

Case # 0751
20'

IN THE OHIO SUPREME COURT

Plaintiff;

Terry Walker, who is One of owners of subject property 3824 Tappan, Av, Cincinnati, Ohio 45223

Defendants;

**Director for the City of Cincinnati Department of Buildings Inspections, One Centennial Place 705, Central Avenue, 4th Floor Cincinnati, Ohio 45202*

**SPCA Cincinnati, 3549 Colerain, Avenue Cincinnati, Ohio 45223*

**Asset Acceptance,LLC. In benefit for Fifth Third Bank, Legal 5050 Kingsley Br, Cincinnati Ohio 45263*

**Hamilton County Reutilization Land Bank Corporation (HCRLB) 3E 4th St. Unit 300 Cincinnati, Ohio 45202*

**Hamilton County Housing Court, Room 160, 1000 Main St. Cincinnati, Ohio 45202*

**Ohio Attorney General, 30. E Broad St. 14th Floor, Columbus Ohio 43215 in accordance R.C.2721.12 Civ.R.4*

MEMORANDUM IN SUPPORT

FILED
JUL 15 2020
CLERK OF COURT
SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

Terry Walker
Plaintiff/Relator

CASE NUMBER 20-0757

Vs.

**Director of Department of Buildings
and Inspections
SPCA of Cincinnati**

**Fifth Third Bank
Legal dept, Asset Acceptance**

**City Council member[s] and Mayor and Vice Mayor
For City of Cincinnati Department of Buildings
And Inspections**

**Hamilton County Municipal Court
Housing Court, Rm 160**

Defendant[s] /Respondent[s]

**Ohio Attorney General
ORC. §2721.12. Civ.R 4**

S.C.T.PRAC.R.12.04 (B)(2)

MEMORANDUM IN SUPPORT

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Proposition of LAW NO.4: Civil Rule of Procedure Rule 54:

(b) judgment upon multiple claims or involving multiple parties. When more than one claim for relief is presented in an action whether as a claim, counterclaim, cross-claim, or third-party claim, and whether arising out of the same or separate transactions, or when multiple parties are involved, the court may enter final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay. in the absence of a determination that there is no just reason for delay, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all parties, shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

(C) Motion and proceedings. The motion shall be served in accordance with Civ.R.5. Unless otherwise provided by local rule or by order of the court, the adverse party may serve responsive arguments and opposing affidavits within (28) twenty-eight days after service of the motion, and the movant may serve reply arguments within (14) days fourteen days after service of the adverse party's response. Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. No evidence or stipulation may be considered except as stated in this rule. A summary judgment shall not be rendered unless it appears from the evidence or stipulation, and only from the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence or stipulation construed most strongly in the party's favor. A summary judgment, interlocutory

in character, may be rendered on the issue of there is a genuine issue as to the amount of damages.

Proposition of LAW RULE 58

RULE 58. Entry of Judgment (A) Preparation; entry; effect; approval. (1) Subject to the provisions of Rule 54 (B), upon a general verdict of jury, upon a decision announcement, or upon the determination of a periodic payment plan, the court shall promptly cause the judgment to be prepared and, the court having signed it, the clerk shall thereupon enter it upon the journal.

*CONCLUSION*_____

*Certificate of Service*_____

APPENDIX: Plaintiff attaches a copy of Ohio First District Court of Appeals, Entry Appeal [NO.C-150451] to district court journal, dated on April 29, 2016

**EXPLANATION OF WHY THIS CASE MATTER HAS EITHER PUBLIC OR GREAT GENERAL
AND INVOLVES A SUBSTANTIAL CONSTITUTION QUESTION**

If a Plaintiff/Relator, presents a complaint to this proper court, for the City massive illegal prosecutions, and pilfering if not thousands, hundreds of properties each year from low-income real estate investors, in accordance with an ordinance which no person should never be prosecuted for non compliance, and have her/his entire real estate investment forfeited, as a scheme to subterfuge the sole purpose of Fifth Amendment Due Process "Taking Clause" which was intended to bar and make easily government officials from arbitrarily redistributing wealth without paying property holders, real estate investors, essentially forcing some people to bear public burdens to pay vacant building maintenance tax, when it ought to be shared by all. For any court to allow and ignore such claim, is a miscarriage of justice

