

FEB 17 2021

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No. 20-7258

IN THE  
SUPREME COURT OF THE UNITED STATES

TOI HORN,  
ESTATE OF EMMA M. HORN,  
E&E FAMILY TRUST,  
Petitioner(s)/infant, minor,



v.

FEDERAL NATIONAL MORTGAGE ASSOCIATION "FANNIE MAE" et al.,  
Respondents.

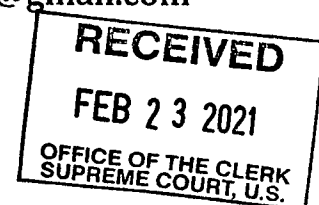
On Petition for a Writ of Certiorari to The United States Court  
of Appeals for the Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

**ORIGINAL**

February 16, 2021

Toi J'vhann Horn, POA,  
equitable beneficial title holder,  
of Moorish descent, Grantor  
of the trust TOI HORN,  
HORN, TOI, aka  
TOI J'VHANN HORN,  
Personal Rep. for the Estate,  
Trustee,  
c/o 10312 Garson Terrace  
Lanham, Maryland [20706]  
(240) 602-2140  
toihorn2@gmail.com



(i)

### **QUESTIONS PRESENTED**

Petitioner request to ask this Court to review whether the infant/minor's denial of their constitutional appeal be final from the District Court District of Maryland, Greenbelt division and the Court of Appeals for the Fourth Circuit and thus this denial be given the authority to impound the property and funds for the creation of a trust, and attempt to deprive the infant/minor the right to the absolute enjoyment of the funds/property of one who has come forth now, and is appearing at the age of majority:

1. Whether the district court erred in denying Petitioner's request to review Respondents bookkeeping entries (both receivables and payables) and the full accounting on the accounts receivables and accounts payables resulting from the deposit of TRUST/Estate of the ward/Beneficiary onto the courts accounts receivables and other general intangibles, a Constitutional violation?
2. Whether the circuit court and district court erred in denying Petitioner/infant, minor in exercising the 5th Amendment right to due process under the United States Constitution, which states - "no one shall be deprived of life, liberty, or property without due process of law"?
3. Whether the circuit court for Prince George's County erred in granting Respondents the authority to file a false fictitious estate in the court record, and accept Respondents false claim as real which gave Respondents the power to sell the trust and the trust property by using a false Bond that stated the trust/estate had a mortgage agreement with them; is this error a violation of the 5th Amendment takings clause under the United States Constitution that states "private property shall not be taken for public use, without just compensation"?
4. Whether the circuit court, district court, the Court of Appeals Fourth Circuit erred in denying Petitioner their entitlement to relief of damages in equity?

(ii)

5. Whether the district court and Court of Appeals for the Fourth Circuit be given the authority to act in violation of administrative constitutional or statutory limitations on its powers?
6. Whether the circuit court for Prince George's County, district court, and court of appeals erred in denying Petitioner to subpoena records from Respondents, (to compel testimony by a witness or production of evidence?)
7. Whether Respondents missed the deadline to file their claim under Maryland Code Estates and Trusts Title 8-Claims of Creditors Subtitle 1 - General Section 8-103, by failing to file their claims against the decedent with the Register of Wills for Prince George's County, Maryland within six (6) months from the date of the decedent's death in a timely manner?
8. Whether the circuit court erred in denying completing a full investigation of the false estate at issue before ratifying Respondents sale of the trust property/home; Respondent's actions made the lower courts believe that Respondents had a Deed of Trust and Note with the false estate that should have been examined before the unlawful sale?
9. Whether the appointed trustee took an oath to uphold the United States Constitution before the Bankruptcy court appointed the contracted trustee over Petitioner's Bankruptcy chapter 7 case?

(iii)

**PARTIES TO THE PROCEEDING IN THIS  
COURT AND RULE 12.6 STATEMENT**

A list of all parties to the proceeding in the court whose judgement is the subject of this petition is as follows:

**FEDERAL NATIONAL MORTGAGE ASSOCIATION "FANNIE MAE"**

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ORLANS PC  
P.O. Box 5041  
Troy, MI 48007

c/o ORLANS PC  
PO Box 2548, Leesburg, Virginia 20177  
Alleged Counsels for "Fannie Mae"

JAMES E. CLARKE,  
HUGH J. GREEN,  
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CHRISTINE M. DREXEL,  
BRAIN THOMAS,  
SETERUS, INC.,  
c/o ORLANS PC  
PO Box 2548  
Leesburg, Virginia 20177

**NATIONSTAR MORTGAGE, LLC, d/b/a MR. COOPER**

c/o PO Box 619098  
Dallas, Texas 75261-9741

(iv)

**TICHI PROPERTY, LLC**

c/o Larry H. Kirsch  
402 Long Trail Terrace  
Rockville, Maryland 20850  
Counsel for alleged Foreclosure Purchaser

**APPOINTED TRUSTEE**

c/o Steven H Greenfeld, appointed Trustee  
Cohen, Baldinger & Greenfeld, LLC  
2600 Tower Oaks Blvd.  
Suite 103  
Rockville, MD 20852

Petitioners are TOI HORN aka TOI J'VHANN HORN  
ESTATE OF EMMA M. HORN  
E&E FAMILY TRUST  
Debtors – Appellants

Respondents are indicated above.

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## **OPINIONS BELOW**

The opinions, judgement, and orders of the Fourth Circuit Court of Appeals, the District Court District of Maryland, Greenbelt Division, and the Bankruptcy Court for the District of Maryland, Greenbelt Division are under Appendix A. The opinions of the U.S. Court of Appeals for the Fourth Circuit are unpublished and unreported Appendix A 2a, 3a. The order of ratification of sale of the Circuit Court for Prince George's County, Maryland is under Appendix B 22a. The court failed to notify Petitioners of the ratification. Petitioner just became aware on February 8, 2021, when Petitioner looked in the case file.

