

ORIGINAL

No.

25-249

In the
Supreme Court of the United States

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SUPREME COURT, U.S.

In re

CHRISTY POON-ATKINS, P.E. et al,

Petitioner,

v.

RIVERSPRINGS HOMEOWNERS' ASS'N, INC., et

al,

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the
Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

CHRISTY POON-ATKINS, P.E.
PETITIONER PRO SE
PROFESSIONAL ENGINEER
No. PE031751
1866 ALCOVY TRAILS DRIVE
DACULA, GA 30019
(678) 517-5979

JULY 28, 2025

SNIKTA & NOOP CO. ♦ (678) 517-5979 ♦ DACULA, GEORGIA

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QUESTIONS PRESENTED

1. Are the Appellees[]-Defendants[] inverse condemnation actions without eminent domain proceedings but for "*private benefit*" consistent with any proper United States property acquisition procedure?

2. Does local government noncompliant public administration under O.C.G.A. § 36-66-2 supersede the United States Constitution to take property interest for "*private benefit*?"

3. Should the trial court decide on Constitutionally protected property interests and due process?

4. Does the trial court order properly overlook the United States Supreme Court jurisdiction?

5. Is it proper to consider the Appellees-Def., Geosam et al., and the United States or it's Departments or Agencies as the same entity?

6. Is Fed. R. Civ. P 71.1 for condemning real or personal (Indigenous) property appropriate for private benefit matters?

7. Should the PETRS[]-APPELLANTS[]-PLS.[] Complaint for property deprivation conversion without due process be overlooked?

PARTIES TO THE PROCEEDINGS

Petitioner

- Christy Poon-Atkins, P.E.
- Calvin Atkins

Respondents

- Geosam Capital US Georgia; and
- Riversprings at Alcovy Homeowners Assoc.
Inc.

LIST OF PROCEEDINGS

United States Court of Appeals – Eleventh (11th)
Circuit

No. 24-13607 [1:24-cv-02207-JPB]
Christy Poon-Atkins, et. al., Plaintiff-Appellant, v.
River Springs at Alcovy Homeowners Ass'n, Inc., et al
- Defendants-Appellees,
Defendants-Appellees.

Date of Order: April 21, 2025 [Opinion: Mar. 14, 2025]

United States District Court Southern District of
Georgia Atlanta Division

Civil Action No. 1:24-CV-02207-JPB (formerly 22-C-
03435-S4 & 22-A-09497-10 & A23A1135)

Ancillary Civil Action Nos. 1:24-CV-02208-JPB &
1:24-CV-02209-JPB

Christy Poon-Atkins, et. al., *Plaintiff*, v.
Geosam Capital U.S., et. al., *Defendants-Consol*
Plaintiffs.

Date of Order: October 23, 2024

Supreme Court of Georgia

Civil Action No. S24C0337

Secondary Civil Action No. S23A0689

Christy Poon-Atkins, et. al., *Plaintiff-Appellant*, v.
Geosam Capital U.S., *Defendants-Appellees.*

Date of Final Opinion: March 19, 2024

State Court of Gwinnett County, Georgia
Civil Action No. 24-C-00060-S7 / [1:24-cv-02209-JPB]
Riversprings at Alcovy Homeowners Ass'n Inc.,
Plaintiff, v.
Atkins, et. al., *Defendants*
Date of Action: January 4, 2024

Court of Appeals of Georgia
Civil Action No. A23A1135
Christy Poon-Atkins, et. al., *Plaintiff-Appellant*, v.
Geosam Capital U.S., et. al., *Defendants-Appellees*
Date of Final Opinion: October 17, 2023

Superior Court of Gwinnett County, Georgia
Civil Action No. 22-A-09497-10 / [1:24-cv-02207-JPB]
Christy Poon-Atkins, et. al., *Plaintiff*, v.
Riversprings Homeowners Ass'n, Inc, et. al.,
Defendants
Date of Order: January 26, 2023

Superior Court of Gwinnett County, Georgia
Civil Action No. 22-A-08764-10 / [1:24-cv-02208-JPB]
Geosam Capital U.S., *Plaintiff*, v.
Christy Poon-Atkins, et. al., *Defendants*
Date of Order: January 20, 2023

State Court of Gwinnett County, Georgia

Civil Action No. 22-C-03435-S4

Christy Poon-Atkins, et. al., *Plaintiff*, v.
Geosam Captial U.S., et. al., *Defendants*

Date of Order: November 1, 2022

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1. U.S. Court of Appeals for the Eleventh Circuit, [Doc. 64] ORDER: *Christy Poon-Atkins et al v. Riversprings Homeowners Ass'n, Inc., et al.*, Eleventh Circuit Appellant's Motion to Stay mandate, to take judicial notice, vacate its opinion of, to certify questions filed [Doc. 63], Motion to Stay DENIED by direction; 05/13/2025. (App.3a)

2. U.S. Court of Appeals for the Eleventh Circuit, [Doc. 57] ORDER: *Christy Poon-Atkins et al v. Riversprings Homeowners Ass'n, Inc., et al.*, Appellants' Pet. For Panel Rehearing DENIED; 04/21/2025. (App.5a)

3. U.S. Court of Appeals for the Eleventh Circuit, [Doc. 44] UNPUBLISHED OPINION, Per Curiam. Appellants' Pet. For Panel Rehearing DISMISSED. Appellants' Motion to adopt motions or responses [Doc. 41] DENIED as moot; Appellees' Motion to adopt motions or responses [Doc. 39] DENIED as moot; Appellants' Motion for Sanctions [Doc. 41] DENIED as moot; Appellants' Motion to take judicial notice [Doc. 24] DENIED as moot; Motion for Permissive Joinder [Doc. 22] DENIED as moot; Appellees' Motion to Dismiss [Doc. 12] GRANTED.; 24-13607; 03/14/2025. (App.1a)

4. U.S. District Court of Northern Georgia, [Doc. 35] ORDER: REMANDED to the Superior Court of Gwinnett County, GA; Def.-Geosam Motion to Remand [Doc. 7] GRANTED in Part as to remand, DENIED in Part as to request for cost

and fees; Def.-Riversprings Motion to Remand [Doc. 27] GRANTED; PLS.[] Motion for Default Judgment as a Matter of law for Justified Relief from a judgment or order [Doc. 2] DENIED as moot; PLS.[] Motion for Permission to File Electronically as a Pro Se Party [Doc. 4] DENIED as moot; PLS.[] Motion for Relief [Doc. 9] DENIED as moot; PLS.[] Motion for Joinder [Doc. 10] DENIED as moot; PLS.[] Motion for Default Judgment as a Matter of Law [Doc. 25] DENIED as moot; PLS.[] Motion for Sanctions [Doc. 29] DENIED as moot; Signed by Judge J.P. Boulee; entered; 10/23/2024. (App.6a)

5. U.S. District Court of Northern Georgia, [Doc. 5] ORDER: Clerk ordered to consolidate cases 1:24-cv-02208-JPB and 1:24-cv-02209-JPB into 1:24-cv-02207-JPB as the lead case. Signed by Judge J.P. Boulee; entered; 05/23/2024. (App.24a)

6. Supreme Court of Georgia, ORDER, Per Curiam. Appellants' Petition for Certiorari [22-A-09497-10], DENIED. entered; S24C0337, 03/19/2024. (App.26a)

