

25-7589

No. _____

In The
Supreme Court of the United States

PAMELA MCKETHAN,
Petitioner,

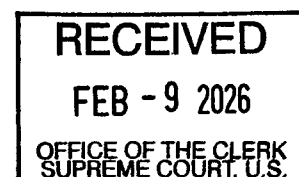
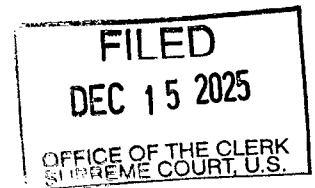
v.
GSLS GA, LLC,
Respondent.

**On Petition for a Writ of Certiorari
to the Supreme Court of Georgia**

PETITION FOR A WRIT OF CERTIORARI

Submitted by:
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(To be filed in forma pauperis)

February 3rd, 2026



QUESTIONS PRESENTED

1. Whether a state may uphold a foreclosure where all statutory foreclosure notices were returned undelivered and the foreclosing party had actual knowledge that notice failed, consistent with the Due Process Clause of the Fourteenth Amendment and this Court's decisions in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), and *Jones v. Flowers*, 547 U.S. 220 (2006).
2. Whether a foreclosure judgment entered without any notice reasonably calculated to reach the homeowner is void under the Fourteenth Amendment.
3. Whether a state court may uphold a foreclosure based on a purported transfer of the Security Deed and power of sale executed by an entity that lacked legal authority, included in Appendix F-2 App. 16–19 and Appendix F-4 App. 23–24, consistent with the Supremacy Clause.
4. Whether the doctrine of res judicata may bar a homeowner's constitutional challenge to a foreclosure where notice failure and lender misconduct were concealed and could not have been litigated in the prior action, contrary to this Court's precedents in *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988), and *Armstrong v. Manzo*, 380 U.S. 545 (1965).

LIST OF PARTIES

Petitioner:

Pamela McKethan, an individual homeowner and Georgia resident, appearing pro se.

Respondent:

GSLs GA, LLC, a Georgia limited liability company.

Respondent was represented in the lower courts by:

Kyle S. Kotake

Brock & Scott, PLLC

4360 Chamblee Dunwoody Road, Suite 310

Atlanta, GA 30341

There are no other parties to the proceeding.

RELATED CASES

- *McKethan v. GSLs GA, LLC*, Supreme Court of Georgia, Case No. S25C1013 (petition for writ of certiorari denied August 26, 2025; motion for reconsideration denied September 16, 2025) included in Appendix A App. 1; Appendix B App. 2.
- *McKethan v. GSLs GA, LLC*, Court of Appeals of Georgia, Case No. A24A1444.
- *McKethan v. GSLs GA, LLC*, Superior Court of Fulton County, Georgia (final judgment and foreclosure order included in Appendix G App. 25-30).

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TABLE OF AUTHORITIES

Cases

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The decision of the Supreme Court of Georgia denying Petitioner's petition for writ of certiorari in *McKethan v. GSLS GA, LLC*, Case No. S25C1013, was entered on August 26, 2025 included in Appendix A App. 1

The decision of the Supreme Court of Georgia denying Petitioner's motion for reconsideration was entered on September 16, 2025 included in Appendix B App. 2.

The opinion of the Court of Appeals of Georgia in Case No. A24A1444 is unpublished.

The Final Judgment and Foreclosure Order of the Superior Court of Fulton County, Georgia, is included in Appendix D App. 4-8.

The Remittitur of the Supreme Court of Georgia is included in Appendix C App. 3.

JURISDICTION

The Supreme Court of Georgia denied Petitioner's Petition for Writ of Certiorari on August 26, 2025 included in Appendix A App. 1, and denied her Motion for Reconsideration on September 16, 2025 included in Appendix B App. 2.

This petition is filed within 90 days of the denial of reconsideration pursuant to Supreme Court Rule 13.1.

Jurisdiction is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution

Fourteenth Amendment, Due Process Clause.

Federal Statutes

28 U.S.C. § 1257(a)

Georgia Statutes

O.C.G.A. § 44-14-162.2

O.C.G.A. § 44-14-186

STATEMENT OF THE CASE

This case arises from a foreclosure in which Petitioner was deprived of her home without constitutionally adequate notice, without a meaningful opportunity to be heard, and without a lawful foreclosing party. The foreclosure was conducted despite Respondent's actual knowledge that all mailed foreclosure notices were returned undelivered. Respondent concealed the fact that it failed to comply with Georgia's foreclosure notice statutes and constitutional notice requirements prior to and throughout the foreclosure process, thereby preventing any court from adjudicating the defect before the deprivation of property occurred.