## **JURISDICTION**

The Fourth Circuit Court of Appeals issued its judgement in Appeal No. 20-1197 on October 22, 2020, Appendix A 1a. Petitioner's timely petition for panel and a rehearing was denied on December 1, 2020, Appendix A 4a. The Mandate from the Appeals Court stated that the judgement entered on October 22, 2020 took effect on December 9, 2020 see Appendix A 5a. The jurisdiction of this Court is properly invoked pursuant to 28 U.S.C. § 1257(a) and 28 U.S.C. § 1254(1). If a petition for rehearing is timely filed in the court of appeals, the time to file the petition for writ of certiorari for all parties runs from the date of the denial of the petition for rehearing see Rule 13 of the Rules of Supreme Court of the United States. The Small Estate Notice of Appointment Notice to Creditors by the Register of Wills for Prince George's County, Maryland is under Appendix B 28a. The Small Estate Notice of Appointment Notice to Creditors was published in the Enquirer-Gazette under description 71665A-HORN on 7/16/2015.

### **Jurisdiction of Courts Over the Estates of Infants**

Jurisdiction over the estate of an infant is inherent in equity. Courts of equity have General and inherent jurisdiction over the property of infants. The jurisdiction can be exercised only when the court has acquired jurisdiction as to the particular infant/minor or subject matter (jurisdiction over estates/trusts are exclusive in nature over which courts of equity have exclusive jurisdiction, and such matters must be heard at equity.) The commencement of proceeding affecting the infant's property vest the court with jurisdiction over his or her estate, pursuant to when the court acts in loco parentis or as a guardian, and the infant becomes its ward. It

is the duty of the court to safeguard the infant's property interests with great care, example in trust. After the jurisdiction of the court has attached, either through as appearance which equates to submitting to the court's jurisdiction, the court in its administrative capacity has broad, comprehensive and plenary powers over the estate of the infant/minor; however, courts of equity have exclusive jurisdiction over the property of the infant/minor. This court may adjudicate the rights and equities of the infant and property, yet only in equity, and it may cause to be done whatever may be necessary to preserve and protect the infant's estate which includes the property/assets of an infant. Therefore, the court cannot act in violation or permitting the impounding of the infant's funds for the creation of a trust, which the court or parties have done by establishing the instant matter, and thus attempt to deprive the infant/minor of the right to the absolute enjoyment of the funds of one who has come forth now and is appearing at the age of majority in correction of any presumptions by previous actions or appearances in this manner. Furthermore, courts in conducting Commercial Business of the court must give/disclose to or upon a party upon demand the bookkeeping entries (both receivables and payables) with an affidavit. The infant/minor having attained the age of majority hereby challenges this instant matter. *Equitas sequitur legem*. Equity follows the law.

## **CONSTITUTIONAL PROVISIONS INVOLVED**

### **United States Constitution, First Amendment:**

to petition the Government for a redress of grievances.

### **United States Constitution, Amendment V:**

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

### **United States Constitution, Supremacy Clause, Article VI, Clause 2:**

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

### **United States Constitution, Article 1, Section 8, Clause 4:**

In the United States, bankruptcy is governed by federal law. The U.S. Constitution (Article 1, Section 8, Clause 4) authorizes Congress to enact "uniform Laws on the subject of Bankruptcies throughout the United States."

### **United States Constitution, Full Faith and Credit Clause - Article IV, Section 1**

This clause requires that all decisions, public records, and rulings from one state be honored in all the other U.S. States. Each U.S. court must give "full faith" and "credit" to the decisions rendered by other courts.

### **United States Constitution, Bill of Rights**

No person's (to include infants/minors) property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person, and when taken, except for the use of the State, such compensation shall be first made, or secured by deposit of money.

"WE THE PEOPLE," must support, protect, and defend the United States Constitution and not violate nor deny any right under the U.S. Constitution that "WE THE PEOPLE" can exercise. It is the United States of America's obligation to uphold the rule of law because it is the foundation of our republic. Petitioner has been aggrieved in this instant matter and request this court redress Cause No. 20 – 1197 at the United States Court of Appeals for The Fourth Circuit and Cause No. CAEF18-01811 at the Circuit Court for Prince George's County, Maryland. Petitioner challenges all Constitutional Provisions that were denied and violated under this cause.

## INTRODUCTION

Petitioners' cause has been egregiously ignored and overlooked by the inferior courts. Petitioners have been aggrieved by the inferior court's decision to ignore the false estate at issue; after Petitioners informed the court that the estate at issue is false and fraudulent. This all began after Petitioner's mother passed away who has a Deed of Trust and a Note. The nightmare began when Respondents created a new false estate by using Petitioner's mother's identity after Petitioner's mother passed away. Respondents new false estate was allegedly given legal title over the trust and the trust property at issue because Respondents claimed that the false estate had a Deed of Trust and Note with them. Respondents led the inferior courts to believe that they were the Substitute Trustees of a false estate; however, Petitioners have continuously entered in the court records actual evidence proving that Respondents claims are all false. Respondents actions against Petitioners are so egregious, it forced Petitioners to seek relief in equity. Petitioners will not surrender, quit, nor abandon the trust and its property; until the United States Supreme Court overturns the decision of the appeals court and the lower courts. Respondent's actions caused Petitioner to file Bankruptcy to seek relief from Respondents false claim. Respondents proceeded with their foreclosure sale regarding the trust property located at 10312 Garson Terrace, Lanham, Maryland 20706 on March 28, 2018 by using a false estate that they claimed owned the trust property. On May 1, 2018, Petitioner filed Bankruptcy and was Granted an automatic stay; however, on December 20, 2018 the Bankruptcy Court terminated the Automatic Stay imposed by 11 U.S.C. § 362 to allow Respondents to enforce a false lien of its alleged Deed of Trust as it pertains to the real trust property at issue. Petitioners' disagrees with this order terminating the Automatic Stay; so therefore, Petitioners' appealed the Bankruptcy Court's decision in the

