

Supreme Court, U.S.
FILED
NOV - 1 2023
OFFICE OF THE CLERK

No. 23A 419

IN THE SUPREME COURT OF THE UNITED STATES

ANITA BRYANT,

v. *Applicant,*

DELAWARE COUNTY TREASURER, ET AL

Respondents.

From the Indiana Court of Appeals

**EMERGENCY RULE 23 APPLICATION FOR STAY TO SET
ASIDE THE TAX DEED**

Anita Bryant
6902 W. Hillsborough Ave.
Tampa, FL 33634
Telephone: (813) 494-6292

Pro Se

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Amdt14.S1.14

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To: Amy Coney Barrett, Associate Justice and Justice for the Seventh Circuit

Applicant and non-prevailing party below, Anita Bryant, asks that enforcement of the underlying judgment be stayed pending the disposition of this case in this court.

The question presented is this: If an objection to a property tax delinquent sale by a Beneficiary who has said right to object and appeal to any sale of the property in Probate Court, why wouldn't Beneficiary have that same right in a Tax Court when the Delaware County Auditor's office failed to follow-up on a returned tax delinquent notice, nor take a reasonable additional step as set forth in Indiana Code § 6-1.1-24-4 to discover that the property was part of an open probate, and said property was under jurisdiction of said Probate Court, and the Estate, nor all interested parties received official notice?

A. Bryant has satisfied the procedural prerequisites of Supreme Court Rule 23.

This submission is a second attempt with this court to file this Stay. The first attempt was received by this court, on or around September 26, 2023. Said Stay was returned to Bryant through USPS. Said Stay was returned because Bryant did not seek relief from The Indiana Supreme Court. That issue has since been attempted to be corrected.

A tax delinquency sale of the subject real property occurred on October 11, 2022. Indiana has a one year redemption period. Redemption period ended on October 11, 2023. A Notice of Filing for Tax Deed was filed on October 12, 2023, by council representing the tax sale buyer. Bryant requests stay relief in this court

after being denied such relief in all state courts below.

The trial court entered Judgement of Order and Sale for real property located at 3915 S. Ebright St. Muncie, IN 47302 on August 29, 2022. The trial court entered judgment of the objection by Bryant of tax sale on September 30, 2022, and also denied Bryant's Stay to stop the tax sale when Bryant discovered that there was no follow-up on the delinquent tax notice when it was returned to the Delaware County Auditor. A forwarding address was provided by the US Post Office to the Delaware County Auditor, and they failed to follow-up. The Trial Court denied this Stay on October 10, 2022. The judgment permitted the sale to proceed and the said property was sold, while the sale of real property was being contested.

Before the appeal was briefed, Bryant asked the Indiana Court of Appeals for an emergency stay enforcement of the judgment, but the motion was denied on October 12, 2022. The Indiana Court of appeals thereafter dismissed the appeal on March 9, 2023, and affirmed the Trial Court's ruling for Lack of Standing.

Bryant asked the trial court to stay enforcement of the transfer of the tax deed certificate on September 12, 2023. Trial court response to said Stay was issuing an Order to Strike Pleadings on September 17, 2023, for Lack of Standing, after some delay to respond, and Bryant not receiving notice that order was signed, electronically. Bryant then proceeded to file a Stay to Set Aside Tax Deed Certificate with the Indiana Court of Appeals on September 18, 2023. The Motion filed requested a response no later than September 21, 2023. The Indiana Court of Appeals denied said Stay on September 25, 2023. Bryant requested the Indiana Court of Appeals forward said Stay to the Indiana Supreme Court on October 6,

2023, under this court's direction, requesting a ruling no later than October 10, 2023. The Indiana Court of Appeals forwarded said Stay to staff attorney for review, and did not file the Stay in the Indiana Supreme Court. This was confirmed by the clerk's office to Bryant on October 11, 2023, and on October 13, 2023, when Bryant followed-up on the status. Moreover, no time frame was given to Bryant by the clerk's office when Bryant asked. Bryant has given the court a reasonable amount of time to respond. Due to time constraints, and giving an appearance of stalling, Bryant is submitting evidence of the filing, and can produce a ruling, or determination at a later time if necessary and available.

B. Title to the house hinges on resolved and unresolved issues of federal due process laws.

Bryant is a Beneficiary to an Intestate Supervised Estate. The real property was under the original jurisdiction of the Probate Court. The Delaware County Auditor failed to send proper notice to the estate, and to the parties thereof. The Trial Court interfered as co-ordinate jurisdiction by taking the real property from the Probate Court without any order of transfer from the Probate Court, or placing the Probate Court on notice. Doing so violated Bryant's right to object, under Indiana Appellate Rule 14 A(4). Trial Court denied Bryant's objection on grounds of Lack of Standing. Additionally, the Delaware County Auditor did not provide the Burden of Proof by filing any confirmation of the Delinquent Tax Sale Notice being received at the time the Trial Court issued a Judgement and Order of Sale set forth in Indiana Code § 6-1.1-24-4 (b)(2). Bryant attempted to remedy the issue prior to the Tax Court hearing Petitioning the Probate Court to have the Personal Representative removed for not fulfilling his fiduciary duties, one duty as not

paying the property taxes. The Estate Attorney misrepresented himself in the removal hearing by stating that the house was not subject for tax sale, giving the appearance of collusion with the Personal Representative. This petition was denied by the Probate Court. This resulted in the Personal Representative remaining in his position and the real property being sold in the tax sale. The Personal Representative, nor the Estate Attorney has made any effort in attempting to get the property returned to the Estate. Both have failed to act. *Compare Bryant, Devon Bank v. Miller*, 397 Ill. App. 3d 535 (2009) Remanded due to lack of proper notice, *Geremia v. Geremia*, 125 A.3d 549, 159 Conn App 751 (2015) An exception exists to the general rule precluding civil actions by heirs and where the interests of the personal representative are antagonistic to those of the heirs or distributees, and may maintain actions relating to the personalty of the estate in their own names, *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950) held that due process (Amdt14.S1.1) requires the government to provide “notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.”.

