

21-5852

Application No. 21A622

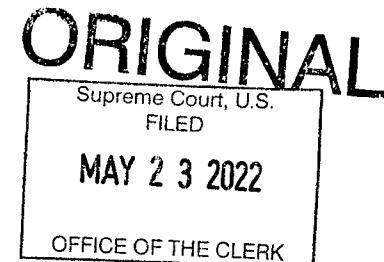
Case No. _____

Article III de jure

Supreme Court for United States of America

brent evan webster dba BRENT EVAN WEBSTER – Petitioner

v.



Select Portfolio Servicing, Inc. – 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 9-28-2022

brent evan webster dba: BRENT EVAN WEBSTER

sui juris

pro per

Question Presented

1. Did Portland US Bankruptcy Court error, primarily "Judge" Peter McKittrick when he dismissed the adversary filings of Webster, failing to sustain his prior discharge after previously performing duties of trustee, administering all priority claims accountable to the estate in 2011-2012 for Azonia Haney without complaint or objection, first in US District Court with the (TRO) granted by Judge King on 9/1/2011, and later full-discharge after deadline for Proof of Claims with the bar date of 7/16/2012 that came and went, then accordingly "Trustee" Peter McKittrick disbursed assets providing relief for Mrs. Haney to retain and redeem the Tracts of Land in her Statement of Intention filed 3/15/2012 Doc 12 for setoff, a counter-claim securing the homestead away from Countrywide, KeyBank, Bank of America NA, and Real Time Solutions, for consideration \$0.00 and they would abandon the burdensome properties of inconsequential value as clawback to the Haney-Webster Estates, administering the conflicting accounts for parties of interest as required, as some were holding duplicate claims against the Haney Tracts situs of: 8707 SE 347th Avenue Boring Oregon, a conflict appearing to be fraud, along with the more recent Haney Bankruptcy Case # 18-33463-thp13 where Real Time Solutions along with Indenture Trustee - The Bank of New York Mellon with their Exhibit A demonstrate the paper trail of Security Instruments connected to the Original Countrywide Loan and this case where SPS has presented similar claims, seven years after total discharge ten years ago, and once again this this year April 22, 2022 making the claims against Webster by SPS invalid on their face?

List of Parties

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ASSOCIATED CASES

<u>19-34090-pcm13</u>	Webster Original Bankruptcy Case
<u>18-33463-thp13</u>	Haney Secondary Bankruptcy Case
<u>12-31446-tmb7</u>	Haney Original Bankruptcy Case

Derivative Cases

20-03025	Adversary SPS BK Court	Parallel with BK Court
320-cv-00875-MO	Webster v SPS	BK to District Court
320-cv-00876-MO	Webster v SPS	BK to District Court
OR-20-1138	Webster v SPS	District Court to Panel 9th Cir.
20-35784	Webster v SPS	District Court to 9th Circuit
20-35798	Webster v SPS	District Court to 9th Circuit

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#20-03025 Adversary Case – May 22, 2020 – Ordered and Adjudged Granting SPS Motion to Dismiss Debtors Adversary Proceeding with Prejudice

Copies Appear at Appendix – A 11-13

3 Opinions from United States District Court District of Oregon & Panel

#320-cv-00875-MO – August 6, 2020 – Order does not have jurisdiction DISMISSED with prejudice

#320-cv-00876-MO – August 6, 2020 – Order does not have jurisdiction DISMISSED with prejudice

#OR-20-1138 – July 28, 2020 – Order DISMISSING APPEAL FOR LACK OF PROSECUTION

Copies Appear at Appendix – B 14-17

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

4 Decisions from United States Court of Appeals for the Ninth Circuit Court:

#20-35784 – September 16, 2021 – Memorandum in support of Dismissing Adversary Proceeding against SPS Appeal from BK Court Order Overruling Webster's Objection have jurisdiction affirm

#20-35784 – January 3, 2022 – Mandate for judgment of the Court entered September 16, 2021

#20-35798 – 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

#20-35798 – January 5, 2022 – Mandate for judgment of the Court entered September 16, 2021

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

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#20-35798 – December 28, 2021 – Order panel has voted to deny petition for panel rehearing en banc

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STATEMENT OF THE CASE

The history of this matter is extensive, a legal remnant from the past, a surviving case from the housing collapse of 2008. What triggered this bubble was easy credit for first-time home buyers, where all you needed was a letter from yourself, a signature and a dream.

Bank of America and Countrywide capitalized on this housing boom by selling bundled mortgage security instruments tied to thousands of high-risk loans pledged as a single financial instrument on the secondary debt market.

MERS, is an advanced computer system that stores the original mortgage documents in a digital format, and has a spread sheet program called the "MIN Summary and Milestones" this is how MERS members track transfers of servicing and ownership rights of loans. Paper copies have all been shredded to prevent mix-ups on who the real parties of beneficial interest are in the trust deed, so the chain of title is only a partial representation.