termination of the automatic stay and was granted relief; however, the district court issued an Order Dismissing Petitioner's appeal for the following reason's, the court explained that Petitioner failed to designate a record on appeal and did not provide an intelligible basis for relief and the court found that the decision to terminate the stay in accordance with 11 U.S.C. § 362 (d)(1) was not an abuse of discretion and was supported by existing caselaw. Id. At 3-4 (citing *In re DeSouza*, 135 B.R. 793 (Bankr. D. Md. 1991)). Petitioners disagree with this final decision to dismiss Petitioners' cause. The court only filed opinions and letter orders; this cause is so serious and egregious one cannot just rely on opinions and letters to be the final say. This matter must be thoroughly reviewed again because of several errors that were made by the lower court's decisions and because Respondents led the courts to believe that a false estate defaulted on an alleged Note and Deed of Trust with Respondents. The Supreme Court cannot certify a false fake fictitious estate at issue under this cause; so therefore, we all must due a full investigation on this profoundly serious matter of taking trust property and make sure that we all dot our I's and cross our T's to make certain that this is true, correct, and complete to the best of our knowledge. The court claimed that Petitioner failed to designate a record on appeal; we object to this statement. Case No. 8:19-cv-00046 was not a real appeal's case. This case was a civil case; so therefore, Petitioner treated it as such. It states that it is a civil case under the case title and number. Petitioner filed a Counterclaim against Respondents by filing a Bill of Complaint in Equity Presentment to Void Proceedings and Jurisdiction. The presiding U.S. District judge, over this cause, failed to adjudicate the bill, 5<sup>th</sup> Amendment due process violation of the U.S. Constitution. Petitioner did in fact change jurisdiction under this cause and the judge failed to acknowledge the bill correctly. It appears the judge did not know how to move forward with the changing of jurisdictions. Petitioner changed the civil case to an equity proceeding. Petitioner desired the case to proceed in equity because she did not agree with the jurisdiction that the court wanted to proceed in; therefore, we could not come to a meeting of the minds and Petitioner was left without a resolution. Petitioner moved forward in filing an appeal and was granted relief. The Appeals court then entered in the court record a Jurisdictional Notice – Awaiting Entry of Order Under Frap 4(a) which stated "Review of the district court docket discloses that the district court is considering relief under Rule 4(a)(4) or (5), thereby suspending proceedings on appeal in this case. Accordingly, this appeal will not proceed until the district court has issued its ruling." As one can see, the lower courts are confused in how to resolve this

matter; therefore, Certiorari before judgement is needed. Petitioner was sent back down to the lower court and the lower court did nothing but confuse the instant matter even more. The lower courts actions have Petitioners running back and forth from this court to that court. It is very confusing to those who are watching. The Court of Appeals gave their final decision/judgement decided: October 22, 2020 that they found no reversible error in the district court's letter orders. Appeals Court's opinions were unpublished, meaning, not binding. Affirmed by unpublished per curiam opinion. Petitioners object to the unpublished opinions and request relief from Respondent's egregious actions. Petitioners do not agree with the letter orders from the lower courts.

### **STATEMENT OF THE CASE**

Grantor of the trust, Toi J. Horn, states for the record: that Emma M. Horn died in May 2015; thereafter, an Estate was opened for Emma M. Horn in May 2015 under Estate No. 100174 with the Register of Wills for Prince George's County, Maryland, see **Exhibit 1** Affidavit. The Register of Wills for Prince George's County, Maryland appointed Toi Horn as Personal Representative for the ESTATE OF EMMA M. HORN on JUNE 22, 2015, see **Appendix B** 28a, CERTIFICATION OF PUBLICATION published on 7/16/2016 for (3) three consecutive weeks in The Enquirer-Gazette.

Before Emma M. Horn died, she had an alleged loan account with Bank of America. Immediately after she died the Executrix gave a copy of Emma M. Horn's Death Certificate to Bank of America and two months after Bank of America received the Death Certificate, the Executrix received a letter from Bank of America stating that Emma M. Horn's alleged loan account with Bank of America was PAID IN FULL and or transferred, this is a fact. Horn did receive a Letter Notice from Bank of America stating that the account was PAID IN FULL. Bank of America and Respondents were notified that a small estate was opened for Emma M. Horn under Estate No. 100174 located with the REGISTER OF WILLS FOR PRINCE GEORGE'S COUNTY at P.O. Box 1729, Upper Marlboro, Maryland 20773-1729. The rule of law in Prince George's County, Maryland states TO ALL PERSONS INTERESTED IN THE ESTATE OF EMMA M. HORN - All persons having claims against the decedent must serve their claims on the

undersigned personal representative or file them with the Register of Wills with a copy to the undersigned on or before the earlier of the following dates:

(1) Six months from the date of the decedent's death; or (2) Thirty days after the personal representative mails or otherwise delivers to the creditor a copy of this published notice or other written notice, notifying the creditor that the claims will be barred unless the creditor presents the claim within thirty days from the mailing or other delivery of the notice. Any claim not served or filed within that time, or any extension provided by law, is unenforceable thereafter see Exhibit 1 - AFFIDAVIT. Respondents ignored the Universal Citation: Maryland Estate & Trusts Code section 8-103 (2017), see 2017 Maryland Code Estates and Trusts Title 8 - Claims of Creditors Subtitle 1 - General section 8-103, Limitation on presentation of claim, and CERTIFICATION OF PUBLICATION for the ESTATE OF EMMA M. HORN - see Exhibit 1. Respondents also ignored that a small estate was opened for all creditors to file their claims against the ESTATE OF EMMA M. HORN under Estate No. 100174. Respondents ignored the rule of law/publication which violated Petitioner's right to exercise the Fifth Amendment due process clause under the United States Constitution. Respondents were to file their claims if they had a real claim against the ESTATE OF EMMA M. HORN within Six (6) months from the date of the decedent's death with the Register of Wills for Prince George's County, Maryland; however, Respondents failed to file a claim within Six months from the date of the decedent's death which was in May 2015 see Exhibit 1 AFFIDAVIT. Respondents proceeded to harass and threaten Petitioner after the deadline of the decedent's death by using the United States Postal Service to continue to make payments to an alleged loan account that was created after Emma M. Horn passed away. Respondents then created another estate by using the name Emma H. Horn to force Petitioner against her will to keep making payments to an alleged loan account that was already PAID IN FULL after Emma M. Horn died to become unjustly enriched. Respondents did create a false fictitious name title, Emma H. Horn and the Estate of Emma H. Horn and Toi Horn as Personal Representative for the Estate of Emma H. Horn after Emma M. Horn died in May 2015. Respondents sent multiple false correspondents and bill statements to Petitioner by using the fictitious name titled Emma H. Horn and the Estate of Emma H. Horn claiming that this person was the borrower of a loan with them. Toi Horn informed Respondents that she did not know who Emma H. Horn was and informed them that Toi Horn is not the Personal Representative for the



Estate of Emma H. Horn; however, Respondents ignored Toi Horn and continued to pursue Petitioner by sending mail to Emma H. Horn stating that Petitioner must make a payment for Emma H. Horn's loan account with them. Respondents bullied, harassed, and threatened Petitioner via United States Postal Service to make payments for Emma H. Horn.

