

24-7443

vs/Gregory Majersky

(Signature)

No. _____

IN THE

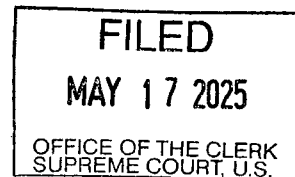
SUPREME COURT OF THE UNITED STATES

Gregory Majersky — PETITIONER
(Your Name)

vs.

LCM Property Management LLC —
RESPONDENT(S)

ORIGINAL



ON PETITION FOR A WRIT OF CERTIORARI TO

Colorado Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Gregory Majersky
(Your Name)

1284 Sable Blvd
(Address)

Aurora, CO 80011

(City, State, Zip Code)

3036184145

(Phone Number)

QUESTION(S) PRESENTED

- ① Did the Colorado Court of Appeals err in its summary ruling in favor of the Respondent without a substantive review of the HOA Documents (App D-6) and application of statutes (1-2) and cases (1-7) against those Appendices, resulting in both a procedural and substantive violation of Petitioner's 14th Amendment Rights by recognizing the Respondent's claim that the HOA manager had the authority to deny the Petitioner's ability to vote in HOA elections?
- ② Did the Colorado Court of Appeals err in its summary ruling of the HOA documents (App. D-6) and application of statutes (1-2) and Cases (1-7) ~~against~~ against those Appendices, resulting in both a procedural and substantive violation of the Petitioner's 14th Amendment rights when it granted the HOA manager the authority to ~~deny~~ the Petitioner from running for a seat in the HOA elections?

3. Did the Colorado Court of Appeals err in its summary ruling in favor of the Respondent when it conflated the Petitioner's claims to Substantive and Procedural Due Process as granted under Statutes (1-2) with alleged claims the Petitioner applying the 14th Amendment to a private entity, the HoA?

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APPENDIX B	Decision of the Arapahoe District Court, 2023cv109
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APPENDIX E	Exhibit B Declaration Of Convents Restrictions Etc
APPENDIX F	Exhibit C HOA bylaws
APPENDIX G	Exhibit D Rules And Regulations

LIST OF PARTIES

X 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:

RELATED CASES

None known

TABLE OF AUTHORITIES CITED

CASES(“Cases”)

NUMBER	PAGE
1. Allen v. Reed, 155 P.3d 443, 446 (Colo. App. 2006)	
2. Buick v. Highland Meadow Ests. at Castle Peak Ranch, Inc., 21 P.3d 860, 862(Colo. 2001)	
3. No. 18CA1592, Kroesen v. Shenandoah Homeowners Ass’n, 2020COA31	
4. No. 15SC701, McMullin v. Hauer, 2018CO 57	
5. Norris v. CITY OF MILLBROOK, Dist. Court, MD Alabama 2011	
6. No. 23CA2005, Quarky, LLC v. Gabrick 2024 COA 76	
7. Richey v. Olson, 709 P.2d 963 (Colo. Ct. App. 1985)	
8. Lugar v. Edmondson Oil Co., Inc., 457 U.S. 922 (1982)	
9. Shelley v. Kraemer, 334 U.S. 1 (1948)	
10. In re Gault, 387 U.S. 1 (1967)	
11. Goldberg v. Kelly, 397 U.S. 254 (1970)	
12. Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)	
13. Sniadach v. Family Finance Corp., 395 U.S. 337 (1969)	

STATUTES AND RULES(“Statutes”)

1. Colorado Common Interest Ownership Act (CCIOA), specifically:
2. Colorado Revised Statutes (“CRS”) § 38-33.3-209.5, C.R.S. § 38-33.3-306, C.R.S. §§ 38-33.3-112 through 38-33.3-113, C.R.S. § 38-33.3-302, C.R.S. § 38-33.3-317

OTHER("Other")

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 _____ to the petition and is

☐ reported at _____ ; 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** to the petition and is _____

☐ reported at _____ ; or,
☐ has been designated for publication but is not yet reported; or, **X** is unpublished.

The opinion of _____ the court
appears at _____ to the petition and is Appendix
[] reported at _____; or,
[] has been designated for publication but is not yet reported; or, [] is
unpublished.

1.
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 **February 24, 2025**. A copy
of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date:
_____ n/a _____, 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 _____ n/a (date) in
Application No. _____ A _____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

First, the Colorado Court of Appeals (CCOA) injured this Petitioner's 14th Amendment rights with their denial of Substantive and Procedural Due Process against the Petitioner with a summary determination that the Respondent's employee, the Home Owners' Association (HOA) Manager, had the documented authority to act unilaterally in denying the Petitioner's right to vote in HOA elections. There is no documentation that exists to demonstrate that the HOA Manager was granted this authority by the HOA Board of Directors in violation of C.R.S. § 38-33.3-302, C.R.S. § 38-33.3-317 and C.R.S. § 38-33.3-306. Appendix F is the only document that even contains the word "manager". Second, the CCOA denied the Petitioner Substantive and Procedural Due Process when it summarily granted the Respondent authority to deny the Petitioner the right to run for a seat on the HOA Board of Directors, despite no documentation in any of the included HOA founding documents that grants or even suggests such a power to the HOA Board of Directors much less the HOA Manager, who again operates and acts without any documentation of powers and authorities that were granted by the HOA Board of Directors at any time in the history of the HOA. Lastly, the CCOA denied the Petitioner Substantive and Procedural Due Process when it consistently conflated the Petitioner's claims of rights to Procedural and Substantive Due Process citing Statute 1 (Colorado Common Interest Ownership Act (CCIOA)). There, the CCOA refused to recognize the Petitioner's assertions of the right to Substantive and Procedural Due Process under the CCIOA and enforced via numerous CCOA and Colorado Supreme Court cases ("Cases 1-7").

