

No.

23-079

FILED

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SUPREME COURT, U.S.

ORIGINAL

In The
Supreme Court of the United States

GENE RECHTZIGEL,

Petitioner,

v.

GREEN VALLEY DEVELOPMENT, LLP,
TERRY BUCHANAN, and JOSH SAVAGEAU,

Respondents.

On Petition For A Writ Of Certiorari
To The State Of Minnesota
In Court Of Appeals

PETITION FOR A WRIT OF CERTIORARI

GENE RECHTZIGEL
Self-Represented Litigant
Petitioner
6533 160th Street West
Apple Valley, MN 55124
(612-618-0780)

QUESTIONS PRESENTED

- I. Did the State Courts of Minnesota deprive Petitioner of Liberty, Due Process of Law, United States Constitutional Rights, Minnesota Constitutional Rights, and Statutory Rights to Determine Boundaries and Title to certain Land?
- II. Did the State Courts of Minnesota deprive Petitioner from ever having a Full and Fair Trial by Jury under Minn. Statutes 559.23-25 and Minn. Statutes 541.02, while the action is ripe, by having the complaint hereby Dismissed with Prejudice?
- III. Did the State Courts of Minnesota deprive Petitioner of property by rejecting the 60 years old (North-South) possession/usage/fence line as shown to be the true boundary line, on the face of the earth, according to the ArcGIS Web Map, as compiled by the Federal Bureau of Land Management?

RELATED CASES

In re the Matter of the Application of Gene Rechtzigel, Pro Se, To Determine Boundary and Title to Certain Land. State of Minnesota in Supreme Court, Docket #: A23-0790. Order denying review entered on September 19, 2023.

In re the Matter of the Application of Gene Rechtzigel, Pro Se, To Determine Boundary and Title to Certain Land. State of Minnesota in Court of Appeals, Docket #: A23-0790. Final judgment entered on June 27, 2023.

In re the Matter of the Application of Gene Rechtzigel, Pro Se, To Determine Boundary and Title to Certain Land. State of Minnesota, County of Anoka, District Court, Tenth Judicial District, Docket #: 02-CV-21-4908. Final judgment entered on March 30, 2023.

PARTIES TO THE PROCEEDING

The Petitioner in this case is “Gene Rechtzigel,” and the Respondents in this case are “Green Valley Development, LLP, Terry Buchanan, and Josh Savageau, and Respondents’ Attorney was Peter Joel Frank, 4770 White Bear Parkway, White Bear Lake, MN 55110, Phone 651-289-6737, 651-426-3249.”

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OPINIONS BELOW

The Order of A23-0790, entered on September 19, 2023, by Minnesota Supreme Court denied review of an SPECIAL TERM ORDER (*Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order is nonprecedential, except as law of the case, res judicata, or collateral estoppel.*) that denied review of the trial court orders that denied this petitioner a Full and Fair Trial to Determine Boundary and Title to Certain Land” under Minn. Statutes 559.23-25, without Due Process of Law.

The Special Term Order of A23-0790, entered on June 27, 2023, by Minnesota Court of Appeals denied review of, trial court case file number 02-CV-21-4908, the March 30, 2023 trial court Judgment (March 27, 2023 Order), and the September 20, 2023 trial court Order, and the April 27, 2022 trial court Judgment (April 20, 2022 Order).

The Order of A22-0909, entered on July 19, 2022, by Minnesota Court of Appeals, stated an appeal of trial court case file number 02-CV-21-4908, is premature and must be dismissed, but may obtain review after district court issues ruling. Appellant’s filing fee for that appeal shall be waived.

The Judgment entered March 30, 2023 (Order entered March 27, 2023) denied Petitioner United States Constitutional Rights, Minnesota Constitutional Rights, and the Right under Minn. Statutes 559.23-25 and Minn. Statutes 541.02, “To Determine Boundary and Title to Certain Land.”

The Order of 02-CV-21-4908, entered September 20, 2022, denied petitioner motion for a change of Venue, denied motion to Remove Judge Thomas R. Lehmann, denied motion for relief pursuant to Minn. R. Civ. P. 60.02, denied motion to stay proceedings pursuant to Minn. R. Civ. P. 62.01, denied motion to stay proceedings pending appeal, and denied all other motions not otherwise addressed.

The Judgment and Order of 02-CV-21-4908, Judgment entered April 27, 2022 (Order entered April 20, 2022), Granted Defendants (Green Valley Development, LLP, Terry Buchanan, and Josh Savageau's) Motion to Dismiss (Rule 12.02(e)) Petitioner's Complaint of Action To Determine Boundary and Title to Certain Land under Minn. Statutes 559.23-25 and Minn. Statutes 541.02. Also the "Amended Notice of Action to Determine Boundary Lines, Minn. Stat. 559.23-25, Practical Location By Acquiescence, and Application of Action to Determine Boundary Lines By Jury Trial, dated Oct. 25, 2021" and any other document filed herein which could be construed a complaint, is hereby **DISMISSED with prejudice**, and the Notice of Lis Pendens recorded in the office of the Anoka County Recorder as document number 2343239.003 is hereby **DISCHARGED**. The Order of 02-CV-21-4908, entered December 30 2021, **DENIED** petitioner's request to Remove Judge Thomas R. Lehmann, **DENIED** Petitioner's motion for a continuance.

JURISDICTION

The judgment/order of the Minnesota Supreme Court was entered on September 19, 2023, from which a timely 90 days for petitioning a Review on Certiorari is by December 18, 2023. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(Amendment V)

“No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use

without just compensation." Petitioner has been deprived of life, liberty, and property without due process of law, and property trespassed upon and Appellant's family injured by the encroaching parties.

(Amendment VII)

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury, shall be preserved. . . ." Petitioner has been denied the right of trial by jury, denied due process, and denied the right of litigation of property line dispute before an unbiased trial court.

(Amendment XIV)

"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." The Petitioner is being deprived of life, liberty, and property, without due process of law and the equal protection of the laws and is motioning, requesting the Court of Appeals for relief under the powers of Minnesota Rule of Civil appellate Procedure 103.03(j) "allowing for additional rights of appeal to be created by statute or under the decisions of our state's appellate courts" to get relief from these injuries, including the bias.