7. Georgia Court of Appeals, OPINION NOT TO BE OFFICIALLY REPORTED, Judgment AFFIRMED. Appellants' Appeal on Relief from a Judgment or Order. DENIED; A23A1135, 10/17/2023. (App.27a)

8. Georgia Court of Appeals, ORDER, Judgment DISMISSED. Appellants' Appeal on Relief from a Judgment or Order. DENIED; A23A1408, 05/10/2023. (App.28a)

9. Supreme Court of Georgia, ORDER, Per Curiam. Appellants' Motion to Dismiss Appellee's

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10. Georgia Superior Court, ORDER, Plaintiffs' Motion for Stay Appellee's compl. DENIED. entered; 22-A-08764-10, 07/12/2024. (App.32a)

11. Georgia Superior Court, ORDER, Defendants' Motion to Dismiss Appellants' compl. GRANTED. entered; 22-A-09497-10, 01/26/2023. (App.33a)

12. Georgia Superior Court, ORDER, Defendants' Motion to Dismiss Appellee's compl. DENIED. entered; 22-A-8764-10, 01/20/2023. (App.48a)

13. Georgia State Court, ORDER. Appellants' Complaint TRANSFERRED to Georgia Superior Court; 22C-3435-4, 11/1/2022. (App.51a)



STATEMENT OF JURISDICTION

The U.S. Court of Appeals, 11th Circuit denied a timely Pet. for rehr'g by Court Order on April 21, 2025, App.5a, based on the March 14, 2025, Ct. Opinion, App.1a. The jurisdiction of this Court is invoked under 28 U.S.C. §§ 1251, 1253, 1254, 1255, 1294, 1295, 1331, 1651(a), 1657, 1733, 1746, 2101, 2106, 2107, U.S. Constitution, etc. *De jure judices, de facto juratores, respondent*, the judges answer regarding the law, the jury on the facts, prompting that relief from a judgment or order,

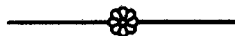
under abuse of authority, be granted to the Appellant-Plaintiff. For the court knows the law, *curia novit jura*. Here, jurisdictional courts have not addressed the critical questions of law and protected Constitutional interests nor transferred to the Supreme Court of Justice.

Pursuant to 28 U.S.C. § 2403(b), the district court did not certify to the Attorney General of the United States the fact that Constitutional questions were presented to the district court. *Breve judiciale non cadit pro defectu formae*, a judicial writ does not fail for a defect of form.

Pursuant to the United States Constitution, Article III, Section 2, The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority. Here, the significant question about the legality of inverse condemnation for private benefit through depriving the PLS. of due process was not addressed in the District Court's October 23, 2024, Order. Furthermore, pursuant to 28 U.S.C. §1331. Federal question, the district court shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States. Pursuant to the United States Constitution Amendment XIV, *no State shall make or enforce any law which shall abridge the privileges of immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

Furthermore, pursuant to 28 U.S.C. §1294, except as provided in sections 1292(c), 1292(d), and 1295 of this title, appeals from reviewable decisions of the district and territorial courts shall be taken to the courts of appeals as follows: (1) From a district court of the United States to the court of appeals for the circuit embracing the district. Here, the subject case is on appeal to the Eleventh Circuit due to the trial court decision creating noncompliant unconstitutional case law. Furthermore, due to noncompliance with the United States Constitution and United States laws, the trial court decision raises questions about the limit of liability for the APPELLANTS[]-PLS[] grievances due to tort conversion by Appellees-Defs., as noncompliance removes immunity for the harms caused. The District Court's October 23, 2024, Order does not address the Federal questions raised, pursuant to 28 U.S.C. §1331, with proper jurisdictional procedure.

This petition seeks review of the U.S. Eleventh Circuit Ct.[]s April 21, 2025, denial of the APPELLANTS[]-PLS[] Petition for Rehearing in No. 24-13607 and the Court[]s March 14, 2025, Opinion with orders below.



INTRODUCTION: CONSTITUTIONAL AND STATUTORY PROVISIONS

The Eleventh Circuit Court of Appeals issued its opinion on March 14, 2025, granting Appellees' motion to dismiss APPELLANTS[]

appeal with all APPELLANTS[] other motions denied as moot. Additionally, the Opinion of the Court notes that the appellants did not invoke 28 U.S.C. §§1442. Federal officers or agencies sued or prosecuted or 1443. Civil rights cases, in their notices of removal. However, the Opinion of the Court does not address issues raised under the following controlling laws: Article VI, Amendment XIV, 28 U.S.C. §1358, 28 U.S.C. §1403, 28 U.S.C. App Fed R Civ P Rule 5.1, 28 U.S.C. App Fed R Civ P Rule 7, 28 U.S.C. App Fed R Civ P Rule 24, 28 U.S.C. App Fed R Civ P Rule 60(b), 28 U.S.C. App Fed R Civ P Rule 71.1, 28 U.S.C. §§1331 and 1441, 15 U.S.C. §§78aa & 78u-3, invoked in the APPELLANT[]S notice of removal and aligned with Constitutional issues raised in the APPELLANTS[] original complaint. At the very least the record still does not show proper procedure to notify of the United States Attorney General of the APPELLANTS[] issues raised in the State Court for the Constitutional Challenge(s) to a Statute pursuant to Fed. R. Civ. P 5.1 and the Federal questions presented beginning in the State Court under 28 U.S.C. §1331.

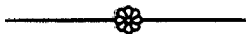
The records for procedural history and fact finding only show attention to ancillary cases preceding in attack and reprisal on APPELLANTS for lodging the original complaint, while there is still no attention to address the original complaint for (1) due process insufficient process, (2) lack of subject-matter jurisdiction for Constitutional issues, and (3) improper venue. Furthermore, even in Fed. R. Civ. P. 26(a)(1)(B)(viii) there is acknowledgement

that ancillary proceedings must not precede the lead Civil Action. Here, all orders of opinion(s) and judgment are based on ancillary cases without regard to the original complaint for due process and Constitutional Federal questions.

Pursuant to FRAP 40, the APPELLANT state case points overlooked or misapprehended in orders and decisions below with supporting argument. The substantial points of law overlooked in the leading Civil Case #1:24-cv-02207 by APPELLANT and retaliatory ancillary Civil Cases 1:24-cv-02208 by Def.-Geosam, and 1:24-cv-02209 by Def.-Riversprings, before the court concern issues under the United States Constitution. The point of procedure that has also been overlooked is the fact that the trial court, on Civil Case #22-A-09497, delivered a judgment on a Constitutional due process issues, which presents another problem with insufficient process and abuse of authority. The trial court's judgment was brought to the District Court on appeal for relief from the trial court judgment for Civil Case #22-A-09497. The trial court case number was changed to Civil Case #1:24-cv-02207, in the District Court. The trial court, without subject-matter jurisdiction, decided on Constitutional issues in the APPELLANT[]S complaint instead of notifying the State Attorney General and the United States Attorney General pursuant to Fed. R. Civ. P. 5.1. Here, the Defs.[] attorney purported that State law allows inverse condemnation for private use.