After Bryant filed her objection, the trial court ruled on the order on September 30, 2023, and held that Bryant did not have standing, and there was no remedy other than to pay the delinquent property taxes and fees. On Appeal, the Indiana Court of Appeals also affirmed the trial court holding, with the exception of that a Motion to Intervene was what was needed (even though the trial court did not deny this objection on that basis), since Bryant was not a party on record on March 9, 2023. Bryant is a party to the Estate. That fact alone makes Bryant a

party on record. Bryant was also treated as a party by the trial court. The party on record in the trial court was Bryant's deceased parents, because the Personal Representative did not notify the Delaware County Auditor's office of this change, nor did the Delaware County Auditor's office take any additional reasonable step when the US Post Office returned the notice with a forwarding address. This information would have been easily accessible if this step was taken, as Probate is a matter of public record and a forwarding address was provided by the US Post Office.

C. A stay of enforcement is warranted.

The Personal Representative has not paid the property taxes and insurance since the opening of the Estate. This has been brought to the attention of the Probate Court many times, and no action was taken by the Probate Court to enforce this important fiduciary duty. Bryant should not have to risk losing her inheritance for the inaction of others, and the undermining of the Beneficiary's Due Process rights should be rectified. Bryant has made many and recent attempts to address the Estate inventory that is still not settled, to attempt to see what can be sold to satisfy the outstanding Estate bills, including and most importantly, the property taxes. The Probate court will not address this. The unlawful taking of this property is clear. Only because the lower courts did not review the merits for holding that Bryant did not have standing, the Merits were not considered. Otherwise, the Order for Judgement and Sale would have been Null and Void, for Constitutionally insufficient notice, trial court interfering with the Probate Court jurisdiction and proceedings, and not allowing all interested parties the right to object.

Bryant is **likely to succeed on the merits**. Many equal state courts have ruled on these aforementioned issues that conflict with the Indiana Court of Appeals.

Because real property is unique, allowing the tax certificate deed to transfer to the buyer may cause **irreparable harm** to Bryant. Bryant has a property interest, and the lower court not allowing Bryant's objection to the tax sale is placing Bryant deprived of a property interest. Bryant's Father worked extremely hard to have what was left after her parent's passing. Seeing everything going down the drain, and nobody taking any action but Bryant, is a devastating experience. What is occurring now is not what Bryant's father had intended. Bryant's Father would have wanted everything that he worked hard for to be rightfully passed on to his children. The loss of the home would be grievous and irreparable.

The Delaware County Auditor would **not be injured**. Its collateral will still be there, as it is still legally under control of the Estate.

The **potential owner** is served by preventing the transfer which may result in later, additional litigation to set the tax deed aside.

CONCLUSION

For the reasons above, Anita Bryant asks that the judgment be stayed until proceedings in the U.S. Supreme Court are completed. Further, that this motion be accorded emergency consideration given the time constraints and the pending transfer of the tax deed certificate effective October 11, 2023.

Respectfully submitted,



Anita Bryant
6902 W. Hillsborough Ave.
Tampa, FL 33634
813-494-6292

CERTIFICATE OF SERVICE

I certify that on this 17th day of October, 2023, the foregoing was

served upon the following by electronic mail:

- (1) Danyel Nicole Struble, Brooke & Struble PC, 112 E Gilbert St, Muncie, IN 47305, dstruble@bslawgroup.com
- (2) John H. Brooke, Brooke & Struble PC, 112 E Gilbert St, Muncie, IN 47305, jbrooke@bslawgroup.com
- (3) Amanda N. Brown PC, 112 E. Gilbert St., Muncie, IN 47305, abrown@bslawgroup.com



Signature

APPENDIX A

**IN THE COURT OF DELAWARE COUNTY, CIRCUIT COURT 5
STATE OF INDIANA**

ANITA BRYANT, RESPONDENT/OBJECTOR

VS.

CAUSE NO. 18C05-2208-TS-000232

DELAWARE COUNTY, AUDITOR/TREASURER

MOTION FOR A STAY PENDING APPEAL

Comes now Anita Bryant, Respondent/Objector in the above-captioned cause, and respectfully moves that this Court grant a Stay of this Court's Order dated *9/30/22* pending appellate review of that Order. A Stay is appropriate because **(i)** the time frame for the tax sale to occur on October 11, 2022 does not allow sufficient time for the process of appellate review **(ii)** absent a stay places Respondent/Objector interests at risk of loss that has been out of Respondent/Objector's control **(iii)** new information has been discovered where official delinquency notice was not received by the estate of the property because certified mail was not forwarded to new address that was provided by the local post office to the treasurer's office. Supporting documentation is attached to this motion that was received from Delaware County Treasurer's office.

In the alternative, in the event the Court denies this Motion, Respondent/Objector respectfully requests that property be removed from the upcoming tax sale list to allow Respondent/Objector to present her Stay request to the Court of Appeals Order, if necessary.

