No. 20-5901

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

LAURA MARIE SCOTT — PETITIONER
(Your Name)

vs.

CITY OF HAMTRAMCK, MI TREASURER — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. SIXTH CIRCUIT COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LAURA MARIE SCOTT
(Your Name)

2968 HANLEY
(Address)

HAMTRAMCK MI 48212
(City, State, Zip Code)

n/a
(Phone Number)

QUESTION PRESENTED

Does a violation of "choice of law" [retrocession, in 2013] create a *quasi in rem* action; which ultimately reverses itself [retrocession, in 2019] to preclude any relief as to title or equity — despite mutual and explicit comity [cession, since 2013] — in any forum whatsoever, due to the last of two federal contracts on the subject property [first since 2007, last in 2019]?

This is in stark contrast to the relief available to some citizens, pursuant to *Rafaeli, LLC*, decided on July 17, 2020, Michigan Supreme Court, to those similarly situated in tax foreclosure, whom — irrespective of bankruptcy (11 U.S.C.) and despite non-bankruptcy exemptions, granted by the State and/or 11 U.S.C. alike — had their tax foreclosed properties auctioned publicly, to provide relief, not available to Petitioner nor properties not auctioned.

Note: There is an international comity case scheduled to be argued on December 7, 2020. This Petition might be suited to it, as the domestic version of comity. See *Federal Republic of Germany v. Alan Phillips et al* , Case No. 19-351, on this Court's website.

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[ ] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

See Appendix "A" and "B."
Appendix B states correctly that Respondent is the only party to 19-1290, being appealed. However, Wayne County Treasurer, without having been a party to the case, appealed; Sabree was not in prior federal case below; filed a motion to dismiss which was denied. WCT was though in 16-56880, the main bankruptcy case.

DIRECTLY RELATED CASES

19-1290, appealed from 18-13096 (U.S. Dist. Ct.)
17-4411, adversary proceeding in U.S. Bankruptcy Court
16-56880, lead bankruptcy case in " " "

INDIRECTLY RELATED CASES:

2017 Foreclosure (and transcipt 5-22-17) 16-007539-CH
2019 Foreclosure and appeal 18-006771-CH
" Appeal to 18-006771-CH (case 348565) Mich. Court of Appeals

RESPONDENT INVASION 8-29-19

19-2126, appealed from 19-12397 (U.S. Dist Ct.)
— motion filed day after invasion before after, Petitioner learned it was Respondent →
19-12676 filed 9/11/19 once Petitioner learned Respondent was on recorded deed on date of invasion and had a federal contract to connect it to invader. (now on appeal 20-1773)
19-03717-LT eviction action by Respondent's contractor
20-00041-AV appeal pending (of eviction action)

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[✓] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[✓] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[ ] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[✓] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 28, 2020.*

[✓] No petition for rehearing was timely filed in my case. (due to COVID-19)

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

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

see this Court's Order 589 U.S, Thursday, March 19, 2020
150 days due to COVID-19
see this Court's Order 589 U.S., Wednesday, April 15, 2020
single copy to be filed. (Appendices C and D)

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

III. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. United States Constitution, 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."

To coordinate with the Fifth Amendment in APPENDIX P;

2. See APPENDIX P, The Bill Of Rights, including the Fifth Amendment;
3. See APPENDIX J: Michigan Constitution of 1963 with above;
4. See APPENDIX K: Michigan Constitution of 1963 with above;
5. See APPENDIX L: Michigan Constitution of 1963 with above;
6. See APPENDIX N: "fresh start" after bankruptcy.

STATUTORY PROVISIONS:

7. See APPENDIX N for relevant portions of 11 U.S.C., the "Bankruptcy Code"
8. See APPENDIX O in explicit mutual comity with 11 U.S.C.
9. See APPENDIX F regarding procedural and substantive due process and APPENDIX O, if it did not happen.
10. See APPENDIX I which cites §7 in APPENDIX O as a form of personal debt collection post discharge in APPENDIX N.

Notes:

The other statutes cited in Petitioner's case authorities are not the main focus of this Petition. Rather, they merely provide context for the tradition use of comity outside bankruptcy. The focus is on cooperative comity, not its preclusive antithesis. Two recent landmark cases cited discuss the statutes in them. *Knick* enjoins all of the Bill of Rights for 42 U.S.C. §1983. That relates to the invasion by the Respondent on August 29, 2019, which is not part of this case, per se. However, *Rafaeli, LLC* was decided July 17, 2020, too late. 19-12676 was decided two weeks beforehand. The question presented addresses statutes in the abstract, but remain unapplied (or not applied correctly) by the judiciary since 2016 – or at all.

IV. STATEMENT OF THE CASE

A. First Retrocession by Governor's Emergency Financial Manager

In 2013, the first retrocession was by the Respondent city:[1]

> State of Michigan, County of Wayne, City of Hamtramck, **Amendment** to City of Hamtramck's Code of Ordinance Chapter 51 to provide for Meter Reading, Delinquent Bills and Liens...Section 3...Section 51.026 (B) Lien: Assessment is **amended** to read as follows: As provided for in the Revenue Bond Act 94 of 1933, chapter 141.12 sec 21 (3), All those charges delinquent for 6 months or more, may be **certified** annually...**services have been rendered**...who shall enter a **lien**...enforcement of **lien**...the City of Hamtramck reserves the **right** to **certify** delinquent properties to the County to **preserve the city's lien rights** in accordance with the State and County tax laws regarding **foreclosure** requirements. Unpaid charges shall be a **personal debt** to the City of Hamtramck. The City reserves the **right** to collect unpaid charges through Michigan's Act 178 of 1939 chapter 123.162 sec. 2...

By 2016, the cession to remedy it was mooted.[2] The 2013 *quasi in rem* debt was split into two separate jurisdictions.[3] The three-year lag, mandated by Michigan statute, made December 2016 ripe to adjudicate both (rooted in fraud) through foreclosure objections and bankruptcy.[4]

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1 Retrocession #1 was an ordinance amendment in December 2013 by Respondent's Governor –appointed Emergency Financial Manager from the executive branch – not a legislator. The amendment violated the "choice of law" as pursuant to Appendix J, in violating the one-object-per-statute bar, as well as Appendix L, separation of powers. Also, the service stopped permanently before the amendment; unappealable unless paid and not delinquent, in contrast to §211.78(k)(2) saying the opposite ("unpaid" and "delinquent") to preserve rights to object, in Appendix O. Certification continued through the bankruptcy, in 2017.

