

No. 17A615

Application No:

Amended

IN THE
SUPREME COURT OF THE UNITED STATES

Renee D. Bell
Petitioner,

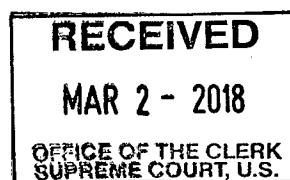
vs.

U.S. Bank National Association/Leader Mortgage, Et al.
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO
FIFTH DISTRICT COURT OF APPEAL
(Name of Court That Last Ruled On Merits of Your Case)

PETITION FOR WRIT OF CERTIORARI

RENEE D. BELL
P.O. BOX 91
WINTER PARK, FL. 32790
813-323-4293 (Message phone.)



QUESTIONS PRESENTED

1. The Due process Clause, of the Fourteenth Amendment serve two basic goals, one is to produce, through the use of fair procedures, more accurate results, to prevent wrongful deprivation of interests. The other goal is to make people feel that the government has treated them fairly by, say, listening to their side of the story. "Fairness" No trial to present against the allegations. ***Therefore, when the Courts deprive a person of a protected interest, "Due Process", where property was seized, should the policies of a court, be amended to conform to the US Constitution.***

LIST OF PARTIES

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 judgement is the subject of this petition is as follows:

- 1. Renee D. Bell**
- 2. U.S. Bank National Association/ Leader Mortgage**
- 3. Oaks at Powers Park HOA/Home Owner Association.**

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED...	1
STATEMENT OF THE CASE	1
STANDARD OF REVIEW	2
REASONS FOR GRANTING THE WRIT	5
CONCLUSION	1

INDEX TO APPENDICES

APPENDIX A	FIFTH DISTRICT COURT OF APPEAL
APPENDIX B	FLORIDA SUPREME COURT
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- | | |
|---|------|
| 1. Kidd v. Kidd, 219 So.3d 1021 (2017) | p.17 |
| 2. Williams v. Great Southern Lumber, 277 U.S. 19 (1928) | p.16 |
| 3. United States v. River Rouge Co., Et.al., 269 U.S. 411
(46 S. Ct. 144, 70 L.Ed.339) | p.17 |
| 4. Mullane v. Cent. Hanover Bank, & Trust Co. 339 U.S. 306
313, (1950) | p.15 |

STATUTES AND RULES:

Fla. Stat: 673.3091

Fla. Stat: 673.3011

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 A to the petition and is Florida Fifth District

☐ 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 B to the petition and is North Judicial Circuit / In for Orange Cty. Fla.

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

The opinion of the Florida Supreme court appears at Appendix C to the petition and is

☐ reported at _____; 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 _____.

☐ 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 September 28 2017
A copy of that decision appears at Appendix B. Supreme Court Fla.

☒ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing ~~appears~~ appears at Appendix C.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including Feb. 12 2018 (date) on Dec. 4th 2017 (date) in Application No. 11A 615. Feb. 25/2018

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

CONSTITUTIONAL AND STATUTORY PROVISIONS
INVOLVED

- 1. U.S. Constitution**
- 2. Fla. Constitution**
- 3. Amendment 14**
- 4. Amendment 5**

STATEMENT OF THE CASE

Renee D. Bell, Appellant, Appeal Pro Se, from the *Florida Fifth District Ct.*

On the final- Order of the Ninth Judicial Circuit, In And For Orange County Fl. The district Court, (Florida Fifth District Court of Appeals), affirm the trial courts "Order" per curium, with an *Un-elaborated* Opinion. The entry of default judgment, against the appellant, in this Foreclosure Case. This court has jurisdiction under 28 USC § 1291.

STANDARD OF REVIEW

The standard of review is for an “Abuse of Discretion” which the district court Affirm, “Default” by the trial court, The “Ninth Judicial Circuit”. The default, which is not against “the appellant”, in the case. The trial court, abused discretion by ordering the Clerk to enter a “Default” because the appellant, served a timely responsive pleading, and Motion, under the Federal Rules of Civil Procedures, Rule 12 (b). Further, served a timely Summons, “reply” within 21 days. The appellant, served a timely responsive pleading. Wherefore, no authority of a “Default” should have been, enter on the appellant. The district Court, abused discretion in affirm the trial court, without review of the findings, in the case. The district court abused discretion, which it should have found that the trial court abuse Discretion, which it violated the appellants rights to Due Process, Amend.14, when it decided to dismiss the case, and without holding hearings, and for sanctions granted without the hearings. Further, the Florida Fifth district Ct., should have found that the trial court abused discretion by dismissing claims of the appellants complaints, and motions, under the Florida Rules of Civil Procedure, without oral argument.