Respectfully submitted,

Anita Bryant

Respondent/Objector

CERTIFICATE OF SERVICE

I, Anita Bryant (Petitioner), do hereby certify that a true and correct copy of the above and foregoing Motion for Stay Pending Appeal has been sent, via email, to Danyel Nicole Strubel, Brooke & Strubel PC at jbrooke@bslawgroup.com John H. Brooke, Brooke & Strubel PC at dstruble@bslawgroup.com

So certified, this the 7th day of October, 2022.

Anita Bryant

RESPONDENT/OBJECTOR

APPENDIX B

Filed: 10/7/2022 4:01 AM
Delaware Circuit Court
Delaware County, Indiana
FIRST-CLASS MAIL
U.S. POSTAGE PAID
DOXIM

Delaware County Auditor
100 W Main St Rm 103
Muncie, IN 47305
A995 11-27-254-006.000-003

Received
Delaware County Tax Sale

AUG 08 2022 RETURN SERVICE REQUESTED

Steven G. Craycraft
Delaware County Auditor

2022 3 000615 20220725 26980101 ADDITIONAL 1 OF DOM 336801020001571917 FN

BRYANT LEONARD SR AND LAURA J
3915 S EBRIGHT ST
MUNCIE IN 47302-5731



FWD
47305 > 2880

452 NFE 2895216098784722
FORWARD TIME EXP RTN TO SEND
BRYANT LAURA J
3915 S EBRIGHT ST
TAMPA FL 33634-4946

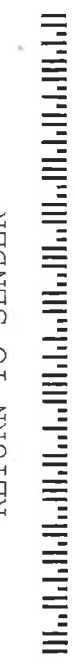
RETURN TO SENDER

USPS CERTIFIED MAIL™

Delaware County Auditor
100 W Main St Rm 103
Muncie, IN 47305
A995 11-27-254-006.000-003

REFS - IN 08/03/22

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
RETURN TO SENDER



Post
253

2022 3 000615 20220725 26980101 ADDITIONAL 1 OF DOM 336801020001571917 FN



BRYANT LEONARD SR AND LAURA J
3915 S EBRIGHT ST
MUNCIE IN 47302-5731



Item No. A995
25

ASS MA
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REFS
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08/03/2022

APPENDIX C

NO. 18C05-2208-TS-000232

RESPONDENT/OBJECTOR:

IN CIRCUIT COURT 5

Anita Bryant

2022 Term

**RE: DELAWARE COUNTY
AUDITOR/TREASURER**

**Delaware County,
Indiana**

List of Witnesses and Exhibits

#	Exhibits	Comments
1	Email Correspondence from Delaware County Deputy Auditor	No answer was received as to who is responsible for mailing the notices.

Re: Tax Sale Dept

From: AB (aunt_nini@yahoo.com)

To: bneff@co.delaware.in.us

Date: Thursday, October 6, 2022 at 11:01 AM EDT

Who sends these out?

On Thursday, October 6, 2022 at 08:38:11 AM EDT, Beth Neff <bneff@co.delaware.in.us> wrote:

Anita,

I know the first mailing because I have the returned mailing.

From: AB [mailto:aunt_nini@yahoo.com]
Sent: Wednesday, October 5, 2022 4:12 PM
To: Beth Neff <bneff@co.delaware.in.us>
Subject: Re: Tax Sale Dept

CAUTION: This email originated from outside of Delaware County Government. Please ***do not click links or open attachments*** from an ***unknown*** or ***suspicious*** sender.

Who does send them out? How come you knew about the first mailing, and not any others? That doesn't make any sense why you would be in the loop on the first mailing, but not any future mailings?

On Wednesday, October 5, 2022 at 03:45:11 PM EDT, Beth Neff <bneff@co.delaware.in.us> wrote:

I can't tell you if another was sent out.

That is what I received back in my office. I don't personally send these out.

Have a good day.

From: AB [mailto:aunt_nini@yahoo.com]
Sent: Wednesday, October 5, 2022 2:55 PM
To: Beth Neff <bneff@co.delaware.in.us>
Subject: Re: Tax Sale Dept

CAUTION: This email originated from outside of Delaware County Government. Please **do not click links or open attachments** from an **unknown** or **suspicious** sender.

The only thing that I am blaming you for is not forwarding the notice, if that's the case. Notice is required. I am not in charge of the estate, but if I had received the official notice, I would have forwarded it accordingly. Maybe action would have been taken when official notice was received, but since it was mailed back to your office, or whomever took no further action, nothing was done.

I just would like to know why it wasn't forwarded to the address once it was received back to your office.

On Wednesday, October 5, 2022 at 02:44:10 PM EDT, Beth Neff <bneff@co.delaware.in.us> wrote:

Anita,

It appears you are trying to blame me or my office for the fact that someone didn't pay taxes.

Taxes are due May 10 and Nov 10 each year regardless of notification.

Beth

From: AB [mailto:aunt_nini@yahoo.com]
Sent: Wednesday, October 5, 2022 2:30 PM
To: Beth Neff <bneff@co.delaware.in.us>
Subject: Re: Tax Sale Dept

CAUTION: This email originated from outside of Delaware County Government. Please ***do not click links or open attachments*** from an ***unknown*** or ***suspicious*** sender.

They probably have a time limit on how long they forward. However, that raises the question why wasn't this mailed to the forwarding address once it was returned to you?

On Wednesday, October 5, 2022 at 02:12:29 PM EDT, Beth Neff <bneff@co.delaware.in.us> wrote:

It appears that someone did not change the mailing address for this property for taxes to be sent somewhere else or the mailing address given to the post office to forward mail to had expired.

That is what I would take from this.

You might contact the post office as to why they don't continue to forward mail.

