
**IN THE
SUPREME COURT OF THE UNITED STATES**

JOHN P. BAILEY

Petitioner-Pro-Se

v.

U.S. BANK, N.A., TRUSTEE, ET. AL.

Respondents

**MOTION TO FILE PETITION OUT-OF-TIME
AND CASE FACTS**

PETITION FOR WRIT OF CERTIORARI

**JOHN P. BAILEY
6331 9TH AVENUE SOUTH
727-439-0299
johnbaileygroup@mail.com**

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STATUTORY AND REGULATORY PROVISIONS INVOLVED

18 U.S.C. Statute 1344. Bank Fraud.

Whoever knowingly executes, or attempts to execute a scheme, or artifice (2) to obtain any of the monies, funds, credits, assets, Securities, or other property owned by , or under the custody or control of a financial institution, by means of false or fraudulent pretenses, representations, or promises, shall be fined not more than \$1,000,000, imprisoned not more than 30 years, or both.

28 U.S.C. Statute 1257

(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on its being repugnant to the

(b) immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

Rule 13 U.S. Supreme Court Review Of Certiorari

Fla. Stat. 812.014. Theft.

(1) A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:

- (a) Deprive the other person a right to the property of a benefit from the property.
- (b) Appropriate the property to his or her own use or to the use of any person not entitled to use the property.

12 CFR 1024 (Regulation X) is included at App. 11a.

Regulation X is governed under the Real Estate Settlement Act. RESPA requires landers and mortgage servicers to provide disclosures about the costs of a mortgage loan and prohibits certain practices like kickbacks.

Objectives - 12 CFR 1024.38 (b). Servicers are required to maintain policies and procedures that are reasonably designed to achieve the following objectives. App. 11a.

APPENDIX DOCUMENTS.

March 21, 2023 Final Mortgage Foreclosure Hearing.

March 22, 2023 E -Mail from loan servicer to John Bailey for the Assurant Insurance November 16, 2022 Insurance Claim Information which stated the \$179,007.76 John Bailey Account Fund Check. All payees must endorse prior to depositing.

CASE FILING DATE FACTS

**MATERIAL CASE FACTS
PETITIONS OUT-OF -TIME T=TIME FILED**

**Office of Clerk Letters: The Petitions Are Out-Of-Time
Based On The DCA June 5, 2024 Ruling & September 3,
2024 90 Day Petition Final Filing Date**

The U.S. Supreme Court Office Of Clerk sent John Bailey their November 18, 2024, March 24, 2025, and the April 1, 2025 letter stated: The date of the lower court judgment or order denying a timely petition for rehearing was June 5, 2024. Therefore, the petition was due on or before September 3, 2024. Your booklet petitions and check in the amount of \$300.00 are returned.

**FLORIDA RULE 9.330 FLORIDA RULES OF APPELLANT PROCEDURE,
REHEARING, CLARIFICATION, CERTIFICATION, WRITTEN OPINION T**

The Appellant's August 7, 2024 Appeal From The District Court Of Appeal Of The State Of Florida Second District July 23, 2024 Order To Deny Appellant's June 24, 2024 Revised Motion And Case Law. The August 13, 2024 the DCA Order Of The Court:

Appellant's motion for clarification is denied. I Hereby Certify that the foregoing is a True Copy of the original court order. Mary Elizabeth Kuenzel, Clerk.

**The DCA September 3, 2024 Final Filing Date Was Replaced By The New
DCA Appellant Final Case Ruling and Filing Date on September 22, 2024.**

The District Court Of Appeals (DCA) issued the June 5, 2024 PCA Ruling which was appealed on August 7, 2024 based on Florida Rule 9.330. The DCA August 13, 2024 Ruling failed to answer Petitioners Motion For Rehearing and Motion For Written Opinion in accordance with Florida Rule 9.330 replaced the DCA June 5, 2024 September 3, 2024 Final Filing Date. Based on the August 13, 2024 Rule 9.330 40 day extension, the Final Case Ruling and Filing Date is September 22, 2024.

Legal Fact: The Clerk failed to state the DCAs failure to issue a Ruling on Appellants Rule 9.330 Motion for Rehearing and Motion For Written Opinion.