The facts in the records show that the District Court Order cover page shows the

leading Civil Case #1:24-cv-02207 but the analysis is only for Civil Case #1:24-cv-02209. The District Court Order to Remand discussion about APPELLANT[']S complaint is only to provide a description following an overview of underlying facts. The District Court Order to Remand does not mention any opinion about the APPELLANT[']S right to due process related to the Defs.['] intentional actions to deprive the APPELLANT property and property rights, which are matters only under Federal District Court jurisdiction pursuant to 28 USC § 1331. See [1:24-cv-02207 Doc. 43, p.7]



STATEMENT OF THE CASE AND FACTS

A. Background Facts

APPELLANTS filed THEIR COMPLAINT in accordance with the State Courts of the State of Georgia Uniform Rules, Georgia Code Title 9, Title 44, Property, and Title 51, Torts, with Title 36, O.C.G.A. § 36-66-5, notice for violations of the Declaration of Protective Covenants, Conditions, Restrictions, and Easements for River Springs ("covenants"). The Riversprings "covenants" were cited in the Appellants' Complaint as legally binding direction afforded to all community landowners, per O.C.G.A. § 44-3-223, and intended for the protections of homeowners' real property. The deprivation of APPELLANTS['] property interests caused by the Appellees is documented in the Appellants' Complaint with

the Appellees' confession to the excessive removal of trees in conversion of property interests, also protected by the Riversprings "covenants." However, the Appellees were continually allowed to deprive the APPELLANTS[] of rightful enjoyment of THEIR property. The damage suffered by any landowner through unlawful conversion, as further recognized in O.C.G.A. § 51-12-50, allows award of punitive damages to the APPELLANTS. The APPELLANTS[] Complaint stated specific relief, plus punitive damages, in accordance with O.C.G.A. § 51-12-5.1, acknowledging the United States Constitution and Code.

The APPELLANTS[] Complaint filed with the State Court of the State of Georgia for the County of Gwinnett under Court civil action 22-C-03435-S4, was transferred to the Superior Court of the State of Georgia. Furthermore, the Appellees' erroneous position for inverse condemnation, confirmed that the critical issues are under Federal jurisdiction. The confirmed due process violation was confessed by Co-Defendants', Geosam Cap. U.S. GA (hereinafter referred to as "Geosam"), in their Oct. 6, 2022, Motion to Dismiss. Here, the Defs. explain their actions to rely on inverse condemnation to take property interests by conversion. The APPELLANTS[]-PLS.[] Objection in response to Defs. Geosam's motion prompted PLS.[] Constitutional Challenge to a Statute notice. The APPELLANTS[] Complaint stated the Appellees[]-Defs.[] Riversprings at Alcovy Homeowners Association, Inc. (hereinafter referred to as "Association") contribution to

violations of the Declaration of Protective Covenants, Conditions, Restrictions, and Easements for River Springs (hereinafter referred to as "covenants") which led to harming the Appellants' property.

The extent to which the Defendants violated their duty of care, as outlined in the Riversprings "covenants," has shown that the factors of conversion are met. In the Appellants' Complaint and in the Jan. 13, 2023, Hr'g the substantiated evidence shows that that the Defs. (1) permanently changed the context of the subject easement with complete alteration of the easement area along the exceeded clearing limits; (2) described proceedings that excluded the Pls.[] participation; (3) showed bad faith with not communicating proceedings concerning the Pls.[] interest with Pls. and subsequently commenced with clearing the subject area; (4) actions removed more than twenty years of wooded growth causing severe damage extent and duration of interference that seriously deprived Pls. of THEIR property interest benefits obtained with the original purchase of THEIR home; (5) exceeded easement clearing limits, as shown in the Defs[] clearing plan that destroyed the Appellants' original consideration for the purchase of THEIR home from the original Riversprings community developer; and (6) and created undue burdens to the Plaintiffs taking consideration for THEIR original 2010 purchase of THEIR home. Here, the evidence presented to the Court shows that the factors for conversion have been shown as a result of Defs.[] failure to adhere to lawful provisions of the Riversprings

"covenants" pursuant to O.C.G.A. § 44-3-223.

THE FACTS, in this matter, presented during the Jan. 13, 2023, Hr'g. initiated with the Def., Riversprings, hereinafter "association," with Def., Geosam, entering into evidence, a copy of the Riversprings "covenants" Section 6.1. As attested by the Defendants, the "covenants" Section 6.1 identifies the Defs.['] duty of care owed to the Plaintiffs. The Defs.['] entry of the "covenants" Section 6.1 also exists on the record as evidence of the Defs.['] knowledge of their duty of care to the Plaintiffs pursuant to O.C.G.A. § 44-3-223. The Defs. cited the "covenants" to the Court, that included a requirement to obtain approval of construction modifications from impacted Riversprings property owners, as in the subject land development in this case. The Defs. admitted to their failure to comply with their duty to attain approval for land modifications, per the "covenants" Section 6.1 and pursuant to O.C.G.A. § 44-3-223. Here, as a matter of law, O.C.G.A. § 44-3-223, states that any lack of compliance with lawful provisions of the property owners' association instrument, here the "covenants," shall be grounds for an action to recover sums due, for damages or injunctive relief, or for any other remedy available at law or in equity.

IT IS, FURTHER STATED IN FACT, as also presented to the Court during the Jan. 13, 2023, Hr'g., Def., Geosam, with the "association," described their willful actions to exclude the Plaintiffs from subsequent land modification proceedings upon receiving the Plaintiffs'

October 30, 2020, letter in disagreement with the subject matter land modifications. Here, the Defs. admitted to and described their willful misconduct to overlook the Pls.['] concerns with property interests as stated in THEIR compl. and in THEIR October 30, 2020, letter of disagreement. The Appellees commenced with actions that caused serious interference and deprivation of the Appellants' enjoyment of THEIR property. The Appellees' position in this matter, which is to find it acceptable to cause serious interference and deprivation of property and enjoyment thereof, is a matter that rises to the Supreme Court(s)' jurisdiction for the Supreme Law of the Land subject matters, as Constitution[al] protected interests are within scope of this case subject matter.

B. District Court Judgment Analysis

The District Court's position compiles an analysis of the case with the basis of the court's decision only on an ancillary case, NOT the APPELLANTS['] complaint.

The facts in the records show that the District Court Order cover page shows the leading Civil Case #1:24-cv-02207. However, the District Court analysis is only for Civil Case #1:24-cv-02209. The Civil Case #1:24-cv-02209 was filed as the Def.-Riversprings['] unlawfully discriminatory attack to deprive the APPELLANTS[']-PLS.['] of property enjoyment by falsely alleging the APPELLANTS[']-PLS.['] use of THEIR driveway for parking a camper. The false allegations have excessively burdened the APPELLANTS-PLS. with frivolous claims

that significantly wasted time and resources, while causing excessive unjustified harms. The District Court Order to Remand discussion about APPELLANT[']S complaint is only to provide a description of Civil Case #1:24-cv-02207. The District Court Order to Remand does not mention any opinion about the APPELLANT[']S right to due process related to the Defs.['] intentional actions to deprive the APPELLANT property and property rights, which are matters only under Federal District Court jurisdiction pursuant to 28 USC § 1331.

