

No. _____

Supreme Court of the United States

1 First Street, NE Washington, DC 20543

Directed to Honorable Justice Kagan

In re: Peter Szanto,

Petitioner

Trial Court:

Defendant, Cross-complainant
and Appellant

vs

1) Quality Loan Service Corp

Trial Court: Plaintiff

2) Bank of America, N.A.

Trial Court Defendant:
Cross-defendant and
Respondent

Originates in California Superior Court
in Orange County 30-2022-01298592

Appealed in California Court of Appeal

G063598

Appealed in California Supreme Court

S296441

Petitioner's 1st Amended

Application to

Extend Time to

File Petition for

Certiorari Review

EXHIBITS follows text of petition after pg. 11

Proof of Service is on page 11

Petitioner is not an attorney and is appearing in propria persona:

Peter Szanto

949-887-2369

4484 Dulin Place
Oceanside CA 92057

No. _____ Application to Extend Time to File for Certiorari to US Supreme Court

pg. 1

ORIGINAL

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1. Introduction

May it please this most Honorable Supreme Court of the United States; in particular Justice Kagan to whom this request is directed.

To the Appellee, the California courts which have judged this matter, as well as Plaintiff Quality Loan Service, Defendant Bank of America and party in interest Fred Rudat, please take notice.

Comes now Petitioner under this Courts's Rule 13.5 regarding extending time to seek review:

For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days

This case was final in California's Supreme Court on June 24, 2026. 90 days to seek Certiorari is September 22, 2026. 10 days prior to seek extension was Saturday September 12, 2026. The within petition for extension was timely sent for filing the first court day thereafter which was September 14, 2026.

PLEASE SEE [EXHIBIT C], last page of this filing as to what occurred after Petitioner's timely mailing seeking extension of time to file for Writ of Certiorari was received by this Court.

1
2 Thereupon, Petitioner approaches this Court with his
3 First-Amended Petition for Certiorari Review, correcting the
4 pure error incorrect party designations originally filed.

5
6 **a. Petitioner's Inadvertent and Excusable Error**

7 As stated in the Court's letter to Petitioner [EXHIBIT C]
8 the parties to the action were misstated. Petitioner, inadvertently,
9 erroneously stated the parties to this action. This occurred, because
10 the party named is the person who most frustrated Petitioner's
11 efforts seeking lower court relief. This mistake was inadvertent,
12 because the party previously named was most active in the case in
13 challenging claims made by Petitioner.

14 Petitioner's mistake was in the nature of a clerical
15 error. A mistake where one is thinking of numerous relevant items,
16 but because of an inadvertent brain pulse – boom --writes only one.
17 A moment's lapse of mind, purely inadvertent and unintentional.
18 Blundering accidentally during the writing of an important legal
19 paper: careless, accidental and wholly without deliberation,

20 Relief from any lateness is justified under FRCP 60(a):

21
22 Corrections Based on Clerical Mistakes; Oversights and
23 Omissions. The court may correct a clerical mistake or a
24 mistake arising from oversight or omission whenever one is
25 found in a(n)other part of the record. The court may do so on
26 motion or on its own, with or without notice.

27 Here, Petitioner would pray relief from lateness which
28 occurred because he mistakenly did not include all parties in the

original Petition's caption.

b. Petitioner Seeks Relief for Himself Alone

Petitioner seeks extension of time for himself alone.

2. Jurisdictional Basis for Relief in this Court

Capacity to proceed in this Court is jurisdictionally correct based on 28 U.S.C. § 1257(a):

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States

The California Supreme Court merely denied review on their web site, without providing Petitioner any writing [EXHIBIT A]. Summary denial from California's Supreme Court allows no rehearing

1
2 **3. Fixing Due Dates of Certiorari Petition**
3 **and the Instant Petition to Extend**
4

5 The California Supreme denied review without comment on
6 June 24, 2026 [EXHIBIT A]. Rehearing was unavailable after
7 summary denial.
8

9
10 This Court's Rule 13.3 explains the limits of the 90 day
11 period to file for certiorari:
12

