

No. 21-8071

SUPREME COURT OF THE UNITED STATES

Brala Beverly,
Petitioner

Riverside County Public Administrator,
Respondent.

On Petition for a Writ of Certiorari to
California Court of Appeals, Fourth Appellate District
Division Two

PETITION FOR REHEARING

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III. PETITION FOR REHEARING

Petitioner Brala Beverly petitions this court for a rehearing of this court's October 3, 2022 Order denying her writ for certiorari. Brala is providing evidence this court has not seen establishing that she was acknowledged as the owner of the real property by numerous government agencies themselves when her home was seized and sold from her by the government without probable cause, privacy rights and notice or due process.

IV. REASONS FOR GRANTING REHEARING

The U.S. Supreme Court's rule 44 in paragraph two authorizes a petition for rehearing of an order denying writ of certiorari in intervening circumstances of controlling effect or to other substantial grounds not previously presented. This petition for rehearing is in good faith, not for delay, and submits to the court unfiled copies of government documents acknowledging Brala Beverly was the owner of the property defendant claims in this lawsuit Brala never owned.

This case involves a clash between the Riverside county Assessor's office, the Riverside County Recorder's Office and the Riverside County public administrator as to who owned the home in dispute in this case. Both the Recorder's office and the County Assessor titled Brala Beverly as the owner of the home located at 30641 Palmetto Avenue in Homeland, California 92548 (Appendix A, Appendix C) at the time of its seizure and sale by the government. The public administrator agreed that Brala had legally transferred the home under California small estate affidavit law (AppendixC),but later changed their mind without any new evidence. The public administrator seized the home from Brala without any parties appearing in probate court to contest Brala's small estate affidavit transfer of ownership of the home, without probable

cause, without privacy rights, without notice and without due process. They then sold the home and absorbed all the proceeds of the home sale with unrequested by the estate public administrator employment costs.

Brala had declared the estate as hers through the will of Al Rinaldo with the deed # of the home at the County Recorder's office under California probate code 13100 section C wherein no administration of the small estate by the public administrator had occurred and no ruling on the will had occurred (Appendix B) in the otherwise abandoned estate within 40 days of the death of Al Rinaldo (Appendix C). Section C of probate Code 13100 refers specifically to real property as fits the circumstances of the home with mortgage in this case regardless of what any other subsection of the code may or may not say about real property transfers under this code. Page 7 of Appendix C, the property transfer affidavit includes items 4, 5, and 7 which refer to real property as well as the home of Al Rinaldo being transferred with the deed number cited. This document was accepted by the county recorder's office for legal and valid filing. Probate law does not transfer title of the property in this manner but does transfer the asset by asserting disposition of the Will, as is the title of this section of law.

Although the Supreme Court has rarely ruled on actions of public administrators and probate courts relative to the constitutional rights of citizens, one such instance did occur in 1894 with *Scott v. Mcneal*, 154 U.S. 34. In this case, the court found it to be a due process rights and fourteenth amendments rights violation when the public administrator seized the home of a man still alive based on improper probate court rulings and the assignment of that administrator. The court established that just because a probate court says they can do

something by law doesn't mean it is so. The probate court, they ruled, did not have jurisdiction or authority over that estate by law and violated the constitutional rights of the Plaintiff in the seizure of the home . The same is the matter in this case.

Although Al Rinaldo did pass away in this case, the court nevertheless had no jurisdiction over the estate by law, as it was a small estate under \$150,000 and no party to the estate had an open probate case at the time Brala made the estate transfer at the County Recorder's office under California Probate Code 13100 (C). This superseded any future jurisdiction of the probate court they may like to claim. Brala had transferred the home by small estate collection, as was acknowledged by the County Assessor's office, the Recorder's Office and the public administrator (Appendixes A,C). Even though the public administrator later announced a contradiction of their own and claimed the home was somehow no longer owned by Brala Beverly at a later random date with no new findings to make a change in their assessment, the other government agencies still had Brala recorded as the home owner at the time of the government seizure nevertheless. The probate court also stated before Brala closed the case without prejudice that she could make that small estate affidavit transfer on this estate and include the home and dismiss the probate case. The transcript of that conversation between Brala and the probate judge is readily available in this case. Brala also still possessed the home before the formal collection through California probate code 13100 section c in any case by virtue of Brala's oral contract with Al Rinaldo before he passed. Brala was also still a paying tenant who saved the home from foreclosure, and still had due process rights as a tenant no matter what. The fact the County Recorder's and Assessor's offices deemed Brala Beverly the