C. Eleventh Circuit Court Opinion

The Eleventh Circuit Court of Appeals issued its opinion on March 14, 2025, granting Appellees' motion to dismiss APPELLANTS['] appeal with all APPELLANTS['] other motions denied as moot. Additionally, the Opinion of the Court notes that the appellants did not invoke 28 U.S.C. §§1442. Federal officers or agencies sued or prosecuted or 1443. Civil rights cases, in their notices of removal. However, the Opinion of the Court does not address issues raised under the following controlling laws: Article VI, Amendment XIV, 28 U.S.C. §1358, 28 U.S.C. §1403, 28 U.S.C. App Fed R Civ P Rule 5.1, 28 U.S.C. App Fed R Civ P Rule 7, 28 U.S.C. App Fed R Civ P Rule 24, 28 U.S.C. App Fed R Civ P Rule 60(b), 28 U.S.C. App Fed R Civ P Rule 71.1, 28 U.S.C. §§1331 and 1441, 15U.S.C. §§78aa & 78u-3, invoked in the APPELLANT[']S notice of removal and aligned with Constitutional issues raised in the APPELLANTS['] original complaint. At the very least the record still does

not show proper procedure to notify of the United States Attorney General of the APPELLANTS[] issues raised in the State Court for the Constitutional Challenge(s) to a Statute pursuant to Fed. R. Civ. P 5.1 and the Federal questions presented beginning in the State Court under 28 U.S.C. §1331.

The records for procedural history and fact finding only show attention to ancillary cases preceding in attack and reprisal on APPELLANTS for lodging the original complaint, while there is still no attention to address the original complaint for (1) due process insufficient process, (2) lack of subject-matter jurisdiction for Constitutional issues, and (3) improper venue. Furthermore, even in Fed. R. Civ. P. 26(a)(1)(B)(viii) there is acknowledgement that ancillary proceedings must not precede the lead Civil Action. Here, all orders of opinion(s) and judgment are based on ancillary cases without regard to the original complaint for due process and Constitutional Federal questions.

Pursuant to FRAP 40, the APPELLANT state case points overlooked or misapprehended in orders and decisions below with supporting argument. The substantial points of law overlooked in the leading Civil Case #1:24-cv-02207 by APPELLANT and retaliatory ancillary Civil Cases 1:24-cv-02208 (22-A-08764-10) by Def.-Geosam, and 1:24-cv-02209 by Def.-Riversprings, before the court concern issues under the United States Constitution. The point of procedure that has also been overlooked is the fact that the trial court, on Civil Case #22-A-

09497, delivered a judgment on a Constitutional due process issue, which presents another problem with insufficient process and abuse of authority. The trial court's judgment was brought to the District Court on appeal for relief from the trial court judgment for Civil Case #22-A-09497. The trial court case number was changed to Civil Case #1:24-cv-02207, in the District Court. The trial court, without subject-matter jurisdiction, decided on Constitutional issues in the APPELLANT[]S complaint instead of notifying the State Attorney General and the United States Attorney General pursuant to Fed. R. Civ. P. 5.1. Here, the Defs.[] attorney purported that State law allows inverse condemnation for private use. Additionally, the U.S. Attorney General is required to intervene to confirm the intent for 28 USC § 1331, as aligned with the US Constitution Amendment 14. Furthermore, pursuant to 28 USC § 1331, *the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States*, which further substantiated the APPELLANT[]S pursuit of justice for relief from a judgment, pursuant to Fed. R. Civ. P. 60, in the District Court. The Superior Court was the improper venue for the State Court to move the APPELLANT[]S complaint to. Here, the State Court (Civil Action No. 22-C-03435-S4) improperly moved the APPELLANT[]S complaint to the Superior Court, instead of the District Court. The State Court properly identified the conflict after Constitutional issues were confirmed. The first move of the

APPELLANT-PLAINTIFF complaint was an early onset of the Defs.[] bad faith to entangle lies with unethical practices and strawman fallacies to cause confusion and deprive the APPELLANT of Constitutionally protested interests in the enjoyment of life, property, and liberty.

The facts in the records show that the District Court Order cover page shows the leading Civil Case #1:24-cv-02207 but the analysis is only for Civil Case #1:24-cv-02209. The District Court Order to Remand discussion about APPELLANT[]S complaint is only to provide a description following an overview of underlying facts. The District Court Order to Remand does not mention any opinion about the APPELLANT[]S right to due process related to the Defs.[] intentional actions to deprive the APPELLANT property and property rights, which are matters only under Federal District Court jurisdiction pursuant to 28 USC § 1331.

Here, it was the initial move ordered by the State Court where the APPELLANT[]S complaint was moved to the improper venue with the Superior Court instead of the District Court pursuant to 28 USC § 1331. As a result, the APPELLANT[]S consistently pleaded in the multiple proceedings in pursuit of justice in the State Court, Superior Court, Georgia Court of Appeals, Georgia Supreme Court, US District Court, US Court of Appeals with filing fees for each, showing the APPELLANT[]S attempt to resolve due process issues at the lowest level. However, with the Defs.[] callous bad faith to

waste resources and abuse the judiciary processes causing the District Court Order to Remand to be misleading in the Defs.[] proposed order showing only the Civil Action # 1:24-cv-2207-JPB.

The U.S. Court of Appeals Order notes that the APPELLANT[]S notices of removal did not invoke 28 USC § 1442 or 28 USC § 1443. However, on the APPELLANTS[] early initial perception(s) on operations for legal disputes through the U.S. Judiciary System, there were perceptions that the APPELLANTS-PLAINTIFFS-DEFENDANTS have the opportunity to pursue justice, just as any other individual. However, the point at which Civil Rights concerns or any other related concern would be prompted is now, after the APPELLANTS have received the same or similar judgments and opinions on U.S. Constitutional issues, at all levels. As indicated in the U.S. Court of Appeals opinion, the decisions throughout all cases concerning the APPELLANT at all levels shows the only consistency for the APPELLANTS[] claims and issues in all disputes, as not only prompting 28 USC § 1443 Civil Rights concerns but also prompting compulsory International disputes under treaties and laws.

❁

**REASONS FOR GRANTING THE
PETITION**

The Appellees-Defs. cite, in their *Oct. 6, 2022, Special Appearance Motion to Dismiss in case 22-C-03435-S4*, condemnation as excusing deprivation of the enjoyment of property interests from the APPELLANTS-PLS. and making their actions acceptable. Here, the Defs. not only confessed to inverse condemnation for private use, the Defs. also used their special appearance to conceal the fact that the Defs. failed to timely answer the COMPLAINT. The Defs.[] untimely answer is yet another error that supports default judgment for the APPELLANTS-PLS. Nonetheless, the trial court Jan. 26, 2023, order mentions the Defs.[] late answer multiple times throughout the order. The record does not show acknowledgement of the Defs.[] default and overlooks the APPELLANTS-PLS. Aug. 11, 2022, Motion for Default Judgment citing O.C.G.A. § 9-11-55. Furthermore, due to the Defs.[] ubiquitous conflicting interests throughout the case, the Defs.[] multiple errors can only be overlooked with bias. Emphasizing here, a critical issue in the APPELLANTS-PLS.[] Compl. is the lack of due process, as required by the U.S. Constitution. However, the trial court order does not once mention or attempt to address the due process issues and questions raised. Additionally, the trial court order does not include clarification about how the Complaint issues would be addressed in accordance with jurisdictional limitations.