Emma H. Horn is not related to Toi Horn. Emma H. Horn never owned nor lived at the trust property located at 10312 Garson Terrace, Lanham, Maryland, [20706;] however, Respondents claimed otherwise. Respondents pushed their agenda by filing a fraudulent foreclosure, "false claim," on January 31, 2018, three (3) years after Emma M. Horn's Estate was closed with the Register of Wills for P.G. County, Maryland in May 2015, therefore, Respondents were to file proof of claim under the Estate of Emma M. Horn's No. 100174 within Six months from the date of the decedent's death see Exhibit 1. Respondents filed a false claim in another jurisdiction 3 years later allegedly claiming that a false fake name titled the Estate of Emma H. Horn owes them an alleged mortgage. Again, Emma H. Horn's name is not under the Deed of Trust nor the original Note and Respondents failed to prove to the inferior courts that Emma H. Horn was the borrower named under the original Note and the Deed of Trust; again, there is no evidence that Emma H. Horn was the borrower. Can a court of record CERTIFY the ESTATE OF EMMA H. HORN owned the trust property; NO, because the answer lies.

Respondents continued their fraudulent agenda and filed a false Bond under Case No. CAEF18 - 01811 located at the Circuit Court for Prince George's County, Maryland, please see Appendix B 25a - Atlantic Bonding Company, Inc. dated 02/01/18. Respondents certified under their false Bond stating that the Estate of Emma H. Horn is the Defendant that has a "mortgage agreement with them, by virtue of the power contained in a Deed of Trust or Mortgage or by virtue of a decree of the Honorable Judge of the said Court is/are about to sell - 10312 Garson Terrace, Lanham, Maryland 20706 in accordance with said deed, mortgage or decree." Respondents lied right here and made several false statements under the Bond see Appendix B 25a. Respondents did fraudulently securitize and monetize this Bond by using a false name title, the Estate of Emma H. Horn.

Respondents lied to the court by stating under the Bond that the Estate of Emma H. Horn owned the trust property namely 10312 Garson Terrace, Lanham, Maryland 20706. There is no evidence that Emma H. Horn's name/ title was ever listed under the Deed of Trust and or Mortgage with Respondents. Respondents claims are ALL FALSE. The Supreme Court cannot certify Respondents claim due to the false Bond entered in the court record.

Respondents also conspired with their Attorneys, Orlans PC, and allowed James E. Clarke, et. al, to claim they were the Substitute Trustees and the Principal(s) of the false Bond see Appendix B 25a. Respondents sealed and certified the Bond attached, see Appendix B 25a. Respondents made the inferior court believe that this Bond was true, correct, and complete; therefore the inferior court allowed Respondents to sell the trust property and foreclose on 10312 Garson Terrace, Lanham, Maryland 20706 - all under Case No. CAEF18-01811 now pending in the Circuit Court for Prince George's County. This is a fraudulent sell. Respondents had no authority to sell the trust property namely 10312 Garson Terrace, Lanham, Maryland 20706 because the Bond that was filed under the case was false. Respondent's Bond must be investigated. Certiorari before judgement would be particularly appropriate here because of this egregious act.

The inferior court adjudicated an entire case against a false fictitious name titled the Estate of Emma H. Horn because Respondents claimed that the Estate of Emma H. Horn was the borrower named under an alleged Note and Deed of Trust with "them." Petitioner informed the court about this false claim. Petitioner was ignored and the court allowed Respondents to continue their fraud by allowing them to sell the trust/property in March 2018 a month after 'they' filed the false Bond. Although, I might be in error, the inferior court failed to notify Petitioner, that the sale of the trust, trust property was Ratified. Petitioner never received the order of the Ratification in a timely manner. The inferior court denied Petitioner to exercise their 5th Amendment right to due process under the U.S. Constitution; therefore, Petitioner had no rights and was denied enjoying the right to due process. The court did shut and close Petitioner out of account Case No. CAEF18-01811 to allow Respondents to sell the trust property therefore currently there is a FRAUDULENT LIEN against the trust/property namely,

" 10312 Garson Terrace, Lanham, Maryland [20706]"

Respondents made false statements under the Bond by stating that "E&E FAMILY TRUST was by virtue of the power contained in a Deed of Trust or Mortgage;" E&E FAMILY TRUST does not have a mortgage agreement with Respondents nor a contract agreement with Respondents. E&E FAMILY TRUST does not have a Deed of Trust agreement with Respondent. Respondents failed to file in the court record proof of breach of contract with the E&E FAMILY TRUST. Respondents false statements under the Bond made the courts believe that "they" had somehow acquired a note and Deed of Trust of the ESTATE OF EMMA H. HORN and E&E FAMILY TRUST to sell the property at issue. Petitioner's request that the Fraudulent Lien be removed immediately from the home, the trust/property, and E&E FAMILY TRUST. The inferior court failed to investigate this matter. The court allowed Respondents to conceal information from Petitioners all in violation of the 5th Amendment right to due process of the United States Constitution.

E&E FAMILY TRUST currently owns the real property at issue. Before Emma M. Horn passed away, she successfully transferred title of the property to E&E FAMILY TRUST on February 25, 2015.

Respondents by way of fraudulent means and false representation, entered in the court record false documents and false statements by claiming the Estate of Emma H. Horn was the borrower of a loan with "them," that owned the trust property, and also claimed that Toi Horn is the Personal Representative of the Estate of Emma H. Horn; these claims are all false and lies, *Meredith v. Ramsdell*. Certiorari before judgement would be appropriate here because of the overwhelming egregious acts.

## **REASONS TO GRANT THE PETITION**

### **1. SOURCE AND IDENTITY AUTHENTICATION**

We must all confirm and verify the identity of EMMA H. HORN as it relates to a false civil case that Respondents filed at the inferior court. Respondents alleged claim must be verified by a higher court. The lower courts and the appeals court failed to make certain, if EMMA H. HORN had a Deed of Trust and a note with Respondents, 5<sup>th</sup> Amendment violation. The court failed to verify if this was true, so therefore, we request to revisit this instant matter to make certain. Certiorari before judgement must be granted.

The United States Supreme Court must make certain that Respondents actions were done in truth and make certain if Emma H. Horn or Emma M. Horn had a mortgage agreement with Respondents because the fact of the matter is, Respondents have a lien against the ESTATE OF EMMA H. HORN and a false lien against E&E FAMILY TRUST. The U.S. Supreme Court must confirm what is true and what is not true and do a thorough investigation of this profoundly serious matter. The true owner of the trust property stated herein was Emma M. Horn. Emma M. Horn was the Grantor and the equitable beneficial title holder of a Deed of Trust and an original Note that had been fully PAID IN FULL several years ago and has been discharged, please reference Case No. 20 - 1197 Brief - Affidavit of Appellant ECF No. 14 located at the United States Court of Appeals for The Fourth Circuit; however, again, Emma M. Horn passed away in May 2015, and before Emma M. Horn passed away, she successfully transferred ownership and title of the home located at 10312 Garson Terrace, Lanham, Maryland 20706 into a trust named E&E FAMILY TRUST. Respondents are not the trustees of E&E FAMILY TRUST. Respondents failed on numerous occasions to produce actual evidence to the court of record that "they" have proof of interest in E&E FAMILY TRUST. Respondents failed to produce evidence to the court of record that "they" have proof of interest in the ESTATE OF EMMA M. HORN. Respondents failed to show the court of record that "they" were entitled to sell E&E FAMILY TRUST and trust property. The Deed was transferred to E&E FAMILY TRUST in February 2015, please refer to ECF No. 14 - Brief - Affidavit of Appellant under No. 20 - 1197.

Petitioner is the heir of EMMA M. HORN'S trust/estate and Petitioner comes to claim the equity from all securities that are the ESTATE OF EMMA M. HORN(s). The courts cannot violate the Fifth Amendment of the U.S. Constitution and deny Petitioner to exercise the right to due process. Petitioner, E&E FAMILY TRUST, and the ESTATE OF EMMA M. HORN does not owe Respondents a home to sell, money, cash, funds, payment of any kind. Petitioner challenges the bookkeeping and all securities held in trust. Respondents continue to file false claims stating that Petitioner(s) owe them the home because we did not pay an alleged full total amount; however, these claims are all false, Emma M. Horn's alleged loan account with Bank of America was fully discharged and PAID IN FULL immediately after Emma M. Horn's death, see Exhibit 1 - AFFIDAVIT.

Respondents refuse to answer questions about the securities that were created for the benefit of EMMA M. HORN. Respondents currently owes the ESTATE OF EMMA M. HORN, E&E FAMILY TRUST, and TOI HORN the securities that are held in trust. There were several securities that were created from the original Note under the title EMMA M. HORN. Respondents did conceal the equity from the Personal Rep. for the Estate to keep ALL proceeds, funds, profits, and benefits for themselves to become UNJUSTLY ENRICHED. Here again, Certiorari before judgement would be appropriate.

By and through creating and using Emma H. Horn's name/title; Respondents, fraudulently transferred the original owner's name/title who was in fact Emma M. Horn through fraudulent means and false representation to the name/title Emma H. Horn; after Emma M. Horn died in 2015. Respondents appointed Emma H. Horn, without a court order, as the new borrower of an alleged Mortgage Loan with "them". Respondents also fraudulently appointed Emma H. Horn as the new Grantor of E&E FAMILY TRUST without a court order. \*\*\* Petitioner demands that the false lien be removed immediately from the trust and its property,

*Meredith v. Ramsdell*. 152 Colo. 548, 552, 384 P. 2d 941, 944 (1963) ("[a] person who misleads another by word or act believe a fact exists, when he knows it does not, is guilty of fraud," *Denver Business Sales Co. v. Lewis*, 148 Colo. 293, 365, P.2d 895 (1961) (trial court reversed in a deceit case based on nondisclosure for instructing the jury that the defendant was liable if he failed to disclose a fact which "by the exercise of reasonable prudence" ("[h]e who makes a representation as of his own knowledge, not knowing whether it is true or false, and it is in fact untrue, is guilty of fraud as much as if he knew it to be untrue"); *Otis & Co. v. Grimes*, 97 Colo. 219, 221-22, 48 P. 2d 788, 789 (1935) (actual knowledge of falsity not required and it is enough if the representation is made "with reckless ignorance of its truth or falsity" or "made..... recklessly, careless [of] whether it be true or false," or is made with "no knowledge whether his assertion is true or false"). Approval by the Colorado Supreme Court in *Bristol Bay Productions, LLC v. Lampack*, 2013 CO 60. 26, 312 P.3d 1155, 1160 ("Colorado's Model Jury Instructions unpack the fifth element into its three discrete sub-parts,

requiring the plaintiff to prove separately actual reliance, the reasonableness of that reliance, and that the plaintiff's reliance caused its damages.") This instruction is also supported by *Knight v. Cantrell*, 154 Colo. 396, 390, P. 2d 948 (1964); *Morrison v. Goodspeed*, 100 Colo. 470, 68 P.2d 458 (1937).

Respondents made the representation with the intent that the court and Petitioner would rely on the representation of Emma H. Horn; *Corder v. Law*, 148 Colo. 310, 366 P. 2d 369 (1961) (creation of a false impression, by whatever means, is the the gist of a false representation.) Respondents trespassed and stole from the ESTATE OF EMMA M. HORN and E&E FAMILY TRUST to create securities for 'their' benefit. \*\*Respondents created a new trust to take control the original trust property and land from EMMA M. HORN and her heirs.\*\* Respondents claimed in their bogus civil suit that "they" had the legal right to sale the trust property under the name ESTATE OF EMMA H. HORN, *Meredith v. Ramsdell* and *Corder v. Law*, 148 Colo.

