

24-5992  
No. \_\_\_\_\_

**ORIGINAL**

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**In the Supreme Court of the United States**

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ANDREW W. BELL,

Petitioner,

v.

FULTON COUNTY, GEORGIA et.al.,

Respondents.

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ON PETITION FOR WRIT OF CERTIORARI  
TO THE SUPREME COURT OF THE STATE OF GEORGIA

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**PETITION FOR WRIT OF CERTIORARI**

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*pro se*

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Supreme Court, U.S.  
FILED

**NOV 12 2024**

OFFICE OF THE CLERK

## QUESTIONS PRESENTED

Fulton County, Georgia Superior Court issued a final order on November 08, 2024. Petitioner filed an appeal pursuant to O.C.G.A. § 5-6-35(j). The appeal was stamped “received” at 2:35 p.m. on November 17, 2023. The Petitioner never was notified that his appeal had been rejected. He returned back to the Supreme Court of Georgia after Fulton Superior Court issued another order on December 13, 2023, which denied Petitioner’s motion for reconsideration, and also stated “The Court dismissed this case with prejudice on 11/8/2023. Thirty days have passed since the ruling and no appeal has been filed.” Petitioner had brought the against the Respondents after his petition his petition for ejectment and the restoration of 2478 Stone Road to its original boundaries was dismissed. Petitioner filed a new lawsuit against the Respondents for the purpose of obtaining compensation for damages he had suffered because there was a road cut through a fraudulent lot that the Respondents claimed was the only parcel of land Petitioner had been granted. Petitioner presented facts that 2478 Stone Road was never approved to subdivided by the City of East Point or the Fulton County Superior Court. Petitioner appealed to the Supreme Court of Georgia due to fraud committed against him in the purchase of 2478 Stone Road, East Point, GA 30344 at the Fulton County, Georgia Sheriff sale held on May 04, 2021. O.C.G.A. § 5-6-35(j) did not require Petitioner to file a notice of appeal at the time his appeal was filed. If Petitioner were file his appeal pursuant to O.C.G.A. § 5-6-34(a) or O.C.G.A. § 5-6-35(a) he would have had 30 days to file a notice of appeal with the Fulton County superior court Clerk’s office, which would have been December 08, 2023. However, O.C.G.A. § 5-6-35(j) required that Petitioner file his appeal first and wait until the Supreme Court of Georgia grant his application. On April 15, 2024, after Petitioner’s appeal had been rejected by the Supreme Court of Georgia, that court amended their Rule 41 (2)<sup>1</sup>.

The following questions are presented.

1. Did Petitioner file an appeal on November 17, 2023, to the Supreme Court of Georgia pursuant to O.C.G.A. § 5-6-35(j)?
2. Should Petitioner have been notified that his appeal was rejected by the Clerk of the Supreme Court of Georgia?
3. Should Petitioner have been granted the 2478 Stone Road, East Point, GA 30344 property with the same boundaries as the previous two owners Robert O. Taylor and Andrews B. Asare?

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<sup>1</sup> “A petition for certiorari must state, separately and distinctly, the question or questions presented by the case which, in the petitioner’s view, meet the standard set out in Rule 40 for granting review. The question or questions should be set out under a separate heading at the beginning of the petition, before the table of contents, table of authorities or introduction.”

4. Are the Respondents responsible for any actual, compensatory, or punitive damages to the Petitioner?
5. Are the service of process laws in Georgia, specifically O.C.G.A. § 5-6-35(j) and O.C.G.A. § 5-6-35(j), constitutional? Being that those laws place a severe burden on serving individuals such as county clerks, sheriffs, judges, etc.

## **LIST OF PARTIES TO THE PROCEEDING**

Petitioner is Andrew W. Bell who was a plaintiff in the Supreme Court of the State of Georgia.

Respondents are Fulton County, Georgia; Fulton County Board of Tax Assessors in their official and personal capacity<sup>2</sup>, Fulton County Sheriff Patrick Labat in his official and personal capacity, Ché Alexander in her official capacity; former Fulton Clerk Cathlene Robinson in her official and personal capacity; former Fulton County Clerk Jaunita Hicks in her official and personal capacity; Dr. Arthur E. Ferdinand in his official capacity as Fulton County Tax Commissioner; Judge Kimberly M. Esmond Adams in her official and personal capacity; Andrews B. Asare<sup>3</sup>; Beatrice Adumattah<sup>4</sup>; Marina Lopez & Jose Lux <sup>5</sup>; Webster Richards & Mark Richards<sup>6</sup>.

## **RULE 29.6 STATEMENT**

Petitioner is a natural person with no parent companies and no outstanding stock.

## **STATEMENT OF RELATED CASES**

The following proceedings are directly related to this case within the meaning of Rule 14.1 (b)(iii):

- *Andrew W. Bell vs Eyeylondra Austin*, No. 2021CV352322 (Ga. Super. Ct., Fulton Cnty.)(final order dismissing petition entered on October 25, 2022).
- *Andrew W. Bell v Marina Lopez et.al.*, 368 Ga. App. 101 (2023) 888 S.E.2d 284, (judgement affirming October 25, 2022 entered on May 24, 2023).
- *Andrew W. Bell v Marina Lopez et.al.*, Case # A23A0723 Ga. App, (motion for reconsideration and motion for interlocutory injunctive relief were denied on June 12, 2023).
- *Andrew W. Bell v Marina Lopez et.al.*, No. S23C1052 (Ga.) (petition certiorari denied November 07, 2023).

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<sup>2</sup>Petitioner holds in all Board members past and present in their personal capacity for those officials that were on the Board from March 2006 through the present day.

<sup>3</sup>Filed the original fraudulent quit claim deed and legal descriptions to a fraudulent subdivision.

<sup>4</sup>Widow of Baffour Adumattah who was apart of two fraudulent deeds apart of two fraudulent deeds that involved the party in question 2478 Stone Road in East Point, GA 30344.

<sup>5</sup>Their names are listed together on a quit claim deed on a fraudulent lot.

<sup>6</sup>Their names are listed together on a quit claim deed on a fraudulent lot.

- *Andrew W. Bell v Marina Lopez et.al.*, No. S23C1052 (Ga.) (motion for reconsideration denied December 19, 2023).
- *Andrew W. Bell v FULTON COUNTY et.al.*, No. S23O1091 (Ga.) (final order dismissing petition July 05, 2023).
- *Andrew W. Bell v FULTON COUNTY et.al.*, No. S23O1091 (Ga.) (motion for reconsideration denied August 21, 2023).
- *Andrew W. Bell v FULTON COUNTY, GEORGIA et.al.*, No. 2022CV373877 (Ga. Super. Ct., Fulton Cnty.)(final order recusing all active Fulton County Superior Court judges on February 01, 2023).
- *Andrew W. Bell v FULTON COUNTY, GEORGIA et.al.*, No. 2022CV373877 (Ga. Super. Ct., Fulton Cnty.)(final order accepting case on February 02, 2023).
- *Andrew W. Bell v FULTON COUNTY, GEORGIA et.al.*, No. 2022CV373877 (Ga. Super. Ct., Fulton Cnty.)(final order dismissal of complaint on Nov. 08, 2023).
- *Andrew W. Bell v FULTON COUNTY, GEORGIA et.al.*, No. 2022CV373877 (Ga. Super. Ct., Fulton Cnty.)(final order for denial of motion for reconsideration on Dec. 13, 2023).
- *Andrew W. Bell v FULTON COUNTY, GEORGIA et.al.*, No. A24A0890 (Ga. App.)(dismissed appeal on February 14, 2024).
- *Andrew W. Bell v FULTON COUNTY, GEORGIA et.al.*, No. A24A0890 (Ga. App.)(motion for reconsideration denied on March 11, 2024).
- *Andrew W. Bell v FULTON COUNTY, GEORGIA et.al.*, No. A24A0890 (Ga.) (petition for certiorari denied on July 02, 2024).
- *Andrew W. Bell v FULTON COUNTY, GEORGIA et.al.*, No. A24A0890 (Ga. App.)(motion for reconsideration denied on August 13, 2024).

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## PETITION FOR WRIT OF CERTIORARI

Andrew W. Bell respectfully petitions this Court for a writ of certiorari to the Supreme Court of the State of Georgia to review the denial of his denial of his petition for certiorari on July 02, 2024, and the denial of his motion for reconsideration on August 13, 2024. Respondents are Fulton County, Georgia; Fulton County Board of Tax Assessors in their official and personal capacity<sup>1</sup>, Fulton County Sheriff Patrick Labat in his official and personal capacity, Ché Alexander in her official capacity; former Fulton Clerk Cathlene Robinson in her official and personal capacity; former Fulton County Clerk Jaunita Hicks in her official and personal capacity; Dr. Arthur E. Ferdinand in his official capacity as Fulton County Tax Commissioner; Judge Kimberly M. Esmond Adams in her official and personal capacity; Andrews B. Asare<sup>2</sup>; Beatrice Adumattah<sup>3</sup>; Marina Lopez & Jose Lux <sup>4</sup>; Webster Richards & Mark Richards<sup>5</sup>.

