

No:

23 - 375

ORIGINAL

In the Supreme Court of the United States

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

Brigetta D'Olivio and All Other Occupants

Petitioner,

v.

Hilary Thompson Hutson

Respondent.

On Petition For Writ Of Certiorari to the
Fifth District Court Of Appeals, Dallas Texas
Case No: 05-20-01118-CV

PETITION FOR WRIT OF CERTIORARI

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Petitioner *Pro Se*

QUESTIONS PRESENTED

1. Did the lower court violate Petitioner's right to due process and equal protection of the law under the Fourteenth Amendment by:

a. Hearing and deciding the case when it lacked subject matter jurisdiction under Texas Government Code §27.031(b)(4) and Texas Estates Code §1022.005(a); §1022.005 (b); §32.005(a):

b. When the District Court's final judgment upon which Respondent predicated her suit to evict, and upon which the lower court relied, was rendered without the District Court having subject matter jurisdiction to render its final judgment under Texas Estates Code §1022.001(a); §1022.002(c) & (d); §1022.005(a) & (b); §1022.006; §32.005(a); §32.007; the Texas Government Code §27.031(a)(2); and the Texas Constitution Article V, §8 and §10.

c. When it failed to conduct the mandatory trial de novo as required under Article V, §16 of the Texas Constitution and Rule 510.10(c) of the Texas Rules of Civil Procedure; and

d. When Petitioner was deprived of adequate Notice as required under Texas Property Code §24.005 and §24.005(g).

2. The lower court so far departed from in its obligation to pursue a course of legal proceedings according to applicable rules and principles for like cases, that such a departure violated Petitioner's right to due process and equal protection of the law under the Fourteenth Amendment to the U.S. Constitution, thereby also violating Petitioner's First Amendment rights. Where the Fifth District Court of Appeals sanctioned such a departure by the lower court, the Fifth District Court of Appeals' Opinion is so clearly wrong as to call for an exercise of this Court's supervising power.

PARTIES TO THE PROCEEDING

The parties to the proceeding are as follows:

Petitioner is Brigetta D'Olivio. She was the Defendant in the County Court At Law 2, Collin County Texas, and the Appellant in the Fifth District Court of Appeals, Dallas, Texas. Inclusive of the \$20,000.00 supersedeas bond, which the county court ordered, and which Petitioner paid by cashiers' check in lieu of a bond, Petitioner has, thus far, paid a total of \$82,000.00, (\$62,000.00 for the \$2,000.00 per month "*in lieu of rent*", which the County Court also ordered).

Respondent is Hilary T. Hutson. She was the Plaintiff in the County Court At Law 2, Collin County Texas, and the Appellee in the Fifth District Court of Appeals, Dallas, Texas.

RELATED PROCEEDINGS

This case and the related cases arose from the Guardianship Proceeding.

1. *“Brigetta D’Olivio aka Brigetta Alix Anderson, Alix Brigetta, Defendant/Petitioner, v. Hilary T. Hutson, Plaintiff/Respondent”*
Fifth District Court Appeals, Dallas, TX, No: 05-20-00969-CV
Renewed Application For Stay Of Mandate of Fifth District Court Of Appeals
currently pending before The Honorable Clarence Thomas, (22A1087)
2. *“In The Estate Of Richard W. Thompson, Jr”, Deceased’*
No: PB1-1381-2019, pending in the Collin County Statutory Probate Court,
Collin County, Texas.
3. *“In The Guardianship Of Richard W. Thompson, Jr., An Alleged Incapacitated Person”,* No: 05-22-00768-CV, pending in the Fifth District Court Of Appeals, Dallas, TX.

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OPINIONS BELOW

The Fifth District Court of Appeals, Dallas, TX is the highest state court to review the merits and its Memorandum Opinion, which is not published, is reproduced at [Appendix A]. The final judgment of the County Court At Law 2, Collin County, TX, is reproduced at [Appendix D] and is not published.

JURISDICTION

The Fifth District Court of Appeals issued its Memorandum Opinion and judgement on July 28, 2022 and is reproduced at [Appendix A]. The Fifth District Court of Appeals denied Petitioner's timely filed motion for rehearing on September 21, 2022, and is reproduced at [Appendix B], and on December 28, 2022, the Fifth District Court of Appeals denied Petitioner's Motion For Reconsideration and is reproduced at [Appendix C].

The Supreme Court of Texas declined to hear the merits of the case and denied Petitioner's timely filed Petition For Review on April 28, 2023, and is reproduced at [Appendix E]. On July 7, 2023, the Supreme Court of Texas denied Petitioner's timely filed Motion For Rehearing, and is reproduced at [Appendix F], and denied Motion For En Banc Reconsideration on July 13, 2023, which is reproduced at [Appendix G]. The jurisdiction of this Court is invoked under 28 U. S. C. §1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

DUE PROCESS

U.S. Const. amend IV – “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”.

Tex. Const. article 1, §19 - “No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land”.

Tex. Code of Jud. Conduct Canon 3(B)(8) – “A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law...”.

JURISDICTION

Tex. Const. article 5, §8 - “District Court jurisdiction consists of exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies, *except* in cases where exclusive, appellate, or original jurisdiction may be conferred by this Constitution or other law on some other court, tribunal, or administrative body. District Court judges shall have the power to issue writs necessary to enforce their jurisdiction...”.

Tex. Gov’t Code §25.0451(b) – “Collin County has one statutory probate court, the Probate Court No. 1 of Collin County”.

Tex. Gov’t Code §25.003(e) - “In a county that has a statutory probate court, a statutory probate court is the only county court created by statute with probate jurisdiction”.

Tex. Est. Code §1022.002(c) – “In a county in which there is a statutory probate court, the statutory probate court has original jurisdiction of guardianship proceedings”.

Tex. Est. Code §1022.002(d) – “From the filing of the application for the appointment of a guardian of the estate or person, or both, until the guardianship is settled and closed under this chapter, the administration of the estate of a minor or other incapacitated person is one proceeding for purposes of jurisdiction and is a proceeding in rem”.

Tex. Est. Code §1022.005(a) – “In a county in which there is a statutory probate court, the statutory probate court has exclusive jurisdiction of all guardianship proceedings, regardless of whether contested or uncontested.

Tex. Est. Code §1022.005(b) – “A cause of action related to a guardianship proceeding of which the statutory probate court has exclusive jurisdiction as provided by Subsection (a) must be brought in the statutory probate court unless the jurisdiction of the statutory probate court is concurrent with the jurisdiction of a district court as provided by Section 1022.006 or with the jurisdiction of *any other* court...”.

