

22-7441

Case No. 21-A 497

20-17297

19-cv-07994

10-17-00139

52939

PRO 124417

PRO125167

FILED  
APR 27 2022

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SUPREME COURT U.S.

ORIGINAL

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In the  
Supreme Court of the United States

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COLETTE SAVAGE,  
*Petitioner*,

vs.

MARK SAVAGE,  
*Respondent*.

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On Petition for a Writ of Certiorari  
To The United States Court of Appeals for the Ninth Circuit  
Unlawful Dismissals

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PETITION FOR A WRIT OF CERTIORARI

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## **I. QUESTION PRESENTED**

- 1. Are motions to dismiss used administratively to hastily dispose of meritorious and government corruption cases especially targeting pro se litigants?**
- 2. Are pro se litigants a commonly discriminated class of people throughout the United States court system?**

## **PARTIES TO THE PROCEEDINGS**

**The parties to this action are named in the caption.  
They are Colette Savage (69 years old) elder sister  
to Mark Savage her fiduciary, brother.**

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APPENDIX A  
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**SAN MATEO SUPERIOR COURT CALIFORNIA PROBATE**

**– ORIGINAL ORDERS / 2014-2016**

**SUMMARY AND TIMELINE**

These orders can be found behind the judicial statement in this writ

**EXHIBIT 1 ORDER: May 2, 2014: PRO 125167:** Josh Sommers, nephew, under Mark's half brother to the Savage family filed a Conservatorship challenge to Mark Savage's POA and Trustee status under situs San Mateo Superior Court in a Conservatorship proceeding PRO124417. The first order suspended Mark Savage, son of William and Beatrice Savage from his fiduciary trust role while under investigation by Susan Staples, probate court investigator. The investigation took place due to Sommer complaints of Marks fiduciary misconduct conservatorship role. Mark Savage's Fiduciary office was suspended on May 2, 2014 to June 4, 2014-Susan Staples probate court due to the investigation. The investigator recommended Mark's removal as fiduciary; Mark never opposed nor argued his own removal. This ORDER omitted by the 66<sup>th</sup> court, 10<sup>th</sup> COA; Marin Court, N.Cal Federal Court and 9<sup>TH</sup> Circuit.

**EXHIBIT 2-ORDER: June 4, 2014 PRO 124417** All fiduciary conservatorship powers by Mark were permanently revoked on June 4, 2014 and professional state appointed conservators took control of the Savage Family Trust and managing Beatrice's end of life care. Mark's Durable Medical Power of Attorney was also revoked. Beatrice Savage passes on August 12, 2014 in her own home but without her chosen caregivers. Mark could only visits were limited. Mark Savage lost all conservatorship powers. This ORDER omitted by the 66<sup>th</sup> court, 10<sup>th</sup> COA; Marin Court, N.Cal Federal Court and 9<sup>TH</sup> Circuit.

**EXHIBIT 3-ORDER: December 6, 2014: PRO 125167** Sommer family on December 6, 2014 files a personal suit under PRO125167 a new action in San Mateo Probate against Mark Savage for *undue influence, attempted matricide of their mother, trust misappropriation, and fiduciary*

*breaches.* After 7 months of litigation the Sommers drops/dismisses their personal suit against Mark in PRO125167. Colette and her daughter enter as objectors. Omitted review by the 66<sup>th</sup>, 10<sup>th</sup> COA, Northern Cal Federal Court. 19-cv-07994-DMR and 9<sup>th</sup> court.

**EXHIBIT 4 ORDER:** September 16, 2015: Mark Savage intentionally exchanged PROBATE case numbers PRO 124417 with PRO 125167 Sommer separate suit against Mark that occurred on December 6, 2014: Mark was time barred by filing a late claim under the Conservatorship when his conservatorship ended on June 4, 2014 by the California probate court state action. Mark was time barred also by his mothers' death that occurred on August 12, 2014. In order to get around the four month statute Mark and his attorneys exchanges petition numbers with PRO 125167 which we cite is another unlawful time barred collection. See Order which should be listed under PRO124417. (Colette's attorney by ineffective counsel did not catch this unlawful act of illegal collection.) Mark filed a claim for his personal attorney's probate fees, POA/ AIF fees. That was DENIED, Mark's travel fees DENIED under Trust. Mark's meals DENIED; hotel bills, DENIED, stays that occurred from March 23 through August 12, 2014 ; Mark includes Las Vegas Nevada hotels July and August DENIED; Mark also files his fraudulent expense claim that actually admits to embezzling the residuary by presenting pre death gifts/ distributions from Beatrice Savage (mother) (\$18,852.32) as a personal lending from himself by unlawful comingling. Mark's repaying the gifts back into Beatrice's solvent account proves illegal unassigned transfers by a fiduciary. These are all illegal transactions stipulating to comingling. Mark intentionally files for a September hearing when distribution is occurring knowingly on September 26, 2015. This is why he switched out case numbers to circumvent the statute of limitations on his time barred claim. Take Judicial notice of this activity.

Comment: **Mark presented no evidence of any loan or lending in probate.** Mark twisted himself as "Lender" and "Defender" of the Savage family Trust when he was profiting off the gifts from Beatrice to the beneficiaries he then converted as lending from himself which is how he got away with embezzling. Mark profiteering

off the beneficiaries of the Savage Trust by renaming and reclaiming himself as beneficiary of Trust assets that he loaned beneficiaries from the TRUST RESIDUARY.(\$18,852.32) Mark comingling and tampering inside the Trust residuary account with his own bank account knowing Colette was scheduled as the beneficiary of the residuary account was probably had him removed in June of 2015. Mark stipulates to this accounting fraud. Mark Savage while acting as fiduciary misappropriated his rights to lend out Savage trust assets (from Colette's residuary account) and to collect them from the Beneficiaries with profit and interest that occurs after the fact. If Mark is calling gifts from his mother he was not lending nor defending the trust. He was in fact financially injuring the beneficiaries. We have more evidence Mark was not defending his mother but was passively allowing the violations of his mother to occur. This may be another factor that had Mark removed on June 3, 2014.

Mark was interfering in distribution order: Colette became an interested party and objector in September of 2015 since she was scheduled to receive the residuary of the Trust on September 26, 2015 by court order -PRO 124417. Mark sanctioning Colette was denied. This ORDER omitted by the 66<sup>th</sup> court, 10<sup>th</sup> COA; Marin Court, N.Cal Federal Court and 9<sup>TH</sup> Circuit.

**EXHIBIT 5 ORDER:** September 25, 2015 PRO 124417 Distribution order, the order Mark attempted to block and actually blocked out \$200,000 for Colette.

**EXHIBIT 6: ORDER:** November 13, 2015 : PRO 124417 Mark switched case numbers to hide the time barred claim. Denying Mark Savage Award Attorney's Fees and Costs under his personal suit filed against Mark Filed Without Good Cause final order Dec 22, 2015 SANCTIONS AGAINST COLETTE DENIED. NO CONTRACT. This ORDER omitted by the 66<sup>th</sup> court, 10<sup>th</sup> COA; Marin Court, N.Cal Federal Court and 9<sup>TH</sup> Circuit.

**EX 7: ORDER** :: January 4, 2015 # 52939 Hill County Texas Judge lee Harris  
INJUNCTION DENYING/ Dismissal INJUNCTION refusing to litigate causes of  
action: without legal reasoning or review evidence.

**Ex 8: ORDER**: February 25, 2016: 10-16-00036: Appellate Court 10 Waco refusing  
the review the Injunction transaction and the transaction that would follow.

**Ex 9: ORDER** : August 26, 2016 52939 PARTIAL SUMMARY JUDGMENT 66<sup>th</sup>  
court Hill County order sending Plaintiff C.S. properties to foreclosure by Colette  
losing her injunction hearing on Mark's illegal mortgage lending documents without  
the promised loan. Mark's \$240,000 mortgage loan did not occur to Colette. No proof  
of debt. The court refused to honor TILA legal rescission. No proper review of this order  
by Marin Court, N. Cal Federal Court and 9<sup>TH</sup> Circuit. Note swapping.

**Ex 10: ORDER**: October 25, 2016: PRO 124417 San Mateo Superior Probate Court  
Judge Miram extinguishes the Promissory Notes ( for a second time)following  
hearing following a hearing: Petition to Set Aside Promissory Note to Mark  
September 29, 2016 was extinguished. Omitted, excluded this exculpatory  
evidence: by the 66<sup>th</sup> court, 10<sup>th</sup> COA; Marin Court, N. .Cal Federal Court and 9<sup>TH</sup>  
Circuit.

**Ex 11: ORDER**: January 31,2016 : #52939 66th Judicial District Court of Hill  
County, Texas Colette Clara Savage v. Mark Savage, Order Granting Defendant's  
Second Motion for Summary Judgment filed January 31, 2017, Judge A. Lee Harris  
Presiding; No proper review of this order by Marin Court, N.Cal Federal Court and 9<sup>TH</sup>  
Circuit.