From: AB [mailto:aunt_nini@yahoo.com]
Sent: Wednesday, October 5, 2022 2:10 PM
To: Beth Neff <bneff@co.delaware.in.us>
Subject: Re: Tax Sale Dept

CAUTION: This email originated from outside of Delaware County Government. Please ***do not click links or open attachments*** from an ***unknown*** or ***suspicious*** sender.

What does that mean, exactly?

On Wednesday, October 5, 2022 at 02:04:15 PM EDT, Beth Neff <bneff@co.delaware.in.us> wrote:

So, it looks like the forwarding had lapsed my the note the post office put on the envelope.

From: AB [mailto:aunt_nini@yahoo.com]
Sent: Wednesday, October 5, 2022 2:02 PM

To: Beth Neff <bneff@co.delaware.in.us>
Subject: Re: Tax Sale Dept

CAUTION: This email originated from outside of Delaware County Government. Please ***do not click links or open attachments*** from an ***unknown*** or ***suspicious*** sender.

So, the certified mail was not forwarded to my address?

On Wednesday, October 5, 2022 at 01:29:37 PM EDT, Beth Neff <bneff@co.delaware.in.us> wrote:

They were returned as you can see by the stamping on the envelopes

From: AB [mailto:aunt_nini@yahoo.com]
Sent: Wednesday, October 5, 2022 1:28 PM
To: Beth Neff <bneff@co.delaware.in.us>
Subject: Re: Tax Sale Dept

CAUTION: This email originated from outside of Delaware County Government. Please ***do not click links or open attachments*** from an ***unknown*** or ***suspicious*** sender.

The forwarding address is my address on here. I never received anything?

On Wednesday, October 5, 2022 at 01:03:35 PM EDT, Beth Neff <bneff@co.delaware.in.us> wrote:

Anita,

I have scanned the envelopes that we received back from mailing the info on tax sale for this property.

The dates stamped on the envelopes are the dates that the Auditor's office received them back in the office.

They were sent 8/2/2022.

bETH

From: AB [mailto:aunt_nini@yahoo.com]
Sent: Wednesday, October 5, 2022 12:42 PM
To: Beth Neff <bneff@co.delaware.in.us>
Subject: Re: Tax Sale Dept

CAUTION: This email originated from outside of Delaware County Government. Please **do not click links or open attachments** from an **unknown** or **suspicious** sender.

Good afternoon Ms. Neff,

Regarding the property listed below, can you tell me when the notice of tax sale deficiency was mailed, and where and to whom it was mailed?

Thanks,

Anita Bryant

On Wednesday, September 7, 2022 at 01:37:22 PM EDT, Beth Neff <bneff@co.delaware.in.us> wrote:

Great

From: AB [mailto:aunt_nini@yahoo.com]
Sent: Wednesday, September 7, 2022 1:29 PM
To: Beth Neff <bneff@co.delaware.in.us>
Subject: Re: Tax Sale Dept

CAUTION: This email originated from outside of Delaware County Government. Please **do not click links or open attachments** from an **unknown** or **suspicious** sender.

I was referring to the tax sale list, but I see it listed now.

APPENDIX D

STATE OF INDIANA)
) SS: IN THE DELAWARE CIRCUIT COURT #5
DELAWARE COUNTY) 2022 TERM

IN RE: The Tax Sale 2022 CAUSE NO. 18C05-2208-TS-000232

ANITA BRYANT
Objector/Respondent

ORDER SUMMARILY DENYING

COMES now the Court, upon having issued an Order Denying Objection to Tax Sale Pertaining to Real Estate located at 3915 S. Ebright St., Muncie, Indiana on September 30, 2022 and having reviewed the Objector/Respondent’s Motion for a Stay Pending Appeal, finds that the Objector/Respondent lacks standing and therefore should be summarily denied.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED that Motion for a Stay Pending Appeal should be and the same is hereby DENIED.

SO ORDERED AND DATED OCT 10 2022


Thomas A. Cannon Jr., Judge
Delaware Circuit Court #5

Distribution:
Anita Bryant, Objector/Respondent

APPENDIX E

**IN THE COURT OF MARION COUNTY, COURT OF APPEALS
STATE OF INDIANA**

ANITA BRYANT, RESPONDENT/OBJECTOR

VS.

CASE NO. 22A-TS-02380

DELAWARE COUNTY AUDITOR/TREASURER

EMERGENCY STAY WITHOUT NOTICE

Comes now Anita Bryant, Respondent/Objector in the above-captioned cause, and respectfully moves that this Court grant an Emergency Stay of the trial Court's Order dated **9/30/2022** pending appellate review of that Order. An Emergency Stay without notice is appropriate because **(i)** allowing tax sale to proceed on **10/12/22** could cause Respondent/Objector irreversible financial harm **(ii)** absent an emergency stay Respondent/Objector will risk losing inheritance after required necessary action was taken by Respondent/Objector to remedy the situation **(iii)** Personal Representative for the estate did not fulfill fiduciary duties, and taxes not being paid are out of Respondent/Objector's control **(iv)** trial court has denied a previous request for a stay; **(v)** Respondent/Objector disagrees with trial court's explanation for denial of that appeal on the grounds that remedy suggested by this court was followed through by Respondent/Objector, and proper notice to the estate is required. **(vi)** probate cases are of public record, therefore, there could be no legitimate reason why a proper notice was not given to the estate **(vii)** due to the possible irreversible harm this order could cause Respondent/Objectioner if action is not taken immediately, and given that this motion would change the current status negatively for Respondent/Objector, and not affect the other parties involved negatively if Emergency Stay is granted, then not giving them a chance to respond would not change anything for the said parties **(vii)** it is unfair and unproductive for Probate Court and this Court to pass Respondent/Objector between courts without a resolution.

