

24-6806

No. \_\_\_\_\_

FILED

FEB 28 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Torrey-Tyree family of Lewis — PETITIONER  
(Your Name)

vs.

Wilmington Savings Fund Society FSB, et. al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Pennsylvania, Middle District

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Torrey-Tyree family of Lewis

(Your Name)

c/o 101 East Baltimore Pike, # 1519

(Address)

Media, Pennsylvania Republic [19063]

(City, State, Zip Code)

(484)507-0410

(Phone Number)

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SUPREME COURT, U.S.

## QUESTION(S) PRESENTED

- *“Does the seizure of all the Petitioners belongings, without providing notice or obtaining consent, and based on a writ that wasn’t addressed to the Petitioner, violate the procedural due process protections guaranteed by the Fourteenth Amendment?”*
- *“Does the seizure of property without prior notice or an opportunity for a hearing, as permitted by certain replevin statutes, violate the due process clause of the fourteenth amendment?”*
- *“Whether the denial of due process by state judicial officials, who have taken a constitutional oath to protect the rights of individuals, in a replevin case violates the Fourteenth Amendment's guarantee of procedural due process, thereby warranting review by the Supreme Court of the United States.”*

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- *Wilmington Savings Fund Society FSB et al.,*
- *Andrew M. Carobus, Esq.,*
- *CHRISTINE L. BARBA, Esq.,*
- *Jerry L. Saunders, Sheriff of Delaware County, Pennsylvania,*
- *John Oliver, Chief Deputy Sheriff of Delaware County, Pennsylvania,*
- *Mary J Walk, Judicial Support/Prothonotary Delaware County, Pennsylvania,*
- *RAMSEY MOVING SYSTEM LLC,*

## RELATED CASES

1. In the United States District Court for the Eastern District of Pennsylvania docket number- (2:23-cv-01604-MAK)
2. In the court of Common Pleas Chester County, Pennsylvania docket number- (2023-04719-MJ)
3. In the Supreme Court of Pennsylvania, Middle District docket number- (79 MAP 2023)
4. In the Superior Court of Pennsylvania docket number- (2483 EDA 2023)
5. In the Supreme Court of Pennsylvania, Middle District docket number- (302 MAL 2024)

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APPENDIX B- (Order) in the Court of common Pleas Chester County, Pennsylvania. **(2023-04719-MJ)**

APPENDIX C- (Order) In the Supreme Court Of Pennsylvania, Middle District **(79 MAP 2023)**

APPENDIX D- (Order) In the Superior Court of Pennsylvania **(2483 EDA 2023)**

APPENDIX E- (Order) In the Supreme Court of Pennsylvania, Middle District **(302 MAL 2024)**

## TABLE OF AUTHORITIES CITED

### CASES

1. **\*\*Matthews v. Eldridge (424 U.S. 319)\*\***: This case established the three-factor balancing test for determining what procedural due process requires in various contexts.
2. **\*\*Goldberg v. Kelly (397 U.S. 254)\*\***: This case reinforced the requirement for a fair hearing before the termination of certain benefits, emphasizing the need for procedural due process.
3. **\*\*Sniadach v. Family Finance Corp. (395 U.S. 337)\*\***: This case addressed the constitutionality of garnishment procedures and the necessity of due process protections before depriving individuals of property.
4. **\*\*Fuentes v. Shevin (407 U.S. 67)\*\***: This landmark Supreme Court case addressed the constitutionality of prejudgment replevin provisions in Florida and Pennsylvania. The Court held that these provisions violated the Fourteenth Amendment's Due Process Clause because they allowed for the seizure of property without prior notice or a hearing.
5. **\*\*Fuentes v. Shevin (407 U.S. 67)\*\***: This Supreme Court case addressed the constitutionality of prejudgment replevin provisions and emphasized the need for due process protections.
6. **\*\*Matthews v. Eldridge (424 U.S. 319)\*\***: This case established the three-factor balancing test for determining what procedural due process requires in various contexts.
7. **\*\*Goldberg v. Kelly (397 U.S. 254)\*\***: This case reinforced the requirement for a fair hearing before the termination of certain benefits, emphasizing the need for procedural due process.

