No. 23-8

In The
Supreme Court of the United States

CHRISTOPHER M. HUNT, SR.,

Petitioner,

v.

NATIONSTAR MORTGAGE, DEUTSCHE BANK NATIONAL TRUST COMPANY, JAY BRAY, CEO Nationstar, CHRISTIAN SEWING, CEO Deutsche, ALBERTELLI LAW, et al.,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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ORIGINAL

QUESTIONS PRESENTED

Homeowner as a *whistleblower* has uncovered one of the largest mortgage scams in USA history! Homeowner is winning member of the class action *ROBINSON* (DCMDGreenbelt) on RESPA violations – a subcategory of instant case. It is now proven the white-collar criminal Mortgagees misused taxpayers' bailout monies to buy as many of their caused by Great Recession defaulted mortgage loans as possible at pennies on the dollar. Then, instead of properly helping homeowners save their homes by refinancing, they violated RESPA to compound exponential profits by stealing homes with equity and appreciation while fraudulently writing off tax losses and avoiding taxes and state juries by illegally operating in violation *AMERICAN BANK* . . . U.S. 350 (1921). Court resolving these conflicts and loopholes large enough to drive a house through will help homeowners as did with *JESINOSKI*, etc.

1. Conflict of Binding Service for court jurisdiction and Res Judicata. In the relatively new development of corporations acting as registered agents for summon service, did the USCA11 err by creating a new standard of who qualifies for process of service in violation to Rule 4 Summons that is irreconcilably more lenient than even Bankruptcy Courts? USCA11 ruled modern day legal service companies "can choose whoever they want to receive service" in conflict to historical legally recognized authority service Rule 4. Instant

QUESTIONS PRESENTED – Continued

case started with only a mail slot, no people. Now unspecified people whom USCA11 did not correct "minor age, mentally retarded part-time janitor?"

2. Violations of U.S. and judicial international sovereignty: When and how does a non-USA based, international foreign company (Deutsche, Germany) come into jurisdiction of USA and a state (Georgia) and then via Removal from a state into Federal Courts (DCN.GA & USCA11), when said foreign corporation is operating in violation of U.S. Supreme Court *AMERICAN BANK & TRUST CO. V. FEDERAL RESERVE BANK*, 256 U.S. 350 (1921) and Congressional Laws Sarbanes-Oxley Act and Dodd-Frank? Homeowner is a whistleblower.

3. Conflicts of Jurisdiction: How are federal courts to implement and enforce federal court jurisdiction per Court's correct new ruling *BP P.L.C. V. MAYOR AND CITY COUNCIL OF BALTIMORE* to resolve conflicts of jurisdiction between nullity origin state orders and federal courts "do not disturb state" even when in conflict with its own jurisdiction and law?

4. Conflict or procedural jurisdiction: Does a federal court have jurisdiction on a party when party has no standing in any court due to "first breach"? Recent DCMiddleGA in *MALONE V. FED. HOME LOAN MORTG. CORP.* 2016. "*MALONE*" ruled "a party who committed first breach cannot enforce any part of contract until it cures the first breach". Did DCNorthGA

QUESTIONS PRESENTED – Continued

and USCA11 err and create conflict by not only allowing a Removal, but also rule in favor of First Breach Mortgagees filings and against Homeowner who never missed a payment?

5. Ruling needed to harmonize recent applicable *JESINOSKI* with *MALONE and ROBINSON* to cure conflict of USCA11. What are the national standards for homeowners dealing with First Breach when the homeowner never defaulted on payments but only quit paying the proven improper first breach of contract ever increasing interest rate dollar amount after three months of fulfilling *JESINOSKI* paying under written protest the ever-increasing amounts with provided proof of breach by mortgagee's own employees and closing attorneys (also given to courts in exhibits)? Did USCA11 err with no law cites claiming Homeowner should have sued first instead of comply with Mortgagees request per RESPA as winning member of *ROBINSON* in DCMDGreenbelt and then file defensive lawsuit to prevent attempted wrongful foreclosure?

6. Conflict of enforcing Candor to the Tribunal (37 CFR § 11.303 and Bar State Rule 3.3): When complained monopoly of fraud upon the courts was finally provable by new evidence in opposing parties' own subsequent filings, how can evidence per Rule 60(d)(3) prevail over false res judicata if USCA11 "do not allow invoking nor enforce Candor to the Tribunal"? Question and conflict are national concern as a CBS 60 Minutes show on federal judge Alex Kozinski (since

QUESTIONS PRESENTED – Continued

resigned) brazenly stated on national TV, "Perjury is a Constitutional right of freedom of speech! I have lifetime appointment and complete immunity. What can they do to me?" Good federal judge Posner resigned in protest of court abuses to pro se litigants that instant case is poster child. There needs to be a unifying ruling courts must honor a Motion to Enforce Candor to Tribunal so machinery of justice and Spirit and intent of law and truth can prevail! Current conflict is an open abuse of discretion to accept Officers of Court falsehoods as superior to pro se litigant's exhibit case history truth, cited superior authorities, law, etc.