After requesting the consolidation of multiple loans customers were encouraged to first default, as were these owners, before they could help. The promise was, "Then you can qualify for the 1/3 payments", the "MAKE HOMES AFFORDABLE MODIFICATION PLAN" as originally promised by the Obama Administration, "If You Can Afford 1/3 Payments, Then You Can Afford to Stay In Your Home", December of 2009 Azonia made a presumed 1/3 payment.

When this home was purchased, October 2004 it was at the height of the Real Estate Boom, homes were selling fast. Azonia Haney purchased this home in a pinch as the home she wanted, didn't work out. So, this old farm house was financed as a second option, but it was in sever disrepair. The day of closing, her realtor, and broker from Countrywide were not available to consult with as planned, so Azonia was tricked into signing documents she didn't understand by the Sellers agent, for an old house that leaked and had holes in the floor!

Technically this house was unfinanceable, but because everyone was making so much money, nobody seemed to care. This home instantly became a burden, as Azonia was never given permission to inspect it before she bought it, only later to discover what she had gotten herself into, nothing had been repaired or cleaned up off the property, EVER.

The amazing thing about this property is that it has a beautiful front yard and a view of Mt. Hood, but the problem was that it literally needed new floors, roof, windows, doors, and literally tons of garbage and hundreds of tires dumped removed from behind the shop, among hundreds of other repairs that made this home a nightmare from the very beginning, causing Azonia two back surgeries, and an embarrassment to her family.

Five years later, all possible funds had been poured into the farm properties, but by then, the market took a complete nose dive, the economy was not good, and on top of all that, the house was now only worth half the value of what Azonia had put into it.

After 12 years that value has gone back up, in fact now it is worth three time more according to the local housing market, now making it a likely target for claimed servicers to capitalize on, after the hundreds of thousands of dollars in repairs and up keep.

It's true, Azonia Haney made a bad purchase, but it is also true that Countrywide took advantage of her. In fact, they took such advantage of her, that her family basically disowned her for the stupid mistake, nobody wanted to help, because it was so much work.

That is when Mr. Webster showed up, in July of 2009 he came to realize what he had gotten himself into. But there was hope, as this was common place that most people whom had purchased homes in those years, were all under water, alligators as they are called.

The plan was to ask for a modification and benefit from the 1/3 payments. But that was all a pipe dream as Webster and Haney soon found out when trying to communicate with countrywide. They jumped through many hoops that never came to fruition, as Countrywide continued to dangle the carrot for the hope that she would soon qualify for the consolidated loan, thereby lowering the monthly payments to a third.

None of this ever happened after the 1/3 payment, instead Countrywide was now teamed-up with Bank of American, the new game plan was to start the foreclosure process, which in Oregon it is Non-Judicial, so the promise to consolidate was actually to distract the Home Owner from imminent foreclosure, so it became a constant battle on the court house steps, multiple foreclosure auctions scheduled and withdrawn at the last possible second.

Haney and Webster had teamed up by this time, to prevent any arbitrarily scheduled foreclosure sales where Mrs. Haney was working full time, and Mr. Webster was investigating and consulting with many attorney's, and doing research on-line to figure out a game plan.

So, after coming to the realization that Countrywide and Bank of America would never modify the loan, Azonia Haney moved to the District Court where she found relief in the form of a (TRO) Granted by Judge King on September 1, 2011 for the misrepresentation of a material fact as was proven to Judge King after Azonia showed him the "Notice of Rescission" that Bank of America recently filed in the county, discoverable by investigation. APPENDIX E

This only slowed down Bank of America for a few months before they had scheduled another Auction. So, to prevent further attacks by Countrywide and Bank of America, Azonia Haney filed a Quit Claim Deed in the County Property Records to Mr. Webster for the back two adjoining lots, and filed Bankruptcy March 2, 2012, a few days later. APPENDIX F

After filing for Bankruptcy, Azonia used the provided forms to challenge Countrywide, KeyBank, Bank of America N.A., and Real Time Solutions that in fact, they did not have proper standing, and Azonia wished to redeem and claim properties as EXEMPT. Doc 12 APPENDIX G

According to Case# 12-31446-tmb7 that Azonia Haney filed, all documents were accepted and processed accordingly as Duties of Trustee, including ORDER AND NOTICE OF TIME TO FILE CLAIMS, Doc 16 Filed 04/16/12 after which no other presumed creditor filed a claim, thought to be Countrywide, KeyBank, and Bank of America N.A. Doc 16 APPENDIX G

Real Time Solutions filed claim No. 1 on April 19, 2012 for \$47,087.43 and Trustee Proposed Payment \$0.00, TRUSTEE'S PROPOSED DISTRIBUTION Filed 12/06/12 by PETER C. MCKITTRICK in his final report, it is clear that a full-discharge was granted after an extended time passed to dispute these findings. Doc 20 - 22 Ex. D APPENDIX G

