

No: 20-1665

ORIGINAL

THE UNITED STATES SUPREME COURT

William Shecoby Palmer
Petitioner
V.

Harolyn William [Lake County Petitioner In Rem]
Peggy Katona [Lake County agent acting in Private Capacity In Rem]
John Petalas [Lake County agent acting Private Capacity In Rem]

Supreme Court, U.S.
FILED

MAY 21 2021

OFFICE OF THE CLERK

PETITION FOR A WRIT OF CERTIORARI

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Question Presented

William Shecoby Palmer being the disseisor who have a common law claim of right to 390 Lincoln Street in Gary Indiana since 09/26/2017, and being equal in the eyes of the law to the tax petitioner Harolyn Williams ask this court do I have a constitutional right to be heard at meaningful time ,and a meaningful place in a impartial tribunal to dispute a case in controversy ,and do i have Procedural due process rights to be given a opportunity to raise a objection to be heard to any cause of action taken against me at a meaningful time and in a meaningful manner," Perdue v. Gargano, 964 N.E.2d 824, 832 (Ind. 2012), and generally includes "'an opportunity to present every available defense,'" Morton v. Ivacic, 898 N.E.2d 1196, 1199 (Ind. 2008) (quoting Lindsey v. Normet, 405 U.S. 56, 66 (1972))

Parties To The Proceedings

**Petitioner William Shecoby Palmer the disseisor for 390 Lincoln Street Gary
respondent is Harolyn Williams tax petitioner in rem ,and constitutional agents for
Lake County Peggy Katona & John Petalas action taken in there private capacity**

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Federal Statutes

26 USC 7701 (a)(10)
 28 U.S.C. §1257(a)

Indiana Trial Rule

Ind. Law Encyclopedia Lis Pendens § 1
Rule 4.9. Summons: In rem actions

Indiana Statute

IC 26-2-9-1.....
 IC 26-2-9-2.....
 IC 32-21-1-1.....
 Ind. Code § 32-30-10.5-8).....
 IC 34-30-26-6.....

Constitutional Provisions

2 Am. Jur.2d, Administrative Law, § 397.....
 Indiana Constitution article 1 section 11.....
 5th amendment.....

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14th Amendment

Petitioner for Writ Of Certiorari William Shecoby Palmer the disseisor respectfully petitions this court for a writ of certiorari to review the judgment of The Lake County Indiana ,and the Court of Appeals.

Introduction

This petition present the question of standing for in rem tax forfeitures Harolyn Williams is Lake County Indiana petitioner in rem ,and Peggy Katona & John Petalas action taken in rem would be by fiction to sell parcel to Harolyn Williams being that they are not absolute owner of record or they have not proven some breach in writing or a common law injury where standing contains three elements. First, the plaintiff must have suffered an "injury in fact" — an invasion of a legally-protected interest which is (a) concrete and particularized, *see id.*, at 756; *Warth v. Seldin*, 422 U.S. 490, 508 (1975); *Sierra Club v. Morton*, 405 U.S. 727, 740-741, n. 16 (1972); and (b) "actual or imminent, not 'conjectural' or 'hypothetical,'" *Whitmore, supra*, at 155 (quoting *Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983)). Second, there must be a causal connection between the injury and the conduct complained of — the injury has to be "fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court." *Simon v. Eastern K. Welfare Rights Organization*, 426 U.S. 26, 41-42 (1976). Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision." *Id.*, at 38, 43. and do these action violate the 14th amendment the 8th amendment protection against ,and the 5th amendment William Shecoby Palmer belief are none of the listed parties have standing the only party here is me this is why I'm petitioning The United States Supreme for proper constitutional adjudication see: *Lujan v. National Wildlife Federation*, 497 U.S. 871. The Eighth Amendment embodies three "parallel limitations" on the government's power to punish: the Cruel and Unusual Punishments Clause, the Excessive Bail Clause, and the Excessive Fines Clause. *Browning-Ferris Indus. of Vt. v. Kelco Disposal, Inc.*, 492 U.S. 257, 263 (1989) (quoting *Ingraham v. Wright*, 430 U.S. 651, 664 (1977)). Together, these Clauses operate to secure a single, fundamental right to be free from excessive punishments.

