

17-6852

ORIGINAL

No. 17-_____

Supreme Court U.S.
FILED

NOV 15 2017

OFFICE OF THE CLERK

IN THE
Supreme Court of the United States

PETER M. PILAT AND SHEILA PILAT

Petitioners,

v.

MRH SUB I, LLC,
AS SUCCESSOR-IN-INTEREST TO CITIMORTGAGE, INC,

Respondent.

On Petition for a Writ of Certiorari to the
Arizona Court of Appeals, Division One

**MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS**

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SUPREME COURT, U.S.

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Peter M. Pilat, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Legally Separated from Sheila Pilat - no longer spouse.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>7030.40</u>	\$ <u>NA</u>	\$ <u>7030.40</u>	\$ <u>NA</u>
Self-employment	\$ <u>0.00</u>	\$ _____	\$ <u>0.</u>	\$ _____
Income from real property (such as rental income)	\$ <u>0.00</u>	\$ _____	\$ <u>0.</u>	\$ _____
Interest and dividends	\$ <u>0.00</u>	\$ _____	\$ <u>0.</u>	\$ _____
Gifts	\$ <u>0.00</u>	\$ _____	\$ <u>0.</u>	\$ _____
Alimony	\$ <u>0.00</u>	\$ _____	\$ <u>0.</u>	\$ _____
Child Support	\$ <u>0.00</u>	\$ _____	\$ <u>0.</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>235.53</u>	\$ _____	\$ <u>235.53</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0.00</u>	\$ _____	\$ <u>0.</u>	\$ _____
Unemployment payments	\$ <u>0.00</u>	\$ _____	\$ <u>0.</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>0.00</u>	\$ _____	\$ <u>0.</u>	\$ _____
Other (specify): _____	\$ <u>0.00</u>	\$ _____	\$ <u>0.</u>	\$ _____

Total monthly income: \$ 7,265.93 \$ _____ \$ 0. \$ _____

NOTE: MANDATORY PAYROLL DEDUCTIONS TOTAL \$4744.46
WHICH INCLUDES \$2004.02 COURT ORDERED SPOUSAL SUPPORT
Please see Attached schedule I from current Bankruptcy.

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Maricopa County Sheriff's Office	301 W. Jefferson, Suite 220	8 years to present	\$ 7,265.93
Phoenix, AZ 85001			

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ ~~59.00~~ 21.00
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
checking	\$ 59.00	\$ NA
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home Home is subject of this lawsuit. Judgment is for more than value ☐ Other real estate
Value NA

☒ Motor Vehicle #1 2007 Toyota Tacoma ☐ Motor Vehicle #2 NA
Year, make & model 2007 Toyota Tacoma Year, make & model NA
Value more than indebtedness Value

☒ Other assets
Description Sporting equipment
Value \$ 300.00

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
NA	\$ 0	\$ NA
NA	\$ 0	\$
NA	\$ 0	\$

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
NA		
NA		
NA		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 111.00	\$ NA
Are real estate taxes included? ☐ Yes ☒ No	135.52	
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 615. ⁰⁰	\$
Home maintenance (repairs and upkeep)	\$ 150. ⁰⁰	\$
Food	\$ 377. ⁰⁰	\$
Clothing	\$ 105. ⁰⁰	\$
Laundry and dry-cleaning	Included w/ clothing	\$
Medical and dental expenses	\$ 60. ⁰⁰	\$

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ 445. ⁰⁰	\$ NA
Recreation, entertainment, newspapers, magazines, etc.	\$ 140. ⁰⁰	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ ~~0~~ 133.32	\$
Life	\$ 0	\$
Health	\$ 0	\$
Motor Vehicle	\$ 93. ⁰⁰	\$
Other: <u>Personal CARE products</u>	\$ 34. ⁰⁰	\$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ 0. ⁰⁰	\$
Installment payments		
Motor Vehicle	\$ 0. ⁰⁰	\$
Credit card(s)	\$ 0. ⁰⁰	\$
Department store(s)	\$ 0. ⁰⁰	\$
Other: _____	\$ 0. ⁰⁰	\$
Alimony, maintenance, and support paid to others	\$ 2,004.02	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0. ⁰⁰	\$
Other (specify): _____	\$ 0. ⁰⁰	\$
Total monthly expenses:	\$ 4402.86	\$