In the alternative, in the event the Court denies this Motion, Respondent/Objector respectfully requests that the Court require that the Estate of Laura J. Bryant pay the

outstanding tax bill, and the final accounting at the closing of the estate can be adjusted accordingly, to protect Respondent/Objector's interests until appeal is decided.

Respectfully submitted,

Anita Bryant

Respondent/Objector

CERTIFICATE OF SERVICE

***I, Anita Bryant (Petitioner), do hereby certify that a true and correct copy of the above and foregoing Emergency Stay Without Notice has been sent, via email, to Danyel Nicole Struble, Brooke & Struble PC, dstruble@bslawgroup.com
John H. Brooke, Brooke & Struble PC, Jbrooke@bslawgroup.com***

***So certified, this the 11th day of October _____,
2022.***

Anita Bryant
RESPONDENT/OBJECTOR

APPENDIX F

IN THE
COURT OF APPEALS OF INDIANA

Anita Bryant,

Appellant,

v.

Delaware County Treasurer, et
al.,

Appellees.

Court of Appeals Cause No.
22A-TS-2380



Order

- [1] Appellant, pro se, has tendered an Emergency Stay Without Notice.
- [2] Having reviewed the matter, the Court finds and orders as follows:
1. The Clerk of the Court is directed to file Appellant's Emergency Stay Without Notice as of the date of this order.
 2. Appellant's Emergency Stay Without Notice is denied.
 3. The Clerk of the Court is directed to send this order to the parties, Judge Thomas A. Cannon, Jr. of the Delaware Circuit Court, and the Delaware Circuit Courts Clerk.
 4. The Delaware Circuit Courts Clerk is directed to file this order under Cause Number 18C05-2208-TS-232, and, pursuant to Indiana Trial Rule 77(D), the Clerk shall place the contents of this order in the Record of Judgments and Orders.

Ordered: 10/12/2022

Mathias, J., Darden, Baker, Sr.JJ., concur.

For the Court,

A handwritten signature in black ink, appearing to read "Caleb Brubaker". The signature is written in a cursive style and is positioned above a horizontal line.

Chief Judge

APPENDIX G

STATE OF INDIANA

IN THE CIRCUIT COURT NO. 5

COUNTY OF DELAWARE

CAUSE NO. 18C05-2209-TS-_____

JUDGMENT AND ORDER OF SALE

The Joint Applicants, the Auditor and Treasurer of Delaware County, Indiana, having filed that certain Joint Application for Judgment and Order of Sale, pursuant to IC 6-1.1-24-1, *et seq.*, having prepared, compared and corrected a list of real property in Delaware County on which:

- A. Any property taxes or special assessments certified to the county auditor for collection by the county treasurer from the prior year's spring installment or before are delinquent as determined under IC 6-1.1-37-10; and
- B. Any unpaid costs are due, under section 2(c) of IC 6-1.1-24 from a prior tax sale, having subscribed that certain Joint Affidavit of the truth and accuracy of said list as provided by statute, and the Court, having reviewed the Application and materials in support thereof, hereby GRANTS said Application.

The Court, after being first duly advised now FINDS that:

- 1. Notice has been given of the intended application for judgment against these tracts or items of real property;
- 2. No sufficient defense has been made to show why judgment should not be entered against these tracts or items of real property for delinquent taxes;
- 3. Special assessments, taxes, penalties and costs due on them are to this date unpaid; and
- 4. No properties were certified to the Auditor as "not suitable for tax sale" under IC 6-1.1-24-1.7 and therefore the Court makes no determination pursuant to IC 6-1.1-24-4.7(j).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment is hereby entered against the listed tracts or items of real property (attached hereto) in favor of the State of Indiana for the amount of taxes, special assessments, penalties and costs due severally on them; and it is ORDERED that the several tracts or items of real property be sold as the law directs. Payments for taxes, special assessments, penalties and costs made after this judgment, but before the sale, shall reduce the judgment accordingly.

Dated: _____ day of _____, 2022
August 29, 2022


Judge, Delaware County Circuit Court No. 5

DISTRIBUTION:

APPENDIX H

STATE OF INDIANA)
) SS:
DELAWARE COUNTY)

IN THE DELAWARE CIRCUIT COURT #5
2023 TERM

IN RE: The Tax Sale of 2022

CAUSE NO. 18C05-2208-TS-000232

ANITA BRYANT
Respondent/Objector

ORDER STRIKING PLEADINGS

Comes now the Court, after reviewing the pleadings filed on September 12, 2023, by the Respondent/Objector, Anita Bryant, and finds that the Respondent/Objector lacks standing in this case, and therefore the Motion for Stay to Set Aside Tax Deed Pending Review of Writ of Certiorari by the United Supreme Court is stricken from the record.

ALL OF WHICH IS SO ORDERED September 17, 2023



Thomas A. Cannon Jr., Judge
Delaware Circuit Court 5

Distribution:

Anita Bryant, Respondent/Objector

APPENDIX I

IN THE
COURT OF APPEALS OF INDIANA

Anita Bryant,

Appellant,

v.

Delaware County Treasurer, et
al.,

Appellees.