Tex. Est. Code §1022.006 – “A statutory probate court has concurrent jurisdiction with the district court in:

- (1) A personal injury, survival, or wrongful death action by or against a person in the person’s capacity as guardian; and
- (2) An action involving a guardian in which each other party aligned with the guardian is not an interested person in the guardianship”.

Tex. Est. Code §22.029 - “[T]he terms ‘probate matter,’ ‘probate proceedings,’ ‘proceedings in probate,’ and ‘proceedings for probate’ are synonymous and include a matter or proceeding relating to a decedent’s estate”.

Tex. Est. Code §22.030 - “Real property includes estates and interests in land, whether corporeal, incorporeal or legal or equitable. The term does not include real chattel”.

Tex. Est. Code §32.001(a) – “All probate proceedings must be filed and heard in a court exercising original probate jurisdiction. The court exercising original probate jurisdiction also has jurisdiction of all matters related to the probate proceeding as specified in Section 31.002 for that type of court”.

Tex. Est. Code §31.002(c) - For purposes of this code, in a county in which there is a statutory probate court, a matter related to a probate proceeding includes:

- (1) all matters and actions described in Subsections (a) and (b); and

(2) any cause of action in which a personal representative of an estate pending in the statutory probate court is a party in the representative's capacity as personal representative.

Tex. Est. Code §31.002(a)(5) – an action for trial of title to real property that is estate property, including the enforcement of a lien against the property; **and**

Tex. Est. Code §31.002(a) (6) – “an action for trial of the right of property that is estate property”.

Tex. Est. Code §32.005(a) – “In a county in which there is a statutory probate court, the statutory probate court has exclusive jurisdiction of all probate proceedings, regardless of whether contested or uncontested. A cause of action related to the probate proceeding must be brought in a statutory probate court unless the jurisdiction of the statutory probate court is concurrent with the jurisdiction of a district court as provided by Section 32.007 or with the jurisdiction of *any other* court...”.

Tex. Est. Code §32.007 – “A statutory probate court has concurrent jurisdiction with the district court in:

(1) A personal injury, survival, or wrongful death action by or against a person in the person's capacity as personal representative;

(2) An action by or against a trustee

(3) An action involving an intervivos trust, testamentary trust, or charitable trust, including a charitable trust as defined by Section 123.001 (Definitions), Property Code;

(4) an action involving a personal representative of an estate in which each party aligned with the personal representative is not an interested person in that estate;

(5) an action against an agent or former agent under a power of attorney arising out of the agent's performance of the duties of an agent; and

(6) an action to determine the validity of a power of attorney or to determine an agent's rights, powers or duties under a power of attorney”.

Tex. Prop. Code §24.004(a) – “Except as provided by Subsection (b), a justice court in the precinct in which the real property is located has jurisdiction in eviction suits. Eviction suits include forcible entry and detainer and forcible detainer suits.

Tex. Gov't Code §27.031(a)(2) – “In addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of...(2) cases of forcible entry and detainer...”.

Tex. Gov't Code §27.031(b)(4) – “...(b) A justice court does not have jurisdiction of...(4) a suit for trial of title to land...”.

Tex. R. Civ. P. 510.3(e) - “The court must adjudicate the right to actual possession and not title...”.

TRIAL DE NOVO

Tex. Const., article 5, §16 - “In all appeals from Justice Court there shall be a *trial de novo* in the County Court...”.

Tex. R. Civ. P. 510.7(a) - “An eviction case will be docketed and tried as other cases”.

Tex. R. Civ. P. 510.10(c) - “The case must be tried de novo in the county court. A trial de novo is a new trial in which the entire case is presented as it there had been no previous trial. The trial, as well as any hearings and motions, is entitled to precedence in the county court”.

Tex. R. Civ. P. 510.11 - “On the trial of the case in the county court the appellant or appellee will be permitted to plead, prove and recover his damages, if any, suffered for withholding or defending possession of the premises during the pendency of the appeal...” [Appendix M].

NOTICE

Tex. Prop. Code §24.002 (b) – “The demand for possession must be made in writing by a person entitled to possession of the property and must comply with the requirements for notice to vacate under Section 24.005 (Notice to Vacate Prior to Filing Eviction Suit)”.

Tex. Prop. Code §24.005(g) – “The notice period is calculated from the day on which the notice is received”.

Tex. Prop. Code §§24.001(a) & (b); 24.002(a) & (b); 24.005(a)-(f) – [Appendix M]

STATEMENT OF THE CASE

I. The Lower Court Case Arose From The Guardianship Proceeding In The Collin County Statutory Probate Court

The nature of the lower court case is an eviction. Respondent expressly predicated her suit to evict upon the final judgment of the District Court in the related trespass to try title case, [Appendix H], [1 CR 16]; [1 RR at 5-6], wherein Respondent claimed that she had title to the subject property via a Deed Without Warranty, dated May 5, 2018. [1 CR 23, 30-32].¹ As evidenced by the district court's final judgment, [Appendix H], the district and lower court case arose from the Guardianship Proceeding in the Collin County Statutory Probate Court, *"In the Guardianship of Richard W. Thompson, Jr., An Alleged Incapacitated Person"*,² [Appendix K], wherein Respondent first filed said Deed Without Warranty on April 9, 2019. [Appendix H]. Respondent initiated the Guardianship Proceeding on December 13, 2018, less than a week after the attorney for Petitioner's late husband, Richard W. Thompson Jr., ("Decedent") sent two

¹ U.S. Sup. Ct. no: 22A1087.

² Decedent was medically determined not to lack any capacity.

written demands to Respondent to reconvey the deed to Decedent's home to Decedent's name only. [1 CR 358-366].

A. Decedent Contested Respondent's Deed Without Warranty Throughout The Guardianship Proceeding

From the time Decedent first became aware on November 17, 2018 that Respondent forged said Deed Without Warranty to his home, Decedent contested said Deed Without Warranty, [1 CR 164; 166-168; 296; 298-299] and filed criminal complaints against Respondent with local and federal law enforcement regarding the forgery of said Deed Without Warranty. [1 CR 170-172; 358-366; 373-374; 474-481].³ Decedent also signed a Sworn Affidavit, wherein he stated, under oath that he never signed, nor initialed said Deed Without Warranty, and that said Deed Without Warranty was forged. [1 CR 160-162].

