

23-5867 ORIGINAL

Supreme Court, U.S.
FILED

AUG 14 2023

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Anita Bryant — PETITIONER

vs.

Delaware County, Indiana Auditor/Treasurer — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

INDIANA COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

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QUESTION(S) PRESENTED

1. Whether one trial court can assume jurisdiction of an estate property in the possession and jurisdiction of a separate trial probate court without a court order, or any notice to the estate and parties thereof?
2. Whether a Beneficiary/Heir has standing to object to a delinquent tax sale when the Delaware County Auditor/Treasurer's office failed to give proper constitutionally sufficient notice to the estate, and parties on record of the estate?
3. Whether a Beneficiary/Heir has standing to object to a delinquent tax sale of an estate's property when they have a property interest, is an aggrieved person, and who has a personal stake in the outcome?
4. Whether a Beneficiary/Heir has standing to object to a delinquent tax sale of the estate's property when an estate attorney misrepresents himself and gives the appearance of collusion with the Personal Representative of an estate?
5. Whether a Beneficiary/Heir has standing to appeal a denial of an objection to a delinquent tax sale when a Motion to Intervene was not the basis for the objection denial in a lower Trial Court, as an Appellate Court held?
6. Whether a Beneficiary/Heir has standing to appeal a denial of an objection in a lower trial court to a delinquent tax sale if treated as a party on record?
7. Whether a Motion to Intervene requirement is waived if parties present no objections to court rules for intervention to the Objector at any time?
8. Whether a Beneficiary/Heir has standing to object when the Personal Representative of the Estate fails to act on behalf of the Estate?
9. Whether the Personal Representative and/or the estate attorney be the only parties

that have standing to object to a delinquent tax sale, when the party on record are the deceased parents, and not the estate?

10. Whether a delinquent tax sale would be null and void if the Delaware Auditor Treasurer's office failed to provide the court with proof of the mailing of the Tax Delinquent Notice with the application for judgment and order for sale, as required for Burden of Proof?

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

- *Delaware County Auditor/Treasurer v. Anita Bryant*, No. 18C05-2208-TS-000232, State of Indiana Delaware County Circuit Court #5. Judgment entered Sept. 30, 2023.
- *Anita Bryant v. Delaware County Auditor/Treasurer*, No. 22A-TS-2380, Court of Appeals Indiana. Judgment entered on March 9, 2023.
- *Estate of Laura J. Bryant*, No. 18C01-2106-ES-000015, Delaware County, Indiana Circuit Court 1 (Probate Court)

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix_____to the petition and is

☐ reported at_____; or, ☐ has been designated for publication but is not yet reported; or, ☐ is unpublished.

The opinion of the United States district court appears at Appendix_____to the petition and is

☐ reported at_____; or, ☐ has been designated for publication but is not yet reported; or, ☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☐ reported at_____; or, ☐ has been designated for publication but is not yet reported; or, ☒ is unpublished.

The opinion of the Delaware County, Circuit Court 5 court appears at Appendix B to the petition and is

☐ reported at_____; or, ☐ has been designated for publication but is not yet reported; or, ☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was_____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date:_____, and a copy of the order denying rehearing appears at Appendix_____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including_____ (date) on_____ (date) in Application No.____A_____.

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was March 9, 2023. A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date:_____, and a copy of the order denying rehearing appears at Appendix_____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including_____ (date) on_____ (date) in Application No.____A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment 14. § 1.1 (Amdt 14. § 1.1):

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.

United States Constitution, Article III, Section 2 (U.S. Const. art. III, § 2):

The judicial Power shall extend to Controversies between a State and Citizens of another State.

United States Constitution, Amendment 5 (U.S. Const. Amdt 5):

“nor be deprived of life, liberty, or property, without due process of law” —provided for the right of trial according to the process and proceedings of the common law. In interpreting the Due Process Clause, the Supreme Court has recognized that the Fifth Amendment guarantees procedural and substantive due process.

