

No. 24 – _____

**In the
Supreme Court of the United States**

RICHARD ALAN HAASE and Richard Alan Haase,
Plaintiff/Counter-defendant-Petitioner-Applicant

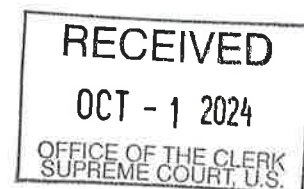
V.

COUNTRYWIDE HOME LOANS, INC.; BANK OF AMERICA
CORPORATION; BANK OF AMERICA, N.A.; MORGAN STANLEY ABS
CAPITAL I, INC.; DEUTSCHE BANK, AG; and CERTIFICATE HOLDERS
FOR MORGAN STANLEY ABS CAPITAL I, INC TRUST 2006-HE6,
MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2006-HE6

V.

DEUTSCHE NATIONAL BANK AND TRUST COMPANY
Defendant/Counter-claimant-Respondent

APPLICATION FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES SUPREME COURT



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RICHARD ALAN HAASE and Richard Alan Haase, Plaintiff/Counter-defendant-Petitioner-Applicant files this application to extend time to file his petition for writ of certiorari to the Honorable Samuel A. Alito, Jr., Associate Justice of the United States and Circuit Justice for the Fifth Circuit:

Applicant will file petition for writ of certiorari before this Honorable Court from an August 29, 2023 Opinion of the Texas First Court of Appeals (“TX 1CoA”), 01-20-00854-CV, *Appendix (“App”) A*. After Opinion and unfortunately, May 10, 2024, the TX Supreme Court (“SCt”) *Denied* Applicant’s Petition for Review *App B*; and after which, most unfortunately, July 12, 2024, the TX SCt *Denied* Applicant’s Motion for Rehearing of his Petition for Review *App C*. July 26, 2024, the TX 1CoA issued its Mandate.

Applicant invokes jurisdiction of this Honorable Court under 28 U.S.C. § 1253.

Pursuant 28 U.S.C. § 2101(c) and Rules 13.1, 13.5, 22, 29 and 30 of this Honorable Court, Applicant respectfully requests a 45-day extension of time, to and including November 25, 2024, within which to file his petition for writ of certiorari for this Honorable Court to review TX 1CoA 01-20-00854-CV *Id*. Currently, time for filing the petition, if not extended, will expire October 10, 2024. This application is being filed more than ten days before that date.

This matter involves questions of due process, right to a jury trial and right of contract. In regard due process, this matter involves whether or not due process is maintained when: 1) a district court issues a non-appealable order, modifies twice within two nunc pro tunc orders to create a final appealable order, after which the appellate court dismisses for lack of jurisdiction, requiring Applicant to have timely appealed the original non-appealable order; 2) district and appellate courts violate statutes of limitation to make an award;

3) district and appellate courts do not establish Standing of a claimant pursuant statute, yet award anyway; and 4) an appellate court falsely represents material evidence to support its Opinion and an award. This matter further involves right of a jury trial and whether or not a summary judgment award may be made when significant genuine issues of material fact are evidenced. This matter still further involves right of contract and whether a court may violate contract to make an award.

BACKGROUND

June 5, 2006, Applicant refinanced his home with New Century Mortgage Corporation, Inc., executing a mortgage contract (hereinafter "Note") and a security instrument (hereinafter "Security"); after which, November 3, 2006, Countrywide Home Loans, Inc. (hereinafter "Countrywide") noticed Applicant of servicing authority. September 3, 2007, without reason nor explanation, Countrywide demanded of Applicant a monthly payment of \$2,987; when, the contracted monthly payment per Note and Security was only \$1244¹. Applicant timely responded making his monthly payment of \$1244 and noticed Countrywide of Note and Security². Due to continued refusal by Countrywide

¹ Applicant' Mortgage Contract is a fixed interest rate mortgage; while, Applicant managed his homeowner's insurance and real estate taxes.

² Security specifically requires "[e]xcept as otherwise required by Applicable Law, only after Lender has received [notice], has had 60 days to comply, and Lender has failed to comply, shall all principal and interest be forfeited by Lender, as required by Section 50(a)(6)(Q)(x), Article XVI of the Texas Constitution in connection with failure by Lender to comply with its obligations under this Extension of Credit."

to accept the monthly contracted \$1,244, continually demanding \$2987, Applicant made his monthly payments to Countrywide by certified mail September, October and November, 2007, noticing Countrywide of Note and Security with each payment. Critically, there is no evidence of Countrywide compliance with Note or Security nor response to Applicant's Notices².