REASONS FOR GRANTING THE PETITION

1. Did the CCOA err in its summary ruling in favor of the Respondent without a substantive review of the HOA documents (Appendices D-G) and application of Statutes(1-2) and Cases(1-7) against those Appendices, resulting in both a Procedural and Substantive violation of the Petitioner's 14th Amendment rights by recognizing the Respondent's claim that the HOA Manager had the authority to deny the Petitioner's ability to vote in HOA elections?

The Petitioner asserts “yes”, citing both Statutes(1,2) where these Colorado regulations provide a rules-based structure for HOA disputes and mandate documentation of all HOA proceedings, rules and procedures in HOA covenants. Thus, the State of Colorado has provided rules that must be adhered to for all parties, this is lawful Procedural and Substantive Due Process as it applies to private entities like homeowners and HOAs in the State of Colorado and all Colorado Courts are required to enforce it. CCOA and Colorado Supreme Court have consistently enforced these laws, citing Cases(1-7). The Supreme Court of the United States has, in a series of significant cases following the ratification of the Fourteenth Amendment, consistently held that state courts, in applying state laws and procedures, must adhere to the requirements of the Due Process Clause. This means that state judicial processes cannot unfairly deprive individuals of life, liberty, or property and this has been reinforced repeatedly, citing Cases(8-13). The CCOA did violate Procedural Due Process against the Petitioner by depriving him of his Property Interest in its summary recognition of alleged powers granted to the HOA Manager that have never been documented being granted by the HOA Board of Directors, or that the Board itself voted to deny the Petitioner the right to vote in HOA elections, in violation of C.R.S. § 38-33.3-302, C.R.S. § 38-33.3-317 and C.R.S. § 38-33.3-306. The only mention of “HOA Manager” is Appendix F, Page 6, Article VII Sec. 1(e), there is no discussion of powers granted to the HOA Manager or any accompanying documentation where the HOA Board grants any powers to any HOA Manager. The CCOA denied the Petitioner Substantive Due Process when it refused to apply the relevant laws in Statutes(1-2) or the precedent supporting those statutes in Cases(1-7) to the evaluation of the CCOA case.

2. Did the CCOA err in its summary ruling in favor of the Respondent without a substantive review of the HOA documents (Appendices D-G) and application of Statutes(1-2) and Cases(1-7) against those Appendices, resulting in both a Procedural and Substantive violation of the Petitioner's 14th Amendment rights when it granted the HOA Manager the authority to deny the Petitioner from running for a seat in the HOA elections?

The Petitioner asserts “yes”, citing both Statutes(1,2) where these Colorado regulations provide a rules-based structure for HOA disputes and mandate documentation of all HOA proceedings, rules and procedures in HOA covenants. Thus, the State of Colorado has provided rules that must be adhered to for all parties, this is lawful Procedural and Substantive Due Process as it applies to private entities like homeowners and HOAs in the State of Colorado and all Colorado Courts are required to enforce it. CCOA and Colorado Supreme Court have consistently enforced these laws, citing Cases(1-7). The Supreme Court of the United States has, in a series of significant cases following the ratification of the Fourteenth Amendment, consistently held that state courts, in applying state laws and procedures, must adhere to the requirements of the Due Process Clause. This means that state judicial processes cannot unfairly deprive individuals of life, liberty, or property and this has been reinforced repeatedly, citing Cases(8-13). The CCOA did violate Procedural Due Process against the Petitioner by depriving him of his Property Interest in its summary recognition of alleged powers granted to the HOA Manager that have never been documented being granted by the HOA Board of Directors, or that the Board itself voted to deny the Petitioner the right to vote in HOA elections in violation of C.R.S. § 38-33.3-302, C.R.S. § 38-33.3-317 and C.R.S. § 38-33.3-306. There is no discussion or mention of requirements, restrictions, etc regarding or alluding to a homeowner running for a seat on the HOA Board of Directors. The CCOA denied the Petitioner Substantive Due Process when it refused to apply the relevant laws in Statutes(1-2) or the precedent supporting those statutes in Cases(1-7) to the evaluation of the Appeals case.

3. Did the CCOA err in its summary ruling in favor of the Respondent when repeatedly conflated this Petitioner's claims to Substantive and Procedural Due Process as granted under Statutes (1-2) with alleged claims of the Petitioner applying the 14th Amendment to a private entity the HOA?

The Petitioner asserts "yes" in that the CCOA, notably on pages 3-4, asserts that the Petitioner attempts to apply 14th Amendments to private entities such as the HOA, whereas in the Petitioner's Opening Brief to the CCOA, he asserts the Substantive and Due Process requirements of Statutes(1-2). That the CCOA is in effect, putting words in the Petitioner's mouth, is an obvious violation of both Procedural and Substantive Due Process by the CCOA

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Gregory Majersky

Date: 05/16/2025

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES
