

No. 21-1114

ORIGINAL

In The
Supreme Court of the United States

FILED
DEC 20 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

BETTY L. CHARLES, PRO- SE PETITIONER

vs.

JAMES SHELTON ELLIS, TRUSTEE OF THE
JAMES SHELTON ELLIS TRUST CUI 9/2/1998 - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

BETTY L. CHARLES,
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QUESTION PRESENTED

Betty L. Charles is an heirs' timberland and farmland owner. When heirs' property is determined, The Uniform Partition of Heirs Property Act #107 applies. Why didn't this Act provide the protection that Betty L. Charles needed to save her **TIMBERLAND AND FARMLAND?**

LIST OF PARTIES AND RELATED

JAMES SHELTON ELLIS, TRUSTEE OF THE JAMES SHELTON ELLIS TRUST
CUI 9/2/1998 – RESPONDENT

ATTORNEY PAUL LINDSEY – FOR THE RESPONDENT

P. O. BOX K
CAMDEN, ARKANSAS 71711

JOHN DAWSON III, PRESIDENT OF ARKANSAS PULPWOOD COMPANY
CAMDEN, ARKANSAS

SPENCER G. SINGLETON - NEW JUDGE
THIRTEEN JUDICIAL DISTRICT
101 N. WASHINGTON, SUITE #205
UNION COUNTY COURTHOUSE
EL DORADO, ARKANSAS 71730

GLADYS F. NETTLE, CLERK
P. O. BOX 667
CAMDEN, ARKANSAS 71701

TABLE OF CONTENTS

	Page
QUESTION PRESENTED.....	ii
LIST OF PARTIES AND RELATED.....	iii
TABLE OF CONTENTS.....	iv
INDEX OF APPENDICES.....	1
PETITION FOR A WRIT OF CERTIORARI.....	1
TABLE OF AUTHORITIES.....	1
OPINIONS BELOW.....	1
JURISDICTION.....	1
STATEMENT OF CASE.....	2
REASONS FOR GRANTING THE WRIT.....	3
CONCLUSION.....	3

INDEX OF APPENDICES

Appendix A. Decision of State Trial Court ORDER OF PARTITION, JUDGE
DAVID GUTHRIE.

Appendix B. Decision of State Court of Appeals HONORABLE DAVID GUTHRIE
JUDGE DISMISSED WITHOUT PREJUDICE.

Appendix C. Decision of State Supreme Court FORMAL ORDER, Petitioner's
Pro Se Petition is DENIED.

PETITION FOR A WRIT OF CERTIORARI

Petitioner, Betty L. Charles respectfully requests the issuance of a writ of certiorari to review the denied FORMAL ORDER of the State of Arkansas, Supreme Court.

TABLE OF AUTHORITIES

CASES: **Graham v. French**, 2015 Ark. App29, 454 S. W. .3d246 (2015)

STATUTES: Uniform Partition of Heirs Property ACT #107 of (2015)

2Arkansas Civil Pac. & Proc. S 39:7 (5th ed.)

4Arkansas Probate & Estate Admin. S 18:9

OPINIONS BELOW

The decision of the State of Arkansas, Supreme Court, a copy of this document.

See Appendix (C)

JURISDICTION

The State of Arkansas, Supreme Court issued a FORMAL ORDER. Petitioner's PRO SE, Petition for review is denied on September 23, 2021, case #CV-20-316.

STATEMENT OF THE CASE

James Shelton Ellis had his Attorney, Paul E. Lindsey write Betty L. Charles a letter on June 13, 2019 and the next day, Mr. Lindsey filed a lawsuit on June 14, 2019 for the Partition of Betty L. Charles's undivided 40 acres of land. Betty L. Charles had no knowledge that James Shelton Ellis had purchased the entire 40 acres on June 16, 2016 for \$28,000.00 from John Dawson III, the owner of Arkansas Pulpwood Timber Company.

James Shelton Ellis is seeking a partition of Betty L. Charles 40 acres pursuant to the law. In James Shelton Ellis 's petition, line #16, plaintiff asserts that ACA-18-60-1001 does not apply, because the property is not Heir Property as defined under ACA-18-601002 (5) and the partition should be made pursuant to Ark. Ann 18-60-401, et seq. (This statement is false).

This is Heir Property, Ark. Code Ann. 18-60-1002. At least one of the co-tenants must have acquired title for the land from a relative.

The UNIFORM PARTITION OF HEIRS PROPERTY ACT #107 of 2015 weren't applied in Betty L. Charles's case. It establishes a "hierarchy of remedies" that both reinforces the property rights of cotenants and improves their ability to retain their property. IT GIVES CO-TENANTS AUTOMATIC BUYOUT RIGHTS.

