

No: _____

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE, PETITIONER

vs.

REVERSE MORTGAGE SOLUTIONS, INC., RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

The Supreme Court of Florida, Case No.: SC17-1361

- _____
1. MOTION TO EXTEND TIME BY 60 DAYS TO FILE PETITION IN FSC SC17-1361
2. MOTION TO CONSOLIDATE FSC SC17-1361 WITH **USSC PETITION NO. 17-7054**
DISTRIBUTED FOR CONFERENCE OF FEBRUARY 16, 2018
3. MOTION FOR DEFAULT JUDGMENT IN **USSC PETITION NO. 17-7054**
4. MOTION TO AMEND **USSC PETITION NO. 17-7053** DISTRIBUTED FOR
CONFERENCE OF FEBRUARY 16, 2018
5. MOTION TO STAY FINAL JUDGMENT OF RESIDENTIAL HOMESTEAD HECM
REVERSE MORTGAGE FORECLOSURE
6. NOTICE OF CRIMINAL COMPLAINT TO FBI SPECIAL AGENT IN CHARGE
ERIC W. SPORRE, TAMPA DIVISION
7. CONSTITUTIONAL CHALLENGE TO HECM REVERSE MORTGAGE PROGRAM

February 12, 2018

by

Neil J. Gillespie, a disabled nonlawyer appearing *pro se*
8092 SW 115th Loop
Ocala, Florida 34481
Tel: 352-854-7807
Email: neilgillespie@mfi.net

LIST OF PARTIES

NEIL J. GILLESPIE, PETITIONER
A disabled non-lawyer appearing *pro se*
8092 SW 115th Loop
Ocala, Florida 34481
Tel: 352-854-7807
Email: neilgillespie@mfi.net

vs.

REVERSE MORTGAGE SOLUTIONS, INC., RESPONDENT
Represented by: Curtis Alan Wilson, Esq., Florida Bar No. 77669
McCalla Raymer Leibert Pierce, LLC
225 E. Robinson St. Suite 115
Orlando, FL 32801
Phone: 407-674-1850; Fax: 321-248-0420
Email: MRService@mrpllc.com
Email: MRService@mccalla.com

Indispensable Parties Not Sued

PENELOPE M. GILLESPIE, BORROWER, DIED SEPTEMBER 16, 2009
ESTATE OF PENELOPE M. GILLESPIE, CLOSED WITH NOTICE OF TRUST JUNE 24, 2014

Other Parties

13CA000115AX	DEVELOPMENT & CONSTRUCTION CORPORATION OF AMERICA
13CA000115AX	ELIZABETH BAUERLE*
13CA000115AX	JOETTA GILLESPIE*
13CA000115AX	MARK GILLESPIE*
13CA000115AX	OAK RUN HOMEOWNERS ASSOCIATION INC
13CA000115AX	UNITED STATES OF AMERICA

*Justin R. Infurna, Esq., LL.M, The Infurna Law Firm, P.A.
Attorney for Defendants Mark Gillespie, Joetta Gillespie, Elizabeth Bauerle, Scott Bidgood.
121 South Orange Ave., Ste. 1500, Orlando, Florida 32801
Telephone: (800)-774-1560; Fax: (407)386-3419
Primary Email: justin@infurnalaw.com; Secondary Email: justininfurna@gmail.com

Fake Parties

- All unknown spouse parties
- Neil J. Gillespie and Mark Gillespie as Co-Trustees of the Gillespie Family Living Trust Agreement dated February 10, 1997 (the Trust terminated on February 2, 2015)
- Unknown Settlers/Beneficiaries of The Gillespie Family Living Trust Agreement dated February 10, 1997 (NONE)

CONSOLIDATED MOTIONS

Neil J. Gillespie, an indigent nonlawyer, unable to obtain adequate counsel, a consumer of legal and court services affecting interstate commerce, a consumer of personal, family and household goods and services, consumer transactions in interstate commerce, a person with disabilities, a vulnerable adult age 61 suffering the infirmities of aging, henceforth in the first person, reluctantly appears *pro se* to save my home from wrongful foreclosure, and moves this Honorable U.S. Supreme Court as follows:

OPENING STATEMENT

I know my consolidated motion is highly unusual, but I believe it is in the interest of the effective and expeditious administration of the business of the courts.