Petitioners were never notified by the court that the report of sale was Ratified. Petitioners just became aware of the ratification on February 8, 2021, when Petitioner checked the case file. The alleged *TRUSTEES' REPORT OF SALE* must be dismissed, terminated, void, and stopped with prejudice immediately because it was done by fraudulent means. Respondents trespassed on trust property commonly known as 10312 Garson Terrace, Lanham, Maryland [20706]:

*BEING KNOWN AND DESIGNATED as Lot 14, Block G, in a subdivision known as Glenn Estates, as per plat thereof recorded among the Land Records of Prince George's County, Maryland in Plat Book NLP 154, Plat No. 82 and also recorded among Land Records in Liber No. 8755, folio 238 was granted and conveyed,*

One could continue to argue about this matter before the court; however, Respondents false Bond is actual evidence that the truth lies.

Petitioner was forced against "their" will, due to Respondents actions at the Circuit Court for Prince George's County, Maryland, to file a petition for Bankruptcy relief under Chapter 13 of the United States Bankruptcy Code. Petitioner filed the petition at the U.S. Bankruptcy Court for the District of Maryland, Greenbelt Division, and was given relief under Cause No. 18-15871, on May 1, 2018. Respondents actions caused Petitioner to file a VOLUNTARY PETITION FOR INDIVIDUALS FILING FOR BANKRUPTCY. The court then denied the petition and informed Petitioner to convert the Chapter 13 to another chapter. Petitioner then converted Bankruptcy Cause No. 18-15871 under a Chapter 13 to a Chapter 7. The appointed trustee named Steven H. Greenfeld filed a no - asset report for Petitioner which stated as follows:

“Chapter 7 Trustee’s Report of No Distribution: I, Steven H. Greenfeld, having been appointed trustee the estate of the above – named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there in no property available for distribution from the estate over and above that exempted by law. Pursuant to Fed r. Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record. This case was pending for 2 months. Assets Abandoned (without deducting any secured claims): \$514372.00, Assets Exempt: Not Available, Claims Scheduled: \$473298.06, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$473298.06. Filed by Steven H. Greenfeld. (Greenfeld, Steven) (Entered: 10/16/2018)

Petitioner disputes the no – asset report. Petitioner did deposit in the court record under Bankruptcy Cause No. 18-15871 a Full Faith and Credit Certificate of Live Birth of TOI J'VHANN HORN see Doc ECF No. 155 and a Proof of Interest ECF

No. 160 that consisted of the Full Faith and Credit of Petitioner's Birth Certificate and Power of Attorney Bankruptcy Case No. 18-15871. The name of holder Toi J'vhamn Horn does in fact have an Equity Security Interest in the trust/estate TOI J'VHANN HORN. The Full Faith and Credit Clause is protected under Article IV, Section 1 of the United States Constitution; however, the appointed trustee failed to acknowledge the filing to be added as an asset of Petitioner. The appointed Trustee also failed to respond and rebut point for point the Brief - Affidavit of Appellant ECF No. 14 under No. 20 - 1197, *Morris v. National Cash Register; United States v. Kis*, and *Group v. Finletter*. Petitioner disputes the trustees statement. Respondents alleged loan account No. 234876 was fully discharged on September 30, 2019. The appointed Bankruptcy trustee should have informed Petitioner about Respondent's dispute about the discharge because ORLANS PC, counsel for Respondents, continue to pursue Petitioner claiming that Respondents had a right to sell the trust property, which is not true and false. Petitioner also entered in the court record ECF No. 155 SPECIAL DEPOSIT OF INSTRUMENT INTO BANKRUPTCY AS ASSET TO BE CREDITED AND LIQUIDATED filed 03/15/19 Bankruptcy No. 18-15871 Chapter 7. The equitable beneficial title holder made a special deposit of one enclosed instrument. Toi J. Horn, informed the court that she is a living woman, as agent for the Debtor, TOI HORN [See *Marbury v. Madison*, 1803]. The equitable beneficial title holder requested that the court set off and/or off set all debt that is owed by the debtor and any remainder is to be dispersed to the equitable beneficial title holder of the trust see ECF No. 155. The Bankruptcy court and trustee ignored and failed to dispute the filings. Petitioner request the Supreme Court review the entries into the court record whether the Bankruptcy court erred in denying Petitioner the right to use the instrument that was entered in the court record as an asset to be credited for this cause? Petitioner had in possession an authenticated certified instrument that was entitled to the full faith and credit. Some of the CUSIP numbers for these instruments have been included on the property form under this cause.

A Notice of Motion for Relief from Stay dated: November 2, 2018, by Orlans PC, alleged counsel for Respondents, was filed against Petitioner's Bankruptcy filing. The judge removed the automatic stay from the trust property, which is in dispute. There are several securities that Respondents are currently concealing from the court of record. U.S. Bankruptcy Judge, Lori S. Simpson, filed an ORDER



TERMINATING AUTOMATIC STAY regarding the trust property. Petitioner took action to appeal the Order removing the stay and the appeal was forwarded to the United States District Court District of Maryland, Greenbelt Division. Petitioner was given relief and the appeal was granted. Petitioner was given Cause No. 8:19-cv-00046 on appeal from Bankruptcy Cause No.: 18-15871 and docketed on January 7, 2019 at the United States District Court for The District of Maryland and United States District Judge, Paul W. Grimm was given the fiduciary title. The AUTOMATIC STAY was reinstated to the trust property. While the stay was granted on appeal, Respondents transferred the alleged servicing loan account No. 29367457 for the false name titled Emma H. Horn to another servicing company named Nationstar Mortgage LLC d/b/a Mr. Cooper effective March 1, 2019, please see ECF No. 15 - "NOTICE TO THE COURT OF SERVICING TRANSFER" and ECF No. 36 - "NOTICE - UNLAWFUL SERVICING TRANSFER" under Case No. 8:19-cv-00046 located at the U.S. District Court For The District of Maryland Greenbelt Division, before the ORDER OF DISCHARGE was granted for Petitioner. Respondents violated the stay order and denied Petitioner the right to exercise the 5th Amendment of the United States Constitution. Trust property cannot be moved or transferred while the stay is active and enforced. Respondents securitized and monetized in secret on the alleged loan without a court order and breached the trust. Respondents continue to ignore and violate the U.S. Bankruptcy rules, laws, and codes that protect trusts/estates. Respondents failed to inform the trustee about how much was profited when "they" converted the alleged loan to a security. Respondents failed to inform the heir of the Estate and the equitable beneficial title holders, see ECF No. 14 under No. 20 - 1197 at the United States Court of Appeals for the Fourth Circuit. The stay was enforced for the benefit of the trust, the trust property, the estates, the accounts, the securities, and any known or unknown accounts.

