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No. 23-43

In The
Supreme Court of the United States

CHRISTOPHER M. HUNT, SR.,

Petitioner,

v.

DEUTSCHE BANK NATIONAL TRUST COMPANIES, et al.,

Respondents.

**On Petition For Writ Of Certiorari
To The Superior Court Of Dekalb County,
State Of Georgia**

PETITION FOR WRIT OF CERTIORARI

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. When there is admitted by courts conflict between the federal courts and state courts on such all-important matters such as jurisdiction per Petitioner's 22A445, which court is mandated to take preemptive action to enforce this Court's ruling in *Yellow Freight System, Incorporated v. Donnelly* (1990) and *ROBB v. CONNOLLY* (1884) to close the loophole of conflicting oppositional jurisdiction, the federal court or the state court?

Congress deprived state courts of the power they normally have – that is, the power to decide their own jurisdiction. *E.g.*, *American Fire & Cas. Co. v. Finn*, 341 U.S. 6 (1951); *Landry v. Cornell Constr. Co.*, 87 R.I. 4, 137 A.2d 412 (1957). Federal decisions usually speak of a duty of the court to raise the jurisdictional issue. *E.g.*, *Clark v. Paul Gray, Inc.*, 306 U.S. 583, 588 (1939); *St. Paul Mercury Indem. Co. v. Red Cab Co.*, 303 U.S. 283, 287, n.10 (1938).

2. When there is proven First Breach, do the Federal Courts have to proactively consider as the number one priority over all others the First Breach because uncured First Breach makes Supersedeas and all other matters moot per *PAUL E. MALONE, SR. & FAITH LANIER MALONE, Plaintiffs v. FEDERAL HOME LOAN MORTGAGE CORPORATION and BANK OF AMERICA, N.A., Defendants*, Case No. 1:14-cv-193 (WLS) United States District Court, M.D. Georgia, Albany Division. May 12, 2016. Is a supersedeas

QUESTIONS PRESENTED – Continued

unconstitutional when there is proven “cannot enforce contract until cure first breach”?

3. Nowhere in law is a lone judge able to act without appeal or accountability but in Georgia state courts there is ruling that there is no appeal or review for supersedeas bonds that has become de facto means for evictions during appeal process? Is it unconstitutional for there NOT to be an appeal/review mechanism within the Georgia Court system to review a sole judge’s order concerning supersedeas? Instant case a nullity no state jurisdiction order for an illegally inflated supersedeas bond that violates O.C.G.A. § 5-6-46(a) on a home that has almost 100% equity (\$500,000) to debt to cover all potential costs of appeal is being misused as means to evict 100% legally right homeowner due to no appeal process.

e) Nothing in this Code section shall deprive the superior courts of their separate power to grant supersedeas under paragraph (1) of Code Section 15-6-9 (e) Nothing in this Code section shall deprive the superior courts of their separate power to grant supersedeas under paragraph (1) of Code Section 15-6-9

4. Considering recent unanimous ruling *TYLER v. HENNEPIN COUNTY, MINNESOTA, ET AL.* No. 22-166. Decided May 25, 2023 concerning overages of tax debt, is it unconstitutionally illegal per predatory lending laws and usuary interest banking laws for mortgage companies who were bailed out by taxpayers

QUESTIONS PRESENTED – Continued

to instead of work with homeowners to refinance chose to foreclose because incentivized and rewarded for foreclosing on homeowners to acquire all the house's appreciation and equity in excess of mortgage debt?

5. How are states to protect homeowners who are whistleblowers per the Sarbanes-Oxley Act of 2002 and the Dodd-Frank Wall Street Reform and Consumer Protection Act "Act" that overhauled the United States financial oversight regime to protect homeowners, etc.? Currently there is a serious conflict between state courts that unconstitutionally have no protection and the national organizations and states Attorneys General who do not help homeowners in deference to courts. There needs to be a mechanism to protect homeowner's who show valid proof as whistleblowers while court cases are in process. Do federal agencies and Attorneys General join lawsuits are parties helping homeowners exposing largest mortgage scam in history as explained later.

LIST OF PARTIES

Petitioner

Christopher M. Hunt, Sr. Homeowner

Respondents, et al.

Deutsche Bank National Trust Companies Note

Mr. Cooper/Nationstar Mortgage Company

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, SPIP Petitioner is an individual, not a corporation with no shares held by a publicly traded company.