## OPINIONS BELOW

The February 14, 2024, opinion of the Court of Appeals of Georgia is unreported and attached in Appendix ("Pet. App.") *See* Pet. App: 4a. The motion for reconsideration was denied on March 11, 2024. The February 14, 2024, opinion made reference to other opinions made by the Fulton County superior court and the Court of Appeals of Georgia respectively. The first opinion is the November 08, 2023, order from the Fulton County superior court which is unreported and attached at *See* Pet. App: 7a. The second opinion is the December 13, 2023, order from the Fulton County superior court which is unreported and attached at *See* Pet. App: 6a . The February 14, 2024, opinion also makes reference to a previous opinion that is reported at *Bell v Lopez*, 368 Ga. App. 101 (888 SE2d 284) (2023) and attached at *See* Pet. App: 22a. Petitioner submitted a motion for reconsideration that was decided on June 12, 2023, which is unreported and attached at *See* Pet. App: 18a. The *Bell v Lopez*, 368 Ga. App. 101 (888 SE2d 284) (2023) decision is an opinion from a case that began in Fulton County, Georgia superior court (Fulton County superior court *Andrew W. Bell v. Eyelondra Austin et.al.* Civil Action # 2021CV352322) which is unreported and attached at *See* Pet. App: 40a. The February 14, 2024, opinion was appealed to the Georgia Supreme Court. The Supreme Court of Georgia did not issue an opinion it denied Petitioner's petition for certiorari on July 02, 2024, it is attached at Pet. App:

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<sup>1</sup>Petitioner holds in all Board members past and present in their personal capacity for those officials that were on the Board from March 2006 through the present day.

<sup>2</sup> Filed the original fraudulent quit claim deed and legal descriptions to a fraudulent subdivision.

<sup>3</sup>Widow of Baffour Adumattah who was apart of two fraudulent deeds apart of two fraudulent deeds that involved the party in question 2478 Stone Road in East Point, GA 30344.

<sup>4</sup> Their names are listed together on a quit claim deed on a fraudulent lot.

<sup>5</sup> Their names are listed together on a quit claim deed on a fraudulent lot.

2a. The Supreme Court of Georgia also denied his motion for reconsideration on August 13, 2024, it is attached at Pet. App. 1a.

### JURISDICTION

The Georgia Supreme Court entered its judgement on August 13, 2024. Pet. App. 1a. The Court has jurisdiction under 28 U.S.C. § 1257(a) and 18 U.S.C. 1341.

### RELEVANT CONSTITUTIONAL PROVISIONS

No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.**

U.S. Const. amend V.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.**

U.S. Const. amend XIV (Section I)

### STATEMENT OF THE CASE

After the Petitioner received an order from the Fulton County superior court on November 08, 2023, he filed an appeal to the Supreme Court of Georgia pursuant to O.C.G.A. § 5-6-35(j) on November 17, 2023. *See* Pet. App. 433a. Petitioner's appeal was rejected without him being notified. The Petitioner only found out that his application for appeal had been rejected by the Supreme Court of Georgia when

he received a ruling from the Fulton County Superior Court on December 13, 2023, that stated, “The Court dismissed this case with prejudice on 11/18/23. Thirty days have passed and no appeal has been filed.” See Pet. App. 6a. In fact, there was an appeal filed in the Supreme Court of Georgia. The Petitioner’s appeal has stamp with the name of Therese R. Barnes with a date of November 17, 2023, and a time of 2:35 p.m. Petitioner had already served Respondents prior to filing his appeal with the Supreme Court of Georgia. Petitioner submitted his application for appeal within the ten (10) day time period required by O.C.G.A. § 5-6-35(j). When Petitioner returned to back to the Supreme Court of Georgia on December 14, 2023, to inquire about the appeal he had filed, he was told by Laura Pinerva that his appeal had been rejected. Petitioner’s phone number and email were listed on his appeal. When Petitioner inquired as to why he was not notified that his appeal had been rejected, the reason the Petitioner was given, is that because the Petitioner had paid cash the Supreme Court of Georgia was unable to return his appeal and refund through the mail. See Pet. App. 507a. The Supreme Court of Georgia gave no reason as to why they had not called or emailed the Petitioner to notify that the State Court had rejected his appeal. O.C.G.A. § 5-6-35(j) does not and did not require Petitioner to file a notice of appeal with the submission of his application. However, other appeals would have required that the Petitioner file a notice of appeal with the superior court of Fulton County, Georgia. Petitioner had 30 days to file a notice of appeal with the Fulton County superior court Clerk’s office, which would have been December 08, 2023. However, O.C.G.A. § 5-6-35(j)

required that Petitioner file his appeal first and wait until the Supreme Court of Georgia grant his application. On April 15, 2024, after Petitioner's appeal had been rejected by the Supreme Court of Georgia, that court amended their Rule 41 (2)<sup>6</sup>.

Petitioner appealed to the Supreme Court of Georgia due to fraud committed against him in the purchase of 2478 Stone Road, East Point, GA 30344 at the Fulton County, Georgia Sheriff's sale held on May 04, 2021. The Petitioner received a tax deed for 2478 Stone Road, East Point, GA 30344 from the Grantor, Fulton County Sheriff Patrick Labat. *See* Pet. App. 653a. Respondent Labat claimed a person by the name of Baffour Adumattah was the owner of 2478 Stone Road. However, the 2478 Stone Road property was never legally transferred to Baffour Adumattah. There is fraudulent quit claim deed<sup>7</sup> that was signed by one of the previous owners of the property, Andrews B. Asare, and Baffour Adumattah on June 18, 2008. *See* Pet. App. 648a. However, the deed is defective in several ways. First, the address on the quit claim deed states Baffour Adumattah was sold 2478 Pearl Street (Lot 1), East Point, GA 30344. Pearl Street is approximately two miles from 2478 Stone Road, East Point, GA 30344. Second, the parcel Id # on the quit claim deed is 14-0194-0010-048-4. The parcel Id # number Petitioner was given on his tax deed is 14-0194-0010-067-4.

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<sup>6</sup> "A petition for certiorari must state, separately and distinctly, the question or questions presented by the case which, in the petitioner's view, meet the standard set out in Rule 40 for granting review. The question or questions should be set out under a separate heading at the beginning of the petition, before the table of contents, table of authorities or introduction."

<sup>7</sup> *See* Pet. App. 648a

Respondents falsely claimed that Andrews B. Asare subdivided 2478 Stone Road, which he had not. After Petitioner showed the deficiencies in the June 18, 2008 deed signed by Andrews B. Asare, the Respondents claimed Baffour Adumattah had corrected the deed which he did not. The Respondents claimed that Baffour Adumattah had filed another quit claim deed on January 08, 2019<sup>8</sup>, which corrected the quit claim deed signed by Andrews B. Asare on June 18, 2008. See Pet. App. 648a. Respondent Andrews B. Asare used fraudulent legal descriptions<sup>9</sup> to secure loans on five lots of a subdivision that has never existed legally or in actuality. See Pet. App. 80a-83a; 97a-136a. Respondent sold the property to his alias Andrew B. Asare on at least one occasion. See Pet. App. 94a. Baffour Adumattah could not change Andrews B. Asare deed. Baffour never sought relief from the Fulton County Superior Court, and he has never been the legal owner of 2478 Stone Road in East Point, GA 30344.

### **REASONS FOR GRANTING THE WRIT**

In this case there are several indisputable facts: (1) Mr. Bell purchased 2478 Stone Road, East Point, GA 30344 at the Fulton County Sheriff's tax sale on May 04, 2021. See Pet. App. 653a. (2) Baffour Adumattah never had a legal right or title to 2478 Stone Road. See Pet. App. 648a-650a (3) Andrews B. Asare never legally subdivided 2478 Stone Road<sup>10</sup>. (4) Andrews B. Asare filed a preliminary plat along

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<sup>8</sup> See Pet. App. 651a

<sup>9</sup> See Pet. App. 654a-655a

<sup>10</sup> The City of East Point, Georgia never granted Andrews B. Asare permission to subdivide 2478 Stone Road for any purpose including to build a subdivision. Andrews B. Asare never petitioned Fulton County Superior

with fraudulent legal descriptions with the Fulton County, Georgia Superior Court Clerk. *See* Pet. App. 646a-647a; 654a-655a (5) The Fulton County Superior Court recorded the preliminary plat and the fraudulent legal descriptions. *See* Pet. App. 646a-647a; 654a-655a. (6) The Fulton County Board of Tax Assessors unlawfully subdivided and changed the boundaries of 2478 Stone Road. (7) On November 17, 2023, Mr. Bell pursuant to O.C.G.A. § 5-6-35(j) filed an appeal of the November 08, 2023, Fulton County Superior Court's final order, with the Supreme Court of the State of Georgia. *See* Pet. App. 433a. (8) Mr. Bell was never given notice that his November 17, 2023 appeal, that he filed with the Clerk of the Supreme Court of Georgia, had not been docketed or had been rejected.