13 **the time to file the petition for a writ of certiorari for**
14 **all parties (whether or not they requested rehearing or**
15 **joined in the petition for rehearing) runs from the date**
16 **of the denial of rehearing**

17 June 24, 2026, finality, then adding 90 days to perfect
18 petition to seek Certiorari review extends -- until September 22,
19 2026 -- the Certiorari filing deadline.
20

21
22 ***a. Due Date of this Petition for Extension***
23

24 The original Petition for extending time was timely filed
25 ten days before September 22, 2026. That is, September 12, 2026.
26 September 12, 2026 being a Saturday; the first filing was timely
27

1
2 postmarked on the subsequent court day. Monday, September 14,
3 2026. The [EXHIBIT C] letter from this Court confirms
4 Petitioner having mailed the original Petition for Certiorari
5 on September 14, 2026.
6

7
8
9 As [EXHIBIT C] further explains, Petitioner's petition
10 was returned to him because of incorrect naming of parties to
11 the proceeding. The issue is corrected and explained for the easy,
12 *de minimis*, mistake made by Petitioner.
13
14
15

16
17 ***b. Extension of Certiorari Petition***

18 ***Due Date is Requested***

19
20 Pursuant to this Courts's Rule 13.5:

21 **For good cause, a Justice may extend the time to**
22 **file a petition for a writ of certiorari for a period**
23 **not exceeding 60 days**

24 Petitioner would pray extension of 60 days from the date
25 of filing of this Amended Petition (October 20th) until the first
26 court day after December 19th which is December 21, 2026.
27

1
2 **3. Justifications and Good Causes for Extending Time**
3
4

5 The procedures for seeking extension to Petition for
6 Certiorari are also set forth in this Court's rule 13.5:

7 An application to extend the time to file shall set out
8 the basis for jurisdiction in this Court, identify the judgment
9 sought to be reviewed, include a copy of the opinion and any
10 order respecting rehearing, and set out specific reasons why
11 an extension of time is justified.

12 The application must be filed with the Clerk at least 10 days
13 before the date the petition is due, except in extraordinary
14 circumstances. The application must clearly identify each party
15 for whom an extension is being sought, as any extension that
16 might be granted would apply solely to the party or parties
17 named in the application.

18 On the pages which follow Petitioner explains and
19 analyzes many of the good causes justifying delay in the
20 preparation of his Petition for Certiorari.

21
22 **a. 1st Good Cause – Complexity of the Issues**
23

24 The issues in this appeal are complex, legally challenging and
25 lengthy. The need for Petitioner to communicate effectively increases
26 the time needed for proper briefing completion, because crafting each
27 argument requires careful thought and precision of presentation.

1
2 One measure of good cause is to project matters to be presented
3 in light of the complexity of the issues. Such reasoning is a proper way
4 in which the facts and law of a case can be fully developed, assessed
5 and logically applied to one-another. *Kifafi v. Hilton Hotels Retirement*
6 *Plan* (2011) 826 F.Supp. 2nd 55, 58.
7

8
9 Petitioner's arguments in his Certiorari petition will contend
10 that the appealed from matters were decided incorrectly in favor of
11 mortgagee **without presentation or application of any valid law.**
12

13 In the controversy so far, trial and appeals court's reasoning
14 impermissibly relied on unconscionable, harmful and pernicious bias
15 toward mortgagor (who is the Petitioner herein). Thereby plainly and
16 clearly erring through reliance on heinous prejudice rather than facts,
17 law or *stare decisis*.
18

19
20 Here, Petitioner contends that it is good cause for an extension
21 of time to file his Writ Petition because he seeks fully to elaborate all of
22 the complex issues of clear and plain error of matters and judicial acts
23 herein.
24

25
26 Of most profound concern to Petitioner is that persons facing
27

1
2 foreclosure in California never win. Petitioner, a licensed real estate
3 broker, with 60 years experience, observes that California's courts
4 appear to decide foreclosure and eviction actions without cause or basis,
5 ALWAYS for the lender / mortgagee.
6

7
8 A pattern of judicial conduct, seemingly unrestrained and
9 unmoderated by laws seeking fairness based on statutes and equity.
10