2 Cession for the purposes of this Petition was Michigan Compiled Laws and also 11 U.S.C. See appendices: O, §211.78(k)(4 & 9), with F, Transcripts, and G & O §211.78(k)(2)(a-f). Together these are explicit mutual comity.

3 What was merely *in rem* debt prior to December 2013, was augmented to include *in personam* debt. These together became *quasi in rem* debt.

4 Michigan Compiled Laws require that the lien be objected to, on the third year of the certification (by the city to the county). See Appendices G and O §2. Respondent city actually certified every six months. The Respondent was

Although cession seemed to control in early 2017, it turned futile.[5] In reality, the explicit mutual comity (cession) was ignored by the county treasurer during both stays.[6] On August 7, 2017, it was revealed that the hidden foreclosure in March, plus that it was headed for public auction the following months – either September or October.[7] But, afterwards it was quickly reversed. Instead of what was required (writ of error) the county used the fungible compact discs at the court, rather than any written submissions to the clerk of the court, thus concealing the reversal.[8] The opposite court procedure was required of those who objected, to file written objections and more.[9]

B. Second Retrocession, now by the county

Despite skipping 2018, it once again foreclosed in 2019 well beyond the statute of limitations.[10] Then in 2019, the appeal was blocked – in violation of the federal bankruptcy's permanent discharge

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immediately paid when it certified. Petitioner's bankruptcy petition was filed December 19, 2016 to address the personal debt component, etc.

5 Transcripts March 22, 2017 shows explicit mutual comity by the judiciary in addition to the legislature to the bankruptcy court. See Appendix O, §§ 4 & 9. But Appendix E shows it happened anyway in complete contradiction to Appendix F.

6 See Appendices F (one year) and O for Michigan stay §211.78(k)(4) no later one year, by March 31, 2018, plus 11 U.S.C. federal stay from December 19, 2016 to May 31, 2017.

7 Appendix E accepted the county treasurer's statements, without evidence as fact, and restated it in its Opinion August 14, 2017. The county treasurer was not a party to the case. He had no standing to state anything of material facts to the bankruptcy referee on August 7, 2017.

8 Appendix H, page 2, part a., "CD" meaning compact disk, where no hardcopy is on file with the clerk of the circuit court. It is a fungible record which grows and shrinks at will, managed by the by the county legal team, not the court's clerk. See also Appendix O, §10.

9 Appendix G template, lists what is required of the person filing a written objection but it did not do the same. Plus, it leaves out §211.78(k)(2) so that the words "unpaid" and "delinquent" do not appear on the postcard mailed to the person objecting, prior to the hearing in March, annually.

10 Appendices H and I. The one year limitation ended March 2018 based on Appendices F & O §4. It could not foreclose beyond March 2017, redundantly either.

injunction beginning May 31, 2017 – which took the form of a "bond" requirement.[11]

C. Third Retrocession... by the City, again

Lastly, by July, 2019, during 19-1290, un-mandated Respondent, acquired the property without auction[12] Using the same money it previously certified, it bought paid only about $4,000 by contract. This was based upon a federal contract. Petitioner was both opposing counsel and the opposing party. It was more serious than would have been outside pending litigation.[13] But, next month was an invasion by same.

D. Retrocession obsession by August 29, 2019

In its simplest form, the executive branch of government began with 2013 retrocession and ended with *Monroe v. Pape* worthy entitlement invasion in 2019.[14] But it did not end well. The continuum of deprivation of rights is best shown with two recent landmark cases, discussed later in this Petition.[15] *Knick* cited *Monroe* as did others.

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11 Appendix N, which bars statute and rule cited in Appendix I. See Appendix O §9 with Appendix P (due process) and the fact that Appendix E is a judicial fact that it had already happened in March 2017. Petitioner has an audio of that hearing if allowed to submit it to this Court, if this Petition is granted, if useful to hear his facts and law.

12 Case 19-12676 has that evidence and the federal contract is a Department of Housing and Urban Development *Neighborhood Stabilization Program* contract. NSP contract has since expired. It was never executed by the city contractor that invaded August 29, 2019. Its purpose seems solely to have invaded and sold as quickly as possible. See Appendix K for Intergovernmental Agreements (mutual explicit comity) built into the Michigan Constitution.

13 Case 19-12676 was based upon the invasion August 29, 2019. Respondent was on the recorded deed on that date. Invasion is not a form of debt collection or tax collection.

14 Actually in 2007 the first federal contract was federally backed but the county interfered in that contract although not a party to it. Then the second federal contract in 2019 led to the invasion on August 29, 2019. The second contract harmed the first one.

15 *Knick v. Township of Scott, Pennsylvania* (a local ordinance) and *Rafaeli LLC v. Oakland County* (gives different relief depending on public auction).

Petitioner remained home. COVID-19[16] has not only helped to make that possible, it illuminates the context for this Petition not possible before the pandemic. It gives it both a national and international[17] context, in certain respects. A new phrase "super spreader" describes what happened with this debt over time. The outrageous level of entitlement that the Respondent had continued into the Record on appeal as well as the non-Record as described.

THE RECORD BELOW

By any Tax Injunction Act measure, rooted in comity, this was no "rocket docket"[18] since 2016, where Petitioner sought to get relief for not only duplicative classification of a single debt, but fraud and other matters as well. It stemmed from mass water shutoffs in Petitioners city, and others around the country as well. A new "sheriff in town" in the name of an Emergency Financial Manager appointed by the Michigan executive branch, cited above amended a local ordinance (used as an exhibit in a motion in the bankruptcy court on March 22, 2017 as well as an exhibit at trial on September 20, 2018) made clear that the "checks and balances" inherent in the Constitutions of both this country as well as the State of Michigan were null and void.

The executive branch continued to control the other two branches throughout the past several years of litigation. In the end the executive branch won. The appealed order in Appendix A is evident that the appellate briefs were not read and/or that the Record below it was ignored. For instance, while it correctly states that the Fourteenth Amendment was at issue (see A, p. 2, ¶1) it called the trial with about 200 pages of transcripts an "evidentiary hearing" as if there were not laws cited in the opening statements by Petitioner; as if there were not exhibits submitted by Petitioner; as if there was not under-oath testimony that corroborated the Petitioner's assertions.