7. Conflict of Uniformity of Federal Courts: How is a federal court in one state to recognize and incorporate another federal court (DCN.GA/USCA11 recognize *ROBINSON v. NATIONSTAR*, Case No. 8:14-cv-03667-TDC DCMDGreenbelt) ruling of exact same parties on subordinate but all-important matters that occurred during the instant case legal battle? The conflict is not about identical matters of established rulings, but rather how is a court to incorporate and credit lesser parts of another state federal court's ruling while the instant case was still in progress? How can anyone lose their home after never default on payments and being a winning member of class action RESPA violations case?!

8. When must courts recognize and grant proper Whistleblower protection for homeowners who are suing per Sarbanes-Oxley Act and the Dodd-Frank Wall

QUESTIONS PRESENTED – Continued

Street Reform and Consumer Protection Act? How are courts to rule ending the conflict between the federal financial laws Sarbanes-Oxley Act of 2002 created to prevent the repeat of the financial scandals this case is a carry over and the Dodd-Frank Wall Street Reform and Consumer Protection Act that overhauled the United States financial oversight regime to protect homeowners, etc.? USCA11 error ruled in conflict to the "whistleblower" protection rules stating Homeowner is "not an employee", and the government agencies who are investigating to uphold the Sarbane-Oxley and Dodd-Frank and even the Georgia state attorney general are apparently holding back waiting for court rulings – how can any whistleblower survive in the midst of bizarre bureaucracy if a forced against desires pro se is abiding by true Spirit and intent of U.S. law upholding court's honor while saving his home and helping millions of other homeowners?

9. Per *BP v. BALTIMORE* and Removals pursuant to section 1442 or 1443 of [Title 28], §1447(d) does the federal court or state supreme court rule when there are conflicts of jurisdiction (due to complicating contempt and fraud on courts Appendix G)? Which court is mandated to clean up the legal Cat in the Hat mess instead of pointing fingers at each other? The loophole big enough to drive a house through is purposefully being exploited by Mortgagees playing the federal courts against states as they desire to each "you do not have jurisdiction". How can neither courts

QUESTIONS PRESENTED – Continued

have jurisdiction? Only fraud and bias against pro se! Honorable Court's intervention with instruction is required to end conflict! Do the federal courts pierce the "do not touch state matters" to enforce proper jurisdiction and Constitutional law as did with desegregation, or are state supreme courts mandated to enforce federal jurisdiction and laws despite unconstitutional Georgia state rules there is no review or appeal of a defrauded county superior court judge imposing a supersedeas even when proven the nullity supersedeas was illegally obtained and violates Georgia law O.C.G.A.!!! Home equity proven exceeds any possible damages and contradicts Mortgagees federal courts filings. State system has a glitch the Mortgagees are brazenly abusing with no Constitutional mechanism to correct in state (S22C1331 Appendix H) so a ruling by Court required to remedy unconstitutional state rule like Georgia slavery and empower federal courts jurisdiction to intervene .

These foundational, underlying questions of conflict and unconstitutional loopholes being resolved are essential for United States and judicial branch international sovereignty, uniformity of federal courts facilitating expeditious impartation of justice, streamlining/simplifying justice and reducing burden on Supreme Court while assuring motto on building remains true, "EQUAL JUSTICE UNDER LAW."

The Applicant "Homeowner" brought previous cases to this Honorable Court on matters that were

QUESTIONS PRESENTED – Continued

never ruled due to fraud on courts avoiding Default and courts Dismissal Without Prejudice requesting additional service instead of accepting the Default of properly mandated Secretary of State Substitute Service. Since honorable Court prioritizes matters of conflict and other cases with attorneys on similar matters were being ruled supporting Homeowner's original 2014 Complaint, Homeowner was more confident he could prevail with support of new rulings than get a Default enforced by Court. Homeowner served Mortgagees a third time since finally truly "compliant" and could be served. Homeowner let the previous Writs for Certiorari cases go because there was no final ruling. Regrettably, as Homeowner feared, per Judge Posner who resigned in protest "pro se are treated like garbage", the ensuing legal fight brought us here again with now all-important nine questions. Mortgagees have misused courts by exploiting conflict created loopholes large enough to drive a house through. God will work all for good to people.

UPDATE AND WHY INSTANT IS OF UTMOST IMPORTANCE: MORTAGEES IN AN AFFILIATED CASE USCA11 22-14225 HAVE JUST ADMITTED BY WAIVER TO APPELLANT BRIEF UNDER MOTION TO MANDATE RULE CANDOR TO THE TRIBUNAL.

LIST OF PARTIES

Petitioner

Rev. Christopher M. Hunt, Sr., Ph.D., Homeowner

Respondents, et al.

Deutsche Bank National Trust Companies – note holder

Mr. Cooper/Nationstar – mortgage company

Albertelli Law Firm – debt collectors esq.

Pite & Aldridge – debt collectors esq.

Corporate Service Company – corp. registered agent

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 22A445 case in this Court.

USCA11 No. 21-10398, 22-11463, 22-1455
Related Cases: 20-12310-J, 20-13439-J, 21-10262-J,
1:20-cv-02359-TWT-LTW DeKalb Case: 20cv3778
Related Case History: DCNG: 1:14CV03649
DeKalb: 14CV8532 & 18CV4742 & 20CV3778

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OPINIONS BELOW

The order of the United States Court of Appeals of the Eleventh Circuit 5/27/2022 [DOC 83-1] summarily affirming the judgment of the District Court of North Georgia to extent of proven erroneous default and false reason for Amendment, etc.! The denial of reconsideration 3/25/21 [110] of the opinion and order of the District Court North Georgia [DOC107] 3/15/21 does not address any of the Homeowner's well pleaded arguments with exhibit evidence and superior law cites, including of Court.