I HAVE TWO (2) PETITIONS CURRENTLY BEFORE THE U.S. SUPREME COURT

USSC Petition No. 17-7053 distributed for conference of February 16, 2018. USSC Petition No. 17-7053 is a petition for writ of certiorari to the Florida Supreme Court case SC17-1570, Lower Tribunal No(s): 5D17-2273; 422013CA000115CAAXXX. Curtis A. Wilson, Counsel of Record, of McCalla Raymer Leibert Pierce, filed a waiver of right of respondent Reverse Mortgage Solutions to respond on January 9, 2018.

USSC Petition No. 17-7054 distributed for conference of February 16, 2018. USSC Petition No. 17-7054 is a petition for writ of certiorari to the Florida Supreme Court case SC17-1572, Lower Tribunal No(s): 5D17-2317; 422013CA000115CAAXXX. The docket in USSC Petition No. 17-7054 shows the respondent is not represented by counsel or anyone else.

MOTION 1

EXTEND TIME BY 60 DAYS TO FILE PETITION IN FSC SC17-1361.

The Order in SC17-1361, entered November 14, 2017, appears at Exhibit 1, and states:

The petition for writ of prohibition is hereby denied as successive. See *Jenkins v. Wainwright*, 322 So. 2d 477, 478 (Fla. 1975) (declaring that once a petitioner seeks relief in a particular court by means of a petition for extraordinary writ, he has picked his forum and is not entitled to a second or third opportunity for the same relief by the same writ in a different court). Any motions or other requests for relief are also denied. No rehearing will be entertained by this Court.

PARIENTE, QUINCE, CANADY, POLSTON, and LAWSON, JJ., concur.

This is similar to the petition for writ of prohibition in **USSC Petition No. 17-7054** distributed for conference of February 16, 2018. The question for the Court, which petition should be denied as “successive”. I believe **USSC Petition No. 17-7054** is the successive petition, because my petition in FSC SC17-1361 was filed directly in the Supreme Court of Florida two days before my petition in **USSC Petition No. 17-7054** was filed in the Florida 5thDCA. Both cases concern:

Petition for Writ of Prohibition - A Case of Original Jurisdiction
To Remove Marion County Circuit Court Judge Ann Melinda Craggs

My **SUPREME COURT OF FLORIDA** petition appears at Appendix A, as Filing # 59259445 E-Filed 07/19/2017 08:05:57 PM, and was filed with the cross-outs, just as shown. I have omitted all the supporting documents for the sake of economy, mostly time.

The Court already has my Florida 5thDCA petition in **USSC Petition No. 17-7054**, submitted again here as Appendix B, which shows on the side, RECEIVED, 7/21/2017, 11:50 AM, Joanne P. Simmons, Fifth District Court of Appeal. The numbers across the top, Filing # 54774550 E-Filed 04/07/2017 09:38:57 AM, refer to my wrong filing in the trial court, which failed to forward the misfiled petition as required by the Fla. Const, Art. V, Section 2 (a)

SECTION 2. Administration; practice and procedure.—

(a) The supreme court shall adopt rules for the practice and procedure in all courts including..., the transfer to the court having jurisdiction of any proceeding when the jurisdiction of another court has been improvidently invoked, and a requirement that no cause shall be dismissed because an improper remedy has been sought...

Clearly Filing # 59259445 E-Filed 07/19/2017 08:05:57 PM was in the Supreme Court of Florida before it was RECEIVED, 7/21/2017, 11:50 AM, Joanne P. Simmons, Fifth District Court of Appeal.

The docket in USSC Petition No. 17-7054 shows the respondent is not represented by counsel or anyone else.

WHEREFORE, I respectfully move this court to GRANT MOTION 1, EXTEND TIME BY 60 DAYS TO FILE PETITION IN FSC SC17-1361.