Our basic legal philosophy is premised on the theory that the best way to achieve a wise resolution of disputed legal matters is to allow each party there day in court to present there views, with opportunity to challenge and rebut those of his opponent. This adversary system depends upon self-interest as the motive best suited to bring all pertinent facts, policies and legal issues before the court This cause of action is similar to *Coleman v. District of Columbia* William Shecoby Palmer have suffered a lot of emotional grief by being block entry into the courts to present the fact's in a oral argument this is one stick in the bundle that has establish that (1) has suffered an injury-in-fact of being denied the right to heard to dispute this case in controversy being a fiction in law (2) there is a causal connection between the injury and the conduct complained of; and (3) the injury will likely be redressed by a favorable decision." *Assoc. Builders & Contractors, Inc. v. Shiu*, 30 F.Supp.3d 25, 34 (D.D.C.2014) (quoting *In re Polar Bear Endangered Species Act Listing*, 627 F.Supp.2d 16, 24 (D.D.C.2009)).

OPINIONS BELOW

The Indiana Supreme Court opinions concerning this cause of action for cause no 20A-TP-00834 can be found on Indiana Case Look Up issued 02/23/2021

Jurisdiction

The Indiana Court Of Appeal dismissed my appeal with prejudice 10/08/2020 where this was a error in law A dismissal with prejudice is a dismissal on the merits ... and is res judicata as to any questions which might have been litigated." Fox v. Nichter Constr. Co., Inc. , 978 N.E.2d 1171, 1180 (Ind. Ct. App. 2012), being that I exhausted all of my administrative remedies through pleadings at The Lake County Trial Courts on 02/14/2020 where a order was issue on 02/19/2020 where I then initiated the appeal process on 03/20/2020 less than 30 court days after this order so I think the confusion extends from dates of the rule 60 motion ,and the motion to recusal where I was denied my day in court to present evidence which is a direct violation of Indiana article 1 section 11 now to dismissed this appeal without reviewing the merits would be a heavy sanction Because the court prefers to decide cases upon their merits, when violations are comparatively minor, are not a flagrant violation of the appellate rules, and there has not been a failure to make a good faith effort to substantially comply with those rules, the appeal will be allowed." Cox v. Matthews 901 N.E.2d 14, 19 (Ind.Ct.App.2009) from what is stated in this precedent William Shecoby Palmer petition seeks review from The Indiana Court of Appeal court decision, the Court's jurisdiction is being invoked under 28 U.S.C. §1257(a),and Article III's for violation of the 14th amendment 8th amendment ,and 5th amendment to seeks review from The Indiana Court Of Appeals decision.

JURISDICTIONAL STATEMENT

The Indiana Supreme Court 02/23/2021 issue a order of denial of transfer under appellate rule 57 for reason of being untimely not for lack of constitutional standing by appellee where I raise this issue on the cause taken against parcel lack procedural due process deprivation hearing where this decision qualifies as a "[f]inal judgment or decree

Constitutional Provision Involved

The Eighth Amendment to the U.S. Constitution provides: "Excessive bail shall not be required, nor excessive fines imposed, nor in this case cruel and unusual punishments inflicted."

Section 1 of the Fourteenth Amendment to the U.S. Constitution provides, in relevant part: "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."

STATEMENT OF THE CASE

Peggy Katona ,and John Petalas who are constitutional agents first for The Lake County Government have a constitutional duty first over statutory law to adhere to the 14th amendment meaning they must conduct a deprivation hearing before the disposal of real property they must also prove they have standing as well in a legal sense The Lake County Indiana Government is a political subdivision meaning see 26 USC 7701 (a)(10) meaning they are agents for artificial creature meaning there is no way they could prove common law injury or a breach of contract in writing this action taken by Peggy

Katona & John Petalas was in there private capacity in violation of there oath of office to initiate the sell of real property for the failure to pay a small tax does not authorize The Lake Government to suspend the Fifth Amendment and take whatever it wants in excess of a debt being disputed at a depravation hearing . this cause of action taken is a demand for money that is subject to the same constitutional protections as a demand for land); Brown v. Legal Found. of Wash., 538 U.S. 216, 235 (2003)

