

V. INDEX TO APPENDICES

- APPENDIX A Decision of State Court Appeals
- APPENDIX B Decision of State Trial Court
- APPENDIX C Decision of State Supreme Court Denying
Review
- APPENDIX D Decision of The Supreme Court of the United
States extending time to a petition for writ
of certiorari
- APPENDIX E Returned Papers to Petitioner for correction
- APPENDIX F CONSTITUTIONAL AND STATUTORY PROVISIONS
INVOLVED

APPENDIX

A

REL: 03/15/2019

STATE OF ALABAMA -- JUDICIAL DEPARTMENT
THE COURT OF CIVIL APPEALS
OCTOBER TERM, 2018-2019

2170859

Glenn Sinatra Davis v. The Bank of New York Mellon Corporation, as Trustee for Speciality Underwriting and Residential Finance Trust, Series 2005-BC3.
Appeal from Shelby Circuit Court (CV-17-900262).

PER CURIAM.

AFFIRMED. NO OPINION.

See Rule 53(a)(1) and (a)(2)(E), Ala. R. App. P.; Ala. Code 1975, § 6-8-69; Central Acceptance Corp. v. Colonial Bank of Alabama, N.A., 439 So. 2d 144, 147 (Ala. 1983); Kelley Realty Co. v. McDavid, 211 Ala. 575, 577, 100 So. 872, 873-74 (1924); Nichols v. Nichols, 192 Ala. 206, 211-12, 68 So. 186, 188 (1915); Campbell v. Bank of Am., N.A., 141 So. 3d 492, 494-96 (Ala. Civ. App. 2012); Thompson v. Huntley, 977 So. 2d 493, 495-96 (Ala. Civ. App. 2007); Sizemore v. Owner-Operator Indep. Drivers Ass'n, Inc., 671 So. 2d 674, 675 (Ala. Civ. App. 1995); and 12 C.F.R. § 1024.35(i)(2) (2018).

All the judges concur.

The Court of Civil Appeals



REBECCA C. OATES
CLERK

300 DEXTER AVENUE
MONTGOMERY, ALABAMA 36104-3741
TELEPHONE 334-229-0733

MEG WILLIAMS FIEDLER
ASSISTANT CLERK

May 17, 2019

2170859

Glenn Sinatra Davis v. The Bank of New York Mellon Corporation, as Trustee for
Speciality Underwriting and Residential Finance Trust, Series 2005-BC3 (Appeal from
Shelby Circuit Court: CV-17-900262)

You are hereby notified that the following action was taken in the above cause by
the Court of Civil Appeals:

Application for Rehearing Overruled. No opinion written on rehearing.

All the judges concur.

Rebecca C. Oates

Rebecca C. Oates
Clerk, Court of Civil Appeals

APPENDIX

B

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

THE BANK OF NEW YORK,
MELLON CORPORATION,
Plaintiff,

V.

DAVIS GLENN SINATRA,
DAVIS IRENE R.,
Defendants.

)
)
) Case No.: CV-2017-900262.00
)
)
)
)

Order on Motion for Summary Judgment

This matter came before the Court on January 26, 2018 on Plaintiff's Motion for Summary Judgment. Counsel appeared on behalf of Plaintiff, and Defendant, Glenn Sinatra Davis, appeared *pro se*. Having considered the arguments of both parties, along with the Plaintiff's written Motion, sworn affidavit and exhibits thereto, and the Defendant's written response, the Court finds the Plaintiff's Motion for Summary Judgment is due to be GRANTED. It is therefore ORDERED, ADJUDGED, and DECREED as follows:

1. The Plaintiff is entitled to exclusive possession of the property known as 919 Highland Lakes Lane, Birmingham, Alabama 35242. (the "Premises") which was acquired at foreclosure sale by the Plaintiff on

January 5, 2017. Said Premises situated in Shelby County is more particularly described as:

Lot 514, according to the Survey of Highland Lakes, 5th Sector, Phase II, as recorded in Map Book 19, Page 3 A & B in the Probate Office of Shelby County, Alabama; being situated in Shelby county, Alabama. Together with nonexclusive easement to use the private roadways, common areas, all as more particularly described in the Declaration of Easements and Master Protective Covenants for Highland Lakes, a Residential Subdivision, recorded as Instrument No. 1994-07111 and amended in Instrument No.1996-17543 in the Probate Office of Shelby County, Alabama, and the Declaration of Covenants, Conditions and Restrictions for Highland Lakes, a Residential subdivision, 5th sector, Phase II, as recorded as Instrument No. 1994-31018 in the Probate Office of Shelby County, Alabama (which, together with all amendments thereto, is hereinafter collectively referred to as, the "Declaration")

2. Defendants Glenn Sinatra Davis and Irene R. Davis and anyone holding under or through them are hereby ordered to immediately vacate the Premises.
3. The Circuit Court is to issue Writ of Possession, for immediate possession of the Premises by the Plaintiff and any lawful Sheriff of Shelby County is hereby ordered to restore possession of the real property to Plaintiff.
4. Defendants, having failed to vacate the Premises following notice by the Plaintiff prior to filing of the above styled Ejectment suit, have forfeited and surrendered their right of redemption of the Premises per §6-5-251 Code of Alabama (1975).