STATEMENT OF THE CASE

On July 11, 2022 at 2:00 P.M., a hearing for Removal of Personal Representative took place in Delaware County, Indiana Circuit Court 1 (Probate Court). Ms. Bryant is an Beneficiary/Heir to the Estate. Ms. Bryant's Brother is the Personal Representative of the Estate, and also a Beneficiary/Heir. The Estate is a Supervised Intestate Estate. The Estate Attorney was asked directly by the Probate Judge if the Estate Property located at 3915 S. Ebright St., Muncie, IN 47302, was subject to tax sale, the Estate Attorney stated it was not. The Estate Attorney also stated that he did not receive two utility refund checks that were certified mailed to his office in August 2021 by Ms. Bryant that could have been used to satisfy the tax bill at that time. The Petition for Removal of Personal Representative was denied by the Probate Court.

On July 15, 2022, Ms. Bryant filed a Reconsideration to request an Injunction to Stop the Tax Sale with the Probate Court (A previous injunction was filed on 6/27/22, in

Probate Court and was denied). Included in this filing was screenshots obtained from The Delaware County Deputy Auditor that the Estate Property was flagged for a tax sale. The Probate Court denied the motion on July 19, 2022, claiming that the Probate Court did not have jurisdiction and referred Ms. Bryant to the Delaware County, Indiana Circuit Court 5 (Tax Court), stating that the Tax Court has Jurisdiction over tax sales. No action was taken by the Probate Court to address the contradictory statements made by the Estate Attorney after receiving this information.

Prior to this Removal Hearing, Ms. Bryant had been keeping on top of estate matters when she saw early on that nobody else was going to do so. This includes continuously following up on property taxes being paid. Ms. Bryant had warned the Probate Court numerous times in prior hearings that the property taxes were still not paid, and if they did not get paid, the property would be eligible for tax sale effective at the end of June 2022. The Personal Representative also stated that he had not received any notice from the Delaware County Auditor's office at that time, which was a true statement, since the notice was not mailed until August 2, 2022.

Ms. Bryant contacted the Tax Court after her Injunction was denied by the Probate Court to receive instructions on how to file an Injunction to stop the tax sale of the property. Ms. Bryant was advised by the Trial Clerk of the Tax Court that no hearing had been set. The Trial Clerk stated that a follow-up call would be made to Ms. Bryant when a hearing was scheduled. Ms. Bryant received a phone call by the Trial Clerk from the Tax Court around the end of August 2022 to inform Ms. Bryant that the hearing had been set for September 28, 2022, at 1:30 P.M. Ms. Bryant was advised that an Objection would need to be filed and a Proposed Order for Telephonic and Virtual Appearance. Ms. Bryant

electronically filed both documents. The Objection was filed electronically on August 30, 2022.

At this point, this would have been an opportunity for any party to file a Motion to Dismiss, or a Motion to Strike on the basis of lack of standing. Neither party filed either of these motions, nor did they file these motions during the appeals process.

Ms. Bryant received a notice of hearing by certified mail on September 6, 2022. Ms. Bryant filed a Proposed Order for Virtual Telephonic Appearance in the Tax Court on September 8, 2022 and was granted by the Tax Court. On September 28, 2022 at 1:30 P.M., the hearing proceeded and concluded.

The Tax Court denied Ms. Bryant's Objection on the basis of lack of standing, and held that the only individuals who could object to the tax sale was the Personal Representative, or the Estate Attorney. The Tax Court stated that Ms. Bryant's *only* remedy was with the Probate Court, and a Request for Removal of Personal Representative is what was needed, or Ms. Bryant could pay the tax bill. The Tax Court did not rule on the basis that filing a Motion to Intervene was needed.

Ms. Bryant informed the court that the Removal Hearing had already taken place in July of 2022, and her petition was denied by the Probate Court. Ms. Bryant stated in the hearing that she did not understand why the Probate Court would refer Ms. Bryant to the Tax Court, just for the Tax Court to refer Ms. Bryant back to the Probate Court, and Ms. Bryant asked the court what was Ms. Bryant to do now? The court's response was that the court could not give Ms. Bryant legal advice.

