

IN THE SUPREME COURT OF THE UNITED STATES

24-6219

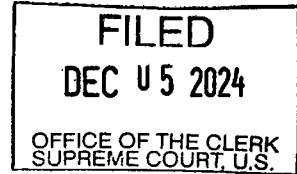
ORIGINAL

CARLA COWAN,

Petitioner Below, Appellant,

Case #

V



JAMES FURLOW,

Respondent Below, Appellee.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE
STATE OF DELAWARE No. 44, 2024 SEPTEMBER 30, , 2024

PETITION FOR WRIT OF CERTIORARI

CARLA COWAN

2 CURLEW CIRCLE NEWARK DE,19702

302-287-8483

QUESTIONS PRESENTED

Did the lower courts Violate The Estate of Alvin David Smith's Fifth and Eighth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983. 14 amendment as well as a violation of the laws of sucession title 12 as well as **Deprivation Of Rights Under Color Of Law** Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States ?

Did the actions of the Master in Chancery and the Chancery Court of Delaware violate the Due Process Clause of the Fourteenth Amendment by modifying a final order outside of the permissible time frame without proper exceptions and by improperly handling estate administration issues ? **A judgment may not be rendered in violation of constitutional protections. An order that exceeds the jurisdiction of the court is void, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue.** (See **Rose v. Himely (1808)** 4 Cranch 241, 2 L ed 608; **Pennoyer v. Neff (1877)** 95 US 714, 24 L ed 565; **Thompson v. Whitman (1873)** 18 Wall 457, 21 L ED 897; **Windsor v. McVeigh (1876)** 93 US 274, 23 L ed 914; **McDonald v. Mabee (1917)** 243 US 90, 37 Sct 343, 61 L ed 608.

Parties

CARLA COWAN ("Appellant") was the plaintiff in the Court of Chancery action.

JAMES FURLOW ("Appellee") was the defendant in the Court of Chancery action.

The Court of Chancery of the State of Delaware had jurisdiction over the parties and the subject matter of the underlying suit. 2018-0915-SEM, 2019-1038-SEM, 2020-0695-SEM.

TABLE OF CONTENT

OPINIONS BELOW	XII
JURISDICTION.....	XII
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	XII
STATEMENT OF THE CASE.....	2
REASONS FOR GRANTING THE WRIT	21
CONCLUSION.....	23
III	

INDEX TO APPENDICES

APPENDIX A.....Decision of State Supreme Court Supreme Court case 44.2024

APPENDIX B..... Default Judgment 2018-0915-SEM Final report May 20-2019

Order signed June 15th 2019 by Chancellor.

APPENDIX C. Chancery case 2019-1038-SEM Final report December 15th,2020

and Order signed by Chancellor December 30th 2020.

APPENDIX D.....Modified Order by Magistrate March 19,2021

Modified order signed by Vice Chancellor December 3rd 2021 ?

APPENDIX E.....Magistrate final report June 30th 2023 Order signed August 1st

2023 by Chancellor ?

TABLE OF CITED AUTHORITIES

Case	Page
<i>Alvin Smith Jr. Vs Wellsfargo Wells Fargo case #2020-0695.....</i>	<i>25</i>
<i>Commonwealth of Pennsylvania v Andrew Ross Kaufman Oct 15,2014 DC# M-71-000130.....</i>	<i>20</i>
<i>Cowan V Furlow 2018-0915-SEM.....</i>	<i>2</i>
<i>Cowan V Furlow 2019-1038-SEM.....</i>	<i>2</i>
<i>Cowan V Furlow Supreme Court case 44.2024.....</i>	<i>5</i>
<i>Cowan vs Furlow Chancery case 2018-0915-SEM.....</i>	<i>5</i>
<i>Cowan vs Furlow Chancery case 2019-1038-SEM.....</i>	<i>5</i>
<i>Cowan vs Furlow Chancery Case 2020-0695-SEM</i>	<i>5</i>
<i>Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U. S. 302, 324 (2002).....</i>	<i>6</i>
<i>Rose v. Himely (1808) 4 Cranch 241, 2 L ed 608.....</i>	<i>II</i>
<i>Thompson v. Whitman (1873) 18 Wall 457, 21 1 ED 897.....</i>	<i>II</i>

Windsor v. McVeigh (1876) 93 US 274, 23 L ed 914.....	II
Pennoyer v. Neff (1877) 95 US 714, 24 L ed 565.....	II
McDonald v. Mabee (1917) 243 US 90, 37 Set 343, 61 L ed 608.....	II
(In re Plains Exploration & Prod. Co. S'holder Litig., 2013 WL 1909124,.....	10
Estate of Alvin David Smith 2020-0695-SEM. Jr Vs WellFargo Bank.....	2
Phillips, 524 U. S., at 165-168.....	15
United States v. Causby, 328 U. S. 256, 260-267 (1946).....	15
Ruckelshaus v. Monsanto Co., 467 U. S. 986, 1001-1004 (1984).....	8
Cowan vs Furlow Magistrate Post-trial report DEFAULT JUDGEMENT 2018-0915-SEM].....	10
Kendall v. Davis 569 F.2d 1330 (5th Cir. 1978).....	10
In re Plains Exploration & Prod. Co. S'holder Litig., 2013 WL 1909124,.....	10
IMO the Estate of Evelyn Chambers, Register of Wills Folio No. 168119.....	10...11

