

File

TO:  
Risk Management Division  
Department of Administrative Services  
P.O. Box 18198  
Capitol Hill Station  
Atlanta, GA 30334-5522  
Georgia Department of Administrative Services

NOTICE OF CLAIM

Lois L. Luster presents this claim to the State of Georgia pursuant to O.C.G.A. § 50-21-26.

1. The name and address of claimant is as follows: Lois L. Luster, 17 Harbour Ln., Ringgold, GA 30736-3303.

2. The address to which Ms. Luster desires correspondence to be sent is:  
17 Harbour Ln., Ringgold, GA 30736-3303

A. The name of the state government entity, the acts or omissions of which are asserted, are as follows:

Entity: Superior Court Catoosa County: Judge Ralph Van Pelt, Judge Brian M. House, Clerk Michael Caldwell, Superior Court Clerks Debbie Crowe and Tracy Hullender Brown, at Court of Appeals of Georgia, Georgia Court of Appeals, Tax Commissioner - Sandra Self.

Acts: Racial discrimination, discrimination against minority exercising Constitutional rights of self representation in the Courts, violations of civil and constitutional rights by the Court, the Superior Court Clerks, and the law clerk. Denied due process of law.

B. Time of the transaction or occurrence: Ongoing through current. Most of the issues, are such that Ms. Luster did not learn of the issues at the time. Ms. Luster just recently learned of many of the instances, after beginning to investigate into the matters September 2014, when she learned that not all documents required, had been sent to the Clerks at Court of Appeals.

- C. The place of Occurrence: Catoosa County Courthouse/Superior Court, Superior Court Clerk's Office; Tax Commissioner's Office, Courthouse
- D. The nature of the loss suffered: liberty, real property, privacy,
- E. \$450,000.00
- F. The acts or omissions which caused the loss and the name(s) of the state employees involve are as follows:

- i. **Superior Court Catoosa County***

**Judge Ralph Van Pelt, and Judge Brian M. House**

There was not a permanent Judge appointed over Ms. Luster's case. Superior Court Judges Ralph Van Pelt and Brian M. House, appeared to share responsibility over the case. Both Judges have acted in violation of their Oaths of Office, duty to Honor, and failure to act in accordance with the State of Georgia Constitution and the United States Constitution, and failure to perform their duties as Superior Court Judges. Statute shows that with the population of Ringgold, GA Catoosa County, being less than 100,000 the judges have to rule in no more than 30 days, unless agreed to by the parties (O.C.G.A. §15-6-21). There was no agreement to not having rulings for 9-13 months.

During the 13 months the case was in Court, not one Motion, for either side was ruled upon. Defendants were 89 days into default. Both Motion for Default, and Motion to Open Default were ignored by the Court and Judges. The lack of ruling prejudiced Ms. Luster's case, and denied her the right of default judgment against defendants.

There was a demand for Jury Trial made in the case, and the case was dumped using a Non-Jury Trial Peremptory calendar on 01/30/14, that the Court had actual knowledge that Ms. Luster had not received Notice of Hearing, and with numerous motions pending to be ruled on. Neither party appeared for hearing, Ms. Luster's case dismissed, while nothing was done to the defendants or their

attorneys, and they had been Noticed for the hearing. Letter from attorney Keegan dated 01/14/14, appeared on the docket report on 04/16/14, three months after the fact; the case was dismissed 02/05/14. Ms. Luster believes that there was ex parte communication on how to dismiss the case, and an agreement was reached.

Motion for new trial was filed and denied by the court on 04/09/14, without giving reason for denial, and without the mandatory hearing. Ms. Luster was denied due process of law, equal access to the Court, as well as the right to represent herself in the court without hindrance.

**Judge's Clerk Michael Caldwell**

Shows obvious bias/prejudice against Ms. Luster. Waiting to see judge, he came out and told her that she was not going to be allowed to speak to judge, made a scene in front of numerous people. He had escorted other litigants in to see the judge before Ms. Luster. Disparate treatment.

**Superior Court Clerks Debbie Crowe, Tracy Hullender Brown**

Although the clerks would see that the Judge received filings by the opposing party, they would put Ms. Luster's filings into the file, and never present the judge's courtesy copies to the judges. Checked the file several times, and documents that had been supposedly filed, were not in the file. Clerks claimed they did not know what had happened to them. One such document, Ms. Luster learned on 10/13/2014, was the Amended Remand Order from District Court. That was when Ms. Luster first learned that the Clerks had been withholding, and not filing all documents into the file, and not giving the courtesy copies to the judges.

Also, Clerks always giving legal advice. Telling Ms. Luster what form of Motion should be filed, or "the way we do things here..."; which also showed that the Court does not follow Georgia Civil Practice Act.