Minnesota Constitution, Article I, Bill of Rights, Sec. 4 Trial by Jury says that, "The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy." Also in Sec. 2 Rights and Privileges, "No member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land or the judgment of his peers. . . ."

Minnesota Constitution, Article I, Sec. 8 Redress of Injuries or Wrongs says that, "Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive to his person, property, or character, and to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformable to the laws."

Minnesota Constitution, Article I, Sec. 7, says that, "No person shall . . . be deprived of life, liberty, or property without due process of law."

Minnesota Statute 645.17 Presumptions In Ascertaining Legislative Intent says that, "(3) the legislature does not intend to violate the Constitution of the United States or of this state."

Minnesota Statutes 559.23 ACTION TO DETERMINE BOUNDARY LINES, states, "An action may be brought by any person owning land or any interest therein against the owner, or persons interested in adjoining land, to have the boundary lines established; and when the boundary lines of two or more tracts depend upon any common point, line, or landmark, an

action may be brought by the owner or any person interested in any of such tracts, against the owners or persons interested in the other tracts, to have all the boundary lines established. The court shall determine any adverse claims in respect to any portion of the land involved which it may be necessary to determine for a complete settlement of the boundary lines, and shall make such order respecting costs and disbursements as it shall deem just. The decree of the court shall be filed with the court administrator, and a certified copy thereof shall be recorded in the office of the county recorder or in the office of registrar of titles or both, if necessary; provided that such decree shall not be accepted for such recording or filing until it shall be presented to the county auditor who shall enter the same in the transfer record and note upon the instrument over the auditor's official signature the words "ENTERED IN THE TRANSFER RECORD."

Minnesota Statutes 559.24 PLEADINGS, *states*, "Such actions shall be governed by the rules governing civil actions, except as herein otherwise provided, but every allegation in every answer shall be deemed in issue without further pleading. When in any such action it appears to the court that any owner, lien holder, or person interested in any of the tracts involved ought, for a full settlement and adjudication of all the questions involved, to be made a party, the court shall stay the proceedings and issue an order requiring such persons to come in and plead therein within 20 days after service of the order, which shall be served upon

them in the same manner as a summons in a civil action. Any person so served who shall fail to file an answer within 20 days thereafter shall be in default. All pleadings or copies thereof shall be filed before such order is made. The court may also, in its discretion, in like manner, order the owners and persons interested in other tracts than those originally involved to come in and plead, in which case the order shall describe such additional tracts, and state that the purpose of the action is to establish the boundary lines thereof."

Minnesota Court Rule 38. Jury Trial of Right, Rule 38.01 Right Preserved. In actions for the recovery of money only, or of specific real or personal property, the issues of fact shall be tried by a jury, unless a jury trial is waived or a reference is ordered. "*constitutionally protected right to a jury trial. See Schweich v. Ziegler, Inc.*, 463 N.W.2d 722 (Minn. 1991)."

Minnesota Statutes 559.25 JUDGMENT; LAND-MARKS, states, "The judgment **shall** locate and define the boundary lines involved by reference to well-known permanent landmarks, and if it shall be deemed for the interest of the parties, after the entry of judgment, the court may direct a competent surveyor to establish a permanent stone or iron landmark in accordance with the judgment, from which future surveys of the land embraced in the judgment shall be made. Such landmarks shall have distinctly cut or marked thereon "Judicial Landmark." The surveyor shall make report to the court, and in the report shall

accurately describe the landmark so erected, and define its location as nearly as practicable.”

STATEMENT OF THE CASE

This Petition is desperately seeking a Writ of Certiorari to Declare that Petitioner is entitled (under the United States Constitution, under the Minnesota Constitution, and under Minnesota Statutes, specifically under Minn. Statutes 559.23-25 and Minn. Statutes 541.02), to Determine Boundary And Title to Certain Land, and that the “Amended Notice of Action to Determine Boundary Lines, Minn. Stat. 559.23-25, Practical Location By Acquiescence, and Application of Action to Determine Boundary Lines By Jury Trial, dated Oct. 25, 2021”, is reinstated and ordered to be achieved, accomplished according to Minn. Stat. 559.23-25 and 541.02, without dismissal, but establishing Petitioner’s east (north to south) boundary line according to the Legal Boundary Line of the Federal Bureau of Land Management government survey which is identical to Plaintiff’s possession (usage line, fence line, 60 plus years old Boundary line) that divides the properties between adjacent property owners in compliance with Minn. Stat. 559.23-25 and 541.02, and that also the notice of Lis Pendens be reinstated as an active Lis Pendens in this instant action upon the land in question.

The Petitioner in this case is “Gene Rechtzigel,” and the Respondents in this case are “Green Valley Development, LLP, Terry Buchanan, and Josh Savageau, and Respondents’ Attorney was Peter Joel Frank, 4770

White Bear Parkway, White Bear Lake, MN 55110,
Phone 651-289-6737, 651-426-3249.”

The Petitioner states that Respondents are adjoining landowners who are trespassing across the Legal Boundary Line of the Federal Bureau of Land Management government survey which is identical to Plaintiff’s possession (usage line, fence line, 60 plus years old Boundary line) that divides the properties between adjacent property owners.

The Petitioner states that Respondents are not only trespassing, but are damaging Petitioner’s property by tearing down the no trespassing signs, cutting down trees, building new unjust, unlawful roads into a protected lowlands swamp, tearing apart and damaging the landmarks of the Legal Boundary Line of the Federal Bureau of Land Management government survey which is identical to Plaintiff’s possession (usage line, fence line, 60 plus years old established Boundary line), and creating a false police report of projection stating my son in-law was trespassing, when my son in-law was not, but staying on Petitioner’s side of the Legal Boundary Line of the Federal Bureau of Land Management government survey (which is identical to Plaintiff’s possession usage line, fence line, 60 plus years old Boundary line).

