

21 - 5330
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

LAURA MARIE SCOTT — PETITIONER
(Your Name)

vs.

NANDAN PATEL, et al. — 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

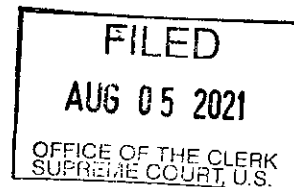
LAURA MARIE SCOTT
(Your Name)

2968 HANLEY (subject property)
(Address)

HAMTRAMCK MI 48212
(City, State, Zip Code)

n/a
(Phone Number)

ORIGINAL



QUESTIONS PRESENTED

Context: A repose fixed on March 2018— especially a self-imposed repose, created by one Respondent solely misinterpreting federal law in a state-court *in rem* matter — here, a civil version of *Michigan v. Long* — “confirm[ing]” facts untrue related to 11 U.S.C., e.g. inclusion in “inventory” of 100% exempted real property, to erroneously extend (equitably toll?) repose “a year” in faux abeyance from March 2017. Tactically, obstacles to the consequential appellate court demands for cash payment, forbidden pre-foreclosure by MCL 211.78k(2) and post-foreclosure by 11 U.S.C, said Respondent thus blocked Petitioner’s *in rem* objections MCL 211.78k(2)(a-f), to in turn block any claim of appeal thereafter; thus ultimately blocking Petitioner’s constitutional rights in several ways. Post-repose, second Respondent, in a federal court, separate from the underlying bankruptcy case, revealed the false abeyance. Both represented the same third municipal Respondent in separate courts. All three are lawyers. All knowledgeable in the laws involved. It was reframed and precluded federal jurisdiction unconstitutionally rooted in a *quid pro quo* created by the confirming one, done on behalf of the same third one. The latter third one had no standing in federal court August 7, 2017, to reveal the first one’s initial independent decision to allegedly remove the parcel, March 22, 2017. Yet, the federal court also relied upon it. This doubly harmed Petitioner in both courts by surprise, August 7, 2017.

The QUESTIONS PRESENTED are therefore:

1. Does enjoining both courts in contradictory reliance on faux removal of a 100% exempt parcel (11 U.S.C.) revested in Petitioner before removal from the state’s *in rem* petition, forever seal the fate, post-repose, of all Respondents’ inactions and actions forever thereafter, as being absolutely moot; unlabeled as either a “tax case” or a “bankruptcy case” by exemption, followed by repose set in state law, to give Petitioner federal subject-matter jurisdiction in addition to what she had, since *Monroe v. Pape* (1961), August 29, 2019?
2. Does the *Michigan v. Long* misuse of federal law by Respondents Yun, on behalf of Sabree, creating faux removal, revealed by Kilpatrick, give this Court a perfect vehicle to extend *Michigan v. Long*’s application to civil matters that hoard all excess profit which a trustee liquidation would make available to Debtor and other creditors, such that Sabree “walked in the shoes” of the trustee in a state court, which Kilpatrick, in January 2017, told Petitioner “survive the bankruptcy”; declared August 7, 2017 it did not; Sabree reversed it, invoking by preemption in 2019, *Knick v. Township of Scott, Pennsylvania*, which cited *Monroe v. Pape* (1961)?

LIST OF PARTIES

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

[X] 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:

NANDAN PATEL; ENTERPRISING REAL ESTATE, LLC;
CYNTHIA YUN; R. I. KILPATRICK; K. ANGERER;
CITY OF HAMTRAMCK; ERIC R. SABREE;
COUNTY OF WAYNE; WAYNE COUNTY LAND BANK
CORPORATION

RELATED CASES (IN CONTEXT OF REPOSE)

THIS CASE IS NEITHER A "BANKRUPTCY CASE" NOR A "TAX CASE" AND IS THEREFORE INDEPENDANT OF PRE-REPOSE CASES. HOWEVER, THE SAME PRE-REPOSE DEBT REEMERGED IN 2019, CONSTITUTING NEW CONSTITUTIONAL CLAIMS; PREEMPTED BY THIS COURT'S *Knick v. Township of Scott, Pennsylvania* decision; adding more new claims ten days after said pre-emption case closed 8/19/19, on 8/29/19 by ENTERPRISE REAL ESTATE, LLC and NANDAN PATEL. ANY ACTIONS IN OR OUT OF COURT POST-REPOSE ARE NOT "RELATED" CASES. RATHER, AND MORE SPECIFICALLY TO THE JURISDICTION OF THIS COURT, WHEN AN ASSET IS REVESTED BY A 100% HOMESTEAD EXEMPTION IT IS NO LONGER A "BANKRUPTCY CASE" MATTER. WHEN THAT SAME PROPERTY IS REMOVED FROM THE TAX FORECLOSURE PETITION IT IS NO LONGER A TAX MATTER.

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- APPENDIX C — Order by this Court
- APPENDIX D — Order by this Court
- APPENDIX E — Knick v. Township of Scott (slip opinion)
pp. 1 & 20 to go with *
- APPENDIX F — CITED IN DISTRICT COURT OPINION, R.100,
17-4411 June 29, 2019, footnote 1 (of 8/14/2017 hearing)
- APPENDIX G — " " " " "
of Transcripts 3/22/2017

Both Appendices F & G are discussed in Order's
Footnote 1, but erroneously so.