Court of Appeals Cause No.
22A-TS-2380



Order

- [1] On March 9, 2023, this Court issued a Memorandum Decision dismissing this appeal. On July 13, 2023, the Indiana Supreme Court denied Appellant's petition to transfer, and on July 18, 2023, this Court's Memorandum Decision was certified.
- [2] Appellant, pro se, has now tendered a Motion for Stay to Set Aside Tax Deed Pending Review of Writ of Certiorari by the United States Supreme Court.
- [3] Having reviewed the matter, the Court finds and orders as follows:
1. The Clerk of the Court is directed to file Appellant's Motion for Stay to Set Aside Tax Deed Pending Review of Writ of Certiorari by the United States Supreme Court as of the date of this order.
 2. Appellant's Motion for Stay to Set Aside Tax Deed Pending Review of Writ of Certiorari by the United States Supreme Court is denied.
 3. The Clerk of this Court is directed to send this order to the parties, the trial court, and the Delaware Circuit Courts Clerk.
 4. The Delaware Circuit Courts Clerk is directed to file this order under Cause Number 18C05-2208-TS-232, and, pursuant to Indiana Trial Rule

77(D), the Clerk shall place the contents of this order in the Record of Judgments and Orders.

Ordered: 9/25/2023

A handwritten signature in black ink, appearing to read "Robert A. ...", written above a horizontal line.

Chief Judge

APPENDIX J

IN THE INDIANA SUPREME COURT,

STATE OF INDIANA

Received: 10/6/2023 1:14 AM

ANITA BRYANT, RESPONDENT/OBJECTOR

VS.

CASE NO. 22A-TS-02380

DELAWARE COUNTY AUDITOR/TREASURER

TO: The The Court Clerk, Marion County, IN Indiana Court of Appeals

Please forward the Motion For Stay To Set Aside Tax Deed Pending Review Of Writ Of Certiorari By The United States Supreme Court to the Indiana Supreme Court for judicial review.

This request is appropriate because:

- Said Stay was denied in trial court on September 17, 2023
- Said Stay was denied in the Indiana Court of Appeals on September 25, 2023

**IN THE INDIANA SUPREME COURT,
STATE OF INDIANA**

ANITA BRYANT, RESPONDENT/OBJECTOR

VS.

CASE NO. 22A-TS-02380

DELAWARE COUNTY AUDITOR/TREASURER

**MOTION FOR STAY TO SET ASIDE TAX DEED PENDING REVIEW OF WRIT
OF CERTIORARI BY THE UNITED STATES SUPREME COURT**

Comes now Anita Bryant, Respondent/Objector in the above-captioned cause, and respectfully moves that this Court grant a Stay to set aside tax deed certificate transfer scheduled for October 11, 2023 in trial court pending U.S. Supreme Court review of Writ of Certiorari. An Emergency Stay without notice is appropriate because (i) allowing tax deed certificate to transfer on **10/11/23** could cause Respondent/Objector irreversible financial harm (ii) absent an emergency stay Respondent/Objector will risk losing inheritance after action was taken by Respondent/Objector to remedy this issue by filing a petition to have Personal Representative removed, that was denied by Probate Court in July 2022; more recently, requesting a special judge in Probate Court to rectify this and many other Estate issues that was obstructed by Probate Court initially in December 2022 by the Delaware County Clerk, staff and judge, by refusing to forward Application for said request, and other serious questionable efforts made by said parties to prevent said transfer, but was requested and filed for Reconsideration on August 30, 2023, after Probate Court was supposed to have reconvened for the Matter in March 2023, but did not occur; Respondent/Objector filing a Motion to Disqualify Estate Attorney on August 30, 2023; including an injunction to stop the tax sale, that was not filed recently, but was ruled on, and denied by Probate court, not giving a legal basis for some motions filed and not providing logical legal basis on other said motions, on September 7, 2023; Probate Judge verbally providing Respondent/Objector a telephone number to call to pay the current taxes and fees owed on the property, as opposed to instructing the Personal Representative to do so. (Exhibit A) (iii) Personal Representative, the attorney for the estate, nor the Probate Court has made any efforts during the redemption period to pay taxes owed by selling other estate assets when Respondent/Objector made an effort in recent hearing to discuss status of Estate matters, and Probate Court refused to discuss at

recent hearing on September 5, 2023 (Exhibit B), or by any other means available, giving more of an appearance of having a passive role, and non-caring attitude in the administration of the estate; (iv) trial court has denied said Stay on September 17, 2023; Indiana Court of Appeals denied said Stay on September 25, 2023; (v) Respondent/Objector disagrees with trial court's explanation for denial of previous Stay of the order on *September 30, 2022* that was denied by trial court on the grounds that constitutional notice required to the estate was not given which undermined Respondent/Objectors due process rights to object to the sale in Probate Court, no Order of Transfer was given by Probate Court to trial court to legally transfer said property out from Probate Court's jurisdiction to trial court., and no supporting documentation that proof of the mailing of the Notice of Tax Delinquency to the court was filed with the Judgment for Order of Sale that was signed on August 29, 2022 as set forth in 6-1.1-24-4 (b)(2) by trial court.(vi) no reasonable additional step as set forth in Indiana Code § 6-1.1-24-4 (b)(2) was taken by the Delaware County Treasurer Auditor's office when delinquent notice was returned to them by the USPS, when a forwarding address was provided by the USPS, when probate cases are of public record, therefore, there could be no legitimate reason why a proper notice was not given to the estate (Exhibit C) (vii) due to the possible irreversible harm this transfer could cause Respondent/Objectioner if action is not taken immediately, and given that this motion would change the current status negatively for Respondent/Objector, and not affect the other parties involved negatively if Emergency Stay is granted, then not giving them a chance to respond would not change anything for the said parties, except a delay in transfer of ownership.