The purported transfer upon which Respondent relied to claim authority to foreclose was executed in 2012 by South Star Funding, LLC, an entity that had filed bankruptcy in 2007, liquidated its mortgage assets, ceased operations, and lacked any legal authority to execute assignments at the time. Despite these facts being established by bankruptcy court orders and state corporate records, the courts below upheld the foreclosure without addressing the effect of federal

bankruptcy law or the Supremacy Clause. Included in Appendix F-1 App. 14-15; Appendix F-2 App. 16-19; Appendix F-3 App. 20-22.

All statutory foreclosure notices required by O.C.G.A. § 44-14-162.2 were mailed to an incorrect address that did not correspond to the address listed in the recorded Security Deed. The Notice of Sale Under Power was mailed to *2407 Cross Street NW, Atlanta, Georgia 30318*, even though the Security Deed identifies the property address as *7 Cross Street NW, Atlanta, Georgia 30318*. Respondent possessed the correct address in its own loan and deed records yet mailed notice to an address not appearing in the recorded instrument. Each notice was returned undelivered included in Appendix E-1 App. 9. Respondent had actual knowledge that notice failed but took no additional steps to notify Petitioner before foreclosing on her property.

REASONS FOR GRANTING THE WRIT

I. Failure of Notice and Due Process Violations

Respondent conducted a foreclosure without providing notice reasonably calculated to reach Petitioner, in violation of *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), *Mennonite Bd. of Missions v. Adams*, 462 U.S. 791 (1983), and *Jones v. Flowers*, 547 U.S. 220 (2006). All statutory foreclosure notices were mailed to an incorrect address and were returned undelivered. Respondent had actual knowledge that notice failed, yet proceeded with foreclosure without taking any additional reasonable steps to notify Petitioner, even though its own recorded loan and deed records identified the correct property address. (See Appendix F-4; Appendix E-1–E-3.)

Under *Jones v. Flowers*, once a foreclosing party learns that notice has failed, due process requires additional reasonable efforts before taking property. Respondent ignored this

constitutional requirement and acted as if statutory notice obligations had been satisfied, even though they had not.

II. Void Judgment Due to Concealment of Notice Failure at Foreclosure

Respondent concealed the notice failure at the time of foreclosure by proceeding as though proper statutory notice had been accomplished, despite having actual knowledge that the mailed foreclosure notices were returned undeliverable. Under Georgia law and the Due Process Clause of the Fourteenth Amendment, Respondent was required to halt the foreclosure and take additional reasonable steps to notify Petitioner once notice failed. Instead, Respondent acted as if the foreclosure procedures had been properly satisfied and completed the foreclosure sale.

This Court has recognized that judgments obtained through conduct that prevents the judicial process from functioning as intended are void and subject to collateral relief. *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 246–47 (1944). Here, Respondent’s concealment of known notice failure at the foreclosure stage prevented any court from adjudicating whether constitutionally adequate notice had occurred. The foreclosure judgment thus rests on a record that was never subjected to meaningful judicial scrutiny, implicating the same core concerns addressed in *Hazel-Atlas*—the integrity of the judicial process itself.

This Court has long held that notice and an opportunity to be heard are prerequisites to the exercise of judicial power over a person or property. *Windsor v. McVeigh*, 93 U.S. 274, 277–78 (1876). Where a party is deprived of property without notice sufficient to bring that party before the court, the resulting judgment is void and without legal effect. Because the foreclosure here proceeded despite known notice failure and without any adjudication of notice adequacy, the judgment lacked the foundational due-process prerequisites recognized in *Windsor*.

Although returned-mail evidence included in Appendix E-1 App. 9; Appendix E-2 App. 10; and Appendix E-3 App. 11–13 was part of the 2017 case record, Respondent’s concealment occurred at the foreclosure stage, when Respondent proceeded despite knowing that notice had failed. The 2017 case was ruled on by summary judgment before any merits review occurred, and no court has ever adjudicated the constitutional adequacy of notice reflected in that evidence. Nevertheless, Petitioner’s 2022 case was disposed of on res judicata grounds, barring review of constitutional claims that had never been decided on their merits.

As a result, the foreclosure judgment rests on proceedings in which the constitutional adequacy of notice was never adjudicated. Under *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988), and *Armstrong v. Manzo*, 380 U.S. 545 (1965), a judgment entered without constitutionally adequate notice and a meaningful opportunity to be heard is void. Because the foreclosure proceeded despite known notice failure and without any judicial review of that defect, the judgment is void *ab initio*.

III. Lack of Lawful Authority to Foreclose (Purported Transfer Executed by Dissolved and Bankrupt Entity)

Respondent’s claimed authority to foreclose rests on a purported transfer of the Security Deed and power of sale executed in 2012 by South Star Funding, LLC, included in Appendix F-4 App. 23–24, an entity that had filed bankruptcy in 2007 included in Appendix F-2 App. 16–19; Appendix F-3 App. 20–22, liquidated its mortgage assets included in Appendix F-2 App. 16–19, and been administratively dissolved included in Appendix F-1 App. 14–15; Appendix F-2 App. 16–19 prior to executing the purported transfer document included in Appendix F-4 App. 23–24.