INDEX OF AUTHORITIES

Note: most of the authorities are first cited in the Jurisdictional Statement because this

- ✓ *Freed v. Thomas*, U.S. Sixth Circuit Case No. 21-cv-1288; November 4, 2020, after appellant, Freed, prevailed on appeal (the same day as Order September 30, 2020 was issued in Third Circuit in this instant matter, as to subject-matter jurisdiction being federal; denied a motion by appellee, Thomas, for an *en banc* rehearing (Case No. 18-2312). This case was held in abeyance awaiting the outcome of both *Knick v. Township of Scott*, initially, and then "*Rafaeli I*" in this Court, decided two weeks after Scott's Order June 29, 2020 was decided using "*Rafaeli I*" in federal court. See

100% Homestead and other in-or-out-of estate assets

- ✓ *Johnson v. Michigan Treasury*, Case No. 99-1730, 2000 WL 571916; page 12, *Anderson*, this instant cases' Answer's *Exhibit 3*, U.S. E.D. Michigan, Case No. 10-13708 (2011), (Exhibit 1)

- ✓ "*Perfecting Church*" *In re: Petition by Treasurer of Wayne County for Foreclosure*, Michigan Supreme Court, Case No. 129341 (2007), 478 Mich. 1 (Mich. 2007); 732 N.W.2d 458

- ✓ "*Pontes*" *in re: Pontes* [Tax Injunction Act's caveat; forum shopping (see *Omne*)

- ✓ *Rafaeli LLC (a/k/a/ Rafaeli II)*.....

- ✓ *Rental Property Owners Association of Kent County 3830 v. Kent County Treasurer*, Michigan Court of Appeals, Case No. 314256 & 319733 (2014) — the same year MCL 600.5714 was amended.

- ✓ *Rudd v. Township of Norton Shores, Michigan*, U.S. Sixth Circuit, 2020, Case No. 19-cv- 1226 1226 [Unconstitutional Condition Doctrine

- ✓ *San Remo "preclusion trap"* (see *Knick v. Township of Scott, Pennsylvania*).....

- Daniels*
- ✓ *Taylor v. County of Saginaw, et al*, Michigan, Sixth Circuit, Case No. 17-2126, (2019)

- ✓ *Thomas v. State of Tennessee*, U.S. District Court, Case No. 19-cv-2427... 15;17;21;22;24;26;28;31;35;36;39;42;44;45;46;50;51;52;54;55;57;58;60;61;63;64;65;66

Adams v. Adams, 742 N.W.2d 399, 276, Mich. App. 704, Case No. 244497

✓ 42 U.S.C. § 1983.

U.S.C.

✓ Michigan Compiled Laws:

211.78 *et seq*

211.78(8) no possession

✓ 211.78k(2)(a-f) (objections).

✓ 211.78k(6) to either (7), (9)(f), (10). ..

✓ 211.78k(10)....

✓ 211.78m

✓ 600.2923 (*Adams v. Adams*).

Constitutions:

✓ U.S. Constitution

B i l l o f R i g h t s .

✓ Fourth Amendment.....
seizure" and see Chalk article .

✓ Fifth Amendment.

Fourteenth

✓ Fourteenth Amendment.

IGA ✓ Article X, § 10, Clause 1.5 ^{Contract} ~~Commerce~~ Clause.

Me. Constitution of 1980; Article 11, 55;64
Inter-governmental Agreement

✓ 11 U.S.C. "Bankruptcy Code" with Michigan's 100% Homestead Exemption, etc..... [xvii]

✓ 11 U.S.C. § 522(b)(2).

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 B 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 March 8, 2021 & 2 month later case was closed.

☐ No petition for rehearing was timely filed in my case.

☐ 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).

This Court's Order Appendix C March 19, 2020
" " " Appendix D July 19, 2021

☐ 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).

JURISDICTIONAL SUMMARY

The Petition of Certiorari herein is being timely filed based on two Orders of this Court:

1. March 19, 2020 Order which allowed 150 days from the order appealed in the circuit court; Sixth Circuit in this instant matter; *Appendix C*
2. July 19, 2021 Order which does not change the 150-day deadline as to the instant case, owing in part that it was decided March 8, 2021 and that 150 days allowed falls about a month before the September 1, 2021 deadline that was set in the latest Order. *Appendix D*

The decision March 8, 2021 gave a 30-day deadline that was impossible to meet and was futile at that, therefore, the April Order was to close the case for lack of that fee's payment. The district court Order 100 and Judgment 101 was decided June 2020, and dismissed without prejudice.

One procedural anomaly that is relevant here is that *Knick v. Township of Scott* preempted during the Scott's state court of appeals case. The during the ten day period between the last docketed item in that case August 19, 2019, which refused to re-open that case; and the invasion August 29, 2019 which prompted the Complaint 19-cv-12676, filed September 11, 2019, herein, there was no need to apply to the Michigan Supreme Court by application, because of the lockbox and obstruction of justice happened during the Sixth Circuit Case 19-1290 pending at that time. The timing of that preemption is addressed in

another Sixth Circuit case, *Thomas v. Tennessee* as to preemption of Knick in particular to retroactive applicability as detailed herein.

