

No. 21-5737

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
SEP 14 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ELIZABETH MAYA
PETITIONER

vs.
DEUTSCHE BANK NATIONAL TRUST COMPANY — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF FLORIDA/ THIRD DISTRIC COURT OF APPEAL

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ELIZABETH MAYA

(Your Name)

13370 SW 91 Terr# D

(Address)

MIAMI, FLORIDA 33186

(City, State, Zip Code)

786-805-2584

(Phone Number)

QUESTION(S) PRESENTED

These case is of great public importance raise the question whether the Fifth and Fourteenth Amendments to the United State Constitution has been ignore exclusively Under the Due Process and Equal Protection Clauses of the United States Constitution. “A basic constitutional guarantee that all legal proceedings will be fair and that one will be given notice of the proceedings and an opportunity to be heard before the government acts to take away one’s life, liberty, or Property.” and as a matter of EQUITY this judgement would be inequitable, unjust and the circumstance of this case unconscionable .exclusively Under the Due Process and Equal Protection Clauses of the United States Constitution. “A basic constitutional guarantee that all legal proceedings will be fair I request to this court to invoked the principle that “Equity follows the law and cannot be used to eliminate its established rules”

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:

ARNOLD MAYA

RELATED CASES

Deutsche Bank TrustCompany Vs. Arnold Maya , 2007-4899-CA-30 (01), In the Circuit Court Of the 11th Judicial Circuit, in Miami Dade County, Florida

Deutsche Bank Trust Company VS. Elizabeth Maya (SUPPLEMENTAL DEFENDANT NO. 2017-CA-4899-30(01) In the Circuit Court os the 11th Judicial Circuit, in Miami Dade County, Florida

**Elizabeth Maya Vs. Deutsche Bank TRUST Company , etc. No. 3D18-914., Third District Court of Appeals, State of Florida
Lower Court No.07-4899**

Deutsche Bank Trust Company Vs. Elizabeth Maya., No.:2019-007742-CA-01., Division 30., in the Circuit Court of the 11th Judicial circuit in Miamidade County , Florida

Elizabeth Maya Vs. Deutsche Bank Trust Company., No.: 3D20-259 (L.t. No.:19-7742) In the Third District Court of Appeal

Elizabeth Maya Vs. Deutsche Bank Trust Company., No.:SC20-1807 Lower Tribunal No. 2019-007742-CA-01., Suprem Court of Florida

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APPENDIX D	Supreme Court of Florida June 14, 2021 ,Denying Rehearing
APPENDIX E	DEO UNEMPLOYMENT PETITIONER AND HUSBAND
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

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

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

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

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

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

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

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

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

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

[] reported at N/A; 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 _____.

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).

For cases from **state courts**:

The date on which the highest state court decided my case was June 14, 2021. A copy of that decision appears at Appendix C.

A timely petition for rehearing was thereafter denied on the following date: Jun14,2021, 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 N/A (date) on N/A (date) in Application No. A _____.

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

Constitutional Provisions

Florida Constitution

Art X, Section 4.....

U.S. Const.amend.XIV., V.....

Federal Rule 8(e) (2) Affirmative Defense

Other Authorities

Administrative Order No.14-1 (Original Note Under Rule 2.215) as of

May 14, 2014

Statutes

Florida Statute Section 95.11(2) (c)

Florida Statute 55.10 (1).....

OTHER

Denied DISCOVERY

IMC Medical Centers,LLC v. Deluca-So.3d-,46Fla.L. Weekly D18(Fla.4thDC August11,2021)

STATEMENT OF THE CASE

This is a Foreclosure action , Respondent filed a complaint February 20, 2007 Against Arnold Maya., and on 2008 got a foreclosure judgment but forget to add as a defendant the wife (Elizabeth Maya) after 10 years file a supplemental Foreclosure action on August 2016 Under 2008 Order of final Judgement., and get a supplemental judgement for 352000 against the Wife Elizabeth Maya ., then Petitioner Appeal Supplemental final judgement to the Third DCA , which on 1, 30,2019 issued an opinion reversing the final Judgement and remanding the case to the trial court. The Third DCA Dismiss that supplemental Judgement on favor of the Petitioner. Then the Respondent file a new Foreclosure action for the same action (Res Judicate) (Statute of limitations. MR. Maya has been in continuous state of default., See Henry v. Halifax Hosp. Dist., 368 So. 2d 432, 433 (Fla. 1st DCA 1979)., on 3-12-2019. This property is Petitioner homestead and her homestead rights are protected by Florida Constitution Article X,(4) and United States Constitution., (Fourteen Amendment) (Petitioner has never sing a Note or Mortgage., Petitioner has spent all her live savings for the past fourteen years after two hurricanes laboring, maintaining , improving , and repairing the homestead realty).