Besides, there are two other points lost in the Order appealed: 1) the Respondent admitted that it ended service in November 2013 in

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16 See also Appendices C & D COVID-19 affected everyone everywhere in ways unimaginable a year ago.

17 Appendix M "comity defense" is an international comity case to be argued in December 2020 in this Court.

18 See Sommer article uses "rocket docket" to describe the speed in cyber courts.

order to get to mediation mid-2018 after it defaulted. 2) The Respondent and the trial referee failed to understand that the debt was both discharged and was not still due, thus granting an award that was not correctly remedied as ordered on Spetember 20, 2018 at the trial.

The "good faith" standard to prevent appeal was yet another Fourteenth Amendment violation by blocking the appeal based on demands for money, knowing Petitioner could not pay it, similar to Appendix I. There seems to be another thing lost on the Order appealed in that it was the fourth layer of litigation (16-5560 to 17-4411 to 18-13096 to 19-1290 to this Court) on the same debt that would normally be a second layer, if it began in the district court to begin with. This made the comment "not raised before the bankruptcy court" (¶2) incorrect on its face, because she could not raise the appeal fee issue after the trial. All Petitioner could do is to appeal the trial. Then after the Notice of Appeal and the case 18-13096 (Orders 10, 11, but 15 which was filed by the district court after the appellate brief was filed in 19-1290 at the Sixth Circuit so it had to be mentioned in the Reply brief instead) was assigned, appeal the fee in briefs during 19-1290, instead of directly appealing the trial. Petitioner could not backtrack to pre-appeal status to affect any change in the bankruptcy court once 19-13096 began across the street from the bankruptcy court.

The appealed Order adds another Catch-22 by "raised in the bankruptcy court but were not raised in her appellate brief" (¶2) which is also incorrect on its face. The entire record on appeal, including the trial transcripts as well as the main bankruptcy (16-56880) and the adversary proceeding (17-4411) – which the court does not normally allow to be combined but is an exception in bankruptcy cases – was sent in its entirety to the district court. But, once there, was summarily dismissed without a hearing or a briefing schedule; such that it was never allowed to be addressed, other than to appeal the motion to dismiss and the certification by the trial referee. There was no opportunity to address that prior to the Sixth Circuit case. The additional layers of appeal seem to have created confusion on the part of the last appellate court. The appellate briefs filed by Petitioner cited the record below by page and its appendices provided an index to the record to ensure there was no confusion.

In sum, the Order appealed just restated the erroneous statements of the same lawyer from August 7, 2017 and the Respondent's motions to dismiss without any citation to the record as to the trial. In conclusion as to the Record, the Petitioner made every effort to do what needed to be done to preserve her issues for appeal, before trial, during trial and after trial. There was no lack of evidence to support her or law to support her position at any point.

Comity was the main basis for the result. It was a go-ask-your-mother-go-ask-your-father back and forth between the federal and state courts, to the dizziness of anyone less able than Petitioner to withstand it for seven years. Perhaps a citizen that could not speak English, or someone who is easily tricked by the literal forms, rather than the contradictions in the law and rules behind them, which lawyers can navigate easily, might be such an example.[19]

The summary above gives a general overview of the terminology that is relevant. Basically, the Respondent used the subject property as an ATM that ended in invasion during 19-1290. It was a desperate effort to remove her from litigation – physically. This goes beyond the Fourteenth Amendment at this juncture (see Appendix P). THEREFORE, all this was not Petitioners own doing. She certainly tried to reason with all since 2013 to no avail. It is not reasonable to review the Order appealed *de novo* with the entire Record on appeal, to see the manifest injustice; in light of the recent two landmark case which undergird this Petition with good cause for review? Petitioner says it does.

While this Petition attempts to avoid all the particulars that would be in a merit brief, if granted, this case is somewhat complicated by the additional layers of litigation than would otherwise lead to brevity. Please forgive the Petitioner's effort to add clarity if brevity suffers somewhat. Once this COVID-19 relief ends, many will be homeless unless something is done about this disparity in justice.

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[19] This is typical in the City of Hamtramck with 40 languages spoken there and a long sordid history with eminent domain and other similar cases, still being litigated for decades, thus becoming a template in this Petition for why this Court should review it as a poster-child for such defiance to be an example.

V. REASONS FOR GRANTING THE PETITION

A. UNFINISHED BUSINESS IN PREVIOUS/PENDING CASES

1. Another international case is pending in this Court on comity and perhaps the two can be decided together as this Petition is the domestic counterpart to the same issue (See Appendix M).

2. Recent landmark cases in this Court and in the Michigan Supreme Court are in need of completion because the federal contracts add to an equity disparity compared to those whose property is publicly auctioned. In the federal case was cited *Monroe*, which is relevant to the invasion August 29, 2019.

3. *Monroe* was also cited in *Levin*, another case in this Court. The importance of that was its and the one in #2 above both citing *Fair Assessment*. And it also cited *Hibbs* which is not unlike the third-party standing that a property owner has in an *in rem* case of foreclosure.

4. When "choice of law" is required, but the government chooses both — thus not making a choice — specifically by retrocession which adds a second object to a current statute or ordinance by amendment, it sets a chain reaction of events. It is akin to a COVID-19 "super spreader" which results in endless litigation for naught. More precisely, the federal stake in this is evident in that it provides the funding and quota that incentivizes the unlawful conduct. But even more precisely, the very exemptions in bankruptcy are at risk under such schemes because the check-box system forces the Debtor to choose what the government refuses to choose for them. (see appendices and quote related to Footnote 1)

5. In effect, *quasi in rem* causes of action in some States circumvent. personal jurisdiction and in Michigan splice an extra personal jurisdiction component to the otherwise *in rem* debt. Often, this results in lack of due process (Appendices P plus the Fourteenth Amendment to the U.S. Constitution, but in others it makes

follows the Debtor beyond the bankruptcy as the Record shows in 19-1290. (see Appendices H, I, A, B, due to E and other tactics)

6. Both the Michigan Constitution and the U.S. Constitution are crystal clear that such *in rem* and *in personam* debts are not only different objects that are different statutes, but that *quasi in rem* is an indirect assertion of jurisdiction in both the person and the property using retrocession by the executive branch to accomplish it. It is "double taxation."

