

22-5717

Application No. 21A624

Case No. \_\_\_\_\_

*article III de jure*

**Supreme Court for United States of America**

**ORIGINAL**

Supreme Court, U.S.  
FILED

MAY 23 2022

OFFICE OF THE CLERK

**brent evan webster dba BRENT EVAN WEBSTER – Petitioner**

v.

**ALEX TRAIL; CONNIE TRAIL, et al, – RESPONDENTS**

---

**October Term 2021**

**Writ for a Bill of Certiorari De Novo Review from the Ninth and District Courts  
by way of US Bankruptcy Court Portland, Oregon**

---

8701 Southeast Cottrell Road

Boring, Oregon. Republic, usA

NON-DOMESTIC

Phone - 503-933-2000

brent evan webster dba BRENT EVAN WEBSTER 9-20-2022

**brent evan webster dba: BRENT EVAN WEBSTER**

**sui juris**

**pro per**

## Questions Presented

1. Did lower courts error for allowing Alex and Connie Trail's claim as Creditor to stand, after their Attorneys filled unreasonable fees of a SUPPLEMENTAL JUDGEMENT AND MONEY AWARD they obtained deceptively using obscure Oregon Revised Statutes to blame Webster for a missing stake which they presented as proof of claim, after the Trail's and their Attorney's knew webster was not responsible and besides Azonia Haney promptly had the stake replaced according to the statute invalidating Trail's lawsuit and without an Evidentiarily Hearing as required in Contested Matter's, proving false claims gaining protections of 18 USC 152(4), *"knowingly and fraudulently presents any false claim for proof against the estate of a debtor"*?
2. Did inferior courts error by prematurely dismissing and closing webster's bankruptcy without discharge after his filings of his indisputable Qualifying Life Event on April 15, 2020 from the Novel Corona Virus – aka - (COVID 19), after laying the foundation to a qualified claim by operation of law to a full-discharge from his presumed debt with all the force and effect of a *"force majeure"* after the world-wide destruction events to the supply chains, causing hyper-inflation, shortages, hunger, stifling or collapsing nearly all Business inflating the cost of living?

## List of Parties

**All parties appear in Case Caption of Cover Page as follows with legal representation**

### **ALEX TRAIL & CONNIE TRAIL, et al**

8801 S.E. 347<sup>th</sup> Avenue  
Boring, Oregon 97009

#### **Represented by:**

**Mark G. Passannante**  
Broer & Passannante, PS  
1050 SW 6th Avenue  
Suite 1220  
Portland, OR 97204

**Robert S. Phed**  
Attorney at Law, PLLC  
P.O. Box 820492  
Vancouver, WA 98682

**Jim Losk**  
Grayson Law LLP  
7959 SE Foster Rd  
Portland OR 97206

503-294-0910  
503-243-2717 (fax)  
markgpasannante@gmail.com

503-796-7433  
503-796-5154 (fax)  
robert.phed@yahoo.com

503-771-7929  
503-775-1765 (fax)  
jim@graysonlawllp.com

## RELATED CASES

### **19-34090-pcm13**

**Original Bankruptcy Case**

### **Derivative Cases**

20-03027	Adversary BK Court	Parallel with BK Court
320-cv-00878-MO	Webster v Trail et al	from BK to District Court
320-cv-00879-MO	Webster v Trail et al	from BK to District Court
320-cv-01153-MO	Webster v Trail et al	from BK to District Court
OR-20-1124	Webster v Trail et al	from BK to Appellate Panel 9 <sup>th</sup> Cir.
20-35787	Webster v Trail et al	from District Court to 9 <sup>th</sup> Circuit
20-35799	Webster v Trail et al	from District Court to 9 <sup>th</sup> Circuit
21-35740	Webster v Trail et al	from District Court to 9 <sup>th</sup> Circuit

## TABLE OF CONTENTS

### OPINIONS BELOW

Page 3

[ X ] All from federal courts:

#### **2 Opinions from United States Bankruptcy Court for District of Oregon**

**#19-34090-pcm13** – July 6, 2020 – **Order of Dismissal and Administratively Closing Case**

**#20-03027 Adversary Case** – May 18, 2020 – **Order Granting Creditors Alex & Connie Trail Motion to Dismiss Debtors Adversary Proceeding Under FRCP 12 (b)(1) and (6)**

**Copies Appear at Appendix – A**

**9-12**

#### **3 Opinions from United States District Court District of Oregon**

**#320-cv-00878-MO** – August 6, 2020 – **Order Dismissal does not have jurisdiction**

**#320-cv-00879-MO** – August 6, 2020 – **Order Dismissal does not have jurisdiction**

**#320-cv-01153-MO** – August 11, 2020 – **Opinion and Order BK Court’s Decision Affirmed**

**Copies Appear at Appendix – B**

**13-16**

#### **Jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1)**

#### **5 Decisions from United States Court of Appeals for the Ninth Circuit Court:**

**#20-35787** – September 16, 2021 – **Memorandum Dismissing Appeal from BK Court Order Overruling Webster’s Objection to the proof of claim filed by Alex Trail and Connie Trail have jurisdiction affirm**