In the alternative, in the event the Court denies this Motion, Respondent/Objector respectfully requests that the Court require that the Estate of Laura J. Bryant produces a current accounting of the Estate to determine what assets are available immediately to review and pay the outstanding tax bill, and the final accounting at the closing of the estate can be adjusted accordingly, to protect Respondent/Objector's interests until said Writ is decided.

Moreover, Respondent/Objector respectfully requests a ruling on this Stay, no later than October 10, 2023, in order to timely expedite the process.

Respectfully submitted,

Anita Bryant

Respondent/Objector

CERTIFICATE OF SERVICE

I certify that on this 6th day of October, 2023, the foregoing was served upon the following by Indiana E Filing System:

- (1) Danyel Nicole Struble, Brooke & Struble PC, 112 E Gilbert St,
Muncie, IN 47305, IEFS
- (2) John H. Brooke, Brooke & Struble PC, 112 E Gilbert St, Muncie, IN
47305, IEFS
- (3) Amanda N. Brown PC, 112 E. Gilbert St., Muncie, IN 47305, IEFS

So certified, this the 6th day of October. 2023.

Anita Bryant

RESPONDENT/OBJECTOR

Filing Submitted for Case: 22A-TS-02380; Anita Bryantv.Delaware County Treasurer, et al.; Envelope Number: 26823796

From: no-reply@efilingmail.tylertech.cloud
 To: aunt_nini@yahoo.com
 Date: Friday, October 6, 2023 at 01:14 AM EDT



Notice of Electronic Filing

Envelope Number: 26823796
 Case Number: 22A-TS-02380
 Case Style: Anita Bryantv.Delaware County Treasurer, et al.

The filing below has been submitted to the clerk's office for review. Please allow 24 - 48 hours for clerk office processing.

Filing Details	
Court	Appellate Courts
Date/Time Submitted	10/6/2023 1:14 AM EST
Filing Type	Motion/Petition
Filing Description	Request to Transfer to ISC Motion to Stay Pending Review of Writ of Certiorari to the USSC
Type of Filing	EFileAndServe
Filed By	Anita Bryant
Filing Attorney	

Fee Details	
Your account is never charged until your filing is accepted. If you see any pending charges on your account prior to acceptance, this is an authorization hold to ensure the funds are available so your filing can be accepted without delay.	
If the filing is canceled or rejected these funds will be released and will return to your account according to your financial institution's policies (typically 3-10 business days).	
Waiver Selected	
Case Fees	\$0.00
Motion/Petition	\$0.00
Grand Total	\$0.00
Total:	\$0.00

Document Details	
Lead Document	MOTION FOR STAY TO SET ASIDE TAX DEED PENDING REVIEW OF USSC Signed.pdf
Lead Document Page Count	4
File Copy	Download Document
This link is active for 45 days.	

For technical assistance, contact your service provider

Service Provider: Tyler Technologies Odyssey File and Serve [Need Help?](#)

Email: efiling.support@tylertech.com

Please do not reply to this email. It was automatically generated.

Filing Accepted for Case: 22A-TS-02380; Anita Bryantv.Delaware County Treasurer, et al.;
Envelope Number: 26823796

From: no-reply@efilingmail.tylertech.cloud

To: aunt_nini@yahoo.com

Date: Friday, October 6, 2023 at 09:22 AM EDT

Service Provider: Tyler Technologies
Odyssey File and Serve [Need Help?](#)
Email: efiling.support@tylertech.com

Filing Accepted

Envelope Number: 26823796
Case Number: 22A-TS-02380
Case Style: Anita Bryantv.Delaware County
Treasurer, et al.

The filing below was reviewed and has been accepted by the clerk's office. You may access the file stamped copy of the document filed by clicking on the below link.

Filing Details	
Court	Appellate Courts
Case Number	22A-TS-02380
Case Style	Anita Bryantv.Delaware County Treasurer, et al.
Date/Time Submitted	10/6/2023 1:14 AM EST
Date/Time Accepted	10/6/2023 9:21 AM EST
Accepted Comments	
Filing Type	Clerk - Document
Filing Description	Motion to Stay-Appellant
Activity Requested	EFileAndServe
Filed By	Anita Bryant
Filing Attorney	

Document Details	
Lead Document	MOTION FOR STAY TO SET ASIDE TAX DEED PENDING REVIEW OF USSC Signed.pdf
Lead Document Page Count	4
File Stamped Copy	Download Document or Copy and paste the following URL into your browser: https://indiana.tylertech.cloud/ViewDocuments.aspx?FID=c45ea8e6-627b-4d5f-804e-3116b2a69c0d
This link is active for 45 days.	

Please Note: If you have not already done so, be sure to add yourself as a service contact on this case in order to receive eService.

For more information on e-filing in Indiana visit courts.in.gov/efile. There you will find answers to [frequently asked questions](#), the [E-filing User Guide](#), and [tutorials and infographics](#) to help guide you.

Indiana Supreme Court
Office of Judicial Administration

Please do not reply to this email. It was automatically generated.