³ Decedent's criminal complaints against Respondent were also in reference to other legal instruments, which Respondent had forged, and which included, without limitation, a Statutory Power of Attorney; Durable Power of Attorney For Health Care; Third Party Beneficiary Agreement, etc. See [1 CR 466-474].

B. Respondent Secretly In Possession Of Two Additional Deeds Without Warranty To Subject Property

Throughout the Guardianship Proceeding, Decedent was not aware that Respondent was in possession of two (2) additional versions of said Deed Without Warranty. [1 CR 174-176; 178-179]. Each of said two additional Deeds Without Warranty also pertained to the subject property and also contained the same notary date of May 5, 2018 and the identical forged “signature” of Decedent as the Deed Without Warranty for which Decedent signed said Sworn Affidavit. [1 CR 160-162; 170-172]. Although each of said three Deeds Without Warranty contained the same notary date of May 5, 2018, [1 CR 170-172; 174-176; 178-179]; one of said three Deeds Without Warranty was also dated May 5, 2020, which was ten (10) months *after* Decedent had died. [1 CR 178-179].

C. Respondent’s Admission That Decedent’s Sworn Affidavit Is “Evidence Of Forgery” Of Said Deed Without Warranty

Although throughout the Guardianship Proceeding, Decedent was refused the right to speak and to present evidence regarding the forgery of said Deed Without Warranty, [1 CR 361-363; 369-371], one month after Respondent filed the suit to evict in the lower court, [1 CR 23; 30-32], Respondent admitted in post-trial

pleadings, which she filed in the related district court case, that Decedent's Sworn Affidavit was "*evidence of forgery*" of said Deed Without Warranty. In said post-trial pleading, Respondent, stated in part, "*Her [Petitioner] only evidence of forgery of a document recorded with the Collin County Clerk, and properly notarized by a Texas notary, appears to be documents that the Decedent executed ... including an affidavit of February 7, 2019*". Said "*document recorded with the Collin County Clerk*" was said Deed Without Warranty, [1 CR 170-172], and said "*affidavit of February 7, 2019*" is Decedent's Sworn Affidavit. [1 CR 160-162].⁴

D. The Guardianship Proceeding Did Not Settle And Close Until May 5, 2022

At the time Respondent filed the related trespass to try title case in the District Court on August 28, 2019, and through the time when the lower court rendered its final judgment on December 31, 2020, [Appendix D], the Guardianship Proceeding was not settled and closed, and did not settle and close until May 5,

⁴ Petitioner's Petition For Writ Of Certiorari, dated August 28, 2023, served August 31, 2023, pp. 2-3.

2022. [Appendix D, I, J, K]. ⁵ Tex. Est. Code §1022.002(c); §1022.002(d);

§1022.005(a); §1022.005(b); Tex. Const. art. V, §8.

II. The Subject Property Is A Matter Related To The Probate Proceeding Pending In The Collin County Statutory Probate Court

A. Respondent Expressly Acknowledged That The Subject Property Is A Matter Related To The Estate Of Richard W. Thompson, Jr.

Six (6) weeks before Respondent filed the related trespass to try title case in the district court, whose final judgment she expressly predicated her suit to evict in the lower court, [1 CR 16]; [Appendix H], [1 RR, at 5-6], Respondent acknowledged, in writing, that the subject property, (2916 Creekbend Dr., Plano, TX), was related to the Estate of Petitioner's late husband, Richard W. Thompson, Jr., ("Decedent").

Respondent made said express acknowledgment when she signed her third Agreement For Legal Services, ("Agreement"), with the law firm, which represented her in the Guardianship Proceeding. On p. 1, par. 1 of said Agreement, it states, in part:

⁵ Petitioner was never notified of, nor served said Order, dated May 5, 2022 and did not become aware of said order until May 31, 2022.

“Hilary Hutson (“Client”) hereby employs Leu & Peirce, PLLC (“Attorney”) to provide legal services in connection with the probate of the Estate of Richard W. Thompson, Jr, the Custodial Accounts, the real property located at 2916 Creekbend Drive, Plano, Texas 75075, and all other related matters”. [Appendix L]. Tex. Est. Code §32.005(a); Tex. Const. art. V, §8; Tex. Gov’t Code §25.003(e).

B. Petitioner Is The Sole Devisee Of The Subject Property Under The Last Will And Testament Of Richard Wells Thompson, Jr., dated July 13, 2019

On August 19, 2019, Petitioner filed Decedent’s Last Will And Testament in the Collin County Statutory Probate Court, *“In The Estate Of Richard W. Thompson, Jr., Deceased”*, (“Will”). Under said Will, which is self-validating and which has never been revoked, Petitioner is the sole devisee of the subject property. [1 CR 298-299; 300-311; 313-316]. Tex. Est. Code §101.001(a)(1). Despite having previously expressly acknowledged that the subject property was related to the Estate of Richard W. Thompson, Jr., [Appendix L], nine days after Petitioner filed Decedent’s Will in the pending Probate Proceeding, Respondent filed the related trespass to try title case in the district court.

C. Petitioner Filed Notice Of Lis Penden In The Pending Probate Proceeding In The Estate Of Richard W. Thompson, Jr.

On September 22, 2019, Petitioner filed and served a Notice of Lis Penden in the pending Probate Proceeding in the Collin County Statutory Probate Court. Tex. Prop. Code §12.007(b) & (d). [1 CR 87-90]. In said Notice of Lis Penden, it states, in part:

“NOTICE OF LIS PENDEN – 2916 CREEKBEND DR., PLANO TX 75075
IN THE ESTATE OF RICHARD W. THOMPSON, JR., DECEASED
Collin County Probate Court 1 Cause o. PB1-1381-2019”

On September 23, 2019, the Collin County Clerk duly recorded Petitioner’s Notice of Lis Penden in the Lis Penden Record in the Collin County Clerk’s Office. The document number assigned to said Notice of Lis Penden is:

20190923001170950. Tex. Prop. Code §12.007(c). [1 CR 87-90].

Respondent never denied that the Collin County Statutory Probate Court was the proper Court to file said Notice Lis Penden for the subject property; never moved to expunge the Notice of Lis Penden on any basis, whatsoever; and never filed a Notice of Lis Penden in the lower court, nor the related trespass to try title case in the district court.

D. Respondent Filed Two Of Said Three Deeds Without Warranty In The Probate Proceeding Pending In The Collin County Statutory Probate Court

After Petitioner filed the Notice of Lis Penden in the pending Probate Proceeding on September 22, 2019, [1 CR 87-90], Respondent filed two of said three Deeds Without Warranty in separate pleadings in the pending Probate Proceeding on January 2, and January 3, 2020. [1 CR 247-249; 274-278; 280-283].