RELATED CASES STATEMENT

The proceedings in federal trial and appellate courts identified below are directly related to the above-captioned S22A445 case before Court. Respondents finally admitted via waiver with other new rulings all support Homeowner's original 2014 Complaint. The contempt, violations of 28 § 1450 and Rule 3.3, wrongful foreclosure, improper acts in violation to federal court jurisdiction of their Removal, fraud on courts of improper Removal then orchestrated fraud in state courts to destroy Homeowner to moot their acts per of recent filing **DEFENDANT'S EMERGENCY MOTION TO SET ASIDE AND VACATE FINAL ORDER 2/27/19 AND GRANT TRO WITH HEARING RULE NISI** in state DeKalb County 18CV4742 on 6/27/2023 (see appendix) that addresses

RELATED CASES STATEMENT – Continued

many same issues of federal cases in S22A445 of both Nationstar and Deutsche who illegally obtained erroneous Supersedeas Bond from a court with no jurisdiction to misuse to overcome TROs against eviction before there is a final, non-appealable order. Instant case is so severe the conflict is preventing USCA11 and state courts from reversing a nullity order for eviction obtained by Deutsche! Deutsche, which is operating illegally in USA per S22A445 went rouge and without court authorization as substituted itself for Nationstar. Deutsche illegally went into state in known contempt of DCN.GA orders and jurisdiction and during an ex parte hearing with DeKalb County magistrate judge defrauded the court by misrepresenting jurisdiction to obtain a nullity eviction order! Homeowner was working at home while trusting justice from federal courts when shocked first time served notice of nullity eviction by marshals during no notice eviction! Homeowner rushed to county presiding judge who seeing two conflicting orders granted mandated Stay/TRO against in process eviction but only after \$5,000+ damage to home and belongings, etc. Mortgagees powerful multi-state debt collecting attorneys who have senior partners in prison then defrauded court to get Stay voided and to impose a Supersedeas, all leading to instant application certiorari to end conflicts!

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INTRODUCTION

Petitioner “Homeowner” is as described in S22A445 a stellar senior citizen (www.MLKStone-Mountain.com) with Ph.D. in Theology and MA in counseling. He built his home in subdivision he developed and named after his daughter and enjoyed raising his children with home-based ministry and businesses for twenty years. The Homeowner had excellent credit and timely paid his mortgage until, as the 11th Circuit Court ruled, the first mortgagee breached their mortgage contract. Home has \$500,000+ equity but Homeowner cannot access to pay counsel due wrongful foreclosure and cannot refinance to pay illegal supersedeas due to no review of nullity state Supersedeas order. Home equity was being saved for three kids’ college and Homeowner’s retirement. Instant case is carry-over from past years of mortgage industry corruption that caused the Great Recession. Instant state case is part of the current S22A445 case on similar issues but because of contempt of federal court jurisdiction of Mortgagees Removal and fraud on courts they created conflict in state courts of this separate appeal.

Homeowner is self-employed and can afford the mortgage but not counsel for all the defensive cases created by illegal and contemptuous actions of Mortgagees. Homeowner properly fulfilled Court’s *JESINOSKI* case by within first few months of new fixed rate mortgage writing Mortgagees with proof of first breach and requesting they cure breach of improperly increasing interest rates and mortgage amount. Instead, the greedy Mortgagees tried to steal the home with

\$500,000+ equity. Homeowner has exposed largest scam in U.S. history per letter to all states Attorneys General:

www.EleventhCircuitCourtAppeals.us

The mortgage companies caused the Great Recession by unethical, illegal business practices. The taxpayers bailed them out with monies, many being homeowners. The mortgage companies misused the homeowners' bailout monies to buy as many of mortgagees caused defaulted mortgage loans as possible for pennies on the dollar. Then the mortgage companies, especially Deutsche that is a foreign international company operating illegally in USA per my filings^{*1}, purposefully violated the congressional laws and RESPA^{*2} to steal the homes with all the equity and appreciation and misused tax write-offs of false accounting^{*3} to make exponential windfall profits! Here is an analogy I used in my filing: An evil man rapes an adolescent girl. The girl is given money to get counseling and medical treatment. The evil man goes back to young girl and steals the money then shoots her in the head.

Respondents, et al., "Mortgagees" are the main cause of "The Great Recession" per movie The Big Short. Deutsch was fined \$7.2 Billion (but where is justice for homeowners in that?) for doing similar illegal acts to other homeowners as in instant case.

Mortgagees have only prevailed to date by their monopoly of fraud upon the courts. The contemptuous fraud has caused the federal courts and state courts to

become adversarial conflicted concerning jurisdiction instead of cooperative and complimentary per *Yellow Freight System, Incorporated v. Donnelly* (1990) and *ROBB v. CONNOLLY* (1884).