If a District Court of Appeal (DCA) fails to issue an order on a Motion For Rehearing within the 40-day deadline, the motion is deemed denied.

The DCA failed to issue a Final Order in accordance with Rule 9.330 for (A) Motion For Rehearing, and (D) Motion For Written Opinion. The Court's Final Ruling is Pending.

With no ruling on the Motion For Rehearing presented by DCA, the appeal issues a decision or the 40-day deadline passes. If a District Court of Appeal (DCA) fails to issue an order on a Motion For Rehearing within the 40-day deadline, the motion is deemed denied. **Case Fact:** The DCA failed to issue and order for the Motion For Rehearing.

August 13, 2024 Ruling plus 40 days = September 22, 2024 Final Case Ruling Date. The September 22, 2024 Case Ruling Date plus 90 day Petition Final Filing Date established December 21, 2024 for the November 13, 2024 Petition For Writ of Certiorari Final Filing Date.

December 21, 2024 plus the 60 days allowance based on the November 13, 2024 8 1/2 x11 Petition renewal, established the January 10, 2025 Petition Final Filing Date of February 19, 2025.

The January 10, 2025 Petition Booklets, Documents, and Check, were timely T Fed Exed to the U.S. Supreme Court on January 13, 2025. In accordance with the Courts 60 day extension rule based on the November 13, 2024 Petition 8 1/2 x 11 43 Petition and Hurricane Helene and Milton, the Petition revised filing date of December 21, 2024 plus 60 days for the January 13, 2024 Petition, established February 19, 2025 as the Final

Filing Date for the Petition Booklets. Note: The day may be extended based on the courts ruling. T

The September 22, 2024 Final Case Ruling Date established the U.S. Supreme Court 90 day Petition filing date of December 21, 2024 as Final Filing Date for the November 13, 2024 Petition with the U.S. Supreme Court. The December 21, 2024 Ruling Date plus the 60 Day U.S. Supreme Court Hurricane Extension established February 19, 2025 as the Final Filing Date for the January 10, 2024 Petition Booklets with the U.S. Supreme Court. T

DOCUMENTS TIMELY FILED WITH COURT

Appellant's Motion, Appeals. and August 7, 2024 Appeal Based On Florida Rule 9.330 Accepted By The DCA T

June 5, 2024 DCA Per Curiam Affirmation Of Lower Court Ruling

1. June 20, 2024 Motion For Written Statement for June 5, 2024 PCA Ruling,
DCA See Fla. R. App.P 9330.
2. June 25, 2024 Appeal From The Second District Court Of Appeals Of Florida,
Case No. 2D23-0856, June 5, 2024 PER CURIAM Affirmed Ruling, Revised
Motion For Rehearing, Fla. Rule 9.330. **DCA See Fla. R. App. P 9330.**
3. July 5, 2024 Appeal From The Second District Court Of Appeals Of Florida,
Addendum for Appellant's June 25, 2024 Motion For Rehearing, Fla Rule 9.330.
DCA See Fla. R. App.P 9330.
4. Court Ruling: July 23, 2024 Appellant's revised motion for written opinion and
rehearing and Appellant's case law addendum are stricken as unauthorized.
DCA See Fla. R. App. P 9330.
5. August 7, 2024 Appeal Based On Florida Rule 9.330 in accordance with
DCA See Fla. R. App.P instructions.

**THE DCA ACCEPTED APPELLANT'S AUGUST 7, 2024 APPEAL
BASED ON FLORIDA RULE 9.330, FLORIDA RULES OF APPELLANT
PROCEDURE, REHEARING, CLARIFICATION, AND WRITTEN
OPINION. T**

(a)Time for Filing Contents: Response

(1) Time for Filing. A motion for rehearing, clarification, or issuance of a written opinion may be filed within 15 days of an order or decision of the court within such other time set by the court.

Case Fact. Appellant complied with (a) (1) 15 day Time for Filing.

(2) Contents. Appellant's Answer To Appellee's Answer Brief states the Document, Page Number, Case Facts, and Case Law.

(A) Motion For Rehearing. A motion for rehearing shall state with particularity the points of law, or fact that, in the opinion of the movant, the court has overlooked or misapprehended its order or decision.