In each of said pleadings, Respondent claimed that she had title to the subject property under each of said Deeds; that each of said Deeds was *the* Deed Without Warranty that was filed in the Collin County Clerk's Office on June 12, 2018; and that each of said Deeds Without Warranty was Certified by Collin County Clerk, Janet Pennington, ("Pennington") on August 23, 2019. [1 CR 274-276; 280-283].

Throughout the time that the lower court case and the related trespass to try title case wound its way through the courts, the Collin County Statutory Probate Court has failed and refused to set any hearings for Petitioner's applications and pleadings properly before the court and to hear and consider said applications and pleadings.

III. The Lower Court Proceedings

A. Respondent Filed Suit to Evict Prior To Petitioner Having Received The Requisite Notice To Vacate

On August 12, 2020, the district court in the related trespass to try title case mailed Notice of its appealable final judgment, dated August 11, 2020. [1 CR 192-193]; [Appendix H].

On August 16, 2020, Respondent filed a Petition For Suit To Evict, (“Petition”) in the Justice Court, [1 CR 24, at line 2], wherein she claimed that the requisite Notice To Vacate “*was delivered on 8/12/2020*”. [1 CR 16]. Respondent’s claim, however, was contradicted by her Notice To Vacate, (“Notice”). [1 CR 17]. In said Notice, which was dated August 12, 2020, Respondent stated that the manner of service for said Notice was “*By Certified Mail, Return Return Receipt Requested And U.S. Mail*”. Respondent, however, did not provide a certified mail tracking number for said Notice. [1 CR 17]. Respondent’s claim in her Petition that the requisite Notice was “*delivered on 8/12/2020*”, [1 CR 16], was further contradicted by the certified mail delivery receipt, which she submitted on September 3, 2020. In said receipt, it states that the delivery of a “certified mail” was made on August 14, 2020. Said

certified delivery receipt, however, does not contain Petitioner's signature and next to where it states, "Signature of Recipient" were the initials "JS". Said initials are not that of Petitioner. [1 CR 18]. On said receipt, it states that the certified mail number for which said receipt represented was: 20750759514806631860225508568. [1 CR 18]. Had said receipt with said certified number actually represented delivery of *any* document, then the certified mail number would be traceable and a tracking history would have been available. Said certified number for said receipt, however, is not traceable; comes back as "*status not available*", and without any tracking history.⁶ Although Respondent's Notice To Vacate, dated August 12, 2020, states that it was sent via "Certified Mail Return Receipt Requested" and "U.S. Mail", [1 CR 17], Petitioner never received *any* Notice via certified mail and did not receive

⁶ The same "Certified Receipt", which Respondent submitted on September 3, 2020, was subsequently submitted as the "Certified Receipt" for another document. The only difference is the "certified" number added to said receipt. See Appendix S of Petitioner's "Emergency Application To Stay Fifth District Court Of Appeals Mandate Pending The Filing And Disposition Of A Petition For Writ Of Certiorari", delivered to this Court on July 24, 2023.

the Notice, which was sent via regular mail until August 17, 2020, which was not only *after* the date said Notice stated to vacate the subject property, [1 CR 17], but was also *after* Respondent had already filed her suit to evict. [1 CR 24]. Tex. Prop. Code §24.002(b); §24.005(g).

B. Respondent Expressly Predicated Her Suit To Evict On The District Court's Final Judgment In The Related Trespass To Try Title Case

In Respondent's Petition For Suit To Evict, ("Petition"), Respondent did not claim that Petitioner was a tenant of any kind; nor that there was any type of lease agreement; nor that Petitioner owed any money for rent or damages. Nor did Respondent make any claim for any money damages or attorney's fees. [1 CR 16; 382-383; 429-430].

Instead Respondent expressly predicated her suit to evict on the district court's final judgment in the related trespass to try title case. [Appendix H]; [1 CR 25] . In her Petition, however, Respondent mischaracterized the district court's final judgment by stating, "*Defendant has been adjudicated a squatter in Hutson v D 'Olivio, Collin Dist. Court, No. 296-04855-2019 dated August 11, 2020 (Trespass To Try Title)*". [1 CR 16; 25]; [1 RR 5-6]. Not only is the word, "squatter"

not even in the district court's final judgment, [Appendix H], but Petitioner also never claimed adverse possession as Petitioner's title to the subject property is derived from her late husband's Will, which was filed in the Collin County Statutory Probate Court before Respondent even filed the trespass to try title case in the district court. [1 CR 300-311; 313-316]. Tex. Est. Code §101.001(a)(1).

Where Respondent expressly predicated her suit to evict on the district court's final judgment, [Appendix H], Respondent also relied upon the Deed Without Warranty, dated May 5, 2018, [1 CR 170-172], for which Decedent signed said Sworn Affidavit on February 7, 2019, [1 CR 160-162], to claim that she had title to the subject property. As Respondent had done did since she initiated the Guardianship Proceeding, Respondent concealed from the court that she was in possession of two additional versions of said Deed Without Warranty to the subject property, [1 CR 174-176; 178-179], and instead proceeded as though the Deed Without Warranty, which she submitted as evidence was the only Deed Without Warranty to the subject property.

C. Petitioner's Pleas To The Jurisdiction In The Justice Court

Prior to the date set for trial, Petitioner filed her Answer and a Motion To Dismiss on the grounds that the justice court lacked the subject matter jurisdiction under sections 32.005(a); 1022.002(c) & (d); and 1022.005(a) & (b); of the Texas Estates Code and section 27.031(b)(4) of the Texas Government Code. [1 CR 38-96].

In said plea to the jurisdiction, Petitioner submitted evidence that the subject property is a matter related to the Probate Proceeding pending in the Collin County Statutory Probate Court; that the Collin County Statutory Probate Court had exclusive jurisdiction of the subject property; that under Decedent's Will, which is filed in the Collin County Statutory Probate Court, Petitioner is the sole devisee of the subject property; [1 CR 39-42; 300-311; 313-316]; that a Lis Penden had been filed in the Collin County Statutory Probate Court specifically regarding the subject property, [1 CR 41-42; 87-90] and that the issue of forgery of the three Deeds Without Warranty was before the district court in Petitioner's post-trial, 329b(g) motion. [1 CR 38-39; 55-56]. Respondent did not file any responsive pleadings to Petitioner's repeated plea to the jurisdiction.