JURISDICTION

The judgment of the court of appeals was issued on 5/27/22. A timely petition for rehearing and rehearing en banc was denied on 10/19/2022. On October 2019, the Chief Justice extended the time within which a petition for certiorari could be filed to February 16, 2023. Writ has been UPS timely next day service per rule by postage date.

RULES OF PROCEDURE INVOLVED

Res Judicata v. Proper Service for Court Jurisdiction, USA and Judicial international Sovereignty, Implementing this Court's *JESINOSKI, BP v. BALTIMORE, AMERICAN BANK & TRUST CO. V. FEDERAL*

RESERVE harmoniously into federal and state courts via *ROBINSON, MALONE*, etc.

STATEMENTS

HISTORY OF CASE

Petitioner "Homeowner" is a stellar senior citizen (www.MLKStoneMountin.com) with Ph.D. in Theology and MA in counseling. He built his home, enjoyed raising his children with home-based business for twenty years. Home has $400,000+ equity for three kids' college and his retirement. The Homeowner had excellent credit and timely paid his mortgage until, as the 11th Circuit Court ruled, the first mortgagee breached their mortgage contract. Homeowner filed this in true Spirit and intent of U. S. Constitution and "she" Wisdom in Proverbs:

The wicked flee when no one pursues, but the righteous are bold as a lion (*Homeowner is 100% legally right*). Because of the transgression of a land, many are its princes (*so many conflicting cases and courts*); but by a person of understanding and knowledge (*U. S. Supreme Court*) right will be prolonged. Those who forsake the law praise the wicked, but such as keep the law contend with them (*Law Abiding Homeowner v. White Collar Criminal Mortgagees, et al.*). 28:1-2, 4

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' bad acting debt collector attorneys have lost federal lawsuits as such and have senior partners in prison for bribing government officials.

Mortgagees have only prevailed to date by their recently proven monopoly of fraud upon the courts, that the federal and state courts were played by Mortgagees against each other in contradiction by false "no jurisdiction" refusing to cure. The fraud has become a Bernie Madoff Ponzi and Elizabeth Holmes Theranos scam adversely affecting the machinery of justice in the state, District courts and Circuit courts. Worse the contemptuous fraud has caused the federal courts and state courts to become adversarial conflicted concerning jurisdiction instead of cooperative and complimentary *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.

Original mortgagee within months breached fixed rate contract by illegally escalating interest rates and correlating monies due each month. Homeowner paid under written protest before refusing to be abused anymore, so sent in proper amount with letter showing

their own employees and closing attorney opined 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 – real life enactment of classic movie *The Big Short* (must watch for instant case). Respondents "Mortgagees" were the first to try to wrongfully foreclose. They illegally demanded $300,000 in fraudulent money! The DeKalb County court saw the Homeowner's evidence in lawsuit and granted first of two TROs against foreclosure. Homeowner has been forced to file lawsuits in defense against Mortgagees' numerous illegal and unethical acts in contempt to federal court jurisdiction, of their own improper removals and still binding state court orders Rule 28 §1450, etc. to protect his home.

Homeowner is encouraged Pro Se litigants have had Writs accepted, some were truly guilty convicted scoundrels but still received favorable rulings because of unbiased and expert 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. The loopholes are big enough to drive a house through so there needs to be a clarity and unifying ruling as important as

JESINOSKI to establish clear rule of law prioritizing the Constitutional right of homeownership over proven white-collar criminal greedy Mortgagees. Writ is for millions of United States citizens and judicial machinery of justice in all courts. The hope is once the Writ is accepted good attorneys will be encouraged to help with Certiorari so Homeowner can retain.

REASONS FOR GRANTING THE WRIT

Question 1.
Fraud & SoS
DEFAULT SERVICE v. RES JUDICATA

The reason for starting with this conflict of jurisdiction and default is due to current cases being ruled "frivolous" due to erroneous res judicata after Homeowner submitted to courts to serve another lawsuit! Homeowner is proven upholding laws and court's honor fighting against all the illegal, contemptuous acts of Mortgagees but is slandered a "serial filer"! DCN.GA has gone so far to demand posting a bond to file in courts – and proven it would have used up all the bond by erroneous rulings conflicting even cited rulings by this Court! Fraud preempts res judicata! "Live by sword die by sword" Conflict of Jurisdiction via Secretary of State Service: Did DCN.GA and USCA11 err in conflict by refusing to recognize the legally mandated properly done Secretary of State ("SoS") service on a non-compliant corporation that was originally formed in perjury and operating fraudulently without ever having authority due to never

having mandated registered agent (nor corporate officers) in state? Another party only had a mail slot and no person to serve. Did USCA11 create national conflict by disregarding defaulted SoS process service to allow DCN.GA to accept jurisdiction of improper Removal after Default due no consent, unanimity, etc.? Are federal courts mandated to recognize default to Secretary of State Substitute Service so prevents Removal and triggers Remand? Then insult to injury error of res judicata instead of proof of fraud on courts!