There are more reasons, but the above six get to the crux of it. To put it plainly, it is time to revisit comity for both national and international reasons. While this Petitioner never got a "fresh start" in her bankruptcy, she is not alone. There is an increase in federal contracts since 2008's Great Recession which are related to not only foreclosures, invasions and evictions, but some have attempted to pursue more serious charges ("R.I.C.O." for instance). All were blocked by principles comity (ignoring *Monroe* doctrine since 1961, in some cases) and other similar laws that are not actually correct in light of recent cases.

There is unfinished business in the realm of exemptions, equity and the way equity and exemptions are mathematically calculated under the law for relief that sheds light on flaws in the bankruptcy forms, law and due process meaning and application. The takeaway is relevant to the Sixth Circuit's dilemma in the dust of its opinion; the misguided concern about *Monroe* cited in *Fair Assessment* (1981) was in the long run dwarfed by the litigation to the local municipality if not setting new precedent consistent with ensuring lawful behavior such as *Knick* described was the point of ignoring precedent and reverting back to the U. S. Constitution itself. Hamtramck is the perfect vehicle to set it.

The bankruptcy court functions three levels below this one. Its "core proceedings" in adversary proceedings in particular are the context from which this Petition sees the problem in need of review in this Court.

STANDARD OF REVIEW AS A VEHICLE FOR NEW PRECEDENT

The *de novo* review in the Order appealed does not appear to have happened. Therefore, this Court, for reasons stated and the recent two landmark cases that unite the U.S. Supreme Court with the Michigan Supreme Court to set new precedent that the other courts – and more importantly all three branches of government will heed – for the cost-benefit reasons to forgo the "fruit from the poisonous tree" to prevent litigation in perpetuity. While *Fair Assessment* cites *Monroe*, so does *Knick*, but for different reasons that make this same that Petitioner puts forth.

Prevention through new precedent dissuading the "forbidden fruit" more clearly whether it is poisonous or not, that process is as important as the ultimate effect of the choice of law. The poisonous low-hanging fruit to be attractive to the executive branch. It is incentivized with federal funding to ignoring the legislative branch in retrocession and later blocking the judiciary on the basis of comity rather than applying the cession relief available before the poison kills the chance to do it (See Appendix O §10). In the long run, it costs them more than the fruit because it is poisonous in expensive litigation, where *Fair Assessment* viewed it as the short-term loss of tax revenue. In other words, the taxpayers are doubly "taxed" in expensive litigation whereas justice for a single taxpayer harms them little in preventing future litigation altogether. Petitioner is personally harmed by this but her experience can be a vehicle to prevent others from the same fate.

Another petition was granted on comity to be argued December 7 in this Court (see Appendix M with its respondent citing a "comity defense" which is similar to an affirmative defense given Appendix M § 9) this term and it provides an international perspective. Petition provides an domestic perspective. Perhaps it can be decided together or atleast in some way be connectred to an overall new precedent that addresses the 2020 new "normal" that COVID-19 has made so apparent. Appendices, Authorities, and the Record alike show that comity is misused in both spheres at once. See Delaware and other examples below as well.

WHY WORDS MATTER: WHY A SINGLE WORD MATTERS MORE

Besides retrocession and cession, evidence that the system, as it is, not navigation, is the core problem. Take this for example in the perilous path through the courts thus far and how a *pro se* faces[20] as the paragraph leading up to the one that follows in the cited source lists a multitude of meanings discussed later to the Record. It depends on the particular stage of the litigation, etc.:

> Courts have vacillated in defining a "cause of action," some taking the view that it was the nexus of all those facts that must be proved to enable the plaintiff to recover; others, that it is only in the interest – or "right" – for whose invasion the plaintiff seeks redress.[49]

The two halves of the above quote ("Hand") are revisited later in this Petition to show how they are enjoined in what happened on August 29, 2019 during the appealed case. While the 2013 (see Trial Transcripts on September 20, 2018) was the first of many Fourteenth Amendment issues in a continuum of takings followed since the appealed case (19-1290) was filed and through it as well.

Or, the motions to dismiss[21] that used contradiction as a way to somehow make their position valid, when it is invalid. To paraphrase a legal adage[22], the Respondents have put an exclamation point on virtually every sentence (so there!), where neither relevant law nor correct facts were submitted to the courts. But on appeal have since put a question mark after each sentence, to deflect from the contradictions (we did what, when?).

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[20] Citing Judge Learned Hand, page 43 citing *Burns v. The Central R.R.*, 202 F.2d 910, 911 (2d Cir. 1953), Peter Ward, *Tort Cause of Action*, 42 Cornell L. Rev. 28 (1956), Available at: http://scholarship.law.cornell.edu/clr/vol42/iss1/3

[21] *Ibid.* Hand: "...It may mean one thing when the question is whether it is good upon demurrer..."

[22] From an unknown author, the adage goes: if you have the facts, pound them; if you have the law, pound it; If you have neither, pound the table. Hence, "!" and "?"

What are the four wheels (1a, 1b, 2a, 2b) making this case a vehicle to resolve the question presented? The compelling reason is two-fold:

1) Dual classification of a single *quasi in rem* debt renders impossible the relief in either bankruptcy or in foreclosure court.
   a) *in personam* debt in bankruptcy
   b) *in rem* in foreclosure
2) This case is undergirded with recent landmark cases. Both show some improvement, but not enough in the equity stemming from exemptions in bankruptcy.
   a) *Knick v. Township of Scott*, Pennsylvania
   b) *Rafaeli, LLC v. Oakland County* was previously dismissed in federal court but it is distinguishable from Petitioner in terms of relief available to him and others like him.

BANKRUPTCTY CODE AND FORMS REVIEWED: WORDS MATTER

Then there is choosing the correct word in check-box system of litigation in bankruptcy court, especially with its forms. Colloquial language as to the status quo is evident in the Record. None of the judges understood the paradox created by dual debt classification:

1) e.g. "secured" or "unsecured" in federal court;
2) "lien" or "personal debt" in state court;
3) when in reality it is *in rem* and *in personam* in terms of a cause of action;
4) see Hand quote above, in Ward source.
5) *Pontes* as an exception to TIA in bankruptcy and in need of precedent.

