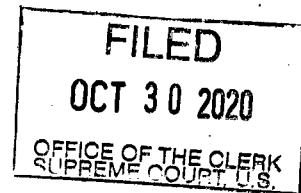


ORIGINAL

NO. 20-598



IN THE

SUPREME COURT OF THE UNITED STATES



JEFFREY F. KRATZ - PETITIONER

vs.

NATIONSTAR MORTGAGE LLC - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
SUPERIOR COURT OF PENNSYLVANIA

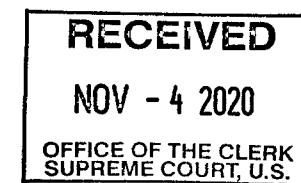
JEFFREY F. KRATZ

3 South Main Street

Richlandtown, PA 18955

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215.721.4700



QUESTIONS FOR REVIEW

A. Was Jeffrey F. Kratz denied his Constitutional Rights under the 14th Amendment of the Constitution of the United States which provides that no person shall be deprived of life, liberty or property without due process of the law when the Court of Common Pleas of Bucks County Pennsylvania granted to Nationstar Mortgage LLC a Motion for Summary Judgment against Jeffrey F. Kratz without allowing Jeffrey F. Kratz to present any evidence?

LIST OF PARTIES

1. Jeffrey F. Kratz
774 Quarry Road
Harleysville, PA 19438
2. Nationstar Mortgage LLC

STATEMENT OF RELATED CASES

1. *Nationstar Mortgage LLC v. Jeffrey F. Kratz*, No. 09-08837, In the Court of Common Pleas of Bucks County Pennsylvania. Judgment dated October 26, 2017.
2. *Nationstar Mortgage LLC v. Jeffrey F. Kratz*, No. 412 EDA 2018, In the Superior Court of Pennsylvania. Judgment Dated September 6, 2018.
3. *Nationstar Mortgage LLC v. Jeffrey F. Kratz*, No. 634 MAL 2018, In the Supreme Court of Pennsylvania Middle District. Judgment Dated June 2, 2020.

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SUPREME COURT OF THE UNITED STATES

NATIONSTAR MORTGAGE LLC :
Appellee :
DOCKET NO:
vs.
JEFFREY F. KRATZ :
Appellant :

PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

1. *Nationstar Mortgage LLC v. Jeffrey F. Kratz*, No. 09-08837, In the Court of Common Pleas of Bucks County Pennsylvania. Judgment dated October 26, 2017.
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PETITION

1. Your within Petitioner filed a Petition for Allowance of Appeal to the Supreme Court of Pennsylvania which was denied by the Supreme Court of Pennsylvania on the 25th day of June, 2020.

2. The Petition for Allowance of Appeal was based upon a violation of the United States Constitution (5th Amendment to the Constitution as well as a violation of the 14th Amendment of the Constitution) whereby Petitioner is challenging his Denial of the Due Process of Law by virtue of the Bucks County Pennsylvania Court of Common Please granting Summary Judgment to Nationstar Mortgage LLC on a Mortgage Foreclosure Action, the result of which would be the taking of Petitioner's property, namely his residence at 3 South Main Street, Richlandtown, PA, without allowing Petitioner due process of law.
3. Petitioner, Jeffrey F. Kratz, is requesting a Writ of Certiorari raising the following issues:
 - a. The granting of Summary Judgment by the Bucks County Court of Common Pleas was a violation of the 5th Amendment to the Constitution and a violation of the 14th Amendment to the Constitution whereby Petitioner was denied the due process of law by not allowing him to contest or present any evidence challenging Nationstar Mortgage LLC's Motion for Summary Judgment and Mortgage Foreclosure Action; and
 - b. That there was no evidence that Nationstar LLC owned or possessed "both" the Mortgage and Mortgage Note at the time of the filing of the Foreclosure Actions as required by law and since Nationstar Mortgage LLC had been paid in full for the money which it had allegedly loaned to

Petitioner as a result of the \$25 billion bailout during the Mortgage Crisis in 2010.

4. In the within matter, Citimortgage Inc. has already been paid back all the money which it allegedly loaned to Jeffrey F. Kratz through the infamous United States Government Bailout of many mortgage companies including Nationstar Mortgage LLC. The bailout was a result of the epidemic of defaults by American Homeowners across the country who had been given mortgages by various banks without the bank's sufficient investigation as to the homeowner's ability to pay back the loans granted to them by the Banks. The Massive Bailout funded by American Tax Dollars was to prevent a catastrophic failure of many banks brought about by the loans which they improperly made to the consumer. In the matter before the Court, Jeffrey F. Kratz has attempted to provide evidence to the Lower Court that Nationstar Mortgage LLC did not own and possess "both" the Mortgage and Mortgage Note "before" filing the within Foreclosure Action as required by law and that Nationstar Mortgage LLC had been paid in full for the money which it had allegedly loaned to Petitioner as a result of the \$25 billion Bailout during the Mortgage Crisis in 2010. However, because the Lower Court granted Nationstar Mortgage LLC's Motion for Summary Judgment, Jeffrey F. Kratz was precluded from presenting the evidence which he has accumulated.