Material Case Facts and Florida Law establish Fay's choice to Deny the Appellant His Legal Right to execute the Assurant Check for the John Bailey Funds prior to depositing the Funds into their account without his required signature. Appellate was denied the right to use his funds to settle the home's mortgage balance, and Fay allowed the Plaintiff, Trustee, and Mortgage Owner to use the John Bailey Funds for their Corporate Gain with No Building Permit and Property Ownership.
No Ruling

(B) Motion For Clarification. A motion for clarification shall state with particularity the points of law or fact in the court's order or decision that in the opinion of the movant, are in need of clarification.

(a)Time for Filing Contents: Response

(1) Time for Filing. A motion for rehearing, clarification, or issuance of a written opinion may be filed within 15 days of an order or decision of the court within such other time set by the court. T

The Appellate requests the District Court Of Appeals issue a written opinion based on their June 5, 2024 Ruling for Case No. 2D2023-0856 based on the Appellant's and Appellee's Material Case Facts, Florida and Federal Law, and a written opinion and the Case Law that allowed Appellee's and Legal Counsel's Denial of Appellant's Legal Right to use the Assurance \$179,007.76 John Bailey and his personal funds to pay the Mortgage Balance to Satisfy the Mortgage Foreclosure. **Motion Denied**

(D) Motion for Written Opinion. A motion for written opinion shall set forth the reasons that a party believes that a written opinion would provide:

- (i) a legitimate basis for supreme court;
- (b) the issue decided is expected to recur in future cases;

The Appellate requests the District Court Of Appeals issue a written opinion based on their June 5, 2024 Ruling for Case No. 2D2023-0856 based on the Appellant's and Appellee's Material Case Facts, Florida and Federal Law, and a written opinion and the Case Law that allowed Appellee's and Legal Counsel's Denial of Appellant's Legal Right to use the Assurance \$179,007.76 John Bailey and his personal funds to pay the Mortgage Balance to Satisfy the Mortgage Foreclosure. **No Ruling**

August 13, 2024, District Court Of Appeals Of State Of Florida Second District,
By Order Of The Court: Appellant's motion for clarification is denied.

I hereby certify that the foregoing is a true copy of the original court order.

Mary Elizabeth Kuenzel, Clerk

**DCA Appeal Ruling Violations Of
Florida Rule 9.330 40 Day Ruling**

The DCA August 13, 2024 Order Of Court Failed To Rule on the August 7, 2024 Motions (A) Motion For Rehearing, and (D) Written Opinion. With no ruling on (A) Motion For Rehearing presented to the DCA, the appeal remains pending, and the (B) time for filing a notice of appeal is tolled until the DCA issues a decision or the 40 - day deadline passes.

If a District Court of Appeal (DCA) fails to issue an order on a motion for re-hearing within the 40-day deadline, the motion is deemed denied.

The DCA August 13, 2024 Ruling failed to state a ruling for (A) Motion For Rehearing and (D) Motion For Rehearing, which were Denied in accordance with in accordance with the Florida Rule 9.330 40 day ruling deadline on September 22, 2025 the Final Case Ruling Date.

September 22, 2024 plus 90 days established December 21, 2024 as the Final Filing Date for the November 13, 2024 Petition filed with the Office Of Clerk.

December 21, 2024 plus the 60 day extension period, established the January 10, 2025 Petition Final Filing Date of February 19, 2025. T

Material Case Facts and Florida Rule 9.330 established the Timely Petition Filing Compliances for the November 13, 2024 Petition and the January 13, 2025 Petitions.

New Final Ruling Basis For Petition Writ Of Certiorari Booklets

The November 13, 2024 Petition For Writ Of Certiorari was the postmarked date. The September 22, 2024 Final Case Ruling Date established December 21, 2024 as the 90 day Final Petition Filing Date for the November 12, 2024 8 1/2 x 11 41 43 Petition

Documents denied by two Post Offices based for a one day delivery date, and were postmarked on November 13, 2024 for delivery to the U.S. Supreme Court, Office Of The Clerk with a \$300 Check.