As such, they misunderstood how it was a "state of unconstitutional condition." In other words, a *quid pro quo* was made to get payment to appeal without relinquishing rights firsthand (see Hand quote, and appendices H & N). This pay-first-to-appeal was preceded by don't pay-first-to-object for one main reason until the Tax Injunction Act (see *Fair Assessment*). To get the right to object you must <u>not</u> pay. In this half, the one objecting could not go to federal court first. But once the foreclosure was granted, and knowing it crossed that threshold, it

But in the case of a "secured" debt, that would be a double payment, at minimum (double taxation). This is in addition to the "unsecured" debt addressed in the bankruptcy court, on the same debt – potentially treble taxation.

This creates a unique situation. By hypothetically paying the debt in both state and federal court, plus the liens on the property itself (foreclosure), it would ultimately result in one losing the property, losing the payment on the tax to the county (as happened to *Rafaeli)*, plus then again in bankruptcy losing that same money again in payment to the city. Even an unsuccessful appeal in state court would result in 100% payment being kept with the property. Why both? Rhetorical question given the Petition's other paragraphs. Even some who entered in to payment plans lost their property and the money because of the made-up caveat that it waived their right to the foreclosure that the payment plan was trying to prevent and that they were current in terms of paying. Fraud. Plain and simple.

The city was paid by the county – not by Petitioner - long before the bankruptcy and the foreclosure, every six months since 2013. This rises to quadruple payment of the same debt if paid thrice in the courts based on this potential system.

Finally, is the "hazard insurance" in which the county can sue the insurance company after the foreclosure, in addition to the city paying it back the money it got since 2013 on the fraud in 2019 (about $4,000). There is layer upon layer of debt that replicates in redundancy in perpetuity enjoining the federal government in its scheme. The county's role in this since the first federal mortgage in 2007 was constant interference that continued through the bankruptcy and the appealed case. Not a party to the contact. Not a party to the case. Not consistent in its statements to the courts. Not a small thing in the Hand quote sense of things.

Petitioner thinks it is now evident that any *status quo* assumptions about taxes are misnomers, at best. This is not what was actually happening. So the principle amount of the debt is not the whole story. It was the lack of the property that the debt was based upon, first and foremost.

flipped to the second half by forcing a "bond" to appeal (See Appendix I). It was required to not pay (See Appendix N §2).

In fact the forfeiture itself was merely a cause of action rather than vesting the title in the county (see Hand quote above and Rafaeli decided in 2020 in more detail makes this point in comparing the civil versus criminal forefeiture in terms of equity theft by government). Courts consider payment of disputed amount tantamount to an admission the debt was owed. In *Rafaeli, LLC* it was only $8.41 and he lost the rest of his money and the property both.

But like the Leather's Delaware example he was out of state and the seizure did happen when he was not provided notice of the show cause hearing. In that sense it shows that his being in California and being a business investment might relate to *Hibbs* in *Levin* as well. Noteworthy at this juncture is that the ultimate reason for the prohibition on payment and that was to make the sale price and the debt the same amount so there was no equity in the end. See *Rafaeli, LLC* for context. Unlike most, there was a great difference only because he paid virtually all he owed. But that was risky as he endured about seven years of litigation in both state and federal court that should never have happened. See also Appendix O § 2 compared to opposite in H.

Once you get past the first cause of action it gets beside the point of the petition at hand. It does not just affect the poor (see Hand above). *Rafaeli* proves the wealthy are better equipped to fight over it. The injustice is apparent whether you pay or don't pay, the federal funds incentivize mass foreclosure, whether your property is auctioned or not. Some of this was not abundantly known before *Knick* and *Rafaeli LLC* were decided but are provided to give context to this Petition. In sum, there is unfinished business for this Court in *Knick*. Also, relief in federal court that is not available in Michigan due to the federal contracts that circumvent the public auction as well as the statutory formula that determines the value of the property as 50% is the sale value for the federal matching funds. This makes the approximate $4,000 contracted value a way to attract developers but it also gets much more from the federal government than $2,000. Fuzzy math, basically.

A critical distinction between two commonly converged status quo assumptions which are not true is the "nexus" in the Hand quote above with its second half of that quote as one. By this Petitioner means that it offers two choices. In the Petition, once again there were both chosen at once in that Petitioner by August 29, 2019 during 19-1290 had the second meaning of the cause of action meaning literally and figuratively due to to the un-mandated illegal actions by the Respondents in this case which resulted in a separate federal case that was separate in only the third-party contracted to do the invasion under the auspice of a second federal contract.

It brings precision the legal point Petitioner makes by zeroing in on the ultimate ***effect*** of the Respondents' concerted actions, as being one of years of limbo culminating in an invasion – a tort August 29, 2019 – which is discussed in *Knick* below. (see Ward, and Weinberg)

HOW IT GOES FULL CIRCLE BACK TO THE SAME RESPONDENT

If the municipal state actors did not choose to do anything in 2019 that would have wise. It would not have gotten them off the hook for the harm caused by not only the takings since 2013 but also the reliance on Respondents did in controlling the courts with contradictions and falsities that each wears as a badge of honor. It is important to understand that omissions and lack of action also play a role in this as well. No oath, law or mandate prompted actions during mid-2019 during litigation now appealed. So that choice was of its own volition. It could have left all that prior decisions behind it and moved on in the pending litigation unabated by new causes of action that enjoin virtually of Hand's examples in the Ward article at once (see 19-12676 filed on September 11, 2019, after the invasion. There are about 107 docket items in that alone and over 1,000 pages of evidence, law, and so forth to show that this is not the end of the Constitutional deprivations that continue to this day but are independent of the appeal at issue because it happened after the briefing was completed). No wonder why comity is the focus of the Question Presented. It is because it is too ethereal at this juncture to give safe harbor to those that need relief in federal courts.

There is no relief in state courts for most. And the least able to pay or understand the law are most harmed by its foggy application to lower courts that fall back on old cases that are not only distinguishable but embolden the perpetrators in various municipalities such that an $8.41 case made it all the way the Michigan Supreme Court to get half way to a remedy for all. In dissent in that opinion one judge pondered the situation such as the Petitioner provides as a vehicle to understand it. He envisioned two problems:

1. The property owner has no public auction to determine the excess equity that is addressed in explicit mutual comity or in the check boxes above dealing with exemptions.
2. The county manipulates the sale price so low that it could sell it for $8.41 just to satisfy the debt.