<i>Union Oil Co. v. Oppen</i> , 501 F.2d 558 (9th Cir. 1974).....	14
<i>Commerce Bank v. Deborah Flavin Durland</i> , 2004).....	16
<i>Commonwealth of Pennsylvania v Andrew Ross Kaufman</i> Oct 15, 2014 DC# M000130.....	19
<i>TransUnion LLC v. Ramirez</i> , 594 U. S. ___ No. 20-297, (2021).....	20
<i>In Re Walker's Estate</i> , 122 A. 192, 193 (Del. Orph. 1923).....	24
<i>In Re Estate of Gedling</i> , 2000 WL 567879, at 11 (Del. Ch. 2000).....	27

1. STATUTES AND RULE

Deprivation Of Rights Under Color Of Law Section 242 of Title 18.....	II
<i>Fifth and Eighth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.....</i>	4
<i>Rule 53. Masters d)Master's Orders.....</i>	3
<i>Laws of sucession title 12.....</i>	4
Rights Under Color Of Law Section 242 of Title 18.....	8
Rule 3.1.....	6
Writ of Certiorari 28 U.S.C. § 1257.....	6
Section 1 of the Fourteenth Amendment to the U.S. Constitution.....	6
42 U.S.C. § 1983.....	7
28 U.S.C. § 2403(b).....	9
Chancery Rule 60(b).....	9
1st Amendment.....	7
Art. I, § 10 of the Constitution.....	8
Chancery Court Rule 144(2).....	9

Court of Chancery Rule 144(a).....	9
Court of Chancery Rule 144(2).....	10
Section 242 of Title 18.....	10
14 amendment	11
Court of Chancery rule 144(2).....	11
Court of Chancery Rule 144.....	11
14 amendment.....	12
Takings Clause.....	12
violation of Rule 3.1.....	13
TITLE 18, U.S.C., SECTION 242.....	14
Court of Chancery Rule 60(b).....	16
28 U.S.C. § 636(b).....	16
MOTION FOR PRELIMINARY INJUNCTION:DEL. Per CH. CT. R. 65.17	
Rule 182.....	10
Rule 12(a).....	10
Rule 4.....	10
Court of Chancery Rule 55.....	10
laws of succession TITLE 12 § 501.....	11
IX	

281.70.59 Del. Laws, c. 384, § 1.....	12
Rule 55	12
Court of Chancery Rule 60(b).....	19
rule 144.....	20
Rule 144.....	12
Rule of Chancery 144.....	13
Section 242 of Title 18.....	14
14 amendment.42 U.S.C. § 1983.....	14
Unjust in enrichment.....	15
Delaware Trust Code § 3303	16
12 Del. C. § 735.....	18
pocketbook injury.....	20
12 Del. C. § 1504.....	20
Delaware Chancery Court Rule 144,.....	21
Delaware Chancery Court Rule 44.....	21
Court of Chancery Rule144.....	23
Delaware Court of Chancery Rule 144(2).....	24
42USC §1983.....	34
Del.Const., Art IV,	36

Canon3B(4).....	27
Federal Rules of Masters 60.....	36

OPINION BELOW

**Cowan & IMO Real Estate of Alvin David Smith, Jr., C.A. Nos.
2018-0915-SEM and 2019-1038-SEM (Del.Ch. 2022)**

1. Supreme Court case 44.2024 September 30,2024
2. Chancery case 2018-0915-SEM December 30,2020
3. Chancery case 2019-1038-SEM December 03,2021

JURISDICTION

For cases from **federal courts**:

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

No petition for rehearing was timely filed in my case.

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

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

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

For cases from **state courts**:

The date on which the highest state court decided my case was September 30th 2024. A copy of that decision appears at Appendix A.

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

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

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

Jurisdiction and Venue

The date the Judgment or Order to be reviewed was entered was Delaware Supreme Court case 44.2024 September 30, , 2024. The statutory provision believed to confer jurisdiction upon this Court to review the Judgment or Order in question pursuant to a Writ of Certiorari is 28 U.S.C. § 1257.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the U.S. Constitution provides, “nor shall private property be taken for public use, without just compensation.” The Eighth Amendment to the U.S. Constitution provides, “Excessive bail shall not be required, nor 2 excessive fines imposed, nor cruel and unusual punishments inflicted.

” Section 1 of the Fourteenth Amendment to the U.S. Constitution provides in pertinent part, “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.

” 42 U.S.C. § 1983 provides: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State, . . . subjects, or causes to be subjected, any

citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress The relevant portions of the Minnesota statutes at issue in this case are reproduced in the Appendix at App.52a.

RULE 29.4(c) STATEMENT

28 U.S.C. § 2403(b), which allows a State to intervene to defend the constitutionality of a state statute, may apply.

Constitutional Provisions

1st Amendment.....i, 3, 5, 15, 23-24, 27-29, 46, 51-53
6th Amendmenti, 3, 5, 20, 33-35, 38-39, 41
14th Amendmenti, 3, 5, 20, 29, 35, 38, 41, 49, 58
Art. I, § 10 of the Constitution 4

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ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE
STATE OF DELAWARE No. 44, 2024 SEPTEMBER 30TH 2024

PETITION FOR WRIT OF CERTIORARI

CARLA COWAN
2 CURLEW CIRCLE NEWARK DE, 19702
302-287-8483

STATEMENT OF THE CASE

This case concerns issues relating to the administration of the Estate of Alvin David Smith, a matter over which the Court of Chancery and Supreme Court had appropriate subject matter jurisdiction.