Opposing counsel were allowed to get hearings set, by calling on the telephone, instead of filing Rule Nisi. Logically would be the reason that Ms. Luster

was not noticed on the hearing that got her case dismissed. There was a note in the file where someone in the clerk's office had questioned, or was supposed to question calling, versus Rule Nisi. One cannot possibly believe that the Clerks treat everyone that way, the Court could not run efficiently if they did.

### **Court of Appeals of Georgia and COA Clerks**

The clerks hindered and prevented Ms. Luster's appeal going forward. Ms. Luster had to go to the Court on more than one occasion to see what was in the file, and hand deliver documents so that the Clerks could not say the documents were filed late. Ms. Luster is physically ill very often and has to be hospitalized from time to time. Ms. Luster was negotiating with Bank of America on a settlement. On 06/12/14, she filed Motion for Extension of Time to Brief for appeal; when the due date came 06/16/14, and the motion had not been granted, Ms. Luster killed herself to get the brief to the court and filed on time. Court of Appeals Granted the Extension, 06/17/14, the day after the Brief had been due.

Appellees filed their brief 7/7/14, but did not provide Ms. Luster with Service Copy. Ms. Luster 08/12/14 filed Motion to Allow her to File Late Reply, and Motion to Amend her Appellant's Brief in order to add the dates of her bankruptcy into the brief where there were just lines waiting for the dates, Both Motions denied 08/22/14. 08/15/14, Ms. Luster filed Amended Motion for Leave to file Reply 09/02/14 Ms. Luster filed her Reply Brief; the Court granted on 08/22/14.

When it had been shown that there were documents missing from the record on appeal, Ms. Luster, on 11/13/14 Ms. Luster filed Motion to Supplement the Record; which according to the docket report, was Denied seven days before the motion was filed, on 11/07/14. Opposing counsel did not send Ms. Luster a Service Copy of Appellee's Brief. Ms. Luster found out later, by reviewing the online docket report. When she learned that Appellees had already filed their Brief, Ms. Luster filed a Motion requesting that she be allowed to file a response. The Motion was ignored. Because it was ignored, Ms. Luster drove there to find out what was going

on in that Court. The Court of Appeals Clerks advised Ms. Luster of how to word the title of the document, which Ms. Luster believes, if the Court of Appeals Judges ever even saw the filing, that was the reason it was ignored. The Clerks refused to file the documents otherwise, and told her that if they did file it, it would never be ruled upon.

Appeal was dismissed 03/04/15. There are ten days to Motion for reconsideration. Ms. Luster received the Order 03/12/15, eight of ten days had been wasted waiting on the clerks to send it out. Postmaster General met with Ms. Luster, and they discussed why it would take that long to get to Ringgold, GA from Atlanta. Postmaster agrees there is some sort of problem, if it takes that long. Ms. Luster managed to get the Motion for Reconsideration to the Court on time, Monday 03/16/15, it had been sent Friday, 03/12/15 Overnight Delivery, with tracking. Delivery day was on a Monday. Post Office shows delivered on Monday, 03/16/15, by 3:17 PM. The clerk logged the Motion in as if it had been delivered 03/17/15, the following day. Ms. Luster filed Motion for the Judges to re-review the delivery, but realized that the Clerks had purposefully failed to collect mail on 03/16/15. Postmaster General agrees that it was delivered on time, he showed Ms. Luster the satellite images of the mail truck at the Court of Appeals parking lot at 03:00 PM on Monday the 16th. The Postmaster explained the mail system for Court of Appeals of Georgia. Documentation shows that the delivery of the motion was timely. Clerks showed on docket report that the Motion was delivered the following day, on Tuesday. The Docket report showed that the Motion was Untimely.

It is unknown whether it was the clerks or the Judges that made the ruling.

### **Supreme Court of Georgia**

It is too early for Ms. Luster to learn how Supreme Court of Georgia is going to treat her. Supreme Court takes only around 1% of the Petitions for Cert. that reach the Court. Petition for Cert. was filed on 03/24/15 appointed No: C15C1038, set for determination during the June 2015 calendar. As of 04/07/15, none of the

Respondents have filed their brief as of yet. Ms. Luster has been told the appellate courts are running around 6 months behind, only time will tell on that appellate court.

**Tax Commissioner - Sandra Self**

Sandra Self, had actual knowledge that there was a court case concerning ownership of the title of property. A Sale Under Power was executed, and although taxes follow the property, not the person, Self continued to report delinquent taxes of Ms. Luster's creditor reports, then lied to her about how the credit reporting agencies obtains delinquent tax information, insisting that Self did not report to them, that they come out to the County to obtain the delinquent tax information. Also, once the Sale Under Power took place, the taxes did not go to either the foreclosing entity, or to the entity that purchased the property (which the seller and the buyer had been the same entity) themselves, pay the back taxes. 10/16/14-10/18/14 Ms. Luster attempted to talk with Ms. Self about what was going on with the taxes and the property. Ms. Self told Ms. Luster that if she wanted something done about it, that she would need to hire an attorney, that Ms. Self was not allowed to discuss it with Ms. Luster.