While this is not a "tax case" nor a "bankruptcy case" two federal contracts are the controlling law in the matter. As such, the procedural is that those defendants in the Complaint are in one way or another involved in one or both federal contracts and the latter was tortious interference with the former in a continuous wrong which conflated fees as being taxes which led to the March 22, 2017 objections on the basis of fraud. Because the federal funding and national goals affect everyone in Michigan and everyone in the U.S.A. directly or indirectly, this case is of importance to how the taking is a "public purpose" and when rights are in limbo between July and August 29, 2019 which laws are those that are federal by the Intergovernmental Agreement rooted in the federal Contract Clause. The federal jurisdiction in the federal district court was not related to either taxes not related to bankruptcy. It was the exceptions that made this instant matter federal subject-matter jurisdiction.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

See also same, in more detail in 20-5901.

the combined instance on August 29, 2009 in which multiple Bill of Rights were violated at once is best described in *Knick v. Township of Scott*, * Pennsylvania rather than distinguishable Fifth or Fourth Amendment violations alone. The repose in particular, is Michigan's General Property Tax Act, Michigan Compiled Laws, 211.78 h(1), which in this case was June 15, 2016 or in the alternative June 17, 2017. This is mandatory. It cannot be tolled beyond that second date once on the earlier petition. Using either date, the foreclosure must occur by March 2018 or not at all. They can skip 2017. Given, the repose, all actions are barred whatsoever from then on to debts therein from 2013, etc. See Appendix E *

11 U.S.C. Code cited by Respondent Yun, March 22, 2017.

Beyond the repose, the above two statutes are not barriers to 42 U.S.C. §1983 claims in federal court because the independent civil rights claims are anchored in federal contracts. (superseding) state statutes.

STATEMENT OF THE CASE

Since a self-imposed repose supersedes any other basis for any actions by Defendant-Appellees, in or out of any court, it is important to begin with that first. The self-imposed repose was established by Defendant-Appellant Yun on behalf of Defendant-Appellant Sabree. Both are lawyers that are experienced in the particular subject matter in which the repose was set for "a year" after the March 22, 2017. To accomplish that deadline, Yun had two choices: the statute of limitations, June 15, 2016, which could be put in abeyance only by MCL 211.78k(4) for a year, for example in cases like bankruptcy where there was an established "financial hardship," or its only alternate – if removed from the earlier petition – June 15, 2017. In order to meet the repose to foreclose, she had to choose one petition or the other. Not both. Not neither. Not skipping a year, etc. While the repose was set, the question remained as to whether the reliance on that repose was based on the removal from the former or the addition to the latter.

August 7, 2017 Defendant-Appellee, credentialed bankruptcy lawyer, when Sabree was not captioned in the federal bankruptcy adversary proceeding, nevertheless revealed that the subject parcel never left the first petition as Yun had said. The one lawyer for Sabree contradicted the state lawyer. The result was that both courts relied on each respective lawyer that which was not true and too late to remedy it in either court. That reliance harmed Petitioner. The public auction Kilpatrick mentioned for September or October was canceled. Nothing happened by the repose deadline in March, except for one thing that would undo all that. Instead of the required foreclosure, a new forfeiture was made for the 2017 taxes that were not allowed under the law as they should have been done a year earlier. Having skipped that prior petition the 2018 taxes were doubled onto the next petition on June 14, 2017. The very next day, the associate for Kilpatrick did what was done back in August. He not only filed in the same wrong adversary again but he contradicted Kilpatrick who contradicted Yun. A double negative. That is proof positive of the fraud on the courts to that point. The very day before, unmentioned in the brief by the associate lawyer from Kilpatrick's firm was no mention of the petition filed the day before that would lead to the redundant 2019 foreclosure beyond repose and also having skipped 2018.

During the appeal to the 2019 foreclosure, *Knick* preempted. Even though the repose debarred all claims from the Defendant-Appellees, the additional federal remedy on the reversal that was analogized in *Knick* to a bank robber putting the "loot" back was similar to what Yun after Kilpatrick realized that the public auction would have to be canceled only to revive it in 2018 hoping to get paid by the city in

the adversary when there was no legal basis to get paid by Applicant due to the repose. Applicant needed to do nothing at the moment *Knick* preempted except request reconsideration in the appeal, which she did, or to ask to re-open the case, which she did, because in addition to *Knick* there was explicit mutual comity in MCL 211.78k(9)(f) that was available to overcome k(7), as to demands for cash, such as the Sixth Circuit Order, from which this Petition is doing the same.

During what could have been an undisturbed number of days to file and application for leave to appeal the state court decision, was interrupted two ways. Only ten days after the last docketed item in the state court of appeals case on August 19, 2019 and the invasion by Defendant-Appellees, Patel and ERE, was also a lockbox, no notice whatsoever, etc. Meanwhile, Kilpatrick, still without his client Sabree having standing, filed a denied motion to dismiss, when only the city remained in the Sixth Circuit 19-1290, pending appeal; and when only Defendant-Appellee County of Wayne was in the adversary proceeding, but on claims related to tortious interference with the 2008 federal CDBG deferred mortgage, that did not require money, but only required occupancy and the 100% Primary Residency Exemption. Since ERE and Patel had not recorded the deed, since Hamtramck and its city manager Angerer were merely a "conduit" rather than an actual purchaser, and since Sabree as treasurer, with the city, relinquished all alleged rights notwithstanding the repose, there was no entitled owner on August 29, 2019. However, Petitioner retained her 100% Homestead Exemption from the bankruptcy that was only the Michigan exemption prior to that bankruptcy, and that equity plus the CDBG requirement to occupy the subject parcel, not only gave Scott rights to due process, to dispossess her, of it, through a court of law, but also that doing so would be futile, because of the repose set by Yun.