11 The unfortunate conclusion seems to be that California's
12 courts have suspended actual adjudication related to law or justice. So
13 as always to favor every property's lien holder - - - regardless of facts.
14

15
16 As a real world analogy, the best baseball batting average
17 is (0.403) across 200 years of the sport. That is 4 of 10 attempts are
18 safely hit. If lenders coming to California courts consistently 'bat'
19 (IE, win), 1.000 or 100%, something is amiss.
20

21 Petitioner contends that what is amiss is clearly the flawed,
22 incorrect and improper application of law to debtors.
23

24
25 Thereupon, Petitioner asks extension, properly to perfect his
26 certiorari writ petition and to challenge the repugnant condition of
27 California law where better financed litigants always prevail, even
28

when clearly contrary to law.

b. Decision on Merits Rather than Technicalities is

Good Cause for Extension

This Court has directed Federal Courts to decide cases on their merits, not constraining technicalities. *Foman v Davis* (1962) 371 U.S. 178, 182 accord *Conley v. Gibson*, (1957) 355 U.S. 41,47.

The standard of the 9th Circuit Court of Appeals' procedure for weighing merits versus technicalities has been expressed as:

Every court has "a duty to ensure that pro se litigants do not lose their right to a hearing on the merits of their claim due to ignorance of technical procedural requirements."

Balistreri v. Pacifica Police Department (1990) 901 F.2nd 696, 699

Here, the most onerous constraining technicality is time. Everyone works at a different pace. Then, with the writing of complex legal briefs, sometimes thoughts and their expression do not coalesce at the quickest desired pace.

1
2 That is what has happened here. Petitioner has worked
3 steadily and diligently, but unfortunately has been unsuccessful
4 in completion of his Certiorari petition.
5

6
7
8 *c. Good Cause: Petitioner's Constrained*
9 *Access to Research Material*

10
11 The recent death of Petitioner's wife, caused Petitioner
12 to be burdened with a mountain of debt for his spouse's final
13 illness' medical care and hospitalizations.
14

15 Before those massive expenditures for his wife's last
16 illness, Petitioner was able to afford the online research offered
17 by WESTLAW.
18

19
20 However, with the demands of medical care for his
21 wife, Petitioner was forced to give-up his WESTLAW access.
22

23 Petitioner's reliance for access to research materials
24 is thereby limited to the San Diego County Law library which is
25 only open during business hours on weekdays.
26
27

Such time and location impediments require
Petitioner to lose time from work ---- compounded by the 55 mile
drive (each way) to the public law library.

These limitations add a further level of difficulty to Petitioner's briefing completion, which remains a continuing challenge to Petitioner.

And dramatically increases Petitioner's time to finish research and analysis necessary for proper and efficient briefing.

d. 4th Good Cause – Need to Comply with Intricateness of This Court’s Rules

As Petitioner prepared the within petition he found this Court's 10 page, July 2019, Memorandum entitled:

**MEMORANDUM TO THOSE INTENDING TO
PREPARE A PETITION FOR A WRIT OF
CERTIORARI IN BOOKLET FORMAT AND PAY
THE \$300 DOCKET FEE.**

The nature and level of complexity of preparing a certiorari petition for this Court is daunting. Petitioner also prays additional

1
2 time to complete his certiorari petition so that he is able fully to follow
3 and to comply with all of this Court's very many and extensive rules
4 for the preparation and presentation of a certiorari petition.
5

6
7 **4. Sampling of What is at Issue**

8
9 Presenting Petitioner's position is [EXHIBIT B]. The Court of
10 Appeal simply returned to the days of old when the slightest of nuance of
11 missed formality was enough to deny relief.
12

13 Indeed, Petitioner has encountered judges who are very strict
14 grammarians, denying relief based on split infinities.
15

16 Petitioner's briefing was before the California Court of Appeal
17 from January 16, 2024 until April 9, 2026, the Court of Appeal focused
18 its decision exclusively on Appellant failing to file certified copies of
19 exhibits.
20