The Petitioner states that Respondent started this trespassing damage and illegal activity after the trial court issued the judgment and order of 02-CV-21-4908, judgment entered April 27, 2022 (order entered April 20, 2022), granting Respondents (Green Valley Development, LLP, Terry Buchanan, and Josh Savageau’s)

motion to Dismiss (Rule 12.02(e)) Petitioner's Complaint of Action To Determine Boundary and Title to Certain Land under Minn. Statutes 559.23-25 and Minn. Statutes 541.02, which was "**DISMISSED with prejudice**, and the Notice of Lis Pendens recorded in the office of the Anoka County Recorder as document number 2348239.003 is hereby **DISCHARGED.**"

The Petitioner states the FACTS are as stated from parts of Petitioners Reply Brief dated February 9, 2023:

1. There is a controversy, dispute between Petitioner and Respondents.
2. The North-South Boundary Line (60 years old possession/usage/fence line between Petitioner's land and Respondents land is shown on the ArcGIS Web Map oldie Federal Bureau of Land Management (See Exhibit B, C, D).
3. Respondents have acknowledge ("*Green Valley has owned the property for only eight years, less than the fifteen years required for the statute of limitations to run.*" {Buchanan Dec. Ex. A}) no claim to Petitioner's land, under Minn. Statutes 559.23-25 and Minn. Statutes 541.02, on the west side of 60 years old possession/usage line/fence line as shown by the ArcGIS Map of the Federal Bureau of Land Management (See Exhibit B, C, D).
4. Respondents knowingly commingled Petitioner's land (without Petitioner's knowledge or approval) with Respondents land "*owned by Green Valley*" and was "*before the City Council in the City of St. Francis seeking multiple land use approvals, including variance,*

rezoning, and preliminary plat approvals. Green Valley is seeking approval from the City of St. Francis to subdivide the property and add single family housing." (As stated on page 2 of Respondents "Memorandum of law supporting Motion to Dismiss" in second paragraph under "Background.")

5. Respondents knowingly misrepresented themselves to the City Staff of the City of Saint Francis, falsely claiming Respondents owned all the land in the preliminary plat that Respondents were seeking approvals for, but some of Petitioner's land was being commingled with Respondent's land.
6. Respondents knowingly did not do a retracement survey of the property line (of the 60 year old possession line/usage line/fence line, separating Petitioner's land from Respondent's land.
7. Respondents unlawfully trespassed onto Petitioner's land trying to unlawfully subdivided Petitioner's land and created a fraudulent preliminary plat that Respondents sought to be approved by the City of Saint Francis.
8. Petitioner (Rechtzigel) "*appeared at Multiple City of St. Francis Planning Commission meeting in opposition to **Green Valley's proposal to develop its property***" exposing the fraud that Respondents (Green Valley) was indeed fraudulently developing Petitioner's property, and the City Council of Saint Francis rejected, voted no to Respondents proposal to develop the Green Valley property, that was

commingled with Petitioner's property. (As stated on page 2 of Respondents "Memorandum of law supporting Motion to Dismiss" in second paragraph under "Background.")

9. Respondents have misleadingly, falsely, and fraudulently stated to the police (*"On May 23, 2022, at approximately 12:14 PM, Officer Hearn received a vmm from TLM, dob 1/14/1975, who advised he has as a year long dispute over his property and recently the court determined the boundaries and determined the property at 6500 Ambassador Blvd NW, St. Francis, Anoka County, Minnesota, is in fact his property"*) [taken from statement of probable cause, Court File No. 02-CR-22-3440, 9/15/2022 11:09:38 complaint summons {Tab Charge/Citation Previously Filed} State of Minnesota County of Anoka]).
 - a. Respondents admitted *"he has had a year long dispute over his property."*
 - b. Respondents misleadingly, falsely, and fraudulently stated, "the court determined the boundaries."
 - c. The April 27, 2022 Judgment only dismissed the Determination of Boundary and Title to Certain Land Action under Minn. Statutes 559.23-25, which only allows the boundary dispute to continue.
 - d. Dismissing the Minn. Statutes 559.23-25 "Determination of Boundary and Title to Certain Land Action does NOT

“Determine the Boundaries,” but only allows the boundary dispute to continue.

- e. Dismissing the Minn. Statutes 559.23-25 “Determination of Boundary and Title to Certain Land Action” does NOT grant the property in dispute to be a Determined but only allows the boundary dispute to continue.
- f. Respondents misleading statements, false statements, and fraudulent behavior has injured Petitioner and Petitioner’s family members, and Constitutional Rights under the Minnesota and United States Constitution.
- g. Petitioner and Petitioner’s family members have only walked and worked on their own land (See Exhibit B, C, D), and according to the North-South Boundary Line (60 years old possession/usage/fence line between Petitioner’s land and Respondents land as shown on the ArcGIS Web Map of the Federal Bureau of Land Management (See Exhibit B, C, D).

Respondents put fraud upon the court and created an unjust, unconstitutional, unlawful, April 27, 2022 judgment, and a March 30, 2023 judgment that Respondents used and are maliciously using to injure Petitioner, and Petitioner’s family with and unlawfully are violating Plaintiff’s possession rights, property rights, and constitutional Liberty rights by NOT lawfully doing the Minnesota Statutory 559.23-25; 541.02, Determination of Boundary and Title to Certain Land

Action, and doing the required Retracement Survey (between different owners) on the face of the earth, establishing ground truth (60 year old possession line acknowledges title truth).

There is a boundary dispute and the lawful way to settle the dispute is for the court to grant a Full and fair trial, in this instant case for the first time, on the merits, with a trial by Jury as follows:

559.23 ACTION TO DETERMINE BOUNDARY LINES, states, "An action may be brought by any person owning land or any interest therein against the owner, or persons interested in adjoining land, to have the boundary lines established; and when the boundary lines of two or more tracts depend upon any common point, line, or landmark, an action may be brought by the owner or any person interested in any of such tracts, against the owners or persons interested in the other tracts, to have all the boundary lines established. The court shall determine any adverse claims in respect to any portion of the land involved which it may be necessary to determine for a complete settlement of the boundary lines, and shall make such order respecting costs and disbursements as it shall deem just. The decree of the court shall be filed with the court administrator, and a certified copy thereof shall be recorded in the office of the county recorder or in the office of registrar of titles or both, if necessary; provided that such decree shall not be accepted for such recording or filing until it shall be presented to the county auditor who shall enter the same in the transfer record and note upon the instrument over the auditor's official

signature the words "ENTERED IN THE TRANSFER RECORD.""