During pending federal appeal 19-1290 when the invasion happened the additional federal NSP contract that effectively was the only nexus between the city who had relinquished its time-barred rights made Patel and ERE "state actors" by that very contract, and its terms which, not only required "90 days" to establish abandonment by NSP regulations, but also heightened notice in a specific manner. The city knew it was occupied. It, after all, had three ways to establish it. The first was the CDBG contract. The second was the 19-1290 litigation, which was pending to know that it was occupied. The third was the same one in chambers in June 2018, where the impossible "deal" was proposed by the bankruptcy judge, after mediation failed as a matter of law, as to the repose; that the city would pay the county treasurer, and Petitioner would keep her home. The repose made that unnecessary

for Scott. It made it a last-ditch effort to both get paid, and to end the litigation, by ending the occupancy itself.

Since there was an ongoing Intergovernmental-Agreement – a standing agreement – to make “no profit” by statute, the 100% Homestead Exemption, and its related equity, were initially exploited by Yun in *Michigan v. Long* fashion. But, then it was ignored. One thing about this case, that is important to understand, is that two major things were there all along, and did not depend on Knick, or other recent cases that favor Scott, ignored by the Sixth Circuit. The first was *Monroe v. Pape* (1961) cited in *Knick*, that provides subject-matter jurisdiction on the invasion post-repose. And the other was that the 100% Homestead Exemption was not mentioned in the other cases. Somehow it slipped through the cracks, that established equity that exists by statute, and enhanced by bankruptcy’s choice of either state or federal exemptions – debtor’s choice – does not make that equity a “bankruptcy” case nor a “tax” case for its existence. Or, for its restatement. So when Yun did what she did, she misstated not only federal law as her sole reason to deny substantive due process; but, she also did so thinking that the run-of-the-mill bankruptcy assumptions about the estate, or what she called “inventory,” were that the exemption was of no consequence to the state court action’s being able to entertain and decide on objections. That Yun “confirm[ed]” only what she wanted the court to know; but, not what was relevant to the decision: that the asset’s exemption made it not part of the bankruptcy; but, that the 100% Homestead Exemption ensured that if the foreclosure happened, that equity was retained by Scott; and thus, that, plus the objections, could lead to an appeal, by either the treasurer, or, by Scott; which would have run head-on into the MCL 211.78k(9)(f) protections, as to the redemption demanded to appeal; invoking the State of Unconstitutional Condition, tantamount to an admission, that prejudices the party. This is why payment was forbidden in MCL 211.78k(2); because payment waives the right to object, because it removed the basis for the objection.

Since a civil rights violation occurred, independently of any prior actions; but, after the repose, the Complaint was filed September 11, 2019. The U.S. Marshalls were ordered to serve all the Defendants. The separated envelopes caused problems in terms of serving all of them at the same time. Default was addressed in this matter; as it was addressed when Hamtramck defaulted in the adversary proceeding, in 2017. Yet, the overarching repose is controlling as to all Defendants. Specifically, as to the independent actions of ERE and Patel, one need look no farther than to the Hammoud case; both were in, half a decade earlier, to see a growing problem, in terms of these invasions, at the behest of cities; and, in this

particular case with a desire to get revenge, such as was shown in Rudd. Both Rudd and Scott separately addressed the quid pro quo aspect of pay-to-play tactics, where indigent must pay to appeal, such as the case here. If Scott had money, that would not have happened. The cart-before-the-horse reasoning in the Sixth Circuit Order was that despite Scott being granted a fee waiver while she was still working for the duration of the entire (almost year-long case) 19-cv-12676, and despite that the case was dismissed "without prejudice" to not suggest the case was without merit; and to suggest that all the authorities that followed within two weeks of that order, and a few months later, which established the very subject-matter needed as a non-tax case; and the two federal contracts that superseded all state law; and the bankruptcy being misused by Yun in *Mich. v. long* fashion, which even give this Court jurisdiction to hear such cases – all that – was construed to reduce Scott to a vexatious bad-faith litigator that has no civil rights whatsoever, etc. Somehow, that even money would have been futile. What is futile, is squarely anchored to August 29, 2019. That single day has no legal rights for any of the Defendants. The responsibilities, however, are in writing, and are inescapable as anything less than obstruction of justice, to end valid litigation. Bankruptcy is not "litigation" and as shown by Sabree it had no bearing on what they ultimately decided, even after the repose. None of them filed a timely proof of claim. Sabree's would have been perjury if they did so. None of the creditors objected to the exemptions. The entire estate was virtually exempted, and what was not exempted was abandoned by the trustee and the creditors alike. So this is not a bankruptcy case. This is not a tax case. By August 29, 2019, the Defendants were paid. The City was paid. The City owed Scott. Scott was not paid by the City nor by the County. But, the ^{October 2019} email was yet another violation of the permanent discharge injunction, in asking me to pay for the civil rights violation. That is the state of unconstitutional conditions once again rearing its ugly head. (see *Rudd v. City of Norton Shores, MI* and my *Sur-Reply*)

This Court holds that the Latin maxim shows why that is not the case, this Court can stop a trend of abuse against those similarly situated that during COVID-19 are less financial able to pay than beforehand, and that will soon be homeless, if this *Hammoud*-like conduct of conspiring and interfering continues, as it has done and continues to do.