This matter originated as a probate action in the Court of Chancery of the State of Delaware regarding the administration of the estate of Alvin David Smith, which included the primary asset of real property located at 406 S Gerald Drive Newark DE ("Property").

On December 30, 2021, Chancellor Andre Bouchard issued a final order ("Final Order") preventing the sale of the Property by [Appellee JAMES FURLOW] and denying an award of attorney fees to [Appellee].

On March 19, 2022, Magistrate Solina Molina modified the Final Order ("Modified Order"), despite no exceptions being filed within 11 days as required by Chancery Court Rule 144(2), which deems an order adopted in its entirety if no timely exceptions are filed.

After Chancellor signed final report December 30th 2020 from Master of Chancery , Beneficiary Moved from California to

receive his share from the estate of Alvin David Smith? But master in chancery modified the order and beneficiary died waiting for the decision to be corrected?

Appellant then appeals the Modified Order on the basis that it improperly changed the outcome in violation of the applicable court rules.

Cowan's exceptions were timely filed under Court of Chancery Rule 144.

(a) Rule 144 allows exceptions to be filed within 10 days of the Magistrate's report. Cowan's exceptions were filed on July 21, 2023, within 10 days of the from the date Cowan received it June 14, 2023. Post-Trial Report .Final Report , Issued June 30 2023, Submitted March 7th 2023: Petitioner did not receive this Report until 07-14-2023. Master Error as pursuant to **Rule 53. Masters d) Master's Orders.** A master who issues an order must file it and promptly serve a copy on each party. My failure to respond in a timely manner was solely due to my reliance on the court to send out the order in a timely fashion, as is customary. I had no means of knowing when the order was filed on the docket, and therefore could not have anticipated the need to respond within a specific time frame.

I respectfully argue that this situation constitutes excusable neglect and should not result in the closure of my case. I am prepared to provide further explanation and evidence to support

my position if necessary.

Whether the Magistrate erred and violated Court of Chancery Rule 144(2) by modifying the December 30, 2021 order more than 11 days after it was issued, when no exceptions to the order were filed.

Rule 144(2) of the Delaware Court of Chancery provides that an order not excepted to within 11 days is deemed adopted in its entirety.

The Magistrate lacked authority to modify the December 30, 2021 order on March 19, 2022 as more than 11 days had passed without any exceptions being filed. *Doe v. Smith* (2010) is distinguishable and does not preclude Magistrate Judge responsibility here.

Whether the March 19, 2022 modified order is void as a result of violating Rule 144(2). The Final Order would remain the operative order from the court.

1. A Chancellor can not sign an order after the period for modification being made had expired accordance to Rule of Chancery 144. Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.
2. Which is a Violation of our 14 amendment as well as a violation of the laws of sucession title 12. How can a Master

in Chancery change a final order singed by Andre Borochard on December 30th of 2020, when no one filed exceptions?

3. 2. The Master modified the order after the 14 day period had expired accordance to rule 144 on Master's order and still made modification to the order March 19, 2021 and no Chancellor signed until after. I went to the Supreme Court about.

4. A. The order being modified after the period had expired.

3) B. The house being sold on April 15 2021 with no Chancellor's signings the modification made to an order by the Master in Chancery a issues with the Master in Chancery modifying the final order after the 14-day exception period expired: The Modified Order should be considered void as it was issued improperly under the procedural rules. The Final Order would remain the operative order from the court.

4) According to Court of Chancery Rule 144, any party may take exception to a Master's final report within 14 days. If no timely exceptions are filed, the Court would typically just confirm the report as issued.

5) Here, it seems irregular and improper for the Master to substantively modify the final order issued on December 30th, 2020 on her own over 2 months later on March 19th, 2021, especially if no party filed exceptions requesting changes or updates. At that stage, absent any newly filed motions, the

original order signed by Chancellor Andre Bouchard did stand as final given no exceptions were filed by any party to amend or alter it within the two weeks after its issuance. Which is a Violation of our 14 amendment as well as a violation of the laws of succession title 12. an error the we are requesting that the Court of equity corrects by paying the Beneficiaries and the Estate of Alvin David Smith for the Master's Error as well as the Chancellor's Error as well. By doing so, it effected a "classic taking in which the government directly appropriates private property for its own use." Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U. S. 302, 324 (2002) Cowan has stated a claim under the Takings Clause and is entitled to just compensation.

- 6) Which is misconduct in violation of Rule 3.1. by her knowing that her client James Furlow had used the Death Certificate to Close out the descendant's Bank Accounts for \$18,500 dollars on December 5th 2018. Which was as soon as James Furlow received the Death Certificate [DECEMBER 5TH 2017] on that same day he stole all the Money from the descendant's Alvin David Smith's bank accounts. Any Attorney in the State of Delaware should have know the Money was missing as She found the Bank accounts as she say in the first accounting. And still used the Date of Death Balances in the accounting when the Money had been stolen before James Furlow filed to become Personal Administer of the Estate.

The 18,500 dollars never existed James Furlow told police that his son stole the money from his house. But he used it in all accounting.

7) Its bad enough that Alvin David simth was burried alone. None of his family were able to be there for his funeral.