559.24 PLEADINGS, *states*, "Such actions shall be governed by the rules governing civil actions, except as herein otherwise provided, but every allegation in every answer shall be deemed in issue without further pleading. When in any such action it appears to the court that any owner, lien holder, or person interested in any of the tracts involved ought, for a full settlement and adjudication of all the questions involved, to be made a party, the court shall stay the proceedings and issue an order requiring such persons to come in and plead therein within 20 days after service of the order, which shall be served upon them in the same manner as a summons in a civil action. Any person so served who shall fail to file an answer within 20 days thereafter shall be in default. All pleadings or copies thereof shall be filed before such order is made. The court may also, in its discretion, in like manner, order the owners and persons interested in other tracts than those originally involved to come in and plead, in which case the order shall describe such additional tracts, and state that the purpose of the action is to establish the boundary lines thereof."

Rule 38. Jury Trial of Right, Rule 38.01 Right Preserved. In actions for the recovery of money only, or of specific real or personal property, the issues of fact shall be tried by a jury, unless a jury trial is waived or a reference is ordered, "*constitutionally protected right to a jury trial. See Schweich v. Ziegler, Inc., 463 N.W.2d 722 (Minn. 1991).*"

559.25 JUDGMENT LANDMARKS, states, "The judgment shall locate and define the boundary lines involved by reference to well-known permanent landmarks, and, if it shall be deemed for the interest of the parties, after the entry of judgment, the court may direct a competent surveyor to establish a permanent stone or iron landmark in accordance with the judgment, from which future surveys of the land embraced in the judgment shall be made. Such landmarks shall have distinctly cut or marked thereon "judicial Landmark." The surveyor shall make report to the court, and in the report shall accurately describe the landmark so erected, and define its location as nearly as practicable."

Even the Word of the Lord in Proverbs 23:10, says, "*Remove not the old landmark*" and thus this court should honor Petitioner's "60 years old (North-South) possession/usage/fence line as shown to be the true boundary line, on the face of the earth, according to the ArcGIS Web Map, as compiled by the Federal Bureau of Land Management."

Likewise Proverbs 22:28 states, "*Remove not the ancient landmark, which thy fathers have set*" (See Exhibit B, C, D).

And again the Word of the Lord states, "*Thou shalt not remove thy neighbour's landmark, which they of old time have set.*"

God gives a warning to the Respondents, in this case, in Deuteronomy 27:17, "Cursed be he that removeth

his neighbour's landmark. And all the people shall say, Amen."

Respondents have put fraud upon the court and created an unjust, unconstitutional, unlawful, April 27, 2022 judgment, and March 30, 2023 Final judgment that Respondents have and are maliciously using to injure Petitioner, and Petitioner's family with, while unlawfully violating Petitioner's possession rights, property rights, and constitutional liberty rights by NOT lawfully allowing the Minnesota Statutory 559.23-25; 541.02, Determination of Boundary and Title to Certain Land Action be done and refusing to do the required Retracement Survey (between different and owners) on the face of the earth, establishing ground truth (60 year old possession line and title truth).

REASONS FOR GRANTING THE PETITION

I. Did the State Courts of Minnesota deprive Petitioner of Liberty, Due Process of Law, United States Constitutional Rights, Minnesota Constitutional Rights, and Statutory Rights to Determine Boundaries and Title to certain Land? YES

Please take notice that the above-named Petitioner Gene Rechtzigel, prays and moves the Court of Appeals of Minnesota for order granting the "Briefing" and "Review" of Appellate Court Case Number A23-0790, so the merits and questions, "To Determine Boundary And Title to Certain Land" in Dispute and

in Controversy can be litigated fully and fairly under Minn. Statutes 559.23-25, 541.02, as a right granted to Petitioner under the Minnesota Constitution and United States Constitution.

a. Did the time to appeal the April 27, 2022 Judgment of dismissal expire on November 23, 2023? NO

1st. There are court orders, and judgments in this instant case, but only **One Final Judgment, dated March 30, 2023**, upon which all orders and judgments are reviewable by the Minnesota Court of Appeals. The March 30, 2023, Judgment is an inclination of the court, to prevent a predisposition, so there be no misunderstandings, that all orders and judgments in this case are appealable before the Minnesota Court of Appeals.

2nd. In this instant civil case file No. 02-CV-21-4908, Petitioner led all postdecision tolling motions timely, as the May 27, 2022 motion was a proper and timely tolling motion, under Minn. R. Civ. App. P. 104.01, subd. 2, but was only premature for making an Appeal to the Court of Appeals, as the Minnesota Court of Appeals stated in its July 19, 2022 Order A22-0909, thus, giving Petitioner a waived filing fee “for any such future appeal, if filed.”

3rd. The May 27, 2022 and October 24, 2022 motions were proper and timely filed to continue the postdecision tolling unto March 30, 2023, which tolled the April 27, 2022 order/judgment, September 20, 2022

order dated September 21, 2022, and March 27, 2023 order into dependency within the March 30, 2023 Final Judgment (Note: “[T]he appeal from a final judgment draws in question all prior non-final orders and rulings that produced the judgment.” *Kong v. Allied Prof’l Ins. Co.*, 750 F.3d 1295, 1301 (11th Cir. 2014)) Which is what the March 30, 2023 Final Judgment does divest the district court of jurisdiction to dispose of the motion, and allow an Appeal, that is not premature, to be made of all orders and judgment included (See *Kong v. Allied Prof’l Ins. Co.*, 750 F.3d 1295, 1301 (11th Cir. 2014); and *In re Yormak*, 640 B.R. 491 (2022)) in the Final Judgment of March 30, 2023 which only can divest court of jurisdiction to dispose of the motion under Minn. R. Civ. App. P. 104.01, subd. 2 which states, thus, Petitioner’s used the July 19, 2022 ORDER A22-0909 to waive the filing fee as stated in the order, “*Appellant’s filing fee for that appeal shall be waived. Appellant shall file a copy of this order with the appeal documents for any such future appeal, if filed.*”