D. An Order To Abate Was Issued So That The Issue Of Forgery Of The Three Deeds Without Warranty To The Subject Property Could Be Resolved

During the hearing on September 10, 2020, Petitioner produced said three (3) Deeds Without Warranty to the subject property, [1 CR 38-96; 170-172; 174-176; 178-179], as well as Decedent's Sworn Affidavit regarding the forgery of said Deed Without Warranty. [1 CR 160-162; 269-272]. During said hearing on September 10, 2020, Respondent did not deny that she forged each of said three (3) Deeds Without Warranty and nor did she proffer any proof that each of said three Deeds Without Warranty were not forged. In fact, Respondent remained silent throughout said hearing and did not testify at all.

Upon reviewing said three (3) Deeds Without Warranty, J. Missildine of the Justice Court signed an Order To Abate on September 10, 2020, [1 CR 37], pending the resolution of the issue of forgery of said three (3) Deeds Without Warranty by the District Court, wherein Petitioner's post-trial motion ("329b(g) Motion"), was pending, [1 CR 38-96], and wherein the issue of the forgery of said three (3) Deed Without Warranty was addressed.

In the interim, Respondent's attorney, Bruce D. Cohen, ("Cohen") and District

Court Coordinator, Charla Kiser, secretly contacted the Justice Court to reinstate the justice court proceeding under the pretense that the District Court case was closed. [1 CR 111-113]. At the time Respondent's attorney and Kaiser secretly contacted the justice court, Respondent's attorney knew that the Order To Abate would continue to pend until the District Court resolved the issue of the forgery of said three Deeds Without Warranty. [1 CR 114-116]. Respondent's attorney was further aware that the District Court's plenary power had not expired, and would not expire until 11:59pm on November 24, 2020, and therefore, the case was not closed. Two (2) days after having received said ex-parte communication from Cohen and Kiser, the Justice Court reinstated the case and set the trial for November 11, 2020, [1 CR 118]; [1 RR, at 10; 15-18]. On November 11, 2020, the Justice Court granted Forcible Entry And Detainer to Respondent. [1 CR 225]. ⁷ Prior to the

⁷ Although Petitioner was aware of the previous emails, which Kaiser sent as she was cc'd in said previous emails, Petitioner did not become aware of said ex-parte communications by Cohen and Kaiser to the Justice Court until after the Justice Court had signed said Forcible Entry And Detainer Judgment. Said emails were included in the records, which Petitioner requested immediately after the Justice Court's judgment. [1 CR 226].

justice court rendering its judgment, Petitioner had continued to file pleas to the jurisdiction, to which Respondent did not respond and the court did not consider.

[1 CR 97-104; 121-129]. On November 16, 2020, Petitioner timely paid the appeal bond and appealed the judgement of the Justice Court to the County Court at Law, [1 CR 227-228; 230-231; 238], wherein, what was supposed to be a trial de novo, was set for December 18, 2020.

E. Petitioner's Continued Pleas To The Jurisdiction To The Lower Court,
(County Court At Law)

In pleadings filed in the lower court proceeding, and during what was supposed to be a trial de novo, Petitioner repeatedly raised the issue of the lower court and related District Court's lack of subject matter jurisdiction under Texas Estates Code §1022.001(a) & (b); §1022.002(c) & (d); §1022.005(a); §1022.006; §32.005(a); §32.007; Texas Constitution Article V, §8; Texas Government Code §27.031(b)(4) and Texas Property Code §12.007(c). [1 38-96; 97-111; 121-129; 246-343; 358-375; 376-431; 572-678]; [3 CR 21-69]; [1 RR, *generally*]; [Appendix L, at 1, par. 1]. Although Respondent continued to expressly rely on the uncertified pleadings from the Guardianship Proceeding, [1 CR 344-351; 358-375], and the final judgment of the

district court, which also expressly relied upon pleadings and documents from the Guardianship Proceeding, [Appendix H], the lower court continued to disregard its apparent lack of subject matter jurisdiction.

F. The Lower Court Failed To Conduct The Required Trial De Novo

At the beginning of the proceedings on December 18, 2020, Respondent's attorney, Bruce D. Cohen, ("Cohen")⁸ reaffirmed that Respondent's suit to evict was predicated on the District Court's final judgment, wherein the District Court, not only specifically referenced the uncertified pleadings, which Respondent filed in the District Court and which originated in and were filed in the Guardianship Proceeding, but also wherein the District Court "Granted Forcible Detainer". [Appendix H]; [1 CR 348]; [1 RR, at 3, lines 15-21]. Respondent's attorney further reiterated that J. Missildine of the justice court had granted Respondent "Forcible Entry And Detainer", [1 RR, at 5-6], then went on to state, "... *we are entitled to affirmation -- or to a judgment in our favor affirming the award that Judge*

⁸ Petitioner refers to Respondent's attorney because Petitioner remained totally silent throughout the proceeding, while her attorney did all the talking.

Missildine granted'. See [1 RR, at 6, lines 8-12]. Instead of conducting the required trial de novo, the lower court affirmed the justice court's final judgment immediately after having denied Petitioner's repeated pleas to the jurisdiction.

[1 RR, at 6, lines 10-12, at 19-20, lines 6-8]; [2 RR, at 8-9, lines 23-25; 1-2]. Despite the fact, that Respondent carried the burden, there was not a single question from the court to Respondent regarding *any* issue of fact and nor did her attorney put Respondent under direct examination. In fact, Respondent remained silent and did not testify at all, and nor did she produce a single witness. [1 RR, *generally*].

Petitioner was, thus, denied the opportunity to confront and cross examine Respondent; to test the truthfulness, accuracy or completeness of any testimony she would have given on the issues, facts and evidence, and to probe and expose Respondent's infirmities on the issue, facts and evidence. By failing to conduct the required trial de novo, Petitioner was further deprived of the opportunity to call witnesses; to present evidence and to be heard on the issues, facts and evidence.