APPENDIX K

10/12/2023

Laura Bryant
c/o Michael J. Woody
151 N. Delaware St., Ste. 1520
Indianapolis IN 46204

NOTICE OF FILING PETITION FOR TAX DEED

Pursuant to the provisions of Indiana Code **6-1.1-25-4.6**, as the owner of the real property described below or a person with a substantial property interest of public record in the real property described below, you are hereby notified of the following:

On or after **10/11/2023**, **M Jewell, LLC**, by counsel, filed a Verified Petition for Order Directing Auditor of **Delaware** County, Indiana to Issue a Tax Deed in the **Delaware Circuit Court 5** under Cause No. **18C05-2208-TS-000232**, requesting a tax deed to be issued by the Auditor of **Delaware** County, Indiana, for the following described real property located in **Delaware** County, Indiana, to-wit:

Tax ID No: **18-11-27-254-006.000-003**
Legal: **GROVE PARK LOT # 54-55**
Certificate No: **18A995**
Common address: **3915 S. Ebright St., Muncie IN 47302-5731**

The above described property was sold by the Treasurer of **Delaware** County, Indiana on **10/11/2022**. The tract or real property has not been redeemed. The owner, occupant, or person with a substantial interest of public record may file a written objection to the Petition **no later than thirty (30) days** after the date of filing of said Petition.

The Petitioner shall make application with the Court for an order directing the Auditor of **Delaware** County, Indiana, to execute and deliver a tax deed on or after **10/11/2023**.

You and any person owning or having interest in the above-described tract or real property may appear in the proceedings on this petition. The Purchaser or Purchaser's assigned entity is entitled to receive a deed for the tract or real property if it is not redeemed before the court has ordered the county Auditor to issue a tax deed.

JON D. MADISON (26466-33)
Attorney for Purchaser(s)
DeFur Voran LLP
400 S. Walnut St., Ste. 200 Muncie IN 47305

No. 23-5867

IN THE SUPREME COURT OF THE UNITED STATES

ANITA BRYANT,

v. *Applicant,*

DELAWARE COUNTY TREASURER, ET AL

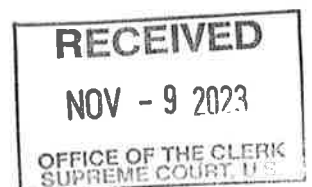
Respondents.

From the Indiana Court of Appeals

**NOTICE OF AN AMENDMENT TO THE APPENDIX FOR
EMERGENCY RULE 23 APPLICATION FOR STAY TO SET
ASIDE THE TAX DEED**

Anita Bryant
6902 W. Hillsborough Ave.
Tampa, FL 33634
Telephone: (813) 494-6292

Pro Se



To: Amy Coney Barrett, Associate Justice and Justice for the Seventh Circuit

Comes now Applicant and non-prevailing party below, Anita Bryant, asks that the attached ruling denying Bryant's a request for a "Motion for Stay to Set

Aside Tax Deed Pending Review of Writ of Certiorari by the United States Supreme Court filed in The Indiana Supreme Court be attached to this Application as "Exhibit L" for the Enforcement of the underlying judgment be stayed pending the disposition of this case in this court.

A. Bryant has satisfied the procedural prerequisites of Supreme Court Rule 23.


This submission is part of the second attempt with this court to file this Stay. The first attempt was received by this court, on or around September 26, 2023. Said Stay was returned to Bryant through USPS. Said Stay was returned because Bryant did not seek relief from The Indiana Supreme Court. That issue has now been corrected.

Bryant requested the Indiana Court of Appeals forward said Stay to the Indiana Supreme Court on October 6, 2023, under this court's direction, requesting a ruling no later than October 10, 2023. The Indiana Court of Appeals forwarded said Stay to staff attorney for review, and did not file the Stay in the Indiana Supreme Court. This was confirmed by the clerk's office to Bryant on October 11, 2023, and on October 13, 2023, when Bryant followed-up on the status. Moreover, no time frame was given to Bryant by the clerk's office when Bryant asked. Bryant had given the court a reasonable amount of time to respond. Due to time constraints, Bryant submitted evidence of the filing. After said Application was

mailed USPS to the court for consideration, the Indiana Supreme Court rendered their decision denying Bryant the request on October 19, 2023.

Bryant now has satisfied the requirement for relief through the state courts, and would like to submit the following for "Exhibit L" as part of said Application.

Respectfully submitted,


Anita Bryant
6902 W. Hillsborough Ave.
Tampa, FL 33634
813-494-6292

CERTIFICATE OF SERVICE

I certify that on this 2nd day of November, 2023, the foregoing was served upon the following by electronic mail:

- (1) Danyel Nicole Struble, Brooke & Struble PC, 112 E Gilbert St, Muncie, IN 47305, dstruble@bslawgroup.com
- (2) John H. Brooke, Brooke & Struble PC, 112 E Gilbert St, Muncie, IN 47305, jbrooke@bslawgroup.com
- (3) Amanda N. Brown PC, 112 E. Gilbert St., Muncie, IN 47305, abrown@bslawgroup.com



Signature

APPENDIX L

In the
Indiana Supreme Court

Anita Bryant,
Appellant,

v.

Delaware County Treasurer, et al.,
Appellees.

Court of Appeals Case No.
22A-TS-2380

Trial Court Case No.
18C05-2208-TS-232



Order

The Court of Appeals issued a memorandum decision dismissing this appeal on March 9, 2023. This Court denied transfer on July 13, 2023, and the decision was certified on July 18, 2023. Appellant, *pro se*, has tendered a motion asking the Court to stay the operation of the Court of Appeals decision until she exhausts the certiorari process in the U.S. Supreme Court.

Being duly advised, the Court directs the Clerk to file Appellant's "Motion for Stay to Set Aside Tax Deed Pending Review of Writ of Certiorari by the United States Supreme Court" as of the date of this order and DENIES the motion. This appeal is at an end.

Done at Indianapolis, Indiana, on 10/17/2023.

A handwritten signature in black ink, appearing to read "Loretta H. Rush". The signature is written in a cursive style and is positioned above a horizontal line.

Loretta H. Rush

Chief Justice of Indiana