HERE IS THE PERFECT EXAMPLE! Per 7/19/19 order pages 11-12 misquoting and misapplying *Travelers Indem. Co. v. Gore*, 761 F.2d 1549, 1551 (11th Cir. 1985) quotes intra party perjury or fabricating evidence! True but when as in instant case the attorneys are knowingly participating in violation Rule Candor to Tribunal by not disclosing, and worse, the attorneys (senior partners in prison for bribery public officials!) coaching Albertelli and making filings by their orchestration to misrepresent Albertelli to courts as "compliant" to invalidate the Homeowner's proper SoS Process Service that was defaulted by bad acting debt collector who foreclosed in contempt of 11th Circuit Court jurisdiction. Can't get much more liable than that! (pages 12-13)

"Where relief from a judgment is sought under this rule, the fraud must be established by clear and convincing evidence." *Booker v. Dugger*, 825 F.2d 281, 283 (11th Cir. 1987). Rule 60(b)(4) provides a court "may relieve a party . . . from a final judgment, order, or proceeding . . . [if] the judgment is void." Fed. R. Civ. P. 60(b)(4). A judgment is void under this rule "if the

court that rendered it lacked jurisdiction of the subject matter, or of the parties, or if it acted in a manner inconsistent with due process of law." *Burke v. Smith*, 252 F.3d 1260, 1263 (11th Cir. 2001) (quotation marks omitted).

Rule 60 of the Local Rules of the United States Court of Appeals for the Federal Circuit provides: Federal Circuit Rule 60 Vacate the Final Orders. Quotes from 18-12348 final order 7/19/19 previously presented cases but now being misused as res judicata for current cases despite new rulings supporting and courts dismissed without prejudice with instruction to serve again! Here is conflict between panels

> N.D. Ga. Case No. 1:14-cv-03649-RWS will be called "*Hunt I*," and the district court proceedings from the instant case (N.D. Ga. Case No. 1:17-cv-02294-RWS) will be called "*Hunt II*."
>
> For context, Hunt initiated two proceedings in state court, both of which were removed to federal court. The instant case, *Hunt II*, was initiated while the first appeal from *Hunt I* was still pending. On appeal, Hunt argues that the district court erred in dismissing his complaint for lack of service because the defendants had failed to maintain (**Note: false! umpteenth time perjured forming company so never had a registered agent because Albertelli in Florida made himself agent for Georgia! Hunt was forced to SoS Substitute Service registered agent in FL after state office refused sheriff service*!) registered agents in Georgia, so he was entitled to serve them through the Georgia Secretary of State. He also argues

> that the district court should have granted post-judgment relief under: (1) Rule 60(b)(2), because there was newly discovered evidence in the form of filings in *Hunt II*; (2) Rule 60(b)(3) and 60(d)(3), because he alleged that the defendants had made misrepresentations to the courts and the Georgia Secretary of State; (3) Rule 60(b)(4), because the district court did not have jurisdiction based on the defendants' default, the Mortgagees' failure to obtain consent from all defendants before removing the case, the untimeliness of the notice of removal, and the defendants' failure to maintain registered agents;(4) Rule 60(b)(5), because success in his appeal from *Hunt II* will result in vacatur of the judgment in this case; and (5) Rule 60(b)(6), because it would be unjust, in light of the new evidence of fraud, to let the judgment stand. (**Note: TRUE*!)

Therefore, it is impossible to have res judicata on previous cases that were dismissed without prejudice with instructions for Homeowner to yet serve again a third time because the previous two only means possible of Secretary of State Substitute Service Court defaults were erroneously not accepted. The unethical idiot corporate officers/registered agents thought they were being served by registered mail so did not have to answer but in fact it was properly done SoS Service, so they Defaulted to only means possible due to their perjury to SoS and instructions to office not to accept Sheriff service! It was only after the Mortgagees thought their fraud had succeeded in avoiding Default they became truly compliant as Secretary of State website

proved the new true compliant was fixed with new registered agents only after the fraud effected ruling. Courts have erred and are in conflict to Rule 60 and enforcing Candor to the Tribunal have refused to even acknowledge this fact despite all Homeowner's filings. This was the start of Cat in the Hat legal debacle proving the federal courts never had proper jurisdiction after first two defaults.

But then worse, most of current case is due to after Nationstar was apparently about to lose to default and the appeal of wrongful, contemptuous foreclosure, Deutsche panicked and first time entered case and without court recognition to be a party went rogue with never court authorized new debt collector attorneys into the state to illegally via fraud obtain dispossessory with evictions – all done in contempt of federal court jurisdiction and orders, violating USC Rule 28 § 1450 of standing state first TPO so all state orders are nullity orders! But Homeowner(s) cannot get justice anywhere despite *JESINOSKI, MALONE, ROBINSON*, all fifty state attorney generals, etc. supporting Homeowner.

Is the Georgia law for service binding upon a registered Secretary of State corporation formed and operating fraudulently without ever having a registered agent or corporate officers at Georgia office when properly executed and undisputed received Secretary of State/process of service to the foreign corporation's CEO and registered agent in another state? If yes: can the federal courts disregard the defaulted proper state process service to obtain jurisdiction and ignore

improper removal that has no consent, unanimity, etc.? Did the federal courts ever obtain jurisdiction? What are guidelines?

