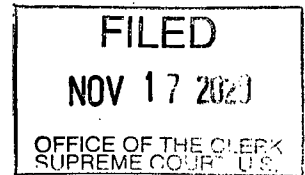


IN THE 20-5594
SUPREME COURT THE UNITED STATES

WILLIAM N. LUCY
PERSONAL REPRESENTATIVE
OF ANNIE D. FOX (DECEASED)
PETITIONER



V.

CASE NO: 20-5594

GRETCHEN ELAINE WALKER
MOBILE CO. PROBATE COURT
RESPONDENT

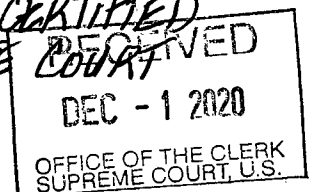
IN RE: ESTATE OF
ANNIE D. FOX (DECEASED)

PETITIONER'S PETITION FOR REHEARING

COMES NOW WILLIAM N. LUCY, PETITIONER IN THE ABOVE LISTED CASE AND HEREBY PETITION THIS HONORABLE COURT FOR A REHEARING AND TO SET-ASIDE ITS DENIAL OF PETITIONER'S PETITION FOR WRIT OF CERTIORARI DATED NOVEMBER 2, 2020; AND IN SUPPORT THEREOF SUBMIT THE FOLLOWING:

1) PETITIONER IS THE PERSONAL REPRESENTATIVE OF THE DECEDENT ANNIE D. FOX IN RE: MATTER OF THE ESTATE OF ANNIE D. FOX DECEASED.

2) PETITIONER IS THE PERSONAL REPRESENTATIVE OF ANNIE D. FOX (DECEASED) AND SOLE HEIR IN THE INTESTATE SUCCESSION OF THE DECEASED'S ESTATE AS PER DECEDENT'S OTHER NEXT-OF-KIN'S CERTIFIED STATEMENT FILED IN THE MOBILE PROBATE COURT IN CASE NO: 2018-1703.



- 3). THE STYLE OF THIS INSTANT CASE AS LISTED AS WILLIAM N. LUCY V. ESTATE OF ANNIE D. FOX BY THE MOBILE PROBATE COURT, ALABAMA COURT OF CIVIL APPEALS AND THE ALABAMA SUPREME COURT, WHICH IS NOT ACCURATE, AS WILLIAM N. LUCY IS NOT FIGHTING AGAINST THE ESTATE OF THE ESTATE OF THE DECEDENT, BUT IS THE SOLE HEIR PURSUANT TO ALABAMA LAW STATED AT § 43-8-48 (2)(B) (INTESTATE SUCCESSION) AND § 26-17-204(A)(5) (PRESUMPTION OF PATERNITY) BOTH CODE OF ALABAMA 1975,
- 4). THIS WRIT OF CERTIORARI WAS SUBMITTED STYLED AS WILLIAM N. LUCY - PERSONAL REPRESENTATIVE OF ANNIE D. FOX (DECEASED) - PETITIONER VS. GRETCHEN ELAINE WALKER RESPONDENT; PETITIONER IN THIS PETITION FOR WRIT OF CERTIORARI WAS / IS ASKING THIS COURT TO EXAMINE THIS PETITION AND GIVE A RULING ON THE MERITS OF THIS PETITION FOR WRIT OF CERTIORARI CONCERNING THE MOBILE COUNTY'S PROBATE COURT'S REFUSAL TO FOLLOW ALABAMA LAW STATED AT § 43-8-48 (2)(B) AND § 26-17-204(A)(5) CODE OF ALABAMA AND STATUTE § 43-2-42(A)(2) CODE OF ALABAMA 1975,
- 5). ANOTHER ATTEMPT BY THE MOBILE COUNTY PROBATE COURT TO MISLEAD THIS HONORABLE COURT AND OTHER APPELLATE COURTS, THE MOBILE COUNTY PROBATE COURT LISTED OR REPRESENTED ATTORNEY JIMMY H. FERNANDEZ OF THE LAW FIRM FERNANDEZ, CRANE AND COMBS AS COUNSEL REPRESENTING THE ESTATE OF ANNIE D. FOX (DECEASED), WHEN IN ACTUALITY, JIMMY H. FERNANDEZ AND FERNANDEZ, CRANE AND COMBS ARE THE LAWYERS REPRESENTING GRETCHEN ELAINE WALKER WHO FILED A(N) UNSUBSTANTIATED CLAIM FOR A(N) 18 YEAR OLD DEBT OR LOAN TAKEN OUT BY THE DECEDENT IN 2002 FOR \$11000.00 DOLLARS, PAID ON UNTIL HER DEATH IN 2018, YET GRETCHEN ELAINE WALKER IS ATTEMPTING TO LODGE A CLAIM AGAINST THE ESTATE OF DECEDENT

ANNIE D. FOX FOR UNPAID SUM OF \$13,000.00 DOLLARS AND \$5000.00 DOLLARS ATTORNEY'S FEES.