- Pennsylvania Constitution Article I:

#### Section 8 - Security from Searches and Seizures

The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

#### Section 11 – Courts to Be Open;

All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

- Commonwealth of Pennsylvania vs. Justen Ireland,

the Supreme Court affirmed the Order of the Commonwealth Court, see: Honorable McCullough, cited "Based upon our research, the Commonwealth's organic law, namely Article 9, Section 18 and 19 of Pennsylvania Constitution of 1790, denounces and effectively abolishes any notion of taking of property, the United States, and the Commonwealth and its Courts have No Authority to seek and order the taking of property, forfeiture or order to a sheriff to confiscate the property and violate the protection of our State and Federal Constitution or Bill of Rights. This is Proof of Grand Theft, Fraud, RICO, Collusion, Tax

Evasion and many other crimes intentionally committed by the Defendants/RESPONDENT'S and their Affiliates.

- Abeel v. Bank of America N.A

states that mortgage fraud has been identified in Case No. 12-cv-04269 filed in the UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK. In addition the cases were dismissed without prejudice. Therefore all rights are now reserved nunc pro tunc and CONCERNING all matters of interest. The case was transferred to the clerk of the Court and was directed to be closed. In the United States District Court for the Central District of California. The COMMONWEALTH OF PENNSYLVANIA/STATE OF PENNSYLVANIA as TRUSTEE breached its fiduciary duties to the American people by allowing the recycling of real property located at: addresses within another the city, state, federal operating under county municipal governments. The Commonwealth of Pennsylvania/State of Pennsylvania, the Bank and the Debt Collectors/Lawyers/Law Firms only received possession of the property/land/interest/estate was thru the illegal/unlawful/fraudulent foreclosure's, sheriff sale, sheriff deed polls, conveyance, conversions and thru real estate Property Listing Sales and Writ of Possession Orders GRANTED thru the Office of JUDICIAL SUPPORT and Prothonotary Mary J. Walk, Esq. without Right, Title, Standing or Authority these are deceptive criminal action of fraud, misrepresentation and collusion.

- Haines v. Kerner, 404 U.S. 519,

wherein the court has directed that those who are unschooled in law making pleadings and/or complaints shall have the court look to the substance of the pleadings rather in than the form, and hereby makes the following pleadings/notices in the above referenced matter without waiver of any other defenses.

## OTHER

### Pennsylvania Constitutional Provisions

1. **\*\*Article I, Section 1\*\***: Inherent rights of mankind. This section emphasizes the fundamental rights of individuals, including the right to due process.
2. **\*\*Article I, Section 11\*\***: Courts to be open; suits against the Commonwealth. This section ensures that courts are accessible to all individuals and that justice is administered without delay.
3. **\*\*Article I, Section 26\*\***: No discrimination by Commonwealth and its political subdivisions. This section prohibits discrimination and ensures equal protection under the law.

### Pennsylvania Statutory Provisions

1. **\*\*231 Pa. Code Subchapter E - Action in Replevin\*\***: This subchapter outlines the procedures for replevin actions in Pennsylvania, including the filing of complaints, service of writs, and seizure of property.
2. **\*\*42 Pa.C.S. § 1983\*\***: This statute allows individuals to sue state officials for violations of constitutional rights, similar to the federal 42 U.S.C. § 1983.

3. **\*\*Pennsylvania Rules of Civil Procedure\*\***: These rules govern the procedures for civil actions, including replevin, and ensure that due process is followed in state courts.

#### Relevant Case Law

1. **\*\*Fuentes v. Shevin (407 U.S. 67)\*\***: This Supreme Court case addressed the constitutionality of prejudgment replevin provisions and emphasized the need for due process protections.

2. **\*\*Matthews v. Eldridge (424 U.S. 319)\*\***: This case established the three-factor balancing test for determining what procedural due process requires in various contexts.

3. **\*\*Goldberg v. Kelly (397 U.S. 254)\*\***: This case reinforced the requirement for a fair hearing before the termination of certain benefits, emphasizing the need for procedural due process.

