

No. 26-214

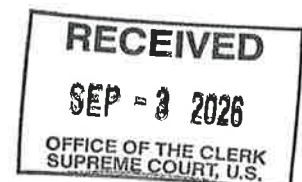
IN THE SUPREME COURT OF THE UNITED STATES

MURIEL FIEDLER, ET VIR.
Petitioners,
v.
US BANK TRUST N.A., NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS
OWNER TRUSTEE FOR RCF 2 ACQUISITION TRUST.
Respondent.

On Petition for a Writ of Certiorari
to the Florida Supreme Court

SUPPLEMENTAL BRIEF FOR PETITIONERS

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Pursuant to Supreme Court Rule 15.8, Petitioners Muriel Fiedler, et al., submit this Supplemental Brief to direct the Court's attention to a new, intervening matter that arose while Petitioner were correcting their brief for the Clerk of this Court. On June 3, 2026, while the Petition for a Writ of Certiorari was undergoing clerical corrections prior to formal docketing as **No. 26-214**, the District Court of Appeal of Florida, Third District, issued its decision in *Best&Beam Management, Inc. v. Marc Silverstone, et al.*, Case No. 3D25-1015 (Fla. 3d DCA June 3, 2026). This newly issued opinion introduces procedural and structural boundaries that were entirely unavailable at the time the Petition was submitted on May 21, 2026.

Supreme Court Rule 15.8 permits a party to file a supplemental brief to call attention to new, intervening matter that was not available at the time of a party's previous filing. To avoid redundancy, this brief does not re-argue the substantive due process violations or jurisdictional defects set forth in the underlying Petition. Instead, this submission is strictly confined to the legal framework established by the Third District's intervening decision in *Best&Beam Management, Inc. v. Marc Silverstone, et al.*, No. 3D25-1015 (Fla. 3d DCA June 3, 2026).

The Third District Court of Appeal's recent decision in establishes a strict limitation on the scope of summary judgment review. In *Best & Beam*, the court reinforced the foundational rule that a "trial court cannot grant summary judgment based on a legal theory or fact never properly pled in the operative complaint." The court explicitly held that adjudicating an issue outside the scope of the active pleadings violates procedural due process by depriving the opposing party of fair notice and a meaningful opportunity to defend.

This intervening authority introduces a dispositive legal boundary concerning the exact procedural posture of this case. While the Respondent relied on the attached promissory note, mortgage, and loan modification to the operative pleading, those instruments entirely lack Petitioner Muriel Fiedler's signature. Crucially, the operative complaint failed to plead any alternative legal theory or factual basis—such as ratification, estoppel, or agency—to establish how Petitioner could be bound by instruments she never executed.

Compounding this pleading defect, Respondent failed to allege any facts whatsoever regarding Petitioner Muriel Fiedler within its motion for final summary judgment filed in the state foreclosure court. Because Respondent's motion for final summary judgment was completely silent as to Petitioner's specific liability and instead relied on an unpled theory to bind her to unsigned instruments, *Best & Beam* clarifies that granting summary judgment under these circumstances constitutes a fundamental, reversible procedural error under Florida law.

II. Multi-Jurisdictional Implications for Non-Titled Spouses and Federal Exemptions

The rule articulated in *Best & Beam* carries immediate implications for post-judgment procedural bars that restrict non-titled spouses, as well as for the application of federal statutory protections across multiple jurisdictions. Fifteen states provide constitutional or statutory homestead protections that strictly require spousal

consent or execution to alienate or encumber a family home, regardless of formal title: Alabama, Arkansas, California, Florida, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin.

The *Best & Beam* decision highlights a critical procedural conflict when state courts apply absolute procedural bars against post-judgment motions to vacate. In the underlying foreclosure proceedings, both the state trial court and the Florida Fifth District Court of Appeal enforced a total post-judgment procedural bar that directly prevents Petitioner Muriel Fiedler from filing a motion to vacate the final judgment. When an unpled state court judgment is insulated from review in this manner, it triggers the application of the *Rooper-Feldman* doctrine in federal courts. Because the non-titled spouse is a named defendant to the state decree, federal bankruptcy courts treat the state adjudication as *res judicata* and decline to look behind the final judgment.

As a direct consequence of this procedural framework, non-titled spouses face the risk of losing their homestead exemptions in bankruptcy court based upon an unsigned mortgage and loan modification that were never properly pled in the underlying action. The bankruptcy court accepts the finality of the state court decree, which results in the asset being stripped from the bankruptcy estate without any prior pleading or federal collateral recourse. The intervening *Best & Beam* decision confirms that this mechanism relies on an impermissible procedural foundation, demonstrating a critical jurisdictional conflict that requires this Court's intervention.

CONCLUSION

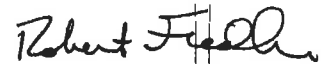
For the foregoing reasons, and those stated in the Petition, the Petition for a Writ of Certiorari should be granted.

Dated: August 29, 2026

Respectfully submitted,



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