The Respondents have violated the Fifth Amendment and Fourteenth amendment<sup>11</sup>, and more specifically the Fifth amendment's "Takings Clause"<sup>12</sup>. Petitioner had the winning bid at the May 04, 2021, Sheriff's tax sale. After receiving his tax deed<sup>13</sup> Petitioner discovered through research that his legal description for 2478 Stone Road was incorrect, based on the previous property deeds of the two previous owners. Petitioner also through basic research discovered fraud originated by Andrews B. Asare and continued by Baffour Adumattah. Petitioner attempted to correct the situation by filing a petition to eject intruders and correct

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Court to subdivide 2478 Stone Road pursuant to O.C.G.A. § 44-2-162 or any other method. According to the to fraudulent legal description the last survey for the property was performed in 1998 and revised in 2004 however, there is one unapproved **preliminary** site plat dated 02/05/2006 and another **preliminary** site plat dated 03/10/2006 and approved on 03/22/2006.

<sup>11</sup> "nor be deprived of life, liberty, or property without due process of law"

<sup>12</sup> "nor shall private property be taken for public use without just compensation."

<sup>13</sup> *See* Pet. App. 653a



boundaries with the Fulton County, Georgia Superior Court. *See* Pet. App. 630a-658a. The Petitioner also sent Ante Litem notice to the Fulton County Board of Tax Assessors to correct the property boundaries. *See* Pet. App. 659a-664a. Mr. Bell's petition was unsuccessful even after appealing to the Court of Appeals of the State<sup>14</sup> of the Georgia and the Supreme Court of the State of Georgia<sup>15</sup>. Mr. Bell filed a complaint, that complaint was decided on November 08, 2024, by the Fulton County superior court. *See* Pet. App. 7a. Mr. Bell appealed the November decision to the Supreme Court of the State of Georgia on November 17, 2023. *See* Pet. App. 433a. Mr. Bell was never notified that his appeal would not be docketed. Mr. Bell had never filed a lawsuit against any person or official in Georgia until 2020 when he filed a lawsuit against the Secretary of Georgia and the former elections director of Georgia. The Petitioner was a victim of fraud in that case which was recently denied certiorari by this Court<sup>16</sup>. The petitioner believes there is a nexus between that case and his treatment by the Georgia courts in this case and other cases.

**I. Service process on the Fulton County Defendants or Respondents places a severe burden on the Plaintiff or Petitioner.**

As Petitioner explained in his motion of reconsideration to the Fulton County Superior Court<sup>17</sup> the service process under O.C.G.A § 9-11-4 (c) causes a severe burden for individuals attempting to serve government officials such as the ones

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<sup>14</sup> *See* Pet. App. 722a

<sup>15</sup> *See* Pet. App. 812a

<sup>16</sup> *See* Case No. 23-7684

<sup>17</sup> *See* Pet. App. 454a-455a

that are included in this petition<sup>18</sup>. Petitioner being aware of O.C.G.A § 9-11-4 (c), knew that he could not serve the Respondents by himself<sup>19</sup>. Petitioner was unable to serve Judge Adams through the Fulton County Sheriff via O.C.G.A § 9-11-4 (c)(1), even though Judge Adams works in the courthouse. *See* Pet. App. 901a. When Petitioner attempted to use the Fulton County Marshall's office via O.C.G.A § 9-11-4 (c)(2), Petitioner was told that the Fulton County Marshall could only serve individuals or entities in Fulton County State Court. The other methods of service pursuant to O.C.G.A § 9-11-4 (c)(3)(4) required that Petitioner use a process server appointed by the court or be a certified process server. The Petitioner petitioned the Fulton County Superior Court to appoint a process server in a related case, and he was denied. *See* Pet. App. 49a -50a. When the Petitioner found out that the Fulton County Attorney's accepted service for the Fulton County Sheriff and the Fulton County Tax Commissioner he went with Yoland Nowell-Harris who Petitioner hoped the Fulton County Superior Court would appoint as his process server *nunc pro tunc*. The Fulton County Attorney's office would not take service for the Fulton County Clerk or the Fulton County Board of Tax Assessors. However, all the responses to the Petitioner were not only from the Fulton County Sheriff and the Fulton County Tax Commissioner, but the responses from Fulton County Clerk and the Fulton County Board of Tax Assessors, came from the Fulton County Attorney's Office as well. *See* Pet. App. 182a, 241a, 301a, 357a.

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<sup>18</sup> These are to include county sheriffs, county clerks, judges, tax assessors, tax commissioners, etc.

<sup>19</sup> With the invention of scanners, cameras, and video the fact that a person cannot make service on another person or entity feels and seems outdated.

The problem Petitioner faced in obtaining a process server appointed to serve process for the Fulton County Superior Court is the people that the Petitioner was attempting to serve were part of the Fulton County Superior Court system or entity. As Mr. Bell stated to the Fulton County Superior Court, *"Petitioner did contact several process servers that had been appointed by this Court and all the process servers including a process server that the Petitioner knew personally declined to take Petitioner on as a client. The process server that Petitioner knows personally explained that the Fulton County Sheriff had some involvement in the approval process of becoming a process server in Fulton County and the individual feared retaliation or reprisal against him, his practice as a process server, and ultimately his livelihood."* See Pet. App. 460. Essentially in this case for the service processors appointed by the Fulton County Superior Court, it would have been like disciplining your boss or bosses.

O.C.G.A § 9-11-4.1 is a statute that governs certified service processors. In the Petitioner's opinion the statute places the interest of the certified processor industry before fairness and justice. O.C.G.A § 9-11-4 (c) is a statute that government officials have and are successfully using to avoid be held accountable from the public they are supposed to serve.

**II. Petitioner's appeal was unlawfully rejected and petitioner was not notified of the rejection.**

The Georgia Court of Appeals February 14, 2024, opinion<sup>20</sup> erred, when it ruled that “a notice of appeal must be filed within 30 days of entry of an appealable order or judgement. O.C.G.A § 5-6-38(a).” The Appellant filed a timely appeal with the Clerk of the Supreme Court of Georgia on November 17, 2023<sup>21</sup>, in accordance with O.C.G.A § 5-6-35(j). See *BELL v. RAFFENSBERGER* 311 Ga. 616 (Ga. 2021) 858 S.E.2d 48 at 617-618. The Clerk of the Supreme Court of Georgia never notified the Petitioner that his appeal was not accepted<sup>22</sup>. The Petitioner was awaiting notice of the acceptance of his application in accordance with O.C.G.A. § 5-6-35(j) so that he could proceed under O.C.G.A. § 5-6-35(g). The Petitioner went to the office of the Clerk of the Supreme Court after the trial court issued its order on December 13, 2023. See Pet. App 6a. The Petitioner was told by the office of the Clerk of the Supreme Court that his appeal was not mailed back because he paid cash. See Pet. App. 507a. Had Petitioner been notified that his appeal would not be docketed, he still would have had twenty (20) days to file a notice of appeal with the Fulton

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<sup>20</sup> See Pet. App. 4a

<sup>21</sup> See Pet. App. 433a

<sup>22</sup> From the Petitioner’s opinion through his experiences with the Supreme Court of Georgia’s Clerk office, he feels that significant improvements have been made with their front desk clerk, since his first dealings with that position in 2020. However, Petitioner was let down again by the process. In past years the staff was rude, unprofessional, and unwilling to answer questions, but since the new person at the front desk was hired Mr. Bell’s experience with the Georgia Supreme Court’s Clerk office has been much approved. He hasn’t made any phone calls to the Georgia Supreme Court’s Clerk office, so he doesn’t know if that method of contact has improved or not. However, Mr. Bell believes that he should have been notified that his pleading was not docketed at an earlier time. Mr. Bell believes he should have also been given the reason why his appeal was not docketed at the time the decision was made not to docket his appeal, or at an early enough time where he could have filed a timely notice of appeal with the Court of Appeals of Georgia.

Superior Court, although that should not have been necessary because Mr. Bell filed his appeal in accordance with O.C.G.A. § 5-6-35(j).<sup>23</sup>

### **III. Reasons for the Complaint Against the Respondents.**

The Georgia Court of Appeals February 14, 2024, decision was based on res judicata. The Georgia Court of Appeals stated that the trial court had determined Mr. Bell's complaint "*was barred by res judicata based on Bell's filing of a previous lawsuit, arising from the same underlying facts, which had been dismissed with prejudice, and the dismissal affirmed on appeal. See Bell v. Lopez, 368Ga. App. 101 (888 SE2d 284) (2023).*" See Pet. App. 4a. Mr. Bell's previous lawsuit and appeal {(Bell v. Lopez, 368Ga. App. 101 (888 SE2d 284) (2023)}, was for the purpose of ejecting intruders and restoring the property's legal description back to its original and rightful boundaries, as they were conveyed from Robert O. Taylor to Andrews B. Asare on December 01, 1995. Mr. Bell's complaint, which was dismissed with prejudice by the Fulton County Superior Court on November 8, 2023.<sup>24</sup> Mr. Bell's complaint was not concerning the ejectment of intruders or the restoration of boundaries as his previous was that was before that court. Mr. Bell's complaint was about the damages that he has incurred via the actions of Marina Lopez & Jose

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<sup>23</sup> O.C.G.A. § 5-6-35(j): When an appeal in a case enumerated in subsection (a) of Code Section 5-6-34, but not in subsection (a) of this Code section, is initiated by filing an otherwise timely application for permission to appeal pursuant to subsection (b) of this Code section **without** also filing a timely notice of appeal, the appellate court shall have jurisdiction to decide the case and shall grant the application. Thereafter the appeal shall proceed as provided in subsection (g) of this Code section. Mr. Bell's appeal is listed in subsection (a) of Code Section 5-6-34 but not in subsection (a) of Code Section 5-6-35

<sup>24</sup> See Pet. App. 7a.