4th. The October 24, 2022 tolling motion (Index #163, #164, #165, #166, & #167) were comprehensive, proper, filed timely and served timely, in giving the trial court the comprehensive opportunity to correct the record of findings of law and fact, by vacating the void judgment for lacking personal and subject matter jurisdiction, and for denying Petitioner due process of law, in revealing the new discoveries of law that apply to the new circumstances of facts, bringing light, of the unlawfulness of Respondents trespasses that committed injury-in-fact upon Petitioner’s family and land as

described and stated within these following motions, within the record:

MRCP RULE 59.03 to permit a trial on the merits (the court appeared to conducted a trial of the facts [without trial by jury] without having a trial under Minn. Statutes 559.23,24,25, which voids the judgment (*“Judgment is generally void if court acted in manner inconsistent with due process of law. U.S. Const. Amend. 6,” In re Yormak, 640 B.R. 491 (2022)*) was “a violation of due process” in denying “the importance of ensuring that litigants have a full and fair opportunity to litigate a dispute. Fed. R. Civ. P. 60(b)(4).” *In re Smith, 622 B.R. 26 (2020)*). Rule 59.01 grants grounds for a trial to Petitioner for cause of irregularity in the proceedings denying Petitioner of the due process of law providing for a trial, or trial by jury, or irregularity caused by prevailing party, or by any order or abused of discretion, whereby the moving party was deprived of a fair trial, or material evidence newly discovered, or excessive damages appearing under the influence of passion or **prejudice** (the judgment against Petitioner is with prejudice), or “*the verdict, decision is not justified by the evidence, or is contrary to law . . . on motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions and direct entry of a new judgment, Rule 59.01*”;

MRCP Rule 15.02 amend of pleadings to conform to the evidence, as the motions brought forth the incredible depth of the dispute and brought clarity to the controversy of how Respondents are putting fraud upon the court, and unlawfully trespassing while fraudulently including a strip of Petitioner's land in their development plan, without buying the land from Petitioner. Justice so requires that Petitioner's motion, "*be made upon motion of any party at any time even, after judgment*" that pleadings conform to the evidence of Petitioner's Federal Bureau of Land Management government survey north-south line, which is identical to Petitioner's possession, usage, old fence Boundary line of more than 60 years, and not to Respondents fraudulent evidence put upon the court that "*would prejudice maintenance of the action.*" Rule 15.02."

MRCP Rule 52.02 to Amend of Findings as the court's findings in its memorandums of law dated April 27, 2022, dated September 20, 2022, and dated March 27, 2023 are contrary to the evidence, contrary to the facts, and contrary to common law, contrary to statutes 559.23, 24, 25, and contrary to the U.S. Constitution and Minnesota Constitution.

MRCP Rule 60.01 gave the trial court an easy-out opportunity to change the orders, judgment by removing the prejudice from the trial court decisions for reasons of clerical mistakes, oversight, or omission by own initiative or on the motion of any party, or even

“during pendency of an appeal . . . with leave of the appellate court.”

MRCP Rule 60.02 Motion gave the trial court the balance of serving the ends of justice as Petitioner deserves to be granted the Minnesota and U.S. Constitution right to a trial by jury, being granted due process to be heard and be allowed to litigate the dispute, the facts, the claims, and issues under Minn. Statutes 559.23, 24, 25 fully and fairly, trial by jury. This Rule (60.02) does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding . . . or to set aside a judgment for fraud upon the court.”

MRCP Rule 62.01 motion was made pursuant to the motion of Rule 59, the motion of Rule 52.02, and for new exhibits, new comprehensive facts and common laws specifically applied grounded upon the Minnesota and U.S. Constitutional Rights granted to Petitioner to preserve the status quo.

5th. It was common knowledge that the final judgment was to come from the comprehensive October 24, 2022 tolling motion that produced the March 30, 2023 Final Judgment, “[T]he appeal from a final judgment draws in question all prior non-final orders and rulings that produced the judgment.” *Kong v. Allied Prof’l Ins. Co.*, 750 F.3d 1295, 1301 (11th Cir. 2014).

6th. The case, *Carlson v. Panuska*, 555 N.W.2d 746 (Minn. 1996), is a pretext, taken out

context, that has no lawful application in this instant, A23-0790, appeal because:

- i. The *Carlson v. Panuska* case is a default judgment against a defendant.
- ii. Defendant Panuska committed willful discovery abuses and violations.
- iii. The trial court's decision in *Carlson v. Panuska* "was based" on defendant's abuses and violations (page 2, second paragraph of opinion, *Carlson v. Panuska*, 555 N.W.2d 746 (Minn. 1996)).
- iv. "What is a reasonable time to challenge a default judgment is determined in each case by considering the facts and circumstances before the court. 48 M.S.A., Rules Civ. Proc., Rule 60.02(4)," (*Lyon Financial Services, Inc. v. Waddill*, 625 N.W.2d 155 (2001)).
- v. "Default judgments are to be "liberally" re-opened to promote resolution of cases on the merits," (*Lyon Financial Services, Inc. v. Waddill*, 625 N.W.2d 155 (2001)).
- vi. Preclusion not available where there was not "a final judgment on the merits" or the estopped party was not "given a full and fair opportunity to be heard on the adjudicated issues," (*Lyon Financial Services, Inc. v. Waddill*, 625 N.W.2d 155 (2001)).
- vii. "Under full faith and credit, a judgment in one state is **conclusive on the merits** in, every other state, but only if the court

*of the first state had **jurisdiction** to render the original judgment, U.S.C.A. Const. Art. I,” (Lyon Financial Services, Inc. v. Waddill, 625 N.W.2d 155 (2001).*

- viii. In 02-CV-21-4908, Respondent defaulted on answering the complaint.
- ix. In 02-CV-21-4908, Respondent failed to timely submit memorandum to dismiss.
- x. In 02-CV-21-4908, court lacked subject matter jurisdiction to dismiss with prejudice.
- xi. In 02-CV-21-4908, court lacks personal jurisdiction, Respondents untimely.
- xii. In 02-CV-21-4908, court lacked jurisdiction to dismiss with prejudice under Minn. Statutes 559.23, 24, 25, under common law, and under the Minnesota and U.S. Constitution.
- xiii. In 02-CV-21-4908, court’s judgment of dismissal, against Appellant with prejudice is void because “issuing court lacked jurisdiction over the subject matter, lacked personal jurisdiction over the parties through a failure of service that has not been waived and acted in a manner inconsistent with due process,” (Lyon Financial Services, Inc. v. Waddill, 625 N.W.2d 155 (2001).
- xiv. In *Lyon Financial Services, Inc. v. Waddill*, 625 N.W.2d 155 (2001), “an involuntary satisfaction of a judgment did not

render the case moot and the district court improperly denied appellant's motion to vacate . . . we remanded to allow the district court to address the merits of appellant's motion to vacate."