Under the Bankruptcy code - while the stay is in effect, creditors cannot sue, garnish wages, assert a deficiency, repossess property, or otherwise try to collect from debtors. Creditors cannot demand repayment from debtors by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney fees.

Respondents transferred the alleged loan, without a court order, to try and stop the alleged loan at issue from being DISCHARGED, all in violation of the United States Constitution right to due process and the U.S. Bankruptcy Codes. Respondents took the funds from the securities before the discharge.

"WE THE PEOPLE," have a right to discharge all debt under the U.S. Bankruptcy Codes and the U.S. Constitution. I might be in error; however currently, it seems the alleged loan was not discharged, it was transferred while the stay was enforced. Respondents transferred the alleged debt for the false name Emma H. Horn to Nationstar Mortgage LLC d/b/a Mr. Cooper effective March 1, 2019. There is no mortgage connected to the trust property named E&E FAMILY TRUST. This transfer should not have been granted, because Respondents were discharged. Currently, the company named Nationstar Mortgage LLC d/b/a Mr. Cooper is harassing the trust and the trust property claiming that EMMA HORN owes "them" for an alleged loan. Petitioner request this court stop, dismiss, with prejudice Nationstar Mortgage LLC d/b/a Mr. Cooper and Respondents from getting away with this type of behavior. Nationstar Mortgage created another security for another alleged loan and has concealed the securities from the trustee and the equitable beneficial title holders. Petitioner was unable to file Nationstar Mortgage LLC d/b/a Mr. Cooper as an alleged creditor under this cause, so therefore, Nationstar Mortgage LLC d/b/a Mr. Cooper is currently harassing Petitioner to make a payment for an alleged account that has been discharged. Certiorari before judgement is appropriate because of the egregious behavior of Respondents. Is this fair and why would a court allow this type of behavior and is this Constitutionally acceptable? Certiorari before judgment must granted due to the egregious actions of Respondents. It is almost as if, Respondents do not care for the rule of law nor the U.S. Constitution.

## **2. ORDER OF DISCHARGE WAS GRANTED**

On September 30, 2019, U.S. Bankruptcy Judge Lori S. Simpson granted a discharge under 11 U.S.C. section 727 for TOI HORN aka TOI J'VHANN HORN heir of the ESTATE OF EMMA M. HORN. The Order of Discharge was entered in the court record, please see ECF No. 168 - Case 18 -15871 and a

"CERTIFICATE OF NOTICE for the ORDER OF DISCHARGE " see ECF No. 169 - Case 18 - 15871 located at the United States Bankruptcy Court For the District of Maryland, Greenbelt, Division. The Certificate of Notice of the Order of Discharge was sent by first class mail to all alleged listed creditors that were entered into the Bankruptcy Case. Although, all alleged debt was in fact discharged on September 30, 2019 under Cause No. 18 – 15871; ORLANS PC, along with Respondents continue to harass Petitioner by filing in court records, frivolous filings and false claims, claiming that "they" already sold the trust property and Petitioner cannot redeem the trust and the trust property; again, EMMA H. HORN's name is NOT under the Deed of Trust nor the original Note; however, Respondents are claiming that EMMA H. HORN was the borrower. This is all false, *Meredith v. Ramsdell* and *Owens v. City of Independence*.

Respondents failed to rebut all Affidavits that were filed in the court record and the Bill of Complaint in Equity point for point, Petitioner is now Creditor and Secured Party to this action and Petitioner's order to the court is for Respondents to be dismissed with prejudice and the court must remove the fraudulent lien against the trust and the trust property stated herein, *United States v. Kis*. Petitioner request this honorable court refer to (ECF No. 14 under No. 20 – 1197) and *Group v. Finletter*. Affidavits are written or printed declarations or statement of facts, made voluntarily, and confirmed by oath or affirmation of the party making it, taken before an officer having authority to administer such oaths *Cox v. Stern*; *Hays v. Loomis*, 84 III. 18.

### **3. Affidavit's Unrebutted Stands as True**

Affidavit uncontested unrebutted unanswered [*United States v. Kis*, 658 F. 2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S.L. W. 2169; S. Ct. March 22, 1982 1982]"no more than affidavits is necessary to make the prima facie case." [*United States v. Kis*, 658 F. 2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982]

Please refer to ECF No. 20 and No. 21 under cause No. 20 - 1197 Respondents failed to rebut point for point the document titled AN UN REBUTTED

**AFFIDAVIT BECOMES THE LAW OF THIS CAUSE.** Respondents failed to rebut point for point the **RESPONSE TO APPELLEE(s) INFORMAL BRIEF OF APPELLEE** - ECF No. 20 under Cause No. 20 – 1197.

Petitioner objects to and does not agree with the Letter Order dated August 28, 2020 (ECF 55,) the Letter Order dated October 13, 2020 (ECF 60,) and the Memorandum Opinion and Order dated September 27, 2019 (ECF 37) all under Cause No. 8:19-cv-00046; we therefore challenge the Letter Orders and the Memorandum Opinion and Order and request a jury trial to resolve this matter, because there was no final judgement given under this cause. The judge only docketed in the record Letters and Opinions, so therefore, Petitioner challenges the Letters and Opinions and further request a jury trial of Petitioners peers to further adjudicate this instant matter. Petitioner is entitled to a jury because Petitioner is the heir to the original note and the Deed of Trust that is in dispute under this cause. Under the Fifth Amendment of the U.S. Constitution, "private property [shall not] be taken for public use, without just compensation."