Betty L. Charles will explain the interest ownership in her 40 Acres. John Dawson III of Arkansas Pulpwood Company, purchased (2/7) interest of Betty L. Charles's family Heir Property from Luches Hamilton, Jr., his (1/7) interest for \$12,000.00 and Larry Hamilton, Sr. (1/7) interest. Larry is deceased. Larry Hamilton, Sr. (3) children shared the money from Larry's (1/7) interest. Larry Hamilton, Jr. received \$2,000.00, Felicia Hamilton-Parramore received \$2,000.00 and Jerry Hamilton received \$1,500.00.

When Luches Hamilton, Jr. sold his interest to John Dawson, III. Mr. Dawson continue to pay the taxes on this land in December 29, 2014. Records show that Betty L. Charles paid the taxes in Ouachita County Courthouse on August 12, 2011.

Hudis Hamilton's Attorney Ralph Goza in Camden, Arkansas drafted his deed to convey his interest of (1/7) and his (3) sister's interest of (3/7) from Ethel Hamilton, Hazel Ross and Geneva Wheeler to Betty L. Charles on August 4, 2010. Lucille Charles (1/7) interest was conveyed to Betty Charles on May 11, 2011. Betty L. Charles conveyed total interest was (5/7) and John Dawson, III conveyed total interest is (2/7). Betty L. Charles tried to explain this information to Attorney Lindsey, that his client, James Shelton Ellis only had (2/7) conveyed interest from John Dawson III.

A title search was done through Ouachita Abstract & Title Company, which reported that James Shelton Ellis had purchased the entire 40 Acres of land from John Dawson III on June 16, 2016. (This was an illegal Real Estate Transaction.)

James Shelton Ellis waited 3 years before he could legally come after Betty L. Charles for a partition of her 40 acres of timberland. Betty L. Charles had no knowledge that James Shelton Ellis had purchased the entire 40 acres of this land. James Shelton Ellis was seeking a CLEAR TITLE to Betty L. Charles's land that he had purchased from John Dawson, III. The deed incorrectly showed James Shelton Ellis own the entire 40 Acres at this time. The 40 Acres that is now in James Shelton Ellis name as being the only Owner. (This was an illegal Real Estate transaction.)

It has been difficult for Betty L. Charles to find an attorney to help with this DISPUTE over Betty L. Charles's ownership of their family timberland and farmland. During the Holiday Season of 2019, Betty L. Charles thought she had an Attorney and when Betty L. Charles finally secured funds to pay him, he said he didn't have enough time to prepare for this case.

Betty L. Charles's Mother passed away on January 1, 2020. Judge Guthrie did not grant Betty L. Charles, one more CONTINUANCE. So, on January 17, 2020 a Bench Trial hearing was held at 9:30 a.m. Judge Guthrie Ordered a Partition of Betty L. Charles's property the same day. There was no mention in the Court Trial records, why Betty L. Charles didn't appear in Court on January 17, 2020.

The Partition Laws weren't applied in Betty L. Charles's Case. A report from the Commissioners was filed on April 23, 2020. Judge Guthrie gave James Shelton Ellis everything he asked for. The Order of Partition was granted on January 17, 2020

After Betty L. Charles's, Mother, Lucille Charles's funeral, Betty L. Charles decided to Appeal this Case. Betty L. Charles resides in St. Paul, Minnesota. Betty L. Charles's goal is to SAVE her Family's 40 Acres of Timberland and Farmland. This is a request from Betty L. Charles's Mother and Grandfather, Luches Hamilton, Sr. Betty L. Charles has been fighting this Case since 2019.

REASONS FOR GRANTING THE PETITION

Respectfully, the Court should grant The Writ of Certiorari to address the history of Heirs' Property Owners, Black Farmers and Ranchers losing their property because of illegal transferring of ownership.

Betty L. Charles's case, is an example of the deprivation of property rights and loss of wealth that many low to middle – income owners of family real property have experienced over the past several decades.

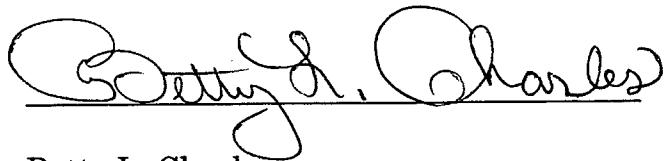
The Uniform of Partition of Heirs' property Act should have provided the protection that was needed in Betty L. Charles's case.

James Shelton Ellis has tried to take Betty L. Charles entire 40 Acres of TIMBERLAND and FARMLAND Property!

CONCLUSION

The petition for a Writ of Certiorari should be granted.

Respectfully Submitted,



Betty L. Charles

Date: January 31, 2022