- xv. In *Lyon Financial Services, Inc. v. Waddill*, 825 N.W.2d 155 (2001), "*The district court improperly dismissed appellant's motion to vacate the original Minnesota default judgment because the issues of personal service and personal jurisdiction were not fully and fairly litigated in the California court. Appellant's Minnesota motion to vacate was timely filed.*"
- xvi. In the interest of Justice and in seeking full and fair Justice (trial by Jury) for Petitioner " . . . for other good cause shown, the Supreme Court or the Court of Appeals, except as otherwise provided in Rule 126.02, may suspend the requirements or provisions of these rules on application of a party or on its own motion and may order proceedings in accordance with its direction." Under Civil Appellate Procedure Rule 102.

b. Is the March 30, 2023 judgment denying Petitioner's second postdecision motion for relief independently appealable?

First, and foremost, the March 30, 2023 Final Judgment is the Final Judgment upon which all the

orders of this Civil Case File No. 02-CV-21-4908 is reviewable, “*[T]he appeal from a final judgment draws in question all prior non-final orders and rulings that produced the judgment.*” *Kong v. Allied Prof’l Ins. Co.*, 750 F.3d 1295, 1301 (11th Cir. 2014).” “defining a final order as one that ends the proceeding as far as the court is concerned or that finally determines some positive legal right of appellant relating to the action, *In re Estate of Janecek*, 610 N.W.2d 638, 642 (Minn. 2000).”

Secondly, Rule 60.02, “*does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceeding or to set aside a judgment for fraud upon the court.*”

Thirdly, Under Civil Appellate Procedure Rule 103.03, including (g), Petitioner has a substantial right to have the Judge of the trial court be of one, who shall perform judicial duties without bias or prejudice. *State of Minnesota, Respondent v. Leo Ketterer, Relator*, 244 Minn. 127, 69 N.W.2d 115 March 4, 1955, Supreme Court of Minnesota, “*No judge should hear a case if a litigant has reason to believe that judge is biased or prejudiced, even in the absence of statute disqualifying him, where there is another judge who can hear the case, and such rule applies to a municipal judge.*” *In re Hormel’s Trusts*, 282 Minn. 197, 163 N.W.2d 844, December 27, 1968, Supreme Court of Minnesota, “*Where a judge’s impartiality is questioned, to avoid any suspicion of favoritism, all doubt concerning compliance with the rules should be resolved in favor of his disqualification.*” *Jones v. Jones*, 242 Minn. 251, 264, 64

N.W.2d 508, 516.” In *Payne v. Lee*, 222 Minn. 269, 24 N.W.2d 259, July 5, 1946, Supreme Court of Minnesota, “A judge’s failure to recognise bias as a ground of disqualification is an abuse of discretion and a violation of the Bill of Rights providing that every person ought to obtain justice freely and without purchase, completely and without denial.” “The failure to provide a litigant a fair and impartial tribunal before which to adjudicate his private rights is a violation of the due process clause of the Fourteenth Amendment.” “Bias disqualifies a judge whether it is born of a selfish or pecuniary interest in the outcome of the suit or of an overpowering personal spleen directed toward one of the litigants.” “The cause of a judge’s bias is immaterial and bias from any cause which deprives a judge of his impartial status is enough to disqualify him.” The Court further said, “(12 Idaho 563, 86 P. 533, 10 Ann.Cas. 262); ‘ * * * For it cannot be maintained that a judge who is biased or prejudiced in a case on trial before him can administer justice without prejudice. Disregarding said provisions of the Constitution, the ordinary principles of right and justice prohibit or disqualify a judge from trying a case in which he is prejudiced for or against either of the parties to the suit. This provision of the Constitution cannot be brushed aside by saying that it is a mere maxim of the law and means nothing. For the principle therein expressed is one of the foundation stones of our judicial system and jurisprudence, and could not be removed without shattering the entire system.’ ”

Fourthly, Petitioner believes under these United States Constitutional grounds personal injury has occurred and this appeal is justified:

(Amendment I) "Congress shall make no law respecting an establishment of religion, prohibiting the free exercise thereof; or abridging the freedom of speech or the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." Minnesota Courts have denied Petitioner the 1st Amendment Right to petition the Government for a redress of grievances.

(Amendment V) "No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation." Petitioner has been deprived of life, liberty, and property without due process of law, and property trespassed upon and Appellant's family injured by the encroaching parties.

(Amendment VII) "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. . . ." Petitioner has been denied the right of trial by jury, denied due process, and denied the right of litigation of property line dispute before an unbiased trial court.

(Amendment XIV) "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." The Petitioner is being deprived of life, liberty, and property, without due process of law and the equal protection of the laws and is motioning, requesting the Court of Appeals for relief under the powers of Minnesota Rule of Civil Appellate Procedure 103.03(j) "allowing for additional rights of appeal to be created by statute or under the decisions of our state's appellate courts" to get relief from these injuries, including the bias.

II. Did the State Courts of Minnesota deprive Petitioner from ever having a Full and Fair Trial by Jury under Minn. Statutes 559.23-25 and Minn. Statutes 541.02, while the action is ripe, by having the complaint hereby Dismissed with Prejudice? YES

The Minnesota Statutes state in Minnesota Statute 645.17 Presumptions In Ascertaining Legislative Intent says that, "(3) the legislature does not intend to violate the Constitution of the United States or of this state." The Minnesota legislature does not intend to prejudice a Statutory Action or Case which would violate the United States Constitution, Minnesota Constitution and Minnesota Statutes, and neither should the Minnesota Courts in Civil File No. 02-CV-21-4908 have Dismissed with Prejudice this instant Action/Case under Minnesota Statutes 559.23-25 and Minn. Statutes 541.02.