LEGISLATIVE TAKINGS HISTORY

1. Prior to *Knick*, the Michigan, and other states too, considered reversal of the wrong sufficient to erase the "taking." Yun used MCL 211.78k(9)(f) after Kilpatrick revealed that a public auction was scheduled, to avoid the circuit

court judge who – like Petitioner – relied on “a year” and the auction was mid-way that year.

2. Prior to *Knick*, and later *Rafaeli, LLC*, decided only two weeks after the Order in the federal district court, the county treasurer's ^{associate} said that if there was no foreclosure there was no taking (See *Rosencroft*).
3. After *Rafaeli, LLC*, premised on *Knick*, and rooted in *Monroe v. Pape* (1961) cited in *Knick*, ERE and Patel use the excess profit from the sale to deny that there was a taking.
4. The 100% Homestead Exemption is equity. It is statutorily available to the citizen of a state. One Ohio case shows how it works. Bankruptcy allows a larger exemption if the Debtor chooses it, but it does not exempt the property from any state exemption in a state court matter. Being exempt, means that the parcel is revested in the property owner. So that equity being taken is not only a violation of federal law, but also in the case of Michigan incorporated into MCL 211.78k(9)(f), such that it addresses the redemption itself as a violation. Under no circumstances was the Petitioner without equity and her objections were preserved not only by the fact that Yun admitted that they were filed and written after the “right to sue” was scheduled, and survived the bankruptcy discharge May 30, 2017; just two weeks before the deadline to file the 2017 petition on June 15, 2017.
5. Another aspect of how the law has evolved is to *Thomas v. Tennessee* and the timing of *Knick*. Since *Knick* preempted the state court matter and that state court would not even use their own state laws to address the repose, and that same pre-bankruptcy debt was included all the way to the email that ERE's and Patel's same counsel in *Hammoud* and here, it must be noticed that the repose on that same never-ending debt, its non-tax expired liens by statute and so forth, were a string of continuous “takings,” that culminated in an admitted invasion, a lockbox and a federal contract between the city and the ERE, to spell out exactly what was supposed to happen, to reveal what independent actions ERE and Patel took, in violation of it.
6. If the Constitutional due process is denied by the courts solely based on the unrecorded deed, then by that same token, ERE's unrecorded deed is in peril, not only by its arguments in *Hammoud* that mimic what its exhibit with *Anderson* said about *Johnson v. Michigan Treasury* on that legal point, but, also on the emphatic use of *Anderson*, to drive home the point as holding here. Are ERE's void-of-recorded-deed rights more than Johnson's or *Hammoud* plaintiff's rights to notice and due process to save their property? Does this Court hold that a person in a situation where the deed is not yet recorded, but the “conduit” deed has already relinquished its title as a mere placeholder, is

more than the right of Johnson or Hammoud plaintiff's unrecorded deeds? Seems that argument is unavailing, to the extent that the NSP commanded the deed be recorded and the 90-day regulation, to establish abandonment must be due diligence, and not happenstance, or assumed. The national goals are not to do otherwise. That 90 days would have allowed for the deed to be recorded, and that in turn would have been "constructive notice" at minimum. Then, an action, such as *Adams v. Adams*, could commence to obtain possession in the first instance, if not for the repose. The strength of ERE's title had a broken chain link – the repose in skipping a year – and the alleged defect in the Petitioner's title would not have been the standard therein used, to first establish title, and then action for possession, in the first instance.

7. ERE continued to collaterally attack the repose, even after it acknowledged it existed. It stated that the 2017 foreclosure was not "halted" and therefore it happened. But, it also incorporated by reference and agreed with the *Michigan v. Long* application of the "inventory" as a reason block the objections, that were written and filed, and orally summarize to be told, "did you hear Ms. Yun?" as if that was the correct thing to do, March 22, 2017.
8. The legislative history of takings which begins in this matter with *Michigan v. Long*, by Yun, and end with a search, and seizure by ERE and Patel, makes this overall a *Monroe v. Pape* (1961) Fourth/Fifth Takings case (what Battani called "an advanced takings case" because, since August 29, 2019 they took everything that "survived" the bankruptcy, and was exempted, thus, owing Scott all that, plus more. There is no separation, when there is a bad-faith continuum of takings, except that ERE acted independently of its predecessors, to overcome the jurisdictional barriers to the federal court. Certainly, the details of this law are detailed in the Opposition to the Report & Recommendation, as well as the magistrate judge's ordered Sur-Reply, which provides much detail, that was entirely ignored. Lost on the district court was that ERE and Patel were "state actors" August 29, 2019. The NSP federal contract makes that true. The NSP was touted as justification for the actions it took, but it was not just property. There was the essence of the "fresh start" and the intangible "intrusion upon seclusion," as well as Scott being a pro se opposing counsel, such that the invasion had privileged information and evidence that had there been a trial – or even a single hearing for that matter – that evidence may have been used to get a summary judgment. It is gone. They took that, too. Layers and layers of reasons why, not only these Defendants should not have acted, not only because since *Hammoud*, they knew what was supposed to happen under the law, but, also because they have put all of it in writing and admitted to it, such that there is merit to

those actions, post-repose. In other words, the repose removes much of what needs to be stated otherwise. All the Applicant in this matter had to do is to address that repose, and that permanent bar addressed the relief thereafter as independent of any action prior to it in any court, for any reason. The procedural posture, herein, is one of post-repose claims, that due to *Knick's* preemption, and the same debt in the post-repose as pre-repose, is proof rather than *res judicata*. In other words, the consequence of post-repose use of pre-repose debt is the very reason the 2019 foreclosure was void, before *Knick* was even decided. Defendants only link to the past is not a right at all. It is a time-barred claim, that was never valid to begin with.