MICHIGAN CONSTITION OF 1963 ADDS BASIS FOR REVIEW

The federal contract, in combination with what is known as the Right of First Refusal (Record filed as an exhibit in the Response to Appendix B's motion to dismiss that was denied) as a retrocession that is actually approved by the Michigan legislature. However, it, in combination with the federal contract is a still a cession under Appendix K, where it is not exactly compliant with Appendix J, but is compliant with Appendix L, as far as the Michigan Constitution of 1963 is concerned. Non-compliance is grounded in the post-*Rafaeli* decision in 2020 which now moves from the unequal treatment of criminal and civil forfeitures to the unequal treatment of those in public auction and those in federal contracts.

For those properties like the $8.41 one there is more incentive to foreclosure for the windfall that was pre-*Rafaeli*. But post-*Rafaeli*, the federal contracts are more lucrative because the windfall comes from the federal government's matching funds to "uncap" foreclosed proeperty then raise the property taxes on the entire neighborhood! See Oosting article in the Detroit News, March 4, 2019 mentioning why the voters aspect shows why the amendment in Petition Footnote 1 is attractive to the state, the county and the local units of government – they don't want to ask the voters to "uncap" tax increases > For contrast, what happened in Nashville TN after COVID-19 revenue declines in 2020 raising property taxes 34% for lack.

That can't happen in Michigan. So Nashville would actually use retrocession where Michigan could not. Both are in the Sixth Circuit. It is just a matter of time before both States move up through the courts on different Constitutional grounds to the same plea for clarity from this Court.)

To clarify the question presented, because the reversal in 2019 during 19-1290 made the words in the said question important. It was because it is akin to pre-1929 use of credit to buy stock. In such a scheme there is no vested risk in the "investment" and therefore more risk is taken than one can afford to lose. The city Respondent began with free money (using Petitioner's house as an ATM effectively) used in 2019 to get the property. Once had it used that property to get back the money it had plus the matching federal funds at the expense of the

first federal mortgage in 2007. It was to remove the Petitioner as both a opposing counsel and as an opposing party in 19-1290. Obstruction of justice? Seems so. An That federal contract harmed the first federal mortgage in doing so.

That first federal mortgage "2007" in the Question Presented was the "hazard Insurance" cause of action at trial on September 20, 2018. When the invasion happened, August 29, 2019. That nexus (see Hand quote above in Ward article) *cause of action* was enjoined in *Knick* with *Monroe,* as discussed below. This is the reason for the Hand quote and its related page in the cited article. It shows the complexity is beyond ridiculous for anyone to navigate going forward. It must be addressed by this Court to spare all future Debtors and citizens this endless debt and its related litigation for naught. Not frivolous.

Petitioner's unique circumstances should not be summarily dismissed as freakishly inapplicable to review at this Court as if it pertains to no one but her. It pertains to thousands, if not millions of people. Because of the federal stake in the matter, plus how the federal funds encourage this duplicitous debt collection to beyond tort(s), to the level of unconstitutional, on a grand scale. Knick addresses precedent when it encourages unlawful behavior as the Michigan GPTA did prior to *Rafaeli* and still does by ignoring the explicit mutual comity between Michigan and the bankruptcy court as well as the fact the federal contracts are a caveat to the normal preclusive barriers to federal court.

HOW *QUASI IN REM* DEBT IS FORCED INTO STATE AND FEDERAL COURT IN PERIL OF A PRECLUSION TRAP

In fact, the *San Remo* "preclusion trap" addressed in *Knick* shows why going to state court first will not help the earnest non-bankruptcy citizen either. This Petition seeks to finish where *Monroe* began and where *Fair Assessment* and *Knick* cited *Monroe* to provide a clear path to the federal court as there is no reason given these federal contracts are not known until after the foreclosure to allow those who have suffered either the "state of unconstitutional condition" and/or a deprivation of civil rights to get relief in the federal court so as to get justice quickly and in reality as opposed to more ridiculous measures that neither make sense to a novice or an expert alike. It seems that given *Levin* and other cases the Sixth Circuit seems scared to do the

right thing fearing reversal and summarily dismisses the many cases somewhat like this one who lacked bankruptcy as a context, on comity alone, without realizing that **invasions were not a form of tax collection.**

Somehow, they got the wrong legal memorandum and are in need of an update that makes justice simple and dissuades unlawful behavior by taking the litigation out of the hands of the beneficiaries of the federal funding at the expense of Constitutional protections. Petitioner ventures to say the 2020 Census will reflect the massive damage by these schemes since the Great Recession. As a great tragedy no less consequential than many other such events in history in which decent hardworking honest citizens found themselves on the wrong side of fortune. What happened to Petitioner could happen to anyone.

Petitioner's case is the perfect vehicle to explore all the facets of the "paths not taken" by Respondents and the courts alike, since 2013. There are others from Petitioner's cases, still in court and fighting the "good fight" as well. They are distinguishable, primarily by bankruptcy. Also, by the relief available since *Rafaeli, LLC* was decided July 17, 2020. Therefore, it would be manifest injustice not to reverse and remand this case back to the Sixth Circuit, to at minimum get it to call the trial September 20, 2018 [see about 200 page in Transcripts] merely an "evidentiary hearing," etc..

Levin provides context upon which to anchor the reason why this case could finish where it left off, in a unique way. In *Levin* was *Fair Assessment. Fair Assessment* cites *Monroe,* as does *Knick.* Together they paved a path to federal court for those who have no relief in the state Court of Claims, due to the federal contract circumventing the public auction. For those whose property is not publicly auctioned, there is no relief at the state level. Also, the invasion "nexus" (see Hand quote above) is also tied to both landmark cases cited in different ways;

1) *Knick* provides the context for finishing where it left off in terms of applying Monroe specifically to self-help evictions and invasions by federal contracts as 42 U.S.C. § 1983 even if it was an independent action from the underlying debt years earlier but through the mechanisms available that ROFR used to circumvent the public auction to avoid paying the excess equity.