8) While the Estate was in the middle of discovery. Attorney for the

9) administrator filed a New case (the sale of the property of Alvin

10) D Smith Jr.) to pay expenses. Carla Cowan file motion to consolidate the two hearings. The motion to consolidate was denied also.

11) The hearing for the sale of the property was granted and the motion to dismiss was denied. And the hearing took place September 3, 2020. A final order was Modified granting the permission to sale a cash paid for home for as is.

12) [Causing the Beneficiaries to loose equity in the properties.] Any of the decedent's properties sold must be sold for fair market value.

13) To allow this to go on will set a president that will distort the honor and integrity of this honorable court. **TITLE 18, U.S.C., SECTION 242** Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution

or laws of the United States. **Deprivation Of Rights Under Color Of Law** Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

- 14) *For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials.*
- 15) *And also violated traditional property law principles," plus historical practice and this Court's precedents. Phillips, 524 U. S., at 165-168; see, e.g., United States v. Causby, 328 U. S. 256, 260-267 (1946); Ruckelshaus v. Monsanto Co., 467 U. S. 986, 1001-1004 (1984).*
- 16) *The Chancery Court abused its discretion in not granting default judgment, as James Furlow failure to answer caused prejudice to Appellate and Appellee did not establish any meritorious defenses. [Magistrate Post-trial report DEFAULT*

17) The Chancery Court erred in not granting relief to Carla Cowan under Court of Chancery Rule 60(b) due to Appellant's failure to answer without justification.

The petitioner is CARLA COWAN, the niece of Alvin David Smith and appellant below. In December 2018, Cowan filed an action in the Court of Chancery seeking to remove James Furlow as personal representative of Smith's estate.

The respondent is JAMES FURLOW, the personal representative of Alvin David Smith's estate appointed by the New Castle County Register of Wills in March 2018. Furlow is not related to Smith. Alvin David Smith ("Smith") died intestate on November 5, 2017 in New Castle County, Delaware.

In March 2018, the New Castle County Register of Wills granted letters of administration to James Furlow ("Furlow") and appointed him as the personal representative of Smith's estate (the "Estate"). Furlow began administering the Estate. By this time the money had been stolen from the Wellsfargo bank accounts.

Carla Cowan ("Cowan") is Smith's niece. Furlow is not related to Smith.

In December 2018, Cowan filed an action in the Court of Chancery of the State of Delaware (the "Court of Chancery") seeking to remove Furlow as the personal representative of the Estate (the

"Removal Action"). [28 U.S.C. § 636(b)], however, does NOT authorize a magistrate to enter final judgment. Only a district court can make a magistrate's decision final, and therefore appealable. *Kendall v. Davis* 569 F.2d 1330 (5th Cir. 1978).

On 09-12-2019 PLAINTIFF CARLA COWAN MOTION FOR PRELIMINARY INJUNCTION:DEL. Per CH. CT. R. 65 , To stop the property from being sold. Due to the fact that there is no money owed on said property. Nor is there in lien from creditors. As per Rule 182. Sale of land to pay debts; debts of a decedent. That the harm to the plaintiff if the injunction is denied exceeds the harm to the defendant if the injunction is issued. (*In re Plains Exploration & Prod. Co. S'holder Litig.*, 2013 WL 1909124,.

C. Default Judgment

1 James Furlow was properly served the summons and complaint pursuant to Delaware Court of Chancery Rules but failed to file an answer within the required time-frame of 20 days under Rule 12(a).

2 Summons and complaint were served on James Furlow on January 10, 2019 in accordance with Rule 4.

3 James Furlow s answer was due by January 30, 2019 but no

answer was filed.

4 The Chancery Court erred in not entering default judgment for James Furlow under Court of Chancery Rule 55 when James Furlow failed to file a timely answer.

Rule 55 provides that when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, the party entitled to a judgment by default shall apply to the Court for said judgment. [Final report tr:23:1:24].

Harmful error].

5. " Magistrate retained Jurisdiction of this case when Chancery court had no Stand to retain such Jurisdiction. Against the Law's of Succession of the State of Delaware . Just as Master Molina has rule in Case Register of Wills Folio No.168119 June 12,2020 Page 6 B. Decedent's Home Passed Outside the Estate. ***IMO the Estate of Evelyn Chambers, Register of Wills Folio No. 168119, a Master-in-Chancery named Selena E. Molina .***

The Decedent's home was not part of the estate. The home passed to the beneficiaries at the date of the decedent death. The personal representative did not have a right to account for it nor the taxes because it was no longer a debt of the estate. We are expecting this court to follow the same president in our case as well. Master's failed to follow the laws of succession

TITLE 12 § 501. Intestate estate.

Any part of the real or personal estate of a decedent not

effectively disposed of by will passes to the decedent's heirs as prescribed in the following sections of this chapter. Indeed, the delinquent taxpayer can continue to live in her house for years after falling behind in taxes, up until the government sells it. See §281.70.

59 Del. Laws, c. 384, § 1; Error by Master on Chancery.

This is a cash paid for home with no liens or claims against it.

6. Carla Cowan properly filed a motion for default judgment as allowed under Rule 55 after James Furlow failed to answer.
7. The Chancery Court abused its discretion in not granting default judgment, as James Furlow failure to answer caused prejudice to Appellant and Appellee did not establish any meritorious defenses.