**Ex 12:: ORDER** July 6, 2018 : CV -219 18DC: 66th Judicial District Court of Hill  
County, Texas Case No. Bill in Review proof of a true bill: Proof of non review.  
Colette Clara Savage v. Mark Savage, Order of Dismissal filed July 6, 2018, Judge  
A. Lee Harris Presiding; **No bill was provided therefore there exists no bill for  
review.** No proper review of this order by Marin Court, N.Cal Federal Court and 9<sup>TH</sup> Circuit.

10-18-00230 Appellate review of Bill in Review never occurred; identifying the Appellate court refused and denied review of the foreclosure, TILA, satisfaction of the foreclosure.: Reconsideration denied.

July 13, 2018

#### **Appellate Court One San Francisco**

**Ex 13: ORDER: October 15, 2018: - A150984:** First Appellate District In the Court of Appeal of the State of California ,First Appellate District, Division One, Savage vs. Savage A150984, San Mateo County, Superior Court No. J. Banke Presiding This was only an order to decide if Colette would win attorneys fees over Mark due to the fact she won the Promissory Note case in 124417 case re-entered into the proper case number. Colette had been denied attorneys fees. The Appellate court decided to adopt Judge Mirams case; both should not get attorneys fees.under the extinguishment of the Promissory Note again. .

#### **Texas 10t Appellate Court Appeal based on California Probate**

**Ex 14- ORDER: October 28, 2016 : 10-17-00139** Texas Tenth Court of Appeals Case, Colette Savage v. Mark Savage, Trustee and Fiduciary, Mandate, Determined on a non existent note that refers exclusively to probate.

#### **Supreme Court of Texas Decisions**

**Ex 15:ORDER: April 12, 2019; November 22, 2019; Case No. 18-1126, Case No. 18-0437, COA No. 10-17-00139-CV, Case No. 19-0086:** Supreme Court of Texas, *Savage vs. Savage*, DENIED REVIEW Cause 52,939 ;Texas Supreme Court, Savage vs. Savage, COA # 10-18-00230-CV, Dismissal of Petition for Review dated April 12,

2019; Texas Supreme Court Case No. 18-0437, Denial of Petition for Review dated April 26, 2019 and Denial of Petition for Rehearing dated June 7, 2019; Texas Supreme Court Case No. 19-0086, Denial of Writ of Mandamus dated November 22, 2019;

#### **Trial Court Decisions (CA)**

**Ex 16 :ORDER September 29, 2016 : CIV 1700381, Marin County Superior Court of California, Case No. *Mark Savage, Judgment Creditor, v. Colette Clara Savage, Judgment Debtor*, Memorandum of Points and Authorities in Opposition to Judgment Creditor's Motion for Reconsideration and In Support of Supplemental Reply to Judgment Creditor's Motion to Amend Sister State Judgment and Releasing Funds Held in Blocked Account, filed December 2, 2019.**

#### **District Court Decision (CA)**

**Ex 17: ORDER: May 18, 2020 No. 19-cv-07994-DMR United States District Court, Northern District of California, *Savage vs. Savage*, Case No. 19-cv-07994-DMR, Order Taking Defendant's Motion to Dismiss Under Submission Without Oral Argument, filed May 8, 2020, The Honorable Judge Donna Ryu Presiding. “Fed. R” *Savage v. Savage*, No. 20-17297, n.[\*] (9th Cir. Aug. 25, 2021)**

**Ex 18: ORDER: November 20, 2020 No. 19-cv-07994-DMR United States District Court, Northern District of California, *Savage vs. Savage*, , Order on Motions for Reconsideration, dated November 10, 2020**

#### **Ninth Circuit Court of Appeals Decision**

**Ex 19: ORDER: January 2022 : Case No. 20-17297, /20-17297 : United States Court of Appeals for the Ninth Circuit, *Savage vs. Savage*, United States District of**

California, Oakland Division, , Judgement and Order on Defendant's Motion to Dismiss and Plaintiff's Motions for Injunctive Relief, filed May 18, 2020, Judge Donna Ryu Presiding. *Savage v. Savage*, Case No. 19-cv-07994-DMR (N.D. Cal. May. 18, 2020) The order relies on a Promissory Note security that does not exist. **Ex 20: ORDER ; January 4, 2022 : 20-17297:** Evidence the order in the Ninth Court proves non review based on Promissory Note that does not exist.

**Evidence in the Record**

**APPENDIX B**

**EXHIBIT A**- August 22, 2014 Deed of Trust

**EXHIBIT B**- August 22, 2014 Acknowledge Memorandum of Understanding

**EXHIBIT C**-August 22, 2014 Real Estate Lien Note

**EXHIBIT D**- December 18, 2015 Recission

**EXHIBIT E**- January 4, 2016 Partial Lien Release by Mark granting three properties back

**EXHIBIT F**- January 5, 2016 Notice of Trustee Sale check for \$10,001 from Colette

**EXHIBIT G**- January 5, 2016 new Deed of Trust

**EXHIBIT H**-September 14, 2015 Mark's oath of dissolving any Promissory Note

**EXHIBIT I**- January 23, 2014 William B and Beatrice Savage Trust

The evidence presented has been presented multiple times in all court records

## TABLE OF AUTHORITIES

### Cases

<i>Brady v. Maryland, 373 US 83 - Supreme Court 1963.....</i>	<i>xiv</i>
<i>DisputeSuite.com supra 2 Cal 5<sup>th</sup> at pg 975.....</i>	

### Constitutional Statutes

#### Truth in Lending Act Violations under Texas 66<sup>th</sup> District (§1026.4).

##### Suppressed cause of action

<i>12 CFR Part 226 - TRUTH IN LENDING (REGULATION ).....</i>	<i>xv,9,16,19,20</i>
<i>Jesinoski v. Countrywide Home Loans, Inc., 135 S. Ct. 790 - SCOTUS 2015...</i>	<i>xv</i>

### Fair Debt Collection Practice Act

##### Suppressed cause of action

<i>Fair Debt Collection Practices Act (FDCPA), Pub. L. 95 -109; 91 Stat. 874, codified as 15 U.S.C. § 1692 –1692p, .....</i>	<i>11,16,17</i>
<i>§805. Communication in connection with debt collection, §806. Harassment or abuse, §807. False or misleading representations, §808. Unfair practices §809. Validation of debts,§810. Multiple debts,§811. Legal actions by debt collectors,§812. Furnishing certain deceptive forms.....</i>	<i>16</i>
<i>Williams v. MOUNTAIN RUN SOLUTIONS, 2022</i>	
<i>Keys v. COLLECTION PROFESSIONALS, INC., 2018.....</i>	<i>6</i>

**Rooker-Feldman doctrine**  
**Misapplication and mischaracterization**  
**Fraud in state court**

Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923).....	xiv
GASH Assocs. v. Rosemont, 995 F.2d 726, 728 (C.A.7 1993);.....	xvi
Feldman, 460 U.S., at 487, 103 S.Ct. 1303.....	xviii
Prewitt v. Wood County Common Pleas Court Juvenile Div., 2014 U.S. Dist. LEXIS 152676 also see Lawrence, 531 F.3d at 368-69. ... .....	25
Ballard v. Savage, 65 F.3d 1495, 1498 (9th .....r.1995).....	<u>25</u>

## OPINIONS BELOW

**Exhibit 17:** The decision by the United States District Court, Northern District of California, *Savage vs. Savage*, Case No. 19-cv-07994-DMR, Order Taking Defendant's Motion to Dismiss Under Submission Without Oral Argument, filed May 8, 2020, The Honorable Judge Donna Ryu Presiding. “Fed. R” *Savage v. Savage*, No. 20-17297, n.[\*] (9th Cir. Aug. 25, 2021)

**Exhibit 14:** The decisions by the Texas Tenth Court of Appeals are published at  
\_\_\_\_SW3d\_\_\_\_, 10-24-18\_\_\_\_S.

## **PETITION FOR A WRIT OF CERTIORARI**

Colette Savage Petitioner respectfully seeks a writ of certiorari to review the original final California Superior Court judgments PRO 124417 & PRO 125167

San Mateo Probate California that were proper and to uphold TILA under mortgage lending notes never funded! This is why we request a Writ of Certiorari.

WE believe the process has been violated.