Immediately after the court denied Petitioner's repeated pleas to the jurisdiction, the judge asked Respondent's attorney: "*Mr. Cohen, did the Justice*

of the Peace issue an eviction in this case?" Cohen replied, "*Yes, your Honor, the Court did'*" [1 RR, at 19, lines 6-8]. When the judge asked Petitioner if she had anything further to say, Petitioner reiterated the courts' lack of subject matter jurisdiction, and reiterated her request to dismiss the case for lack of jurisdiction. [1 RR, at 19, lines 9-21]. The judge ignored her request, and asked Respondent's attorney if the plaintiff rests. Before stating, "*The plaintiff rests*", [1 RR, at 20, lines 2-3], Cohen reminded the judge of the documents, which were referred to earlier and then reminded the judge of the justice court's order, wherein he stated, "*the judgment of 11 November is also noted for the record*". [1 RR, at 19, lines 24-25; at 20, lines 1-2]; [1 CR 225]. When the judge asked if Petitioner rested, Petitioner reiterated her pleas to the jurisdiction, wherein she stated, "*Except to say that the order on August 11, 2020, is void, out of Judge Roach's district court. The order on November 11th, 2020, out of JP court, 3-1 JP court, Judge Missildine is also void and, again, the Court lacks subject matter jurisdiction to hear this case or to proceed with an eviction when title has not been resolved*". [1 RR, at 20, lines 5-11].

The judge continued to disregard Petitioner's jurisdictional pleas and then stated,

“Court finds in favor of Plaintiff” ... Court awards possession of the property to Plaintiff. Eviction to take place by 5 o'clock p.m. on the 28th of December, 2020” and set a supersedeas bond of \$20,000.00 and further ordered Petitioner to pay \$2,000.00 per month “in lieu of rent”. [1 RR, at 20, lines 24-25; at 21, lines 12-14].

The judge, however, would not reduce his oral ruling to writing until two weeks later on December 31, 2020,⁹ but did not notify, nor serve Petitioner said final judgment until January 4, 2021. [1 RR, *generally*]; [Appendix D]. During this time, Petitioner’s Emergency Motion To Clarify and Reduce The Supersedeas was pending, but the court failed and refused to set a hearing date for said emergency motion and waited until after it rendered its final judgment to deny said emergency motion. The lower court denied said emergency motion after its term had expired.

⁹ Due to the lower court’s refusal to set a hearing for Petitioner’s emergency motion regarding the supersedeas bond and \$2,000.00 per month payments “in lieu of rent” and the her request for a written ruling, Petitioner filed Notice of Appeal with the Fifth District Court of Appeals on December 28, 2020, and then filed an Amended Notice of Appeal after Petitioner was served the lower court’s final judgement, dated December 31, 2020, on January 4, 2021.

[1 CR 376-386; 413-423; 437-439-442 446; 464-572].

IV. The Fifth District Court of Appeals Affirmed The Lower Court's Final Judgment

Although the lower court and related district court case arose from the Guardianship Proceeding, and although Petitioner's Notice of Appeal for the Guardianship case was filed sixty (60) days *before* the Fifth District Court of Appeals' issued its Memorandum Opinion in this lower court case, and more than six (6) weeks before the Fifth District Court of Appeals issued its Memorandum Opinion in the related District Court case, (trespass to try title), Petitioner's Notice of Appeal, [Appendix J], was suppressed and was not inscribed into the record in the Fifth District Court of Appeals until after the Fifth District Court of Appeals issued its Memorandum Opinions in the lower court case, [Appendix A], and the related trespass to try title case, wherein the Fifth District Court of Appeals affirmed each of said final judgments, [Appendix D, H]. Petitioner's Notice of Appeal, dated June 6, 2022, was not inscribed into the record at the Fifth District

Court Of Appeals until August 4, 2022. [Appendix K].¹⁰

In its Memorandum Opinion in the lower court case and the related District Court case, the Fifth District Court of Appeals made determinations and findings on pleadings, which originated in and were filed in the Guardianship case, and which Respondent had filed in the lower court case and related District Court case, and which she also relied upon in her Response Briefs in the Fifth District Court of Appeals. At the time the Fifth District Court of Appeals issued its Memorandum Opinions and judgments for the lower court case and the related District Court case, it did so without the appeal briefs for the Guardianship appeal having been filed and without the issues having been settled. TEX. R. APP. 47.4.

In her Briefs and other pleadings, which Petitioner filed in the Fifth District Court of Appeals, Petitioner repeatedly raised the issue of her Constitutional right to due process having been repeatedly and continuously violated, not only at every level of the lower court proceedings and related lower court proceedings, but also by

¹⁰ Fifth District Court of Appeals No: 05-22-00768-CV: “*In The Guardianship Of Richard W. Thompson, Jr., An Alleged Incapacitated Person*”,

the Fifth District Court of Appeals.

REASONS FOR GRANTING THE CERTIORARI

The lower court in this case and the related trespass to try title case in the district court, never should have reached the issues because they each lacked subject matter jurisdiction. It's clear that the jurisdictional issues were clearly and positively presented to the lower court in this case and in the related district court case. It is also clear that, not only did Respondent intentionally disregard jurisdiction, [Appendix L, at 1, par. 1], but that the lower court and the related district court in the trespass to try title case, blatantly and defiantly disregarded their lack of subject matter jurisdiction and rendered judgments for which they had no authority to render. Having a property interest, Petitioner is entitled to Constitutional protections through the Fourteenth Amendments' Due Process Clause, which provides: "nor shall any State deprive any person of life, liberty or property, without due process of law, nor shall any person be denied the equal protection of the laws". U.S. CONST. amend XIV. Petitioners Constitutional right to Procedural Due Process has been violated. Petitioner has been denied the right to

adequate Notice, the right to present evidence, to cross examine Respondent and to produce witnesses; the right to be heard at a meaningful time and in a meaningful manner before a court having jurisdiction over the matter, and the right to an impartial tribunal. Petitioner was wholly denied the "fundamental fairness", which the Fourteenth Amendment guarantees, and to which she was entitled.

Due process obligates States to pursue a course of legal proceedings according to rules and principles that have been established in a system of jurisprudence for the enforcement and protection of private rights. In order to secure equal rights to all citizens, States are required to apply the applicable law fairly and equally through legal process, something the lower court here did not do. A court's departure from recognized and established requirements of law, which has the effect of depriving one of his or her constitutional rights, is excess of jurisdiction. In *Thompson v.*

Whitman (1873) 18 Wall 457, 21 l ED 897, the US Supreme Court held that want of jurisdiction may be shown either as to the subject matter or the person, or, in proceedings *in rem*, as to the thing.

Section 1022.001(a) of the TEX. ESTATES CODE provides: "(a) All

guardianship proceedings must be filed and heard in a court exercising original probate jurisdiction. The court exercising original probate jurisdiction also has jurisdiction of all matters related to the guardianship proceeding as specified in Section 1021.001 for that type of court”. TEX. EST. CODE §1022.001(a).