9. This Court need not delve into the pre-repose, except to the extent that the same debt was in the 2019 actions that ERE wanted Scott to pay, and that it was also owing the 100% Exemption on the entirety of Scott's exempt and discharged estate, to which it should have stopped from continuing to so once the Complaint was filed. Instead, nearly nine months of *inaction; nothing* happened, and that added to the claims already there. That is why the relief was unspecified. It was because the continuing wrong accrued from August 29, 2019, to now. Emboldened by inaction, or erroneous decisions, such as *Hammoud*, given *Freed* and *Rudd*, the totality of the civil rights violations is not just one Constitutional Amendment. They are not mutually exclusive either. They can happen at one time, at one place.
10. For perspective, see how the Sixth Circuit had no problem with *Taylor v. Saginaw* in a public place as a Fourth Amendment violation for having put chalk on tires. This may be a valid Fourth Amendment violation, but, is *it* quite what *Monroe v. Pape* (1961) is to this matter of August 29, 2019?

REASONS FOR GRANTING THE PETITION

Because of the repose, this Petition is not "fact-bound" as it would otherwise be (e.g. 20-5901). Quite the opposite. The repose specifically controls here. It removes all the "facts" which would otherwise overburden's any petitioner's justification for a grant of the petition to nationwide applicability of Questions Presented. Repose necessarily bundles the post-repose actions by Respondents into one basket of moot claims, for which there is no court that will offer relief. Or, at least that is what was supposed to have happened.

This is why the Petition should be granted, primarily. That subject-matter jurisdiction exists and that is neither "tax case" no more than it is a "bankruptcy case" as Respondents asserted it was. The Order appealed is discussed elsewhere to those particulars.

In addition to making the pre-repose "facts" less important, while simultaneously elevating applicable and controlling law, relevant here, it also involves two federal contracts and federal funds as well. That is not a state concern. That is, except to the extent it could cause a loss of federal funds to the entire state and cost state and federal taxpayers in settlements such as the \$571,000 *Beal LLC v. Hamtramck*, for the mistakes of a city Respondent, in that case, was reported as one of the largest settlements in the Michigan Senate Report that had ever been paid to avoid the federal funds being blocked due to not meeting national goals regarding its funding. The state taxpayers footed the bill for the settlement. Respondent ERE via Patel paid the \$571,000 to pick up where Beal, LLC left off and the matching funds were again gained by the city from the federal government all over again. There is a statewide and nationwide interplay to this case and others before it, Such as *Hammoud* suing these same federal NSP contracts for no "public purpose" whatsoever other than to violate civil rights and deprive exemption equity as well. Intergovernmental Agreements – effectively standing agreements are misused in not vetting those from a *Hammoud* scandal for instance from future bidding such that the cycle repeats itself unabated over the years.

Unlike other cases, the 100% Exemptions are not found in but a few cases federally, such as *In re: Pontes* (see Sur-Reply citing that case in the district court case 19-cv-12676), to which that was misconstrued to mean that the Complaint was seeking "bankruptcy case" relief, when that was not the point of the citation. It was in a different circuit than this one. But, removing the "tax case" label is a separate issue from an exemption legally revesting Petitioner only to be exploited for same.

Nor was it any more of a "tax case" than *Freed v. Thomas* held once the tax collection ended in repose years before the civil rights case was filed. The repose controls. Nothing that happened in 2019 – or even 2018 for that matter – was lawful beyond repose. Nothing.

So the Order appealed is typical of what Petitioner has seen researching this matter over the years. No one actually reads the submissions such that they are mischaracterized. Even in 20-5901, the opinion from the Sixth Circuit called the trial September 20, 2018 that Petitioner won against Hamtramck that led to 19-1290, a "evidentiary hearing" to diminish its being an actual trial; one wherein the witness for the city was put under oath, and the law and evidence were presented in favor of Petitioner.

This is a pattern. It happened in Footnote 1 of the district court order R. 100 as well. When this continues to happen, that facts do not matter, it results in valid claims being undecided such as is the case here based on money alone when that is not applicable in this case.

Similar to the equitable nature used in *Pontes*, Ohio state courts the homestead exemption is used as it should be used. One case in particular, was *Home Again v. Garrett* where the Latin maxim was applied and it captures the essence of all that is in this Petition and the case in general: that the law does not require a vain thing be done. That Latin maxim is not to say that Petitioner's meritorious claims dismissed without prejudice simply because they were mislabeled as either a "tax case" or a "bankruptcy case" when not that. Completely avoided in the Order appealed and the order below that was the invasion and the federal contracts and how that is a federal claim not related to anything prior. No mention of it. Instead, it was cast as some attack on the foreclosure, when that was not what the invasion was.

The repose controls. It cannot be equitably tolled to 2019 from 2013. It cannot be made into a "vain thing" for Petitioner, what was in reality a "vain thing" no one required Respondents to do in vain. Petitioner's reaction to the non-requirement of Respondents vain endeavors is not a mirror on Petitioner's rights taken unlawfully.