A dismissal for lack of subject-matter jurisdiction is not an adjudication on the merits, and the dismissal is therefore made without prejudice to the right of the party to bring it in a court having proper jurisdiction, and an interlocutory appeal raising the issue of subject matter jurisdiction is immediately appealable. See *McGowan v. Our Savior's Lutheran Church*, 527 N.W.2d 830 (Minn. 1995); *Odenthal v. Minnesota Conference of Seventh-Day Advents*, 632 N.W.2d 783 (Minn. Ct. App. 2001).

One must look to the constitution and statutes of the state to see whether the court has been given the authority by the constitution and legislative body. See *Marzitelli v. City of little Canada*, 582 N.W.2d 904, 907 (Minn. 1998). Under the Minnesota Constitution, Petitioner is given the authority to be given a Full and Fair Trial by Article I, Sec. 8 Redress of Injuries or Wrongs says that, "Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive to his person, property, or character, and to obtain justice freely and without purchase, completely and without denial, promptly and without delay, conformable to the laws."

Minnesota Statutes 559.23-25 and 541.02 gives Petitioner subject matter jurisdiction of the court to conduct a trial of the merits to determine boundary and title to certain land.

Discovery on jurisdictional matters is available in district court practice in Minnesota if needed. See, e.g., *Trans World Airlines, Inc. v. Hughes*, 214 F. Supp. 106

(S.D. N.Y. 1963). Petitioner was denied all types of discovery, and denied a trial on the merits.

III. Did the State Courts of Minnesota deprive Petitioner of property by rejecting of 60 years old (North-South) possession/usage/fence line as shown to be the true boundary line, on the face of the earth, according to the ArcGIS Web Map, as compiled by the Federal Bureau of Land Management? YES

a. Motion to amend the pleadings to conform to the evidence (MRCP Rule 15.02)

- i. Even the Word of the Lord in Proverbs 23:10, says, *"Remove not the old landmark"* and thus this court should honor Plaintiff's "60 years old (North-South) possession/usage/fence line as shown to be the true boundary line on the face of the earth, according to the ArcGIS Web Map, as compiled by the Federal Bureau of Land Management."
- ii. Likewise Proverbs 22:28 states, *"Remove not the ancient landmark, which thy fathers have set."*
- iii. And again the Word of the Lord states, *"Thou shalt not remove thy neighbour's landmark, which they of old time have set."*
- iv. God gives a warning to the Defendants, in this case, in Deuteronomy 27:17, *"Cursed be he that removeth his neighbour's landmark and all the people shall say, Amen."*
- v. Respondents have no lawful stakes, Respondents have no lawful survey, Respondents have no lawful

theory of law, not under Minn. Statutes 541.02, and not under 559.23-25, so have no claim. As such this court should conform all the pleadings to Petitioner's evidence of the "60 years old (North-South) possession/usage/fence line as shown to be the true boundary line, on the face of the earth, according to the ArcGIS Web Map, as compiled by the Federal Bureau of Land Management."

- vi. The pleadings should conform to the facts stated in Facts 1 through 13 previously stated above and incorporated, and that except for Respondents square of land, the 60 years of Petitioner's possession of the driveway/usage line/fence line running between Petitioner's land and Respondent's land is the true boundary line as shown on the ArcGIS Web Map of the Federal Bureau of Land Management (See Exhibit B, C, D)."

b. Motion to amend the findings (MRCP Rule 52.02) should also state that except for Respondents square of land, the 60 years of Petitioner's possession of the driveway/usage line/fence line running between Petitioner's land and Respondent's land is the true boundary line as shown on the ArcGIS Web Map of the Federal Bureau of Land Management

- i. That the findings are amended to incorporate the facts stated in Facts 1 through 13 previously stated above.

- ii. That the Notice of Lis Pendens according to Minn. Statutes 557.02 is a statutory creature that shows outwardly what is really going on with the interests of property in Court and should not be dismissed until the court action are overripe or finished. In this case the notice of lis pendens needs to be reinstated and a Trial by Jury should be conducted on the merits of the underlying case, because a Judgment or order only becomes final after the appellate process is terminated as stated in *Dixon v. Depositors Insurance Company*, 619 N.W.2d 752 (Court of Appeals of Minnesota 2000) saying at 756, “*An order or judgment becomes final after the appellate process is terminated or the time for appeal has expired.*” *State Farm Mut. Auto Ins. Co. v. Sparta*, 588 N.W.2d 173, 175 (Minn. App. 1999).”
- iii. Petitioner’s possession and Petitioner’s Predecessors possession of the driveway/usage line/fence line running between Petitioner’s land and Respondents land is the true boundary line as shown on the ArcGIS Web Map of the Federal Bureau of Land Management, as likewise stated in the case of *Aldrich v. Wilson, Jr.*, 120 N.W.2d 849, 265 Minn. 150 (Supreme Court of Minnesota 1963) saying, “*The trial court’s conclusion on this issue is further substantiated by the record, from which it appears that the fence marking the eastern boundary of the property has been in existence for more than 30 years and had been recognized as the eastern boundary of the property by the owners and their respective predecessors during that time.*”
- iv. Respondents Certificate of Survey is a fraud (See Exhibit K), it is null and void because:

1. It disclaims, refuses to acknowledge the property line, denies property line.
 2. It disclaims, refuses to acknowledge where the title is, and whose title? Denies title work.
 3. It disclaims, refuses to acknowledge the easement, denies easement.
 4. It disclaims, refuses to acknowledge, denies the appurtenances of the property.
 5. It disclaims, refuses to acknowledge the encumbrances of the property, denies encumbrances.
 6. It disclaims, refuses to acknowledge attorneys title opinion, denies attorney title opinion.
 7. It disclaims, refuses to acknowledge title insurance commitment, and denies title insurance commitment.
 8. It commingles Respondents' Green Valley property with Petitioner's property.
- v. Respondents Preliminary Plat (See Exhibit I) (Green Valley Preserve Second Addition) is a fraud because:
1. It disclaims, refuses to acknowledge the property line, denies property.
 2. It disclaims, refuses to acknowledge where the title is, and whose title? Denies title work.
 3. It disclaims, refuses to acknowledge the easement, denies easement.