**JURISDICTION ISSUES**  
**For the WRIT of CERTIORARI**  
**( RULE 10 &14 e)**

This United States Supreme Court identifies jurisdiction under 28 U.S.C. 1254(1). We have serious **conflicting and contradictory** state court judgments between California probate FINAL orders regarding decedent, Beatrice Savage final WILL & TRUST (September & November 2015 App A EX4,5,6 San Mateo Superior Probate Court) (10 PRO 124417 &125167) in direct contradiction with later Texas 66<sup>th</sup> state court judgments 2016, 2017 which has no subject matter jurisdiction, no probate authority nor California probate jurisdiction. (App A Ex 9,11) The subsequent Texas order under Judge Lee Harris is barred from canceling, overruling, objecting ANY California probate orders. PRO 124417 & PRO 125167. Nor can any Texas order revoke a California family Trust and target one individual beneficiary for a probate debt that does not exist. The Texas state court is barred from importing the final and closed Savage Will and Trust from a California court to be re-probated in a Texas Hill County District Court. The Harris Judgment(s) (52939 App A Ex 9,11) is based solely on Mark Savage's "oral testimony" of a nonexistent note/ security titled "Promissory Note" August 22, 2014..Colette never witnessed nor signed. There is no security recorded as Promissory Note constructed and executed by Colette on August 22, 2014. Yet Mark was allowed to use a nonexistent oral allegation of a note to foreclose in Judge Harris's court. A nonexistent note has no subject matter jurisdiction, therefore has no jurisdiction in the state of Texas. A note that does not exist by an unlawful fiduciary brother cannot be asserted as offering for any "protections" of the principle they are targeting and attacking..

*That unlawful oral security that does not exist was allowed to contest the Savage California Trust in the state of Texas and this is the reason we request a*

Writ of Certiorari. The missing material step of an illegal transfer into a Texas court is lawlessness.

The Harris court denied and dismissed all of Colette's causes of action, fraud claims against her brother, affirmative defenses, TILA rescission, and evidence without authority which left only Mark's non produced Promissory Note August 22, 2014 to overrule all California probate orders. ( App A Ex 1,2,3,4,5,6) We properly brought our case to Federal Court Northern California 19-cv-07994 against Mark Savage, brother, unlawful fiduciary, due to Texas state court frauds and perjuries and for a federal review which is admissible under Rooker Feldman doctrine for cases not properly processed. Colette's case was unlawfully dismissed in state court with state court frauds and perjuries causing her serious state court injuries from her brother. (Judge Harris App A Ex 7.9,11 )We collaterally attack all Texas judgments. The probate case was resolved and settled in full faith and credit by California probate and is estopped in the state of Texas from being re- heard. We ask that every order made in California probate 124417 &125167 be upheld. (App A Ex 1,2,4,5,6,10.) We seek a Writ of Certiorari for good cause and to seek the justice we deserve!

Mark never appealed any order in California probate but appealed his entire case and every order under PRO124417 & PRO125167 in a Texas rural state court. (66<sup>th</sup> Hillsboro) This we firmly establishes the right and the necessity to request a Writ of Certiorari.

Colette had the legal right for a Rooker Feldman review for state court judgments that cause direct state court injuries. "...we clarified in *Exxon* that *Rooker-Feldman* "is confined to cases of the kind from which the doctrine acquired its name: cases brought by state-court losers ... inviting district court review and rejection of [the state court's] judgments," Rooker Feldman 544 U.S., at 284, 125 S.Ct. 1517

Mark and McDonald are granted the right to commit the serious act of grand larceny and continuous extortion after the foreclosure sale and continue to take Colette's inheritance and re-lien all her properties to this day

In conducting this inquiry, the District Court was "it is not an impediment to the exercise of federal jurisdiction that the "same or a related question" was earlier aired between the parties in state court. 544 U.S., at 292-293, 125 S.Ct. 1517 (quoting GASH Assocs. v. Rosemont, 995 F.2d 726, 728 (C.A.7 1993); first alteration in original); Rooker Feldman admission.

These are the jurisdictional failings and suppression of exculpatory evidence that allowed Colette to bring these multiple frauds and perjuries to the Federal District Court in Oakland. Ca. Any statute or rule governing the decision **may be challenged in a federal action**. See, e.g., Feldman, 460 U.S., at 487, 103 S.Ct. 1303. That question needed to be answered we felt in a federal court. Judge Harris stated we could not file federal claims such as TILA in state court. Colette's case cannot be dismissed without allowing her to refute state court frauds and obvious perjuries such as notes that are not discoverable and do not exist. We asked the Federal court to uphold TILA and FDCPA that rescinded Mark's claim for mortgage fraud and document fraud under Promissory Note August 22, 2014.

Four requirements must be met for the Rooker-Feldman doctrine to apply: "(1) the federal plaintiff lost in state court;(2) the plaintiff 'complain [s] of injuries caused by [the] state-court judgments';(3) those judgments were rendered before the federal suit was filed; and (4) the plaintiff is inviting the district court to review and reject the state judgments. "

- in ROPER & TWAROWSKY, LLC v. Snyder, Dist. Court, D. New Jersey 2014

The trial court frauds grants Colette a chance to be heard in federal court. Rooker Feldman under state court frauds may not be misapplied.. We ask this court to uphold California probate jurisdiction in California and uphold rescission under TILA in Texas.

"If there is some other source of injury, caused by a THIRD PARTY ACTION, then there is an assertion of an INDEPENDENT CLAIM." Id.; Prewitt v. Wood County Common Pleas Court Juvenile Div., 2014 U.S. Dist. LEXIS 152676 also see Lawrence, 531 F.3d at 368-69. ....

The independent claim that could not be dismissed is the fact there is no document for the judgment in the Texas Harris court. The right to file my claim in state court is the independent claim.

A handwritten signature in black ink, appearing to read "Colette Savage".

Respectfully yours, Colette Savage April 27, 2023

## CONSTITUTION AMENDMENTS

1. First Amendment denied right to address grievances **denied**.
2. U.S. Constitution; XIV § Section 1, 14<sup>th</sup> Amendment Constitutional Rights of the Federal Constitution; (The Due Process Clause of the Fourth Amendment U.S. Const. Amend. XIV § 1 provides:

[N]or shall any State deprive any person of life, liberty, or property, without due process of law. **Denied**

3. The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." **Denied**
4. Seventh Amendment right to trial by jury. There were enough facts to send this case to trial or at least admit proper hearings. **Denied** These judges are not judgment by peers.
5. Fourteenth Amendment, ratified in 1868, uses the same eleven words called the Due Process Clause to describe its legal obligation of all the states.

(a) The Fourteenth Amendment also demands that the State preserve potentially exculpatory evidence on behalf of litigants which also includes evidence suppressed. The court had the capacity to preserve the evidence. **Denied**

(b) "what might loosely be called the area of constitutionally guaranteed access to evidence." United States v. Valenzuela-Bernal, 458 U. S. 858, 867 (1982). **Denied**

**STATEMENT OF THE CASE**  
**Mark Savage persona non grata in Trust**  
**Rule 14 .1**

This case involves factual evidence and non-evidence of a constitutional crisis upon the American people by the legal system, both state and federal courts making the conscious “choice” of refusing to follow due process, denying review of legitimate causes of action listed and **actually suppressing material evidence**. Our case proves due process and rules of evidence are not being applied properly, especially when it comes to the pro se and addressing pro se bigotry in the system. There is a *promise* by our constitution for a redress for a real review of facts and facts recorded in evidence. We offer proof of courts “changing”, “exchanging” court “rules”, contradicting *matters of law*, especially being highly aware pro se litigants are not in familiar territory! This appears to result in the unlawful determination by spontaneous *sue sponte* dismissals against pro se plaintiff(s) that occur in contradiction and alienation of our first, fifth, seventh, and 14<sup>th</sup> amendment rights.

The right to own property is now being threatened by case disposal and non-review. WE fear non review is now becoming the standard. The Texas state court judgment (66<sup>th</sup> district) 52939 January 31, 2017 is an obvious example of judgments that blatantly contradicts and avoid and abandoning *rules of evidence* and legitimate review. The Texas court allowed for criminality to occur on the state level then enforced a case illegally by importing a settled probate case from the state of California. The evidence in the Harris case definitely impeaches the Texas state judgment January 31, 2017 App A Ex 9,11, since that security does not exist and there is NO verification for any legal “security” titled “Promissory Note” August 22, 2014 that appears in evidence *nor titled document* by that name nor terms referring to that document that identifies itself only orally. Mark Savage, brother committed probate court crimes by importing and appealing his California probate lost case into the 66<sup>th</sup> Texas state court by making perjurious statements on a nonexistent

“Promissory Note” August 22, 2014 he claims his sister, Colette signed that grants Mark her properties, her inheritance and his negates right to sue for her properties.

The Harris court judgment(s) (App A Ex 7, 11) relies on evidence never produced, title “Promissory Note dated August 22, 2014” no court has witnessed nor reviewed, proves delivery to his sister, Colette. That “Promissory Note” dated August 22, 2014 that amends Mark’s mortgage document only exists fictitiously. It is perjured!