In the 2017 action, Petitioner alleged that she did not receive foreclosure notice. The fraud by concealment arose at the time of foreclosure, when Respondent proceeded with the sale despite mailing notice to an incorrect address and receiving returned, undelivered notice, and before any court proceeding was initiated. Because Petitioner was unaware of the concealed notice failure at that time, the 2017 action did not and could not assert a fraud-by-concealment claim. The case was dismissed without any merits determination regarding the constitutional adequacy of notice, and the court did not adjudicate whether notice satisfied due process under *Jones v. Flowers*.

Following the Motion for Summary Judgment request in the 2017 case, Petitioner's counsel became incapacitated and then passed away, and Petitioner did not have access to all filings and exhibits that had been submitted in that action. It was only later, upon reviewing the record in preparation for subsequent litigation, that Petitioner discovered Respondent had included evidence in the 2017 case showing that foreclosure notices were returned undeliverable. No court ever reviewed or ruled on that evidence.

In a later action, Respondent filed a motion for summary judgment included in Appendix G App. 25. Because Petitioner's counsel failed to file a response within the required thirty-day period due to incapacitation and death, the court granted Defendant's Motion for Summary Judgment, resulting in a procedural disposition that prevented any merits adjudication of the constitutional notice defects.

The 2022 action was the first case in which Petitioner alleged **fraud by concealment**, based on the newly discovered evidence showing that foreclosure notices were mailed to an incorrect address, returned undeliverable, and known by Respondent to have failed prior to the foreclosure. Rather than adjudicating those claims on their merits, the court granted summary

judgment based on res judicata, concluding incorrectly that the issues had already been raised and ruled upon in 2017 case included in Appendix G App. 25-30. In fact, the returned-mail included in Appendix E-1 App. 9 evidence and fraud-by-concealment claim were never litigated or decided in any prior proceeding.

Because the claims asserted in 2022 were based on material facts unknown to Petitioner in 2017 and were never adjudicated on the merits, res judicata could not constitutionally apply. This Court has repeatedly held that preclusion doctrines cannot bar claims where a party was deprived of notice and a meaningful opportunity to be heard. *Peralta v. Heights Medical Center, Inc.*, 485 U.S. 80 (1988); *Armstrong v. Manzo*, 380 U.S. 545 (1965). By applying res judicata to foreclose merits review of claims never previously decided, the decision below permits procedural dismissals to override due process itself, in direct conflict with this Court's precedent.

V. Soft Split Among Georgia Courts Concerning Void Judgments and Returned-Mail Notice Failures included in Appendix E App. 9-13

Georgia courts have issued inconsistent decisions regarding whether judgments entered without notice are void, whether returned mail triggers a constitutional obligation to take additional steps, and whether concealment prevents application of res judicata. This inconsistency undermines uniform national due-process standards established by this Court and warrants review under Supreme Court Rule 10.

VI. This Case Presents an Issue of Nationwide Importance Affecting Foreclosure Practices Across the United States

This case presents a question of exceptional national importance extending far beyond Petitioner's individual foreclosure. Across the United States, mortgage servicers and foreclosing entities routinely rely on mailed notices to satisfy statutory and constitutional due-process

requirements. When such notices are returned undeliverable, *Jones v. Flowers* requires additional reasonable steps before property may be taken.

If state courts are permitted to uphold foreclosures where notice was returned undeliverable, the foreclosing party had actual knowledge of the failure, and foreclosure nonetheless proceeded without additional notice efforts, then homeowners nationwide face the risk of losing their property without constitutionally adequate notice. The decision below effectively permits foreclosing entities to ignore returned mail, proceed with foreclosure as if notice were valid, and later invoke procedural doctrines to avoid any merits review of the constitutional violation.

The consequences are not limited to Georgia. Similar foreclosure statutes and notice regimes exist in every state. Allowing foreclosures to stand despite known notice failure creates a systemic risk that property rights will be extinguished without due process, particularly for homeowners who are unrepresented, incapacitated, or otherwise unable to respond promptly in subsequent litigation.

This Court's intervention is necessary to reaffirm that due process does not depend on procedural defaults, that notice failures cannot be cured retroactively, and that foreclosure proceedings nationwide must comply with the constitutional standards articulated in *Mullane*, *Jones*, *Peralta*, and *Armstrong*. Without this Court's review, the ruling below invites inconsistent application of due-process protections and threatens uniform national standards governing the deprivation of property.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for a Writ of Certiorari.

SIGNATURE

Respectfully submitted,

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February 3rd, 2026