MOTION 2

MOTION TO CONSOLIDATE FSC SC17-1361 WITH USSC PETITION NO. 17-7054 DISTRIBUTED FOR CONFERENCE OF FEBRUARY 16, 2018

For the reasons stated above in Motion 1, the Court may want to consolidate FSC SC17-1361 with **USSC PETITION NO. 17-7054**.

The docket in USSC Petition No. 17-7054 shows the respondent is not represented by counsel or anyone else.

WHEREFORE, I respectfully move this court to GRANT MOTION 2, consolidate FSC SC17-1361 with **USSC PETITION NO. 17-7054**.

MOTION 3

MOTION FOR DEFAULT JUDGMENT IN USSC PETITION NO. 17-7054

The docket in USSC Petition No. 17-7054 shows the respondent is not represented by counsel or anyone else. It appears the respondent has abandoned its interest in the case. The U.S. Supreme Court rules do not provide for a default judgment, but Rule 55 of the Federal Rules of Civil Procedure does.

WHEREFORE, I respectfully move this court to GRANT MOTION 3, FOR DEFAULT JUDGMENT IN **USSC PETITION NO. 17-7054**, under Rule 55, FRCP.

MOTION 4

MOTION TO AMEND USSC PETITION NO. 17-7053 DISTRIBUTED FOR
CONFERENCE OF FEBRUARY 16, 2018

It has come to my attention that 5thDCA docket in 5D17-2273 (Exhibit 2) shows the Florida Supreme Court only transferred the petition for review, but none of the appendices in my EMERGENCY PETITION TO CANCEL NON-JURY TRIAL 10.00 AM TODAY, Filing # 59132663 E-Filed 07/18/2017 07:24:12 AM. My Emergency Petition was supported by 9 Appendices, including 4 Affidavits, but the 5thDCA never got those documents to review.

Appendix A - Defendants' Emergency Motion to Cancel Hearing July 18, 2017
Appendix B - Defendants' Notice of Filing U.S. Supreme Court Petition and Response.
Appendix 1 Order Dismissal Mar-31-2017, Notice Appeal Mar-27-2017
Appendix 2 Notice of Filing Federal Civil Rights Complaint
Appendix 3 US Supreme Court Clerk's reply letter Mr Higgins Oct-19-2016
Appendix 4 Affidavit of Neil Gillespie re Dr. Kassels Jun-12-2017
Appendix 5, Affidavit of Neil J Gillespie of Traumatic Brain Injury (TBI)
Appendix 6 Affidavit of Neil J Gillespie HECM Age Limits
Appendix 7 Affidavit of Neil J Gillespie - Defenses and Claims In Recoupment

WHEREFORE, I respectfully move this court to GRANT MOTION 4, MOTION TO AMEND USSC PETITION NO. 17-7053 DISTRIBUTED FOR CONFERENCE OF FEBRUARY 16, 2018.

MOTION 5

MOTION TO STAY FINAL JUDGMENT OF RESIDENTIAL HOMESTEAD HECM
REVERSE MORTGAGE FORECLOSURE

The reasons to grant a stay are set forth in my NOTICE OF CRIMINAL COMPLAINT TO FBI SPECIAL AGENT IN CHARGE ERIC W. SPORRE, TAMPA DIVISION. Appendix 3.

Eric W. Sporre
Special Agent in Charge
FBI Tampa Division
5525 West Gray Street
Tampa, FL 33609
Tel. (813) 253-1000

February 12, 2018

Dear Special Agent In Charge Sporre:

Enclosed a certified copy of FINAL JUDGMENT OF FORECLOSURE, Exhibit A. This instrument is entered in the official records of Marion County by David R. Ellspermann, Clerk & Comptroller, CFN# 2017065654 BK 6612Pgs 0679-0684 07/19/2017 05:43:26 PM, in the residential foreclosure of my Florida homestead on a federal reverse mortgage.