The January 10, 2025 Petition For Writ Of Certiorari 40 Booklets, Required Documents, and \$300.00 Check were timely Fed Exed to the U.S. Supreme Court Office Of Clerk on January 13, 2024 in compliance with the U.S. Supreme Court Hurricane 60 day extension rule, and Florida Rule 9.330 40 day extension rule.

The Florida Rule 9.330 Final Case Ruling Date on September 22, 2024 extended the November 13. 2023 Final Petition Filing date to December 21, 2024, and the 60 day extension for the 40 Petition Booklets was February 19, 2025 as the Final Petition Filing Date. T

U.S. SUPREME COURT Rule 13. Review Of Certiorari: Time for Petitioning.

Rule 13.1 Unless otherwise provided by law, a petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by a state court of last resort or a United States court of appeals, (including the United States Court of Appeals for the Armed Forces) is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment. T

Parties Agreed With The 60 Day Extension Rule To File Petition Booklets

The January 10, 2025 6 1/8 x 9 1/4 41 Petition Booklets, Documents, and \$300 Check were Postmarked on January 13, 2024 and sent to the U.S. Supreme Court, Office Of The Clerk Of Court and received on January 14, 2024 which complied with the 60 Day Revised Petition Rule based on the November 13, 2024 41Petition Documents and November 12, 2024 good faith letter sent to Clerk Of Court.

The November 13, 2024 Petition December 21, 2024 Final Filing Date Plus 60 days established February 19, 2025 as the Final Filing Date for the January 13, 2025 Petition Booklets. T

CASE FACTS

March 19, 2025 Appellant's Revised Answer

The court extended Appellant's time to reply to the January 16, 2025 letter until March 20, 2025. The March 19, 2025 Appellant's Revised Answer To the U.S. Supreme Court Office Of Clerk's for the Clerk's January 16, 2025 was in accordance with the Court's allowed time. T

Case Fact: The Office Of Clerk failed to answer Appellant's Answer to their January 16, 2025 letter on March 19, 2025 based on Plaintiffs August 7, 2024 Appeal From The District Court Of Appeal Of The State Of Florida Second District July 23, 2024 Order To Deny Appellant's June 24, 2024 Revised Motion And Case Law based on Florida Rule 9.330 Standards For Rehearing.

The DCA verbal and written statements for the Appellant to file their future Claims to the Court in Accordance with Florida Rule 9.330 Rule (A) Motion For Rehearing, (B) Motion For Clarification, (D) Motion For Written Opinion.

The Appellant Timely Filed the August 7, 2024 Appeal with the DCA. T

Office Of Clerk Letter September 3, 2024 Final Filing Date Was Extended By DCA September 22, 2024 Final Case Ruling with a 90 Day Final Filing Date.

The March 24, 2025 Office Of Clerk's Office letter to Plaintiff stated the same prior letter out-of - time claim, and the DCA June 5, 2024 filing date basis of September 3, 2024; the 90 day final filing date.

DCA Final Case Filing Date of September 22, 2024

The Clerk's letter failed to Answer the March 19, 2024 Appellant's Revised Answer that stated the DCA August 13, 2024 Final Case Filing Date of September 22, 2024 plus ninety days established December 21, 2024 as the new timely compliance filing date for Appellant's November 13, 2024 Petition. Note: The day may be extended based on the courts ruling.

MATERIAL CASE FACTS PRESENTED TO THE DCA PRIOR TO THEIR JUNE 5, 2024 PER CURIAM Affirmed RULING

- \$543,690.80 November 7, 2022 Fay Servicing Mortgage Statement Balance Due
- (-) \$179,007.76 November, 2022 Assurant John Bailey Funds (**Knowledge Denied**)
- (-) \$350,000.00 February 23, 2023 Concillation Conference Cash Offer + \$25,000
- (-) \$ 25,000.00 Additional Conference Payment Offer Denied
- \$ 10,316.96 Borrower Credit Balance. Mortgage Insurance Item 5. Lender's mortgage security would be Lessened, and Satisfied in November 22, 2022.