Section 1022.002(c) & (d) of the Texas Estates Code provides: “(c) In a county in which there is a statutory probate court, the statutory probate court has original jurisdiction of guardianship proceedings. (d) From the filing of the application for the appointment of a guardian of the estate or person, or both, until the guardianship is settled and closed under this chapter, the administration of the estate of a minor or other incapacitated person is one proceeding for purposes of jurisdiction and is a proceeding in rem”. TEX. EST. CODE §1022.002(c) & (d).

Section 1022.005 of the Texas Estates Code provides: “(a) In a county in which there is a statutory probate court, the statutory probate court has exclusive jurisdiction of all guardianship proceedings, regardless of whether contested or uncontested.

(b) A cause of action related to a guardianship proceeding of which the statutory probate court has exclusive jurisdiction as provided by Subsection (a) must be brought in the statutory probate court unless the jurisdiction of the statutory probate court is concurrent with the jurisdiction of a district court as provided by Section 1022.006 or with the jurisdiction of any other court. TEX. EST. CODE §1022.005(a) & (b). See also TEX. GOV'T CODE §25.0451(b).

Section 1022.006 of the Texas Estates Code provides: “A statutory probate court has concurrent jurisdiction with the district court in: (1) a personal injury, survival, or wrongful death action by or against a person in the person's capacity as a guardian; and with the guardian is not an interested person in the guardianship. TEX. EST. CODE §1022.006. See also TEX. EST. CODE §32.005(a); §32.007.

Chapter 24 of the Texas Property Code authorizes a suit for forcible detainer to obtain possession of real property from *a tenant* who refuses to surrender possession. See TEX. PROP. CODE 24. Jurisdiction to hear a forcible-detainer action lies in the justice court of the precinct where the property is located. *Id.* §24.004(a). The exclusive issue in a forcible-detainer action is the right to actual

possession of the premises. *Marshall v. Hous. Auth. of San Antonio*, 198 S.W.3d

782, 785 (Tex. 2006). A justice court, and a county court on appeal however, have no jurisdiction to adjudicate title to land. TEX. GOV'T CODE § 27.031(b).

Here, Respondent expressly predicated her petition for suit to evict on the 296th District Court's final judgment in the trespass to try title action, which arose from the Guardianship Proceeding in the Collin County Statutory Probate Court, but which did not settle and close until May 5, 2022. In its final judgment, the District Court made specific reference to, and relied upon, pleadings and documents which Respondent submitted in the trespass to try title case, but which originated, and were filed in the Guardianship Proceeding. Because said trespass to try title case arose from, and was a matter related to the Guardianship Proceeding, and because the Guardianship Proceeding was not settled and closed at the time Respondent brought said case, and where the Collin County Statutory Probate Court did not have concurrent jurisdiction with the District Court under section 1022.006 of the TEX. EST CODE, the District Court lacked the subject matter jurisdiction to adjudicate said trespass to try title action, thereby, resulting in a final judgment,

which is not only void as a matter of law, but which erroneously deprived Petitioner of her property interest, thereby violating Petitioner's constitutional right to due process and equal protection of the law under the Fourteenth Amendment to the US Constitution. See also TEX. EST. CODE §§1022.001(a); 1022.002(c) & (d) and 1022.005(a) & (b).

When Respondent filed said application for guardianship, she submitted herself to the Collin County Statutory Probate Court's jurisdiction, which has exclusive jurisdiction over all claims, including the matter of the subject property and title thereto. In *In re Guardianship of Soberanes*, the Court of Appeals held that "jurisdiction attached when the application [for guardianship] is filed", No. 04-02-00119-CV, 2002 Tex. App. WL 31863704 (San Antonio, December 24, 2002, no pet. h.). The Court further stated, "*this is especially true under the circumstances presented here, where the temporary Guardian submitted herself and the Ward to the court's jurisdiction...*". See also *In re CC & M Garza Ranches, Ltd Partnership*, 409 S.W. 3d 106, 109 (Tex. App. – Houston [1st Dist] 2013, no pet.), wherein the

Court held that the Texas Estates Code pertaining to guardianship proceedings confers exclusive jurisdiction on Statutory Probate Courts over actions related to guardianship proceedings.

In its final judgment, the District Court also makes specific reference to ‘The Last Will And Testament Of Richard Wells Thompson Jr’, dated July 13, 2019, wherein Petitioner is the sole devisee of the subject property. Because the Collin County Statutory Probate Court does not have concurrent jurisdiction with the District Court under §32.007 of the TEX. EST. CODE, and because, as said Will, dated July 13, 2019, shows, and as Respondent’s express acknowledgement in her third Agreement For Legal Services, [Appendix L], that the subject property is a matter related to the pending Probate Proceeding, and where the probate court has exclusive jurisdiction of all matters relating to the pending probate proceeding as prescribed by §32.005(a) of the TEX. EST. CODE, the District Court continued to lack subject matter jurisdiction to adjudicate the trespass to try title action, and where it rendered its final judgment, it did so without the authority, thereby making said final judgment void as a matter of law.

In *King v Deutsche Bank Nat'l Trust Co.*, 472 S.W. 3d 848 (Tex. App. 2015), the First Court of Appeals held that the “language in §1022.005 of the Texas Estates Code vested the statutory probate court with exclusive jurisdiction over claims that the statute defined as matters related to a guardianship proceeding”. In its holding, the Court concluded that “by giving the statutory probate court exclusive jurisdiction over all claims related to a guardianship proceeding, the Legislature necessarily deprived all other courts of the power to adjudicate those claims”, and that the provision of the Estates Code [§1022.005] at issue in *In re CC & M Garza Ranches, Ltd Partnership*, was virtually identical to the provision at issue in *King*, [§32.005(a)]. Following the rationale in *In re CC & M Garza Ranches, Ltd Partnership*, the Court held that section 32.005(a) of the Estates Code likewise confers the statutory probate court with exclusive jurisdiction over the case and that because the statutory probate court has exclusive jurisdiction over the parties’ claims, the trial court lacked subject-matter jurisdiction over the case. In citing *In re CC & M Garza Ranches, Ltd Partnership*..., the Court in *King* stated that only

the statutory probate court had the power to decide such claims, and an order or judgment issued by another court pertaining to those claims would be void. The judgment from the District Court was vacated and rendered judgment dismissing the case for want of subject-matter jurisdiction. See also *Celestine v Dep't of Family & Protective Servs.*, 321 S.W. 222, 230, (Tex. App – Houston [1st Dist] 2010, no pet)([W]hen one court has ...exclusive jurisdiction over a matter, any order or judgment issued by another court pertaining to the same matter is void"). As this Court has held, "'Without jurisdiction the court cannot proceed at all in any cause; it may not assume jurisdiction for the purpose of deciding the merits of the case". *Sinochem Int'l Co. v. Malaysia Int'l Shipping Corp.*, 549 U.S. 422, 431, 127 S.Ct. 1184, 1191 (2007)).