\$ 2004.02 is deducted
from pay check
for Alimony

\$ 2398.84

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

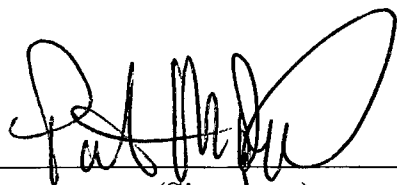
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Please see attached Bankruptcy Schedule and Plan.
It shows monthly net income of \$12263 Line 23c of
Schedule J. Then plan payments are 119.00 leaving 3.63 mo.
The stay has been lifted as to this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: NOVEMBER 15, 2017



(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Sheila Pilot, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Legally separated from Peter M. Pilot - no longer spouse.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0.</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Self-employment	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Income from real property (such as rental income)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Interest and dividends	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Gifts	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Alimony	\$ <u>2,000.</u>	\$ _____	\$ <u>2,000</u>	\$ _____
Child Support	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>496.</u>	\$ _____	\$ <u>496.-</u>	\$ _____
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Unemployment payments	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Public-assistance (such as welfare)	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ <u>0</u>	\$ _____	\$ <u>0</u>	\$ _____
Total monthly income:	\$ <u>2,496.-</u>	\$ _____	\$ <u>2,496.-</u>	\$ _____

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA			\$
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA			\$
			\$
			\$

4. How much cash do you ~~and your spouse~~ have? \$ 124.00
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
checking/sav.	\$ <u>50.50</u>	\$ <u>NA</u>
checking	\$ <u>85.50</u>	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home Judgment Exceeds
Value home value. Foreclosure
Judgment

☐ Other real estate
Value

☒ Motor Vehicle #1
Year, make & model 2007 Toyota
Value 3,800 Prius
Body Damage

☐ Motor Vehicle #2
Year, make & model
Value

☒ Other assets
Description Costume Jewelry
Value 250.00

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
NA	\$ 0	\$ NA
	\$ 0	\$
	\$ 0	\$

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
NA		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 0.	\$ NA.
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 450. ⁰⁰	\$
Home maintenance (repairs and upkeep)	\$ 200. ⁰⁰	\$
Food	\$ 500. ⁰⁰	\$
Clothing	\$ 119.	\$
Laundry and dry-cleaning	\$ 45.	\$
Medical and dental expenses	\$ 239. ⁶⁰	\$

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>200.-</u>	\$ <u>NA.</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>50.-</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>160.-</u>	\$ _____
Life	\$ <u>0.-</u>	\$ _____
Health	\$ <u>125.-</u>	\$ _____
Motor Vehicle	\$ <u>75.-</u>	\$ _____
Other: <u>MISC.</u>	\$ <u>143.00</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0.-</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>0.-</u>	\$ _____
Credit card(s)	\$ <u>0.-</u>	\$ _____
Department store(s)	\$ <u>0.-</u>	\$ _____
Other: <u>Loan: CAR, pool, air conditioner</u> <u>Repairs</u>	\$ <u>250.00</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0.-</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0.</u>	\$ _____
Other (specify): _____	\$ <u>0.</u>	\$ _____
Total monthly expenses:	\$ <u>2496.-</u>	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

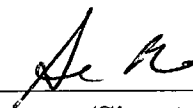
If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

My food is a little higher than National average because my grandchildren stay with me most weekends. I am legally separated but all food and personal expenses are kept separate. We do not live as husband and wife.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 15, 2017



(Signature)