Ms. Bryant then attempted to track down the official notice of the tax sale. She reached out by email to The Delaware County Deputy Auditor to inquire of when the

notice was sent on October 5, 2022. The Delaware County Deputy Auditor responds to Ms. Bryant's email by providing a screenshot of the certified mail that was returned to their office. The official notice was sent to the property address on August 2, 2022. The post office returned the notice to The Delaware County Auditor's office on August 8, 2022 with a post office tag attached to the notice indicating the forwarding address. The forwarding address was Ms. Bryant's address. The notice was not received by Ms. Bryant, nor did The Delaware County Auditor/Treasurer's office have any proof that it had been received by Ms. Bryant. This discovery prompted Ms. Bryant to file an appeal with the Indiana Court of Appeals on October 10, 2022.

When Ms. Bryant filed her Appeal, Ms. Bryant also requested a Stay on October 7, 2022 with the Tax Court, so the property would not be sold in the Tax Sale scheduled for October 11, 2022. Ms. Bryant included the email correspondence and the screenshot of the returned mailing with the Stay between Ms. Bryant and The Delaware County Deputy Auditor on October 7, 2022. Per the Indiana Appellate rules, Ms. Bryant did so with the Tax Court and was denied. Ms. Bryant then asked for an Emergency Stay Without Notice in the Appeals Court and was denied. The result of this was the property being sold in the tax sale on October 11, 2022.

On December 29, 2022, Ms. Bryant timely filed an Appellant's Brief in the Indiana Court of Appeals. The Appellee's Brief was timely filed on January 27, 2023. Ms. Bryant filed a Notice of Motion to Strike on February 6, 2023. Ms. Bryant timely filed an Appellant Reply Brief on February 12, 2023.

On March 9, 2023 The Indiana Court of Appeals issued a Memorandum Decision dismissing Ms. Bryant's Appeal on the basis of standing to bring the appeal, and held that

Ms. Bryant's remedy would be to file a Motion to Intervene, and having a status as a putative aggrieved beneficiary of the Estate did not, by itself, confer standing upon her to bring the appeal. Furthermore, holding that Plaintiffs did not name Ms. Bryant as a party in the tax court, so she was not a party of record. The fact that Plaintiffs may have treated Ms. Bryant as a party did not provide her with standing.

On April 17, 2023, Ms. Bryant timely filed a Petition to Transfer to Indiana Supreme Court. The court denied said petition on July 13, 2023.

REASONS FOR GRANTING THE PETITION

I. The Tax Court erred by intervening with the current jurisdiction of the Probate Court

Ms. Bryant had the right to object to the sale of the property and to appeal, if necessary, in the Probate Court under Appeal by Right Indiana Appellate Rule 14 A(4). When the Tax Court intervened and assumed jurisdiction of the property from the Probate Court, that legal right that Ms. Bryant had under this rule as a Beneficiary/Heir was taken away. Ms. Bryant's Due Process rights were violated under Amendment 14. § 1.1 and Amendment 5 of the U.S. Constitution. Ms. Bryant's voice was not heard in the Tax Court, nor in the Indiana Court of Appeals. There was no court order transferring the possession of the property from the Probate Court to the Tax Court. The Estate, nor the parties to the Estate received constitutionally official notice of the Tax Sale.

This court held that "the principle, applicable to both federal and state courts, is established that the court first assuming jurisdiction over the property may maintain and exercise that jurisdiction to the exclusion of the other", cited from *Penn General Casualty Co. v. Pennsylvania ex rel. Schnader*, 294 U.S. 189 (1935). Also held in *Penn's Court* "if the two suits are in rem or quasi in rem, requiring that the court or its officer have possession or control of the property which is the subject of the suit in order to proceed with the cause and to grant the relief sought, the jurisdiction of one court must of necessity yield to that of the other. To avoid unseemly and disastrous conflicts in the administration of our dual judicial system and to protect the judicial processes of the court first assuming jurisdiction, the principle, applicable to both federal and state courts, is

established that the court first assuming jurisdiction over the property may maintain and exercise that jurisdiction to the exclusion of the other.”.