THE CIVIL COURT AND DCA CASE RULINGS CHOSE TO IGNORE PLAINTIFFS, SERVICERS, AND MORTGAGE OWNERS VIOLATIONS OF FLORIDA AND FEDERAL LAW WHICH DENIED LEGAL STANDING FOR THEIR CASE RULINGS

Case Fact. Plaintiff and Servicer provided John Bailey with a copy of their November 16, 2022 Assurant Claim Information document on March 22, 2023 one day after the Mortgage Foreclosure Hearing which stated \$179,007.76 for the JOHN BAILEY Account. **All Payees must endorse the check prior to depositing.**

VIOLATIONS OF LAW IGNORED BY COURTS

Fay Servicing deposited the John Bailey Escrow Funds without his knowledge, and allowed the Mortgage Owner to remodel the home with No Building Permit and Home Ownership until the City Of Seminole Stopped the construction.

Legal Fact: A violation of 18 U.S.C. Statute 1344. Bank Fraud, Fla. Stat. 812.014. Theft, and 12 CFR 1024 (Regulation X). Regulation X is governed under the Real Estate Settlement Act, RESPA.

U.S. BANK TRUST, N.A., TRUSTEE JUSTICE DENIED

Fay Servicing November 16, 2022 Claim Information

The November 16, 2022 Assurant Claim Information document was E-Mailed to John Bailey on March 22, 2023, one half day before the March 23, 2024 Final Mortgage Foreclosure Hearing, a Violation Of Florida and Federal Law.

November, 2022 the Plaintiff and Servicer Denied the Borrower his legal knowledge and right to use the Assurant Insurance November 16, 2022 \$179,007.76 John Bailey Funds to repair his home's fire damage, or to reduce the mortgage amount in accordance Mortgage Insurance Item 5., and to make a Cash Payment for the mortgage balance due and payable to Satisfy the Mortgage Foreclosure Case.

March 21, 2023 Mortgage Foreclosure HEARING

John Bailey told the Court about Joe's January, 2023 call to him, a Fay employee, who asked "What are you going to do with the \$179,000.76 that has been in your account since November, 2022." John Bailey replied, "What \$179,007.76 are you Talking about?"

John Bailey told the Court he called Fay Servicing numerous times and they ignored his requests for the information. He asked the Court to require Fay to provide him with information regarding the funds in His Account. The Court stated they had No Knowledge of the Funds, and Denied his request during the Hearing and after the Hearing.

March 23, 2023 Court Ruling

March 23, 2023 the Court Granted Plaintiff's Mortgage Foreclosure and issued an Order to Reestablish the Mortgage Note for the Plaintiff with No Documented Legal Ownership Basis. Again, the Court refused to ask the Plaintiff to provide Assurant's Claim Information to the Borrower.

JUNE 16, 2023 CIVIL COURT HEARING

The Court Denied Defendant's Amended Emergency Request To Extend the June 1, 2023 Sale Date, and Allow the DCA to Rule on D23-0856, Doc. 156.

John Bailey told the Court: Legal Counsel, and the Clerk Of Court, told him the DCA's April 24, 2023 Notice Of Appeal had Standing over Plaintiff's June 1, 2023 Certificate Of Sale Doc. No. 157. **Case Fact.** The Court Denied the case legal fact.

The Court stated they had No Knowledge Regarding the Addendum A, Assurant Claim Information Document. **Legal Fact.** A False Claim.

John Bailey told the Court: Addendum A, Assurant's Claim Information was filed with the Clerk of Court, Doc. No. 165, June 9, 2023 Amended Motion to Deny the June 1, 2023 Certificate Of Sale And Transfer Property Ownership, Doc. 134, DCA April 24, 2023, Doc. No. 142, May 1, 2023, DCA Notice Of Appeal.

Please require Fay Servicing to provide the parties with Assurant's Claim Information for the HEARING, which is a Separate Agreement, and Material Case Fact.

The Claim Information stated, "All parties must endorse the check prior to Depositing The Check."

Tyler E. Mesmer, Esquire, Plaintiff's Legal Counsel Stated, "Your Honor: We Used The Funds In Accordance With The Mortgage To Repair The Home."

The Court Stated: "OK. THE HEARING IS CLOSED."