Pursuant to Title 18 of the United States Code (U.S.C.), including but not limited to 18 U.S.C. § 371, I request you investigate the fraud or impairment of a legitimate government activity, the FINAL JUDGMENT OF FORECLOSURE, in my residential federal Home Equity Conversion Mortgage. The case is captioned *Reverse Mortgage Solutions, Inc. v. Neil J. Gillespie, et al.*

Plaintiff: Reverse Mortgage Solutions, Inc. (RMS)

Defendants: Neil J. Gillespie, et al.

Court: Marion County Circuit Civil, Case No. 2013-CA-000115

Presiding Judge: Ann Melinda Craggs, Marion County Florida Circuit Court Judge

Plaintiff's Counsel: Curtis Alan Wilson, Esq., McCalla Raymer Leibert Pierce, LLC, 225 E. Robinson St. Suite 115, Orlando, FL 32801, Phone: 407-674-1850

A *Home Equity Conversion Mortgage*, or HECM, is a Federal Housing Administration (FHA) "reverse" mortgage program administered by the Secretary, United States Department of Housing and Urban Development (Secretary or HUD) to enable home owners over 62 years old access the subject home's equity. 12 U.S.C. § 1715z20 et seq. and 24 C.F.R. Part 206.

FHA Case Number: 091-4405741

BofA/RMS acct/loan #68011002615899

My HECM is a federally insured loan backed by the full faith and credit of the United States Government. The FINAL JUDGMENT OF FORECLOSURE attempts to defraud the United States Government, and myself as homeowner, as follows:

1. Omits the fact that on July 18, 2017 I was taken by ambulance to the hospital after becoming sick during a non-jury trial on the foreclosure of my home. I was alone and without counsel to represent me. Judge Craggs continued the trial without me and ruled for the bank.
2. Court records in case no. 2013-CA-000115 show that Judge Craggs continued the nonjury foreclosure trial without me, and did not enter any of my documents into evidence.
3. Wrongly awarded the Plaintiff Filing Fees of \$4,549.60. The actual amount is \$1,065.50.
4. Wrongly awarded the Plaintiff's counsel attorney's fees of \$19,109, which exceeds the amount in the HUD Mortgagee Letter 2005-30; and exceeds the amount in the judiciary foreclosure standard of \$2,250 found in the HUD Mortgagee Letter 2013-38 by \$16,859.

5. Plaintiff's counsel wrongly filed this case as a commercial foreclosure for the purpose of judge shopping, to keep off the backlog foreclosure docket presided over by retired judges, and increase the time to litigate the case from 1 year to 5 years, to collect an additional \$16,859.

6. I have not been lawfully served in this lawsuit, as reflected in the record.

7. A Clerk's receipt dated Aug-28-2017 shows the foreclosure case parties:

DEVELOPMENT & CONSTRUCTION CORPORATION OF AMERICA
ELIZABETH BAUERLE
JOETTA GILLESPIE
MARK GILLESPIE
NEIL J GILLESPIE
OAK RUN HOMEOWNERS ASSOCIATION INC
REVERSE MORTGAGE SOLUTIONS INC
UNITED STATES OF AMERICA

There are NO "TRUST" PARTIES, and NO "UNKNOWN" PARTIES on the receipt.

The *Final Judgment of Foreclosure*, (Exhibit A) appears on the Clerk's docket at DOC-477. Paragraph 3 states that the Plaintiff is due Filing Fees of \$4,549.60.

Principal	\$123,200.85
Interest to date of this judgment until 7/18/2017	\$184.20
Monthly Service Fee	\$30.00
Property Inspections	\$1,320.00
Filing Fees	\$4,549.60
<u>Attorney's fees</u>	
Finding as to reasonable hourly rate: \$175.00	
Attorney's Fees Total	\$19,109.00
TOTAL	\$148,363.32

- The Final Judgment of Foreclosure showing Filing Fees of \$4,549.60 is wrong.
- The actual Filing Fees in this Foreclosure case are \$1,065.50.
- The Final Judgment of Foreclosure overstates the Filing Fees by \$3,484.10.

Gregory C. Harrell is General Counsel to David R. Ellspermann, Marion County Clerk of Court & Comptroller. On 8/23/2017 @ 6.02 PM I emailed Mr. Harrell for records of the filing fees:

Regarding Filing Fees of \$4,549.60 shown at paragraph 3, FINAL JUDGMENT OF FORECLOSURE (attached), provide records for the Filing Fees of \$4,549.60 claimed. Was that money paid to the Clerk?