Respondents filed a false BOND against the ESTATE OF EMMA H. HORN and E&E FAMILY TRUST, see Appendix B – 25a. This court must investigate this Bond for its truthfulness. The inferior court adjudicated and entire case against a fake fictitious name titled the ESTATE OF EMMA H. HORN and granted Respondents to sell the trust property. The ESTATE OF EMMA H. HORN never owned the trust property known as 10312 Garson Terrace, Lanham, Maryland (20706), this estate is NOT a party to the Deed of Trust nor the original Note at issue. The Supreme Court must review this false BOND of Respondents. Respondents failed to show actual evidence to the court of record that they had a mortgage agreement with the ESTATE OF EMMA H. HORN and E&E FAMILY TRUST. Certiorari before judgement would be appropriate in light of the fact that Respondent's Bond entered in the court record is in dispute and must be reviewed. This is an emergency because the lower court's decision was erroneous. The Supreme Court cannot certify that the ESTATE OF EMMA H. HORN owned the trust and its property just because Respondents say so; therefore, this court must make certain that this is true; 5<sup>th</sup> Amendment due process, "private property [shall not] be taken for public use, without just compensation."

*Padgett v. First Federal Savings & Loan Association of Santa Rosa County*, 378 So. 2d 58, 64 (Fla. 1st DCA 1979,) Petitioner seeks a money judgement on the original note. Petitioner has a constitutional right to demand a jury as to "legal" actions, such as money damages claims for breach of promissory notes and breach of trust; see *Cheek v. McGowan Elec. Supply Co.*, 404 So. 2d 834, 836 (Fla. 1st DCA 1981). Respondents did conceal several securities that were created from the alleged loan account promissory note/Deed of Trust from Petitioner and E&E FAMILY TRUST. Respondents denied Petitioners full disclosure of the securities. Respondents remained silent when asked to produce evidence of the ESTATE OF EMMA M. HORN's securities. Petitioner demands full disclosure of all securities for the estate. Respondents cannot conceal the securities held in trust. We demand a jury trial to adjudicate these securities and we demand that Respondents release the information to the Executrix and the Petitioners of this cause. This honorable court cannot allow Respondents to lock Petitioner and the Executrix out of these accounts because, Petitioner is the heir of the ESTATE OF EMMA M. HORN.

We have proven this fact to the court with lawful/legal documents. The "BILL OF COMPLAINT IN EQUITY PRESENTMENT TO VOID PROCEEDINGS AND JURISDICTION" see ECF No. 22 under Case No. 8:19-cv-00046 must be investigated by a jury because the court failed to adjudicate this bill fairly. This bill was in fact ignored by the court and ignored by Respondents. Respondents continue to push their agenda by claiming that the trust property has been sold, all done in violation of the 5th Amendment right to due process. Petitioner request to challenge and investigate Respondents non- response of all securities that Petitioner claimed.

PETITIONER WAS DENIED FULL DISCLOSURE, 5<sup>th</sup> amendment violation. Respondents placed a claim that "they" have somehow acquired the note for this particular property in trust and or is an agent of a party retaining the rights to enforce an alleged note, a note that was fully discharged through the United States Treasury Department some time ago, this would render this matter a matter in dispute. This matter needs to be investigated by a jury and all other known alleged loan accounts and unknown alleged loan accounts must be investigated by a jury. Until this dispute is validated and until Respondents can verify everything stated herein; this cause cannot move forward with taking trust property. Respondents

must provide verification of their false claims to the U.S. Supreme Court. Petitioner was treated unfairly and denied the right to seek concealed documents from Respondents. The inferior courts ignored all of Petitioner's Affidavits and Complaints entered in the court record. Petitioner seeks redress of grievances.

## CONCLUSION

For the foregoing reasons, Petitioner respectfully requests this Court issue a writ of certiorari to review the judgement of the United States Court of Appeals for the Fourth Circuit. Petitioner request to obtain a "Court Order" to remove and lift the false lien on the trust/trust property known as: 10312 Garson Terrace, Lanham, Maryland [20706] due to Respondents false filing against the false fictitious name title the ESTATE OF EMMA H. HORN where Respondents claimed that Emma H. Horn was the borrower of a loan with them, and by claiming she was named under a Deed of Trust in which 'they' claimed 'they' owned. These statements are all stated under the false Bond at issue under Civil Case No. CAEF18-01811. The false Bond must be investigated because Respondents did securitize/monetize on this Bond. Respondents also falsely claimed under the false Bond, that E&E FAMILY TRUST had a mortgage agreement with them which allowed them to foreclose and sell the trust property. Petitioner challenges this Bond. Respondents failed to file their claims against Emma M. Horn after she died because Respondents knew they had no claim against the ESTATE OF EMMA M. HORN.

Emma M. Horn's loan account was PAID IN FULL in 2015. Respondents were to file their claims within six (6) months after the date of the decedent's death; If Respondents could prove they had a Deed of Trust and a Note with the ESTATE OF EMMA M. HORN, Respondents missed their time to file their claim under the Maryland Code Estates and Trusts Title 8 - Claims of Creditors Subtitle 1 - General section 8 - 103. Petitioner was granted a discharge under 11 U.S.C. section 727 under U.S. Bankruptcy Case No. 18-15871 Chapter 7.

Foreclosure Civil Case No. CAEF18-01811 was filed under the Bankruptcy Case and was successfully DISCHARGED; therefore, Petitioner request that the court grants the ESTATE OF EMMA M. HORN to be released from the Note and Deed of Trust. Petitioner respectfully request that an Order from the court release the ESTATE OF EMMA M. HORN from any fraudulent liens and or holds that Petitioner is unaware of. Respondents must put in writing that the Deed of Trust and Note has been fully paid/discharged and satisfied, therefore, the ESTATE OF EMMA M. HORN is released from all debt. A Certificate of Satisfaction and or a Certificate of Release must be executed, and Respondents must acknowledge it. Petitioner further request that this court DISMISS Respondents and Respondents Attorneys with prejudice,' because of the false Bond that was entered in the court record and is in dispute, under penalty of perjury, all statements are true, correct, and complete to the best of my knowledge. I declare under the laws of the United States of America that the foregoing is true and correct. Executed on this 16<sup>th</sup> Day of February, 2021.

Respectfully submitted,

Toi J. Horn

Toi J. Horn, POA for Petitioner and  
Personal Rep for the estate and trustee  
c/o 10312 Garson Terrace  
Lanham, Maryland [20706]  
(240) 602.2140

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