21 Appellant's response being, if the Court of Appeal had informed
22 him of any deficiency as to certified copies, that "*stumbling block to fair*
23 *adjudication*" could have been presented and easily resolved by Petitioner
24 during the 52 months the case was pending: if Petitioner been informed
25 of the deficiency, he would he would have speedily sought *in pauperis*
26 relief for the clerks' copying and certification charges. And the appeals
27 court's *magnum onus* would have been solved.
28

1
2 This Court's holding and stance on this exact scenario is:
3 the requirements of the rules of procedure should be
4 liberally construed and that "mere technicalities" should
5 not stand in the way of consideration of a case on its
6 merits. . . Thus, if a litigant files papers in a fashion that
7 is technically at variance with the letter of a procedural
8 rule, a court may nonetheless find that the litigant has
9 complied with the rule if the litigant's action is the
10 functional equivalent of what the rule requires.
11

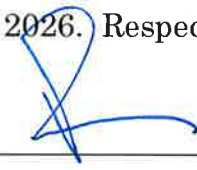
12 *Torres v. Oakland Scavenger Co.*, 487 U.S. 312, 316–17,
13 108 S. Ct. 2405, 2408–09, 101 L. Ed. 2d 285 (1988)
14

15
16 Copies or certified copies are functionally equivalent. And easy
17 to remedy if any molehill to be scaled is made known.
18

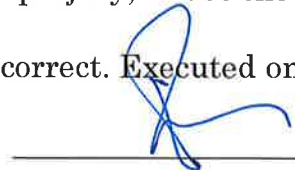
19 **5. Conclusion**

20 Based upon these four very good causes (and many others not
21 specifically stated) which constrain Petitioner's resources and time,
22 extension of the deadline to file Petition for Certiorari is prayed.
23

24 Extension of time to Petition for a Writ of Certiorari is prayed
25 until and through December 21, 2026. Respectfully,
26

27 Dated 20 October 2026  Peter Szanto
28

As required by Supreme Court Rule 33.1(h), I certify that the petition to extend time to seek writ of certiorari contains 2533 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d). I declare under penalty of perjury, under the laws of the United States that the foregoing is true and correct. Executed on 20 October, 2026.


Peter Szanto

PROOF of SERVICE

My name is Zoltan Kave, I am over 21 years of age and not a party to the within action. My business address is 4484 Dulin Pl., Oceanside CA 92057
On the date indicated below, I personally served the within:

1st Amended Petition to Extend Time to File Petition for Certiorari

on the following by placing copies of the within document in
postage pre-paid envelopes and mailing same to:

- | | |
|---|---|
| 1. U.S. Solicitor General
Dept. of Justice # 5616
950 Pennsylvania Ave. N. W.
Washington, DC 20530 | 2. California Supreme Court
350 McAllister Street
San Francisco, CA 94102 |
| 3. McGuireWoods LLP (for Bank of America)
2 Embarcadero Center ## 1300
San Francisco, CA 94111 | 4. Quality Loan Service
2763 Camino del Rio S
San Diego CA 92108 |
| 5. Fred Rudat
c/o Attorney Miles
3700 Campus Drive, Ste 107
Newport Beach CA 92660 | 6. California 4 th District Court of Appeal
601 W. Santa Ana Blvd.
Santa Ana, CA 92701 |

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Signed at Oceanside CA.

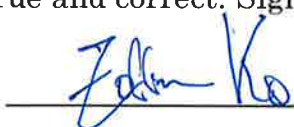
Dated 20 October 2026  Z. Kave

EXHIBIT A

Appellate Courts Case Information

Supreme Court

Change court



Case Summary
Docket
Briefs
Disposition
Parties and Attorneys
Lower Court

Case Summary

Supreme Court Case: S296441
Court of Appeal Case(s): Fourth Appellate District, Division Three
G063598
Case Caption: QUALITY LOAN SERVICE v. SZANTO (BANK OF AMERICA)
Case Category: Review - Civil Appeal
Start Date: 04/28/2026
Case Status: case closed
Issues: none
Disposition Date: 06/24/2026
Case Citation: none
Cross Referenced Cases:
No Cross Referenced Cases Found

[Click here to request automatic e-mail notifications about this case.](#)

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NOT TO BE PUBLISHED IN OFFICIAL REPORTS

EXHIBIT B

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

QUALITY LOAN SERVICE CORP.,

Plaintiff,

v.