Furthermore, the Defendants' interpretation of acceptable deprivation of property interests from the APPELLANTS-PLS. is in direct conflict with the United States Constitution obligations, federal laws, and state laws. As referenced in Black's Law, a "condemnation proceeding" relates to the taking of private property for "public use" without the owner's consent and without eminent domain proceeding. Here, the *Defendants' Oct. 6, 2023, Special Appearance Motion to Dismiss in case 22-C-03435-S4*, confirms that there is no genuine dispute regarding the fact that private property was taken without the owner's consent and without eminent domain proceedings. Furthermore, the discrepancy, here, is major in that the APPELLANTS'-PLS.[] private property interests were taken for "*private benefit*" and NOT for "*public use*."

Furthermore, there is fundamental agreement on the fact that APPELLANTS'-PLS.[] property interest taking was without proceeding. Here, APPELLANTS'-PLS. clarify that the proceeding violated was Constitutional due process proceeding instead of eminent domain, as the APPELLANTS'-PLS.[] property interest was taken for "*private benefit*" and NOT for "*public use*." The Appellees-Defs. improperly rely on the concept of inverse condemnation as their method to pursue privileged arbitrary actions that overlook the APPELLANTS'-PLS.[] Constitutionally protected property interests and rights.

The awful misperceptions by Defs. to

misinterpret the PLS., who are Black Indigenous persons, as dismissible without regard while denying the PLS. THEIR inherent rights to THEIR own property land and property rights is the Defs. critical fatal flaws. As the PLS. have repeatedly affirmed and stated, due process in the interest of property is a matter of Constitutional and potentially international concern. Here, the Defs.['] refusal to acknowledge respect for the United States Constitution, the Laws of the United States, and Treaties for Indigenous rights, are recognized as willing intent to for noncompliance creating a basis international intervention, where the U.S. Constitution Article III, Section 2 clarifies the subject issue as federal jurisdiction or higher. Furthermore, as stated the U.S. Constitution Amendment XIV, nor shall any State deprive any person of life, liberty, or property, without due process of law. The International Bill of Human Rights clarifies that States, inclusive of the collective United States, must take measures to make sure that others, such as businesses, political groups, or other people do not interfere with Indigenous rights. Here also, on the International Covenant on Civil and Political Rights:1753, the United States government reaffirms the absolute necessity of rights, as Civil Rights are also outlined under Title 42 U.S.C. Ch. 21, where here, Intestate Succession Act, 1987 also applies. Furthermore, the alignment to protection of property rights is further embedded in 42 U.S.C.§1982. Property rights of citizens, where Indigenous inheritance, as original civilization descendants must never be

overlooked nor denied.

Unlike the issues cited in *Dred Scott v. Sandford*, 60 U.S. 393 (1856), there are absolutely no perplexities about the APPELLANTS'-PLS.['] status as BLACK INDIGENOUS or DESCEDENTS of the earliest inhabitants of this land, also acknowledged in the Articles of Confederation. Any perceived mistake in misinformed identities is not a defense for willful breach(es), warranting void for inaction for public trust, as in the United States Constitution Article VI.

The Appellants provided photos and clearing plan evidence of the extensive interference with the APPELLANTS' right to full undisturbed enjoyment of THEIR property, which was interrupted by the Appellees' actions in Compl. Exhibits. Here, the offenses that the Appellees-Defs. wrongly imposed upon the APPELLANTS'-PLS. violate the confines of contract requirements, state laws, Constitutional law requirements, where property is concerned, and Laws of NATURE.

The Appellees'-Defs.['] actions attempt to evade responsibility for full inclusive involvement of impacted property owners with attempts to also evade accountability for their destructive actions. The Appellees-Defs. abusive rhetoric is no more than continued attempts to undermine legal processes with privileged improprieties on the basis of improper procedures and processes.

In *Tobi Goldoftas, Abuse of Process*, 13

Clev.-Mar. L. Rev. 163 (1964), "abuse of process" means perversion of process to accomplish some illegal purpose for which the process was not legally intended, such as a property transaction that circumvents due process. Here, the Appellees reference the local government rezoning process as a means through which property can be taken and re-zoned, without regard to the purpose and proper procedures land property interests. The requirement for ensuring due process is stated in the United States Constitution Amendment XIV and O.C.G.A. § 36-66-2. Here, the Appellees' brief cited only local processes as support their position for the trial court to infringe upon the APPELLANTS'-PLS.[.] Constitutional rights. There is no process nor law that shall disenfranchise the APPELLANTS'-PLS.[.] Indigenous inheritance to homelands enjoyed with firmly due rights, that must not be wrongfully infringed upon. There is no dispute about the APPELLANTS-PLS. standing as persons of human being Indigenous descent. The Defs. even cited to the trial court from the Riversprings Covenant Section 6.1, showing the Defs.[.] wrongful actions. Here, the Defs. read the requirement aloud during the hearing, stating "land modifications require approval," [Hr'g Tr. p.31] in the presence of witnesses at the Hr'g before the trial court judge. Again, here, the APPELLANTS-PLS. confirmed disagreement with the Defs. in THEIR October 30, 2020, letter to the Defs..

When it comes to a decision on property related entitlement, in *Goldberg v. Kelly*, 397 U.S. 254 (1970), the Supreme Court of the United

States' position confirmed a person's right to protected property interest in a benefit if he or she has a "legitimate expectation of receiving that benefit." Here, the subject Superior Court Order violates U.S. Supreme Court case law, the U.S. Constitution, the Laws of NATURE, and Georgia Laws.

The Appellees' position presented at the January 13, 2023, Hr'g only documents the Defendants' bad faith to circumvent the intent of the lawful provisions of the Riversprings property owners' association instrument, pursuant to O.C.G.A. § 44-3-223, herein, "Declaration of Protective Covenants, Conditions, Restrictions, and Easements for Riversprings" ("covenants") and caused serious interference and deprivation of property interests for the Appellants. The Appellees-Defs. have not presented any substantiated evidence of a local procedure that supersedes Georgia State Laws, Constitution, the United States Constitution, and the Laws of NATURE.

In *Recycle & Recover, Inc. v. Georgia Bd. of Natural Resources*, 266 Ga. 253 (2) (466 SE2d 197) (1996), the term "vested rights" means "interests which it is proper for (the) state to recognize and protect and of which (the) individual cannot be deprived arbitrarily without injustice."

The APPELLANTS cite the United States Constitution, Amendment XIV, for further clarification on due process. Here, the Appellants reiterate that "no person shall be deprived of property, except by due process of law, see

O.C.G.A. § 36-66-2 and United States Constitution Amendment XIV, as also established in *Goldberg v. Kelly*, 397 U.S. 254 (1970).

The implementation of the rule of law relies on respect to the original intent, as Constitutionally required. *Contemporanea expositio est optima et fortissimo in lege*, stating a statute is best explained by following the construction put on it by judges who lived at the time it was made, or soon after.

In Federalist No. 1, October 27, 1787, the founders state:

So numerous indeed and so powerful are the causes which serve to give a false bias to the judgment, that we, upon many occasions, see wise and good men on the wrong as well as on the right side of questions of the first magnitude to society. This circumstance, if duly attended to, would furnish a lesson of moderation to those who are ever so much persuaded of their being in the right in any controversy.

Here, the fact that due process was blatantly disregarded remains. Furthermore, as explained in Federalist Paper No. 1, the respect for Constitutionally protected property interests is affirmed in the 14th Amendment with stating *No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due*

process of law.