Lux's road that they constructed through the fraudulent Lot 1 of a subdivision that doesn't exist and has never gone through the process of being approved to be a subdivision. The City of East Point, Georgia has never approved a subdivision to be built on the 2478 Stone Road property that was conveyed to Andrews B. Asare from Robert O. Taylor, and therefore Petitioner seeks damages from the fraud itself and the conspiracy to coverup the fraud that occurred from the Respondents.

Baffour Adumattah had no legal authority to correct Andrews B. Asare's deed. Due to the nature of the fraud, the decision should have been set aside in accordance with O.C.G.A. §9-11-60(d)(2). O.C.G.A. § 23-2-60 states, "Fraud will authorize equity to annul conveyances, however solemnly executed." Finally, O.C.G.A. § 51-6-1 states, "Fraud, accompanied by damage to the party defrauded, always gives a right of action to the injured party." Respondents Fulton County Board Tax Assessors had no legal right to state there was a subdivision located on 2478 Stone Road, East Point, GA because the City of East Point has never approved a subdivision to be built at that location. Assessments performed by Respondents Fulton County Board of Tax Assessors are fraudulent. Respondent Fulton County Superior Court Clerk and its previous clerks<sup>25</sup>, who are Respondents, should not have recorded any fraudulent deeds, plats, or land descriptions. The Fulton County Sheriff was grossly negligent in not providing the Petitioner with the 2478 Stone Road property as it was conveyed to Andrews B. Asare by Robert O. Taylor on December 01, 1995. *See App. 51a-52a.* Defendant Fulton County is grossly negligent

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<sup>25</sup> Jaunita Hicks and Cathelene "Tina" Robinson

by insisting Baffour Adumattah had corrected a deed that he never had legal title to. *See* Pet. App. 375a. Several Fulton County Respondents have used the fraudulent documents to falsely claim that the 2478 Stone Road property had been rightfully transferred to Baffour Adumattah via a January 8, 2019 Quit Claim deed. *See* Pet. App. 185a, 244a, 304a, 360a. As Appellant stated in his amended Complaint<sup>26</sup> it is impossible that the 2478 Stone Road Property was transferred to Baffour Adumattah, because the title is defective. Andrews B. Asare did not correct the deed. Andrews B. Asare name or signature is not on the January 08, 2019 deed, and Baffour Adumattah did not go before the Fulton County Superior Court to correct the deed pursuant to O.C.G.A. §§ 44-2-18, 44-2-19 or O.C.G.A. § 44-2-20. The 2019 deed also violates O.C.G.A. § 13-3-40, because According to the Quit Claim deed Baffour Adumattah sold 2478 Stone Road to himself for the sum of \$0, which violates O.C.G.A. § 13-3-40(a)<sup>27</sup>. The original deed signed by both Andrews B. Asare and Baffour Adumattah on June 18, 2008, has the address listed as 2478 Pearl Street which is approximately two miles away from 2478 Stone Road. The 2008 deed also has a different parcel Id# than the parcel Id # Petitioner was given when he received his tax deed on May 04, 2021. *See* Pet. App. 653a.

At this time, Mr. Bell's tax deed is the only legal deed or title to 2478 Stone Road. The Petitioner has foreclosed the property at 2478 Stone Road, East Point, GA 30344, and barred the right to redeem to Baffour Adumattah, his heirs, and all

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<sup>26</sup> *See* Pet. App. 57a-58a

<sup>27</sup> A consideration is essential to a contract which the law will enforce. An executory contract without such consideration is called nudum pactum or a naked promise.

other known and unknown persons the right to redeem. *See* Pet. App. 913a-915a. However, the Respondents Fulton County Tax Commissioner has changed the name of the property owner from Baffour Adumattah to his widow Beatrice Adumattah. Fulton County Superior Court has established a pattern of not being able to recognize fraud<sup>28</sup> or has an unwillingness to correct fraud in a manner that enables the victim of the fraud to achieve equitable justice under the law.

**IV. The 2478 Stone Road, East Point, GA 30344 was never approved to be subdivided, and the legal descriptions for the lots are fraudulent.**

This is a case concerning a parcel(s) of property located in Fulton County, Georgia. Petitioner believes that he is entitled to damages. There has been a road cut through 2478 Stone Road; East Point, GA 30344. The Respondents claim that 2478 Stone Road, East Point is Lot 1 of a subdivision. The Respondents claim that 2478 was subdivided even though there has been no evidence produced that the City of East Point, Georgia ever approved a subdivision to be built. The City of East Point has a process for which a person or entity wishing to seek approval for permission to build a subdivision must follow. Respondent Andrews B. Asare got nowhere close to getting approval to build a subdivision. Respondent Asare instead filed a preliminary site plat with fraudulent land descriptions. *See* Pet. App. 646a-647a; 654a-655a. Respondent Asare never reached a point in the process where he

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<sup>28</sup> *See* Pet. App. 158a-163a



would have been directed by the City of East Point to survey the fraudulent lots. Instead, Asare included previous surveys that describe Tract 1 and Tract 2 of the 4.06 acre property. The recording of one of the preliminary site plats was a direct violation of O.C.G.A. § 15-6-67(d)<sup>29</sup>. In 2006, O.C.G.A. § 15-6-67(d) clearly states, *“Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority prepares and adopts subdivision regulations, and upon receiving approval thereon by the appropriate governing authority, then no plat of subdivision of land within the municipality or the county shall be filed or recorded in the office of the clerk of the superior court of a county without the approval thereon of the municipal or county planning commission or governing authority and without such approval having been entered in writing on the plat by the secretary of the municipal or county planning commission or governing authority. The clerk of the superior court shall not file or record a plat of subdivision which does not have the approval of the municipal or county planning commission or governing authority as required by this subsection.”*

The Petitioner has been forced to adhere, under duress, to decisions made by Fulton County Superior Court and other appellate courts in the State of Georgia, including the Court of Appeals of Georgia, as it relates to boundaries and intruders. The Complaint that the Petitioner brought on December 14, 2022, was not about intruders or boundaries. See Pet. App. 56a-163a. The Petitioner brought his

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<sup>29</sup> It was a direct violation of the law at the time the plat was filed and recorded in 2006.

complaint due to the damage he has suffered from a road being cut through his alleged Lot 1 property located at 2478 Stone Road, East Point, GA 30344, while at the same time not receiving his title in the manner as the two previous owners.

The alleged subdivision, that doesn't exist, and has never received any approval to be built, according to the preliminary plat that the Fulton County Clerk recorded in violation of O.C.G.A. § 15-6-67(d), there was supposed to be a new street named Pearl Drive to be built for the subdivision. The subdivision nor Pearl Drive ever received any permission from any authorized authority to be built, and therefore there is not and never has been a Pearl Drive in the City of East Point, Georgia. There is no final plat that has the name Pearl Drive in the City of East Point. Instead, Respondents Lopez and Lux chose to cut down trees, foliage, and other wooded overgrowth to gain access to the original road to the property that cuts directly through the fraudulent or alleged Lot 1 also known as the "new" or fraudulent<sup>30</sup> 2478 Stone Road, East Point, GA 30344.

Petitioner has never given Respondents Lopez & Lux permission to cut a road through his property. Respondents Lopez and Lux were met on the 2478 property by Petitioner and his process server. At that time, the Respondents Lopez & Lux were renovating the home built in 1955<sup>31</sup>, which happens to sit on the fraudulent Lot 3 (2482 Stone Road) and Lot 4 (2484 Stone Road) of a subdivision that was

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<sup>30</sup> The previous 2 owners were Robert O. Taylor and Andrews B. Asare. Andrew W. Bell filed and recorded the tax deed for 2478 with the incorrect legal description. Mr. has foreclosed the property against Baffour Adumattah his heirs, and all known and unknown persons having any right, title interest, or lien on the 2478 Stone Road, East Point, GA property.

<sup>31</sup> There are 3 structures on the original 2478 Stone Road property. A home, and 2 small storage type structures.

never given permission to be built by any authority.

Petitioner has not been compensated by any of the Respondents. A great deal of the Petitioner's income comes from real estate investment. Respondents have deprived the Petitioner from earning a living without providing him with any type of compensation.

On December 14, 2022, Petitioner filed his Complaint against the Respondents for damages to his property, in the Superior Court of Fulton County. There was an order filed in Fulton County Superior Court on February 01, 2023, recusing all judges of the Fifth Judicial Administrative District *See* Pet. App. 12a. Petitioner filed a motion to add Excess Funds Recovery on February 02, 2023. *See* Pet. App. 430a. There was a February 02, 2023 order that was filed on February 08, 2023, where the case was accepted by the Fourth Judicial Circuit and Judge Mathew Robins was appointed to hear the case. *See* Pet. App. 14a. The Petitioner's amended Complaint was filed on February 17, 2023 *See* Pet. App. 56a. Petitioner filed a petition with the Supreme Court of Georgia on June 08, 2023, Petitioner filed the instant "Petition for Temporary Restraining Order and/or Interlocutory Injunction Relief". *See* Pet. App. 593a. The Court dismissed his petition *See Andrew Bell v. Fulton County et al* Case No. S23O1091 (July 5, 2023). *See* Pet. App. 10a. On November 8, 2023, the Fulton County Superior Court issued an Order that dismissed the Petitioner's Complaint *See* Pet. App. 7a.