Mark Savage and Trustee Michael McDonald, *mortgage servicer* under the terms of the Deed of Trust misrepresented themselves as Colette’s fiduciaries and intentionally failed to fund his mortgage Deed of Trust but kept the documents and secretly filed the Deed of Trust. (App B Ex A) Mark used his unlawful Deed of Trust August 22, 2014 artifice twisting that artifice to entrap his sister in an illegally imported California probate scheme. App B Ex A,B,C. We have evidentiary proof, the Texas judgments have no standing. There is no other document, no security funded and there is no substitute document(s) to allege falsified securities called Promissory Note dated August 22, 2014. Mark and his attorneys committed mortgage fraud under their own document offer App B Ex A,B,C recorded that Deed of Trust as if funding took place and then were allowed under Judge Lee Harris to switch, exchange and “fix” the material evidence of his failed mortgage device with oral perjuries and a replacement scheme under a document titled Promissory Note dated August 22, 2014 ***that does not exist with terms that do not exist.*** Then Judge Lee Harris of Hillsboro Texas 66<sup>th</sup> District court allowed Mark to prosecute the identical issues again after collecting \$10,001 on the unlawful non existent document titled Promissory Note August 22, 2014 at an illegally held foreclosure sale on the front steps of the Hill County Courthouse..

Oral assertions and perjuries of nonexistent documents are not contracts nor contractual. “THERE ARE NO PRIOR, NO CONTEMPORANEOUS, NOR SUBSEQUENT DOCUMENTS” that attach to Mark’s mortgage loan documents and this is spelled out as a definition and term in the final paragraph of the lending

documents under App B Ex A &C. Mark and McDonald used their original lending documents to seize Colette's six properties in the state of Texas without notice and without his promised loan of \$240,000 spelled out in his Acknowledgement App B Ex B uncovers Mark and his attorneys original document fraud scheme to commit Title Theft.

The court on its own motion may not create its own oral ambiguity to deny property rights or steal properties including denying inheritance rights to a U.S. citizen.

"Words" alone cannot be bent into a fact, or establish a fact. Take Judicial Notice: The \$383,000 Texas judgment 52939 / January 31, 2017 under 52939 is not attached to any evidence, nor any contract, nor consideration App A Ex:11 Hill County Texas judgment against Colette Savage relies entirely on an oral crime scheme represented as a "Promissory Note" dated August 22, 2014 that no one can find. Mark Savage says the Promissory Note dated August 22,2014 relies entirely word for word on a San Mateo California probate debt. That perjured admission misrepresents the actual mortgage lending promise Mark never funded. App B Ex A,B,C. That alleged California probate debt is a fraud since it was settled by court order properly and in finality in California Probate in 2015. (App A Ex 4&6) The California PRO124417 & PRO 125167 case may not be reheard in a Texas court and was settled against Mark. Mark aggravated perjuries in Texas morphs in numerous courts due to the fact it is not documented. Mark's perjured statements have the intent to financially injure his sister and collect a double inheritance.

1. Are motions to dismiss used administratively to hastily dispose of meritorious and government corruption cases, especially targeting the pro se litigant?

One cannot build a Rooker Feldman defense in Texas district court under a security/note that never existed and a debt that no one can find. Mark Savage's August 22, 2014 "Promissory Note" is an oral fraud scheme never executed by Colette

Savage, elder sister. The allegation of a Promissory Note dated and signed on August 22, 2014 is just one of many perjuries Mark engages against the beneficiaries of the California Savage family Trust. Mark never delivered, mailed or presented to Colette his Promissory Note dated August 22, 2014. No one can produce a false security without a debt. Therefore the Promissory Note in the Harris Judgment which sanctions Colette \$383,000 for signing such a note is not a security because it was never produced. The falsified "Promissory Note" dated August 22, 2014 never witnessed, cannot be found in either App B Ex A,B,C the only documents sent on August 22, 2014. Take judicial notice: It is not just the title of the document that is a fraud, it is the harm that comes from the *terms* of the nonexistent document that commits serious court frauds, and thefts. Mark's injunction foreclosure countercomplaint relies on his allegations of a "Promissory Note" August 22, 2014 with terms which was used to extort his elderly sister (Colette Savage) and deprive her of all her state rights and federal rights to own her own properties and business. Mark Savage, brother to Colette alleges he took control of Colette's properties and her inheritance by way of a Promissory Note dated August 22, 2014 however that document does not exist under the evidence of the delivered documents App B Ex A,B,C nor do those terms exist that commits serious public crimes.. Mark testifies in his Texas petitions he had authority to commit these crimes or "takings" because he was protecting Colette's assets and her inheritance. This is a public admission of a protection racket, racketeering, and or protection enterprise in collusion with his attorneys we have listed in App C constructing perjured affidavits.

Protection is a contradiction and admission Mark was acting deceptively and handling his sister as her controller, not her fiduciary under the definition of protector, Mark admits to an unlawful fiduciary relationship, Colette being an unsophisticated consumer..

There is no match for California probate terms Mark alleges that exist as a novation in any of his Promissory Note August 22, 2014, that amends his mortgage lending documents that never lends and that he never returns. If Mark were

protecting Colette's assets he had to return the documents not secretly record the Deed of Trust as a \$240,000 home equity loan on six properties.

There exists no probate "debt" that can be transferred from California into Texas because a probate debt did not exist in the state of California.in probate court. There are no Promissory Notes remaining in the California probate court nor probate contract with Mark. PRO 124417 September 29, 2016 App A Ex 10. Nor is any probate debt owed by Colette. Mark's Trust claims were paid (\$18,852.32) and the remainder denied by California final and strict orders in 2015/ 2016 under PRO 124417 & PRO 125167 App A Ex 4,5,6 .

Mark could not purchase his California appeal in Texas by manufacturing a "Promissory Note" August 22, 2014 that does not exist to amend, contradict his unfunded Mortgage lending offer. Nor was there any offer of an August 22, 2014 Promissory Note referring to California probate debt and Mark's expense claim under Mark's mortgage documents Deed of Trust. Mark sued Colette in California to contest the Trust and lost! App A Ex 4,5,6. Mark lost three times to his sister and could not interrupt her distribution under App A Ex 5. Mark and his attorney's pursuit of Colette to take control of all her assets and properties is endless persecution and abuse from Mark suing Colette multiple times in probate and losing and importing Marks' lost claims into a Texas court illegally under a perjured nonexistent document and pursuing his lost claims there. App A Ex 4,5,6,10.

**App A Ex 13: A150984, October 15, 2018: Page 16 Appellate One (regarding Attorneys Fees for Mark's extinguishing the Promissory Notes in California (again) under Judge Banke S.F. Appellate Court One states: ..."REFILING IN ANOTHER FORUM WOULD BE LEGALLY BARRED BY THE STATUTES OF LIMITATIONS FOR EXAMPLE OR WOULD BE OTHERWISE IMPOSSIBLE OR IMPRACTICAL" ((DisputeSuite.com supra 2 Cal 5<sup>th</sup> at pg 975) Both parties did not receive attorney's fees for the September 29, 2016 order to extinguish Promissory Notes dated 2014 in June App A Ex 10. However, Mark did not disclose to the California**

court he was refiling a California probate claim in the state of Texas using falsified oral securities.

All Texas orders are developed from a document alleged and committing multiple perjuries by Mark and his attorneys and that certain document(s) is titled and dated "Promissory Note" August 22, 2014 without it's production. Mark's attorneys perjure Colette constructed this certain note that does not exist. That fraud contradicts itself. Take Judicial notice of the date because all Promissory Notes dated June 2014 were extinguished multiple times in California and by Mark's public oath on September 11, 2015. App A probate California orders: (Ex 4,5,6,10 and Mark's oath App B Ex H) Mark's personal oath stating there are no Promissory Note relevant to any California Savage family reimbursement claim voids every petition Mark filed in the state of Texas and upholds aggravated perjury. Mark's Texas petitions come after his September 11, 2015 oath. Therefore we prove our perjury cause of action never litigated in Texas state court. Mark's oath voids the foreclosure, voids all judgments in Texas courts under App A orders: 7,9,11 and voids the Appellate Opinion. Mark's oath was submitted over 20 times and remains as Brady material and exculpatory evidence suppressed by Texas state courts causing serious state court injuries by fraud and suppression. We believe we answer Question one!

Mark's settled California probate claims and assertions were converted inside the Appellate Court Waco 10 to another nonexistent document titled "Texas Note" dated August 22, 2014 under Chief Justice Thomas Gray by stipulating Colette signed a "Texas Note" on August 22, 2014. That document is not discoverable because it does not exist. It too becomes the "replacement" allegation to cover up and suppress the mortgage lending documents. (App B lending documents ex A,B,C) It then becomes the subsequent fraudulent transfer replacement and amendment to suppress the nonexistent oral "Promissory Note" dated August 22, 2014 in the Harris Judgment. (App A Texas court orders Ex .9,11,14) The "Texas Note" is a titled contradiction to the Harris court judgment under App A Ex 9,11. The contradiction holds the Harris judgment void by title fraud.