**#20-35787** – January 3, 2022 – **Mandate for judgment of the Court entered September 16, 2021**

**#20-35799** – September 16, 2021 – **Memorandum Dismissing Appeal from BK Court Order denying any relief sought in his Objections to a no evidence hearing April 30, 2020 in his Adversary proceeding**

**#20-35799** – January 5, 2022 – **Mandate for judgment of the Court entered January 5, 2022**

**#21-35740** – February 9, 2022 – **Mandate for judgment of the Court entered January 18, 2022**

**Copies Appear at Appendix – C**

**17-23**

**Timely Petitions for Rehearing’s were Denied or Rejected on the following dates:**

**#20-35787** – September 16, 2021 – **Order panel has voted to deny petition for panel rehearing en banc**

**#20-35799** – December 28, 2021 – **Order panel has voted to deny petition for panel rehearing en banc**

**#21-35740** – January 18, 2022 – **Order appeal frivolous we deny motion to proceed in forma pauperis**

**Copies Appear at Appendix – D**

**24-26**

<b>CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED</b>	<b>Page</b>
<b>FALSE CLAIMS 18 USC 152(2)(3)(4) - knowingly and fraudulently presents any false claim shall be fined, imprisoned, not more than 5 years, or both.</b>	<b>6</b>
<b>V Amendment to the USC – no one shall be deprived of life, liberty or property without due process of law.</b>	<b>7</b>
<b>USC Article VI, Clause 2 - Supremacy Clause - USC supreme law of the land</b>	<b>6</b>
<b>18 U.S. Code § 241 - Conspiracy against rights</b>	<b>6</b>
<b>18 U.S. Code § 242 - Deprivation of rights under color of law</b>	<b>6</b>
<b>42 U.S. Code § 1982 - Property rights of citizens</b>	<b>7</b>
<b>42 U.S. Code § 1983 - Civil action for deprivation of rights</b>	<b>7</b>
<b>42 U.S. Code § 1985 - Conspiracy to interfere with civil rights (3)</b>	<b>8</b>
<b>42 U.S. Code § 1986 - Action for neglect to prevent</b>	<b>8</b>
<b>ORS 20.190 - Prevailing party fees</b>	<b>6</b>
<b>ORS 209.150 - Removal or destruction of survey monument</b>	<b>6</b>
<b>ORS 209.990 - Penalties civil remedies</b>	<b>6</b>

	<b>Page</b>
<b>STATEMENT OF THE CASE</b>	<b>6</b>
<b>Reasons to Grant Petition on a Writ for Bill of Certiorari de novo Review</b>	<b>7</b>
<b>CONCLUSION</b>	<b>7-8</b>

## **INDEX TO APPENDICES**

<b>APPENDIX A</b>	<b>2 Opinions from US Bankruptcy Court for District of Oregon</b>	<b>9-12</b>
<b>APPENDIX B</b>	<b>3 Opinions from US District Court District of Oregon</b>	<b>13-16</b>
<b>APPENDIX C</b>	<b>5 decisions from US Court of Appeals for the Ninth Circuit Court</b>	<b>17-23</b>
<b>APPENDIX D</b>	<b>Timely Petitions for Rehearing’s were Denied or Rejected</b>	<b>24-26</b>
<b>APPENDIX E</b>	<b>PROPERTY LINE ADJUSTMENT NOV 05 1993</b>	<b>27</b>
<b>APPENDIX F</b>	<b>COMPLAINT DISTURBANCE OF SERVEROR’S MONUMENT</b>	<b>28-33</b>
<b>APPENDIX G</b>	<b>OREGON REVISED STATUTES 20.190, 209.150, &amp; 209.990</b>	<b>34-37</b>
<b>APPENDIX H</b>	<b>STATEWIDE LAND SURVEYING STATUS, INVOICE, &amp; SURVEY</b>	<b>38-40</b>
<b>APPENDIX I</b>	<b>SUPPLEMENTAL JUDGEMENT AND MONEY AWARD</b>	<b>41-45</b>
<b>APPENDIX J</b>	<b>CIRCUMSTANCES REQUIRING FORCE MAJEURE</b>	<b>46-51</b>
<b>APPENDIX K</b>	<b>MOTION FOR SUMMERY JUDGEMENT WITH AFFIDAVIT</b>	<b>52-60</b>
<b>APPENDIX L</b>	<b>NOTICE OF LIS PENDENS FILLED IN CLACKAMAS COUNTY RECORDS</b>	<b>61-63</b>

## STATEMENT OF THE CASE

Petitioner is national man standing upon the land as one of the people, he seeks due process of LAW under the U.S. Constitution, to proceed in common law, in this Supreme Court of United States of America, de jure-de novo, with only two questions, to remove the gordian knot of clouded title with a broken chain, correct record as Noticed, Lis Pendens 2022-035997.