The DCNG and 11th Circuit both ruled that if Homeowner's claims in his filings were true then the Secretary of State/Process of Service would be proper [Order 18-12348 7/19/19]. The debt collector for Mortgagees, et al., Albertelli who was a resident corporation with resident CEO by all SoS records. Albertelli has a Florida headquarters for corporation. Albertelli was a Defendant in Homeowner's original Georgia lawsuit 2014 that was properly granted a TRO based on the evidence in the Homeowner's lawsuit.

Homeowner waited 75 days to file Default. It was only after the Mortgagees received Homeowner's mailed Notice of Default that they hired Balch and did improper Removal. That's why the Mortgagees did every fraud they could to make federal courts think they had jurisdiction of Removal claiming Albertelli was not properly served, was SoS Compliant in Georgia to avoid default SoS/Process Service. The Homeowner wrote the only rational for Albertelli and CSC not respecting courts is proven by federal court loses is a bad acting debt collector and corporation acting as registered agent who after receiving the proper SoS Process Service package with Summons, Complaint and SoS forms, instead of honoring courts by responding, he most likely thought "this Homeowner is an idiot who thinks he can mail me service. I will ignore all this to avoid being held accountable." Appellees should have thought, "I am the sworn registered agent in

Georgia (as well as other states) so I better show the courts respect and respond per Summons." Unethical Appellees outsmarted themselves, like Road Runner cartoons he was Wylie Coyote thinking holding nothing when in fact he was holding a time bomb of his own devices by perjuring to SoS and operating in fraud with no authority and CSC only having a mail slot to receive service. This is all proven because as soon as Mortgagees thought they had secured victory through the fraud on first case *Hunt I*, to prevail on the Homeowner's lawsuit *Hunt II* against the illegal foreclosure done without a final non-appealable order, the Balch coached Albertelli to amend his SoS so the foreign Corporation Service Company "CSC" replaced him as Registered Agent. CSC changed from mail slot to employees, but none qualified per Rule 4. Mortgagees then falsely filed as an exhibit being SoS "Compliant". Homeowner researched and proved to court this was years after default! Mortgagees provided new evidence per Rule 60 proved the fraud on courts and the Madoff Holmes entire house of cards should have collapsed except judges refused to invoke Rule 3.3. Candor and Mortgagees in desperation of losing due to now provable fraud exasperated fraud and tried to illegally destroy Homeowner via illegal eviction to then moot their dirty deeds. That is why Deutsche improperly replaced Nationstar and hired new bad acting bill collectors Aldridge Pite to replace Albertelli to illegally in contempt go into state courts to get dispossessory and eviction. The second TRO thwarted them! Albertelli has lost federal lawsuits as a bad acting debt collector. Albertelli was Mortgagees debt collector and did wrongful

foreclosure. The properly attempted sheriff service of Summons and Complaint to Albertelli's operating office in Georgia was court dishonoring refused by staff. Per sheriff's notes on service form quoting secretary who was instructed to reject the service, the sworn registered agent "Albertelli does not work out of this office". This admission exposed truth that the Georgia debt collector corporation Albertelli Law was never compliant, was formed by perjury to SoS and operating in fraud so unauthorized to do business, practice law or foreclose in Georgia. The Default was never reopened by a state judge therefore Removal never had required consent, unanimity, etc. Mortgagees instead chose in to commit fraud on courts to keep Removal in federal courts. Mortgagees fooled the federal courts to believe it had jurisdiction of Removal by misrepresenting Albertelli was complaint and should have been served at another fabricated Georgia address. Homeowner proved by law and exhibits that this was not true, and later Mortgagees admitted such, but DCNG blindly trusted the Mortgagees fraud instead of truth in pro se Homeowner's filings. Federal courts by disregarding the SoS service mandated the Homeowner again serve Albertelli per federal guidelines contrary to state guidelines (O.C.G.A. 9-11-4). The Order by 11th Circuit completely omits SoS Process was perfectly fulfilled.

. . . Further, if it shall appear from such certification that there is a last known address of a known officer of the corporation outside the state, the plaintiff shall, in addition to and after such service upon the

Secretary of State, mail or cause to be mailed to the known officer at the address by registered or certified mail or statutory overnight delivery a copy of the summons and a copy of the complaint. Any such service by certification to the Secretary of State shall be answerable not more than 30 days from the date the Secretary of State receives such certification.

"Under Georgia's Civil Practice Act, service of process must be made on a corporation by personally serving 'the president or other officer of such corporation or foreign corporation, managing agent thereof, or a registered agent thereof.'" *Hunt v. Nationstar Mortg., LLC*, 684 F. App'x 938, 940-41 (11th Cir. 2017) (quoting O.C.G.A. § 9-11-4(e)(1)(A)); see *Clarke v. LNV Corp.*, No. 3:14-CV-139-TCB-RGV, 2015 WL 11439083, at *4 (N.D. Ga. Apr. 6, 2015). "However, if service on the listed agents cannot be had, the Georgia secretary of state is deemed an agent of the corporation for purposes of service of process." *Hunt*, 684 F. App'x at 941.