This cause of action taken against 390 Lincoln Street in Gary Indiana is Fiction Of Law
1.)The Lake County Indiana Government relies heavily on this fiction. See Brief for United States 18. William Shecoby Palmer do not understand why this Government don't choose personam jurisdiction where due process would be legally precise but choose to proceed in rem would misplaced what legal ,and whats unlawful . "To proceed in fictions litigation by a in rem forfeiture action were developed primarily to expand the reach of the courts," Republic Nat. Bank of Miami v. United States, 506 U.S. 80, 87 (1992), which, particularly in admiralty proceedings, might have lacked in personam jurisdiction over the owner of the property. See also Harmony v. United States, 2 How. 210, 233 (1844). As is discussed in the text, forfeiture proceedings historically have been understood as imposing punishment despite their in rem nature this would make these action unconstitutional which would also lack standing) By a fiction of law, a contract relation is sometimes implied between two persons in order that one of them may have a remedy against the other in contract form. But in the case at bar, both the contract and the creditor are fictitious. Eastman v. Wright, 6 Pick. 316, 321.

United States v. Gen. Motors Corp., 323 U.S. 373, 377-78 (1945)> (analyzing the property rights protected by the Fifth Amendment in this case William Shecoby Palmer as a citizens possess in a "physical thing") "Peggy Katona & John Petalas by ipse dixit, may not transform private property into public property without compensation"); see also Horne, 135 S. Ct. at 2427

Argument

Before the state of Indiana ,and the county of lake may take property and sell it for unpaid taxes, the Due Process Clause of the Fourteenth Amendment requires the government to provide the owner "notice and opportunity for hearing appropriate to the nature of the case." Mullane v. Central Hanover Bank Trust Co., 339 U.S. 306, 313 (1950). Writ of certiorari should be granted for proper adjudication to determine whether, all parties have lawful standingwhen notice of a tax sale is mailed to the owner and returned undelivered, the government must take additional reasonable steps to provide notice before taking the owner's property.

The likelihood of error that results illustrates that "fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights. . . . [And n]o better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and an opportunity to meet it." Joint Anti-Fascist Refugee Committee v. McGrath, 341 U.S. 123, 170-172 (1951) (Frankfurter, J., concurring). Any significant taking of property by the State is within the purview of the Due Process Clause." Fuentes, 407 U.S., at 86.

William Shecoby Palmer by this writ will argues that this tax forfeiture of 390 Lincoln Street is an excessive punishment,and will also argue that The Lake County Indiana Courts failed to ""

proceed according to the "law of the land"—that is, according to written constitutional and statutory provisions," that The Lake County Indiana Trial Courts failed to provide "some baseline procedures." Nelson v. Colorado, 581 U. S. ___, ___, n. 1 (2017) this cause is a "legal fiction" of substantive due process. McDonald, 561 U. S., at 811 my rights are "inalienable rights that has been" long recognized," and "the ratifying public understood the Privileges or Immunities Clause to protect constitutionally enumerated rights" against interference by The States Of Indiana

Indiana legislators can enact laws creating new property rights, but it cannot destroy recognized rights by legislative fiat. See Palazzolo, 533 U.S. at 628; Webb's Fabulous Pharmacies, 449 U.S. at 164> Indiana may not redefine property rights such that they simply disappear, and Three U.S. Supreme Court cases establish the fundamental principle that the government cannot legislate a recognized property right out of existence Government may not extinguish constitutional rights by statute The Supreme Court has repeatedly explained that property rights are not extinguished just because The Indian government says so.