... SEE APPENDIX(S) A, B, I, J ATTACHED HERETO.

- 6). THE ONLY CLAIM THE RESPONDENT HAVE IN THIS INSTANT CASE IS A(N) UNSUBSTANTIATED CLAIM OF MONEY OWED TO HER FOR HER FOR A REAL PROPERTY COMMONLY KNOWN AS 2060 CLINTON ST., MOBILE, AL. 36617; THIS PROPERTY ACCORDING TO THE REAL ESTATE SELL'S CONTRACT OR PURCHASE CONTRACT SIGNED BY THE DECEDENT AND RESPONDENT SHOWS 2060 CLINTON ST., AS THE COLLATERAL USED TO SECURE THIS LOAN, YET THE GRETCHEN ELAINE WALKER (THE RESPONDENT) THROUGH HER LAWYER (JIM H. FERNANDEZ) IS ATTEMPTING TO GET THE MOBILE COUNTY PROBATE COURT TO AUTHORIZE THE MOBILE MOBILE COUNTY GENERAL ADMINISTRATOR (FRANK KRUSE) WHOM ATTORNEY JIM H. FERNANDEZ (BY ORAL MOTION) AND THE MOBILE COUNTY PROBATE COURT ADOPTED; THE RIGHT TO SELL THE DECEDENT'S AND PETITIONER'S HOME OF RECORD (165 DONALD ST., MOBILE, AL. 36617) WHICH HAS NO MONEY OWED ON IT, PAY THE PROCEEDS OVER TO THE PROBATE COURT AND HAVE THE PROBATE COURT PAY RESPONDENT'S ALLEGED UNSUBSTANTIATED CLAIM.

... SEE APPENDIX(S) # B, C, D ATTACHED HERETO.

- 7). THE REAL IDENTITY OF THE RESPONDENT AND THE ACTUAL POSITION IN THIS INSTANT CASE IS BEING SHIELDED BY MOBILE PROBATE COURT BY DECEPTION AND OUT-RIGHT LIES, AND A GROUP OF MEN WHO DEVELOPED A SCHEME TO DEFRAUD THE HEIRS OF THE DECEDENT AND SELL THE ASSETS OF DECEDENT'S ESTATE THEN STEAL THE PROCEEDS THROUGH THE PROBATE COURT.
- ... SEE APPENDIX(S) B, H, J ATTACHED HERETO.

8). ALABAMA LAW AT STATUTE(S) § 43-2-42(A)(2) CODE OF ALA. 1975, STATES IN NO UNCERTAIN TERMS: "IF A NEXT-OF-KIN IS WILLING TO SERVE AND QUALIFIED TO SERVE AS ADMINISTRATOR, THEN THE PROBATE JUDGE CAN DO NOTHING OTHER THAN APPOINT HIM/HER AS ADMINISTRATOR"; THIS WAS NOT DONE IN THIS INSTANT CASE.
••• SEE APPENDIX(S) C ATTACHED HERETO.

9). THE MOBILE COUNTY PROBATE COURT ERRED OR ABUSED ITS DISCRETION WHEN IT ISSUED THE ORDER DATED OCT. 24, 2019 GRANTING THE VERBAL MOTION BY JIM H. FERNANDEZ (ATTORNEY FOR GREICHEN ELAINE WALKER) TO APPOINT FRANK KRUSE, ESQ., THE GENERAL ADMINISTRATOR OF MOBILE COUNTY, AS ADMINISTRATOR OF THE ENTITLED ESTATE AND IN THAT SAME ORDER (OCT. 24, 2019), DENIED THE REQUEST FILED BY RICHARD L. LUCY SR., NEXT-OF-KIN (BROTHER TO DECEDENT); WHO IS WILLING AND QUALIFIED TO BE APPOINTED ADMINISTRATOR, IN OPPOSITION TO CODE OF ALA. 1975-§ 43-2-42(A)(2) WHICH STATES "THE PROBATE JUDGE MUST APPOINT A NEXT-OF-KIN."
••• SEE APPENDIX # C ATTACHED HERETO.