[Magistrate Post-trial report P.31]

The Chancery Court erred in not granting relief to Carla Cowan under Court of Chancery Rule 60(b) due to Appellant's failure to answer without justification. Which has severely prejudiced Cowan and the Estate of Alvin David Smith.

1. How can a Master in Chancery change a final order singed by Andre Borocharad on December 30th of 2020, when no one filed exceptions?
2. The Master modified the order after the 14 day period had expired accordance to rule 144 on Master's order and still made modification to the order March 19, 2021 and no Chancellor signed until after. I went to the Supreme Court about.

A. The order being modified after the period had expired.

B. The house being stolen on April 15 2021 with no Chancellor's signings the modification made to an order by the Master in Chancery issues with the Master in Chancery modifying the final order after the 14-day exception period expired:

- 1) According to Court of Chancery Rule 144, any party may take exception to a Master's final report within 14 days. If no timely exceptions are filed, the Court would typically just confirm the report as issued.
- 2) Here, it seems irregular and improper for the Master to substantively modify the final order issued on December 30th, 2020 on his/her own over 2 months later on March 19th, 2021, especially if no party filed exceptions requesting changes or updates.

At that stage, absent any newly filed motions, the original order signed by Chancellor Andre Bouchard should stand as final given no exceptions were filed by any party to amend or alter it within the two weeks after its issuance.

- 3) For the Master to substantively update the order apparently without explicit request or basis long after the Rule 144 exception deadline expired could call into question the procedural regularity and modify a binding ruling without cause.
- 4) On appeal, this could be raised as grounds for procedural error and violation of due process rights since the unilateral order change

ignored formal modification procedures in Court of Chancery rules.

5) In summary, the Master seems to have overstepped authority by materially editing the order so long after its issuance without filing of exceptions or motions to justify doing so at that stage.

6) Which makes the order void and the reason I say that it was stolen.

7) A Chancellor can not sing an order after the period for modification being made had expired accordance to Rule of Chancery 144. Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

8) Which is a Violation of our 14 amendment as well as a violation of the laws of sucession title 12. an error the we are requesting that the Court of equity corrects by paying the Beneficiaries and the Estate of Alvin David Smith for the Master's Error as well as the Chancellor's Error as well.

9) In the foot notes of Master order she threatens me by say this Void case is settled by I beg the different. Because it is a violation of my right of the 14 Amendment.

10) Its my right to speak about a violation of the color of law. That I have the fact to prove what I am saying not just Hearsay.

A. Appellant requests an award of treble damages pursuant to 42 U.S.C. § 1983 for the civil rights violations committed by the

Magistrate.

B. Appellant further requests any additional relief as this Court deems appropriate and just.

C. Appellee Employee preformed work on the Estate

Appellant argues that the Court of Chancery erred in failing to find Appellee was unjustly enriched. The tort of intentional infliction of economic harm (sometimes called "unjust enrichment") is a legal cause of action that allowed. 'It was unjust for Appellee to profit by having his own employees perform repair work on the Estate property and charging above-market rates for their services. As the owner of the company performing the work, Appellee received an undeserved benefit at the expense of the Estate. *Union Oil Co. v. Oppen*, 501 F.2d 558 (9th Cir. 1974)

1. Appellee retained an erroneous benefit in violation of equitable principles. Public policy weighs against allowing self-dealing transactions of this kind, where an individual stands to gain personally from work done for an estate they oversee. Additionally, in court Attorney Delacy failed to provide proof of or disclose full settlement amounts reached in Wells Fargo case #2020-0695 regarding stolen estate funds. Her obstruction and lack of candor show utter contempt for this Court's authority.

Moreover, Defendant submitted fraudulent receipts to the record from non-existent companies.

2. Appellee actions satisfy all elements of unjust enrichment under Delaware law. Appellee received a benefit, namely payment of inflated invoices. That benefit was at the Estate's expense, reducing funds available to beneficiaries. It would be unjust to allow Appellee to retain that benefit given his self-dealing role in hiring his own company for the work. *Commerce Bank v. Deborah Flavin Durland*,

(Mo.Ct.App. 2004)

3. Appellant further argues that the Court of Chancery erred in failing to find Appellee breached his fiduciary duties as personal representative.

4. As personal representative, Appellee owed fiduciary duties of loyalty and care to the Estate. Entering into self-dealing transactions requiring the Estate to pay his own company violated the core duty of loyalty.

5. Master in chancery has violated the oath of office and the constitutional requirements for public officials and employees. She has abused the very position that she held. He has not only violated the Canons of Judicial Ethics but also betrayed the public trust and confidence in her quest and pursuit of personal gain while acting in an egregious manner and abusing his judicial power. (Unjust in enrichment. Row: tr: 272:22-23 Master These two pictures of the employees of James Furlow working on

the house is admitted.

6. Charging excessive rates and profiting personally from work done on Estate property violated Appellee duty to act with reasonable and prudent care. Appellee failed to put the best interests of the Estate ahead of his own in this transaction. The transaction should be rescinded pursuant to Delaware Trust Code § 3303 given Appellee breaches of fiduciary duty through self-dealing. Tr:181:11-19 This is where the PR and his counselors had an appraiser come in to apprise the house. Well these are the facts" Before anyone enter into Smith's house. It had carpet everything was in good shape. In their own report it it was a dogs in the cages that tore up that house. Mr. smith had no dogs. And Jame Furlow is trying to charge the estate \$26,000 dollars for repair for damages. That should not be there. Its not the estate fault the Mr. Furlow rented out the house.