Peggy Katona & John Petalas are initiating tax civil foreclosure which is a device, by a legal fiction , authorizing a legal action against real property for participation in alleged none criminal activity, regardless of whether the property owner is proven guilty of a crime — or even charged with a crime or even proved that a obligation was formed ,and breach was proven this is why a hearing is so important The Due Process Clause of the Fifth Amendment guarantees that "[n]o person shall . . . be deprived of life, liberty, or property , without due process of law." Our precedents establish the general rule that individuals must receive notice and an opportunity to be heard before the Government deprives them of property . See United States v. \$8,850, 461 U.S. 555, 562, n. 12 (1983); Fuentes v. Shevin, 407 U.S. 67, 82 (1972); Sniadach v. Family Finance Corp. of Bay View, 395 U.S. 337, 342 (1969) (Harlan, J., concurring); Mullane v. Central Hanover Bank Trust Co., 339 U.S. 306, 313

Nevertheless, the Supreme Court has developed a two-part test to determine whether, in a specific case, an *in rem* forfeiture constitutes punishment for Fifth Amendment purposes. *Id.* at 288, 116 S.Ct. 2135. First, we ask whether the legislature intended the proceedings under a forfeiture statute to be civil or criminal. See *id.* Second, we determine "whether the proceedings are so punitive in fact as to persuade us that the forfeiture proceedings may not legitimately be viewed as civil in nature," despite [the legislature's] intent." *Id.* (quoting United States v. One Assortment of 89 Firearms, 465 U.S. 354, 366, 104 S.Ct. 1099, 79 L.Ed.2d 361 (1984)).

William Shecoby Palmer is very bewildered knowing failure to pay does not constitute a crime if that was true have the country would be in jail so my next question would be for the indiana legislator to foreclosed on real property there would have to be some kind of writing meaning a offer ,and a acceptance between Peggy Katona & John Petalas where a obligation was formed where two signatures where exchange ,and something was given now it is to my understanding these agents are

supposed to send a breach letter or a preforeclosure notice this would be due process by a settlement conference. (Ind. Code § 32-30-10.5-8).where the real party is given notice by summons there is no proof of this in the case chronology so due process was violated by the describe constitutional agents for the lake county Indiana government which would prove they where acting in there private capacity not official capacity ,because if they where acting official constitutional capacity at depravation hearing would have occurred .

In Rem Forfeiture

In rem forfeiture is an ancient concept under which courts obtained jurisdiction over property when it was virtually impossible to seek justice against property owners guilty of violating maritime law because they were overseas. Civil forfeiture traces to ancient Roman and medieval English law ; both made objects used to violate the law subject to forfeiture to the sovereign. See United States v. 785 St. Nicholas Ave., 983 F.2d 396, 401-02 (2d Cir. 1993). Civil forfeiture is no longer tethered to difficulties in obtaining personal jurisdiction over an individual. It now serves as "one of the most potent weapons in the judicial armamentarium," See United States v. 384-390 West Broadway, 964 F.2d 1244, 1248 (1st Cir. 1992)

This cause of action taken by Peggy Katona & John Petalas being that it is a fiction of law a in rem proceeding should have been conducted under Indiana trail rule 4.9 in a fair due process setting by summons

Rule 4.9. Summons: In rem actions>

(A) In general. In any action involving a res situated within this state, service may be made as provided in this rule. The court may render a judgment or decree to the extent of its jurisdiction over the res.

(B) Manner of service. Service under this rule may be made as follows:

(1) By service of summons upon a person or his agent pursuant to these rules; or

Peggy Katona & John Petalas by law being that they initiated a tax foreclosure are supposed to conduct a full hearing at which every party has the right to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts, is essential for wise and just application of the authority of administrative agencies. . . . ' 2 Am.Jur.2d, Administrative Law, § 397.

The doctrine of *lis pendens* is fundamentally about notice . The term *lis pendens* itself means "pending suit," and it refers specifically to "the jurisdiction, power, or control which a court acquires over property" involved in a pending real estate action. *Myers v. Leedy*, 915 N.E.2d 133, 138 (Ind.2009) ; 18 *Ind. Law Encyclopedia Lis Pendens* § 1 (2015). Any successor in interest to real estate is deemed to take notice of a pending action involving title to that real estate and is subject to

its outcome. *Mid-West Fed. Sav. Bank v. Kerlin*, 672 N.E.2d 82, 86-87 (Ind. Ct. App. 1996), *trans. denied* (citing *Wilson v. Hefflin*, 81 Ind. 35, 41-42 (1881)). The judgment in the pending lawsuit binds all successors in interest, regardless of whether a successor was a party to the litigation. *Id.* The doctrine's purpose is to protect the finality of court judgments by discouraging purchases of contested real estate. *Id.*, 18 Ind. Law Encyclopedia *Lis Pendens* § 1.