The Mortgagees have violated the Sarbanes-Oxley Act of 2002 created to prevent this repeat of the financial scandals, and the Dodd-Frank Wall Street Reform and Consumer Protection Act "Act" that overhauled the United States financial oversight regime to protect homeowners, etc. Homeowner is a whistleblower.

Original mortgagee breached fixed rate contract by illegally escalating interest rates each month. Homeowner paid under written protest three successive increases before refusing to be abused anymore, so sent in proper amount with letter showing their own employees said contract was breached. The payment was returned. All went quiet. Then a second mortgagee introduced itself and threatened foreclosure. Homeowner sent in proper payment with proof of breach asking to cure. Mortgagee returned payment and went silent. Over the years this was repeated five times as mortgagees kept breaking laws and fraudulently selling breached bad contract instead of curing. Respondents "Mortgagees" Nationstar was the first to try to wrongfully foreclose. They extorted a \$3,000 which payment protected Homeowner per *MALONE* and then violated RESPA violations in a ruse to steal home with \$500,000+ equity. Then illegally demanded \$300,000+ in fraudulent money! The DeKalb court saw the Homeowner's evidence in lawsuit and granted TRO against foreclosure. Homeowner has been forced to file

several defensive lawsuits to protect his home against Mortgagees' numerous contemptuous, illegal acts.

Homeowner is planning to get counsel after Writ is accepted. Homeowner is encouraged other Pro Se litigants have had Writs accepted, some were convicted scoundrels but received favorable rulings because of unbiased Court ruling on law and for nation's best: JOSHUA BLACKMAN v. AMBER GASCHO, 16-364, WELCH V. UNITED STATES, 15-6418, LAW V. SIEGEL 12-5196.

Instant case has direct conflicts in federal courts and divides state and federal courts per S22A445. The cases involve identical parties and similar issues of conflicts between Federal Courts and State Courts of Georgia because neither Federal nor State would take action but were pointing at each other as to who had the jurisdiction and authority. What is ironic, that per 22A445 neither had jurisdiction or authority due to First Breach per MALONE ruling in DCMiddleGA and Georgia law both clearly stating the mortgagee's First Breach mandates they cure the breach before they obtain legal rights for relief in court and any court can take jurisdiction of claims. Yet 11th Circuit refused to hold the Remand so not only did USCA11 not uphold its jurisdiction but enabled state court erroneous Supersedeas! Only God's grace has Homeowner been able to survive and save home to date! There is no clear contemporary ruling that gives courts direction on how to cure conflicts of jurisdiction by working cooperatively.



OPINIONS BELOW

Georgia Supreme Court denial for Certiorari orders of the United States Court of Appeals of the Eleventh Circuit summarily affirming the judgment of the District Court of North Georgia.



JURISDICTION

The Superior Court of Dekalb County, Georgia issued its Order Correcting and Revising the Final Order, Judgment, and Writ of Possession on March 17, 2022. A copy of that decision appears at App. 1. The Supreme Court of Georgia denied a Petition for Certiorari on April 4, 2023. See App. 16. This Court's jurisdiction is invoked under 28 U.S.C. § 1257(a).



RULES OF PROCEDURE INVOLVED

Instant case appeals are based on the legal cites and conflicts previous filed 19A423, but distinct in the consequence of continuing compounding of “Cat in the Hat” court errors. A recent case of a Texas judge jailing a hairdresser for opening her business so her employees can feed families is less severe than the superior court judge in instant case being incensed at Homeowner for exposing the truth of case status that she had no jurisdiction and was deceived like Emperor New Clothes but instead of objectively acknowledging federal courts’ jurisdiction, first breach, etc. to enforce her authority as judge on a forced against desires pro

se Homeowner trying to tell court and multi-state politically powerful attorneys what law is and truth while defending his home. Federal courts refused to uphold their jurisdiction and intervene against the state. So, all the federal cases and state cases over the same matter of irreconcilable conflicts are now before this honorable Court. There needs to be a strong, definitive ruling for all attorneys and citizens to be protected from such extreme conflicts of state courts imposing currently uncorrectable erroneous supersedeas orders that basically 90% of the time results on eviction and loss of home. The reason is legally right homeowners have to give up because costs too much to pay both supersedeas and pay attorneys to win case. By this Court giving a clear, strong ruling as *Jesonoski v. Countrywide* it would end the manipulation of judges and court and homeowner abuse.