The Florida Fifth District abuse discretion, which it improperly dismiss the appellants Complaint, and improperly dismiss the appellants, case on appeal for “Lack of Jurisdiction”. The appellants, appeal in the “Fifth District” is improperly dismiss, because the defendants and the defendants counsel, were not/ and are not authorized to file and litigate the action, Pursuant to the Florida Statutes, and Fla. Constitution, Fla. Stat. 673.3091, 673.3091 (2). *Demonstrated above.* Further, the head of agency (US Bank National Association/Leader Mort.) may delegate authority to subordinate officials. Moreover, the head of agency, (“US Bank”) may authorize counsel to conduct litigation ‘As authorized by law’.

STANDARD OF REVIEW

However, said counsel failed to appear. The Appellant, often appear at (US *Bankruptcy* hearings) which counsel for ("US Bank") fail to show, and any authorizations on behalf of the defendants, ("US Bank") should be denied.

Note: Must be made which "Hearing" pertain "ONLY" to Bankruptcy Court. The Appellant, file three U.S. Bankruptcy Case's, against the allegations of the defendants, who fail to appear, along with their designated council. There is no "proof of claim" file because "US Bank" did not hold Mortgage, Note, or any Authority, which to claim an entitlement to the said property of the appellant. Fla. Stat. 673.3091, 673.3011.

The trial court, abused its discretion by granting "Motion" for sanctions, and fees, on the Appellants, property, which ("US Bank" had no authority which to receive). Which the Florida Fifth District Appeals, Court abuse discretion which it affirm.

The District Court, (Florida Fifth District), which it affirmed the (NJC) Ninth Judicial Cir. abused its discretion by violating the appellants, rights to *Due Process*, by deciding the Motions to dismiss, of the defendant, (US BANK), and for sanctions which the District Ct granted, without holding, a hearing or setting forth its conclusions in an order.

The Fla. Fifth District, erred in failing to recuse itself "Sua Sponte", because the appellant, within several filings in the (NJC) Ninth judicial Circuit, established that there is/was bias which appear in the case. Further, several "Motions" were file which request the removal Thereof. However, the matter was un-addressed, by the Court.

REASONS FOR GRANTING THE PETITION

Standing up for the rules of law has always mattered a great deal, it should Matter to all of us. Whenever, governments, institutions, businesses, undermine or disrespect the law, institutions, business, government falter, democracy is threatened, and people suffer, which is the case here.

The idea that nations should be governed by laws is neither revolutionary nor radical, it's the best system democracy knows to ensure basic fairness, and justice.

The rule of law is what protects many of us from mob rule, or the arbitrary, unjust and often the self-serving exercise of power by a few. Its principle is a simple one:

"No One Is Above The Law" it applies equally to all, the governed as well as those who govern.

December 30, 2008, the *Case-Shiller* home price index reported its largest price drop in its history. The credit crisis resulting from the bursting of the housing bubble, is- according to general consensus-an important cause of the '2007-2009 recession in the United States. The increased foreclosure rates in 2006-2007 among U.S. homeowners led to a crisis in August -2008 for the subprime, Alt-A, collateralized debt obligation (CDO) mortgage, credit, hedge fund, and foreign bank markets. October, 2007 the U.S. Secretary of the Treasury, called the bursting bubble " The most significant risk to our Economy"

March 2007, the United States subprime mortgage industry collapsed due to higher than expected home foreclosure rates (NO-verifying source) with more than 25 subprime lenders declaring bankruptcy, announcing significant losses, or putting

REASONS FOR GRANTING THE PETITION

themselves up for sale. The stock of the country's largest lender, New Century Financial plunged 84% amid Justice Department investigations, before ultimately filing for a chapter 11 bankruptcy on April 2, 2007, with liabilities exceeding 100 million.

In the wake of the mortgage industry meltdown, millions were illegally cheated out of their properties, and forced from their lands. In the wake of the mortgage industry meltdown. Senator Chris Dodd, chairman of the Banking Committee held hearings in March '2007, in which he asked executives from the top five subprime mortgage companies to testify and explain their lending practices. Dodd, said that "**Predatory Lending Practices**" were endangering home ownership for millions of people. See: The 2010 United States Foreclosure Crisis, Financial Crisis of 2007-08, and article Great Recession. Shiller, Robert (2005). *Irrational Exuberance* (2d ed.). Princeton University Press. ISBN 0-691-12335-7.

The appellant, is before this honorable court, to seek justice, where a Mortgage company, known as ("US Bank National Association/Leader Mortgage"), and AKA ("US BANK"), deprived the appellant, of the rights "ALL" persons enjoy and are entitled, to which are those pursuant, to the United States Constitution, the Florida Statutes, and Florida Constitution.

This Court, is fully aware that an appeal is review of the trial courts applications of the law. The appeal court normal procedure is to accept the facts, as they were revealed in the trial Court, **unless a factual finding is clearly against the weight of the evidence.**

The appellant, request of this court to review all factual findings, because the factual findings "Are clearly against the weight of evidence in this case".

REASONS FOR GRANTING THE PETITION

The issue in this case, "The appellant, "Bell" never had a hearing in the case, before taking of the real estate, by the defendants, ("US BANK").US Const.*Amend. 14*.

Amend: 14, forbids states to restrict the basic rights of citizens, or other persons.