Finally, Appellant argues the transaction fails for lack of consideration. The Estate received no benefit from paying inflated invoices for work done by Appellee's own employees. Therefore, the contract lacks legal consideration and should be voided.[Exhibit62ROW 2018-0915-SEM].

Attorney's appraisal proves the work that James Furlow say was done in 2018 was never done. ROW: 191:11, Objection by Carla Cowan we did not get to inspect this property even with an order to Inspect issued . He say the work was done in 2018 but that not the case the work was

not done until the house was stolen in 2022. not in 2019.

1. Pyramid Construction does not exists

2. The Appellee committed fraud against the Estate in submitting an invoice for \$26,000 from the non-existent "Pyramid Construction" company.[ROW FileNo:168416 exhibit 62].

3. No company is registered in Delaware under the name "Pyramid Construction", indicating the invoice was fabricated. ROW: 190:9-10, Objection in case we have to appeal. James Furlow testified that he inspected the work and it was well preformed by his own employees ?

4. Yet Bruce and Kathleen say in the appraisal in 2019 that the work was never done. The invoice submitted was fake and his own attorney submitted an appraisal of the property the states the work had not been done . Appraisal by Kathleen and Bruce. There is no such company as prymiad construction. . Mr. Furlow submitted an invoice from Pyramid Construction for work that was supposed to be done 20th day of March 2018 for \$26,000 but the work was not done .. His very own Attorney and Bruce submitted an estimate of repairs on January 17, 2019 that says the home is trashed with drywall removed ,carpet removed kitchen cabinets damaged , vinyl floors damaged . Bath damaged,large dog crates with 2 large dogs. Car in back yard which has been dug up and trashed by dogs. Statements say that repaint entire home inside, replace drywall and so on. Which proves that the work was not done in 2018.

5. Yet Attorney Delacy pays James Furlow \$26,000 for the work he claimed he did in 2018. Install new drywall, tape and paint entire house.??? Which I did Object to. ON 9-20-2021 I took pictures of work being done) ON 9-20-2021 I call the Police (Officer Jupiter is the Officer in the Pictures[Exhibit5] that day and the Personal rep was called by the workers that worked for James Furlow and James was on the phone saying do not let her in there. The PR cannot profit from the work done on an Estate.

6. The Appellee intended to mislead the Probate Court into reimbursing him \$26,000 for repairs that were not actually performed, in violation of 12 Del. C. § 735 prohibiting fraud against estates. Now this is the time he was in care of the property and if these dog [three white pit bulls] are not his Stepbrothers? This proves that he had not and did not properly secure the property or protect the property? This is a video tape of three dogs in the yard?

7. On page 12 final Report line 57 : The appraisal reflects the Property was not habitable and needed repairs but did not indicate and damages specifically attributable to dogs. CA.No.2019-1038-SEM is not the report submitted by Attorney's for the Appellee where there are damages by the dogs.

A: Appraisal by Wilgus & Associates

1. James Furlow's very own attorney and Bruce submitted [2018-0915-SEM D.I. 61] appraisal and stated there was two large dogs in the house in Crates and they have dug up and distorted the car in the back yard and the house was distorted. And this was after he claimed that he did \$26,000 dollars of repair work on the house in 2018? And his attorney and Bruce went there in 2019?
2. Evidence subsequently revealed through an appraisal and photographs conclusively shows the repairs invoiced were not completed as claimed. [CA.No.2018-0195 id.64560447].
3. A January 17, 2019 appraisal by Attorney Bruce for the Appellee noted repairs such as drywall removal and damaged floor replacement were still needed, contradicting the invoice's assertion that work was fully performed.
4. Photographs taken by the Appellant in September 2021 showed repair work only just beginning, corroborating the work had not been done in 2018 as invoiced.
5. The Appellant properly objected to the fraudulent reimbursement of \$26,000 before the Probate

Court. Objection By Carla Cowan ROW: 189:17:1-24. “[Never had a chance to check the validity of this document. Six years went by with out you submitting this.]”

6. Discrepancies between the invoice and later evidence were promptly brought to the Court's attention. In a post-trial motion that was denied.

The objection aimed to prevent the Appellee from misusing Estate assets through his fraudulent scheme. Same M.O as Commonwealth of Pennsylvania v Andrew Ross Kaufman Oct 15,2014 DC# M-71-000130.

7. The Appellee demonstrated consciousness of guilt by obstructing the Appellant's court-ordered inspection of the property. CA:NO:2018-0915-SEM id:66800300].

Workers at the site followed the Appellee's directive not to allow the inspection, indicating he feared what it would reveal.

8. Sanctions are warranted against the Appellee for his fraudulent actions, including repayment of the \$26,000 to the Estate. The Appellee's fraud and breach of his duties as Administrator justifies his removal from that role pursuant to 12 Del. C. § 1504.

10. 5. This is a classic pocketbook injury sufficient to give Cowan standing. TransUnion LLC v. Ramirez, 594 U. S. No. 20-297 , (2021)

Cowan also filed exceptions to the Estate's accounting provided by Furlow (the "Accounting Action"). On June 30, 2023, a Magistrate in Chancery issued a final post-trial report (the "Post-Trial Report") recommending that judgment be entered in favor of Furlow. The Magistrate determined that Furlow was lawfully appointed as personal representative and that Cowan failed to prove any breaches of fiduciary duty

The Post-Trial Report stated that exceptions could be filed under Court of Chancery Rule 144. Cowan filed notices of exceptions to the Post-Trial Report on July 21, 2023.