Where Respondent expressly predicated her suit to evict on the District Court's final judgment, and where the District Court lacked the subject matter jurisdiction, the justice court and the county court on appeal could not assume jurisdiction where jurisdiction did not exist. By disregarding its lack of jurisdiction, and by rendering

its final judgment, the county court not only violated §27.031(b)(4) of Texas Government Code, but it also violated Petitioner's constitutional right to due process and equal protection of the law under the Fourteenth Amendment to the US Constitution by erroneously depriving Petitioner of her property interest.

Because the issue of the forgery of said three Deeds Without Warranty was not resolved and Decedent's Will, wherein Petitioner is the sole devisee of the subject property thereunder, were so intertwined with the issue of possession that the right to possession could not be determined without first determining title, the lower court further lacked the subject-matter jurisdiction to hear said eviction case and to render its final judgment under §27.031(b)(4) of the Texas Government Code, but did so over Petitioner's repeated pleas to the jurisdiction. TEX. GOV'T CODE §27.031(b)(4); TEX. EST. CODE §32.005(a). *Falcon v Ensignia*, 976 S.W. 2d 336, 338 (Tex. App. 1988, no pet.) (*"If the question of title is so integrally linked to the issue of possession that possession may not be determined without first determining title, justice courts and county courts are without jurisdiction to make any determinations regarding title. Once specific evidence of a title dispute is presented,*

an issue regarding the justice court's jurisdiction is raised"); Haith v Drake, 596

S.W. 2d 194, 1995 (Tex. Civ. App. – Houston [1st Dist.] 1980 writ ref'd n.r.e.) (“where the right to immediate possession necessarily requires resolution of a title dispute, the justice court has no jurisdiction to enter a judgment and may be enjoined from doing so”).

Pursuant to section 24.005 of the TEX. PROP. CODE, Respondent was required to provide a minimum of three (3) Notice To Vacate. Pursuant to section 24.005(g) of the TEX. PROP. CODE, the notice period is calculated from the day the Notice is received. Here, Respondent mailed a Notice To Vacate not before August 12, 2020, with a demand to vacate “on or before August 15, 2020”. Respondent submitted a purported certified mail receipt, which did not contain Petitioner’s signature and which was dated August 14, 2020. Petitioner, however, never received any Notice to Vacate via certified mail, and only received said Notice To Vacate on August 17, 2020, which was sent via regular mail. Based upon the actual date that Petitioner received said Notice To Vacate, the earliest that Respondent could have filed her petition for suit to evict would be August 20, 2020. Respondent filed her petition for

suit to evict at 8:35am on August 16, 2020, thereby violating Petitioner's right to due process by providing inadequate Notice as prescribed by §24.005 and §24.005(g) of the TEX. PROP. CODE.

The county court was constitutionally and statutorily required to hold a trial de novo upon appeal from the justice court. *"In all appeals from Justice's Court there shall be a trial de novo in the County Court"*. TEX. CONST. art. 5, §16. *"The case must be tried de novo in the county court. A trial de novo is a new trial in which the entire case is presented as if there had been no previous trial"*. TEX. R. CIV. P. 510.10(c). Despite the fact, that Respondent carried the burden, there was not a single question from the court to Respondent regarding any issue of fact. In fact, Respondent did not testify at all, and nor did she produce a single witness. Where the county court immediately rendered judgment in favor of Respondent upon the county court's denial of Petitioner's plea to the jurisdiction, Petitioner was denied the opportunity and her right to be heard by being denied the right to confront and cross examine Respondent to test the truthfulness, accuracy or

completeness of any testimony she would have given on the issues, facts and evidence, and to probe and expose Respondent's infirmities on the issue, facts and evidence. Where the county court failed to follow any of legal procedures required in eviction cases under Chapter 24 of the TEX. PROP. CODE, and by failing to conduct a trial de novo, the county court violated Petitioner her right to due process and equal protection of the law, and violated the principal of fundamental fairness and justice. The right to procedural due process is of public interest since the rights of all are dependent on the rights of each being defended and protected. The denial of procedural due process can lead to unfair and arbitrary and capricious decisions, which can result, as is the case here, in the erroneous deprivation of one's property interests. The denial of procedural due process adversely affects societal order by undermining the public confidence in the fairness and impartiality of the legal system. An ordered society, one that fosters fairness and justice, requires procedural compliance and equal application of the law. The importance of assuring procedural compliance and equal application of the law cannot be over-emphasized.

The lack or absence of procedural compliance not only violates the most fundamental constitutional rights of a party to have a fair and impartial proceeding, but it also nurtures corruption and decay of the long cherished traditions of American jurisprudence, and indeed, the Constitutional protections afforded all citizens.

CONCLUSION

Petitioner, Brigetta D'Olivio, respectfully requests this Court to grant her Petition

For Writ Of Certiorari.

Respectfully Submitted;

Brigetta D'Olivio
Brigetta D'Olivio

Dated: September 21, 2023

No: _____

In the Supreme Court of the United States

Brigetta D'Olivio And All Other Occupants

Applicant,

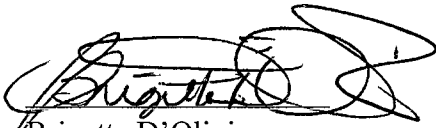
v.

Hilary Thompson Hutson

Respondent.

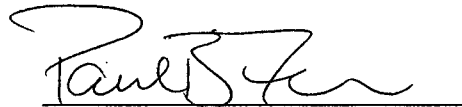
SWORN AFFIDAVIT

BEFORE ME, the undersigned, on this day personally appeared Brigetta D'Olivio, known to me to be the person whose signature is set forth herein. My name is Brigetta D'Olivio. I am over 18 years of age. I am a resident of Collin County, TX and am fully competent to make this Affidavit and do solemnly swear that the facts stated in the foregoing "**PETITION FOR WRIT OF CERTIORARI**", dated September 21, 2023, are within my personal knowledge and the same are true and correct.



Brigetta D'Olivio
7101 Chase Oaks Blvd #914
Plano, TX 75025
214-733-7204
bdt2916@gmail.com

SUBSCRIBED and SWORN to before me, the undersigned, on this 21st day of September 2023, to certify which witness my hand and seal of office.



NOTARY PUBLIC

In and for the State of Texas