IN THE  
SUPREME COURT OF THE UNITED STATES  
  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix "A" to the petition and is

☒ reported at United States District Court, Eastern District; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix "E" to the petition and is

☒ reported at Supreme Court of Pennsylvania, Middle District; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the lowest state court appears at Appendix "B" to the petition and is

☒ reported at Court of Common Pleas Chester County, PA; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.



## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was June 22, 2023.

☒ 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 2/10/2025.  
A copy of that decision appears at Appendix E.

☐ 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).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### Constitutional Provisions

1. **\*\*Fourteenth Amendment\*\***: The Due Process Clause of the Fourteenth Amendment prohibits states from depriving any person of life, liberty, or property without due process of law. This clause is central to your claim of being denied due process by judicial officials.
2. **\*\*Fifth Amendment\*\***: The Due Process Clause of the Fifth Amendment provides similar protections against the federal government.
3. **\*\*Article IV, Section 2 - Privileges and Immunities Clause\*\***: This clause prevents a state from treating citizens of other states in a discriminatory manner. It may be relevant if your rights as a citizen have been disregarded by state judicial officials.
4. **\*\*Article I, Section 10 - Contract Clause\*\***: This clause restricts states from passing any law impairing the obligation of contracts. It could be relevant if there's an argument that state actions have impaired your contractual rights related to the property in question.

### Statutory Provisions

1. **\*\*Replevin Statutes\*\***: Replevin is a legal action to recover personal property wrongfully taken or retained. The specific statutes governing replevin can vary by state, but they generally outline the procedures for filing a replevin action, the requirements for obtaining a writ of replevin, and the rights of both parties involved.
2. **\*\*Fuentes v. Shevin (407 U.S. 67)\*\***: This landmark Supreme Court case addressed the constitutionality of prejudgment replevin provisions in Florida and Pennsylvania. The Court held that these provisions violated the Fourteenth Amendment's Due Process Clause because they allowed for the seizure of property without prior notice or a hearing.
3. **\*\*42 U.S.C. § 1983\*\***: This federal statute allows individuals to sue state officials for violations of constitutional rights. If you believe state judicial officials have denied you due process, this statute provides a mechanism for seeking relief.
4. **\*\*Uniform Commercial Code (UCC) Article 9\*\***: If the property in question involves secured transactions, the UCC governs the rights and obligations of the parties. This may be relevant in replevin cases involving collateral.

## STATEMENT OF THE CASE

This case arises from a replevin action filed by Torrey-Tyree family of Lewis, the petitioner, in the Court of common pleas Chester county, Pennsylvania, seeking the return of personal property wrongfully taken or retained by Wilmington Savings Fund Society FSB, et. al., the respondent. The petitioner contends that the state judicial officials, who have a constitutional obligation to protect the rights of individuals, denied procedural due process throughout the proceedings.

In the initial proceedings, the petitioner filed a complaint in replevin, asserting ownership and right to possession of the disputed property. Despite substantial evidence presented by the petitioner, the state court issued a decision adverse to the petitioner without providing a fair hearing or adequate notice, thus depriving the petitioner of the opportunity to be heard.

The petitioner appealed the decision to the Supreme Court of Pennsylvania, arguing that the lower court's actions violated the Fourteenth Amendment's guarantee of procedural due process. The appellate court affirmed the lower court's decision, failing to address the fundamental due process violations raised by the petitioner.

The petitioner now seeks a writ of certiorari from the Supreme Court of the United States, contending that the denial of due process by state judicial officials, who have taken a constitutional oath to protect individuals' rights, warrants review by the highest court. The petitioner argues that the actions of the state judicial officials in this replevin case contravene the Fourteenth Amendment's Due Process Clause, and that the Supreme Court's intervention is necessary to ensure the protection of constitutional rights.

Given the substantial constitutional questions at issue and the conflicting decisions by state courts, the petitioner respectfully requests that the Supreme Court grant the writ of certiorari and address the fundamental due process violations that have occurred.