THIS WOULD BE FRAUD Upon The Courts If The Lake County Governmental Take Legal Action Against Real Property Without Giving Notice To Appear To Raise Objection In Court. — Fraud vitiates all proceedings, and every litigant is entitled to his day in court on the issue of whether or not he is a victim of capricious, arbitrary, governmental action. p. 170

Peggy Katona & John Petalas did not conduct a deprivation hearing by what is legally required by Due process of law, "as used in the Federal Constitution, and the 'law of the land,' as used in State constitutions, are synonymous terms. Cooley on Const. Limitations, 4th Ed. 437, and guarantee 'the right of hearing and condemnation; a proceeding upon inquiry, and only after trial.' Ib. 438. These views express concisely the judgments of Federal and of State courts. *Gleghorn v. Postlethwaite*, 43 Ill. 428;

In *Katner v. State*, 655 N.E.2d 345 (Ind. 1995), The Lake County Indiana Court in the cause of action taken should have conducted a deprivation hearing by reasonable notice by summons from The Treasury/Auditor Office to sustain a legal forfeiture by due course of law to demonstrate that the property sought in forfeiture was used to commit one of the enumerated offenses under the statute by a preponderance that the property is subject to forfeiture.

The Supreme Court often explained traditional *in rem* forfeitures using a "guilty property" fiction — that the inanimate property itself was guilty of the offense. *Id.* at 616, 113 S.Ct. 2801. This fiction accurately reflected two distinctive features of *in rem* forfeitures: first, the actions focused on the property's relationship to the legal transgression (that is, the property's taint from a violation); and second, the forfeitures were not conditioned on the owner having been convicted for the transgression. See, e.g., *Origer*, 125 U.S. at 245-46, 8 S.Ct. 846; *Palmyra*, 25 U.S. (12 Wheat.) at 14-15; *The Meteor*, 17 F. Cas. 178, 181-82 (C.C.S.D.N.Y. 1866) (No. 9498).

United States v. The Brig Burdett, 34 U.S. (9 Pet.) 682, 691, 9 L.Ed. 273 (1835) ("No individual should be punished for a violation of law which inflicts a forfeiture of property, unless the offence shall be established beyond reasonable doubt.")

Peggy Katona & John Petalas action taken where by subrogation

DISPROPORTIONATE CRUEL ,AND UNUSUAL

WILLIAM SHECOBY PALMER FEELS THIS forfeiture is grossly disproportional when a injury or a breach have not been proven by Peggy Katona & John Petalas who initiated the sell there claim premised upon subrogation is recognized, "a court substitutes another person in the place of a creditor, so that the person in whose favor it is exercised succeeds to the right of the creditor in relation to the debt." *Id.* at 1216 (*Erie Ins. Co. v. George*, 681 N.E.2d 183, 186 (Ind.1997)).

William Shecoby Palmer petition of writ certiorari seeking proper constitution adjudication to determine whether the forfeiture was constitutionally excessive.

In making this determination,I petition this court to compare the forfeiture to the gravity of the offense giving rise to the forfeiture.

The claimant shall have the burden of establishing that the forfeiture is grossly disproportional by a preponderance of the evidence at a hearing conducted by the court without a jury.

If the court finds that the forfeiture is grossly disproportional to the offense it shall reduce or eliminate the forfeiture as necessary to avoid a violation of the Excessive Fines Clause of the Eighth Amendment of the Constitution.

William Shecoby Palmer by this petition to The United States Supreme Court have presented the fact,and the merits supported by judicial precedent at the Indiana trial court level where all my pleading where denied to block my access to the court to position the moving party to not have to answer by affidavit debt ,and for the moving party to prove they are license to buy debt's .this would be a violation of 18 USC 1503 ,and Sect.11. That all Courts shall be open, and every person, for an injury done him, in his lands, goods, person, or reputation shall have remedy by the due course of law; and right and justice administered without denial or delay.