As per our understanding, the timeline begins with the assumption that the report was mailed on July 7, 2023 . According to Delaware Chancery Court Rule 144, the clock for response time starts on July 10, 2023. Given this calculation, we had until July 21, 2023, to file our response. We duly filed our Notice response on July 20, 2023, well within the given time-frame, and subsequently, we amended the notice on July 25, 2023, which still adhered to the rules. Furthermore, in accordance with Delaware Chancery Court Rule 144, we were allotted a total of 20 days from the date of filing the notice to submit our brief. Our brief was filed on August 14, 2023, and an amended version was filed on August 17, 2023, which we believe were both well within the prescribed 20-day time-frame. [I was not late.]

On January 2, 2024, the Court of Chancery overruled Cowan's exceptions, finding them untimely as they were not filed within 11 days of the Post-Trial Report.

Reasons for Granting the Writ

As per our understanding, the timeline begins with the assumption that the report was mailed on July 7, 2023 . According to Delaware Chancery Court Rule 144, the clock for response time starts on July 10, 2023. Given this calculation, we had until July 21, 2023, to file our response. We duly filed our Notice response on July 20, 2023, well within the given time-

frame, and subsequently, we amended the notice on July 25, 2023, which still adhered to the rules. Furthermore, in accordance with Delaware Chancery Court Rule 144, we were allotted a total of 20 days from the date of filing the notice to submit our brief. Our brief was filed on August 14, 2023, and an amended version was filed on August 17, 2023, which we believe were both well within the prescribed 20-day time-frame. [I was not late.]

- 1. Equitable Considerations:** The court may also weigh the principles of equity and fairness, ensuring that parties are not unduly penalized for factors beyond their control.
- 2. Reason for Neglect:** The court may consider whether the neglect was due to circumstances beyond the party's control, such as unforeseen events, unavoidable delays, or external factors like natural disasters, postal delays, or similar issues.
- 3. Diligence and Intent:** The court assesses whether the party acted diligently in attempting to meet the deadline despite the challenges. If the party demonstrated reasonable efforts to comply with the requirements but faced insurmountable obstacles, the court may be more inclined to view the neglect as excusable.
- 4. Prejudice to Other Parties:** The court considers whether granting an extension would cause prejudice to the other parties involved in the case. If the delay does not significantly affect other parties' rights or the course of proceedings, the court might be more willing to accept the excusable neglect argument.
- 5. Merits of the Case:** The court may examine the underlying merits of the case. If the party's defense or claims have strong merit, the court might be more lenient in considering an extension due to excusable neglect.
- 6. Consistency with Prior Rulings:** The court may review how it has handled similar situations

in the past to ensure consistency in its decisions and to avoid creating precedent that contradicts established principles.

7. Equitable Considerations: The court may also weigh the principles of equity and fairness, ensuring that parties are not unduly penalized for factors beyond their control.

CONCLUSION

The issues raised in this petition are of imperative public importance relating to the proper administration of estates under Delaware law and the protection of heirs' rights.

The lower court's interpretation of the exceptions deadlines under Court of Chancery Rule 144 threatens to undermine the ability of heirs to challenge personal representatives' actions through established procedures.

Unless corrected, the lower court's ruling risks depriving heirs of their day in court and could encourage breaches of fiduciary duties by personal representatives in estate administrations.

THIS CASE RAISES A PRESSING NATIONAL PROBLEM TURNING ON FEDERAL QUESTIONS THAT THIS COURT SHOULD RESOLVE For most homeowners, their house is their most important asset. Every year, many who fall behind on their taxes lose all of the equity they have in those homes across the 14 states that allow government or private investors to seize a windfall when collecting delinquent property taxes.

Relief Requested

.1.Appellant requests that this Court reverse the orders of the Court of Chancery dated August 1, 2023 dismissing Appellant's exceptions as untimely.

(a)Appellant argues that the exceptions were timely filed on July 21, 2023 in accordance with Court of Chancery Rule 144.

(b)Appellant further argues that the Chancellor erred in dismissing the exceptions without consideration of their merits.

.2.Appellant requests that this Court reverse the Post-Trial Report dated June 30, 2023 and the associated judgment entered in favor of Appellee Furlow.

(a)Appellant argues that the Magistrate erred in determining that Appellee was lawfully appointed as personal representative.

(b)Appellant also argues that the Magistrate erred in determining that Appellant failed to prove any breaches of fiduciary duty.

3.Appellant requests an order from this Court removing Appellee Furlow as personal representative of the Estate and appointing Appellant Cowan in his place.

4.Appellant requests any further relief as this Court deems just and proper. As well as a wrongful death claim arises from the delay and modification of the Chancery Court order. Final order signed December 30th 2020 did cause beneficiary Herman Maurice Thomas aka Nissan Adam Satellite to move from California to Delaware to receive share in Estate. Violation of Delaware Court of Chancery Rule 144(2) which led to the delay that SERVERLY impacted the beneficiary, leading to His death.

5. Punitive damages are also sought due to the alleged willful delay and violation of Delaware Court of Chancery Rule 144(2) by the Magistrate, which purportedly resulted in the wrongful

death of the beneficiary.