## REASONS FOR GRANTING THE PETITION

1. ***\*\*Violation of Constitutional Rights\*\****: *The state judicial officials' denial of due process to the petitioner in the replevin case constitutes a clear violation of the Fourteenth Amendment's guarantee of procedural due process. The Supreme Court's intervention is necessary to address these fundamental constitutional violations and ensure that individuals' rights are protected.*
2. ***\*\*Conflict with Supreme Court Precedent\*\****: *The decisions of the lower courts in this case conflict with established Supreme Court precedent, including *\*Fuentes v. Shevin\**, which emphasizes the necessity of prior notice and a hearing before the seizure of property. The Supreme Court's review is essential to resolve this conflict and maintain consistency in the application of due process principles.*
3. ***\*\*Significant Legal Question\*\****: *This case presents a significant legal question regarding the extent to which state judicial officials must adhere to constitutional due process requirements in replevin actions. The resolution of this question has broad implications for the protection of individuals' property rights and the integrity of the judicial process.*
4. ***\*\*Impact on Public Interest\*\****: *The issues raised in this case are of substantial public importance, as they affect the rights of individuals nationwide who may be subjected to similar due process violations in replevin actions. The Supreme Court's review will provide necessary guidance to lower courts and ensure that due process protections are uniformly applied.*
5. ***\*\*Denial of Fair Hearing\*\****: *The petitioner was denied a fair hearing and adequate notice throughout the proceedings, resulting in a decision that was procedurally flawed and unjust. The Supreme Court's intervention is required to rectify these procedural deficiencies and uphold the principles of fairness and justice.*

*Given these compelling reasons, the petitioner respectfully requests that the Supreme Court grant the writ of certiorari and review the decisions of the lower courts to ensure the protection of constitutional due process rights.*

- *The Common Law is the highest jurisdiction of man-made law and jurisprudence for the men and women sojourning on the landmass commonly referred to as the United States of America with the exception of the landmass commonly called Pennsylvania which has Civil Law.*
- *The Law Merchant is tied to the Common Law and is the highest jurisdiction of man-made law for the men and women sojourning on the landmass commonly referred to as the United States of America concerning commerce and associated contracts, bills, commercial instruments, jurisprudence, et al.*
- *The Uniform Commercial Code is a code accepted or partially accepted by agreement of the various States regarding commercial contracts, commercial*

*instruments, transactions, et al.*

- *The Constitution for the United States of America is the supreme contract for the men and women sojourning on the landmass commonly referred to as the United States of America.*
- *The Common Law reflects the Laws as recorded in the group of books commonly referred to as the Holy Bible and is verified by Sir William Blackstone in his published Commentaries which were instrumental to the founding fathers in the framing and establishing of American jurisprudence.*
- *The past and present so-called Monarchs of Great Britain must swear a corporeal oath and thereby contract to uphold and defend the laws as recorded in the letter patent, the 1611 King James Bible, as well as the Common Law.*
- *There are references to a higher jurisdiction in the Declaration of Independence including but not limited to the Laws of Nature and of Nature's God endowed by their Creator with certain unalienable Rights appealing to the Supreme Judge of the world for the rectitude of our intentions with a firm reliance on the protection of Divine Providence.*
- *The Oaths of Office are clear regarding the adherence to the Constitution when taking an oath of office and entering on the Execution of his Office. Article II, Section I, last clause: The President "promises to 'preserve, protect and defend the Constitution'". Article VI, Clause III: "The Senators and Representatives before mentioned and the members of the several state legislatures, and all executive and judicial officers, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States."*
- *For any Respondent who has sworn an oath of office to support and/or defend the Constitution for the United States of America,*

*I hereby accept that oath of office.*

### **Numbers Chapter 30 verses 1-2**

*"1 And Moses spake unto the heads of the tribes concerning the children of Israel, saying, This is the thing which the Lord hath commanded. 2 If a mans vow a vow unto the Lord or swear an oath to bind his soul with a bond; he shall not breake his word, he shall do according to all that proceedeth out of his mouth."*

### **Leviticus Chapter 5 verses 3-5**

*"3 or if he touch the uncleanness of man, whatsoever uncleanness it be that a man shall be defiled withal, and it be hid from him; when he knoweth of it, then he shall be guilty. 4 Or if a soul swear, pronouncing with his lips to do evil, or to do good, whatsoever it be that a man shall pronounce with an oath, and it be hid from him; when he knoweth of it, then he shall be*