William Shecoby Palmer contends in this petition these action are unconstitutional ,and The Law Disfavors Forfeitures, Even Where a Property Owner Fails To Fulfill a Statutory Duty in this case "Forfeitures have always, in law, been deemed odious, and courts have universally insisted upon the forfeitures being made clearly apparent before enforcing them. Equity often interferes to relieve against forfeitures, but never to divest estates by enforcing them." Loeser v. Gardiner, 1 Alaska 641, 645 (D. Alaska 1902); Mt. Diablo Mill & Mining Co. v. Callison, 17 F. Cas. 918, 925 (C.C.D. Nev. 1879). Fairness and justice instruct that courts should "favor individual property rights when interpreting forfeiture statutes." Sogg v. Zurz, 905 N.E.2d 187, 191 (Ohio 2009); see also Dean v. Michigan Dep't of Natural Res., 399 Mich. 84, 87 (1976)

Harolyn Williams the tax petitioner from the conception of her cause of action initiated against 390 Lincoln Street against William Shecoby Palmer the disseisor complaint was absent of a signature which would lack the proof by strict proof of claim under the burden of persuasion to persuade. The Lake County Indiana fact finder Marrissa McDermott oath of affirmation by affidavit of debt being that this dispute is center around my failure of some obligation was formed absent again by proof of signature that a meeting of minds occurred, and an offer, and acceptance was formed see my appendix by exhibit A William Shecoby Palmer ask The United States Court to review, and take into account the question of standing this cause of action taken lacks standing where The Lake County Indiana chief adjudicator completely ignored this, and my motion to strike pleading in violation of Indiana rule 11 where the essence is in signing, and it denotes merit. *Pavelic LeFlore v. Marvel Entertainment Group*, 493 U.S. 120.

Harolyn Williams action taken was for a debt. Indiana law has long been settled that "a right to the possession of 390 Lincoln Street in Gary Indiana would be by contract in writing which seeks to convey an interest in land is required to be in writing." *Guckenberger v. Shank*, 110 Ind. App. 442, 37 N.E.2d 708, 713 (1941) (emphasis added).

Now In order for Harolyn Williams to have standing she or her attorney must plead by oath of affirmation being that this is real property meaning the proof is in the writing. IC 32-21-1-1

Actions Based on Written Contracts: Under T.R. 9.2, if the action is based upon a written contract, the original or a copy must be included with the filing.

Affidavit of Debt: Court Mandated Affidavit: T.R. 55, which appears in Appendix A -2, was made effective January 1, 2011. When read together with T. R. 9.2(A), where the action is based on an account, such as a credit card, an Affidavit of Debt *shall* be attached. However, as the Rule makes clear, the affidavit attached must be in a form "substantially similar" to the form provided in the Appendix. In other words, affidavit templates you or your client generate will be insufficient if they do not contain all the information required in the Affidavit of Debt form.

b. **Pleading Requirements for Debt Buyers:** T.R. P. 9.1 (D) Bona Fide Purchaser states that those who purchase for value or "or upon similar requirements, such status must be pleaded and proved by the person asserting it, but it may be pleaded in general terms." No case law exists to determine whether or not debt buyers or assignees fall under this provision, but given the very low pleading threshold, it is a simple step to take.

William Shecoby Palmer in this petition asserts this was never proven by a preponderance of evidence at the trial court level or the appeal court where I petition both courts, and was ignored both times this would be abuse of discretion, and a violation of the equal protection clause which shows they put the tax petitioner claim above my claim.

IC 26-2-9-1

"Credit agreement"

Sec. 1. (a) As used in this chapter, "credit agreement" means an agreement to:

- (1) lend or forbear repayment of money, goods, or things in action;
- (2) otherwise extend credit; or
- (3) make any other financial accommodation.

(b) The term includes an agreement to modify an agreement described in subsection (a).

As added by P.L.2-2002, SEC.79. Amended by P.L.10-2006, SEC.25 and P.L.57-2006, SEC.25.