5. Defendant shall remove any and all personal property from the Premises prior to vacating. Any and all personal property remaining on the Premises thereafter shall become property of the Plaintiff.
6. All other claims in this matter are hereby dismissed with prejudice, with costs taxed as paid.

DONE this 1st day of February, 2018.

/s/ LARA M ALVIS
CIRCUIT JUDGE

IN THE CIRCUIT COURT OF SHELBY COUNTY, ALABAMA

THE BANK OF NEW YORK,
MELLON CORPORATION,
Plaintiff,

V.

DAVIS GLENN SINATRA,
DAVIS IRENE R.,
Defendants.

)
)
) Case No.: CV-2017-900262.00
)
)
)
)

ORDER

This cause came before the Court regarding a Motion to Reconsider filed by the Defendant. The Plaintiff appeared by and through counsel of record and the Defendant appeared pro se. The Court heard extensive arguments on the record regarding Defendant's pro se motion to reconsider. Considering all pleadings and arguments, the Motion to Reconsider is hereby **DENIED**.

DONE this 30th day of April, 2018.

/s/ LARA M ALVIS
CIRCUIT JUDGE

APPENDIX

C

IN THE SUPREME COURT OF ALABAMA



August 9, 2019

1180690

Ex parte Glenn Sinatra Davis. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CIVIL APPEALS (In re: Glen Sinatra Davis v. The Bank of New York Mellon Corporation, as Trustee for Speciality Underwriting and Residential Finance Trust, Series 2005-BC3) (Shelby Circuit Court: CV-17-900262; Civil Appeals : 2170859).

CERTIFICATE OF JUDGMENT

WHEREAS, the petition for writ of certiorari in the above referenced cause has been duly submitted and considered by the Supreme Court of Alabama and the judgment indicated below was entered in this cause on August 9, 2019:

Writ Denied. No Opinion. Stewart, J. - Parker, C.J., and Bolin, Wise, and Sellers, JJ., concur.

NOW, THEREFORE, pursuant to Rule 41, Ala. R. App. P., IT IS HEREBY ORDERED that this Court's judgment in this cause is certified on this date. IT IS FURTHER ORDERED that, unless otherwise ordered by this Court or agreed upon by the parties, the costs of this cause are hereby taxed as provided by Rule 35, Ala. R. App. P.

I, Julia J. Weller, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing is a full, true, and correct copy of the instrument(s) herewith set out as same appear(s) of record in said Court.

Witness my hand this 9th day of August, 2019.

A handwritten signature in cursive script, reading "Julia J. Weller".

Clerk, Supreme Court of Alabama

APPENDIX

D

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

November 20, 2019

Scott S. Harris
Clerk of the Court
(202) 479-3011

Mr. Glenn Sinatra Davis
919 Highland Lakes Lane
Birmingham, AL 35242

Re: Glenn Sinatra Davis
v. Bank of New York Mellon Corporation, as Trustee for Specialty
Underwriting and Residential Finance Trust, Series 2005-BC3
Application No. 19A549

Dear Mr. Davis:

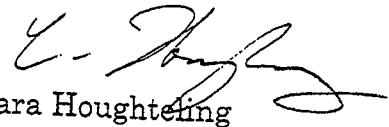
The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Thomas, who on November 20, 2019, extended the time to and including January 6, 2020.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by


Clara Houghteling
Case Analyst

APPENDIX

E

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

January 9, 2020

Glen Sinatra Davis
919 Highland Lakes Lane
Birmingham, AL 35242

RE: Davis v. Bank of New York Mellon Corp., et al.
No: 19A549

Dear Mr. Davis:

The above-entitled petition for writ of certiorari was postmarked January 6, 2020 and received January 9, 2020. The papers are returned for the following reason(s):

The petition fails to comply with the content requirements of Rule 14, in that the petition does not contain:

A reference to the opinions below. Rule 14.1(d).

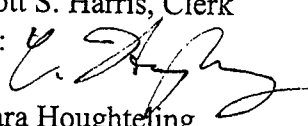
A concise statement of the grounds on which jurisdiction is invoked. Rule 14.1 (e).

These sections should immediately follow the table of authorities and precede the statement of the case.

In Forma Pauperis petitions must be on 8 1/2 x 11 paper pursuant to Rule 33.2. Petitions should be stapled in the upper left-hand corner and not bound. Rule 33.2.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

Sincerely,
Scott S. Harris, Clerk
By: 
Clara Houghteling
(202) 479-5955

Enclosures

APPENDIX

F

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment V

No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment XIV

Section 1.

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.

Equal Protection under the law so that a governmental body (State Courts), may not deny people equal protection of its governing laws. The governing body state must treat an individual in the same manner as others in similar conditions and circumstances. The **Equal Protection Clause** that is part of

the Fourteenth **Amendment** which took effect in 1868, provides that no state shall deny to any person within its jurisdiction "the **equal protection** of the laws".