

No: _____

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE, PETITIONER

vs.

REVERSE MORTGAGE SOLUTIONS, INC., RESPONDENT

APPLICATION TO JUSTICE CLARENCE THOMAS

RULE 13.5 APPLICATION TO EXTEND TIME
TO FILE A PETITION FOR A WRIT OF CERTIORARI

IN RE: SUPREME COURT OF FLORIDA, CASE NO.: SC18-343

October 1, 2018

by

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

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, 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

A HECM REVERSE MORTGAGE IS A NON-RECOURSE LOAN

Indispensable 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
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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.

IN THE
SUPREME COURT OF THE UNITED STATES
APPLICATION TO JUSTICE CLARENCE THOMAS
RULE 13.5 APPLICATION TO EXTEND TIME
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OPINIONS BELOW

- FLORIDA SUPREME COURT, Case No: SC18-343

Appendix 1 **March 5, 2018** Acknowledgment of New Case Number SC18-343
Lower Tribunal Case Number(s): 5D17-2665; 422013CA000115CAAXXX
Lower Tribunal Filing Date: 2/28/2018

Appendix 2 **June 18, 2018 ORDER:** The petition for review is hereby dismissed on the Court's own motion based on petitioner's failure to timely file the jurisdictional brief in accordance with this Court's orders dated March 19, 2018, and May 15, 2018. Any and all pending motions are hereby denied as moot. If petitioner wishes to seek reinstatement, the motion for reinstatement must be filed within fifteen days from the date of this order.

Appendix 3 **July 6, 2018 ORDER:** Petitioner's motion to accept amended motion for reinstatement and appendix as timely filed is granted, and said amended motion for reinstatement and appendix were filed with this Court on July 5, 2018.

Appendix 4 **July 13, 2018 ORDER:** Petitioner's Amended Motion for Reinstatement is hereby denied.

- FLORIDA FIFTH DISTRICT COURT OF APPEAL, Case No. 5D17-2665

Appendix 5 **January 30, 2018 - BY ORDER OF THE COURT:**
ORDERED that Appellant's Motion to Toll Time, filed January 17, 2018, is denied. Appellant's Motion for Leave to Reply, filed January 25, 2018, is denied. The above-styled cause is hereby dismissed for failure to file the Initial Brief.
Panel: Judges Cohen, Torpy, and Lambert

Appendix 6 **February 19, 2018 - MEMORANDUM - NO MANDATE WILL BE ISSUED**

- MARION COUNTY, FLORIDA, Case No. 42-2013-CA-000115-AXXX-XX
CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF FLORIDA

Appendix 7 **July 18, 2017 - FINAL JUDGMENT OF FORECLOSURE**

JURISDICTIONAL STATEMENT

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

APPLICATION TO JUSTICE CLARENCE THOMAS

Neil J. Gillespie, a nonlawyer appearing pro se, henceforth in the first person, makes this application to Justice Clarence Thomas under USSC Rule 13.5 to extend time to file a petition for a writ of certiorari in Florida Supreme Court Case No. SC18-343.

RELIEF SOUGHT

I respectfully request a 60 day extension of time to file a petition for a writ of certiorari in Florida Supreme Court Case No.: SC18-343, from October 11, 2018 to December 10, 2018.

STATEMENT OF THE CASE

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

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. (Exhibit 2). I was denied counsel under the Older Americans Act, 42 U.S.C. ch. 35. My affidavit of July 28, 2018 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 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.

The FINAL JUDGMENT OF FORECLOSURE does not mention the arguments I made at the non-jury trial before becoming sick on July 18, 2018. Judge Craggs did not include any of my documents into evidence. This has been a sham proceeding going into its sixth year.

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".

REASONS FOR GRANTING AN EXTENSION OF TIME

1. On September 7, 2018 the Clerk of the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County entered a NOTICE OF LACK OF PROSECUTION in Gillespie v. Barker, Rodems & Cook, Case No. 05-CA-007205. (Exhibit 1). The previous 3 filings in the case are shown below, and pertain to USSC Petition No. 12-7747,

02/16/2017 NOTICE OF FILING LETTERS WITH THE U.S. SUPREME COURT
02/16/2017 LETTER FROM CLAYTON R. HIGGINS, JR.
02/16/2017 COPY OF LETTER FROM NEIL J. GILLESPIE

I must file a response within 60 days or the case will be dismissed. I believe my response in the above case is vital to this case, USSC Petition No. 12-7747, and every other petition I have filed.

2. I am 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. Since the crackdown on pain medication, doctors are reluctant to write prescriptions for any controlled substances. Nuvigil is not a pain medication, it is a wakefulness drug, but still a controlled substance. 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. Now I am 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 must continue to find a doctor willing to write me a prescription for Nuvigil 150mg for Teva Cares Patient Assistance.

3. 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.

4. 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, shows, *inter alia*, the Marion County Clerk's docketing of my case is unconstitutional because it resulted in a defective record on appeal, preventing me from filing an initial brief in 5DCA17-2665. Time is needed to give notice under Florida Rule of Civil Procedure Rule 1.071 Constitutional Challenge Notice by Party for due process. Regarding the Fifth District Court of Appeals, as shown at paragraph 35, The 5DCA CaseMail system is unconstitutional for lack of due process. The record shows the Clerk rejected at least 26 of my pleadings.

5. APPENDIX B OCCUPANCY PERMITTED FOR PETITIONER'S HOME, shows structural damage described February 28, 2018 by Proclaim Engineering's Imminent Danger Letter - SFIC#140073. Proclaim's report found the damage resulted from "initial construction methods and workmanship", and misplaced rain gutter downs pouts. This issue with my home continues to require more time and effort that could have been spent on the case.