2) *Rafaeli* addresses the relief not available to Petitioner due to the federal contract as opposed to public auction, etc.

Appendix B regarding the dismissal of two litigants will be discussed further if this Petition was granted. It is the State Attorney General himself that also created harm in another adversary case the underlying bankruptcy. In other words, he sacrificed one debt to gain another. The principle *res judicata* applied more widely in Michigan; which addresses the skipped year of 2018, with its additional bar being the statute of limitation. Another layer to the onion in this Petition.

While Petitioner lived the facts to know them as true, she learned the relevant law in context along the way. She learned enough to know that the Respondents avoided candor (and worse) shows Petitioner's case was strong. Her causes of action are both correct and ripe for review. Rare is such a set of circumstance to test the Constitution from so many perspectives at once.

In the dual classification of the debt created a void in justice – injustice – because it required two courts to get to the same conclusion, both pointed to the other court for relief. Rather than one court to be appealed, if wrong there were two. Both blocking appeal different ways, it was nevertheless the *same* way, in terms of money. One called it a "bond" and the other called certified that it could not proceed to appeal IFP because it was frivolous. Neither was correct. Plus, there is nothing frivolous about bankruptcy. Nothing. This creates a new dynamic that a *pro se* is especially ill-equipped to endure, especially for a long period of time. Effectively, it doubles the cost of litigation because of the duplicate documents, days off work to attend hearings, trials, and postage among other costs to get there for those who do not drive in addition to safety concerns.

Adding inherent poverty due to Chapter 7 bankruptcy to the mix, of facts and law, there is special peril in the pursuit of justice for many similarly situated as the Petitioner. She is one of many like her with no voice. Imagine the person in Petitioner's city filled with people in a small two-mile square area that speaks about 40 languages. Many of them would never understand the nuances in Hand's quotes. Only someone who has a strong grasp of English could begin to understand such fluid concepts as causes of action that now, with the *Twombly* and *Iqbal* tools, can manipulate not only the property party to be sued, but the causes of action that require context to bullet-proof a complaint to the level of Fort Knox. It is impossible. No one can do that. If nothing else this could finish what *Knick* began in that context: causes of action that are effectively civil rights are insulated from being rejected by the federal courts as invasion a real happening in more than one case rejected by the federal court that results in more of the same over time. More importantly, as an additional reason to grant this petition, is the fact that some that have defrauded the federal government in either the mortgage loan industry or the Medicare, etc. have simply moved into real estate because they are willing to invade as a method of tax collection when no taxes are even owed at that juncture. There is a serious federal component to not only what is happening but why it is happening to begin with.

This is particularly dire because the pursuit of justice is secondary to survival. The last vestige of survival for most ***is*** their home. The Founders never envisioned water billing – let alone fraudulent water billing, that theoretically like snake oil *could* have been done in 1776, just as it *was* done to the Petitioner who was getting no water to base the debt upon since 2013 – being a backdoor method to deprive citizen from his or her shelter. Since water was free in that era, it was inconceivable it would lead to foreclosure. Even Debtor's prison was not yet eliminated. So jail would have been the price for debt that would have been at least shelter albeit at the expense of freedom.

Conversely, in the modern era it is water that is the *de facto* way to deprive citizens of life, liberty and the pursuit of happiness *en masse*.[23] In 2020, it is neither freedom (pandemic shutdowns) nor

[23] Example, the infamous Flint Water Crisis

shelter (post-moratoriums). For this reason, this Petitioner pleas that this case is the best vehicle to test the void, by looking at it through the lens of the poor, bankrupt, foreclosed *pro se*. One that is fighting for justice (against all odds). That, in of itself, says there will be few like her in the future who could endure such a path to this Court. If anytime soon.

Petitioner is fortunate however, to be able to understand and articulate the law well enough that she is in her home today. Perhaps COVID-19 helped this Petition. It has not only become more possible, but also that her context is better understood with, for instance, federal and state moratoriums commanding that evictions, foreclosures and water shutoffs be stopped for the public health. In the past, thousands, perhaps millions, suffered under the crushing weight of hopelessness that is now gradually improving, with the pandemic, ironically.

Recently, two landmark cases relevant to this Petition were *Knick v. Township of Scott, Pennsylvania* in this Court and *Rafaeli, LLC v.* ___ in the Michigan Supreme Court. But the Petitioner wants to address a **hidden** reason why these cases are relevant this is counterintuitive: <u>fraud</u>. The federal contracts encourage mass foreclosures and mass evictions just to qualify for their federal funding. This is coupled with a scheme in which there is immediate payment, without *procedural* due process, for the lien. The local unit of government gets paid. No opportunity to adjudicate the fraud itself for the property owner, that is. This is, with other things, such as double taxation. It is more than just water bills "gone wild." There were other things at trial September 20, 2018 under oath with the city Respondent's witness corroborating the Petitioner's questions of fact beyond the water billing. Prior to the trial the city admitted to the bankruptcy – in order to get in to mediation after defaulting – that it had shut off the water in 2013 and never turned it back on afterwards. There was no dispute. The law then was based on whether it was personal debt, lien debt, or both and fraud. Yet the Opinion in that trial makes no sense given the discharge was may 31, 2017 about a year and a half earlier.

In Michigan, when retrocession happens under the state-appointed Emergency Financial Manager appointed to the local government, the Constitution is tossed out of the window and into the trash. Now before this Court is the case of all cases. It has it all. It has the fraud. It has the double taxation. The resulting foreclosure and bankruptcy. It has the courts refusing to apply the facts to the law. And it has the judges advocating for the defense! Or being controlled by their lawyers with credentials tied the courts rulemaking and the trustee at once.

What stands out most is the dual classification of the debt. It creates so many of the problems which are *eventually* adjudicated, then appealed. This dual classification is what is known as either a violation of "choice of law" in choosing one classification or another. Or it is known as a *quasi in rem* debt. The significance of the latter can't be overstated.

