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Jan 04 2021

S.C. SUPREME COURT

South Carolina

Supreme Court of the United States

Louise Legare Gardner, **Petitioner**

VS

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for GSAA Home
Equity **TRUST** 2006-17, Asset-Backed Certificates, Series 2006-17, **Respondent**

South Carolina Court of Appeals

Case # 2017-002542

Judge: Paula Thomas

Jasper County Court of Common Pleas

Referee Benjamin Sapp

Case # 2015-CP-27-00524

Petitioner's Request For a Writ of Certiorari

By; Louise Legare Gardner; Pro Se

1- Introduction

**Law is the foundation on which property rests and is, therefore,
the formal expression of community's .**

The Fifth Amendment of the United States Constitution bars the Government from “taking” private property on Sovereign land “The only Sovereign Genesis 1. The Takings Clause Of The Fifth Amendment thus acts as a restraint on the government’s use of its “police power” authority to appropriate and regulate private property, and function as an important screen protecting individual’s Liberty and Right(s) in the United States. A Constitutional Republic of the people for the people.

“What has happened that people, young and old are being thrown out of their homes on the streets with no regard’s to their health issues or conditions or situations? Are not their property/home all they truly own and have worked endlessly for? Where are our Liberty’s and our Right(s) if Foreign Banks and Foreign American Bar Members “Esquires” and Foreign Courts can take it all away with any common sense and by unlawful procedures or explanations. Where is the Government who supposedly protects our 5th amendment Right(s). our God given Right(s) to be free and have Justice. Where are; Our Constitutional Court’s and Jury’s of our peers who can defend Justice, Equality, Truth and Fairness, and who believe in one Nation under God’s law?.

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2: Case History

- 1) Payments of alleged banking loan, was always made for several years. Petitioner was forced to stop mortgage payments for 90 days to be eligible to negotiate any option or re finance of a new mortgage. This was after Petitioner had discovered about the “unlawful Arm mortgage” that had been provided 3 years prior. This unlawful Arm, would have raised the payments tremendously in the coming year for years?
- 2) After 90 days period Petitioner was asked to make payments for 1 year while she was sending all required documents to amend or refinance the existing Arm alleged mortgage loan,
- 3) After 2 years, party involved were still losing all documentations and requesting more. Costing hundred faxing thousands of pages to different numbers again and again. No email or communication by phone was available to communicate or forward documentation. Impossible to speak to anyone but to a phone clerk who was completely not aware and unable to answer simple questions.
- 4) One day, Petitioner received by certified mail some type of mortgage documents and was asked to sign and return. Documents came from an unknown Law firm from a totally different State. Mortgage, after careful examination was worst then the first. Petitioner, was given the run around and never was able to speak to anyone about it. Had many questions and concerns. Therefore, Petitioner never signed it,” seems no one care and no one called” Months after, Petitioner received notice of a new servicer.. Petitioner has been in litigation with different debt collector’s and asset backed Trust investors, and courts There is no justice whatever the evidence and how truthful it is.
- 5) High percentage of individuals involved in foreclosures have been forced into foreclosures. And then, are subjected to unlawful practices in the courts. And, the high cost of attorney litigation, we often find out that Bar members protects injustices and are most of the time blind to the history of fraudulent, banking, contract, mortgages foreclosures, secularization, false assignments, and missing etc.
- 5) Home owners never own their homes ... And can easily be dragged fighting for what is actually theirs. Sadly it is stolen by the Federal Reserve Banks, by Securities Investors. And by for lack of knowledge, transparency, justice and honest. I believe most Courts, Judges, Attorneys, are completely uninformed and have been led wrong by the guilty.

Your honor; of The Superior Court is the last court where I can appeal, I kindly ask and pray that you accept my Request For a Writ of Certiorari.

continued...

I firmly believe that the Referee Benjamin Sapp and Debt Collector Law Firm have planned to send a notice of sale on December 22nd 2020, thinking I would be away or too busy and not get the letter on time. While they would sell my home on Tuesday January 5th, 2021 in Walterboro SC without a fair hearing, and then throw me out without any time to prepare.

*Tribunal Rules “ A matter pending tribunal includes a Judge, Juror, and members of Jury.” Also **South Carolina Rule of Civil Procedures SC Rule 201 (e)**; “ In absence of prior notification, the request may be made. A party is entitled the opportunity to be heard.”*

By the grace of God I have received this letter the day I left by train December 22nd. It has ruined my holiday. And away from home without computer, documents, files, records. What does one do... Have just returned December 31st, 2020 with very limited time to prepare these documents for court.

The case had been appealed in the SC Court of Appeals 12/13/ 2017 and without any explanation remitted back to the lower court for Tribunal on 2/22/2018

The Clerk of Court in Jasper County SC on several occasions when I had called told me that I would receive by certified mail a hearing date. Never did. This letter is all I received in violation of my right(s) to be heard in a hearing. I have evidence that this mortgage is Void and I cannot like the majority of homeowners in Foreclosure get justice. I again ask that you allow my request for the Writ of Certiorari to examine my case and allow me to provide new evidence and I desire a neutral non Bar Private Binding Arbitrator at the hearing.

I have just returned to South Carolina on December 31st and have had to finish preparing the document for the Referee and alleged debt, Debt Collector Law Firm.

Your Honor, I cannot in such a short time provide you with the completed brief required by The Supreme Court. Today is Monday January the 4th, 2021. Please allow me some additional time to send all required documents and to complete the pleading and brief as per the rules of the court.

I pray you accept my plea. All I want is fair justice. I must fight to the very end. This home is all I have.

If it is determined that I must leave. I must humanly be given enough time to prepare, plan and time to liquidate my belongings to move out of my home. A complicated overwhelming process at my age.

Respectfully Yours.

Date: January 4th, 2021

By; Louise Legare Gardner
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