Wisest judge to ever live wrote by "she" Wisdom: "When it goes well with the righteous, the city rejoices; And when the wicked perish, there is jubilation. By the blessing of the upright the city is exalted, but it is overthrown by the mouth of the wicked." Prov. 11:10-11

STATEMENT

1. **SUPERSEDEAS ORDERS NOT TO BE DISTURBED**

Is the Georgia courts current precedent rule not to disturb the exclusive right for a state court to set Supersedeas Bonds constitutional? Currently, no matter

how erroneous it is, even to extreme of being nullity without jurisdiction as instant case and in violation to Georgia O.C.G.A. § 5-6-46(a) the Supersedeas Bond cannot be appealed nor reviewed. This is in direct conflict with U. S. Constitution and every court in USA that no one judge can act unaccountable in a ruling.

Neither the Appellant courts of Georgia nor federal courts would even entertain the consideration of looking at the nullity Supersedeas Bond order. The state appellant courts would not even consider the appeal because of O.C.G.A. and court cites. And federal courts refused to enforce their jurisdiction!



REASONS FOR GRANTING THE PETITION

The federal courts would not even consider the appeal in their courts despite Homeowner's En Banc:

This Court and others are missing the proven fact of no jurisdiction to even grant the Amended Supersedeas Bond Order in deference to O.C.G.A. not disturbing the lower superior court right to impose the Supersedeas! Court knows jurisdiction supersedes (pun) all orders! This Court properly ruling into state courts gives a needed legal anchor court cite.

Federal courts by Plaintiff's Removal ALREADY have jurisdiction of the wrongful foreclosure and ALL the precedent legal matters upon instant appeal case is dependent. Mortgagee by their Removal to DCNG AFTER their illegal foreclosure declared to DCNG_no

supersedeas bond is required because the house is super adequate collateral! All Plaintiff's Deutsche jurisdiction was in federal courts before Court's erroneous order granting the Plaintiff's supersedeas bond that is nothing more than another illegal tactic to steal home.

***28 U.S. Code § 1146(d) . . . Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such state court which shall effect the removal and the state court shall proceed no further unless and until the case is remanded.

The trial court judge Jackson properly granted the TRO as "court of equity", but then erred despite Georgia Supreme Court void ab initio in Murphy v Murphy ruling on no jurisdiction. Therefore, Nunc Pro Tunc no jurisdiction applies to all of improperly substituted plaintiff Deutsche's filings now being reviewed by the federal courts who are going to be very angry the foreclosure was illegally done, the dispossessory and eviction were in violation of their jurisdiction, etc. while they were ascertaining the precedent matters in their court by appeal.

The Georgia O.C.G.A.

O.C.G.A. 15-6-9 (2010) 15-6-9. Authority of judges generally The judges of the superior courts have authority: (1) To grant for their respective circuits writs of certiorari, supersedeas, . . .

2010 Georgia Code TITLE 5 – APPEAL AND ERROR CHAPTER 6 – CERTIORARI AND APPEALS TO APPELLATE COURTS GENERALLY ARTICLE 2 – APPELLATE PRACTICE § 5-6-46 – Operation of notice of appeal as supersedeas in civil cases; requirement of supersedeas bond or other form of security; fixing of amount; procedure upon no or insufficient filing; effect of bond as to liability of surety; punitive damages

5-6-46(a) . . . When the judgment is for the recovery of money not otherwise secured . . . (NOTE: House with undisputed \$200,00+ equity is “secured”!)

This is no minor conflict confined to Georgia. It is national as even same party instant cases Mortgagees Nationstar proves in Ohio case NATIONSTAR v. BRIAN K. PAYNE, ET AL., NO. 2017-043, Case No. 16AP185 admitting conflict:

Second, assuming there is any applicable court rule that was intended to trump the statutory bond requirement, interpreting and applying the rule to deny an appellee of its substantive rights (even if temporarily) would violate the Ohio Constitution. Article IV, Section 5(B) of the Ohio Constitution provides that court rules “shall not abridge, enlarge, or modify any substantive right.” Denying an appellee its judgment rights (even if only while an appeal is pending) without security is not merely a matter of “practice and procedure” under Article IV, Section 5(B) of Ohio’s Constitution which could take precedence over a conflicting statute. Instead, a stay abridges a judgment holder’s

substantive judgment rights by preventing it from enforcing or enjoying its judgment rights. Moreover, R.C. 2505.09 creates a separate substantive right to a bond as security if the appellee's judgment rights are to be suspended. It would be unconstitutional to apply Appellate Rule 7(B), or any other court rule, as enabling the abridgement or modification of a party's substantive judgment or bond rights. A bond is necessary.