Marion County has approved my home for occupancy. However Michael L. Savage, Sr., Director, Marion County Building Safety, did not respond to the substance to my May 1st. letter:

Mr. Savage,

This will acknowledge your email, and is a very brief response to some of the issues you raised.

Since you agree with the Engineer's evaluation of the column at the front of my home, and the Engineers determination, I direct your department to assist the contractor, DECCA, Development and Construction Corporation of America, or whatever it calls itself now, with the required permits to take the remedial actions necessary to repair said deterioration as noted.

My parents paid DECCA to construct this home in 1993-1994, and at all times pertinent since then, this is a maintained homesite. Attached you will find a letter dated August 16, 1994 from DECCA addressed to my parents, Cornelius & Penelope Gillespie, at 8092 SW 115 Loop Ocala, FL 34481, the subject property. Under the Villa Maintenance Program, DECCA is required to repair cracks and paint the exterior of the home on a five year cycle. In keeping with the industry standard, DECCA is required to repair cracks greater than 3/8 inch in width which are the Builder's responsibility. If at any time the crack in the stucco exceeds 3/8 inch in width, DECCA is required to make the repair. I am providing this notice to DECCA, and ORAL, Oak Run Associates Limited, and the ORHA, Oak Run Homeowners Association, Inc., by and through the persons shown at the end of this email.

During the establishment of Oak Run, DECCA and company officials pled guilty and were convicted of federal crimes for knowingly hunting protected wildlife on the property. Oak Run developer Kulbir Ghumman, and Herbert von Kluge, knowingly hunted protected red-cockaded woodpeckers, see attached, United States v. DECCA/Ghumman, Kulbir, et al. case 87-00013, U.S. District Court, Middle District Florida.

Given Oak Run's past, I am concerned whether my home was constructed according to code. For example, attached is a photograph of the column made during construction, which shows the block going into the ground without a foundation. Did this construction comply with the building code in Florida and Marion County in 1993-1994?

For example, I believe virtually every concrete driveway in Oak Run (3,400 homes) is cracked, apparently due to a lack of thermal expansion joints. I invite you to personally inspect the defective driveways in Oak Run and determine the cause of this damage.

On October 30, 2006, my mother Penelope Gillespie, was injured as a result of DECCA's entry door, 11637 SW 90th, Terrace, Ocala, FL, as reported in my letter Nov-27-2006 to James E. Flynn, President, Oak Run Homeowners Association, Inc. (ORHA). When I returned the next day to photograph the apparent code violation, I was assaulted by DECCA employee Emilio Gonzales, who tried to grab my camera, see MCSO report 0610310707.

Currently I am in litigation with a number of parties (RMS v. Gillespie), including the Oak Run Homeowners Association, Inc. (ORHA), and Development & Construction Corporation of America, Inc. (DECCA). I have alleged wrongdoing by DECCA's successor, Oak Run Associates LTD (ORAL) for charging post-judgment interest prior to adjudication. This scheme is facilitated by the Marion County Clerk and Comptroller.

Please note, this is a very limited initial response. More to follow.
Sincerely, Neil J. Gillespie

On June 7, 2018, I emailed Eric W. Sporre, Special Agent in Charge, FBI Tampa Field Office, tampa.division@ic.fbi.gov, and Gregg Jerald, Staff Commander, Sheriff's Executive Staff, Marion County Sheriff's Office, ggerald@marionso.com

Forwarded below is my email and attachments regarding structural damage to my home with Marion County Building Safety:

Michael L. Savage, Sr., MCP, CBO CFPS, CEI-M
Director - Building Official
Marion County Building Safety
2710 E. Silver Springs Blvd., Ocala, FL 34470

As of today I have not heard back from Oak Run developer Kulbir Ghumman of DECCA, Development and Construction Corporation of America, or his daughter Priya Ghumman, DECCA's current President, Director, and Registered Agent, according to the attached 2018 Florida Profit Corporation Annual Report.

I am currently making emergency modifications to the rain water discharge system that apparently undermined the column at the front of my home. Then I will make a formal request to DECCA to repair this column pursuant to the Villa Maintenance Program, and may make a claim against DECCA's contractor policy. My insurance company denied my claim, but said I can make the necessary repairs myself. Thank you.

Neither the FBI nor the Marion County Sheriff's Office responded. Therefore, this issue with the home continues to require more time and effort expended by myself. It appears a corrupt Marion County Government allowed a bad builder to skirt the proper building methods in 1993.

ADDITIONAL REASONS FOR GRANTING THE EXTENSION OF TIME

For a man's house is his castle*

—Sir Edward Coke
Third Institute (1644)

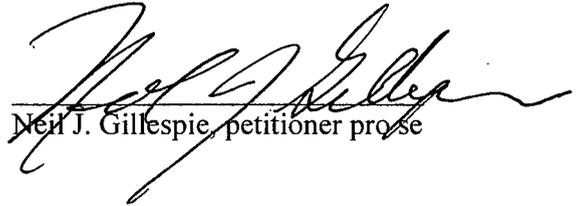
The maxim that a "man's house is his castle" is one of the oldest and most deeply rooted principles in Anglo-American jurisprudence. It reflects an egalitarian spirit that embraces all levels of society down to the "poorest man" living "in his cottage." The maxim also forms part of the fabric of the 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 USSC Rule 13.5 Application to Extend Time To File A Petition For A Writ Of Certiorari, IN RE: Supreme Court of Florida, Case No.: SC18-343 should be granted, to extend time 60 days, from October 11, 2018 to December 10, 2018, together with such other and further relief as the Court deems just and equitable.

Respectfully submitted, October 1, 2018.



Neil J. Gillespie, petitioner pro se