The record reflects brent evan webster is doing business as BRENT EVAN WEBSTER by special appearance, status of sui juris, in the form of common law, to correct false claims.

1. This controversy originated when the neighbor Trail recorded a survey called "PROPERTY LINE ADJUSTMENT", dated November 5, 1993, PS-25552. APPENDIX E

Webster arrived on the farm in July of 2009 at the request of Mrs. Haney, and he didn't know anything about a survey record 16 years back, concerning a missing stake near the creek.

On April 3, 2015 webster, along with Mrs. Haney, were both named in a lawsuit by the Trail's attorney, James P. Lusk OSB# 87289 on the bases, of a missing monument. APPENDIX F

Webster was blamed for a missing monument where ORS 20.190, ORS 209.150, ORS 209.990 pertain to replacement and penalties, for disturbing a survey monument. APPENDIX G

Mrs. Haney immediately ordered a full survey for the placement of all monuments, including the one that Trail claimed in their lawsuit, the monument was replaced in less than 90 days, on June 9, 2015 as recorded with the CLACKAMAS COUNTY SURVEYOR. APPENDIX H

On August 24, 2018, three years after the stake was replaced, Trail and their Attorney Jim Lusk obtained a FRAUDULENT JUDGEMENT, where a majority of the Money Awards (\$24,545.50), was based on statute ORS 209.990 which was remedied, ORS 209.150 states that county surveyor notify the offender of the monuments destruction when it happened In 2010, if Trail had adhered to the intent of statutes, webster and Haney should have been noticed by County Surveyor to the replace monument, or by Trail's prior to a lawsuit, instead of charging webster and Haney exorbitant fees, after said survey monument was already replaced timely.

On January 3, 2020 the Trails and their attorney filed a Secured claim 9-1 against the webster estate, a judgement from September 11, 2018 by Ulanda Watkins, Circuit Court Judge. APPENDIX I

2. On April 15, 2020 webster filed "Circumstances requiring Force Majeure" by stating the effects of a world-wide emergency, declared by nearly all the worlds governments, therefore webster, status of "one of the people" is entitled to full discharge by necessity. APPENDIX J

On July 1, 2020 webster filed MOTION FOR SUMMERY JUDGEMENT and his AFFIDAVIT to document fraud, as a second option to cause a full discharge of Trail's Claims. APPENDIX K

### **REASONS FOR GRANTING WRIT**

The reason this application for petition for writ of certiorari de novo should be granted is to correct the errors of the lower courts primarily the UNITED STATES BANKRUPTCY COURT PORTLAND DISTRICT OF OREGON where Peter McKittrick was practicing law from the bench by ignoring webster's filings and assisting claimants to dismiss webster's case without the completion of his adversary case, when there were legitimate questions as to the soundness of the claims filed by the Trail's, and their attorney's with statutes that didn't apply anymore.

Webster ask, this hollowed court, to look at the facts, the false claims of the Trail's original lawsuit, then by not modifying their lawsuit to support the monument replacement, with help from Judge Ulanda Watkins who was practicing law from the bench, by assisting Mr. Jim Losk, to remove webster and Haney's counter-claims from on the record, re-written by Attorney Losk, fabricating with fruit of the poisonous tree, causing false claims to stick.

### **CONCLUSION**

Based on false claims and the fraudulent use of the legal system by the Trails and their attorney's, this court now having jurisdiction to enforce U.S. Code Title 18 sec. 152(4) can assist in the prosecution of the Trails who, ...can be fined..., imprisoned..., or both.

By using fruit from the poisonous tree, the Trails manufactured claims designed to blame webster and have him and Haney pay for their legal attack to bankrupt the farm.



**This petitioner requests the privilege of, You, nine purveyors of justice, from this highest court on the land, to move in concert with one of the people, to help correct the injuries webster sustained, and who started this case in good faith, this business transaction with a special appearance in US BANKRUPTCY COURT, PORTLAND, for a fresh start.**

**Petitioner has activated the Common Law in all of his documents, so to maintain control of his case, relating to a Forced Bankruptcy because of fraudulent debt collectors, wanting to share in the spoils of webster and Haney's hard work, attempting to benefit from over 27 years of combined efforts to maintain the family farm. Now with skyrocketing values of such properties, well over three times the price of all of the presumed debt on record.**

**Webster ask for this court to accommodate his wishes by entertaining this matter with the jurisdiction necessary to correct and substantiate the facts as presented, on the record, including repairing the damages to the chain of title as described in lis pendens that is filled in Clackamas County Property Records, located in Oregon City, Oregon USA. APPENDIX L**

**Respectfully submitted by,**

 **BRENT EVAN WEBSTER** September 20, 2022  
**brent evan webster dba BRENT EVAN WEBSTER**