KeyBank Home Improvement Loan Account # 42730374 had been set-off by loan insurance according to accounting around June 15, 2010. Doc 12 Schedule D APPENDIX G

At this very Time, KeyBank has planned another Auction for Trustee Sale, by JANEWAY LAW FIRM, LLC on November 9, 2022 a way to wash the chain of title of defects. APPENDIX H

REASON FOR GRANTING THE WRIT

The reason this writ for a true bill of certiorari de novo should be granted is to correct the errors of the lower courts, primarily UNITED STATES BANKRUPTCY COURT PORTLAND where Peter McKittrick was practicing Law from the bench to assist SPS, when in fact, he had already discharged this estate in Re: Azonia Haney Case #12-31446 Bankruptcy filings.

Judge Peter McKittrick on July 6, 2020 Filed Doc 167 ORDER OF DISMISSAL AND ADMINISTRATIVELY CLOSING CASE 19-34090-pcm13, this was fraudulent on its face as Peter McKittrick had previously administered this case as "TRUSTEE", which was a conflict of interest, since he did not support Webster's Discharge, like he did for Mrs. Haney in 2012.

Bank of America and Countrywide doing so called Robo-Signing, was especially evident 11 years ago with the 60 MINUTE Interview, after all the object is to facilitate foreclosure.

"Originally Aired in April 3, 2011. 60 minutes exposes the banks and their hired contractors willfully committing fraud. As more and more Americans face mortgage foreclosure, banks' crucial ownership documents for the properties are often unclear and are sometimes even bogus, a condition that's causing lawsuits and hampering an already weak housing market. Scott Pelley reports"

APPENDIX I

Judge Owen Panner addressed some of the issues on May 25, 2011 when he made a Declaratory Judgement in support of Ivan and Katherine HOOKER where he explains why MERS "*is not the person for whose benefit a trust deed is given*", it would be Countrywide not MERS "*may invoke the power of sale and any other remedies permitted by Applicable Law*". Oregon Trust Deeds Act requires the *recording of all assignments by the beneficiary*, ORS 86.735(1) see: In re McCoy, 2011 WL 477820, at *3-4.

APPENDIX J

Therefore, any documents filed or served after June 6, 2012 Discharge Order relating to these properties are fraudulent on their face, and demonstrates actual fraud, SPS, knowingly and fraudulently presented a false claim so attorney John M. Thomas of McCarthy & Holthus should be fined \$500,000 and imprisoned for fraud.

APPENDIX K

Webster presents – Civil Action No. CV-11-3270 USA v. BANK OF AMERICA, NA., Gregory Mackler Qui Tam United states INTERVENTION NOTICE May 11, 2012.

APPENDIX L

It is unclear if SPS reached a special agreement with Attorney Alexander Adams and Becket & Lee LLP for Azonia Haney in her 2018 bankruptcy case involving a Team of Attorney's using Innovative Technology to further Administrate the Haney-Webster Tracts?

But it is clear that Real Time Resolutions and Bank of New York Mellon according to Exhibit A from Proof of Claim 4-1 Part 2, and the Limited Power of Attorney Document show computer entries that appear to be Master Trust, Revolving Equity and Asset Backed Notes relating to the original loans from October of 2004 in the build-up to the 2007-2008 Housing Collapse, known as, The Countrywide - Sub-Prime Mortgage Securities Scandal.

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Interesting are Docket Entry 17 - Special Notice Request and Docket Entry 33 - Chapter 12/13 Trustee's Request to Enter Discharge where the documents are not available to the General Public. The only Scheduled Creditors to be Paid after Mrs. Haney's latest discharge and Terminating Wage Order on 3-28-2022 is her Attorney and Becket & Lee. APPENDIX M

CONCLUSION

Webster demonstrated how Select Portfolio Servicing presented false claims, and do not have proper standing to Foreclosure, they would have to of documented all assignments of the trust deed by the trustee, the beneficiary and any appointment of a successor trustee were recorded in the mortgage records of the county in which the property described in the deed is situated; ORS § 86.735; Bank of New York Mellon proves otherwise in Claim 4-1 Part 2.

This Bill of Review – is presented to facilitate an action to Quiet the title for the affected real properties, and the associated farmland, where Webster has lived, defended and maintained for over 13 Years. Judge Peter C. McKittrick reversed his prior discharge from 2012 that he fully administered as the Trustee. This was a conflict of interest, but it doesn't explain why? Webster request that this case of legal malpractice be corrected.

Respectfully submitted by,

Brent evan webster d/b/a BRENT EVAN WEBSTER September 28, 2022

brent evan webster d/b/a: BRENT EVAN WEBSTER