It is undisputed the CEO and Registered Agent of Georgia corporation was same CEO Albertelli at Florida headquarters that received the SoS/process service. The errant ruling created a national conflict with laws and courts, and conflicts federal and state courts jurisdiction. It also created conflict on jurisdiction for federal courts via removal that exists today as jurisdiction impacts Court in instant case per errant res judicata rulings when they had no federal jurisdiction! No plaintiff or defendant can arbitrarily decide who they want to claim is authorized for properly served! Perfect example outcome *THE UNITED STATES v. ZIEGLER*

BOLT AND PARTS COMPANY, Nos. 95-1408, 95-1419 where literally years after service the about to lose party objected to service jurisdiction and prevailed!

Homeowner prays this honorable Court make a ruling to uphold Rule 4 of age, competency, position in company, etc. Instant case a Defendant initially did not even have a person, only a mail slot! Second service were people, no longer just a mail slot no one previously contested, but there was no one who could identify as meeting legal threshold for binding service. The federal courts refused to answer question, "Is a mentally handicapped minor who is a part-time janitor court recognized binding service?" Homeowner's recommendation for courts' best is all professional service companies be required to hire state licensed process service agents to accept service to prefect service since in effect they are as intermediators. This provides better paying jobs for employees and unquestionable service.

Question 2.
U.S. AND JUDICIAL INTERNATIONAL SOVEREIGNTY

When and how does a non-USA based, international foreign company (Deutsche, Germany) come into jurisdiction of USA and a state (Georgia) and then via Removal from a state into Federal Courts (DCN.GA & USCA11), when said foreign corporation is operating in violation of U.S. Supreme Court *AMERICAN BANK & TRUST CO. V. FEDERAL RESERVE BANK*, 256

U.S. 350 (1921) and Congressional Laws Sarbanes-Oxley Act and Dodd-Frank? Homeowner is a whistleblower.

Illegally operating Deutsche is perpetrating one of the largest financial scams in US history while not paying taxes nor being held accountable by juries due to operating in contempt to this Court's ruling in *AMERICAN BANK*. Deutsche is supposed to registered in its headquartered state. Per Balch's C-I-P party Deutsche is California based but it sure does not want to pay California taxes nor face California juries so violated USA laws and Court to avoid. When Homeowner proved this to courts then suddenly – like previously frauded courts fixing registered agent to avoid default – Deutsch switched by Aldridge Pite to be New York based! But Homeowner's research proved in contempt there per C-I-P. Therefore, all Deutsche orders obtained against Homeowner are voided and has no authority to sue Homeowner! If going to do business in USA you are going to pay taxes and do things legally or be held accountable by juries.

The largest fraud in USA history that caused the Great Recession is Deutsche via its front companies (Nationstar, Mr. Cooper, Ocwen, etc.) mortgage companies ruse/fraud was to take all the taxpayers' money in government bailouts and buy as many as possible of their caused defaulted home mortgages at pennies on the dollar, then violate national banking laws Congressional Laws Sarbanes-Oxley Act and Dodd-Frank and RESPA laws to get all the USA tax paying citizens homes foreclosed and then evict the

tax paying homeowners instead of help refinance and rebuild from Deutsch caused Great Recession per *ROBINSON*. Then take the value of note and its tax write-off of loss and then owning the appreciated asset home with all its equity, the non-USA Deutsch illegally operating in USA steals from tax paying homeowners for exponential tax-free windfall profits!!!

THIS FROM HOMEOWNER'S C-I-P v. Mortgagees USCA11 and DCN.GA refuse to address in conflict to this honorable Court!

- **Deutsche Bank National Trust Companies:** Deutsche Bank National Trust Companies is a national banking association organized under the law of the United States to carry on the business of a limited purpose trust company. Deutsche Bank is a wholly owned subsidiary of Deutsche Bank Holdings, Inc., which is a wholly owned subsidiary of Deutsche Bank Trust Corporation, which is a wholly owned subsidiary of Deutsche Bank AG, a banking corporation organized under the laws of the Federal Republic of Germany. No publicly-held company owns 10% or more of the Deutsche Bank AG's stock. Deutsche Bank' s main office is in Los Angeles, California. Deutsche Bank's principal office of trust administration is in Santa Ana, California. *As a national banking association, Deutsche Bank is operating illegally without being registered in headquarters state with registered agent in violation to U.S. Supreme Court. American Bank & Trust Co. v. Federal Reserve Bank*, 256 U.S. 350 (1921) A federal reserve bank is not *a national banking association within § 24, cl. 16, of the Judicial Code, which declares*

that such associations, for the purposes of suing and being sued, shall (except in certain cases) be deemed citizens of the states where they are located. P. 256 U.S. 357. Christ?opher never corrected Homeowner filing but still files ~~"may do business in all 50 states in the United States without having to be registered as a foreign corporation or otherwise be registered or licensed in any individual state in order to conduct business in the state"~~; Deutsche is one of main culprits causing "Great Recession", featured bank in movie *The Big Short*, U. S. fined Deutsche $7.2Billion, 60 minutes expose $100+Billions money laundering, violated banking rules to obtain and maintain known child pedophile sex trading Epstein account, instant case violated federal banking laws, committed first breach, fraud, etc. ******NOTE: CONTRADICTS* Aldridge Pite's 22-11463 Deutsche Bank Trust Company Americas, as Trustee: Appellee**. DBTCA is a New York state chartered banking corporation with fiduciary powers duly organized under the laws of the State of New York. DBTCA is a wholly owned subsidiary of Deutsche Bank Trust Corporation, a New York corporation. Deutsche Bank Trust Corporation is a wholly owned subsidiary of DB USA Corporation, a corporation organized and existing under the laws of the State of Delaware. DB USA Corporation is a wholly owned subsidiary of Deutsche Bank AG. Deutsche Bank AG (DB:U.S.; DBK:GR) is a German multinational investment bank and financial services company headquartered in Frankfurt, Germany, and is dual listed on the Frankfurt Stock Exchanges and the New York Stock Exchange. Deutsche Bank AG is not a subsidiary of any parent corporation, and no