Prior to the Court's June 16, 2023 Ruling, The Defendant was denied the right to ask ask Plaintiff's Counsel Questions regarding his clients compliance with the Assurance Claim Information, and the Mortgage Basis which established Plaintiff's right to use the John Bailey Fees to repair the homes fire damage. (Revised Large Statement).

MATERIAL CASE FACTS, CASE LAW, AND COURT RULINGS

The Material Case and Legal Facts established the Petitioners November, 2024 and January 13, 2025 Petitions For Writ Of Certiorari were Timely Filed with the District Court Of Appeals, Second District, and the Supreme Court Of The United States, Office Of Clerk. Please Review The Case Filing Dates. Note: Doc. Page 3, and Appendix.

The DCA June 5, 2024 PCA Ruling, September 3, 2024 Final Petition Filing date was replaced by the DCA August 13, 2024 September 22, 2024 Final Case Ruling, plus the 90 days established December 21, 2024 as the Final Filing date for the November 13, 2024 Petition, and February 19, 2025 as the Petition Booklet Final Filing Date. Note: Doc. Pg. 2, and Appendix.

Assurant Insurance Claim Information, "All parties must endorse the check prior to depositing the check."

The Circuit Court stated they had No Knowledge of the Assurant Claim Information Addendum A, which was presented to the Clerk Of Court with Document No. 165, 134, and 142. Case No. 13-011402-CI. Note: Doc. Pg. 11.

The DCA failed to acknowledge the Civil Courts Denial of John Baileys Legal Right to make a Cash Payment and use His \$179,007.76 November 16, 2022 Assurant Funds in accordance with the mortgage to Satisfy the Mortgage Balance Due and Payable. (Pg 10).

The Civil Court and the DCA failed to acknowledge the U.S. Bank, N.A., Trustee, Fay Servicing, and Mortgage Owners Illegal Use Of the John Bailey Funds without his knowledge of the funds and his required signature on His Assurant Check, for their Illegal Corporate Gain.

The Numerous Violations Of Florida and Federal Law are stated in Petitioners Petitions, and Appellant's Civil Case 13-011402-CI, and DCA Case 2D23-0856.

The Petitioners Petition For Writ Of Certiorari and Petition Booklets presented to the Honorable Court establish the U.S. Bank, N.A., Trustee, Loan Servicer, and Mortgage Owner violations of law, and the Civil Court and the Second District Court of Appeals Choice To Ignore Their Violations of Florida and Federal Law which created Issues of Personal and National Importance for the Disabled Veteran Petitioner, Future Veterans, and Parties who are Denied Equal Justice Under The Law For The Benefit Of Their Plaintiffs.

CONCLUSION

The Honorable Court is requested to review the Petitioners Petitions For Writ Of Certiorari and Petition Booklets.

With Great Respect,



John P. Bailey, Petitioner Pro-Se
6331 9th Avenue South
Gulfport, Florida 33707
727-439-0299
E-Mail: johnbaileygroup@gmail.com
with prior phone call if possible

APPENDIX DOCUMENT

March 21, 2023 Final Mortgage Foreclosure Hearing.

March 22, 2023 E-Mail to John Bailey for the Assurant Insurance November 16, 2022 Insurance Claim Information which stated the \$179,007.76 John Bailey Account Fund Check. All payees must endorse prior to depositing.

CASE FILING DATE FACTS.

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2025 a true and correct copy of the Motion To File
Petition Out Of Time And Case Facts, Petition For Writ Of Certiorari, have been
mailed to the following party:

Zachary V. Ullman, Esquire
Aldridge Pite, LLP
5300 West Atlantic Avenue, Suite 330
Delray Beach, Florida 33484

A handwritten signature in black ink, appearing to read "J. P. Bailey", is written over a horizontal line.