The complaint filed on December 14, 2022, was dismissed by the Fulton County Superior Court against "*the Fulton Defendants pursuant to O.C.G.A. §9-11-12(b)(1)*"

*due to sovereign immunity.*” The trial court dismissed Appellant’s Complaint against “*Judge Adams due to judicial immunity.*” The trial court also stated, “*But as to all the Defendants, this case is clearly barred by res judicata.*” On November 17, 2023, Petitioner filed an appeal in accordance with O.C.G.A § 5-6-35(j) See Pet. App. 433a. Petitioner was also entitled to file his appeal with this Court due to the fact that the trial court made a ruling on an injunction the was before it<sup>32</sup>. See *Andrew Bell v. Fulton County et al*, Case No. S23O1091 (July 5, 2023). Petitioner had a medical issue concerning his right eye that began around October 28, 2023, and was not properly diagnosed until November 22, 2023, See Pet. App. 463a. Petitioner is still being treated for the condition. Petitioner was unaware that his appeal had not been accepted by the Clerk of the Supreme Court of Georgia until he was notified through email of another Order issued by the Fulton County Superior Court. See Pet. App. 6a. The trial court stated, “*The Court dismissed this case with prejudice on 11/8/23. Thirty days have passed since that ruling and no appeal has been filed. Plaintiff did file a motion for reconsideration on 11/20/23, although such a motion does not toll the time in which to file an appeal. Harned v. Piedmont Healthcare Foundation, 356 Ga. App. 870 (2020) (“It is well settled that motions for reconsideration do not toll the time period for filing a notice of appeal.”). The motion for reconsideration presents nothing that would warrant the relief sought and sets forth none of the grounds listed in O.C.G.A. §9-11-60(d). See: Bell v. Cohran, 244 Ga.*

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<sup>32</sup> Ga. Const. of 1983, Art. VI, Sec. I, Par IV

*App. 510 (2000). The motion for reconsideration is DENIED. SO ORDERED this 13th day of December, 2023.”*

On December 19, 2023, the Petitioner filed a notice of appeal to the December 13, 2023 order *See* Pet. App. 510a. The Petitioner received a notice from the Clerk of Appeals of the State of Georgia on January 17, 2024, stating that his case, (Case No. A24A0890), had been docketed. The Petitioner filed a brief with that court on February 06, 2024. *See* Pet. App. 512a. The appeal was dismissed on February 14, 2024. *See* Pet. App. 4a. The Petitioner filed a motion for reconsideration on February 26, 2024. *See* Pet. App. 543a. The motion was denied on March 11, 2024. *See* Pet. App. 3a. A petition for certiorari was docketed in the Supreme Court of Georgia on March 20, 2024. *See* Pet. App. 550a. The petition for certiorari was denied on Jul 02, 2024. *See* Pet. App. 2a. The Petitioner’s motion for reconsideration was denied on August 13, 2024. *See* Pet. App. 1a.

#### **V. The Georgia Court refuse to recognize obvious fraud.**

Prior to filing the Complaint, Petitioner filed a petition titled “Original Petition for Ejectment and Restoration of the 2478 Stone Road Title to its Original Boundaries” on July 27, 2021, in accordance with O.C.G.A § 44-11-30 in Fulton County Superior Court *See* Pet. App. 630a-658a. Prior to filing his July 27, 2021 petition, the Offer Geeks ATL, LLC purchased and sold fraudulent 2482 Stone Road and fraudulent 2484 Stone Road on the same day which was June 18, 2021<sup>33</sup>. The

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<sup>33</sup> (Deed Book 64035 pg. 315) and (Deed Book 64035 pg. 318)

properties were transferred from Eyeylondra Austin to the Offer Geeks ATL, LLC and then Offer Geeks ATL, LLC transferred the property to Marina Lopez and Jose Lux. The Petitioner did not include Marina Lopez and Jose Lux in his original petition because although he was able to find the first sale, he either missed the second sale or the second sale had not been recorded at the time he did his research.

The Petitioner sent summonses and his petition for ejectment and restoration of boundaries to Eyeylondra Austin, The Offer Geeks ATL, LLC, Webster Richards and Mark Richards, and Andrews B. Asare. All of the parties were served. *See* Pet. App. 871a-875a. The Petitioner filed a return of service all parties with the Fulton County Superior Court Clerk's office. Of the original parties, The Offer Geeks ATL, LLC, were the only party to answer the summons. None of the afore-mentioned parties filed a counter-affidavit as is required by O.C.G.A § 44-11-30. The procedures under O.C.G.A § 44-11-30 do not require a person to go directly to the Superior Court of the County, because it is the duty of the sheriff of that county under O.C.G.A § 44-11-30, 44-11-31 and O.C.G.A § 44-11-32. The Petitioner filed a motion with the trial court to add Respondents Marina Lopez and Jose Lux, as well as obtain injunctive relief on November 29, 2021. *See* Pet. App. 667a. The Petitioner filed a motion for injunctive relief because Respondents (Lopez & Lux) used the original road to the property to access their property *See* Pet. App. 677a. Prior to the motion, on October 28, 2021, Petitioner sent Respondents Fulton County Tax Assessors an Ante Litem notice through email. *See* Pet. App. 659a-664a. According to the preliminary plat for the unapproved subdivision the Respondents should be

using Pearl Drive to access their alleged property but there is no Pearl Drive<sup>34</sup>, and there never has been a Pearl Drive in the City of East Point, Georgia. Pearl Drive was never approved to be built and therefore it was never built. Both Marina Lopez & Jose Lux were served with summons on December 28, 2021. Marina Lopez's & Jose Lux's attorney represented them in a hearing that was held on January 26, 2022. On February 18, 2022, the trial court added Respondents (Lopez & Lux) but denied the Petitioner's request for injunctive relief. However, Respondents (Marina Lopez and Jose Lux) did not answer the Petitioner's petition until March 1, 2022, which was 60 days after the Respondents were served. Originally, during the January 26, 2022 hearing, the attorney representing Defendants Lopez & Lux, stated that he had filed an answer with the Fulton County Superior Court Clerk's office on January 25, 2022. However, as the record shows, Respondents' answer was not filed until March 01, 2022. *See* Pet. App. 694a. Respondents have never submitted a counter affidavit as is required by O.C.G.A § 44-11-30. The Petitioner filed a motion for default judgement & motion for hearing on additional damages owed to the Plaintiff on March 30, 2022. The Respondents objected to the default judgement on April 1, 2022. There was a hearing held June 28, 2022. *See* Pet. App. 1197a. Respondents were asked to submit a proposed order. Although Rule 44.12<sup>35</sup> of the Uniform Rules of the Superior Courts of Georgia, states that there should

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<sup>34</sup> *See* Pet. App. 644a

<sup>35</sup> Within 90 days of the filing of the Respondents brief, or the Appellants reply brief if one is filed, the court shall issue its ruling on the petition and its written findings of fact and conclusions of law as required by O.C.G.A. § 9-14-49.

have been a decision made within 90 days after April 1<sup>st</sup>, the trial court did not submit its final order until October 25, 2022. *See* Pet. App. 40a.

Petitioner appealed the October 25, 2022 decision to the Court of Appeals of the State of Georgia, the case was docketed on December 12, 2022. *See* Pet. App. 1199a. Petitioner filed his brief on December 28, 2022. *See* Pet. App. 722a. On May 17, 2023, the Petitioner received a notification via email that stated the following, “*The Honorable Brian M. Rickman, Chief Judge of the 2023 Fourth Division of the Court of Appeals of Georgia, is hereby assigned to the 2023 First Division of the Court of Appeals, in lieu of New Judge who has not yet been appointed by the Governor, for purposes of deciding the above appeal.*” On May 17, 2023, the Court of Appeals of Georgia also adopted the following statement, “*{These rules are not intended to reiterate all applicable laws. The word “counsel” throughout these rules also applies to pro se parties.}*” On May 24, 2023, the Georgia Court of Appeal made its ruling. *See* Pet. App. 22a-39a. The court concluded that the trial court did not err in dismissing Bell’s claims to quiet title and ejectment. The Court of Appeals of Georgia ruled the trial court did not err in concluding that Bell failed to state a claim under OCGA § 44-11-30 et seq. for the summary ejection of intruders. The court also ruled a summary ejectment action was not the proper procedural vehicle for pursuing the broad relief sought by Bell. Consequently, the Court of Appeals of Georgia ruled the trial court committed no error in denying Bell’s motion for default judgment. Mr. Bell filed a motion for reconsideration. *See* Pet. App. 789a-811a. Petitioner also filed a motion for interlocutory injunction relief. On June 12, 2023,



the Court of Appeals of Georgia ruled, “The opinion in this case affirming the trial court’s decision on these matters has been issued, and Appellant’s Motion for Reconsideration is denied, as discussed supra. Consequently, Appellant’s Motion for Interlocutory Injunction Relief is hereby DENIED AS MOOT.” *See* Pet. App. 18a.

Prior to the June 12, 2023 decision Petitioner had filed a “Petition for Temporary Restraining Order and/or Interlocutory Injunction Relief” with the Supreme Court of Georgia on June 08, 2023. *See* Pet. App. 593a. The Supreme Court of Georgia dismissed Petitioner’s petition on July 05, 2023. *See* Pet. App. 10a. The State Court denied Petitioner’s motion for reconsideration on August 21, 2023. *See* Pet. App. 9a.

**VI. The Georgia Court of Appeals for the State of Georgia erred in its decision for *Andrew W. Bell v Marina Lopez et.al.*, 368 Ga. App. 101 (2023) 888 S.E.2d 284.**

On May 17, 2023, the Court of Appeals of Georgia erred in adopting the following statement, “*{These rules are not intended to reiterate all applicable laws. The word “counsel” throughout these rules also applies to pro se parties.}*” *Andrew W. Bell v Marina Lopez et.al.*, 368 Ga. App. 101 (2023) 888 S.E.2d 284.

The fact that the Court of Appeals of Georgia has chosen to equate the word “counsel”, which has a meaning, that a person has most likely graduated from law school, passed the Bar exam, and has received a license to practice law; To then place that person on the same level as a pro se party, in the Petitioner’s opinion,

goes against the central principle of justice, which is the word “**fairness**”. To treat those with represented by attorney and those that are not, the same, would violate O.C.G.A. § 15-18-51.

The Court of Appeals of Georgia erred in its May 24, 2023 ruling,<sup>36</sup> when it ruled that, “*Bell’s brief does not fully comply with the rules of this Court.*” *Id.*

The court failed to recognize that Petitioner was never given a copy of the record. There was a docket notice mailed to Petitioner, in turn, his time to prepare his brief was less than 20 days. Being that the docket notice was insufficient in its requirements<sup>37</sup>, as it relates to Rule 13 of the Court of Appeals of Georgia. The notice gave the Petitioner no instructions or directions on how to obtain the record that Petitioner had already paid \$271.50 to have transferred to the court. *See* Pet. App. 1199a.

The Court of Appeals of Georgia’s May 23, 2023 ruling erred, when it stated that Petitioner did not comply with Rule 25(a)(5). Petitioner did comply with Rule 25(a)(5). Petitioner’s statement of the case was labeled “Statement of Material Facts”. *See* Pet. App. 727a. The court stated that, “[a] statement of the case that sets out the material facts relevant to the appeal, describes the relevant proceedings below, and identifies how each enumerated error was preserved for review, with appropriate citations to the record,” *Id.* *See* Pet. App. 22a-23a. Petitioner, in fact. set

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<sup>36</sup> *See Andrew W. Bell v Marina Lopez et.al.*, 368 Ga. App. 101 (2023) 888 S.E.2d 284 Pet. App. 22a-39a

<sup>37</sup>Rule 13 of the Court of Appeals of Georgia states, “The notice of docketing a direct appeal shall include a statement that failure to file the enumeration of errors and appellant’s brief within the time required may result in the dismissal of the appeal and/or appropriate sanctions.”

out the material facts relevant to the appeal, he described the relevant proceedings, and he identified how each enumerated error was preserved for review. The court went on to say, and Rule 25 (d) (1) (i) requires that “[e]ach enumerated error shall be supported in the brief by specific reference to the record or transcript.” *Id.* See Pet. App. 23a. As Petitioner stated he did not have the ability to cite a specific page number to the “record”, however Petitioner did cite trial documents, most specifically, the trial court’s order. Petitioner cited “Petitioner’s Exhibit”<sup>38</sup> from the pleadings made in in the trial court, there were only 10 exhibits, totaling 16 pages. Although the court quoted Rule 25 (d) (1) (i) it went further by stating, “*Bell’s brief does not include a statement of the method by which each enumeration of error was preserved for appellate review.*” *Id.* “Statement of the method”, seems to be a legal term in which the pro se party, Mr. Bell, is not familiar with. Mr. Bell enumerated ten (10) errors in which he believes the trial court erred, and Petitioner supported his opinion with facts contained within his brief. Each of Petitioner’s enumeration of errors was supported by argument in his brief, which was in compliance with Rule 25(d)(1)<sup>39</sup>. The court goes on to state, “*Court of Appeals Rule 25 (d) (2) (setting out the proper format for citations to the record); Rolleston v. Estate of Sims, 253 Ga. App. 182, 185 (2) (558 SE2d 411) (2001) (concluding that brief that listed numerous exhibits without including any citations to the record failed to comply with this Court’s rules).*” *Id.* See Pet. App. 23a. Unlike, Mr. Bell, Rolleston failed to cite an

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<sup>38</sup> See Pet. App. 723a

<sup>39</sup> Any enumeration of error that is not supported in the brief by citation of authority **or argument** may be deemed abandoned.

authority or an argument which violated the Georgia Court of Appeals Rule 25. Mr. Bell on the other hand cited pleadings, exhibits, and the final order of the trial court. Petitioner also gave an argument for every enumeration of error that he presented to the court.

Petitioner was able to purchase the record after logging on to the court's e-file system. There were no previous instructions given to the Petitioner that he would have known he could purchase the record by registering with the Court of Appeals of Georgia's e-file system. Petitioner's first time filing anything in regard to the e-file system was March 29, 2023, in another case before the Court of Appeals of Georgia (A23A1108), before that time all of Petitioner's pleadings were filed by paper copy with the Clerk of the Court of Appeals of Georgia. Petitioner had no Internet access in his home during the time he was filing his pleadings with the Clerk of the Court of Appeals of Georgia<sup>40</sup>. The computer setup at the Court of Appeals of Georgia does not accommodate Petitioner's disabilities. Also, the filing fee does not include a copy of the record and/or transcript.

According to Rule 13, *"The notice of docketing a direct appeal shall include a statement that failure to file the enumeration of errors and appellant's brief within the time required may result in the dismissal of the appeal and/or appropriate sanctions."* The notice of docketing dated December 12, 2022, mentions nothing about enumeration of errors. See Pet. App. 1199a.

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<sup>40</sup> Petitioner was able to access the Internet only through his cell phone at that time

The Court of Appeals of Georgia cited *Stewart v. Johnson*, 358 Ga. App. 813, 814 (856 SE2d 401) (2021). *Stewart v. Johnson* stated, “*In the absence of specific citations to the record, we are entitled to treat Bell’s claims of error as 2 abandoned.*” See Pet. App. 23a-24a. In Petitioner’s case he did include specific references to the record. For example, Enumeration of Error No. 1 in his appeal states in part, “*The trial court cites Smith v. Loc. Union No. 1863, 260 Ga. App. 683, 684-85(2003), in its decision.*” See Pet. App. 730a.

The Court of Appeals of Georgia erred when it ruled that, *if we miss something in the record or misconstrue an argument due to the nonconforming brief, the responsibility rests with [Bell].*” *Stewart*, 358 Ga. App. at 814.” *Andrew W. Bell v Marina Lopez et.al.*, 368 Ga. App. 101 (2023) 888 S.E.2d 284. See Pet. App. 24a. The main error was ruling that Andrews B. Asare had approval to build a subdivision.

There just so happens to be several inaccuracies and conclusions of fact that are, in fact, were not factual at all in this case. Petitioner, unlike *Stewart* did not raise any new issues in his reply brief. As a matter of fact, he proved that the manner in which Respondents acquired their property were initiated, originally, by fraudulent deeds. One of the deeds the Respondents claimed was a corrective deed dated January 8, 2019<sup>41</sup> but none of the signatures on the corrective deed matched the signature of Andrews B. Asare on the original Quit Claim deed dated June 18, 2008. See Pet. App. 648a-650a.

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<sup>41</sup> See Pet. App. 651a

The Court of Appeals of Georgia erred in stating the Stone Road property consisted of an undivided 5.838 acres. The property consisted of approximately 4.06 acres as explained in Petitioner's brief in that case.<sup>42</sup> Another falsity is that the court claims, the lots became overgrown and "reforested." Petitioner has never claimed the fraudulent lots became overgrown and reforested because there are no lots. Petitioner was describing the property in its present condition. *See* Pet. App. 631a. The property looks almost exactly the same as when the property was originally surveyed back in 1995. *See* Pet. App. 746a. The original road, the main house, and two other structures still remain on the property. The main house sits between fraudulent Lot 2 and Lot 3, but primarily fraudulent Lot 3 of the alleged lots. In turn, fraudulent Lot 3 was able to be sold primarily due to the fact that the original house was on Lot 3.