IC 26-2-9-2

"Creditor"

Sec. 2. As used in this chapter, "creditor" means:

- (1) a bank, a savings bank, a trust company, a savings association, a credit union, an industrial loan and investment company, or any other financial institution regulated by any agency of the United States or any state, including a consumer finance institution licensed to make supervised or regulated loans under IC 24-4.5;
- (2) a person authorized to sell and service loans for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, issue securities backed by the Government National Mortgage Association, make loans insured by the United States Department of Housing and Urban Development, make loans guaranteed by the United States Department of Veterans Affairs, or act as a correspondent of loans insured by the United States Department of Housing and Urban Development or guaranteed by the United States Department of Veterans Affairs; or
- (3) an insurance company or its affiliates that extend credit under a credit agreement with a debtor.

As added by P.L.2-2002, SEC.79.

IC 26-2-9-3

"Debtor"

Sec. 3. As used in this chapter, "debtor" means a person who:

- (1) obtains credit under a credit agreement with a creditor;
- (2) seeks a credit agreement with a creditor; or
- (3) owes money to a creditor.

As added by P.L.2-2002, SEC.79.

Volunteer

2.)Harolyn Williams the petitioner in rem/Creditor. *Sees v. Bank One, Ind., N.A.*, 839 N.E.2d 154 (Ind.2005). A party seeking summary judgment must show "there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Harolyn Williams cause of action taken is by Subrogation is an equitable doctrine long recognized in Indiana. *Wirth v. Am. Family Mut. Ins. Co.*, 950 N.E.2d 1214 (Ind.Ct.App.2011). It applies whenever a party that is not acting as a volunteer, see UCC2-204Harolyn William the moving party/ Plaintiffs seeking to recover under the FDCPA, She never must prove the existence of a "debt" as defined in the FDCPA. See, e.g., *Hawthorne v. MAC Adjustment, Inc.*, 140 F.3d 1367, 1371 (11th Cir. 1998); ; *Cook v. Hamrick*, 278 F. Supp. 2d 1202, 1204 (D. Colo. 2003). The FDCPA defines a "debt" as: any obligation or alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance, or services which are the subject of the transaction are primarily for personal, family, or household purposes.

VERIFICATION BY MOVING PARTY See Exhibit A Rule 29

2.)I declare, under the penalty of perjury, that the foregoing, including any valuations and attachments, is true and correct and that I have made a complete and absolute disclosure of all of my assets and liabilities. Furthermore, I understand that if, in the future, it is proven to this court that I have intentionally failed to disclose any asset or liability, I may lose the asset and may be required to pay the liability. Finally, I acknowledge that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose income, assets or liabilities.

DATE: _____

PARTY'S SIGNATURE _____ Harolyn Williams

6.)PART IV ATTORNEY'S CERTIFICATION See Exhibit B Rule 29

I have reviewed with my client the foregoing information, including any valuations and attachments, and sign this certificate consistent with my obligation under Trial Rule 11 of the Indiana Rules of Procedure.

DATE: _____

(Attorney's name) _____ Rinzer Williams

Indiana Attorney No.:Attorney No. 29773-45

(Law Office Of Rinzer Williams) Attorney for (Petitioner In Rem Harolyn Williams)

(Address)3637 Grant Street, Ste 3 Gary, Indiana 46408 (phone number)219 884-6000

7.)Harolyn William is asserting standing by a statutory creation see:IC 34-30-26-6

Tax sale certificate holders and applicants for tax deeds not considered owners

Sec. 6. For purposes of this chapter, a tax sale certificate holder or an applicant for a tax deed who performs an act described in section 5 of this chapter with respect to the real property for which the person holds the tax sale certificate or has applied for the tax deed, is not considered to be the owner of that real property if:

- (1) the only connection the person has to the property is the tax sale certificate or the fact that the person has applied for a tax deed; and
- (2) the only consideration the person receives for the act is the possibility of receiving a tax deed to the property in the future.

8.)[Subject matter jurisdiction requires:]>

- 1.)A competent witness or notarized affidavit demonstrating an injury.
- 2.)A statutory or common law basis for a remedy of the injury.

9.) IC 32-30-3-1

Action for recovery of possession of real estate;plaintiff's affidavit

Signed _____:Harolyn Williams

(2) for the recovery of possession of real estate.