Recent petitions for certiorari in this Court discuss the various circuit applications in the context of bankruptcy. But, here, that is not significant; because bankruptcy only adds to state law homestead exemptions. It does not diminish them. Other authorities address timing differences but mostly in Chapter 13 bankruptcies which are converted to Chapter 7 bankruptcies. Meaning that beginning as a Chapter 7 is what puts the Debtor in peril where exemptions are

concerned because the revesting happens immediately and during the automatic stay which gives mixed results, depending on how the state court lawyers choose to exploit it for profit or to block appeal. Sequence matters.

If exemptions exist at all, they serve to revest the parcel immediately in the Debtor, so that state court matters, can be addressed and resolved quickly – an objective of Congress is to add speed to the process – not to avoid state court matters by having exempted the property. One distinction here is how Chapter 7 bankruptcy helps a Debtor in a way that other chapters of the Bankruptcy Code (11 U.S.C. that Yun solely used on March 22, 2017) do not. In making it more like how Ohio and other states equitably apply foreclosure discretion, to dissuade tax foreclosure, rather than exploit it for profit. In other words, this case examines vulnerability to exploitation of the exemption when used as it was intended, to move matters along for all concerned equitably but not equitably tolled in fraud on the courts and the Debtor alike.

After a notice to the creditors, after the exemptions are chosen by the Debtor, the trustee issues a notice that there are “no assets” to be distributed to the creditors through liquidation, due to exemptions. Once freed, those assets from the estate to be revested, as if the bankruptcy never happened. But, with the knowledge that if the “honest debtor” in their “fresh start” engages in state court objections, knowing that liquidation will retain as much equity as possible (not just what the state offered outside bankruptcy), it serves to dissuade the creditor from harming itself by executing a futile effort.

The treasurer, previously was allowed to keep the “windfall” that the exemption would eat up. So without enduring objections, risking a possible appeal that would run into the automatic stay, for any cash demands of the Debtor personally, it has no incentive to foreclose immediately.

Once free from the estate, with an appeal blocked, however, there is no Due Process. The repose ends all that. There is nothing more needed to do in state court, nor bankruptcy court. This Petition, if granted, would not only clarify the proper use of the exemptions, as if there was no bankruptcy in some cases; because the state exemption already existed prior to the bankruptcy. Also, that the only benefit is that the automatic stay and eventually the permanent discharge injunction prevent demands for cash from the Debtor, personally. Even then, the timely foreclosure would resolve that, during the temporary rather than the permanent one. So prolonging the foreclosure past the repose only adds claims to an already dead-on-arrival claim. It was debarred in 2019, in this case, from ever happening.

Yet, it happened. Perhaps, luckily, it happened when *Knick* could preempt it, and resolve the reversal of the one in a chain of many *takings*. Luckier still, ten days after that preempted case had its last submission, August 19, 2019, the invasion enjoined *Monroe v. Pape* (1961) cited in *Knick* as extra civil rights subject-matter jurisdiction, to what already was available ten days earlier.

Timing is everything. *Thomas v. Tennessee* shows how the Sixth Circuit and others like it, in the wake of *Knick*, are using the timing of *Knick*, to reach back; or, to move forward, on claims differently. In this case the reaching back is why the repose itself in this case is in both Questions Presented. Otherwise, the repose would only be significant against the August 29, 2019 events, because the prior taking would have not included, in 2019, what was supposed to end in 2017.

Another reason to grant the Petition is to caution the clever lawyers who know the law that such actions, in and out of court, are not unnoticed. They are changing tactics in Michigan after MCL 211.78t responded to the decision two weeks after the district court order (R. 100) in this matter, dubbed "*Rafaeli II*" in the *Freed v. Thomas* case, in this Circuit. Effectively, it distinguishes Petitioner and others similarly situated, who by federal contract and statute are "no profit" and therefore not publicly auctioned – as if that makes the 100% Homestead Equity disappear. It is irrelevant to the notion that even if a foreclosure happens, or whether there is profit there is or no profit; there is that lingering equity that is independent of the sale profits, which helps those who have 100%. *Rafaeli, LLC* had 0%. The case law therefore is absent mentions of this exemption in part because of tactics described herein. The district court opinion (R. 100) erroneously relied on federal "*Rafaeli I*," which cases like *Freed v. Thomas*, supersede for those types of monetary-only relief cases.

The Sixth Circuit Order, at issue here cited what is known as "*Perfecting Church*" Footnote 10 in particular is relevant here. Yet, not in the way it intended it to be relevant, in district court order R.100 because the repose makes that relief unnecessary. It is now a federal matter post-repose.

The first reason is that in that case it anchored restoration of title cases to those who did not receive any notice whatsoever, just as *Rafaeli II* did. But, the difference is that this Petition falls through the cracks of both cases.

This Petition is an example of getting to the hearing and not being heard and decided; wherein the actual foreclosure is happening in secret from both the court and Petitioner, until later revealed it never left the petition. Reversal is perfectly suited to *Knick*, in particular, as federal relief is neither *just* restoration of the

property, and since the possession was retained since 1981 there was no reason for any possession action on Petitioner's part; money will not suffice either.