10). THIS PETITIONER "OBJECT" TO THIS COURT AND THE ALABAMA SUPREME COURT, THE ALABAMA COURT OF CIVIL APPEALS AND THE MOBILE COUNTY PROBATE COURT'S USE OF THE HEADING(S) "WILLIAM N. LUCY V. ESTATE OF ANNIE D. FOX (DECEASED)" WHICH STARTED ON OR ABOUT NOVEMBER 7, 2019 WHEN THE MOBILE PROBATE COURT'S CHIEF CLERK (MARK ERWIN) FALSIFIED THE RECORD BY SENDING A CERTIFIED TRUE COPY OF NOTICE OF APPEAL TO APPELLATE CLERK STATING JIM H. FERNANDEZ ESQ. IS COUNSEL FOR ESTATE OF ANNIE D. FOX (DECEASED); BECAUSE THIS IMPLIES I (WILLIAM N. LUCY) PETITIONER IS LITIGATING AGAINST THE ESTATE OF DECEDENT ANNIE D. FOX, WHEN IN ACTUALITY WILLIAM N. LUCY- PERSONAL REPRESENTATIVE OF ANNIE D. FOX (DECEASED) IS REPRESENTING THE ESTATE OF ANNIE D. FOX (DECEASED) AS SOLE HEIR AGAINST THE FRAUDULENT CLAIM

ATTEMPTING TO BE LEVIED AGAINST THIS ESTATE BY GRETCHEN ELAINE WALKER AND HER ATTORNEY, JIM H. FERNANDEZ, ALSO AGAINST THE SCHEME AND CONSPIRACY TO DEFRAUD THIS ESTATE PERPETRATED BY JIM H. FERNANDEZ, WHO POSES AS THE COUNSEL REPRESENTING THE ESTATE OF ANNIE D. FOX (DECEASED), ALSO REPRESENTING GRETCHEN ELAINE WALKER (WRONGLY STATED) LARGEST CREDITOR; FRANK KRUSE ESQ., MOBILE COUNTY GEN. ADMINISTRATOR, WHO ALONG WITH HIS LAWYER DUANE GRAHAM OF THE FIRM ARMBRECHT AND JACKSON; FILED A STATUS REPORT TO THE MOBILE PROBATE COURT OF THE ACCOUNT AND PAYMENTS MADE ON THE REAL PROPERTY AND CLAIM OF GRETCHEN ELAINE WALKER (2060 CLINTON ST., MOBILE, AL 36617) WITH A (A) AMORTIZATION SCHEDULE OF THAT ACCOUNT STATING IN THEIR STATUS REPORT "THAT BASED ON THE AMORTIZATION, THE CLAIM BY JIM FERNANDEZ AND HIS CLIENT GRETCHEN ELAINE WALKER IS JUSTIFIED AND HE FRANK KRUSE ESQ., AND HE FRANK KRUSE ESQ. SHOULD BE GRANTED PERMISSION TO SELL ONE OF THE OTHER PROPERTIES OF THE DECEDENT ANNIE D. FOX, NAMELY HER HOME PETITIONER'S HOME OF RECORD (765 DONALD ST., MOBILE, AL. 36617) PAY THE PROCEEDS OVER TO THE MOBILE COUNTY PROBATE COURT TO BE DISBURSED TO JIM H. FERNANDEZ AND GRETCHEN ELAINE WALKER TO SATISFY HER ALLEGED CLAIM; THEN THERE IS THE MOBILE COUNTY PROBATE COURT'S CHIEF CLERK (MARK ERWIN), WHO REFUSED TO TRANSFER THE CLERK'S RECORDS AND RECORDS ON APPEAL OF THE ALA. SUPREME COURT AND THE ALA. COURT OF CIVIL APPEALS STATING PETITIONER (WILLIAM N. LUCY) MUST FIRST PRE-PAY APPEAL FEES FOR THE ALABAMA SUPREME COURT, EVEN THOUGH THE ALABAMA SUPREME COURT HAS GRANTED PETITIONER WILLIAM N. LUCY INDIGENT STATUS. THIS IS SO THAT THIS INSTANT CASE CAN STAY IN THE CONFINES AND CONTROL OF THESE CONSPIRATORS; ALSO THERE'S GUS B. THAMES JR., THE