JURISDICTION

A. Date of Judgment Sought to be Reviewed: June 25, 2020

The Supreme Court of the United States by Order dated March 19, 2020 extended the deadline for filing Appeals for 90 days.

B. Statutory Provision:

The 14th Amendment to the United States Constitution, provides that: 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 any person within its jurisdiction the equal protection of the laws.

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

STATEMENT OF THE CASE

On January 19, 2007 Appellant executed a Promissory Note in favor of First Magnus Financial Corporation (First Magnus) in the amount of \$240,000. Appellant also executed a mortgage which named the Mortgagee as Mortgage Electronics Registration Systems Inc. (MERS) as nominee for First Magnus. Appellant fell behind in making payment to Appellee beginning in April of 2009.

On August 17, 2009 Aurora Loan Services LLC (Aurora) filed a Mortgage Foreclosure against Appellant, averring inter alia that it was the legal owner of the Mortgage and it was "in the process of formalizing an assignment." Aurora's Complaint 8/31/09 @ Paragraph 3. On August 31, 2009 MERS recorded a Corporate Assignment of the mortgage to Aurora. Aurora then filed an amended Complaint attaching a copy of the recorded Assignment of Mortgage.

On January 29, 2010 Appellant filed a counseled Answer, New Matter and Counterclaims. In Appellant's Answer, New Matter and Counterclaims Appellant averred that because the Corporate Assignment of the Mortgage to Aurora was not recorded until after Aurora filed the Complaint, Aurora lacked standing to bring the suit.

In February of 2013 Aurora assigned the Mortgage to Nationstar. Nationstar was substituted as the Plaintiff. On March 23, 2017 Nationstar filed a Motion for Summary Judgement averring that Appellant either admitted or was deemed to have admitted the essential elements of the Foreclosure Action and thus there were no material issues of fact in dispute. Appellant filed a Response attaching an "Expert Report" to identify deficiencies with the Mortgage Assignments." The Trial Court heard Oral Argument on October 24, 2017 and on October 26, 2017 Judge C. Theodore Fritsch, Jr. granted Nationstar's Motion for Summary Judgement.

Jeffrey F. Kratz filed an Appeal of the Bucks County Decision to the Superior Court of Pennsylvania. On September 6, 2018 the Superior Court of Pennsylvania denied the Appeal of Jeffrey F. Kratz by a "non-precedential" decision (see Superior Court I.O.P. 65.37.) The Supreme Court of Pennsylvania by Order dated June 25, 2020 denied the Petition for Allowance of Appeal by Jeffrey F. Kratz.

ARGUMENT

The issue before this Court is whether Jeffrey F. Kratz has had his property taken without the opportunity to present any evidence or defenses to the Mortgage Foreclosure Action filed on behalf of Nationstar Mortgage LLC without due process of Law and for that reason this matter should be remanded to the Court of Common Pleas of Bucks County Pennsylvania.

Jeffrey F. Kratz's property is being attempted to be taken by Nationstar Mortgage LLC without providing him the right of due process. Nationstar Mortgage LLC's sole evidence (if it can even be considered evidence) consists of a Complaint which it filed against Jeffrey F. Kratz. There were no depositions, no affidavits, no testimony, no actual evidence at all to substantiate the bold allegations of Nationstar Mortgage LLC. Despite Jeffrey F. Kratz's denial of the claims by Nationstar Mortgage LLC in his Answer to the Complaint and the raising of New Matter, the Courts in Pennsylvania have refused to allow Jeffrey F. Kratz the opportunity to present whatever evidence he may have to challenge the Complaint

filed by Nationstar Mortgage LLC. This is clearly a denial of the due process of law. Nationstar Mortgage LLC is being allowed to take the property belonging to Jeffrey F. Kratz without giving him the opportunity to challenge Nationstar Mortgage LLC's allegations.

CONCLUSION

The Petition for Writ of Certiorari should be granted.

RESPECTFULLY SUBMITTED:

DATE: October 30, 2020

/s/ Jeffrey F. Kratz
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