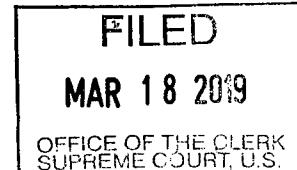
18-9287

IN THE  
SUPREME COURT OF THE UNITED STATES

Carole L. Scheib- Petitioner

VS.

James Rosberil-Respondent



ON PETITION FOR A WRIT OF CERTIORIARI to

Supreme Court of Western Pennsylvania

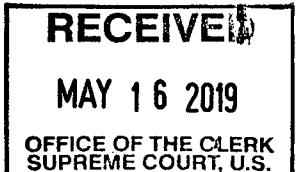
PETITION FOR WRIT OF CERTIORARI

Carole L. Scheib

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Pittsburgh, Pennsylvania 15220

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## **FEDERAL QUESTIONS PRESENTED**

- I. Whether in reviewing a rightful claim, an appellate court must apply and follow their own established State rules and laws pertaining to real **property**, their own established statute of limitations, timely **due process** actions, but; to continue to **violate** this petitioners US. **Civil Rights and Liberties** to due process?

**The original cause of action must arise under federal law, for a federal court to have jurisdiction under federal question. (Original cause of action of foreclosure NO notice.)**

- II. For **No** hearing, a ex-parte hearing an Order on her own accord, ignoring the facts, and laws; timely presented in The Court of Common Pleas, also, the Superior Court and the Supreme Court of Western PA. Since this case involves real property are this petitioner's due process rights violating the fifth and fourteenth amendments?

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## **STATEMENT OF JURISDICTION**

### **Under Article III Article VI-Supremacy Clause 1-28 USC 1331**

Section 2 Clause 1. The Judicial power shall extend to ALL cases, in law and equity, arising under this Constitution, the laws of the United States.

As a natural born, U.S. citizen, petitioner does make application to this Supreme Court.

## **Constitutional and Statutory Provisions**

### **ARTICLE III Article VI-Supremacy Clause 1 -28 USC 1331**

#### **2-4.211 In all civil cases. 28 U.S.C.ss 1254, 1257**

\*Section 1 of the US Constitution stating the judicial power of the United States shall be vested in one Supreme Court.

\*Under Rule 10 a matter of Judicial Discretion (abuse of discretion).

\*CR 59 (a) Irregularity in the proceedings of the court, jury or adverse party, or any Order of the Court or abuse of discretion, by which such party was prevented from a fair trial.

\*Violations of the Constitution of the United States involving conspiracies to deprive citizens of rights under 18 U.S.C. Section 241 to protect Civil Liberties.

\*Official Oppression under 18 Pa. Cons. Statutes 5301

\*Under intermediate scrutiny and Under the Equal protection clause, targeting petitioner (as pro-se') and being denied Equal protection being prejudiced the substantial rights of the strict scrutiny of due process rights of the Fourteenth and the Fifth Amendments.

\*Constitution takes precedence over Federal and State laws. And the Supreme Court of western PA must abide by Constitution law.

\*Deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the case; due process.

\*The Supreme Court of the United States set forth the Constitutional requirements for notice of judicial proceedings to a potential party under the Fourteenth Amendment to the U.S. Constitution.

\*Fifth Amendment to the U.S. Constitution provides: No person shall be deprived Of life, liberty, or property, without due process of law.

\*In PA where a cloud(s) upon a Title to real property exists, a party may initiate a civil action in order to adjudicate rights to the property.

\*Rule R.A.P. 1114-s324 and Constitutional Law in PA 5.

\*PA Rule 5530 Statute of Limitations to Claim real property is (21) years

\*Pa. R.C. P. 1061 (b) (4) Quiet title Pa. R.C.P. 1061 et. Seq. (b) (1) and Ejectment.

\*To Quiet Title by an action from a judicial sale. 1061 removes all judgments, liens and both [tax] and private liens on a parcel.

The Court of Common Pleas has the authority to remove all liens.

#### Excerpt from the Kennedy Report. Appendix 1

\*And Rule 1061 (b) (1) an ejectment action can be used by someone out of possession of real property to obtain possession under a Claim of Title Superior to that of the person in possession of the property.

\*In PA a litigant has to believe that they had a fair hearing (NO ) hearing.

\*The Constitutional Right to be heard is a basic aspect of the duty of a government to follow a fair process of decision-making when such government acts to deprive a person of his or her possessions.(88)

\* In some instances, involving an alleged deprivation of property rights, the due process mandate may be satisfied without the actual furnishing of a hearing (90).

**\*This Violates public policy as there can be NO integrity, stability and or security within the Titles of Properties, and ANY could be considered to be questionable.**

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\*See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) the **Supreme Court of the US** set forth the Constitutional requirements for notice of judicial proceedings to a potential party under the Fourteenth Amendment to the US. Constitution.