Colette went back to California Probate to confirm the extinguishment of any Probate Promissory Notes offered by Mark in September 29, 2016 at great time and expense since Texas refused to address six previous California probate orders and Mark's personal oath that Promissory Notes do not exist, nor are relevant to a Savage Trust reimbursement claim. (App A California probate order Ex10.) (Mark's personal oath App B Ex H) That extinguishment by Judge Miram California probate, in the last paragraph becomes final by probate order. This is under the FULL FAITH & CREDIT of the California courts subject matter probate.

Judge Mirams final order is the exculpatory evidence suppressed and ignored by Judge Lee Harris in the MSJ order. App A MSJ order Judge Harris Ex 11. Any Promissory Notes referring to probate is fraud in Texas. All probate matters were settled by California probate order, paid and denied. The Harris judgment not only overturns six previous orders but acts again in contempt of the final order under Judge Miram in California probate. (App A California extinguishment Ex 10) Judge Miram cites at a hearing the lending mortgage notes are not relevant to probate. They mortgage notes refer to themselves as Real Estate Notes, Mark Lender/ Colette Borrower/ Michael McDonald Mortgage Servicer.

The Texas court first alters and suppresses the material evidence of Mark's mortgage lending notes (App B Ex A,B,C) in exchange for a Promissory Note dated August 22, 2014 that does not exist and then sanctions Colette \$383,000 for the signing. The Harris court punishes Colette for returning to California to obtain the final judgment on extinguishing any Promissory Notes under probate. (App A MSJ order Ex & 11)

Judge Lee Harris cements his prejudice by fining and sanctioning Colette up \$8,000 if she appeals the judgment in higher courts. (last page of order App A Ex 11) We believe this is unconstitutional since appeal is right to redress under 1<sup>st</sup> amendment. Judge Lee Harris incorporated \$109.00 for daily interest from January 1, 2015 even though he is aware the entire debt was sold at Trustee Sale for \$10,001 not \$240,000.

The Texas courts \$383,000 judgment is void because a debt was never proven. All lending documents and oral attachments were rescinded under TILA mandates timely recorded and filed properly December 22, 2015. All documents were sold in the foreclosure sale by Harris court order. App A order sending properties to foreclosure Ex 7) (App B Rescission Ex D) (App B Ex F) Trustee Sale Notice promise.

The Texas Appellate 10 Waco Court launches their own conversion, novation by suppressing the Promissory Note knowing it was sold on January 5, 2016 and knowing it was extinguished in California by order. (App A probate order Ex 10) The Appellate 10 Waco court conversion became a "Texas Note" in their Appellate opinion which refers word for word, page by page to the California probate case settled and finalized that never proves any outstanding claims or debts. There is no mention of any mortgage lending document in the Appellate 10 opinion. That is not a coincidence. The mortgage lending documents are the exculpatory evidence intentionally suppressed by the Appellate Waco court Justice Thomas Gray knowing they were used in the theft of six properties then sold on January 5, 2016 to satisfy the alleged debt. The Appellate Court knows there is no debt on any mortgage lending documents. The lending documents, August 22, 2014, the sale, the Promissory Note are all suppressed by the Appellate 10 court. Mark's oath promise not to sue under probate reimbursement for any Promissory Notes is suppressed by the Appellate 10 court (App A California probate orders Ex 1,2,4,5,6,10.) App B Mark's probate oath App B Ex H) All of Colette's evidence is suppressed, ignored and dismissed. She is left defenseless against frauds, perjuries and the right to defend the trust in a Texas court. The foreclosure sale is not rebuttable as explained by the Waco court 10. It evidences clearly a non-debt is not possible and damages by state court injuries by state court frauds.

There is absolutely no evidence for either Promissory Note dated August 22, 2014 or Texas Note dated August 22, 2014 stipulated in either Texas order. The judgments are void. The terms of the Texas Note dated August 22, 2014 do not exist in any contract between Mark and Colette. Probate subject matter is an exclusive

California probate matter and is barred from being reheard and judged in Texas. It is made void by incorporating those oral terms into a mortgage lending document that fails to lend. (App B mortgage lending documents sold A,B,C).

Take judicial and public notice: Both courts and subsequent courts know those lending mortgage documents were sold on January 5, 2016 by Judge Harris. By the act of Judge Harris sending Colette's properties to a public auction that forced the sale of her stolen properties back to Colette to settle the alleged debt on Mark's lending notes and Promissory Note artifice of August 22, 2014. Mark made a profit on that illegal sale of \$10,001 whereby he started the bid to satisfy the debt at \$10,000 at his own illegal sale.

Mark's precluded California probate issues are false allegations of a nonexistent debt that could not be substantiated in any court. Mark's petition is criminal entrapment scheme to circumvent Colette's life work and inheritance to Mark. The documents cited in both judgments do not legally exist as a debt therefore, they cannot be cited by any court. Colette's "debt" was never audited in the Harris judgment. Proof of non-auditing comes in the Bill of Review Colette filed on July 6, 2018 App A Ex 12 Bill in Review cv-219 18 DC to prove a debt. The Bill in Review was dismissed without reason or Finders of Fact and Conclusion of Law by the Harris court. The Appellate 10 Waco court then dismissed Colette's appeal of her Bill in Review Audit. Both Texas courts denied Colette the right to a true bill and audit of a debt! The Appellate court 10 court relied on Mark's "Texas Note" and Mark oral allegations of "detailing" the transaction. App A Ex 14 pg 14 and neither are evidence. This is the only evidence Mark alleges in his Appellate opinion.

If a debt cannot be cited by a contract there is no legally created or collectable debt. Mark's California probate settled claims under PROBATE court order and his personal oath are not transferable into a Texas state court except to prove a probate debt does not exist. The suppression of those California orders was not legal in the Texas court under 52939 or CV-219 18DC. Nor is there any transfer vehicle to suppress the California orders in Colette's evidence. Those California probate orders

cited over 20 times were dismissed unlawfully by the Texas courts in the partial summary judgment and then in the final summary judgment. (App A Texas orders Ex 9,11 )The Texas judgments never proved any debt which does not meet standards of debt collection under FDCPA 1692.

Mark and his numerous attorneys listed in Appendix C; illegally seized Colette's six properties including homestead by a counterfeit Deed of Trust dated August 22, 2014 constructed by Michael McDonald and the office of Martin, Showers, Smith and McDonald ( App C ex A) without proof of consideration. The crime of recording a Deed of Trust that never lends as promised is a federal and state crime.

Martin, Showers, Smith and McDonald office were in possession of stolen Deed of Trust, illegal Real Estate Lien Note and Acknowledgement and illegally records the Deed of Trust without any consideration dictated under the terms. (App B Acknowledgment Ex B) McDonald Trustee acting as mortgage servicer was recording his own crime. Mark never funded his lending offer. Colette put everything up for sale in the town of Hubbard. She had no idea Mark and McDonald had stolen her properties until she was closing and discovered she no longer owned her own properties. Mark and McDonald committed TITLE THEFT and it was easy for them to do without notice or the recorder's office notifying her. Title Theft is the fastest growing crime in America. That theft crime was never prosecuted in any Texas court nor reviewed in subsequent courts, proving non review appears to be the standard when it comes to pro se litigants.

In fact, Judge Harris dismissed Colette's entire case on his own motion without a cause to dismiss and left Mark's multiple crimes intact. There was absolutely no debt or audit to support Fiduciary Mark's foreclosure nor Judge Harris sending Colette's properties to be auctioned off the next day on the courthouse steps. *No court* could deny Mark breached his fiduciary duty to his sister. The Appellate court denies Mark had a fiduciary relationship with his sister or fiduciary obligations. ( App A Ex 14 pg 10 ) We identify prejudice and purposeful non review of all causes of action including a mandated "Right to Rescind " under TILA. And that prejudice appears

to be a problem in the courts especially whereby crimes are committed in 52939. WE also found non review in subsequent courts. Non review is a constitutional obstruction. There is no jurisdiction for non-review. The courts granted Mark status and denied review to Colette's case due to her pro se reduced status. This manifest injustice explains why we are seeking Writ of Certiorari.

At many points, Mark was Colette's only fiduciary since she was insolvent prior to and after August 22, 2014 until distribution in late September of 2015. This identifies the loan Mark constructed under his mortgage lending offer in August 22, 2014 constitutes entrapment fraud. WE ask that the ORAL Promissory Note August 22, 2014 be made void for fraud in Texas and rescinded for multiple injuries incurred toward Colette. Colette and her daughter remains the injured parties of debt predation throughout these illegal artifices and court damages, not Mark. Mark never proved damages and never brought one cause of action in Texas. He simply used his oral Promissory Note in the Harris court as a cashiers check without presenting that document! The damage to the entire family is imprinted forever on the legacy of the Savage/ Singer family.