(b) At the time of filing a complaint or at any time before judgment, a plaintiff may file with the clerk of the court in which the action is filed or pending an affidavit stating the following:

- (1) The plaintiff is entitled to possession of the property described in the complaint.
- (2) The defendant has unlawfully retained possession of the property described in the complaint.
- (3) The estimated value of the property described in the complaint.

10.)The term affidavit has been defined at common law as being a written statement under oath taken before an authorized officer. *Dawson v. Beasley* (1962), 242 Ind. 536, 180 N.E.2d 367; *State ex rel. Peterson v. Board of Trustees* (1985), Ind. App., 474 N.E.2d 520. The jurat is not part of the affidavit; it is merely evidence that the oath has been taken. *Pappas v. State* (1979), 179 Ind. App. 547, 386 N.E.2d 718, 721>

William Shecoby Palmer by this petition is puzzled why this case was not adjudicated on the facts from all the above statements at The Lake County Indiana Trial Court where it is now evident this county action are to treat it's citizen like ATMs.

Reasons for Granting the Petition

William Shecoby Palmer by this petition for all fact's presented for purview ask for this

Writ certiorari, 507 U.S. 983 (1993), to be granted to resolve a conflict among The Indiana Courts of Appeals on the constitutional question presented from above statements. *Compare United States v. Premises and Real Property at 4492 South Livonia Road*, 889 F.2d 1258 (CA2 1989), with *United States v. A Single Family Residence and Real Property*, 803 F.2d 625 (CA11 1986). That due process was ignored, and the cause of action taken was frivolous, unreasonable, groundless see Indiana 34-52-1 by in rem where these action have been proven to be a fraud by a fiction in law in there ruling and reversal on the ruling on the timeliness question

Second

Four Terms ago, this Court remarked—correctly—that all three Clauses of the Eighth Amendment apply to the States: “The Eighth Amendment provides that ‘[e]xcessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted,’” and “[t]he Fourteenth Amendment applies those restrictions to the States.” *Hall v. Florida*, 134 S. Ct. 1986, 1992 (2014). The Court has reaffirmed the same principles on a half-dozen other occasions: in 2008, *Kennedy v. Louisiana*, 554 U.S. 407, 419; *Baze v. Rees*, 553 U.S. 35, 47 (plurality opinion); in 2005, *Roper v. Simmons*, 543 U.S. 551, 560; in 1991, *Harmelin v. Michigan*, 501 U.S. 957, 962 (opinion of Scalia, J.); in 1988, *Thompson v. Oklahoma*, 487 U.S. 815, 819 n.1 (plurality opinion); and in 1987, *Booth v. Maryland*, 482 U.S. 496, 501 n.5, overruled on other grounds, *Payne v. Tennessee*, 501 U.S. 808 (1991). Put simply, “the Fourteenth Amendment . . . makes the Eighth Amendment’s prohibition against excessive fines and cruel and unusual punishments applicable to the States.” *Cooper Indus. v. Leatherman Tool Grp.*, 532 U.S. 424, 433-34 (2001).

This Court should grant review, hold that the Cruel Punishment applies to the States, and reaffirm that state courts—like the federal courts—bear “the duty to safeguard and enforce the right of every citizen.” *Howlett*, 496 U.S. at 368 (quoting *Minneapolis & St. L.R. Co. v. Bombolis*, 241 U.S. 211, 222 (1916)).

CONCLUSION

The petition for a writ of certiorari should be granted for the following

As long as the judiciary remains an effective part of our government it cannot be deprived of its proper role, of determining the legal rights of the litigants. William Shecoby Palmer is entitled to seek relief from oppressive actions, taken in a law-abiding society is in the court room. This petition should be granted on the facts to contest the legality of the condemnation proceedings that never occurred in a Lake County Tribunal, and question the authority under which the attempt is being made to take this property for the appellee absent of a meeting of minds or depravation hearing conducted by The Treasury/Auditor Office including the issue of whether or not it is a private or public purpose. *Joint County Park Bd. v. Stegemoller* (1950), 228 Ind. 103, 88 N.E.2d 686, 89 N.E.2d 720; *Foltz, Van Camp Hdw., etc. v. City of Indianapolis* (1955), 234 Ind. 656, 130 N.E.2d 650.”