Moreover, provides for equal protection of the law. The *Due process Clause* of

Amend14, prohibits state and local government officials from depriving persons

of life, liberty, or "*property*" without legislative authorization. The case caption

above, there has been "*No Protection*" by the law which govern, which is the

U.S. Const., The trial court went through a formality of a foreclosure proceeding

without granting the appellant the right to respond to the allegations. See,

Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 313, (1950).

The appellant, has had no opportunity before a court of law to respond before

a judge, which the property is taken. The appellants, "Motions" are un-answered, appellants,

Complaint, and Cross complaint dismiss, there is no "Default" against the appellant, the

defendants, fail to process serve the appellant. The Complaint, Mortgage, and Note, and or

Affidavit, thereof, is not properly serve on the appellant, Pursuant, Fla. Statutes, 702.015.

Moreover, is failure to satisfy, Fl. Stat. 673.3011, which entitle the ("Bank") to enforce

the note. The mortgage company "US Bank" at which time "Complaint", *is served*" did-

not demonstrate that it is holder of the original note. Further, the "Bank" filed an affidavit

"After the fact" to demonstrate the note is lost/and or unknown whereabouts. Further, is

No showing of compliance, with Fla. Stat. 673.3091, & Fla. Stat. 673.3092 (2), at time of

the service of Complaint, per: Florida Statutes.

REASONS FOR GRANTING THE PETITION

Note: The case has been on-going several years, and the current court records reflect Updates. However, pursuant to Florida Statutes, which is "Florida Law", the elements of a "Complaint" should be filed at the time the *CASE* is filed. The cause "ran" through the trial Court, on accusations of the defendants. Further, there is "NO" default against the appellant, which is foundation. The default appears against a HOA, (Home Owner Association), which is overpaid, without any outstanding balance. The ("Bell") account current for 20yrs tenure, in residence.

However, the appellant, (the month due: March -2017), is "thrown" from the residential property, to the streets "Without Notice," or process service on the appellant. The trial Court, is serve "Notice" by the appellant, ("Bell") "Reasons" of an improper foreclosure which pursuant to the US Constitution, the acts of the trial court, were egregious, personal and Un-warranted.

The wrong caused regarding the above caption foreclosure, cause irreparable harm to the Appellant. The errors involving substantial rights, are reversible unless the whole record show it's harmless, in this case and cause the record does *NOT* support, the actions of the Trial Court, or the courts which follow, which is the Florida Fifth District Court of Appeal, with "Un-elaborated" opinion. The response of an "Un-elaborated opinion", is not issue, The "Issue" is that this "Un-elaborated -Opinion" "Bar" further litigation, in a cause, where the Appellant has "*Never*" receive a hearing to respond to any allegations, which "Bar" Due Process" and is against the US Constitution" which it stands for. SEE: Jud. Code § 269.

Williams's v. Great Southern Lumber Co. 277 U.S. 19 (1928).

REASONS FOR GRANTING THE PETITION

The harm caused the appellant, are not just technical errors, defects, or exceptions which Do-not affect the substantial rights, of the appellant. The "errors" in this case/cause are errors which overlook material facts, which cause severe harm ^{to} the appellant.

The errors in the exclusion, and admission of evidence, and denial to hear motions related to Response and rebuttal of the allegations, directly affected the substantial rights, of the Appellant.

The errors, of the court were harmful, and directly affected the substantial rights of the Appellant, those were not merely formal or technical matters, but ~~the~~ substantial rights of the appellant, ^{which/should/be} ~~which/should/be~~ a ground for reversal.

Further, unless it appears from the whole record that the errors was harmless, and did not prejudice the rights of the complaining party, then said issue would not, be reverse. See: United States, v. River Rouge Co., Et al. 269 U.S. 411, (46 S. Ct. 144, 70 L. Ed.339).

The Fourteenth Amendment, clause, is also used by the federal judiciary to make most of the "Bill of Rights" applicable to the states, as well as to recognize substantive and procedural requirements that state laws must satisfy.

The orders of the trial court, and the Fifth District Court, (Fla.) departs from the "Essential Requirements of the Law" and such departure caused irreparable injury that could not be remedied on appeal, which the courts fail to apply the laws to the "Excluded evidence", "material in fact" in rebuttal to the allegations of the defendants.

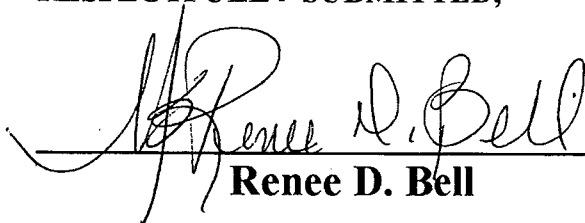
The court fail to apply its professional conduct governing a foreclosure procedure.

See: Kidd v. Kidd 219 So. 3d 1021, (2017).

CONCLUSION

THE PETITION FOR A WRIT OF CERTIORARI, SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED,



Renee D. Bell

Rdb

Date:


2/26/2018