But the damages of serious court frauds are everlasting. This is a complex document fraud case. The intent to commit criminal document fraud is made complex, so it cannot be discovered and that is why it is seldom reviewed properly in courts. Many fraud cases involve more than one person. Much of the time the intent of the fraud is to comingle which is a tiresome chore to discover. Comingling is a money laundering scheme when it comes to document securities frauds. This fraud needs untangling so other pro se litigants, plaintiff, and seniors will not be subjected and victimized by close family members to commit fiduciary frauds. The strong arming by attorneys and judges to exploit the pro se will leave them penniless wards of the state, which needs to be addressed by this court. This is the condition this pro se now finds herself in. Fraudsters deprive the victim and wearing them out so they can no longer fight in court when they are the only ones that could prove standing. A court

buddy or advocate would avoid this kind of abuse, especially against clerks who can be very cruel.

Due to our pro se status we have driven into the depth and detail of this mortgage fraud to identify how it occurred, how it was converted and who is involved. We realize this can be uncomfortable at times. We believe due to our pro se status we are held to a higher standard than attorneys. However, the pro se is still a discriminated party in a court of law. There does appear to be status quo non review of a pro se litigants case which identifies and defines discrimination. This can be seen word for word in the Appellate 10 opinion that relies on a nonexistent Texas Note and the Federal courts that rely on the non existent Promissory Note dated August 22, 2014. This is why we request Writ of Certiorari to end this discrimination! (rule 10, 14).

We list all of Mark's attorneys at the end of this case Appendix C that are involved in committing aggravated perjury in a court of law on counterfeit oral note(s) Promissory Note dated August 22, 2014 and a "Texas Note" asserted in the Appellate 10 opinion by Greg White in perjury. Both notes cannot be verified. The nonexistent note(s) are illegally and only orally attached as document fraud to a false claim and then driven into the Harris judgment. These attorneys have committed affidavits proving their oral constructions to their own perjuries. WE will produce and site these perjuries on request! All attorneys should be sanctioned for notes they orally created and testified to. We answer questions one and two bringing these grievances to be addressed to this Supreme Court. Pro Se's need an audience when they bring their complaints or defenses under the first amendment. They need to be treated fairly with dignity!

We ask that the unlawful use of Rooker Feldman as a defense for Mark be stricken and reversed. Our request for a federal review under mortgage fraud and conversion to probate fraud debt is a manifest injustice. The suppression of a review is a coverup in our case. The suppression of California probate orders meets this example. There was no review of Colette's evidence, causes of action in the Federal

Ryu Oakland Court. Instead, it appears Magistrate Ryu spent much time writing her order on a Promissory Note August 22, 2014, that does not exist, thereby cementing her non review by relying on the Harris judgment. Magistrate Ryu never verified any note. We cite the legal system is fractured by non-review which lead to dismissals. Magistrate Ryu transferred Colette's money (\$583,000) to Mark and his attorney without hearing the injunction Colette requested. Magistrate Ryu then goes further and allows Mark to seize Real Estate which proves Mark continues the threat in continuity of racketeering against his sister into 2023 until she is penniless. That non review expanded Mark's theft! What Magistrate Donna Ryu did was expand the continuity of the theft to keep occurring and keep Mark's criminal enterprise against his sister open ended. That solidifies a manifest injustice which we ask this court to correct through a Writ of Certiorari.

There is no such thing as a "probate service" employment contract that replaces or launders the mortgage loan scheme that Mark and McDonald promised borrower, Colette. Mark's fraud in California is not intertwined by contract in Texas by any contract according to his personal oath under PRO 125167 App B Ex H pg 1. Mark was terminated as POA by the California Superior Probate Courts own motion as early as May 2014 to preserve the Trust. App A Ex 1.2. Mark had thirty days to appeal which would be around July 4, 2014 and he never appealed his POA status under probate. Mark could not appeal his being removed from the California Trust over two and a half years later in Texas by appeal in the Harris court. Nor does this illegal appeal in Texas justify property TITLE theft. Mark's oral claim is unrecoverable and he cannot cite any damages under his alleged oral contract. Mark requested all six probate California orders overruled in the state of Texas which is an untimely appealed. Nothing about the 66<sup>th</sup> court appears as legitimate. WE have proof that Mark could not blame his sister on this removal as POA but it was on the California probate courts own motion to protect the Trust, his dying mother and the beneficiaries that probate took action against Mark. See report upon request. App A orders Ex 1,2. We prove Mark was embezzling Trust assets. Mark alleging he had an

employment contract with the Trust through Colette is simply rubbish. This is a breach in logic. Mark stating he is contracted to justify title theft does not make sense. There are no facts, no contract to support Mark's multiple thefts in Texas state court. These state court injuries opened the door to a federal review whereby Colette legally petitioned the court proving fraud and injuries.

Mark's termination in probate is barred review in Texas court even under a fabricated Texas Note. Mark suing the Trust in Texas for their denying Mark his POA fees including meals and hotels is not the subject matter of a Texas court and certainly is not a debt that can be passed to a beneficiary of the Savage Family Trust. It is a clear and unlawful Trust contest in the state of Texas for the exact same claims litigated in California by the Trust and Colette as OBJECTOR. The Texas court is sanctioning Colette and all her properties including her inheritance for Mark's denied probate claims in California. This is a manifest injustice. The Texas court actually reinstates Mark in his position of POA to rebate and reimburse him for those denied fees in California by illegally circumventing Colette's residuary trust to Mark. California probate has exclusive jurisdiction over all matters probate. Those probate orders were final. That nullifies and collapses the Appellate 10 Waco opinion which word for word proves continuity of a crime after foreclosure sale and satisfaction. **(Order Ex 14) Colette provided 36 pieces of evidence Mark was committing fraud in Texas.**

We believe we answer Questions One and Two. Mark Savage and Texas Trustee Michael McDonald absolutely had no legal security, on file in the Hill County Recorder's office titled Promissory Note nor "Texas Note" which controverts the illegally recorded Deed of Trust filed on August 22, 2014. Colette never owed any payment on any debt because the debt is solely dependent on Mark's promise to loan \$240,000. This case is a house of cards. We have the illegal seizing of property using a phantom Deed of Trust. Mark selling that stolen property back to Colette to profit, then filing the same suit again in breach of the Trustee Sale Agreement. Mark then

seizing the same property again under the same old Deed of Trust but calling the Deed of Trust and Real Estate Lien Note a Promissory note then switching the Promissory Note to an Appellate Waco "Texas Note". Every action is criminal and never proves any verification nor audit of state court frauds causing multiple injuries. The Promissory Note and Texas Note never produced. Colette's case was unlawfully dismissed.

There is no unconditional promise from Colette to pay back a loan that never occurred. There are dozens of laws on TILA and RESPA requirements we do not go into here, in the economy of time but suffice it to say the breaches and violations are numerous on Mark and McDonalds Mortgage lending offer -Deed of Trust.. *Jesinoski v. Countrywide Home Loans, Inc., 135 S. Ct. 790 - SCOTUS* They also breach Texas statute of frauds. Mark's constructed documents breach Fair Debt Collection Practice Act. *Keys v. COLLECTION PROFESSIONALS, INC., 2018*. We request Writ of Certiorari to mandate Rescission under TILA and or to extinguish Mark's mortgage lending documents under App B ex A,B,C. FDCPA are violated under *Fair Debt Collection Practices Act (FDCPA), Pub. L. 95 -109; 91 Stat. 874, codified as 15 U.S.C. § 1692 -1692p*. *Communication in connection with debt collection, §805.* *Harassment or abuse, §807.* *False or misleading representations, §808.* *Unfair practices §809.* *Validation of debts,§810.* *Multiple debts,§811.* *Legal actions by debt collectors,§812.* *Furnishing certain deceptive forms.* Judge Ryu never verified if Mark violated FDCPA or TILA we pled in the Federal Case. She went straight to the oral note that does not exist. A non review is not a legal review. Magistrate Ryu cited Rooker Feldman on the Harris Judgment NOT the actual counterfeit documents. Magistrate Ryu never found the debt.

There is no legal debt attached by Mark's attorney Michael McDonald in the demand letter therefore the demand letter to repay a non collectable does not meet FDCPA requirements. (FDCPA § 1692b). Mark was never the holder and owner of any note. Mark owned worthless counterfeit paper and oral notes that do not exist to

amend his counterfeit mortgage lending documents constructed by Michael McDonald and firm. This is the legal reason we cite for a review by Writ of Certiorari.