\*(Quiet Title) [ See *Bevilacqua v. Rodriguez* and *US Bank v. Ibanez*, 17 LCR 202 (Mar.2009) & 17 LCR 679 (Oct. 14, 2009) and see *Bongaards v. Millen*, 440 Mass, 10 15 (2003) accordingly, US Bank [was no more capable of passing on GOOD title to the Rodriguez property than a common thief]v. Ibanez, American Brief of Gen. Coakley (4/11).

## STATEMENT OF THE CASE

This is a civil claim for (ejectment) and to Quiet Title on the real property.

It involves a **private** right of action. PA Court never had jurisdiction.

**Service of Process 1003 A Constitutional minimum; requires ‘notice reasonably calculated, under ALL the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.’ 1004**

<https://www.law.cornell.edu/constitution-conan/amendment>.

Petitioner has been continually vigilant, following the law, and with clean hands.

Petitioner and or spouse as co-owner received **NO** notice of the **Original Action for foreclosure**, and were **unaware** of case #97-GD-4179 until it was uncovered by the Neighborhood legal aid services in **2016**.

The complete outline was typed by an Attorney and filed to Open to Vacate. Petitioner did follow the Attorneys instruction to request a Court hearing date to Open that case.

However; the Chief Motions Court Clerk does publicly, bar this petitioner to request a court date; including in front of (2) other Judges, on two dates in 2016.

Again, on March 15, 2019 petitioner was sent from the floor staff to Motions Hearing Room #703, the same clerk refused to allow petitioner to approach the bench and to again request a Court hearing date.

Petitioner holds and did submit exhibits to clearly show that the original service was supposedly, delivered and or served to the only rental property.

That was the first of several errors made by the mortgagee.

Petitioner in the original action, as the defendant in the Allegheny County Court of Common Pleas, in Motions Court Judge, was in error, as she failed to OPEN the Original court; based upon the evidence and allegations of wrongdoing.

(1)

Including permitting a witness (Deputy Sheriff Fersch) to show the huge book and a postponement. At 98-GD-16457

A partial hearing at 02-GD-2152 after submitting all of the documents, including a complete notarized satisfaction piece, showing that due to substantial over-payments. \$496.00 monthly instead of \$303.00 the tiny mortgage of \$23,900.00 was paid down to \$346.00.

Nonetheless; the Court denied the claim, based on the erroneous information submitted by the Bank that the over-payments which also, included one full year of double payments (\$606.00) was due to homeowners insurance.

However; after the third attempt for detailed information from the homeowners insurance company; documentation showed that the same Bank as (servicer) also over-charged for (4) properties instead of this one; over- paid the mortgage in full.

At 08-25652 Carole Scheib v. Keystone Residential Properties, the same Bank created a separate entity with one employee, and as a Vice President signed over a Quit-claim deed for \$10.00 to (William Knox) the same person signed as Grantor and Grantee.

He illegally transferred property to Keystone and Michael Bernick for \$10,000.00 Bernick failed to pay any real estate taxes from the transfer in 2008.

Petitioner did and continues to make regular monthly payments for the back taxes, 2008-2012 are now paid in full, and currently paying down 2013.

Any current taxes remain unpaid by respondent.

Petitioner is attempting to avoid a tax or judicial sale; in part since the adjacent lot(s) are separate and another legal issue that touch and concern the land.

GD-08-25652 the (same) Judge permitted a full ex-parte hearing for Michael Bernick, appearing pro-se' to defend Keystone a LLC. (he was not an Attorney). And [ is currently incarcerated for theft and embezzlement in another matter.]

Bernick also placed a huge mortgage on this one of two properties, the other one sold; the mortgage amount was \$300,000.00 naming his own Father as mortgagee.

Bernick further, illegally transferred the real property to James Rozberil (respondent) with another quit-claim deed for \$1,000.00

After, the (same) Judge permitted an ex-parte' hearing in Motions court, stopped again 11-GD-18030 for ejectment with NO hearings this petitioner filed a claim for the multiple errors by the Commonwealth of PA, the County of Allegheny and this particular Judge who failed to recuse from this matter even though she was named as a defendant in No.14-2990 it stands to reason that she would be and is bias and prejudicial against this petitioner.

and dismissed #16-GD-3162 for ejectment and to quiet title.

With NO hearings; although this involves real property.

[The Court asks not whether the judge is actually, subjectively biased, but whether the average judge in his or her position is 'likely' to be neutral, or whether there is an unconstitutional 'potential for bias.' 773]

<https://www.law.cornell.edu/constitution>

No.14-2990 in the US Court of Appeals for the Third Circuit was dismissed, claiming that PA is a Commonwealth and cannot be sued, and this Judge was exempt under Eleventh Amendment; however, all of the allegations of bias, and Ex-parte' hearing etc. were **admitted** and not denied.