Also cited from *Penn’s Court*, “Where the assertion of jurisdiction by the two courts is nearly simultaneous, it becomes important, as in the present case, to determine the precise time when the jurisdiction attaches. If the two suits do not have substantially the same purpose, and thus the jurisdiction of the two courts may not be said to be strictly concurrent, and if neither court can act effectively without acquiring possession and control of the property pendente lite, the time of acquiring actual possession may perhaps be the decisive factor.”.

Here in Ms. Bryant’s case, the Personal Representative is the Fiduciary of the Probate Court and has control of the property. This action taken by the Tax Court has interfered in the administration of the Estate, and has caused a pause in further probate proceedings.

In *Strange v. 1997 Jeep Cherokee, New Mexico Lic. # 630-KLD, VIN # 1J4FJ2881VL502086*, 597 N.W.2d 355 (1999), the Minnesota Court of Appeals held that “in administrative forfeiture, the appropriate administrative agency may seize and dispose of the subject property by serving a “notice of seizure and forfeiture” that complies with the requirements of the statute. Minn.Stat. § 609.5314, subd. 2 (1996). Within 60 days after service of such a notice, a claimant who objects to administrative forfeiture may file a “demand for a judicial determination of the forfeiture” that is “in the form of a civil complaint.” *Id.*, subd. 3(a) (Supp.1997)”.

This same court also held that there is a split in federal authority regarding the circumstances under which a valid transfer of property seized for forfeiture

may occur between appropriate state and federal authorities. In *United States v. One 1979 Chevrolet C-20 Van*, 924 F.2d 120 (7th Cir.1991), the Seventh Circuit sets forth what the Minnesota Appeals Court concludes is the majority view. In that case, a voluntary transfer of seized property took place between the Batavia, Illinois police and the FBI in contravention of a state statute requiring a court order before transfer of property retained for forfeiture. *Id.* at 122-23. The Seventh Circuit labeled these transfers of seized property between state and federal agencies a “questionable practice” that could violate a claimant’s due process rights.

Although this court adopted the majority approach on jurisdictional transfers of forfeited property expressed by the Seventh Circuit, this court recognized that the Eighth Circuit has taken a different approach to this issue when interpreting Missouri law. The Eighth Circuit affirmed federal court jurisdiction where Missouri police voluntarily transferred property to the DEA that was seized under a state search warrant. \$12,890.00, 956 F.2d at 805.

The Eighth Circuit held that the transfer did not encroach on state court jurisdiction because no state forfeiture action was ever commenced and federal forfeiture proceedings had been initiated. *Id.* The Eighth Circuit concluded that the state court lacked jurisdiction over the property even though the state court had ordered the property returned to the claimant. *Id.* The court noted that where the state court did “not consider that any affront [had] occurred[,] [w]e do not think that claimants should have any greater right to complain.” *Id.* at 806.

These case laws support the same legal concept that occurred in Ms. Bryant’s case. There was no court order issued from the Probate Court to transfer the

jurisdiction of the estate property to the Tax Court to give the affected parties the right to object and be heard. Due Process violations occurred when the Tax Court assumed jurisdiction of the sale of the Estate property without any proper notice to the Estate.

II. Tax Delinquent Notice not constitutionally sufficient

The Delaware County Treasurer Auditor's office certified mailed the tax delinquent notice to the address on record on August 2, 2022. The post office returned the notice to their office and provided them with a forwarding address. They simply did not act. If they had followed through, they would have discovered that the property owners were deceased, and the property was an asset of an Estate in the Probate Court under another jurisdiction.