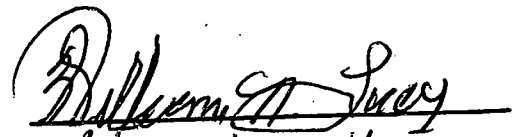
LARGEST CREDITOR, DIBIA THAMES JACKSON HARRIS REALTY CO. INC., AND DIBIA SIXETY ST. FRANCIS STREET INC., WHO SOLD THE REAL PROPERTY IN QUESTION, COMMONLY KNOWN AS 2060 CLINTON STREET, MOBILE, AL. 36617 AND ABOUT 7 OR 8 OTHER PROPERTIES TO THE DECEDENT. ALL THE PROPERTIES WERE BOUGHT AND PAID-FOR BY THE DECEDENT ANNIE D. FOX, EXCEPT THE LAST ONE PURCHASED (1613 JAMES STREET, MOBILE, ALA. 36617) WHICH CONSIST OF IMPROVEMENTS ON 9 $\frac{1}{2}$ ACRES, FOR ABOUT \$100,000.⁰⁰ DOLLARS; MAKING THAMES JACKSON HARRIS REALTY CO. INC. THE LARGEST CREDITOR AND LEAVING RESPONDENT GRETCHEN ELAINE WALKER WITH NO LEGAL STANDING OTHER THAN AN ALLEGED SMALL CREDITOR, ALTHOUGH LISTED AS AN ASSET IN THE ESTATE OF ANNIE D. FOX (DECEASED) IN PROBATE COURT, GUS B. THAMES JR. HAS SINCE RESOLD THIS PROPERTY AND KEPT ALL OF THE PROCEEDS FROM DECEDENT ANNIE D. FOX'S HEIRS AND THE PROBATE COURT, THE PROPERTY IN QUESTION (2060 CLINTON ST.); ALTHOUGH GUS B. THAMES JR. SOLD THIS PROPERTY TO THE DECEDENT AND FINANCED IT THROUGH SIXETY ST. FRANCIS STREET INC., HE THEN SOLD THE CONTRACT TO GRETCHEN ELAINE WALKER; GUS B. THAMES JR. (SIXETY ST. FRANCIS STREET INC.) SERVICED THE CONTRACT BY HAVING THE DECEDENT MAKE PAYMENTS TO THAMES JACKSON HARRIS REALTY CO. - THEY (THAMES JACKSON HARRIS CO.) ARE THE ONES WHO MADE THE AMORTIZATION SCHEDULE USED BY FRANK KRUSE AND HIS ATTORNEY (DUANE GRAHAM) IN THEIR ATTEMPT TO CONVINCE THE PROBATE COURT THAT THE CLAIM OF GRETCHEN ELAINE WALKER IS VALID. A CASUAL INSPECTION OF THIS AMORTIZATION SCHEDULE WILL SHOW THE FRAUD AS IT SHOWS PAYMENTS MADE TWO OF THE SIXTEEN YEARS, ALL WENT TO INTEREST AND MOST OF THE OTHER YEARS, VERY LITTLE WENT TO PRINCIPLE, I'M TALKING "VERY LITTLE", SOME TIMES \$5.00 DOLLARS OTHER TIMES \$3.00 DOLLARS AND SO ON. THE REAL ESTATE SALES CONTRACT SHOWS DECEDENT ANNIE D. FOX AGREED TO FINANCE \$11,000.⁰⁰ DOLLARS FOR TEN YEARS. THE AMORTIZATION SCHEDULE SHOWS DECEDENT PAID ON THIS LOAN FOR SIXTEEN YEARS, TOTALING OVER \$35,000.⁰⁰

DOLLARS AND YET THE RESPONDENT GRETCHEN ELAINE WALKER
CLAIMS DECEDENT STILL OWES HER \$13,000.⁰⁰ DOLLARS
PLUS \$5,000.⁰⁰ DOLLARS ATTORNEY'S FEES.

... SEE APPENDIX (G) # A, E, F, H, I ATTACHED HERETO.

FOR ALL OF THE ABOVE REASONS BOTH JOINTLY AND
SEVERALLY, THIS CASE IS DUE TO BE AND SHOULD BE
RE-VISITED BY THIS HONORABLE COURT AND ALL RELIEF DEMANDED
BY PETITIONER GRANTED OR IN THE ALTERNATIVE THE RESPONDENTS
GRETCHEN ELAINE WALKER AND THE MOBILE PROBATE COURT
ORDERED TO FILE A BRIEF IN RESPONSE TO THIS PETITION BY
WILLIAM N. LUCY - PERSONAL REPRESENTATIVE OF ANNIE D. FOX (DECEASED).

DONE THIS 17TH DAY OF NOVEMBER 2020.


WILLIAM N. LUCY
A/S # 264880-E2-22A
EASTERLING CORR. FAC.
200 WALLACE DR.
CLIO, AL. 36017

**Additional material
from this filing is
available in the
Clerk's Office.**