PETER SZANTO,

Defendant, Cross-complainant
and Appellant;

BANK OF AMERICA, N.A.,

Defendant, Cross-defendant and
Respondent.

G063598

(Super. Ct. No. 30-2022-
01298592)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County,
Layne H. Melzer, Judge. Affirmed. Request for judicial notice and motion to
strike denied.

Peter Szanto, in pro. per., for Defendant, Cross-complainant and
Appellant.

McGuireWoods and Shailika Shah Kotiya for Defendant, Cross-
defendant and Respondent.

Peter Szanto appeals from the judgment entered after the trial court awarded the surplus proceeds from a nonjudicial foreclosure sale of his real property (property) to Bank of America, N.A. On appeal, Szanto asserts he is entitled to the surplus proceeds. He argues: (1) the foreclosure sale was void because it violated an automatic stay imposed by the initiation of a bankruptcy proceeding; (2) the court abrogated its duty to investigate the facts of this case, failed to consider evidence the property was not sold to a bona fide purchaser, and failed to order an accounting of the money collected and disbursed from the foreclosure sale; (3) the court erred by striking his cross-complaint and by finding the case involved a special, rather than ordinary, proceeding; and (4) the foreclosure sale violated a “[p]robate stay.” We find Szanto forfeited his appellate claims and therefore affirm.¹

FACTUAL AND PROCEDURAL BACKGROUND

Szanto and his spouse, since deceased, owned the property as tenants in common. Szanto executed a first deed of trust, which secured an indebtedness to a bank. He later executed a second deed of trust, which secured an indebtedness to another bank, Bank of America.

Szanto defaulted under the terms of the first deed of trust. Because of the default, the trustee under the first deed of trust, Quality Loan Service Corporation (trustee), held a nonjudicial foreclosure sale and sold the property to the highest bidder, a third party, in August 2022. After payments to the foreclosing beneficiary bank’s unpaid debt, trustee, and attorney, surplus proceeds from the sale remained in the amount of \$632,816.86. The

¹ We deny Bank of America’s request for judicial notice and Szanto’s motion to strike portions of Bank of America’s brief referring to a bankruptcy case, as we do not reach Bank of America’s alternative arguments that rely on the documents.

trustee mailed a notice of surplus funds to persons and entities pursuant to Civil Code section 2924j, subdivision (a) (all undesignated references are to this code). The notice indicated the priority of claims for the surplus funds in the following order: (1) Bank of America's deed of trust; (2) Newport Coast Community Association's lien; (3) Santa Lucia Community Association's lien; and (4) Szanto and his deceased spouse as former owners.

In response to the notice, Szanto filed a statement of claim to surplus funds with the trustee. In written communications with the trustee, Szanto asserted he was entitled to all the funds from the foreclosure sale, not merely the surplus funds. He also accused the trustee of conducting a fraudulent foreclosure sale.

In December 2022, the trustee filed a "petition and declaration regarding unresolved claims and deposit of undistributed surplus proceeds of trustee's sale" in the trial court pursuant to section 2924j, subdivision (c). (Capitalization omitted.) The trustee asserted a conflict existed between potential claimants to the surplus funds. The trustee explained it was unable to determine the proper distribution of the surplus funds because of Szanto's accusation of a fraudulent foreclosure sale. The trustee requested to deposit the surplus funds with the clerk of the court and asked the court to distribute the surplus funds.

In August 2023, Bank of America filed a claim to surplus proceeds in the trial court. Bank of America asserted it was owed \$1,091,612.91 under the second deed of trust and therefore entitled to any surplus funds according to statutory priority.

In late August 2023, Szanto filed a cross-complaint against the trustee, the trustee's counsel, and the purchaser of the property.

A few months later, Szanto filed a claim for surplus proceeds in the trial court. In his claim, he asserted his deceased spouse's probate estate, of which he was the administrator, filed a bankruptcy petition in a federal bankruptcy court. He asserted, because the bankruptcy petition imposed an automatic stay under section 362 of title 11 of the United States Code, the foreclosure sale violated the automatic stay and was therefore void.