Settled case law held in this court that "due process (Amdt 14. § 1.1) requires the government to provide "notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.", *Jones v. Flowers*, 547 U.S. 220, 164 L. Ed. 2d 415, 126 S. Ct. 1708 (2006), quoted from *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).

Also held in *Jones Court*, "that the common knowledge that property may become subject to government taking when taxes are not paid does not excuse the government from complying with its constitutional obligation of notice before taking private property."

Even though Ms. Bryant was aware of the tax delinquent sale, it doesn't excuse the Delaware County Treasurer's office from not following through what is constitutionally required before taking the estate property. Furthermore, unlike

in *Jones Court*, a forwarding address was provided, and Probate is a matter of public record, so the Delaware County Treasurer Auditor would not have had to do much, but chose not to. Since this first step was not taken, anything that occurred after the fact should be null and void.

III. Beneficiary/Heir standing to object and appeal

When Ms. Bryant filed her objection with the Tax Court, she presumed that the same rights she had in Probate Court to do so would not change in the Tax Court, and why would it? In *Husak v. Fayette County Tax Claim Bureau*, 61 A.3d 302 (2013), The Commonwealth Court of Pennsylvania Court held that the Husaks, who had equitable title to a property, had standing to challenge a tax sale because Section 607(b) of the Law provides that objections or exceptions to a tax sale may be brought by “any owner or lien creditor....” 72 P.S. § 5860.607(b). Furthermore, even though the Husaks were unable to record a quitclaim deed, they had standing to challenge the tax sale because they were an aggrieved party with the requisite substantial, direct and immediate interest as the equitable owners of the property. 61 A.3d at 309-10.

Also held by this same court in *Moore v. Keller*, 98 A.3d 1 (2014), the court concluded that Appellant, as an equitable owner, has the requisite substantial, direct and immediate interest in the sale of property to challenge the tax sale.

The Tax Court denied Ms. Bryant’s objection and stated the only remedy was with the Probate Court to request that the Personal Representative be removed, or pay the property tax bill.

Ms. Bryant had made that effort in Probate Court, and the Petition was denied. Ms. Bryant also had certified mailed checks to the Estate Attorneys office,

held follow-up conversations regarding said checks, and those checks could have been used to satisfy the property tax bill at that time. The Estate Attorney misrepresented himself in the removal hearing stating that the property was not eligible for a tax sale, and claimed he didn't receive said checks. Ms. Bryant brought these misrepresentations to the attention of the Probate Court and no action was taken to hold any party accountable. Ms. Bryant also submitted this information to the Tax Court along with her Objection Filing. The Tax Court offered Ms. Bryant no other remedies. So when the Indiana Court of Appeals held that Ms. Bryant should have filed a Motion to Intervene as the remedy, because she was not a party of record even though Ms. Bryant was treated as such, these holdings are confusing and contradictory, since the Tax Court did not deny Ms. Bryant's Objection on that basis.

Other case law supporting this argument cited from *Carhart v. Carhart-Halaska International, LLC*, 788 F.3d 687 (2015), when the U.S. 7th Circuit Court of Appeals held that while Mr. Carhart was not a named party and did not move to intervene in the district court until after he had filed a notice of appeal (which the district court held was too late), he participated fully in the proceeding, just as if he had intervened and become a party. The judge treated him as a party. He was thus a de facto party.

Also, what is confusing here is the holding by the Indiana Court of Appeals that Ms. Bryant not being a party on record. Ms. Bryant is a party on record in the Probate Case, and by all accounts by definition in the Tax Court case. Since the Delaware County Treasurer Auditor's office did not follow-up on the returned tax delinquent notice, the party on record was Ms. Bryant's deceased parents.

This contradicts the Tax Court's holding that only the Personal Representative, or the Estate Attorney can object, when the Estate is not the party on record.

Moreover, *the Carhart Court* held that "But is there such a thing in federal law? A judge can say to a person who has a substantial interest in a case but is not a party "you belong in this case, so I want you to intervene and I'll grant your motion." This may not be an enforceable order, but it's likely to be obeyed.

