



**UNITED STATES DISTRICT COURT for the MIDDLE DISTRICT of FLORIDA**

**PETITION FOR EMERGENCY STAY OF STATE PENDING ORDERS and REMOVAL per 28 USCS s/s 1332(a)(2); PURSUANT RULE 11 & 28USCS 1446 (b)**

**NOTICE: THIS DOCUMENT IS NOT INTENDED TO THREATEN, HARASS, HINDER OR OBSTRUCT ANY LAWFUL OPERATIONS. IT IS FOR THE PURPOSES OF OBTAINING LAWFUL REMEDY AS IS PROVIDED BY LAW.**

3:10-cv-754-J-99mmH-JRK

**NOTICE TO THE PRINCIPLE IS NOTICE TO THE AGENT AND NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPLE**

Comes now Howell-Graham; Warth, a living Man, appearing in special appearance in *proper person* as Petitioner, Third Party Plaintiff, Reluctant Grantor/Settlor\* who would show: Grounds for Jurisdiction and Removal

**Court's Jurisdiction**

The Federal Question is satisfied by the issues of Diversity of Citizenship to wit:

**TITLE 28 – JUDICIARY ANND JUDICIAL PROCEDURE – SUB SECTION 1332.**

Diversity of citizenship; amount in controversy; costs

(a) The District Courts shall have *original jurisdiction of all civil actions* where the matter in controversy exceeds the sum or value of &10,000.00 exclusive of interests and costs, and is between--- (2) citizens of a State and Citizens or subjects of a foreign State,, & 28 USCS Sub Section 1446(b)

The primary issue behind the controversy from the causal issue to the present pending outcome in the STATE Court has been that of actual, verified, and well declared citizenship foreign to that of the forum, such originating at organic birth; no other citizenship has been sought or desired. Petitioner is not a US citizen but the PERSON named in the removed suit's caption as Defendant *was* a US citizen and attempt is being made to drag the Petitioner into the fray as the US citizen lacked status for the suit also. As Plaintiff had an Administrative Affidavit of Negative Averment, Opportunity to Cure,

U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA JACKSONVILLE, FLORIDA

2010 AUG 25 PM 3:06

FILED



On the 24<sup>th</sup> day of August, 2010 A.D., the above signed Secured Party Creditor personally appeared before me with this, he being well known to me to be the living man whose name is subscribed to the within instrument, such being a PETITION FOR EMERGENCY STAY OF STATE PENDING ORDERS and REMOVAL UNDER Title 28, USCS s/s 1332(a)(2); PURSUANT RULE 11, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, signed under oath or asseveration, and accepts the truth thereof.

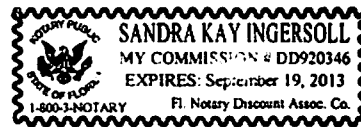
Sandra Kay Ingersoll  
Notary name PRINTED

  
Sandra Kay Ingersoll  
Notary Signature

Jacksonville, Florida  
Notary City and State

Sept 19, 2013  
MY commission expires

Seal/Stamp



**LEGAL NOTICE**

The Certifying Notary is an independent contractor and *not a party to this claim*. In fact the Certifying Notary is a Federal Witness Pursuant to TITLE 18, PART I, CHAPTER 73, SEC. 1512, *Tampering with a witness, victim, or an informant; SEC 1513*. The Certifying Notary also performs the functions of a quasi-Postal Inspector under the Homeland Security Act by being compelled to report any violations of the U.S. Postal regulations as an Officer of the Executive Department. Intimidating a Notary Public under Color of Law is a violation of Title 18, U.S. Code, Section 242, titled "Deprivation of Rights Under Color of Law," which primarily governs police misconduct investigations. This Statute makes it a crime for any person acting under the Color of Law to willfully deprive any individual residing in the United States and/or United States of America those rights protected by the Constitution and U.S. laws.

**Purpose jurat is for affirmation and identification only and can not indicate entry into any foreign jurisdiction**

IN THE CIRCUIT COURT,  
FOURTH JUDICIAL CIRCUIT, IN  
AND FOR DUVAL COUNTY,  
FLORIDA

CASE NO. 2010-CA-3549-C

YAHOO PROPERTIES, LLC

Plaintiff,

vs.