owner of the home at the time of its seizure by the public administrator is something this court could consider as intervening, substantial and problematic. The reality is, the public administrator had no right to seize a home of an estate they had no constitutional legal jurisdiction over in the first place. They didn't even have a probate case opened let alone the fact that no one had contested Brala's assertion of the Will in court prior to the property collection (APPENDIX B). These actions were a violation of Brala's First, Third, Fourth, Fifth, Ninth and Fourteenth amendment rights. The fact that the public administrator made a sworn declaration to the court Brala owned the property and they should therefore not attempt to administer the estate (APPENDIX C) is notable.

The actions of the public administrator in seizing the home of Brala Beverly, formerly that of Al Rinaldo, served no constitutional purpose, including a lacking of fourth amendment standards for probable cause in assuming Al Rinaldo would approve of their actions based on the evidence they had at their disposal and based on their determination to make Al's Will their own. A government agency has no absolute right to intervene or to seize private property not in dispute by any private parties. At no time did the Riverside County Recorder's Office agree with the public administrator, who was never assigned to the estate as of that date, and reject for filing the document filed by Brala Beverly stating that the real property transfer in dispute in this case did not and could not legally occur (Appendix C pages 6-10) as the public administrator insists the law must be read.

The disposition of the estate of Al Rinaldo was decided by the disposition of the estate entitled code of law in California probate code 13100. The public administrator nevertheless intervened later as to the disposition of the estate without probable cause, without jurisdiction and with no parties or new evidence appearing in court since Brala asserted the disposition

under the law. This was a violation of Brala's right to privacy, due process and probable cause under the constitution of the United States.

Many Supreme Court cases discuss the right to privacy and where its relevance lies. In *Griswold v. Connecticut* 381 U.S. 479 the topic regarding privacy in that case was much different than that of this case. However, the court outlined that the First, Third, Fourth, Fifth and Ninth amendments supported the right to privacy under the penumbras doctrine. In *Eisenstadt v. Baird* 405 U.S. 438 (1971) and *Lawrence v. Texas* 539 U.S. 558 (2003), the court cited the Fourteenth amendment as extending the right of privacy. In short, it is logical that the U.S. constitution privacy right belongs to the ethic of, if your business is hurting no one else, it is none of the government's business. No party appeared in probate court to contest Brala's actions in the estate of Al Rinaldo, even when the public administrator solicited others to do so after Brala opened then closed the probate case which notified them of the estate in the first place. So, nothing the public administrator did was of assistance to anyone but their own unwanted administration employment services for which they and the probate court hired themselves for to the detriment of the Will of Al Rinaldo who obviously had no interest in giving his estate to the government upon his passing. When the public administrator made the court declaration (Appendix C) saying the distant relatives of Al Rinaldo would have to take matters up privately with Brala if they had any issues with the handling of the estate being transferred to Brala already by small estate affidavit, they were correct. They correctly stated they had no jurisdiction over the estate at that point. Instead, they reversed course on their own opinion without reason and it has resulted in years of otherwise needless litigation against the government by Brala which has benefitted no one. Surely, the government could have assumed attacking someone already in mourning over a friend's death in this manner would generate a significant response.