Another inaccurate conclusion that the Court of Appeals of Georgia makes is that Andrews B. Asare had approval to build a subdivision. Andrews B. Asare was not given any permission or authority from the City of East Point or any other entity to build the subdivision. The court references several times, two subdivision plats, one of which, was not approved. As Petitioner explained in his brief *See* Pet. App. 739a, the plat that was approved is only a preliminary/site plat. According to City of East Point in order for land to be subdivided there has to be three different types of plats that are approved by the City of East Point and then filed with the Clerk of Fulton County. Those plats are preliminary, minor, and final plats. There

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<sup>42</sup> *See* Pet. App. 728a; 737a.

was never a minor plat approved by the City of East Point, and therefore there was never a final plat approved by the City of East Point. In turn, there are no minor or final plats that have been filed with the Clerk of Fulton County in regard to the 2478 Stone Road, East Point, GA 30344 property and alleged subdivision that doesn't exist, and that was not nor has not ever been approved to be subdivided. Petitioner has not only stated that the subdivision doesn't exist because the original buildings are still located on the property, but also because the main road for the fraudulent subdivision was never built. All of the coordinates for the fraudulent legal descriptions include Pearl Drive. That is another method that can prove there was never a survey done because there was no Pearl Drive to base the coordinates on. In turn, the legal descriptions by definition are fraudulent because they are based on a survey that includes a street that has never existed. Petitioner is not only stating that the subdivision doesn't exist because there is no minor plat stating that, *"Engineer's or surveyor's acknowledgement: It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground."* Petitioner is not only stating that the subdivision doesn't exist because there is no final plat stating that, *"The final plat shall be considered approved at the time of the certification by the Planning and Community Development Department, and shall be presented for consent to the City Council at the next regularly scheduled meeting. Should the Director not approve any development plat, the basis for the denial shall be stated in writing to the applicant. The subdivider may file an appeal in accordance with Article I of these*

*regulations.*” The Petitioner is not just saying that the subdivision does not exist because the subdivision approval process was never completed, but also the minor plat was never completed, filed, or recorded, and the final plat was never started, filed, or recorded but most importantly the City of East Point never approved the subdividing of the 2478 Stone Road. *See* Pet. App. 798. The Court of Appeals of Georgia is basing its ruling on two preliminary site plats, one which should never have been allowed to be filed or recorded because it was not signed or approved by any authorized person from the City of East Point.<sup>43</sup>

The Court of Appeals of Georgia erred in its falsehoods and inaccuracies when it stated Andrews B. Asare conveyed the alleged Lot 1 to Baffour Adumattah, the alleged Lots 3 and 4 to Eyeylondra Austin, and the alleged Lots 5 and 6 to Webster and Mark Richards.

The Court of Appeals of Georgia stated further falsehoods and inaccuracies when it stated Andrews B. Asare conveyed the alleged Lot 1 to Baffour Adumattah. For the afore-mentioned reason it is impossible that Andrews B. Asare could have conveyed any lots because Andrews B. Asare was never given approval to build any lots. Furthermore, the quitclaim deed that the Court of Appeals of Georgia referenced is obviously fraudulent on its face, the deed referenced an entirely different property which the quitclaim deed describes as 2478 Pearl Street Lot 1. Pearl Street in East Point Street is approximately two miles from 2478 Stone Road, East Point, GA 30344. The Georgia Court of Appeals also stated as fact that

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<sup>43</sup> <https://www.eastpointcity.org/wp-content/uploads/2022/01/Subdivide-Lot-Combination-Application-Packet.pdf>



Andrews B. Asare conveyed the alleged Lots 3 and 4 to Eyeylondra Austin. *See* Pet. App. 25a. Andrews B. Asare did not convey the Lot 3 and 4 to Eyeylondra Austin, as Petitioner stated in his brief and in his motion for reconsideration in that case *See* Pet. App. 744a; 800a. Eyeylondra Austin purchased her property, on April 23, 2012, from Oshiyemi Adelabu through warranty deed<sup>44</sup>. Eyeylondra Austin's deed states, "*{All tract of land lying and being in Fulton County, GA commonly known as 2478 Stone Rd, East Point, GA 30344 and being more particularly shown on Exhibit "A" attached hereto and incorporated by reference.}*" Exhibit "A" is the fraudulent land descriptions filed by Respondent Andrews B. Asare. The Court of Appeals of Georgia falsely claims the fraudulent Lots 5 and 6 were not sold to Webster and Mark Richards by Respondent Asare. The Richards were conveyed the alleged Lots 5 and 6 on May 28, 2013 from Stonecrest Income and Opportunity Fund-1, LLC via a Quitclaim Deed where it states "Commonly KNOWN as 2482 STONE ROAD n/k/a 2486-2488 Pearl Drive ATLANTA, GA 30344. *See* Pet. App. 736a; 800a-801a. 2482 Stone Road is the same address that Respondents Lopez & Lux claim is their alleged lot.

The Court of Appeals of Georgia erred in concluding that the trial court did not err in dismissing Bell's claims for ejectment. The Georgia Court of Appeals concluded that the trial court did not err in dismissing Bell's claims for ejectment. Petitioner never sought a quiet title, he choose the ejectment process with the title

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<sup>44</sup> Deed Book 51217 pg. 526

being corrected. Petitioner used the term “new” title in terms of the title being “corrected”, because Petitioner was already in possession of the 2478 Stone Road, East Point, GA 30344 tax deed at that time. Petitioner could have and should have used “old” title because the boundaries to 2478 Stone Road had no legal right to have been changed. Petitioner has since foreclosed the property in accordance with O.C.G.A. § 48-4-45 and O.C.G.A. § 48-4-46. He is awaiting a simple fee title from Fulton County Superior Court (Civil Action # 2022CV372868)<sup>45</sup>. The court cited several cases in its decision<sup>46</sup>, in which the Georgia Court of Appeals states, “*the plaintiff must assert that he holds the current record title or current prescriptive title to the property in dispute... (citations omitted)*”*Otherwise, he possesses no title at all, but only an expectancy[.]*” Petitioner is the only person or entity in possession of a legal title to 2478 Stone Road, East Point, GA 30344.

It is clear that Robert O. Taylor conveyed 2478 Stone Road, East Point, GA 30344 to Andrews B. Asare on December 01, 1995. The property at 2478 Stone Road, East Point, GA was surveyed and shown to have had 4.06 acres *See* Pet. App. 655a. What is also clear is that Andrews B. Asare was able to come up with fraudulent legal descriptions for 5 alleged lots (Lot 1, Lot 3, Lot4, Lot 5, and Lot 6) *See* Pet. App. 54a; 654a-655a. The fraudulent legal description that Respondent Asare was able to get filed has clear deficiencies on its face. First, although the

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<sup>45</sup> The case now in the Court of Appeals of Georgia Andrew Bell v. Baffour Adumattah Case # A25A0118

<sup>46</sup> *Smith v. Ga. Kaolin Co.*, 269 Ga. 475, 477 (2) (498 SE2d 266) (1998); *In re Rivermist Homeowners Assn.*, 244 Ga. 515, 518 (260 SE2d 897) (1979). *Brown v. Christian*, 276 Ga. 203, 204 (1) (576 SE2d 894) (2003). *See Evans v. Elder*, 219 Ga. 566, 567 (134 SE2d 803) (1964).

Georgia Court of Appeals seems to insinuate that the two plats filed, were approved final plats to build a subdivision, but the fraudulent legal descriptions state different. What a reasonable person, or any person that is able to use logic and common sense, can decisively conclude is that Andrews B. Asare was never approved or given permission to subdivide 2478 Stone Road, East Point, GA 30344. The fraudulent legal descriptions clearly state that the legal descriptions are based on **preliminary** plats.<sup>47</sup> The legal descriptions also list the following, “*Said parcel contains 3.02 acres more or less and is denoted as Tract 2 on the plat of survey prepared for Andrews B. Asare, dated 12/14/98 revised 3/16/04 by frontline surveying and Mapping Inc., various legal descriptions herein, all property described is the same property conveyed from Robert O. Taylor to Andrews B. Asare, dated 12/1/95 and recorded 12/7/95, Deed Book 20377, page 218, Fulton County, Georgia records Being: 4.06 acres, more or less, as per survey prepared by Robert M. Kirkley, Registered Land Surveyor for Andrew B. Asare dated November 27, 1995.*” See Pet. App. 654a-655a. O.C.G.A § 44-4-25 would clearly have rectified the issues in this case. Being that Respondents Marina Lopez and Jose Lux have brought forth only evidence that they obtained Lots 3 and 4 from the Offer Geeks ATL, LLC. The Offer Geeks ATL, LLC submitted filed a “Corrective Limited Warranty Deed to Clarify Legal Descriptions” See Pet. App. 682a-684a. Therefore, at this point Respondents Lopez & Lux don’t have legal descriptions attached to their alleged

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<sup>47</sup> Said property being known as Lot 1 (Lots 3&4 and Lots 5&6) “on the preliminary plat for East Point Subdivision/Stone Road, dated 3/10/06, as per plat recorded 7/31/06, plat book 302, page 139, Fulton County, Georgia records, as revised and subsequently recorded 9/08/06, Plat Book 305, Page 71, Fulton County, Georgia Records.

lots. The corrective deed in fact states that there should have been no legal descriptions included in the conveyance of the property,<sup>48</sup> this is because if any reasonable person reads the legal descriptions they would come to a factual conclusion that the alleged lots had never been surveyed as is required by Georgia Law for every property O.C.G.A. § 44-4-25, as Petitioner previously explained to the trial court *See* Pet. App. 679a-684a. It is an undisputed fact that there were no surveys of the lots not just because none of the Respondents have produced one, but according to even the fraudulent land descriptions the last survey was prepared for Andrews B. Asare on 12/14/98 and revised on 3/16/04 by Frontline Surveying and Mapping Inc. *See* Pet. App. 654a-655a. Being that the first preliminary plat is dated 3/10/2006 and approved on 3/22/2006 it is **impossible** that a survey could have been performed because 1998 and 2004 are before 2006. There has never been a minor plat filed or recorded that would have included the following statement: *“Engineer's or surveyor's acknowledgement: It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.”* There also has never been a final plat filed or recorded that would have included the following statement: *“FINAL PLAT APPROVAL a.*

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<sup>48</sup> THE PURPOSE of this Corrective Limited Warranty Deed to Clarify Legal Descriptions is to clarify the legal descriptions pursuant to that certain Warranty Deed from The Offer Geeks ATL, LLC, a Georgia Limited Liability Company to Marina Lopez and Jose Lux, as tenants in common, dated June 18th, 2021, and recorded on June 29, 2021 in Deed Book 64035 Page 318 Fulton County Records. Said Deed intended to convey the two parcels listed in its Exhibit “A”, which is attached to said Deed. On the first page of said Deed it lists the legal description of one of the two parcels. It should not have listed the legal description of either parcel. but instead it should have referenced the Exhibit “A” which was properly attached to said Deed.