*guilty in one of these. 5 And it shall be, when he shall be guilty in one of these things that he shall confess that he hath sinned in that thing:"*

*When Congress makes a law which is outside the scope of its enumerated powers, it is no law at all but is void, and American men and women have no obligation to comply.*

*Alexander Hamilton wrote this repeatedly in the Federalist Papers. Here are a few examples:*

*"...If the federal government should overpass the just bounds of its authority and make a tyrannical use of its powers, the people, whose creature it is, must appeal to the standard they have formed, and take such measures to redress the injury done to the Constitution as the exigency may suggest and prudence justify..."*

*Federalist No. 33, 5th Paragraph*

*"...acts of... (the federal government) which are not pursuant to its constitutional powers... will (not) become the supreme law of the land. These will be merely acts of usurpation, and will deserve to be treated as such..."*

*Federalist No. 33, 6th paragraph*

*"...every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act ... contrary to the Constitution can be valid. To deny this, would be to affirm ... that men acting by virtue of powers may do not only what their powers do not authorize, but what they forbid."*

*Federalist No. 78, 10th paragraph*

*(emphasis added above)*

*When it is proven, by tacit agreement or otherwise, that Trespassing upon the People's unalienable rights to life, liberty, and the pursuit of happiness from outside the Republic of the United States of America and/or proven tacitly or otherwise that a tyrannical takeover of the de jure Republic by agents with an agenda to steal their birthright and to destroy their country - the United States of America – and to assault the men, women, and children of the Republic and their real and other property - wild and domestic livestock, pollinating insects which affect agriculture / food supply, right to privacy, well-being, liberty, or right to equitable contracts - and/or to prove tacitly or otherwise that any Trespassing or the various legal actions used to implement it evince to a collateral or direct attack upon the United States of America Constitution, there may be grounds for a Grand Jury indictment for treason, to wit:*

**1788 Constitution for the United States of America –**

**Article III, Section III:**

*"Treason shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of Two Witnesses to the same overt Act or on Confession in open Court. The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted."*

**Deuteronomy Chapter 17 verse 6**

*"6 At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death: but at the mouth of one witness he shall not be put to death."*

**Deuteronomy Chapter 19 verse 15**

*"15 One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established."*

**Matthew Chapter 18 verse 16**

*"16 But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established."*

**2 Corinthians Chapter 13 verse 1**

*"1 This is the third time I am coming to you. In the mouth of two or three witnesses shall every word be established."*

**Hebrews Chapter 10 verse 28**

*"28 He that despised Moses Law died without mercy under two or three witnesses."*

*[emphasis added on each item above]*

**Constitution of the United States of America, Amendment IV:**

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

**Title 18 U.S. Code § 2382- Misprision of Treason**

*"Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven (7) years, or both." [emphasis added]*

*WHEREAS a person with full knowledge of a potential harm, whether caused directly by the person or not, and that person is endowed the ability and/or duty to act upon the said knowledge in a way to avoid or otherwise mitigate the potential harm and fails to do said actions is liable for the inevitable harm caused and/or may be found negligent where there is a duty of care; and*

*WHEREAS it is a fundamental principal of law that nobody is above the law including but not limited to all government actors. The government immunity clause only applies to government actors when they are performing their actions of their office defined by their office in good faith and that the UNITED STATES SUPREME COURT has made a ruling regarding public officials being held liable for actions done or failure to perform required actions in the case of MILLBROOK v. UNITED STATES, 477 Fed. Appx. 4, among others.*

## CONCLUSION

*For the foregoing reasons, the petitioner respectfully requests that this Court grant the writ of certiorari to review the decision of the Supreme Court of Pennsylvania. The denial of due process by state judicial officials in the replevin action raises substantial constitutional questions that warrant this Court's intervention. The petitioner seeks redress for the violations of procedural due process guaranteed by the Fourteenth Amendment and requests that this Court ensure the protection of fundamental rights and the fair administration of justice.*

The petition for a writ of certiorari should be granted.

Respectfully submitted,

*Bj: [Signature]*  
Date: *February 25, 2025*