

No. 19-599

IN THE  
SUPREME COURT OF THE UNITED STATES

SAMUEL C. MOHORNE,  
*Petitioner,*

v.

BEAL BANK, SSB, et al.,  
*Respondents.*

*On Petition For Writ Of Certiorari  
To The Eleventh Circuit Court of Appeals*

PETITION FOR REHEARING

SAMUEL C. MOHORNE  
6965 NW 19<sup>th</sup> Court  
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## PETITION FOR REHEARING

Petitioner respectfully and timely petition this court for a rehearing of its January 13, 2020 order denying a Writ of Certiorari. This case can seem rather complex, but it is actually very simple. It has involved theft and fraud by Beal Bank and the Broward County Sheriff Office, Broward County State Attorney Office, and the Office of the Attorney General.

I am not an attorney, just a disabled veteran trying to correct an injustice. No law degree is necessary to see that a strong-armed robbery crime has taken place without a gun. My house was stolen from me. I spilt the vacate land from the house years before the mortgage was obtain. Two different legal description and two different folio numbers. Yes, they rightfully foreclosed on the land. But then Broward County Courts allowed them months later to return with alias writ that granted them my home (homestead).

I tried to file bankruptcy yet, Beal Bank came in and lied to Honorable Judge stating that the property was one instead of two different properties. Yet, several years later Beal Bank sold the properties separately with two different folio numbers and two different legal descriptions.

## FACTUAL AND PROCEDURAL BACKGROUND

The Eleventh Circuit Court of Appeals opinion is reported at *Mohorne v. Beal Bank, et. al.* No. 18-14776 (11<sup>th</sup> Cir. 2019). The 11<sup>th</sup> Circuit's denial of petitioner's motion for reconsideration to **reopen and grant automatic stay.** *Mohorne v. Beal Bank, et. al.* No. 17-13534 (11<sup>th</sup> Cir. 2018) **vacated and remanded** the case back to the District Court 02/12/2018 for further proceedings

Petitioner legally separated the land from the house. Original Folio# 8233-03-0322 changed to 8233-03-032.4 on June 5, 1996 new legal description

## LAND DEPT. CHANGE FORM

Original Folio # 8233-03-0322

Folio Number  
**8233-03-032.4**

New Legal

### NAME & Address Change

Mohorne, Samuel C  
1601 N.W. 17th CT  
Pompano Beach FL. 33069-1608

## LAND CALCULATIONS

Date 6/5/1996

75 x Unit Price

**LEGAL DESCRIPTION – Change Line #    in  
legal to: (see below)**

FORDS MANOR 19-34B  
LOT 44 LESS N 10 FOR ST &  
LESS THE SOUTH 152.00

STATE OF FLORIDA  
COUNTY OF BROWARD  
Posted By: Supervisor

I hereby certify that the above is a true and  
Correct copy of the following record from the  
Office of the  
Broward County Property Appraiser  
Witness and hand and official seal in the  
City of Ft. Lauderdale  
This 2 day of December AD 2005

**LAND DEPT. CHANGE FORM**

Fill in changes only.

Original Folio # 8233-03-0322

Folio Number  
**8233-03-0322**

New Legal

## NAME &amp; Address Change

Mohorne, Samuel C  
1601 N.W. 17th CT  
Pompano Beach FL. 33069-1608

## LAND CALCULATIONS

	× Unit	× Land	
Date	Price	Factor	× Type
6/5/1996	.75	19000	S.F.

Petitioner commenced a complaint to The Eleventh Circuit Court of Appeals opinion is reported at *Mohorne v. Beal Bank, et. al.*

No. 18-14776 (11<sup>th</sup> Cir.2019). The 11<sup>th</sup> Circuit's denial of petitioner's motion for reconsideration to **reopen and grant automatic stay.**

*Mohorne v. Beal Bank, et. al.*

No. 17-13534 (11<sup>th</sup> Cir.2018) **vacated and remanded** the case back to the District Court 02/12/2018 for further proceedings

Still proceeding pro se, petitioner timely filed a petition for a writ of certiorari in this Court. The Court denied a writ of certiorari.

## REASONS FOR GRANTING THE PETITION

In Florida, foreclosures are judicial, which means the lender must file a lawsuit in state court. The lender (Beal Bank) initiated the process by filing a complaint with the court and having served to the petitioner, along with a summons. The petitioner

was served for one property only and the bank took the house and the land. The Petitioner signed a mortgage and a promissory note that Beal Bank could not provide the original copy of. Therefore, they had no "standing" to foreclose on petitioner's home.

In, *David and Crystal Holm v. Wells Fargo Home Mortgage Inc.* Wells Fargo had moved to foreclose on both properties even though the bank had no proof that it possessed the notes underlying the mortgage. In this cases Wells Fargo would make more money foreclosing on couple's home.

### Conclusion

For the foregoing reason, this Court should grant the petition for rehearing and vacate the order denying the writ of certiorari, and restore this case to its merits docket

Respectfully submitted,

SAMUEL C. MOHORNE  
6965 NW 19<sup>th</sup> Ct  
Margate, Fl 33063  
754-235-5019

**CERTIFICATE OF PETITIONER**

I hereby certify that this Petition for Rehearing  
is presented in good faith and not for delay and is  
restricted to the grounds specified in Rule 44.2.

Samuel C. Mohane