I. DECLARATION

The APPELLANTS, (also "APPELLANT(S), APPELLANT(S)-PLS.-DEFS., APPELLANT-PLS., "THEIR," "THEY," "THEIR'S") acknowledged and recognized as vested Indigenous people(s) with inherent rights by and through any variation of the Laws of Nature, in any Constitution, Treaty, and any subsequent laws in systems, in this THEIR DECLARATION. The APPELLANT(S)-PLS.-DEFS. have suffered over the course of actions in pursuit of due process, equal protection of laws in these United States, and have repeatedly stated concerns with THEIR INHERENT RIGHTS as BLACK INDIGENOUS DESCENDANTS AND PEOPLE with guaranteed respect as blood related descendants of the original inhabitants of this land, as also recognized through and associated with intestate succession ancestral lineage, under the Intestate Succession Act, 1987 and THEIR existence as BLACK INDIGENOUS DESCENDANTS. Furthermore, in this Twenty-First Century, unjustified indiscretions continue to oppress, disadvantage, deprive, and regress BLACK INDIGENOUS DESCENDANTS in actions in pursuit of the enjoyment of life, liberty, and property. The APPELLANTS-PLS.-DEFS., here, are continually hindered with complicated burdens of unjustified complexities by and through overlooking noncompliant implementation of actions without appropriate consistency with intent by Constitutions, laws, treaties, etc., to date. Furthermore, all

indiscretions are seen through the past six (6) years of pleadings in disputes for THEIR own property and THEIR own property rights tied to both enjoyment of life and liberty.

To be clear on the standing for the purpose and intent for this DECLARATION, the APPELLANTS-PLS.-DEFS., again stating, are BLACK INDIGENOUS DESCENDANTS, and have (1) suffered "injuries in fact" through unlawful aggressions towards THEIR real estate and THEIR home, (2) the APPELLANTS-PLS.-DEFS.[] injuries are within the zone of Constitutionally protected interests, and (3) it has been repeatedly shown that it is likely that a favorable decision would redress the APPELLANTS-PLS.-DEFS.[] injuries. Furthermore, the APPELLANTS-PLS.-DEFS. come before this court in THEIR original essence, as societally portrayed (also referenced as "African Americans," Black(s) (AMERICANS), Negro(es), Moor(s), Original people etc.) for relief from unjustified harms including retaliatory harms.

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 21, 2025. (USCA Doc. [46][55])

/s/ Christy Poon-Atkins, P.E.
APPELLANT-PLS. et al

II. JUDICIAL STANDING: ARGUMENT IN
SUPPORT FOR APPELLANTS[]-PLS.[]
STANDING:

Question No. 1:

1. Are the Appellees[]-Defs.[] inverse condemnation actions without eminent domain proceedings but for "*private* benefit" consistent without any proper United States property acquisition procedure?

No. The essential elements of eminent domain include (1) the inherent power of a governmental entity to take privately owned property, esp. land, and (2) conversion of the land taken to a "*public use*." Furthermore, 28 U.S.C. § 1403 states eminent domain as the proceedings to condemn real estate for the use of the United States or its departments or agencies, as such proceedings that must be brought in the district court of the district where the land is located.

However, here, the land in question was part of the restricted easement area behind the Appellants home, as marked with an "X" line type on "EXHIBIT C", as the Appellants' vested property interests. The Appellees'-Defendants' admission to improperly taking property is substantiated in their Oct. 6, 2022, motion for "*private use*" after local re-zoning inconsistent with federal requirements. In the Oct. 6, 2022, motion, the Appellees show their actions as knowing and willful with an advantaged position in local processes to circumvent the Appellants' Oct. 30, 2020, letter of disagreement with changes to THEIR property interests. The evidence in the record on appeal show that the Appellees knew of the Appellants' disagreement to property changes prior to any improper implementation of federal requirements at the

local level. Additionally, the Appellees knew of the Appellants' disagreement approximately two (2) years prior to any land disturbance activities by the Appellees.

Question No. 2:

2. Does local government noncompliant public administration under O.C.G.A. § 36-66-2 supersede the United States Constitution to take property for "*private benefit*"?

No. Here, referencing the Appellees Oct. 6, 2022, motion, the Appellees state "Georgia law as being clear on condemning property" (see Superior Ct. ROA, V2-213). Furthermore, the Appellees' admitted position on taking the Appellants' property further prompted the Appellants to raising notice to Fed. R. Civ. P. 5.1, where any state statute that raises questions of Constitutionality must be elevated to the state attorney general.

Referencing, O.C.G.A. § 36-66-2 specifically states "*The purpose of these minimum procedures is to assure that due process is afforded to the general public when local governments regulate the uses of property through the exercise of the zoning power.*" However, the Appellants confirm the lack of due process in this case (see Superior Ct. ROA, V4-27-28).

Question No. 3:

3. Should the trial court decide on Constitutionally protected property interests and due process?

No. The judicial Power shall extend to all

Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority. Here, the significant question about the legality of inverse condemnation for private benefit through depriving the PLS. of due process was not addressed in the District Court's October 23, 2024, Order and not in the trial court order. Furthermore, pursuant to 28 U.S.C. §1331. Federal question, the district court shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States..

However, with respect to the Appellants' conversion tort complaint, there is no genuine dispute from either party that the Appellants' property interest was destroyed and unlawfully taken.

Question No. 4:

4. Does the trial court order properly overlook the United States Supreme Court jurisdiction?

No. Pursuant to U.S. Constitution Article III, Section 2, the U.S. Constitution Article III, Section 2 clarifies the subject issue as federal jurisdiction or higher. Furthermore, as stated the U.S. Constitution Amendment XIV, nor shall any State deprive any person of life, liberty, or property, without due process of law. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or shall be made, under their Authority. Furthermore,

the establishment of reassurances for compliant implementation is stated by Congress shall have power to enforce this article by appropriate legislation, as pursuant to Amendment XIII [1865], with the expectation that no person shall be denied the rightful enjoyment of life, liberty, and property with equal protection of the Laws. Any action, judge made law / case law, noncompliant implementation is in direct conflict with the fundamental intent of foundational Laws and conflicts with Human Rights of Black Indigenous persons, with international noncompliance.

Question No. 5:

5. Is it proper to consider the Appellees-Defs., Geosam et al, and the United States or its Departments or Agencies as the same entity?

No. Referencing 5 U.S.C. § 4501, the definitions for Government Organization and Employees include public service / public interests entities only.

Question No. 6:

6. Is Fed. R. Civ. P 71.1 for condemning real or personal (Indigenous) property appropriate for private benefit matters?

No. The Appellees' actions fail to meet the merits of eminent domain, as Fed. R. Civ. P 71.1 govern proceedings to condemn real and personal property for "public use." The process upon which the Appellees rely with their attempt to redirect the Appellants' complaint, has been presented in the case as actions that could continually present

opportunities for private landowners, including the general public at large with landownership to suffer infringement of property rights after home and property purchase(s), as experienced by the Appellants (see Superior Ct. ROA, V4-26-28).

Question No. 7:

7. Should the PETRS[-]APPELLANTS[-]PLS.[] Complaint for property deprivation conversion without due process be overlooked?

No. In multiple instances, the Appellants' pleadings and motions under Fed. R. Civ. P. 7 and in the Jan. 13, 2023, hearing, the Appellants cited Constitutional noncompliance and conflicts (see Superior Ct. ROA, V2-9) (see Superior Ct. ROA, V2-237) (see Superior Ct. ROA, V2-252) (see Superior Ct. ROA, V3-2) and (see Superior Ct. ROA, V4-24-25).