*The Director of the Department of Planning and Community Development of the City of East Point, Georgia, certifies that this plat complies with the City of East Point Zoning Code and Development Regulations. Director of Planning and Community Development Date b. This plat has been submitted to and considered by the Director of Public Works of East Point, and is approved by such. Dated this day of By: Director of Public Works c. Approval by Consent of the City Council: This plat has been submitted to the City Council of East Point, and is approved subject to the protective covenants shown hereon. Dated this day of By:*

\_\_\_\_\_ *City Clerk, City of East Point”*

The Petitioner did not solely rely on O.C.G.A § 15-6-67, although O.C.G.A § 15-6-67 could not have been performed at any stage because there was never a minor or **final plat** submitted, filed, or recorded. The Court of Appeals of Georgia states, “That the legislature intended the requirements for recordation to be limited to that purpose is evident from the provision in OCGA § 15-6-69 (a) that failure of a plat to meet the requirements of § 15-6-67 shall not affect or invalidate any legal description or legal instrument based on the plat.” Well at this point the Respondents have no legal description. See Pet. App. 803a-804a. The fraudulent legal descriptions that Respondent Andrews B. Asare used to secure loans on the five fraudulent lots should have been easily recognized as fraud by anyone that has completed elementary math. The legal descriptions make reference to a **preliminary** plat that is dated 3/10/2006. Then the same legal descriptions make reference to a survey that was performed on 12/14/98 and revised on 3/16/04. When Petitioner was in

school 1998<2004<2006. How can a final plat be prepared without a survey? The final plat according to the City of East Point requirements, cannot be prepared without a survey. Respondent Asare never submitted a minor plat no less a final plat. There should be a survey for each alleged lot, but there is not. The survey, in actually, is done in the minor plat process. The trial court and the Court of Appeals of Georgia have deemed what even the fraudulent land descriptions describe as a preliminary plat, as the final plat. Petitioner does not agree, however if Petitioner did agree he would have to acknowledge that it is **impossible** for a 1998 survey revised in 2004, to serve as a survey that was supposed to have been performed in 2006. There was no preliminary plat in 1998 or 2004. There were no lots {there was only Tract 1(1.04 acres) and Tract 2 (3.02 acres)} *See* Pet. App. 658a. However, maybe nowadays, where people use terms such as alternative facts maybe 1998>2004>2006?

The Court of Appeals of Georgia stated that Respondent Asare sought to “create a subdivision” out of the 2478 Stone Road, East Point, GA property, but he did not. How Respondent Asare was able to convey properties, where a minor plat was never filed or recorded, where a final plat was never filed or recorded, or a survey was never done, is unknown. What is clear and is factual is that those fraudulent lots are prohibited from being recorded by law O.C.G.A. § 44-4-25.

Respondents Lopez & Lux answered the summons 60 days after being served *See* Pet. App. 665a-666a; 694a, although their attorney attended a January 2022

hearing *See* Pet. App. 716a. Lopez & Lux have never submitted a counter affidavit until this day. Petitioner's rights under O.C.G.A. § 44-11-30 were violated.

The Court of Appeals of Georgia states that Petitioner did not allege fraud. Petitioner did state that the land descriptions and Respondents deeds were fraudulent. The June 28, 2022, Zoom hearing was recorded and witnessed by the trial judge, Petitioner's attorney, and Respondents' attorney. Also, Petitioner stated in his original petition to the trial court that, "There are serious errors and discrepancies on the preliminary plats and the land descriptions for the proposed lots" *See* Pet. App. 634a. Those errors and discrepancies were notated as fraud during the hearing June 28, 2022 hearing. *See* Pet. App. 1199.

The Court of Appeals of Georgia erred in its affirmation of the trial court's ruling of dismissing claims against the Respondents *sua sponte* against the other Respondents. Petitioner disagrees with the appellate court's affirmation of the trial court's ruling of dismiss claims *sua sponte* against the other Respondents. The issues that Petitioner raised in his petition were not only supported by evidence but also by the laws of the State of Georgia. Petitioner should have had the right to eject intruders in accordance O.C.G.A. § 44-11-30 and had the Respondents submitted a counter affidavit, the Appellant should have had the right to go to trial in accordance with O.C.G.A. § 44-11-32.

The Court of Appeals of Georgia erred in ruling that Petitioner failed to state a claim. The Court of Appeals of Georgia states, "*the trial court did consider Bell's motion and denied it in a thorough written order. And Bell does not address the*

*reasons given by the trial court for its ruling or cite to any legal authority for why the trial court should have granted the requested relief.” See Pet. App. 37a. The trial court stated, “In the event Plaintiff proves ownership of the property, Plaintiff can be compensated for the removal of the trees and the construction of the road and any harm that has occurred may be remedied through financial compensation.” See Pet. App. 47a. Petitioner cited O.C.G.A. § 44-9-40(a)(b) in his motion for injunction to the trial court See Pet. App. 670a. Respondents stated that the injunction issue was precluded because Mr. Bell did not include a transcript with his appeal See Pet. App. 780a. However, it is clear that chicanery methods were used to prevent Mr. Bell from obtaining a transcript See Pet. App. 718a-721a. The trial judge should have had a court reporter in her courtroom but there is no transcript available for Petitioner or any other court because the trial court intentionally did not provide the availability for a court reporter See Pet. App. 719a-721a. Petitioner clearly addressed the trial court's ruling to the Court of Appeals of Georgia with the following statement, “Appellant should have been compensated for Respondents (Lopez and Lux) using the original road to access what they claim are Lots 3 and 4. The Respondents (Lopez and Lux) should have built Pearl Drive. Even if this Court were to decide that Appellant only is entitled to Lot 1 of the subdivision that was never approved, Appellant is still damaged by the actions of the Respondents because he can not build a house on Lot 1 because Respondents did not build Pearl Drive they built a road that runs through Lot 1.” See Pet. App. 747a.*



The Court of Appeals of Georgia erred in ruling that Petitioner's motion for Interlocutory Injunction Relief is moot. The Court of Appeals of Georgia stated that, *"Bell failed to state a claim for the summary ejectment of intruders, given that his allegations and exhibits showed on their face that the Respondents did not enter the Stone Road Property as intruders 'in bad faith without any claim or shadow of right,' Sims, 270 Ga. App. at 878 (citation and punctuation omitted)."* See Pet. App. 35a. Mr. Bell stated several claims, the most important being that the Respondents' alleged lots were never surveyed and therefore their alleged coordinates are prohibited from being recorded by Georgia law O.C.G.A § 44-4-25. Respondents had the opportunity to respond to Mr. Bell's claims in accordance with O.C.G.A § 44-11-32 and they did not. O.C.G.A. § 44-4-25 expired on July 1, 2023. Petitioner asked that the State of Georgia (Governor Brian Kemp) be added to the lawsuit. O.C.G.A. 44-4-25 was repealed during the 2023 General Assembly of the Georgia State Legislature and signed by the Governor of Georgia. The changes went into effect July 1, 2023. O.C.G.A. 44-4-25 required that a survey be performed before any public land record could be recorded. Without a survey being performed, and marked with items such as iron post, it makes the public vulnerable to potential errors and/or fraud without being able to correct the mistake. Petitioner sought to add the party because of the constitutionality of the issue at hand. The repeal of O.C.G.A. 44-4-25 violates Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia, and the Fifth Amendment and Fourteenth Amendment of the United States Constitution. The Respondents

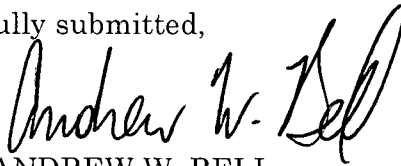
has permanently deprived Petitioner of an asset and given his asset to another party that has no legal right to 2478 Stone Road, East Point, GA 30344, which also deprives the Petitioner of his Fifth Amendment and Fourteenth Amendment rights.

### CONCLUSION

Currently the 2478 Stone Road property located in East Point, Georgia is in the name of Beatrice Adumattah, the widow of Baffour Adumattah. Baffour Adumattah is one of the perpetrators of the fraud involving 2478 Stone Road. Meanwhile, Mr. Bell who legally purchased 2478 Stone Road at a tax sale and foreclosed the property to all previous owners and their heirs, has been denied a simple fee title by the Fulton County Superior Court.

The petition of writ of *certiorari* should be granted.

Respectfully submitted,

  
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