publicly held corporations own 10% or more of the stock of Deutsche Bank AG. Is also operating illegally without being registered in headquarters state of New York without a registered agent in violation to U.S. Supreme Court. *American Bank & Trust Co. v. Federal Reserve Bank*, 256 U.S. 350 (1921) **to avoid taxes and accountability of juries?!!**

Question 3.
CONFLICTS OF JURISDICTION
FEDERAL v. STATE

How are federal and state courts to harmoniously implement the new *BP V. BALTIMORE* ruling in midst of conflict of federal courts "do not disturb state matters" even though they do often, i.e.: ending segregation, etc. And how can a state honor federal court jurisdiction and even state laws due to current unconstitutional non-appealable, solely discretion of superior court judges with no accountability to impose even no jurisdiction, nullity, illegally obtained and in itself improper Supercedeas Bonds (that mortgagees use as a fake eviction/foreclosures)! The O.C.G.A. is very clear that supersedeas is only to be mandated if the debt/damage exceeds the hard asset at question. Instant case the home has enormous equity in excess of any debt and potential damages. Yet there is no way to address to abuse of discretion error in state or federal courts! Georgia's law/court rule is unconstitutional due no appeal. This is why only hope for justice is an appeal/removal per 28 US CODE §1447 APPEAL VIA 1442 or 1443.

Per filings No. 21-10398 (still pending motion to join 22-11463 not ruled) Related Cases: 20-12310-J, 20-13439-J, 21-10262-J, 1:20-cv-02359-TWT-LTW DeKalb Case: 20cv3778 Related Case History: DCNG: 1:14CV03649 DeKalb: 14CV8532 & 18CV4742 & 20CV3778.

Homeowner appealed into Georgia Supreme Court for protection in state even though it is impossible for a state to ever have jurisdiction over matters of instant case and impossible for federal courts not to uphold its jurisdiction.

In *Cary v. Curtis* "[T]he judicial power of the United States, although it has its origin in the Constitution, is (except in enumerated instances applicable exclusively to this court), dependent for its distribution and organization, and for the modes of its exercise, entirely upon the action of Congress, who possess the sole power of creating tribunals (inferior to the Supreme Court), for the exercise of the judicial power, and of investing them with jurisdiction either limited, concurrent, or exclusive, and of withholding jurisdiction from them in the exact degrees and character which to Congress may seem proper for the public good."1243 Five years later, the validity of the assignee clause of the Judiciary Act of 17891244 was placed in issue in *Sheldon v. Sill*,1245 in which diversity of citizenship had been created by assignment of a negotiable instrument. It was argued that, because the right of a citizen of any state to sue citizens of another flowed directly from Article III, Congress could not restrict that right. Unanimously, the Court rejected this contention and

held that because the Constitution did not create inferior federal courts but rather authorized Congress to create them, Congress was also empowered to define their jurisdiction and to withhold jurisdiction of any of the enumerated cases and controversies in Article III. The case and the principle have been cited and reaffirmed numerous times,1246 including in a case under the Voting Rights Act of 1965. Power of Congress to Control The Federal Courts Justia law https://law.justia.com/constitution/us/article-3/35-the-theory-of plenary congressional-control.html#fn-1243.

And per Congressional law and Federal Court superiority: See *Kalb v. Fuerstein*, 308 U.S. 433 (1940). This case is often interpreted as creating a judicial exception to the bootstrap principle when policy is strong against the court's acting beyond its jurisdiction. Cf. RESTATEMENT, JUDGMENTS § 10 (1942). *But it appears to be simply a case in which 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). State courts often say only that they "may" or "can" raise the jurisdictional issue at any time on their own motion. E.g., *Masone v. Zoning Bd.*, 148 Conn. 551, 172 A.2d 891 (1961); *Landry v. Cornell Constr. Co.*, supra. This from State filing that has no jurisdiction and

cannot even rule on jurisdiction per congress and mandates the federal courts intervene for jurisdiction . . .

Question 4.
FIRST BREACH AND STANDING IN COURTS

Can a federal court allow a Removal and any orders benefitting a first breach case party after Removal since per MALONE first breach party has no standing to enforce any part of contract until cures first breach? Recent DCM.GA in *MALONE V. FED. HOME LOAN MORTG. CORP.*, 2016, "*MALONE*" ruled "a party who committed first breach cannot enforce any part of contract until it cures the first breach". Did USCA11 err and create conflict by not only allowing a Removal but also filings by a First Breach party and refuse Remand to state for jury trial?