Mark, is always defined as Lender on the only note in Texas that exists and he failed at lending. Mark had all the obligations of performing his \$240,000 loan for Colette. Colette had no obligations to lend. Mark breached his own lending promise under his own Deed of Trust by rescinding his promise and his own documents. Mark chose to commit crimes under his own lending artifice instead of loan. That instantly terminated his Deed of Trust, his Acknowledgment (App B ex B) and his own defective Real Estate Lien Note that could never lien any of his sister's properties for himself. Mark cannot prove damages by his own breaches and criminal activity.

The borrower does not have any obligation to repay a loan until the loan is funded and that never occurred. All six properties were stolen when the McDonald firm recorded the theft under the Deed of Trust. McDonald misrepresented himself as a Trustee, then criminally ran his own sale under Mark and his firms theft of properties. Colette Savage, sister had no notice nor legal obligations to her brother fiduciary Mark Savage. No funding. No loan. No debt. No securitization. Mark never proved any corresponding actions that are payable in the 66<sup>th</sup> court Hillsboro Texas to his sister Colette or in any subsequent court.

We prove Mark extorted his sister through unlawful means, unlawful debt collection letters and falsely alleging securitization of Colette's properties. (FDCPA "[l]egal actions," § 1692i). This all occurred orally through the 66th court and subsequent courts a number of times in a manifest injustice by non review. Pro se litigants are throwaways in the system! The extortion occurred while Colette was receiving her inheritance in October of 2015. There was no \$240,000 debt attached to her inheritance in probate nor \$383,000, nor \$583,000 debt that Mark states now exists around \$800,000. Mark cites in his Texas case he is protecting Colette which led her filing bankruptcy and being penniless. (See Orders where Mark pursues his sister and the Trust in probate: App A Ex 4,6,10) Fiduciary Mark using the Real Estate Lien Note in his letters to extort is proof of using an unfunded loan to extort.

(FDCP violates least sophisticated consumer § 1692e) Take Public and Judicial Notice:

1. Are pro se litigants a commonly discriminated class of people throughout the United States court system?

(“FDCPA”). 15 U.S.C. 1692-1692p. As a contemporaneous attachment the Lien Note fails. There is no legal recording in Hill County for the defective, failed Real Estate Lien Note August 22, 2014 prior to or after the foreclosure sale. Nor by law can that Real Estate Lien Note be renamed even after selling that document for \$10,001 on January 5, 2016. That failed criminal Lien device refers to itself as a loan document in its final paragraph is made void by non-lending. A theft was recorded under that Lien Note! Even McDonald refers to all three documents as loan documents in the injunction hearing held in the 66<sup>th</sup> foreclosure court hearing. Page 481 Vol 1 52939 line 23. Nothing can case fix the damages of Mark’s lending note fraud nor the intentional non review that occurs in Texas and subsequent courts. There is no such thing as a deficiency on a failed and sold Deed of Trust. Magistrate Ryu had an obligation for a real review in Federal Court under 19-cv-07994.. The state court injuries and state court abuse are enormous. Magistrate Ryu answers question two for us.

Mark and McDonald are court perjurers and there was absolutely no review of their perjuries by any court even though Colette filed a perjury cause of action and objected to Mark’s thefts as court frauds. We answer question one and two! Subsequent courts may refuse to review other courts corruption which may explain why review does not occur. The non review becomes the status quo. There are no provable and verifiable legal securities under Mark’s failed lending offer. Mark and McDonald recorded their crime in a state government Recorder’s office under their own breached counterfeit agreement. They then exported their crime in a perjured under #9 California sister state judgment by Jeffery Moss denying their claim had

nothing to do with California probate. The intent of the multiple crimes are identified in Mark and Trustee McDonald's letter to Colette targeting, intimidating, threatening her as she is collecting her inheritance. Both Mark, McDonald and his attorneys intentionally held hostage Colette's properties so they could continue and extend the harassment from Mark's California probate lost suits and to continue extorting Colette in the hostile takeover - illegal ownership of her properties and her inheritance. The trap was set! Trustee McDonald breaches his fiduciary obligation under his own constructed Deed of Trust dated August 22, 2014 as a Mortgage Servicer. Trustee McDonald becomes an illegal California probate collector for Mark's denied expense claims and denied probate Attorney's fees claims!. App A Ex 1,2,4,5 McDonald actually puts Mark's denied probate attorneys fees bills in Marks' Summary Judgment as an exhibit of a collectable debt in Texas when we provided orders they are denied in and by California probate judges twice. Colette was never represented by Mark's attorneys. She was defrauded by Mark's attorneys. App A Ex4,5,6,10. Mark and McDonald never needed any document to steal Colette's homes, foreclose nor to steal her inheritance. Judge Harris intent was to have Colette remove McDonald from her complaint during the injunction hearing. That is a strange intent at a foreclosure injunction hearing! Judge Harris granted Mark his entire case on Mark's converted unfunded theft crime and denied Colette all causes of action, her evidence, and denied her hearing request for a trial. They took away all of Colette's rights, defenses and exhibits. **This is why we request a writ of certiorari review.** We ask the US Supreme Court to make void the oral Promissory Note dated August 22, 2014 since there is no offer of proof, strike the mortgage lending documents as fraud and or allow the full force of TILA to apply.

(15 U.S.C. § 1692e false representation of a debt) Colette's properties were therefore being held hostage to theft, to continue extorting a fake debt, a falsified Deed of Trust and oral notes that do not exist. Colette remains the injured party of title theft. Judge Harris never challenged the title theft.

The entire case is one large hoax on a pro se litigant without any contracts, legal securities, documents or consideration. There is no probate obligations to Mark. There is no alternate allegations to substitute in for the actual mortgage lending documents. Colette's case could not be dismissed under Mark's oral allegations of a security! This is the reason we have come to this court for a Writ of Certiorari.

TILA restricted the sale since Colette filed TILA rescission (App B ex D) to injunct but that too was ignored, suppressed, dismissed and concealed by the Harris court and later that month by the Appellate Court 10 Waco under 10-16-00036. (App A Ex7,8 judgment) suppression which identifies gross prejudice and negligence of a pro se litigant's rights. (unlawful dismissal) (App B F& G) .The sale could not occur under TILA -RESCISSION or rescission declared under Texas Lien law. The unlawful sale was mandated by Judge Harris on January 5, 2016 without material proof of a collectable debt and negligently enforced by the Appellate 10 Waco court without real cause. Mark and McDonald's theft and letters to extort were never prosecuted nor reviewed. The 10<sup>th</sup> Appellate court disrespected the Plaintiff's case, disregard Truth in Lending Act, never responded to the fraud and never gave a legitimate reason for a fraudulent review. We are asking this court to uphold Truth in Lending Act under our legal right to rescind. We ask this court to uphold all California probate orders. PRO 124417 and PRO 125167

The answer to question 2 is a resounding problem in the courts and there needs be court remedies for this disparaging event. Perhaps a Pro Se Bill of Rights to stem the abuse! We suggest all hearings need to be videotaped as well as all evidence carefully reviewed. All clerks and deputy clerks need to be recorded when dealing with pro se litigants. The Harris judgment App A (Ex 7) does not grant any good cause to dismiss Colette's injunction and move to illegally foreclose nor to move to MSJ after the illegal foreclosure. There were no Findings of Fact nor Conclusion of Law, nor legal precedent in the MSJ judgment. Judge Harris nor the Appellate court never mentions TILA RESCISSION

Mark using a counterfeit note and a counterfeit right to break into the California Trust, and revoke his mother, Beatrice Savage trust in the 66<sup>th</sup> court proves subject matter jurisdiction is transferred fraudulently.

This means there is no contractual bridge, no document or contract for this unlawful transfer of a final California 2015 -2016 judgment to be imported into a Texas state court to be appealed and relitigated from the onset. That illegal activity by Mark proves his malicious contempt for all settlements and contempt of six California probate court orders. Mark's attacks on the family trust and his sister voids Mark as a protector of the Trust and protector of his sisters. Mark's oral claim remains exclusively California probate according to his own California probate pleadings. Mark commits perjury in both states!

**All of Mark's represented fiduciary services are by law illegal.**

Mark's counterclaim oral contracts to his own lending offer were never accepted. WE prove Mark in a pattern of deceit sets himself up to be falsely regarded as a trusted fiduciary who refused to honor his own settlements and his own contract offers. (App B Mark's oath breached Ex H ) (Trustee Sale Notice contract breached App F) (Mark breaches his own mother's final will and Trust part II third clause AppB Ex I) ( App B Mark breaches his own lending offer Ex A,B,C)

California probate has the first in place, dominating, exclusive jurisdiction over probate and supersedes the role over Texas county, district and state courts (66<sup>th</sup>). There is no inextricably enforceable contract in any state by Mark to Colette and that voids and sets aside the 9<sup>th</sup> court appellate opinion. There was no review or verification of any contracts in the Ninth Court Circuit, otherwise they would have discovered that Promissory Note did not exist! We request this court to set aside the Ninth Circuit for improper review.