[Honorable U.S. District Court Judge Rudolph Randa in the Seventh District did assert, 'if the defendants are violating the plaintiff's constitutional rights, the Eleventh Amendment to the Constitution does not apply and the plaintiffs are entitled to injunctive relief."] For the reason, of that suit filed; the State of PA (Judges) and particularly this same Judge are openly biased against Petitioner; which is the reason the respondents, lawyer contacted her via mail. And not going through Motions court. (3)

Since February of 2015, petitioner through payments did pay all of the past due taxes on the property due from 2008-2013 currently and since then, am still making regular monthly payments to avoid a tax sale.

Petitioner was not invited or scheduled a proper hearing even though she admitted that the paperwork submitted was in order and it involved real property.

In this instant case 16-GD-6132 petitioner did file a timely motion requesting her Recusal.

The (same) Judge Friedman again denied a proper hearing, dismissing the claim based upon a mere letter of correspondence from the respondents attorney.

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From the beginning; Federal Court Judge Fitzgerald, signed an Order directing this (Petitioner) to the **appropriate State- Court**. She also added the statement that this involves an alleged ***Civil Conspiracy***.

## REASONS FOR GRANTING THE WRIT

**This is based on federal law requirements of due process.**

There is no other alternative remedy or other adequate means to obtain the desired relief and petitioner can demonstrate a clear and indisputable right to the relief sought.

To rightfully return the real property that was illegally taken.

This involves a Gross Abuse of Discretion.

There was never a full and or fair hearing.

The PA Court system(s) are ignoring and not giving significant weight to the Satisfaction piece, filed as soon as received from the (mortgagee).

The complete filing was archived from the Superior Court on December 20, 2018, the Supreme Court may have declined to each open to inspect to view.

Petitioner was and is denied equal protection and is further deprived of life, liberty, or property without due process.

Due to the action at 14-2990 the PA Attorney General, Governor and Senators are reluctant to assist.

Neighborhood legal aid is limited in their assistance.

The same Court had NO Personal and or NO Subject Matter Jurisdiction.

And, this respondent should have NO legal standing, purchasing the property with a Quit claim deed and \$1,000.00.

## CONCLUSION

For the reasons listed, the Writ of Certiorari should be granted. Petitioner should be granted the return of the homestead, the ejectment of the (renter/occupant) the removal of any mortgage and or (tax) liens. And or in the alternative to mandate the Supreme Court of Western PA to schedule a hearing, with a jury.

Respectfully submitted: 

Carole Scheib 815 Walbridge Street, Pittsburgh, PA 15220

**LEGAL DESCRIPTION of REAL ESTATE:**

**ALL those certain lots or pieces of ground situate in the Borough of Crafton, County of Allegheny and Commonwealth of Pennsylvania, being Lots Numbered 35 and 36 in the Revised Crafton Plan as recorded in the Recorder's Office of Allegheny County in Plan Book Volume 17, pages 150 and 151.**

**HAVING** erected theron a one-story brick aluminum siding dwelling known as 54 Lawson Street, **BEING** designated Pittsburgh, PA 15205 within the Block and Lot # Block 40-187.

**SUBJECT** to coal, oil, gas, mineral and mining rights as heretofore conveyed or reserved as shown in prior instruments of record.

**BEING** the same property that which Peter R. DeFazio, Sheriff of Allegheny County, granted and conveyed to Mellon Bank, N.A.

By deed November 9, 1998 in the Recorder of Deeds Office, Allegheny County, Pennsylvania in Deed Book Volume 10349, Page 293., with the appurtenances: **To Have and to Hold the same to and for the use of the said: Grantee its successors and Assigns forever, by this QUIT CLAIM DEED.**

Being the same property which Mellon Bank, N.A. by QUIT CLAIM DEED dated August 20, 2007 and recorded August 30, 2007, in the Recorder's office of Allegheny County, Pennsylvania, in Deed Book Volume 13357, page 505, granted and conveyed to AP Residential Realty, Inc. a TRANSFER BETWEEN PRINCIPAL AND AGENT.

Being the same property that was conveyed and WARRANT GENERALLY to Keystone Residential Properties, LLC. On September 26, 2008.

By signature, the real property is to be immediately RETURNED to the actual and true owner(s) Carole L. Scheib

**BY COURT ORDER** and through the lawful assistance of the United States Marshall's Office.

No. 19-\_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

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**Carole Scheib, a married woman**

**Petitioner**

**v.**

**James Rozberil**

**Respondent**

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**CERTIFICATE OF SERVICE**

**Carole Scheib**, Pro-se, certifies pursuant to Rule 29 of this Court, that on March 18, 2019, she served the within PETITION FOR WRIT OF CERTIORARI and MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS on counsel and to respondent by US. First Class pre-paid mails, or by FED-EX and addressed to:

\*James Rozberil

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15226

  
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5-13-19