One example of main defense used by Respondents in the past, and those like them, is that someone like the Petitioner attended the hearing, as sufficient to comply with the Constitutional whether or not they wasted their time for not getting the decision on the objections they sought. It is not just "just compensation" that will fix that fraud. Only the transcripts reveal part of the conduct. It is as if that is sufficient to *take* behind the scenes, what it said would it would not *take* for "a year." That is substantive due process deprivation, not merely procedural due process deprivation. Both are deprived, in two distinct steps (March 22, 2017 & again a week later, revealed as such August 7, 2017).

This case is the perfect vehicle to expand the purpose and intent in the *Michigan v. Long* case to dissuade lawyers from using electronic rather than hard-copy methods of certification, correction, reversal, and schedules, which are only produced on appeal by the lawyers once they are caught. The price of that proof is an appeal, that Petitioner could not even begin because Respondent told her and the chief circuit court judge told Petitioner in court, that it would not happen for "a year." This is why the bifurcated debt that forced both the bankruptcy and the foreclosure was in one way a good thing: it revealed what would not be revealed to the public if not bifurcated.

This case, therefore provides insight into how *due process* is not just used to both block appeal, but to also prove it was provided to block the monetary relief for having given it. It seems strange that no one in Michigan has noticed the homestead exists in these matters, yet Ohio is familiar with the Latin maxim and its application to the homestead exemption when discretion is available as is the case in Michigan in use of 211.78k(4) for "a year" pre-foreclosure.

The reason could be that those who fight these cases such as Rafaeli, LLC, have money. So they can afford to do what it takes to win. The poor litigant is not positioned to do that.

Another reason to grant the Petition is that it is now that the federal eviction moratorium and what will probably be more foreclosures resulting from that. Then bankruptcies galore from both that will eventually flood the courts. Setting clear standards by this Court now, to not do what Respondents did, may go a long way to preventing future conduct like this – especially those less experienced lawyers than in these Respondents, who know well what they are doing. To give a fair warning that Ohio state courts are onto something wise and lawful: discretionary

foreclosures that consider the holistic result. The law does not require one to do vain things. Is that not the essence of *Knick*? *Monroe*, before that? And why 12(b)(c) motions filed in that vein are also "vain" in that they purport to block subject-matter jurisdiction, improperly. By this, Petitioner means that when there is a repose it functions as no barrier to federal claims; because the "clean slate" post-repose, puts the defendants on notice that their actions post-repose have federal consequences, if done independently of any pre-repose conduct. Choosing to add co-defendants was their own doing. They were able to "stop the bleeding" if they acted alone.

Instead, they acted in concert, when the repose debarred their claims. In a federal NSP contract, without a recorded deed, was a void unfilled by Respondents until September 9, 2019 – too late to matter and too soon to comply with the 90-day NSP regulation to determine abandonment and then provide notice when not abandoned. ERE skipped that.

ERE and Patel left themselves no excuses. Their own admissions and exhibits are not in dispute. *Hammoud* was a missed Sixth Circuit pre-*Knick* opportunity, in that that case with some of these same Respondents, as described in the Complaint and its attachments to that case. Its plaintiffs had *Monroe v. Pape* (1961) even more clearly, than Petitioner did. Those invasions were coordinated with the police department and the mayors to stand down and that was in writing no less. So is the U.S. Constitution for that matter.

Yet, that case failed to seize that pre-*Knick* authority, of *Monroe v. Pape* (1961) to dissuade ERE and Patel and the Wayne County Treasurer and the lawyers, in both cases here, and there; from breaking into houses they know are occupied based on the very 100% Exemption, rooted in the 100% Primary Residency Exemption schedules, which Wayne County Treasurer provides to the cities using the federal NSP program, so that the developers and city know which are owned and which are rented by that percentage.

Knowing that, they broke in anyway. They did it to Petitioner's home and admitted it, on August 29, 2019. In petitioner's case what differs from *Hammoud*, was that instead of federal R.I.C.O charges, the federal contract between the city and the developer from *Hammoud*, here again in this matter, was obstructing justice to interfere with pending Sixth Circuit Case No. 19-1290, when *Knick* preempted its state court counterpart post-repose. That is a search and seizure on top of a *taking* on August 29, 2019. The preexisting federal CDBG mortgage required no money but required occupancy. Ending occupancy would end litigation.

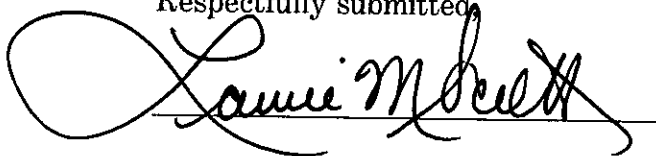
It did not. The civil rights complaint, anchored on that date of August 29, 2019, were independent claims, that were not related to the past. But, the same post-repose debt from six years earlier (2013) was in the amount paid by ERE, as a nexus to the other Respondents, nevertheless a bad-faith continuum of wrongs against the public at large since mid decade.

This is not an exhaustive set of reasons to grant the Petition for Certiorari, however, is concrete enough to show the misused federal law is impactful across the country and not just in Michigan. Even well-intentioned precedents which potentially throw open the court room doors vie with a COVID-19 pandemic that pushes them shut and the back and forth is unwanted cases like mine dismissed erroneously and never reaching the meritorious claims therein only to have no place to go and having gone to federal court in vain. Timing in this case to the new cases that push the doors open are not having the desired effect unless this Court opens them more forcefully than is perceived in the appealed Order.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Laurie M. Kelly", written over a horizontal line.

Date: August 5, 2021