November 8, 2007, without reason nor explanation, Countrywide noticed Applicant that Countrywide would no longer accept the contracted monthly payment of \$1244³. Countrywide further provided Applicant two notices of default, acceleration and intent to accelerate⁴; neither comprised reason nor explanation for a monthly payment increase⁵. December 31, 2007, Applicant filed suit against Countrywide for breach of contract and since violation of Chapter 12 of the TX Civil Practice & Remedies Code in the 400th District Court of Texas (herein after "the TX 400th"). The property is Applicant's Texas Homestead; therefore, the Texas Constitution applies⁶.

3 "We have received your payment in the amount of \$1,243.70. This amount is less than your current monthly payment of \$1,290.62. We have applied this payment to your account. However, future payments that are less than the total amount due each month will be returned to you". No reason nor explanation was provided for the demanded \$1,290.62 over contracted, \$1,243.70.

4 On or about November 4 and again December 4, 2007, Applicant received from Countrywide notices of default, acceleration and intent to accelerate. Neither notice provides reason nor explanation for an increase in monthly payment over contract, Note.

5 Security requires that "[a]ny amounts disbursed by Lender shall become additional debt of Borrower secured by this Security Instrument. These amounts shall bear interest at the Note rate from the date of disbursement and shall be payable, with such interest, upon notice from Lender to Borrower requesting payment".

6 TX Const. Art. XVI Sec. 50(a)(6)(Q)(x).

June 4, 2008 in Fort Bend County, TX, Security was assigned to “Morgan Stanley ABS Capital Trust I Inc. (“Morgan”) Trust 2006-HE6, Mortgage Pass Through Certificates, Series 2006-HE6”. Deutsche National Bank and Trust Company, Respondent, is listed as trustee. However, there is no evidenced recordation of Note nor a deed of trust, as required by TX Property Law to demonstrate Respondent Standing.

April 26, 2012, Respondent filed its Original Counterclaim (a date well past all TX four-year Statutes of Limitation). The TX 400th scheduled May 21, 2012 a hearing on Applicant’s Motion to compel Respondent Documents to demonstrate Standing and June 19, 2012 a jury trial. However, May 18, 2012, Respondent *Removed* to the TX Southern District (“TXSD”) in obvious effort to avoid a Standing Document Hearing and jury trial.

In the TXSD, the Hon. Francis Stacey, Magistrate Judge, presided under the Hon. Lawrence Miller, District Judge. Judge Stacey recommended all TX Law claims be *Remanded*. However, December 10, 2012, without hearing, memorandum nor opinion, Judge Miller *Granted* summary judgment to Respondent. Applicant appealed to the Fifth Circuit, who *Affirmed* Judge Miller. From the Fifth Circuit, Applicant filed before this Honorable Court No. 14-5803, petition for writ of certiorari, that was *Denied*.

October 16, 2015, Applicant amended his TX Petition; after which, November 13, 2015, Respondent again *Removed* to the TXSD; where,

February 19, 2016, the Honorable Judge Lake repeated the Miller Ruling, again without hearing, memorandum nor opinion.

November 5, 2018, a Deutsche Bank National Company (“Non-entity”) filed a verified motion to retain [there is no evidence of appearance, claim nor even TX Registration for a Deutsche Bank National Company]. Regardless and over numerous objections, February 20, 2019, the TX 400th *Granted* Summary Judgment to the Non-entity, striking Applicant’s claims against the Non-entity, where of course, there are none; summary judgment neither comprised an award nor *Grant* to a claimant. September 10, 2019, Non-entity filed motion for a nunc pro tunc to obtain an award. December 1, 2020, the TX 400th *Granted* the nunc pro tunc, thereby *Granting* an award to the Non-entity.

September 20, 2021, in the TX 1CoA, Applicant filed his principal brief. October 12, 2021, Respondent filed motion and was *Granted* Abatement in the TX 1CoA to make further filings in the TX 400th. October 12, 2021, in the TX 400th, Respondent filed the second motion for nunc pro tunc to *Grant* the previous Non-entity award to Respondent. October 25, 2021, and during these proceedings, as Respondent was finally again before the TX 400th, Applicant filed his second motion to compel Standing Document Discovery of Respondent; the TX 400th refused to hear. November 8, 2021, the TX 400th *Granted* the second nunc pro tunc, thereby *Granting* Respondent the award. It is critical to note that it is the second nunc pro tunc that creates an appealable order which disposes of all parties and claims.