Mr. Harrell responded by email on 8/24/2017 @ 1:30 PM:

The Clerk's Office does not possess records supporting the plaintiff's having paid \$4,549.60 worth of filing fees, as referenced in the Final Judgment of Foreclosure in Case No. 2013.CA.115.

I responded to Mr. Harrell by email on 8/26/2017 @ 8.58 AM:

Thank you for your prompt reply. Kindly provide records showing what the plaintiff actually paid in filing fees in Case No. 2013.CA.115, and to whom the money was paid.

Mr. Harrell responded by email on 8/28/2017 @ 7:03 AM:

Docket #5 in Case No. 13.CA.115 is a 1-page Notice of Refund to McCalla Raymer, dated 1/9/13, which reflects that plaintiff's counsel paid the Clerk's Office a total of \$1,077.50 for filing fees, summons issuance fees, and recording/indexing costs. Because plaintiff's counsel paid \$1,077.50 but only actually owed \$1,065.50, our office sent them a refund of \$12.00. A certified copy of the aforementioned notice can be made available to you for \$3.00.

My email chain with Mr. Harrell, as forwarded to the FBI Tampa Division on December 21, 2017 to tampa.division@ic.fbi.gov, appears at Exhibit B.

A certified copy of the Notice of Refund to McCalla Raymer appears as Exhibit C and shows:

REVERSE MORTGAGE SOLUTIONS INC

vs.

Case Number: 13-00115-CA

NEIL J GILLESPIE

TO: MCCALLA RAYMER
225 EAST ROBINSON STREET STE 660
ORLANDO, FL 32801

Enclosed please find our check made payable to you in the amount of \$12.00. Our records reflect we received payment of \$1,077.50, of which \$1,065.50 was applied in the above-styled case. Therefore, the enclosed check is a refund of the balance.

If you should have any questions, please do not hesitate to contact our office.

Date: January 09, 2013
MAILING ADDRESS
Marion County Clerk's Office

DAVID R. ELLSPERMANN
Clerk of Circuit Court,

Attorney Justin R. Infurna, Esq., represents my brother Mark Gillespie in an appeal, see the pleading at Exhibit G, filed Aug-11-2017 in 13-CA-115, "Defendant Mark Gillespie's Verified Motion To Vacate Final Judgment of Foreclosure and Cancel Sep-19-2017 Foreclosure Sale".

A foreclosure sale on my home was canceled by court order September 18, 2017 the Plaintiff's motion to cancel for a FEMA Moratorium due to Hurricane Irma, a declared natural disaster.

Today I notice the case was re-closed, so I filed,

USSC PETITION NO. 17-7053 DISTRIBUTED FOR CONFERENCE OF FEB-16-2018
Filing # 67822570 E-Filed 02/12/2018 12:23:58 PM

USSC PETITION NO. 17-7054 DISTRIBUTED FOR CONFERENCE OF FEB-16-2018
Filing # 67823484 E-Filed 02/12/2018 12:34:01 PM

to inform the record that the case is open, at the highest level, the United States Supreme Court.


Signature block omitted.

WHEREFORE, I respectfully move this court to GRANT MOTION 5, MOTION TO STAY FINAL JUDGMENT OF RESIDENTIAL HOMESTEAD HECM REVERSE MORTGAGE FORECLOSURE.

CONSTITUTIONAL CHALLENGE

Pursuant to Rule 5.1(a)(2) Constitutional Challenge, Federal Rules of Civil Procedure, I hereby give notice of a CONSTITUTIONAL CHALLENGE TO THE HECM REVERSE MORTGAGE PROGRAM, which, *inter alia*, violates due process under the Fifth and Fourteenth Amendments, is void for vagueness, and violates § 10(b) of the 1934 S.E.C. Act.

RESPECTFULLY SUBMITTED



Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: 352-854-7807
Email: neilgillespie@mfi.net