Question 5.
HARMONIZING JESINOSKI AND MALONE

Ruling needed to harmonize recent applicable *JESINOSKI* with *MALONE* to cure conflict of DCNG and USCA11 erroneous ruling Homeowner defaulted by not continuing to pay Mortgagees first breach increases on fixed mortgage when the homeowner never defaulted on payments but only quit paying the proven improper first breach of contract ever increasing interest rate and dollar amount after three months of fulfilling JESINOSKI paying under written protest the ever-increasing amounts with provided proof of breach by mortgagee's own employees and closing attorneys

(also given to courts in exhibits). Did USCA11 err claiming Homeowner should have sued first instead of comply with Mortgagees request per RESPA and then only file defensive lawsuit to prevent attempted wrongful foreclosure? This honorable Court must make ruling as in *JESINOSKI* and perfect implementation of *BP P.L.C. V. MAYOR AND CITY COUNCIL OF BALTIMORE* to end the federal courts allowing state "wild west" and past slavery per state OK.

Question 6.
INVOKING CANDOR TO TRIBUNAL

Conflict of enforcing Candor to the Tribunal (37 CFR § 11.303 and Bar State Rule 3.3): When complained monopoly of fraud upon the courts was finally provable by new evidence in opposing parties' own subsequent filings, how can evidence per Rule 60(d)(3) prevail over false res judicata if USCA11 "do not allow invoking nor enforce Candor to the Tribunal"? Question and conflict are national concern as a CBS 60 Minutes show on federal judge Alex Kozinski (since resigned) brazenly stated on national TV, "Perjury is a Constitutional right of freedom of speech! I have lifetime appointment and complete immunity. What can they do to me?" Good federal judge Posner resigned in protest of court abuses to pro se litigants that instant case is poster child. There needs to be a unifying ruling courts must honor a Motion to Enforce Candor to Tribunal so machinery of justice and Spirit and intent of law and truth can prevail! Current conflict is an open abuse of discretion to accept Officers of Court

falsehoods as superior to pro se litigant's exhibit case history truth, cited superior authorities, law, etc.

Question 7.
UNIFORMITY OF COURTS INCORPORATING SUBORDINATE RULINGS IN PROCESS

Conflict of Uniformity of Federal Courts: How is a federal court in one state to recognize and incorporate another federal court (DCN.GA/USCA11 recognize *ROBINSON v. NATIONSTAR*, Case No. 8:14-cv-03667-TDC DCMDGreenbelt) ruling of exact same parties on subordinate but all-important identical matters that occurred during the instant case legal battle? The conflict is not about identical matters of established rulings, but rather how is a court to incorporate and credit lesser parts of another state federal court's ruling while the instant case was still in progress? How can anyone lose their home after never default on payments and being a winning member of class action RESPA violations case?!

Question 8.
WHISTLEBLOWER PROTECTION FOR HOMEOWNERS CLAIMING MORTGAGE FRAUD PER SARBANE-OXLEY AND DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT

When must courts recognize and grant proper Whistleblower protection for homeowners who are suing per Sarbanes-Oxley Act and the Dodd-Frank

Wall Street Reform and Consumer Protection Act? How are courts to rule ending the conflict between the federal financial laws Sarbanes-Oxley Act of 2002 created to prevent the repeat of the financial scandals this case is a carry over and the Dodd-Frank Wall Street Reform and Consumer Protection Act that overhauled the United States financial oversight regime to protect homeowners, etc.? USCA11 error ruled in conflict to the "whistleblower" protection rules stating Homeowner is "not an employee", and the government agencies who are investigating to uphold the Sarbane-Oxley and Dodd-Frank and even the Georgia state attorney general are apparently holding back waiting for court rulings – how can any whistleblower survive in the midst of bizarre bureaucracy if a forced against desires pro se is abiding by true Spirit and intent of U.S. law upholding court's honor while saving his home and helping millions of homeowners?

Question 9.
***BP V. BALTIMORE* REMOVALS PURSUANT TO SECTION 1442 OR 1443 OF [TITLE 28], §1447(D)**

Per *BP v. BALTIMORE* and Removals pursuant to section 1442 or 1443 of [Title 28], §1447(d) does the federal court or state supreme court rule when there are conflicts of jurisdiction (due to complicating contempt and fraud on courts)? Which is mandated to clean up the legal Cat in the Hat mess instead of pointing fingers at each other? The loophole big enough to drive a house through is purposefully being exploited

by Mortgagees playing the federal courts against states as they desire "you do not have jurisdiction". Do the federal courts pierce the "do not touch state matters" to enforce proper jurisdiction and Constitutional law as did with desegregation, or are state supreme courts mandated to enforce federal jurisdiction and laws despite state rules that a defrauded county superior court judge imposing a supersedeas is not appealable even when proven the supersedeas was illegally obtained and legally improper? Home equity exceeds any possible damages and contradicts Mortgagees federal courts filings. State system has a glitch the Mortgagees are brazenly abusing so who fixes it: state or federal courts?

CONCLUSION

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

- 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. Service rules are perfected so fraudulently formed and operating with no authority companies cannot do illegal acts in a state then do a Removal with no consent, unanimity, to avoid accountability,

- there is national standard of court registered process servers at corporations acting as registered agents for unified binding jurisdiction,
- Sealed contracts statute of limitations of twenty years are applied equally to all parties of contract and a party must cure a breached contract before they can foreclose or have court standing harmonizing recent *Jesinoski*, *Robinson* and *Malone*.
- Candor to Tribunal Rule 3.3 invoked so fraud on courts prevented and Rule 60 facilitates machinery of justice.

Respectfully submitted,

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