August 29, 2023, the TX 1CoA issued its Opinion *Id, Dismissing* Applicant's Appeal to the TX 1CoA, claiming that the 1CoA lacked jurisdiction to rule, that Applicant Notice of Appeal was not timely, that Applicant Notice of Appeal should have been filed from the original non-appealable order. Opinion of the TX 1CoA then continues to falsely represent material evidence in effort to substantiate its Opinion/Award *Id*.

REASONS FOR GRANTING AN EXTENSION OF TIME

Applicant is Pro Se'. Applicant respectfully requests a 45-day extension of time in which to file his petition for writ of certiorari.

Applicant, in addition to practicing law to defend his home, is CEO of a group of TX Companies, the ClearValue[©] Companies, having about 20 experienced and accomplished scientists, engineers and professors, that have innovated sustainable and renewable, as well as value-added solutions to provide humanity with clean hydrogen energy, hydrogen engines, electrical power and organic food. Given recent events, these solutions are timely with application, market and business development costly. Applicant respectfully presents that no matter the innovation, the private capital markets are difficult within which to deal, taking much time and expense. Applicant grew up on a Missouri Farm, experience that facilitated engineering but not finance, not providing financial contacts nor networking ability to develop the financial contacts necessary to fund such a business; in contrast, Applicant is an accomplished Chemical Engineer. Such a

funding effort is very time intensive, even if one had such contacts⁷. Regardless, Applicant's Diligence culminated over the past few months, again taking much time and expense. Free of those necessary business activities, Applicant now needs to complete his petition for writ of certiorari to defend his home.

Notwithstanding the above, Applicant has been diligently researching the law and preparing the petition in this matter and will continue to do so.

Because of the inherent complexity of preparing a petition for writ of certiorari, as well as managing other commitments, the Pro Se' Applicant is unable to complete the petition in the manner it deserves by the current due date. Regardless of Respondent opposition to this sought after time extension, Applicant will have no objection to any reasonable extension of time for Respondent to prepare and file a brief in opposition.

Being Pro Se', Applicant will work hard to prepare appropriate and quality legal work for this Honorable Court.

⁷ The private capital markets are truly caveat emptor.

CONCLUSION AND PRAYER

For the foregoing reasons, Applicant very respectfully requests and prays that the time to file a petition for writ of certiorari in this matter be extended for 45 days to and until November 25, 2024.

Respectfully submitted,

A handwritten signature in blue ink, consisting of several loops and a final vertical stroke, positioned above a horizontal line.

Richard Alan Haase, Pro Se'
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Missouri City, Texas 77459
richard.haase@clearvalue.com
(281) 261-9543 (phone)

CERTIFICATE OF CONFERENCE

I hereby certify and declare that I contacted opposing counsel September 23, 2024 by e-mail, specifically Ms. Kathryn Davis of McGlinchey-Stafford, PLLC, who states opposition to this extension of time.



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CERTIFICATE OF SERVICE

I hereby certify and declare that on the 25th day of September, 2024, a true and correct copy of this document was served on all counsel of record via e-serve, email, facsimile, first class mail and/or otherwise.



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Declaration

1. “My name is RICHARD ALAN HAASE and Richard Alan Haase. I am Plaintiff and Counter-defendant in Cause No. 07-DCV-161177 before the

400th District Court of Texas and Appellant before the Texas First Court of Appeals in 01-20-00854-CV. I am over the age of eighteen (18) and of sound mind. I reside in Fort Bend County, Texas. I have never been convicted of a crime and am fully competent to make this Declaration. I am not disqualified to testify as a witness in any Court. I have personal knowledge of the facts stated herein; they are all true and correct.”

2. “Statements made in my application for extension of time to file petition for writ of certiorari are true and correct to the best of my knowledge.”
3. “Appendix A, Appendix B and Appendix C are original records or exact duplicates of the original records.”
4. “It is my regular practice to make a true and correct copy of these records at or near the time of each act, event, condition, opinion, or diagnosis set forth in the record.”
5. “It is further my regular practice to make a true and correct copy from information transmitted by persons with knowledge of the matters set forth in the record.”
6. “It is the regular practice of me to keep this type of record in the course of my regularly conducted business activity.”
7. “It is the regular practice of my business activity to make the records.”
8. “I declare under penalty of perjury that the foregoing is true and correct.”



Signed this 25th day of September, 2024 By: _____

RICHARD HAASE &
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