Ms. Luster stayed up with the information, and saw that Self still showed Ms. Luster as the responsible party. Foreclosing entity was liable for the taxes, under the circumstances. Self had a tax sale and sold the property, while there was an ongoing case over legal ownership. Self then, wrote the entity that purchased at tax sale and advised them to put in for the overage of money for the property, which the tax sale buyer was not the proper party to alert to the overage. Sandra Self has always treated Ms. Luster with contempt, she is bias/prejudice against African Americans, and should not be allowed to work with the public. No one else that has ever had their property sold at tax sale, did Sandra Self, have a yellow sign put on their property saying "Tax Sale". Not one white person has had that done to them. Further, Ms. Self has actual knowledge that Ms. Luster should be provided the excess

funds from the sale, but Ms. Self contacted other parties, and advised them on how to access and obtain the funds.

### CONCLUSION AND DEMAND

Causes of action:

O.C.G.A. §§:

51-6-2. When misrepresentation of material fact actionable as deceit; effect of mere concealment; knowledge of falsehood essential to deceit; when knowledge implied

(a) Willful misrepresentation of a material fact, made to induce another to act, upon which such person acts to his injury, will give him a right of action. Mere concealment of a material fact, unless done in such a manner as to deceive and mislead, will not support an action.

(b) In all cases of deceit, knowledge of the falsehood constitutes an essential element of the tort. A fraudulent or reckless representation of facts as true when they are not, if intended to deceive, is equivalent to a knowledge of their falsehood even if the party making the representation does not know that such facts are false.

51-9-1. Cause of action for interference with enjoyment of property

The right of enjoyment of private property being an absolute right of every citizen, every act of another which unlawfully interferes with such enjoyment is a tort for which an action shall lie.

51-9-2. Recovery of possession of lands; damages

The bare right to possession of lands shall authorize their recovery by the owner of such right, as well as damages for the withholding of such right.

51-9-3. Recovery for wrongful interference with possession of land

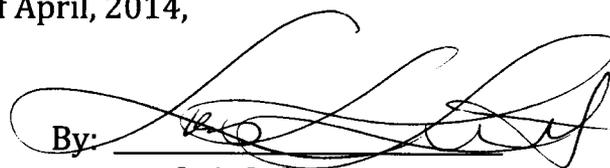
The bare possession of land shall authorize the possessor to recover damages from any person who wrongfully interferes with such possession in any manner.

Ms. Luster's further claims are for violations of civil and constitutional rights. Ms. Luster's real property has been stolen with the aid of the entities listed above, and the rights violations are damages through the violations of the entities listed above.

Ms. Luster is seeking combined damages from the above listed entities of no more than \$2,000,000.00. Part of the charges are due to the stress, which caused multiple hospitalizations during the case, missed time from work, pain and suffering; loss of her home through concerted actions concerning the case against the banks.

One has to wonder why Bank of America would approach a pro se litigant on settling out of court, and allow the pro se litigant to physically and literally change the agreement, repeatedly until it was agreed upon by both parties. Bank of America does not approach pro se litigants on settling out of court, and would never allow the pro se litigant to have any say in the contract agreed upon.

Respectfully submitted, this 8th day of April, 2014,

By: 

Lois L. Luster  
17 Harbour Ln,  
Ringgold, GA 30736-3303  
(423) 785-6385

Service Copies to be sent to:

Superior Court Catoosa County:

\* Judge Ralph Van Pelt:

Judge Ralph Van Pelt, Jr.  
Catoosa Courthouse  
Ringgold, GA 30736

\* Judge Brian M. House:

Judge Brian House  
P.O. Box 609  
Trenton, GA 30752

\* Clerk Michael Caldwell:

875 Lafayette Street  
Catoosa County Courthouse  
Ringgold, GA 30736

Superior Court Clerks:

\* Debbie Crowe:

Debbie Crowe  
875 Lafayette Street  
Catoosa County Courthouse  
Ringgold, GA 30736

\* Tracy Hullender Brown:

Tracy Hullender Brown  
875 Lafayette Street  
Catoosa County Courthouse  
Ringgold, GA 30736

\* Tax Commissioner - Sandra Self:

Sandra Self, Tax Commissioner  
796 La Fayette Street  
County Administration Building  
Ringgold, GA 30736

**Clerks at Court of Appeals of Georgia.**

**\* Stephen E. Castlen, Clerk:**

Stephen E. Castlen, Clerk  
Court of Appeals of Georgia  
47 Trinity Avenue, S. W. Suite 501  
Atlanta, GA 30334

**\* Patty Bender, Chief Deputy Clerk**

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