HO WELL GRAHAM WARTH, if living, and if deceased. etc.,  
et al,

Defendants.

SUMMARY FINAL JUDGMENT QUIETING TITLE

THIS CAUSE came on for consideration upon the "Motion for Summary Final Judgment Quieting Title" filed by the Plaintiff and the Court having considered the evidence finds that there is no genuine issue as to any material fact and that Plaintiff is entitled to an entry of a Summary Final Judgment Quieting Title. It is therefore,

ORDERED AND ADJUDGED that:

1. The title of the Plaintiff, YAHOO PROPERTIES, LLC, a Florida limited liability company, in regard to the following described real property in Duval County, Florida:

Lot 14, Block 2, SANS SOUCI MANOR, according to the plat thereof as recorded in Plat 27, Pages 70 and 70A of the public records of Duval County, Florida a/k/a 2141 Goltare Drive, Jacksonville, Florida 32216

is a good title against the claims or purported claims of the Defendants, HOWELL GRAHAM WARTH; BENEFICIAL FLORIDA, INC., a Delaware corporation and CITY OF JACKSONVILLE, a municipal corporation; and of all persons claiming by, through, or under Defendants since the filing of the Notice of Lis Pendens; and those claims or purported claims are cancelled; and the title to the property is forever quieted into Plaintiff.

3. The sum of \$150.00 is awarded as compensation for the Attorney Ad Litem and is taxed as an item of costs and all costs are taxed against Plaintiff.

4. Upon application of the Plaintiff to the Clerk, said Clerk shall forthwith issue a Writ of Possession directing the Sheriff of Duval County, Florida to put said plaintiff in possession of the property in this action.

DONE AND ORDERED in chambers at the Jacksonville, Duval County, Florida

this-----day of-----, 2010.

ORDER ENTERED

**AUG 04 2010**

is/1. HALDANE TAYLOR

Circuit Judge

cc:

Lawrence J. Bernard, Esquire  
450-5 Busch Drive Jacksonville,  
Florida 32218

Darryl D. Kendrick, Esquire 1817  
Atlantic Boulevard Jacksonville,  
Florida 32207

Mr. Howell Graham Warm 2141  
Goltare Drive Jacksonville,  
Florida 32216

Michael B. Wedner, Esquire  
117W. Duval Street, Ste. 480  
Jacksonville, Florida 32202

IN THE CIRCUIT COURT,  
FOURTH JUDICIAL CIRCUIT, IN  
AND FOR DUVAL COUNTY,  
FLORIDA

CASE NO. 2010-CA-3549-C

YAHOO PROPERTIES, LLC

Plaintiff,

vs.

HO WELL GRAHAM WARTH, if living, and if deceased, etc.,  
et al,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS  
COUNTERCLAIM AND MOTION TO STRIKE AFFIRMATIVE DEFENSES**

THIS CAUSE came on for hearing on Monday, August 2, 2010 upon the Motion to Dismiss Counterclaim and Motion to Strike Affirmative Defenses filed by the Plaintiff. The Defendant, HO WELL GRAHAM WARTH appeared in person and pro se and the Plaintiff was represented by its attorney of record. Upon a review of the Response filed with this Court dated April 24, 2010 and the document dated June 23, 2010 and considering the argument of both the Defendant and the attorney for Plaintiff, it is

ORDERED as follows:

1. Each and every purported Affirmative Defense that may be contained in any of the pleadings or documents filed by the Defendant, HO WELL GRAHAM WARTH are scandalous, immaterial and have no bases in law or in fact. Each and all of them are herewith stricken.
2. The purported Counterclaim filed by the Defendant, HO WELL

GRAHAM WARTH fails to state a cause of action and, therefore, same is dismissed.

DONE AND ORDERED in chambers at the Duval County Courthouse in  
Jacksonville, Florida this \_\_\_ day of August, 2010. ORDER ENTERED

AUG 04 2010

/s/LHALDANE TAYLOR

Circuit Court Judge

cc:

Lawrence J. Bernard, Esquire  
450-5 Busch Drive  
Jacksonville, Florida 32218

Howell Graham Warth 2141  
Goltare Drive Jacksonville,  
Florida 32216

Michael B. Wedner, Esquire  
117 W. Duval Street, Ste. 480  
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