3/21/23 FINAL MORTGAGE FORECLOSURE HEARING
FAY RECEIVED ON 11/16/22



ASSURANT®

American Security Insurance Company
PO Box 202142
Florence, SC 29502
www.assurant.com

November 16, 2022

FAY SERVICING LLC
PO BOX 6501
ATTN: LOSS DRAFTS
SPRINGFIELD OH 45501-6501

Claim Information

Insured: FAY SERVICING LLC
Additional Name: John Bailey
Cause of Loss: Fire
Loan Number: 0000277644
Property Address: 7012 GREENBRIER DR
SEMINOLE, FL 33777-4500

Claim Number: 00103529594
Policy Number: 2MR074191501
Date of Loss: 03-21-2022
Reported Date: 03-22-2022

Dear Fay Servicing, Llc,

We have completed our review of your claim. The following payment has been issued and mailed separately. / of the adjuster's estimate is included for your review.

LPR-Dwelling, Residential-Fire Dwelling

Repair/Replacement Cost: \$181,507.76
Deductible: \$2,500.00
Recoverable Depreciation: \$0.00
Non-recoverable Depreciation: \$0.00
Previous Payments: \$0.00
Total Payment Amount: \$179,007.76 *
Date Issued: 11/16/2022 *

Payment Made Payable to:
Payment Mailed to:

FAY SERVICING LLC For the account of JOHN BAILEY *
FAY SERVICING, LLC
PO BOX 6501
ATTN: LOSS DRAFTS
SPRINGFIELD, OH 45501-6501

* Your mortgage lender is included as a payee on this check. All payees must endorse prior to depositing. Please contact your lender directly for instructions on obtaining their endorsement.

Please give your repairer a copy of the enclosed estimate before repairs begin. If the repairer believes there are additional damages or costs attributed to this loss, please contact us to discuss the differences. Before we can make any additional payment, we must agree the damage is related to this loss.

If you have questions about your claim, or you have additional information that you would like us to consider, please contact us at the number below. Our office hours are 8 a.m. to 6 p.m. Monday through Friday. We appreciate your business and thank you for being a valued customer.

Sincerely,

Steyn Funk
Claims Examiner
FL License Number: 3138793
Global P&C Claims
T. 800-652-1262 Ext. 4018813
F. 866-728-7098
E. myclaiminfo@assurant.com

Enclosure: Incoming
Incoming

cc: Fay Servicing, Llc
Fay Servicing Llc
Fay Servicing Llc

APPENDIX

CASE FILING DATE FACTS

DCA ISSUED THE JUNE 5, 2024 PER CURIAM AFFIRMED RULING WITH NO OPINION. THE NINETY DAY FILING DATE FOR THE APPELLANT TO ANSWER THE RULING WAS SEPTEMBER 3, 2024.

THE DCA VERBAL AND WRITTEN INSTRUCTIONS STATED THE APPELLANT TO FILE THEIR FUTURE MOTIONS AND APPEALS IN ACCORDANCE WITH FLORIDA RULE 9.330 FLORIDA RULES OF APPELLANT PROCEDURE.

The Appellant Filed Five Motions and Appeals based on the DCA June 5, 2024 Ruling. June 20, 2024, June 25, 2024, July 5, 2024, July 23, 2024, August 7, 2024.

The Appellants August 7, 2024 Appeal with the Second District Court Of Appeals was based on the Florida Rule 9.330 Florida Rules Of Appellant Procedure.

DCA Court Rulings: Motion For Rehearing (A) No Ruling
Motion For Clarification (B) Motion Denied
Motion For Written Opinion (D) No Ruling

FLORIDA RULE 9.330. Based on the DCAs failure to file an answer to Appellant's Motion For Rehearing and Motion For Written Opinion the Court extended the time 40 days for the DCA to answer Appellants Motion For Rehearing.

The DCA failed to issue a ruling on Appellant's Motion For Rehearing within the 40 day deadline. The motion was Denied on September 22, 2024 in accordance with Florida Rule 9.330.

The September 22, 2024 Final Case Ruling established the Appellant's 90 Petition Filing Date of December 21, 2024 for the November 13, 2024 Petition, and Appellant's Petition Booklet Filing Date was extended to February 19, 2025.

THE DCA AUGUST 13, 2024 FINAL CASE RULING ON SEPTEMBER 22, 2024 CREATED THE APPELLANTS 90 DAY PETITION FINAL FILING DATE, WHICH HAD LEGAL STANDING OVER THE DCA JUNE 5, 2024 PCA 90 DAY SEPTEMBER 3, 2024 FINAL FILING DATE.