4. It disclaims, refuses to acknowledge, denies the appurtenances of the property.
 5. It disclaims, refuses to acknowledge the encumbrances of the property, denies encumbrances.
 6. It disclaims, refuses to acknowledge attorneys title opinion, denies attorney title opinion.
 7. It disclaims, refuses to acknowledge title insurance commitment, and denies title insurance commitment.
 8. It commingles Respondents Green Valley property with Petitioner property.
- vi. The Anoka County Parcel Viewer misrepresents, can cause fraud, and will cause fraud (because landowners property boundaries and title lines are on the face of the earth, on the ground), if used as a legal document, substituted for a title search, substituted for an appraisal, substituted for a survey, and/or substituted for a zoning verification, because:
- i. The Anoka County Parcel Viewer has a Disclaimer which says:
 1. "Disclaimer:"
 2. "accuracy is not guaranteed."
 3. "This is not a legal document."
 4. "This is not a legal document and should not be substituted for a title search."
 5. This is not a legal document and should not be substituted for a . . . appraisal."

6. "This is not a legal document and should not be substituted for a . . . survey."
7. "This is not a legal document and should not be substituted for . . . zoning verification."
- vii. The Anoka County Parcel Viewer misrepresents where landowners property boundary lines are on the face of the earth (on the ground) under Minn. Statutes 559.23-25 and Minn. Statutes 541.02.
- viii. It appears the Anoka County Parcel Viewer has been fraudulently used by Respondents to create their fraudulent Preliminary Plat (See Exhibit J) (Green Valley Second Addition) and their fraudulent Certificate of Survey, which is null and void because it disclaims all survey requirements and facts on the ground used under Minn. Statutes 559.23-25 and Minn. Statutes 541.02, to determine a boundary line.
- ix. Respondents have misleadingly, falsely, and fraudulently stated to the police (*"On May 23, 2022, at approximately 12:14 PM, Officer Heam received a vmm from TLM dob 1/14/1975, who advised he has as a year long dispute over his property and recently the court determined the boundaries and determined the property at 6500 Ambassador Blvd NW, St. Francis, Anoka County Minnesota, is in fact his property"*) [taken from statement of probable cause, Court File No. 02-CR-22-3440, 9/15/2022 11:09:38 complaint summons {Tab Charge/Citation Previously Filed} State of Minnesota County of Anoka)].

- i. Respondents admitted “*he has had a year long dispute over his property.*”
- ii. Respondents misleadingly, falsely, and fraudulently stated, “*the court determined the boundaries.*”
- iii. The April 27, 2022 Judgment dismissed with prejudice the Determination of Boundary and Title to Certain Land Action under Minn. Statutes 559.23-25, which only allows the boundary dispute to continue.
- iv. Dismissing the Minn. Statutes 559.23-25 “Determination of Boundary and Title to Certain Land Action” does NOT “Determine the Boundaries,” but only allows the boundary dispute to continue.
- v. Dismissing the Minn. Statutes 559.23-25 “Determination of Boundary and Title to Certain Land Action” does NOT grant the property in dispute to be a Determined but only allows the boundary dispute to continue.
- vi. Respondents misleading statements, false statements, and fraudulent behavior has injured Petitioner and Petitioner’s family members, and Constitutional Rights under the Minnesota and United States Constitution.
- vii. Petitioner and Petitioner’s family members have only walked and worked on their own land according to the North-South Boundary Line (60 years old possession/usage/fence line between Petitioner’s land and Respondents land as shown on the ArcGIS

Web Map of the Federal Bureau of Land Management.

c. **Motion for relief from judgment/order dated April 27, 2022** (MRCP Rules 60.01, 60.02)

The fraud of Respondents Certificate of Survey, the fraud of Respondents Preliminary Plat, the fraud of Respondents using the Anoka County Parcel Viewer as a legal document, substituted for a title search, substituted for an appraisal, substituted for a survey, and/or substituted for a zoning verification demands that the April 27, 2022 judgment be vacated, as was done in *Village of Savage v. George Allen*, 255 Minn. 73 (1959), Supreme Court of Minnesota (March 13, 1959), stating, "*The representations that were made by defendant in his action . . . and the concealment of the plaintiff's claims and interest . . . constituted a fraud . . . which entitles plaintiff village to a judgment vacating the decree.*"

In this case the notice of lis pendens needs to be reinstated and Trial by Jury on the merits of this underlying case should be granted for Petitioner To Determine Boundary and Title to Certain Land.

CONCLUSION

No greater honor can the United States Supreme Court partake in than that of coming to the rescue of

a Pro Se litigant where the government is stripping away one's Liberty and Property without Due Process of Law. Greatness at work is the greatest, when one helps the helpless in time of need, in being a servant of impartial justice to all, especially unto the self-representative litigant seeking the Constitutional Rights to have and protect one's liberty, property, and due process.

Petitioner's prayer of hope is that a Decision will be given from the United States Supreme Court, that when state courts do fail at providing full and fair impartial justice, and that the promised rights and protections of United States Constitution can still be relied upon to defend and relief the Petitioner of the unjust and unfair Dismissal with prejudice, of the Minnesota State Court Action to Determine Boundary and Title to Certain Land of Petitioner in settling the Boundary Dispute and controversy.

Petitioner's prayer is: That the United States Supreme Court Reversed and Remanded the Court of Appeals of Minnesota and trial court to grant a trial by jury To Determine Boundary and Title to Certain Land of Petitioner, or proclaim the 60 years old (North-South) possession/usage/fence line as shown to be the true boundary line, on the face of the earth, according to the ArcGIS Web Map, as compiled by the Federal Bureau of Land Management.

Accordingly, the United States Supreme Court.
should review the decision of the Minnesota Court of
Appeals, and Trial Court.

Dated: December 18, 2023.

Respectfully submitted,
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