Pursuant to Article I, Section I, Paragraphs I & II of the Const. of the State of Georgia, no person shall be deprived of life, liberty, and property without due process of law. Additionally, no person shall be denied the equal protection of the laws. Here, the Appellees fail to show adherence to Georgia law, contradicting Appellees claim (see Superior Ct. ROA, V2-213) and referencing, O.C.G.A. § 36-66-2 for local zoning (see Superior Ct. ROA, V4-27-28). Furthermore, due process is clearly established within the United States Constitutional Amendment XIV.

The Appellees' misrepresentation of the APPELLANTS' issues causes undue and excessive burden on the APPELLANTS with

illegal property possessory and further complication and confusion with their retaliation complaint against the APPELLANTS-PLS. (see case# 22-A-08764-10). The Appellees compl. stands as evidence under Fed. R. Evi. 403, prompting Fed. R. Evi. 404, where the probative value is substantially outweighed by unfair prejudice, confusing the issues, misleading, wasting resources, and unsubstantiated with failure to reference O.C.G.A. § 51-12-5.1, which clearly warns against willful misconduct. Here, the Appellees' indiscretions to circumvent laws, with illegal property acquisition and wrongfully privileged retaliation, that overly burdens the justice system and processes, would also be detrimental to a broader extent on societal operations, especially in disadvantaged communities. The case shows system and procedure use to confuse, mislead, waste, and harm. Here, the situation creates unconstitutional case law / common law that allows taking property without due process, which could reflect broader improper system functions without proper checks and balances. Furthermore, the Appellees' retaliation-compl. (22-A-08764-10) overlooked the Riversprings covenants, state and federal laws, Georgia Constitution, and United States Constitution, as legal authorities supporting the APPELLANTS'-PLS.[]. Herein, the Appellants further clarify such relevance to all cited legal authorities by and through O.C.G.A. § 36-66-2 "due process," where "The Zoning Procedures Law," cited under O.C.G.A. § 36-66-1 does not, in any way, exclude the APPELLANTS'-PLS.[] from due process

protections, reaffirming the U.S. Constitution Amendment XIV. In any case, where APPELLANTS-PLS. are excluded from equal protections of the law and/or due process, there would be justified and properly substantiated grounds for higher court action(s).

The Appellees are completely out of line for suggesting that the APPELLANTS-PLS. must be denied THEIR Constitutional rights, as Indigenous descendants. The Appellees have not even provided any evidence of adhering to the State of Georgia zoning due process requirements. "The Zoning Procedures Law," cited under O.C.G.A. § 36-66-1 does not in any way exclude the APPELLANTS-PLS. from due process protections. Whereas the grant of a permit relating to special use of property is absolutely not without the responsibility of due process. There is nothing in the Georgia Code that grants, nor can grant, any local government privileges to dismiss contract, federal and state laws, and Constitutional obligations. Here, a failure to address Constitutional issues on part of trial court resonates, as in *Southern States-Bartow County, Inc. v. Riverwood Farm Prop. Owners Ass'n, Inc.*, 331 Ga. App. 878, 769 S.E.2d 823 (2015), the Georgia Court of Appeals held that the trial court erred because "a genuine issue of material fact [existed] as to whether Southern States' 2004 application constituted a new permit such that any vested rights resulting from the 1989 application were waived." Yet the same consideration is not in this case. Furthermore, the questions presented in this matter reference evidence in the record, to

substantiate the Appellants' complaint at any judiciary level.

A key factor, here, must be the recognition of vested interests related to property matters. In *S. States-Bartow Cnty, Inc. v. Riverwood Farm Prop. Owners Ass'n, Inc.*, due process was also at issue and the trial court judgment was reversed. Here, the Appellants raised Constitutional concerns throughout all cases and further highlighted a related United States Supreme Court decision in *Goldberg v. Kelly*, 397 U.S. 254 (1970) (see Superior Ct. ROA, V4-25).

In addition, the State of Georgia Constitution, *supra*, as cited for the prohibition of legislative exercise that result in the passage of retrospective laws which injuriously affect the "vested rights" of citizens, per O.C.G.A. § 1-3-5, specifically applies. As O.C.G.A. § 1-3-5 states, *laws prescribe only for the future; they cannot impair the obligation of contracts nor, ordinarily, have a retrospective operation. Laws looking only to the remedy or mode of trial may apply to contracts, rights, and offenses entered into, accrued, or committed....* for general and retrospective operation of laws must also be considered. Here, the Appellants' grievances were repeatedly cited for contract, federal and state laws, and Constitutional violations related to the Appellees' actions.

In the creation of Unconstitutional case law through the trial court decision, the Appellees reframe the Plaintiffs' original complaint (see Superior Ct. ROA, V3-462-463). The Appellees'

position presented at a January 13, 2023, Hr'g documents the Defendants' bad faith to circumvent the intent of the lawful provisions of the Riversprings property owners' association instrument, pursuant to O.C.G.A. § 44-3-223, herein, "Declaration of Protective Covenants, Conditions, Restrictions, and Easements for Riversprings" ("covenants") and caused serious interference and the U.S. Constitution Amendment XIV with deprivation of property interests for the Appellants (see Superior Ct. ROA, V4-27).



CONCLUSION

It is the unique capacities upon which the full extent of the population relies on the highest consideration of all legal doctrines. Additionally, to deliver to the people the best interpretations through which social norms are formulated in the best interest of the people with trust and equity, wherein Articles I and III, as citizens serve to support through Amendment XV, unless performance forbids.

The Defs. and Defs.['] attorneys have been the impetus of a significant number of days, throughout the past six (6) years, that severely and negatively infringed on the APPELLANTS-PLS.-DEFS.['] enjoyment of life, liberty, and property with THEIR family. The impact is so great that, no matter the number by which the list of interested persons increases, there are no defenses nor justification for the Defs. and

Defs.[] noncompliant actions and unethical participation to deprive the APPELLANTS-PLS.-DEFS. of THEIR inherent rights by and through the sovereign Laws of Nature, to which the APPELLANTS-PLS.-DEFS. yield.

The APPELLANTS-PLS.[] Complaint shows the Appellees' duty of care, as documented in the Declaration of Protective Covenants, Conditions, Restrictions, and Easements for River Springs ("covenants"), as violated. The Appellees' site development plan sheet marked the subject Constitutionally protected property encroachment with an "X" line type, shown in Compl. exhibits. The plan sheet marking show clear deviation from maintaining the existing property lines as provided for other homeowners.

Furthermore, the Appellants' more than twelve-year investment in THEIR real property located at 1866 Alcovy Trails Drive, Dacula, GA 30019 has been harmed by the Appellees' intentional actions with complete disregard to the Appellants' disagreement. The Defs. confirmed their willful intent to unconstitutionally take property with inverse condemnation for private use without due process of law. There has not been any dispute to the fact of the Defs using inverse condemnation for private use, which is also an indisputable violation of the United States Constitution and U.S. Code, as well as unprotected willful participatory noncompliant procedures. The APPELLANTS[] home purchase more than twelve years ago included an undisturbed drainage easement area,

documented within the "covenants," as bargained-for consideration in THEIR original transaction in or about the year 2010.