At a trial court hearing in early November 2023, the court made the following findings. The court struck Szanto's cross-complaint, explaining it was presiding over a special proceeding pursuant to section 2924j, which did not permit cross-complaints. Additionally, the court found the trustee complied with section 2924j, granted the trustee's petition, and directed the trustee to deposit the surplus funds with the clerk of the court. It scheduled a hearing on the claims to surplus funds in December 2023.

A few weeks later, Szanto moved for reconsideration of the trial court's November 2023 findings.

In early December 2023, the trial court tentatively denied Szanto's motion for reconsideration. Additionally, the court considered the claims to the surplus funds filed by Santa Lucia Community, Bank of America, and Szanto. The court noted Szanto failed to authenticate the documents in support of his claim and he did not request judicial notice of any judicially noticeable matters. It directed Szanto to be prepared to address the status of the bankruptcy petition at the hearing on the matter.

At the trial court hearing in mid-December 2023, the court confirmed its tentative ruling on Szanto's motion for reconsideration, denied Szanto's and Santa Lucia Community's claims, and granted Bank of America's claim to the surplus funds.

In late December 2023, the trial court ordered the disbursement of surplus funds in the amount of \$629,381.86 to Bank of America. Szanto timely appealed.

DISCUSSION

We begin with a brief discussion of basic appellate principles and requirements. An understanding of these principles and adherence to these requirements are necessary for a successful appeal, and these principles and requirements apply equally to self-represented litigants as well as attorneys. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246–1247.)

“[I]t is a fundamental principle of appellate procedure that a trial court judgment is ordinarily presumed to be correct and the burden is on an appellant to demonstrate, on the basis of the record presented to the appellate court, that the trial court committed an error that justifies reversal of the judgment. [Citations.] [Citation.] ‘This means that an appellant must do more than assert error and leave it to the appellate court to search the record and the law books to test his claim. The appellant must present an adequate argument including citations to supporting authorities and to relevant portions of the record.’” (*L.O. v. Kilrain* (2023) 96 Cal.App.5th 616, 619–620.)

To overcome the presumption the judgment is correct, “the appellant must provide an adequate appellate record demonstrating error. [Citation.] “A necessary corollary to this rule [is] that a record is inadequate . . . if the appellant predicates error only on the part of the record he [or she] provides the trial court, but ignores or does not present to the appellate court portions of the proceedings below which may provide grounds upon which the decision of the trial court could be affirmed.” [Citation.] [Citation.] Where the appellant fails to provide an adequate record of the challenged proceedings,

we must presume that the appealed judgment or order is correct, and on that basis, affirm.” (*Jade Fashion & Co., Inc. v. Harkham Industries, Inc.* (2014) 229 Cal.App.4th 635, 644; accord, *Modaraei v. Action Property Management, Inc.* (2019) 40 Cal.App.5th 632, 636, fn. 6.)

An appellate record must contain “[a] record of the written documents from the superior court proceedings” in a clerk’s transcript, an appendix, or suitable substitute. (Cal. Rules of Court, rule 8.120(a)(1); all rule references are to the California Rules of Court.) It must also include a record of the oral proceedings “[i]f an appellant intends to raise any issue that requires consideration of the oral proceedings in the superior court.” (Rule 8.120(b).) Whether proceeding by a clerk’s transcript or appendix, an appellant must include in the appellate record: the judgment or order appealed from, the notice of appeal, any motion for new trial, the register of actions, and documents filed in the superior court necessary for consideration of the appellate issues. (Rules 8.122(b)(1), (3)(A) & 8.124(b)(1)(A)–(B).) “Filing an appendix constitutes a representation that the appendix consists of accurate copies of documents in the superior court file.” (Rule 8.124(g).)