Nor can a Texas court interfere in the expectation of a beneficiaries inheritance by making up a claim in Texas court that Mark needs reimbursement from a California beneficiary because he did not inherit enough! Mark's probate time barred

claim cannot be re-litigated in Texas because it is not admissible in Texas when settled in California. The Texas courts may not twist Texas state court judgments for all matters probate settled in California. PRO 124417 & PRO 125167 probate orders Ex 1,2,4,6, 10. Mark petitioned California for the same claim in 2015 and California answered.

This is called triple- quadruple- jeopardy harassment action. We prove Colette has been maliciously pursued and persecuted continuously defrauded in Texas and prosecuted outside of jurisdiction and we identify courts that left that harassment to be open ended.

Mark's claim that he did not inherit enough under the California Trust is a perjured fraud in the state of Texas. He was by far the largest beneficiary of the TRUST. Mark wants to get reimbursed in Texas for continually contesting and churning the family trust by revocation and in so doing breaches the non contest clause which forbids contest and forfeits his inheritance. (App B Ex I) Mark embezzled trust assets to convert himself into an illegal lender of the Trust while he was a fiduciary of the family Trust which led to his termination. Mark is not a lender nor a banker, nor a banker of Colette's assets. We prove Mark is an embezzler. Mark places his mother's Trust as the centerpiece of his claim in Texas. That proves an out of jurisdiction claim.

(2) the claim must be one which arises out of or results from the defendant's forum-related activities; and (3) exercise of jurisdiction must be reasonable. Omeluk v. Langsten Slip & Batbyggeri A/S, 52 F.3d 267, 270 (9th Cir.1995)

Take judicial notice the Ryu Federal Court and Ninth Circuit court decided and enforced the case of the nonexistent "Promissory Note" 8-22-2014. That is how we know there was **no review by the Ryu Court**, when we kept letting Magistrate Ryu and the Ninth Court know there is NO Promissory Note. We identify pro se prejudice appears entrenched in the legal system. The 9<sup>th</sup> Circuit states the Texas court is inextricably intertwined with California. That also proves **non review** since

that impossibility was never proven. Both courts never even proved a debt. There is no probate "Promissory Note" August 22, 2014, nor "Promissory Note" anywhere to intertwine with a California Trust. There is no such California probate "Texas Note" that is discoverable. There is no California Deed of Trust nor California Real Estate Lien Note. Colette is damaged by those comments. Mark and the Texas courts converts the testators final documented wishes by inventing a non existent Promissory Note to Mark himself bypassing the ordered distribution from Probate. (App A distribution order Ex 5) We ask this court to set aside the oral non existent Promissory Note and Texas Note The courts never questioned the fact the notes do not exist. All subsequent courts rely on the Texas judgment, which only relies on Mark's oral testimony, (we refer to it as *THEFT-IMONY*) when the Texas court actions and judgments clearly example an illegality. By non-review Texas and Federal Ryu court converted and revoked the Testators FINAL TRUST into a nonexistent Promissory Note to Mark. They convert a mortgage into a nonexistent debt from a California Trust, when it clearly states in Mark's Acknowledgement the terms are a loan from Mark to Colette for cash sum and she will be noticed of closing. (App B Acknowledgement Ex B) They converted Mark's illegal actions into a legal action by unlawful dismissals. We prove a harassment scandal by the Texas court and the violation of Brady.

#### **REASON FOR GRANTING WRIT OF CERTIORARI**

WE request that the California Probate case PRO 125167 January 19, 2016 Judge Miram be upheld. App A Ex 4 that denied Colette or the Trust pay Mark any expenses and his attorneys fees and that California probate court is the court holding exclusive probate jurisdiction.

WE request that the California Probate case PRO 124417 under Judge Rundee dated December 22, 2015 be upheld. That denies Mark's attorneys fees and refuses to sanction Colette be upheld and shall not be reversed by Texas state court App A Ex 6.

We request the distribution in California probate be upheld under Judge Miram PRO 124417 Ex 5 and that distribution not be over turned by a Texas state court.

WE request that California Probate case PRO124417 Promissory Notes September 29, 2016 be extinguished and cancelled is upheld by this court. App A Ex 10

We request our TRUTH IN LENDING ACT rescission be upheld in the state of Texas on Mark's mortgage lending documents. App B Ex D.

WE request the misuse of Rooker Feldman doctrine be applied to California probate which was the cause of Mark and attorney Jeffery Moss theft of Colette's \$583,000 Trust account in Marin County California under Judge Sweet who had no jurisdiction over California probate matters. We ask that order be reversed.

WE request the foreclosure sale be reversed and Colette's \$10,001 be returned.

We request the bankruptcy order be overturned because not one security nor debt was legally proven.

WE request the home Mark sold in 2020 be reversed back to Colette's beneficiary.

We request to send the case back to probate under Beatrice Trust. Mark will forfeit the property he stole from Colette, her bank account of \$583,000, her attorneys fees and forfeit his inheritance for the eight years of abuse he put his sister through.

Mark already took action in the forum state, California under Trust. A misplaced Rooker Feldman does not apply as a legal defense in the state of Texas. Americans are becoming aware of this two-tiered system of injustice and we ask this court to step in and take command of these court violations. The Texas courts took away every one of Colette's rights, statutes, federal and state laws to defend herself by unlawfully dismissing her case. This prejudice and its application is just one reason we find ourselves in need of Writ of Certiorari. This is a desperate situation for a senior.

This requirement is satisfied if the defendant "has taken deliberate action" toward the forum state. Ballard v. Savage, 65 F.3d 1495, 1498 (9th Cir.1995).

A similar case occurred prior where the Harris court took over another probate case Carroll v Carroll and he had to reverse because he was out of jurisdiction. There he also defended a bad faith fiduciary. We prove Rooker Feldman defense Mark brings to the Ryu court is a criminal fraud which cost Colette her \$583,000 bank account. Fraud is the exception under Rooker Feldman.

Texas constructed an illegal approach for Mark to access unlawful money by providing non review which was converted to an illegal review. Mark cannot pretend the sun did not set on his probate claim in California and rose again in Texas. The Texas court denied and refused and suppressed review of all orders in California and all probate settlements including Mark's voluntary oath. App B ex H. The district court and Appellate courts are escaping and hiding all California probate court settlements which become precluded issues. There is no vehicle, no document nor agreement to import California settled orders into Texas for a re-litigation. This is why we seek a Writ of Certiorari. California cannot be overlooked. California obtains sole jurisdiction over the probate trust.

#### Conclusion and summary

We requested the judgment in Texas 52939 be vacated. WE ask this court to fix and codify due process so that all judiciaries are held accountable, and the judiciary should sign off on evidence in a pleading or in a record so they are obligated and prove personal review, and fully understand each case prior to dismissing any case and treat pro se litigants with respect and dignity, also requiring that of their staff. We the people need to have some standard of review. There should be legal reasoning to

dismiss cases not random discretion without legal justification particular to that case, nor some stock answer in refusing to review. That also means unhurried hearings where the pro se is treated with dignity. The facts in Texas are perjured. We site a mistrial. We identify unlawful jurisdiction transfer. Mark triggered Beatrice's non contest clause in both California and Texas and his properties should be taken by the California probate court and his attacks toward his sister should reimburse his sister for all crimes against her.

We request the publishing of the Appellate 10 Waco opinion that refers to California probate and slanders Colette as a debtor to that Trust and to her fiduciary brother terminated and be removed from all judicial sites.

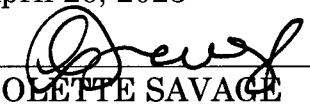
Pro Se litigants have the legal right to complain and the right to be addressed and heard.

The official authority by probate and probate codes cannot be challenged and re-codified in the Harris court nor the Appellate 10 Waco court on Mark's stale and dead claim. The Texas foreclosures could not be authorized. Mark is not a California Trust authority nor is Texas. Settlements may not be attached to a claim as a deficiency, which is not lawfully collectable. Mark stating he was at all times saving the Trust by personally raiding, embezzling, trafficking Trust assets and attacking the beneficiaries multiple times proves he was making perjurious statements to the court to profit and disinherit his sister. This is a dark turn of events for the Savage family. Mark continued to falsify his position with the California trust in the state of Texas, the county of Hill, by falsifying Mark's position in the Trust. We must come face to face with familial fraud and family criminal actors. Mark cannot attack a California Trust in Texas.

Colette lost all her properties, her businesses, her home, her credit because of Mark and was forced to move out of state. She was forced to give up two homes, She resides in Idaho as a caregiver. This is why this pro se has requested a writ of certiorari.

Respectfully submitted

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