Ms. Bryant was not given this option as a remedy with the Tax Court, and when the Indiana Court of Appeals held this is what was needed, it was too late for Ms. Bryant to correct that error, because by all accounts Ms. Bryant's Motion to Intervene would have been granted. Moreover, nor did any party file a Motion to Dismiss or Strike as such at any time. Just as in *Tucker v. Clare Bros .*, 196 Mich. App. 513 (1992), the Michigan Appellate Court held that the defendant's argument was that Townsend and Citizens never formally intervened in this matter by complying with MCR 2.209(C) and should have been barred from objecting to the settlement both below and on appeal. This issue was first raised on appeal. Defendant did not file a cross appeal challenging Townsend's and Citizens' appearance in this case in the lower court. For these reasons, the court could decline to address the issue. However, in this court it was noted that Townsend and Citizens were the real parties in interest and consequently they could have intervened in this case just as in Ms. Bryant's case. The parties' treatment of Townsend and Citizens' appearance and answer acknowledges this. Had plaintiffs or defendants objected below on the ground that Townsend and Citizens did not comply with the court rules for intervention, any error could have been easily corrected, and it is clear that Townsend and Citizens would have been

allowed to intervene.

These actions and inactions undermine Ms. Bryant's Due Process procedural rights (U.S. Const. Amdt 5).

There have also been case laws decided in other appellate courts in other states that have determined if a Personal Representative, or the Legal Representative has refused to act in the best interest of the Estate, there have been exceptions for the Beneficiaries/Heirs to collect assets on the Estate's behalf.

Held in *Geremia v. Geremia* , 125 A.3d 549, 159 Conn App 751 (2015), the Connecticut Appellate court determined that "an exception exists where the executor or administrator has been guilty of fraud or collusion with the party to be sued or....where the interests of the personal representative are antagonistic to those of the heirs or distributees, the heirs or distributees may maintain actions relating to the personalty of the estate in their own names. Similarly, when the legal representative has refused or failed to act, the heir may maintain an action to recover assets for the benefits of the estate." (31 Am.Jur.2d, supra at § 1131 p.764).

In *Schaefer v. Schaefer* , 89 Wis. 2d 323, 278 N.W.2d 276 (1979), The Wisconsin Appellate Court held that when the beneficiary's complaint was dismissed in trial court for lack of standing, holding that the legal representative is the only proper party to bring suit to collect assets of the estate, the beneficiary appealed this decision and the appeals court held that the trial court erred as the administrator "appears to have an entirely passive role in the administration of the estate affairs the appeals court construed this to be an allegation which brings this case under the last exception found in the quotation above. It is an allegation

that the administrator has failed or refused to act.

The Estate was opened in Probate Court in June 2021. The Estate was required to be closed by Indiana Code § 29-1-7.5-3.8, within one year. The Estate has now been open for over two years. It had been opened for over a year at the time the Tax Delinquent notice was mailed out. There has been no filing of an explanation for the delay at any time from the Personal Representative, or the Estate Attorney, nor has there been any additional accounting filed with the Probate Court. This is a strong indicator that the Personal Representative and the Estate Attorney has had a passive role in the administration of the estate, as well as the Probate Court, for the court's inaction when Ms. Bryant had warned the Probate Court that the property taxes had not been paid, that is required to supervise the estate.

In summary, clearly there have been Due Process Constitutional violations throughout this process that Ms. Bryant has experienced. Ms. Bryant being denied the right to object and appeal prevents the merits of this case from being reviewed by the state courts, when other equal state and federal courts conflict with these holdings under either the same or similar circumstances. Ms. Bryant is a citizen of another state than the Defendant, which invokes United States Constitution, Article III, Section 2 (U.S. Const. art. III, § 2). There is a need nationally for Beneficiary/Heirs to have remedies available when state courts give the appearance of undermining those said rights.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,

_____

Date: August 14, 2023