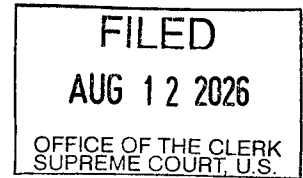


26-5745
No. _____

ORIGINAL

IN THE SUPREME COURT OF THE
UNITED STATES



JOSEF M. LAMELL, *Petitioner*

v.

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE
FOR CSMC MORTGAGE-BACKED TRUST 2007-3, AND
PHH MORTGAGE CORPORATION, *Respondents*.

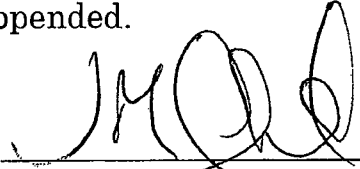
MOTION FOR LEAVE TO PROCEED IN
FORMA PAUPERIS

Petitioner Lamell seeks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

- ☐ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s): _____
- ☒ Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court.
- ☒ Petitioner's affidavit or declaration in support of this motion follows below.

- ☐ Petitioner's affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:
- ☐ The appointment was made under the following provision of law:
_____, or
- ☐ a copy of the order of appointment is appended.



Josef M. Lamell, *pro se*
Petitioner
5131 Glenmeadow Drive
Houston, TX 77096

**AFFIDAVIT OR DECLARATION IN SUPPORT OF
MOTION FOR LEAVE TO PROCEED *IN FORMA*
*PAUPERIS***

I, Josef M. Lamell, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

I am submitting the following information entered into the fields of the standard form provided. In respect of the references indicated, further detail information is provided by note number following the completed form.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ ---	\$ (see note 1)	\$ ---	\$ (see note 1)
Self-employment	\$ 350	\$ ---	\$ ---	\$ ---
Income from real property (such as rental income)	\$ ---	\$ ---	\$ ---	\$ ---
Interest and dividends	\$ ---	\$ ---	\$ ---	\$ ---
Gifts	\$ ---	\$ ---	\$ ---	\$ ---
Alimony	\$ ---	\$ ---	\$ ---	\$ ---
Child Support	\$ ---	\$ ---	\$ ---	\$ ---
Retirement (such as social security, pensions, annuities, insurance)	\$ 3,005	\$ ---	\$ 3,034	\$ ---
Disability (such as social security, insurance payments)	\$ ---	\$ ---	\$ ---	\$ ---
Unemployment payments	\$ ---	\$ ---	\$ ---	\$ ---
Public-assistance (such as welfare)	\$ ---	\$ ---	\$ ---	\$ ---
Other (specify): (see note 2)	\$ 1,173	\$ ---	\$ 1,000	\$ ---
Total monthly income:	\$ 4,528	\$ ---	\$ 4,034	\$ ---

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA	NA	---	\$ ---
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
NA	NA	---	\$ ---
			\$
			\$

4. How much cash do you and your spouse have? \$ 65
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
checking account	\$ 413	\$ ---
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☒ Home
Value 1,274,471 (see note 3)

☐ Other real estate
Value NA

☒ Motor Vehicle #1
Year, make & model 2008 Honda Odyssey
Value 2,500

☐ Motor Vehicle #2
Year, make & model NA
Value _____

☒ Other assets
Description woodworking / construction tools, cameras & A/V recording equipment computers & office equipment
Value estimated less than 10,000

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
No one	\$ ---	\$ NA
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
No one	NA	NA
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home) (see note 4)	\$ 812	\$ ---
Are real estate taxes included? ☐ Yes ☒ No		
Is property insurance included? ☐ Yes ☒ No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 931	\$ ---
Home maintenance (repairs and upkeep) (see note 5)	\$ 161	\$ ---
Food (grocery)	\$ 261	\$ ---
Clothing (estimate only)	\$ 75	\$ ---
Laundry and dry-cleaning	\$ ---	\$ ---
Medical and dental expenses (prescription & misc)	\$ 50	\$ ---

	You	--Your spouse--
Transportation (not including motor vehicle payments)	\$ 232	\$ ---
Recreation, entertainment, newspapers, magazines, etc.	\$ 75	\$ ---
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ ---	\$ ---
Life	\$ ---	\$ ---
Health Medicare Supplement	\$ 207	\$ ---
Motor Vehicle	\$ 185	\$ ---
Other: _____	\$ ---	\$ ---
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ ---	\$ ---
Installment payments		
Motor Vehicle	\$ ---	\$ ---
Credit card(s)	\$ 587	\$ ---
Department store(s)	\$ ---	\$ ---
Other: _____	\$ ---	\$ ---
Alimony, maintenance, and support paid to others	\$ ---	\$ ---
Regular expenses for operation of business, profession, or farm (attach detailed statement) (note 6)	\$ 890	\$ ---
Other (specify): <u>pet care</u>	\$ 123	\$ ---
Total monthly expenses:	\$ 4,589	\$ ---

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☒ Yes ☐ No If yes, describe on an attached sheet. (see note 7)

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Further explanatory notes and details related to the above entries are listed by note number below:

Note 1: Petitioner is a widower. Accordingly, no information is shown in the areas indicated for "Spouse."

Note 2: Petitioner had been living with three housemates at the beginning of the 12 months preceding this application. One

moved away a few months ago. The amount shown for this entry reflects payments to Petitioner from his housemates for the rooms they occupy. The amount going forward has decreased based on just two housemates sharing the home.

Note 3: The property value shown is the most recent market value determined by the Harris County Appraisal District. The outstanding balance presently asserted on the first mortgage loan exceeds twice that amount. The validity and enforceability of the asserted first lien are disputed and are among the issues presented in the accompanying Petition for a Writ of Certiorari..

Note 4: The amount entered in this field reflects ongoing payments being made to CHASE bank which holds the second mortgage on Petitioner's property.

Note 5: The figure for repairs and upkeep reflects ongoing repairs being made personally by Petitioner to address damage caused by Hurricane Harvey. The full limits of the Flood Insurance Policy were paid out but never released beyond the costs of initial and immediate flood remediation repairs undertaken by Petitioner. The reimbursement released to Petitioner for these repairs represented approximately 15% of the full amounts issued and currently being held by Respondents. Approximately \$211,000 of the remaining insurance proceeds are presently being held and are not available to Petitioner.

Note 6: Petitioner hosts classical music concerts in his home for invited guests. The figure shown represents expenses associated with these activities, including costs of keeping the property in suitable condition for events, media and content production, and other incidental expenses.

Note 7: Petitioner filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on August 3, 2026. Accordingly, projected expenses and financial obligations are estimates based on present circumstances and may change during administration of the bankruptcy case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 24, 2026

A handwritten signature in black ink, appearing to read 'J. Lamell', written over a horizontal line.

Josef M. Lamell, *pro se*
Petitioner
5131 Glenmeadow Drive
Houston, TX 77096