In this appeal, Szanto elected to proceed with an appendix in lieu of a clerk’s transcript. (Rule 8.124(a)(1)(A).) This is perfectly acceptable, but Szanto has not complied with the rules that govern the contents of an appellant’s appendix. For certain documents, he included unauthenticated copies bearing no indication he filed them with the trial court in the instant case (e.g., the purported “[p]robate stay”). “As a general rule, documents not before the trial court cannot be included as a part of the record on appeal.” (*Doers v. Golden Gate Bridge etc. Dist.* (1979) 23 Cal.3d 180, 184, fn. 1, overruled in part on another ground in *Quach v. California Commerce Club*,

Inc. (2024) 16 Cal.5th 562, 582, fn. 4.) We therefore do not consider these documents.

Additionally, Szanto omitted important documents necessary for consideration of the issues on appeal. They include the parties' written arguments regarding the propriety of Szanto's cross-complaint, Szanto's motion for reconsideration of the November 2023 order, and the reporter's transcripts.² The omission of these documents has a devastating impact on his appeal because the "[f]ailure to provide an adequate record on an issue requires that the issue be resolved against [appellant]." (*Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 187.)

We also decline to address the issues on appeal because of other deficiencies. First, in their appellate briefs, litigants must "[s]upport any reference to a matter in the record by a citation to the volume and page number of the record where the matter appears." (Rule 8.204(a)(1)(C).) "If a party fails to support an argument with the necessary citations to the record, the argument will be deemed waived." (*LA Investments, LLC v. Spix* (2022) 75 Cal.App.5th 1044, 1061.) Record citations are important because an appellate court is not required to search the record for facts to support a party's argument. (*Nwosu v. Uba, supra*, 122 Cal.App.4th at p. 1246.) Here, Szanto failed to provide any citations to the record in support of a few arguments. These arguments are: the trial court abrogated its duty to

² Although an appellant may proceed without a reporter's transcript (see rules 8.120(b), 8.130(a)(4)), Szanto raises at least two issues that require considering the oral proceedings: fraud and the impact of the bankruptcy case on the instant case. Szanto refers to his oral arguments before the trial court in his opening brief. Additionally, in the December 2023 tentative ruling, the court asked Szanto to be prepared to discuss a series of questions regarding the status of the bankruptcy case at the December 2023 hearing.

investigate the facts of this case, specifically the trustee's purported bad acts; the court failed to consider evidence the trustee did not sell the property to a bona fide purchaser; and the court, because of its failure to examine the facts, violated canon 3B(1) of the California Code of Judicial Ethics, which provides in pertinent part: "A judge shall hear and decide all matters assigned to the judge."

Second, "[i]t is axiomatic that arguments not raised in the trial court are forfeited on appeal." (*People v. Graham* (2024) 102 Cal.App.5th 787, 798.) For the first time on appeal (as far as we can tell based on this incomplete appellate record), Szanto argues the foreclosure sale violated a "[p]robate stay," citing a court order enjoining any trustee sale of the property until the resolution of a motion concerning the validity of the foreclosure of the property.

Third, "[w]hen legal argument is not supported by citation to legal authority on a particular point, 'we may treat the point as forfeited and pass it without consideration.'" (*Pinter-Brown v. Regents of University of California* (2020) 48 Cal.App.5th 55, 95.) Szanto argues the trial court failed to order an accounting of the money collected and disbursed from the foreclosure, but he does not cite any legal authority in support.

Fourth, an unpublished opinion "must not be cited or relied on by a court or a party in any other action." (Rule 8.1115(a).) In a minute order dated December 14, 2023, the trial court admonished Szanto for citing an unpublished opinion in support of his motion for reconsideration. On appeal, Szanto cites two unpublished appellate court cases in his opening brief and two more in his reply brief.

Fifth, an appellant's opening brief must include "a summary of the significant facts limited to matters in the record." (Rule 8.204(a)(2)(C).)

Although Szanto's opening brief refers to various events in the matter, it does not provide a clear summary of the significant facts.

In sum, due to the inadequate appellate record and other deficiencies, we find Szanto forfeited his appellate claims.

DISPOSITION

The judgment is affirmed. Respondent is entitled to costs on appeal.

MOTOIKE, ACTING P. J.

WE CONCUR:

MOORE, J.

SANCHEZ, J.