Every thing I have done were necessary to protect the Estate of Alvin D Smith as In Re Walker's Estate, 122 A. 192, 193 (Del. Orph. 1923) ("When such expenses are necessary in order to properly protect the property or the interests of the estate, and are incurred in good faith, in transacting the business of the estate with reasonable care and diligence.

And that all money be returned to the Estate of Alvin David Smith. All the money from the first accounting was misappropriated. (To Attorney fees that are used to defend the Personal Repetitiveness.) Against the Heirs, this is paying your rival to go against you with your own money. Without James Furlow being involved would have save the Estate of enormous amounts of money, that being spent for no reason. Plaintiff moves this Court to issue sanctions, including costs and attorneys' fees, against Defendant Kathleen Delacy, Esq. for contempt pursuant to Chancery Court Rules for violation of the December 15, 2020 court order allowing inspection of the estate property at 406 S Gerald Drive.

Despite having knowledge of the clear order and ability to comply, Attorney Delacy willfully disobeyed and obstructed the inspection without valid reason, including:

- 1) Falsely claiming she had to pay for inspection when no charge applied.
- 2) Attempting to charge additional costs to Plaintiff when no basis to do so.
- 3) Never scheduling inspection despite multiple requests

Additionally, in court Attorney Delacy failed to provide proof of or disclose full settlement amounts reached in Wells Fargo case #2020-0695 regarding stolen estate funds. Her obstruction and lack of candor show utter contempt for this Court's authority.

Moreover, Defendant submitted fraudulent receipts to the record from non-existent companies.

This constitutes perjury.

Given the willful violations of orders, obstructions, perjury, and other contemptuous acts by Defendant Delacy, Plaintiff requests:

- 1) Sanctions including costs and attorneys fees
- 2) Finding of contempt under 42 USC §1983
- 3) Any other remedies the Court deems appropriate.

The pattern of deception, avoidance of duties, and violation of Court directives undermines the authority and integrity of this tribunal. Meaningful sanctions and consequences must follow.

A. Administrative Expenses:	\$67,039
B. Late fee on closing cost:	\$300.00
C. Fee for first account:	\$316.37
D. Reimburse PR for water-bill:	\$265.55
E. Reimburse PR for House insurance	\$440.72
G. Reimburse PR for House Repairs:	\$ 26,300
H. Wilgus Appraisal Services:	\$ 400.00
I. Legal fees to finalize estate:	\$ 1,500
Total	\$96,161.64

(In his "James Furlow" note to the Register of wills say's he is just doing a favor for the family?)

If he is doing a favor for the family, he would have gladly step down when asked.

We are asking that all money (\$96,161.64) as well as the balance of the fair market value of the
at the time of the sale \$240,000 - \$110,00 = \$226,000 be returned to the Estate. We are asking
this honorable court for tremble damages (\$678,000 x 3 = \$2,034,000) due to the fact that our
Uncle was buried without us being able to pay our final respect.

6. Punitive damages are also sought due to the alleged willful misconduct that resulted in your
uncle being buried without the family being able to pay final respects.

**--- James Furlow acted with intentional malice, law exists that should have prohibited him
from taking the action, and that he willfully disregarded the law. And we have requested
tremble damages when our case yet this did no discourage James Furlow from taking this
prohibited action.**

Del. Const., Art IV., § 32, ¶2 (emphasis supplied) (“Exceptions may be made by persons
concerned to both sides of every such account, either denying the justice of the allowances
made to the accountant or alleging further charges against him or her; and the exceptions shall
be heard in the Court of Chancery for the County[.]”). 26 In Re Estate of Gedling, 2000 WL
567879, at *11 (Del. Ch. 2000).

Where to fore the Plaintiff move the court to deny the first accounting, second and final
accounting. **Canon 3B(4)**. A judge should neither engage in, nor tolerate, workplace conduct
that is reasonably interpreted as harassment, abusive behavior, or retaliation for reporting such
conduct. The duty to refrain from retaliation includes retaliation against former as well as
current judiciary personnel. And be charged by this Court of Equity as well.

And all money returned to the Estate. Wherefore we are requesting the this Court be held liable
for Masters Errors . In Violations of Federal Rules of Masters 60. In the amount of \$678,000
tremble dames Delaware properties loss in a as is sale by Attorney Delacy against the heir will .

The heirs need to sale the properties for fair market value.

- TREMBLE DAMAGES FOR, The Masters Errors and negligence.
- Total times 3.

(TREMBLE DAMAGES \$2,583,597). Plus punitive damages may be sought due to the alleged willful misconduct

And what ever else this court deems just and equitable.

Respectfully Submitted

Carla Cowan Carla Cowan 12-26-2024
-2024

2 Curlew Circle

Newark DE, 19702

word count: 6479

Immediate United States Supreme Court review was necessary to correct the lower court's erroneous interpretation of exceptions deadlines, which conflicts with established precedent on excusable neglect and time extensions.

By denying Cowan's motion for an extension of time on an incorrect application of the law, the lower court has effectively insulated its underlying decision from appellate review.

Petitioner Cowan respectfully requests that this Court issue a writ of Certiorari to review the decision of the lower court.

This Petition for a Writ of Certiorari is respectfully submitted on this 12/02/2024 by:

Carla Cowan Pro-Se

2 Curlew Circle Newark Delaware, 19702

PETITIONER Carla Cowan --Date: 12-26-2024