Instant case Mortgagees already had illegally obtained title to house via violation of 28 U.S.C. § 1450 in contempt of state TRO and in contempt of Federal Court jurisdiction foreclosure so was holding \$500,000+ equity! The presiding superior court judge who should have granted the requested TRO was shown all the evidence of federal court jurisdiction, state court binding TRO, etc. grossly misused her discretion denying the TRO due solely "no proof of service" (proving Mortgagees ex parte interference as no TRO requires proof of service!) and "there is relief available by restitution by suing for wrongful foreclosure." It is impossible for Homeowner to get an unbiased legally sound ruling from DeKalb county courts per affidavit by a court expert who has witnessed judges misbehavior in a county so corrupt the sheriff elect who ran on platform to clean up corruption was murdered by incumbent sheriff and the Homeowner had to get the state representative of judicial ethics to investigate judges misconduct so egregious they were ordering court reporters to alter transcripts to prevent appeal of illegal orders. When state representative over judicial ethics could not get the second judge removed he was so enraged at

compromised to ineffectual previous JQC that he got voters to disband the entire JQC and reform it! This proves citizens needs this honorable Court's intervention to cure conflicts of both the status quo of federal courts not getting involved in state rulings even when in contempt of federal court jurisdiction vs. state appeals courts "not disturbing superior court judges exclusive right to impose Supersedeas bonds" even if first breach, nullity no jurisdiction, contempt, fraudulently inflated so de facto evictions, etc. State courts must allow expedient appellant court review of supersedeas bonds to make sure fair and legally sound. Suggestion is if Supersedeas is contested a fee is paid to an expert real estate appraiser to determine property value and another state judge rule on legitimacy of Supersedeas thereby alleviating burden on appeals courts while still providing Constitutional justice in state courts and fulfilling:

When the judgment determines the disposition of the property in controversy as in real actions, trover, and actions to foreclose mortgages and other security instruments, or when such property is in the custody of the sheriff or other levying officer, or when the proceeds of such property or a bond for its value are in the custody or control of the court, the amount of the supersedeas bond or other form of security shall be fixed at such sum only as will secure the amount recovered for the use and detention of the property, the costs of the action, costs on appeal, interest, and damages for delay.

The 11th Circuit refused to intervene and uphold federal court jurisdiction but also refused to hold Mandate while appeal for Writ so in effect instead of upholding their jurisdiction actually enabled the state court error of eviction via nullity orders and erroneous Supersedeas! Instant case senior citizen Homeowner has a home-based ministry and business of more than twenty years so he will be homeless and economically destroyed if wrongfully evicted while Mortgagee's asset is appreciating and well maintained.

Ruling requested is join case with S22A445 to resolve all conflicts and instruct court to expand *TAYLOR*:

1. State appellant courts must mandate as part of appeal there is a review process by originating court on objected supersedeas bonds before accepted into appeals court.
2. In questions of jurisdiction States cannot claim jurisdiction but must ask Federal courts to confirm and uphold their jurisdiction over the state court orders when federal court jurisdiction is violated.
3. A mortgage company cannot misuse foreclosure to benefit by in addition to debt amount also obtain all the homeowner's additional equity and appreciation. There needs to be an appraisal of house before foreclosure that courts recognize, and homeowners receive overage of debt from mortgage companies and/or party that buys the home at foreclosure. This would force mortgage companies to ethically work with homeowners to save their homes instead of being incentivized and

rewarded to foreclose. Instant case Homeowner never defaulted but Mortgagees breached so this helps all cases.

◆

CONCLUSION

For the foregoing reasons, this Court should grant this petition for a writ of certiorari and join to S22A445 so:

1. there is a contemporary and compelling application of the antiquated and easily avoided Spirit and intent of Federal Court and State court cooperation Yellow Freight System, Incorporated v. Donnelly (1990) and ROBB v. CONNOLLY (1884) to close this loophole of conflicting oppositional jurisdiction the fraud created between federal and state courts.
2. there is national standard of emergency review by state appellate courts solely of legality and appropriateness of Supersedeas Bonds since the outcome of such bonds almost assure the homeowner is evicted and economically destroyed before receiving justice in appeal.
3. Per TYLER v. HENNEPIN COUNTY, MN, there is not an unconstitutional theft of homeowner's appreciative value and equity that enables mortgage companies to de facto be violating predatory lending laws and banking usury laws.
4. Candor to Tribunal Rule 3.3 invoked so fraud on courts is prevented and Rule 60 functions against

wrongful supersedeas and protects citizens from criminal and unethical acts described in sister case 22A445 wherein the Mortgagees are manipulating the federal and state courts against each other as neither has jurisdiction instead of both in cooperation holding Mortgagees accountable and protecting homeowners.

Respectfully submitted,

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