The search and seizure of the home in dispute in this case was thus an unreasonable search and seizure under the principles of the fourth amendment of the U.S. Constitution. The

Supreme Court has developed strong standards under this area of the law which were violated in this case and which the underlying appeals court should not have disagreed with. *Caroll v. United States*, 267 U.S. 132 (1925) and *Terry v. Ohio* 393 U.S. 1 (1968) are sentinel cases in this area of the law. The public administrator had well documented evidence Al Rinaldo at the very least intended a Will with Brala Beverly based on written correspondence from Al to Brala they read before seizing the home. The idea they had the right to probate the will with no parties appearing in court, knowing it was still a small estate, after the disposition of the estate was declared under small estate affidavit law in California by Brala (Appendix C) by Brala was ridiculous. They had no right or jurisdiction to be suspicious of this disposition of the Will and favor a distant relative who had abandoned the estate which was saved from foreclosure by Brala in any case. The law expressly forbids probate of the Will after the declaration is signed and that is what the government insisted on doing, even as the only party appearing in court was Brala, the only person who even brought the estate to their attention.

As for the creditors claims aspect of this lawsuit, the US Supreme Court has upheld the rights of creditors to seek remedies in civil courts in various circumstances based on federal laws. According to the ruling in this case Brala had no rights as a creditor to the estate even though she clearly had loaned Al Rinaldo \$50,000 before his passing, as well as the creditors claim of California Probate Code 21700 regarding an agreement to make a Will, and expensive paintings of Brala's in Al's possession when he passed. There is no creditor related rulings in the Supreme Court that would support the findings in this case that Brala was not allowed to file a suit for her creditor's claims on the estate, so there are none the defendant could cite to support the ruling.

V. CONCLUSION

Citizens have a right to expect literacy from their government. When government agencies made the formal proclamation Brala was the owner of a home by law, they had no legal recourse to change their minds one agency at a time or maybe yes maybe no without cause and

seize the home for their needless and abusive employment purposes. No constitutional standard of law supports this type of absurd government behavior. Allowing government agencies to behave in this manner is utter and complete lawlessness. For the foregoing reasons, Brala Beverly respectfully requests that this Court issue a writ of certiorari to review the judgment of the California Court of Appeals, Fourth Appellate District, Division Two.

Dated this 14th day of October, 2022,

Respectfully Submitted,



Brala Beverly

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(949)-560-2560

VI. CERTIFICATE OF UNREPRESENTED PARTY

I hereby certify that this petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds specified in Supreme Court Rule 44.2. This petition further complies with the word count limitations of Supreme Court Rule 33 (g) in that it contains 2,444 words based on the word count function of the Microsoft Word-Office 365, including footnotes and excluding material not required to be counted by Rule 33 (d).



Brala Beverly

**Additional material
from this filing is
available in the
Clerk's Office.**

No. 21-8071

SUPREME COURT OF THE UNITED STATES

Brala Beverly -PETITIONER

VS

Riverside County Public Administrator-RESPONDENT(S)

PROOF OF SERVICE

I, Brala Beverly, do swear that on this date I served the enclosed PETITION FOR REHEARING as required by Supreme Court Rule 29 to each party to the above proceeding or that party's counsel, and on every other person required to be served. These parties and their addresses are attached as ATTACHMENT A. I deposited an envelope containing the PETITION FOR REHEARING document in the United States mail properly addresses to each of them and with first class postage fully prepaid. The place of mailing was Los Angeles, California.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on 10/14/22


Brala Beverly

Proof of Service

Attachment A

**Riverside County Public Administrator
Care of Christopher Lockwood
1881 S. Business Center Drive, Suite 9A
San Bernardino, Ca. 92408
(909)-890-0125**

**Superior Court Clerk
Riverside County
P.O. Box 431-Appeals
Riverside, Ca. 92502**

**Kathleen Bertulli
Care of David Colella
215 North D. Street, First Floor
San Bernardino, Ca. 92401**

**Riverside County Public Administrator
Care of Hershel Martin
5225 Canyon Crest Dr. Suite 71-435
Riverside, Ca. 92507
(951)-787-8661**

**Court of Appeals, Fourth Appellate
District, Division Two
3889 12th Street
Riverside, Ca. 92501**

**California Supreme Court
350 McAllister Street Room 1295
San Francisco, Ca. 94102**

**Riverside County Public Administrator
Care of James Packer
650 East Hospitality Lane, Suite 600
San Bernardino, Ca. 92408
(909)-381-7198**

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I hereby declare under penalty of perjury under the laws of the United States on this, the fourteenth day of October, 2022.



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