Furthermore, the APPELLANTS[] direct appeal to set aside the trial court judgment was in accordance with O.C.G.A. § 9-11-60 and U.S. Constitution for THEIR complaint where *equitas sequitur legem*, as stating *equity follows the law*. As Constitutional matters are not within the jurisdiction of the trial court, this fact is found as a lack of jurisdiction, Pursuant to the United States Constitution Article VI, and Article VI, Section VI, Paragraph III of the Const. of the State of Georgia. Furthermore, as also directed by Fed. R. Civ. P. 60(b), the APPELLANTS-PLAINTIFFS cited authorities in the United States Constitution and in the Constitution of the State of Georgia, where the federal procedure shows grounds for relief. More specific to the Constitutional issues in the APPELLANTS[]-PLAINTIFFS[] conversion tort complaint, are in requirements of the U.S. Const. 14th Amendment are violated. The APPELLANTS' right to due process was severely infringed upon with deprivation of property rights acquired under contractual agreement more than fourteen (14) years ago.

Appellants pray that the court grants \$500,000 for damages due to the harm to the Appellants' and THEIR property. The Appellants further request that the court grant punitive damages per O.C.G.A. § 51-12-5.1(b) due to the Defs. frivolous, untruthful, and unjustified noncompliant interference of Justice.

The Appellants further request that the court grant punitive damages per O.C.G.A. § 51-12-5.1(b) and sanctions for Defs. and Defs.[] attorneys retaliating with frivolous actions and pleadings.

The Defs. and Defs.[] leave APPELLANTS no choice but to pursue universal options for remedy due to ill-advised pursuits with systemic waste and abuse that only substantially show major breaches to foundational requirements and agreements. In the most basic form of comprehending U.S. contract formation, at any level, the Defs HAVE NOT and absolutely CANNOT produce any valid contractual agreement with the APPELLANTS nor any such documentation from the APPELLANTS[] ancestors, in THEIR ancestors original civilization language, for taking ~~the~~ the subject APPELLANTS[]-PLS.[] Constitutionally protected property interests. *Error qui non resistitur approbator*, where "an error that is not resisted is approved," which renders any perceived agreement(s) concerning Constitutionally protected interests as INVALID and VOID. Here, *contractus legem ex conventionione accipiunt*, where *contracts receive legal validity from the agreement of the parties*.

The inevitable VOID for any perceived agreement is due to any failed performance and willful reluctance to correct noncompliance against productive competent BLACK INDIGENOUS descendants, as in THEIR own capacity as competent executors and beneficiaries of THEIR properties, under the

United States Constitution as intended in alignment with the Laws of Nature.

Here, the Defs. have continually used strawman fallacies to waste public resources on unjustified pursuits, while exposing significant indiscretions which cause excessive burden that usurp family time with growing kids. The records of this case show that (1) Def.-Riversprings admitted to a failure of their duty of care while pointing the trial court to the section of the binding covenant aligned to their infraction. Here, the admitted failure was before the trial court judge in front of witnesses during the January 13, 2023, trial court hearing. The Defs.[] actions justify favorable judgment for the APPELLANTS-PLS., (2) Def.-Geosam failed to timely answer the APPELLANTS[]-PLS.[] Compl. The Defs. deceptively tried to conceal their failure to answer the compl. with their "Special Appearance." Yet, the case was shortly, thereafter, transferred to the GA Superior Court. Here, the Defs.[] actions justify Default Judgment for the APPELLANTS-PLS., and (3) Def.-Geosam admitted to participating in unlawful procedures that do not adhere to the U.S. Constitution. In their October 2023, motion, the Defs. admit to inverse condemnation for private use. The Defs. actions show their knowing and willingness to continue non-compliant wrongful actions to cause property conversion. Here, the Defs. actions show, yet again, support for favorable judgment for the APPELLANTS-PLS., as a matter of law. Furthermore, with continued governing consent to cause harm to the APPELLANTS-PLS., the

Defs. retaliatory actions against the APPELLANTS-PLS. leaving the APPELLANTS-PLS. with no other choice but to protect THEMSELVES from harm, adding to the devastating harm from the Defs. abuse of authority to unlawfully take away the APPELLANTS[]-PLS.[] enjoyment of their property and property amenities, life, and liberty. Here, again, the Defs. actions continue to show the APPELLANTS-PLS. left with no choice but to continue elevating THEIR COMPL. in pursuit of justice; as *Natura appetit perfectum, ita et lex*, as *curia novit jura*. *Nature aspires to perfection and so does the law, as the court knows the law*. Any law written or rewritten based on manipulation to evade or avoid Commands of NATURE is absent of conformance and void, avoiding law as an instrument for harm.

Here, the APPELLANTS-PLS further reiterate the fact that the record shows the original statement for the contract requirements that the Def.-Geosam MUST avoid encroachment on adjacent properties is in the Defs. motion and in the trial court order, as stated here. (See trial ct.order at I, pg.4 of 11)

An undisturbed 50-foot buffer shall remain around the subject property on all sides (including Ewing Chapel Road frontage) and shall be marked with orange tree save fence prior to any grading.

Here, the original language simply shows a line through the statement. Once again, the APPELLANTS-PLS. did NOT agree for the Defs. to cause the APPELLANTS[]-PLS[] property

detrimental harm. Furthermore, the record shows that the courts must construe a 'motion to dismiss' with the exhibits attached to and referenced in the Complaint. (See trial ct.order at II, pg.6 of 11)

As recognized above,⁶ the pleadings to be construed on a motion to dismiss include any exhibits attached to and incorporated into the Complaint and Geosam's Answer. O.C.G.A. § 9-11-10(c)...

However, the trial court order does not show reference to the Complaint exhibits.

The APPELLANTS-PLS. did not enter contract for THEIR property and property interests with the expectations that THEY would have to fight to preserve THEIR rights to enjoy THEIR property and become trapped in unjust erred legal processes. *Error juis nocet, an error of law injures*. The Defs.['] actions and pleadings are seriously and significantly flawed and must not continue. Furthermore, the trial court order fails in the fact that the order allows state law to supersede Supreme Law, which again overlooks jurisdiction, and overlooks the APPELLANTS[']-PLS.['] prayer for relief and punitive damages. (See trial ct.order at II. A., pg.6 of 11) and (II. B., pg.8 of 11)

Geosam first contends that the Complaint should be dismissed with prejudice under O.C.G.A. § 9-11-12(b)(1) **because this Court lacks subject matter jurisdiction** to hear these claims. The Court agrees.

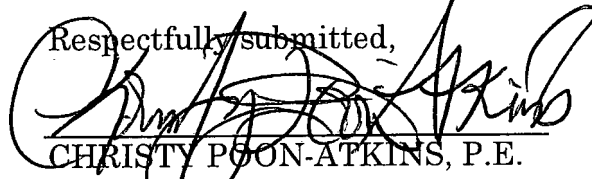
Here, the trial court order shows abuse of authority with attempt to unlawfully take away the APPELLANTS[]-PLS.[] rights.

The Appellants respectfully request a resolution with fair remedy in well overdue JUSTICE by court, as always known to be a quality closely associated with GOD. However, the improprieties experienced throughout this case are typical and highly unacceptably inconsistent with the intent for all, in the enjoyment of life, liberty, and property.

For the reasons stated above, the APPELLANTS[]-PLS.[] Petition for Writ of Certiorari must be granted.

This, the 28TH day of July 2025.

Respectfully submitted,



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