The damages awarded by the lower Court were (excessive), First Judgment was for \$ 277,891.34 and Supplemental Judgment \$353,116.77 . ON JANUARY 30, 2019 The Third District Court of Appeal 3D18-914 Reverse the Supplemental JUDGEMENT., After the Mandate from the appeal court Respondent file a new foreclosure Action requesting the same Judge same action (Res-Judicate., Wells Fargo Bank, N.A. v. Stahler., FLA 5th DCA June 28,2013)), Petitioner Elizabeth Maya file an Objection ., but the new case was re-direct to the same Judge, Case 2019-ca-007742, March 3,2019 , Petitioner file An Answer and a counter Claim, on Petitioner counter claim, she is requesting the court to value the equity she have on her Property, she have invested her family savings for the past fourteen years (repairing and maintaining after two hurricanes , invested \$190.000)(Regions Bank v. Cuny (Fla 1st DCA August 9,2013).,(National City Bank v. Nagel (Fla. 4th DCA August 22,2012).

Then Petitioner file five OBJECTIONS to

the court requesting for Discovery(Harvey Covington & Thomas, LLC v. WMC Mortgage Corp., Fla. 1st DCA April 17,2012) (Deutsche Bank National Trust Company v. Parada., Fla 3d DCA May 21, 2014) (Osorio v. Deutsche Bank National Trust Company., Fla.4th DCA March 28,2012),,(Sao v. Wells Fargo Bank,NA., FLA 1st DCA April 4,2013),,(Wolff v. Star Realty Trust n0. 12549 Corp., Fla. 3d DCA November 16,2011) STANDING (Osorio v. Deutsche Bank National ., Fla 4th DCA March 28, 2012) (Olivera v. Bank of America N.A., Fla 2d DCA July 11.2014) and a right to DUE PROCESS (Claridge H,

LLC v. Claridge Hotel, LC., Fla 3d DCA August 3,2011) and made a request for Jury trial and Also requested an evidentiary hearing (GMAC Mortgage, LLC. V. Cheoengkroy(Fla. 4th DCA October 17,2012) with out any evidentiary hearing or Discovery., the court grant a summary judgement for \$413,389.68 (. (excessive)(Phillips v. Centennial Bank Fla. 3d DCA October 19,2011).and abuse of process (Latam INVESTMENTS, LLC v. Holland& Knight, LLP., Fla. 3d DCA October 9,2013). Then on 02-05-2020 Petitioner file an Appeal and on 11-18-2020 The Third DCA Affirmed and on 12-14-2020 Petitioner, Elizabeth Maya File Notice of Discretionary Jurisdiction.

REASONS FOR GRANTING THE Petition

.These Case raise the question whether Florida Constitution Article X(homestead, Section 4) and the United states constitution is homestead exemption is one of the most protective in the United States, It grants nearly absolute protection from forced sale except in three special circumstances 1. Payment of taxes and assessments thereon owed to the state, counties and municipalities; 2. Obligations contracted thereon for the purchase, improvement, or repair; 3. obligations contracted with persons in repairing or improving the , field, or other labor performed on the house. (Fla. Const. art.X,4(a). Florida law provides penalties to those violating civil laws, but eliminating homestead rights guaranteed by the Florida Constitution is not part of the punishment. Homestead exemption applies to all individuals regardless of their class,status, or conduct. Neither the courts nor the legislature can carve out exceptions to the Florida Constitution. Courts have authority to carve out exceptions to enforcement of statutes and causes of action. They can refuse to allow an action to proceed, or impose sanctions against a responsible party, including dismissal, where a party engage in

¹ Opinion November 18,2020 Elizabeth Maya vs. Deutsche Bank .,No3D20-259 Lower Tribunal No.19-7742

spoliation of evidence, if a debtor voluntarily brings about his or her own financial decline from a deliberate divestment, and acts in bad faith or any other inequitable or egregious conduct of a homeowner, such judicially made exceptions will run afoul of Florida Constitution art.X(4) Likewise, the legislature cannot enact statutes that modify or are contrary To the Florida Constitution., NO branch of government has the authority To alter the Florida Constitution. A debtor's right to exempt homestead realty from levy flows exclusively from Fla. Const.art X .,4 This constitutional provision supersedes any attempt by the judiciary or legislature of eliminating a debtor's right to exempt homestead from creditor's claim . Homestead protection is a strict limitation of the power of the judiciary and legislature to modify homestead exemption. And Fifth and Fourteenth Amendments to the United State Constitution has been ignore and as a matter of EQUITY this judgement would be inequitable, unjust and the circumstance of This CA unconscionable .exclusively Under the Due Process and Equal Protection Clauses of the United States Constitution. "A basic constitutional guarantee that all legal proceedings will be fair and that one will be given notice of the proceedings and an opportunity to be heard before the government acts to take away one's life, liberty, or Property." I request to this court to invoked the principle that "Equity follows the law and cannot be u, N.A.,(Fla. 4th DCA March 25,2015) Petitioner, Elizabeth Maya (Pro-Se) and in plaint English pursuant to the statutes Florida Constitution and The Constitution of The

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Elizabeth Maya

Date: September 14, 2021