Delaware (see Pontes uncharted territory nationally on TIA exception in bankruptcy and also see Sommer article and also mendleson article as to leaving in limbo the correct interpretation of comity, and makes this easier to understand two ways:

1. . The action in the property rather than the owner of the property takes away the voice of the owner who has vested rights. A bystander to the property being taken from them in court, is that owner is in reality a third-party to the *in rem* action against the property it owns [see *Hibbs* in *Levin,* as it addresses third-party exceptions to TIA; what Petitioner was as an objector pursuant to MCL §211.78(k)(2)(a-f)]. For such decisions Delaware relies on default to justify the seizure.[24]

In Michigan it is a bit different. The appearance of *substantive* due process takes place at a "show cause" hearing. However, that has the connotation, being it was decided prior to the objection hearing. It was a forgone conclusion more obviously in 2010 when those facing foreclosure were corralled in to Cobo Hall in Detroit and no one was able to object at all. Then a half-hearted symbolic gesture was contrived to give some but not all those would-be objectors that option in a meaningful manner. To reduce the sheer volume of people who wanted

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[24] See articles by Sommer and by Ward, and also see Appendices G & O § 2

to object, the various payment plans diverted most away for the show cause option but were futile nevertheless for several reasons.

In other words, the owner is in "contempt of court' as a third-party on an *in rem* action that had not been decided, but is deemed decided, for the purpose of the foreclosure. To be truly in "contempt of court" in that scenario one would be considered in "contempt of court" even though the law required it to be in *contempt* pursuant to MCL §211.78(k)(2) just to object at the *show cause* hearing, In fusing opposites, the injustice is inevitable. It is no different that the *San Remo* "preclusion trap" in *Knick* – another Catch-22, which would follow the objection hearing if it failed because by the logic of TIA one must go through the state courts to this Court rather than the lower federal courts. With *Rafaeli*, saving some of that trouble in its ability to clarify where the Michigan Supreme Court stands on the situation, it was opined in the dissent that such as case as this one would be the result of the very control that the county has over the sale value. There the basis of federal jurisdiction is not so much the elusive tax situation but the federal contract that affects the sale and therefore affects the relief as well. What sets Petitioner apart in this regard is two-fold:

1) Bankruptcy exemptions are preserved by bankruptcy and non-bankruptcy alike in mutual explicit comity between Michigan and the federal courts. (see 11 U.S.C. § 522(b)(2&3) in mutual explicit comity and also "choice of law" as to vested exemptions.
2) When the county treasurer "walked in the shoes" of the trustee in March 2017 to foreclose during both the federal and state stays it must provide the exemptions as a minimum, not subject to the statutory formula it uses in non-bankruptcy foreclosures regardless of whether it was publicly auctioned or was federally contracted or whether it was reversed once done. Because the harm (tort) was not the reversal itself but the harm to the adversary proceeding's complaint that was the problem that was not known to the Petitioner until later. *Knick* shows that the reversal does not correct the taking. So the city first and the county second had takings with the near last taking being the invasion on August 29, 2019 followed by more takings.

2. Normally that would be the fatal juncture at which there is no hope. Then bankruptcy, in explicit mutual comity with Michigan and other States, is the only salvation that could possibly get justice.

The bankruptcy court has a dual role in that it can address the objections to the "unsecured" disputed scheduled debt itself as well as address the foreclosure ("secured" disputed scheduled debt). In fact, it can discharge all the parts of the debt that are punitive in nature, interest, penalties, and all other contingent parts of the principle debt that does not survive the bankruptcy's permanent discharge, which was granted on May 31, 2017.

However, the problem for the Debtor, it was when that process is interrupted by the foreclosure during the stay, March 2017. This is when the county treasurer through two lawyers in two courts – state and federal – in contradiction foreclosed. Both lawyers got both judges to ignore the Debtor at once, unbeknownst to her until several months later and too late to fix it. When this happened, there was a problem with the judiciary branch itself, in its unwillingness to apply the mutual explicit comity available to it, to act accordingly.

Another Delaware example is *In Re Pontes* ("*Pontes*") offers some context in that it addresses TIA and in doing so also offers these insights:

a) "This is not a well-lit path. No case in the First Circuit and few courts anywhere have confronted the question presented here." Uses 11 U.S.C. § 505 to explain TIA as being the "bankruptcy exception."

b) "use the bankruptcy court's adversary proceeding vehicle to 'federalize' a question that otherwise would be exclusively an issue of state law. A taxpayer cannot challenge a state tax for the first time in federal court when a state provides a process to challenge the tax..." And this is the crux of the question presented in this Petition.

It was blocked on March 22, 2017 from being addressed and there was no place to address it except in bankruptcy court. So this overcomes TIA, on its face, by the transcript alone of the March 22, 2017, show cause hearing, in which an objection was filed and served on the county treasurer on time. Also where fraud was in the Michigan statute MLC §211.78(k)(2)(a-f) to provide that adjudication after three long years of

waiting only to wait another year the "speedy" prong of TIA made that yet another exception. After all, the debt grew and grew during the years held in abeyance, without any way to force the adjudication, at either court. It grew until mid-2019, just as *Knick* was decided, from 2013.

This is the overview of the Petitioner's plight that makes this Petition worthy with many details in the Record and additional landmark cases to provide context for the granting of the Petition.

As a last point to make, The right to appeal is in Rule 8003 (28 U.S.C. §§ 158(a)(1 & 2) from the bankruptcy court to the district court an Article II court) and it seems to petitioner that the denial was based upon poverty alone rather than the merits of the empty victory she had at the trial deemed "evidentiary hearing" so as to diminish its being taken seriously on appeal. Petitioner questions if she was told it was a trial and was actually only an evidentiary hearing. If that is true, unmerciful injustice has happened to her in way unimaginable prior to 19-1290. Is justice only there for those that can afford to pay? COVID-19 made many unable to pay as is the case with the Petitioner.

Petitioner puts forth her best reasons for granting the Petition, but one other possible request may please this Court. With 20-1773 being briefed currently, in the Sixth Circuit due to the invasion, perhaps this case could be held in abeyance, if granted, to enjoin both if that appeal takes comity as its basis for denying relief. If that is the case, Petitioner's only concern is the pending eviction which after the recent federal moratorium will expire December 31, 2020, thus making her potentially homeless. Naturally, Petitioner does not want be pushy, but if she is homeless her ability to prosecute the case is in peril. If any injunction from this court can make it possible to prevent that, then it would be welcome indeed. If comity is the reason why it can't, then it adds to Petitioner's point overall that comity is in the way of justice in some cases stemming retrocession.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Laurie M Scott

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