Rule 7 of Ohio Rule of Civil Procedures States, there shall be a complaint and an answer and if the defendants fail to submit an answer or defend default judgment, shall be entered against the defendants Under Rule 55; Proposition of LAW NO. 1 and NO.2. After I made timely appeal to overturn being put on (1) year probation or request second trial , July 14th 2015, conviction for failing, refusing to procure a vacant or vacate building maintenance license (VBML) City made timely, appeal arguing why the conviction, should be upheld, for not agreeing to hypothesize, my property by agreeing to go into debt with City treasurer paying thousands of dollars into all hostile places, the city nuisance abatement fund and consenting to (13) point exploratory building inspections, as a prerequisite condition prior to re occupancy, and or conducting, performing any kind of simple chore, repair, construction of

his/her property after building was declared to vacant by the City Director of Buildings and Inspections regardless if projects doesn't require building inspections. To then only again be found guilty for refusing to comply with September 1, 2015 court order after, July 14th 2015 conviction, that I was to allow the privy of hostile building inspectors to piggy back on probation officers warrantless search status, as apparent scheme to subterfuge, Hamilton County First District of Appeals decision, State vs Finnell, to determine whether building was in ready move in condition or to determine if I was in fact performing any kind of chore, renovation without first procuring VBML, So again after same trial court, convicts me for refusing to comply with September 1, 2015 court that I was to allow city building inspectors inside my building as a condition of being put on probation, so that they could make determination if building interior was in ready move in condition or determine if was in fact conducting chores, repairs without a VBML, trial court signs off on raid and seizure arrest warrant, for refusing to report to Hamilton County Sheriff Department, to be put on Gps ankle bracelet until I agreed to hypothecate my property as a prerequisite condition for the absolute right to own, hold vacant, unoccupied property whether if its old and ran down dilapidated or not. But because I easily demonstrated, in my motion for a non jury acquittal, after being sentenced in all total (45) days in the Hamilton County Justice Center, on how exactly all arrest, forfeitures similar to both cases, Etzler vs City of Cincinnati, 2009 WL 3210337, State vs Finnell, 115 Oh.App.3d 583, 1996 in regards to VBML, were are all unconstitutional, and fails to address any immediate threat to health, safety of the public welfare. Defendants are now capriciously taciturn, therefore this court should grant me default judgment

So I ask this Court to ask City why now taciturn, not answering nor motion for dismissal, and I ask this Court to review the City Case History Report, the City journal of property, especially, June 16th 2016. Eviction through raid and seizure, why didn't City present pictures as material evidence on November 14th 2017 day of trial, interior of alleged unsanitary, unsafe building, especially since City demonstrated that they either owned, or had access to a digital camera, and someone within the department of buildings and Inspections, knew how to operate the camera, and articulate in context exactly what was allegedly observed prior to July 14th 2015 first

original trial date and had use 5/6 pictures of aesthetics of exterior conditions as illicit evidence

Proposition of LAW NO.3: Should this Court dismiss any case on the grounds, after plaintiff submitted, motions,briefs, etc, late without allowing plaintiff to produce truth to his/her claims, that the opposite party are guilty, and should the Court compel, plaintiff to submit their Brief our risk forfeit, when the defendants failed to answer or motion to dismiss the default judgment should be granted?

RULE 56. SUMMARY JUDGMENT (A) For party seeking affirmative relief. A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part of the claim, counterclaim, cross-claim, or declaratory judgment action. A party may move for summary judgment at any time after the expiration of the time permitted under these rules for a responsive motion. In accordance with S.Ct.Prac.R.12.04 (B) (2) or pleading by the adverse party, or after service of a motion summary judgment may be made only with leave of Court. (by Preponderance of Evidence) [T]hat State and even possible federal actors retaliates through third party creditor to try somehow allow Fifth Third Bank foreclose on plaintiff property with a expired credit card debt under FDCPA, to make it appear that plaintiff somehow abandoned his property, defendants even went as far as having State legislation pass what is now known as Chapter 2305.02 . for expedited foreclosures on vacant and alleged abandoned properties, and when that all failed defendants then resorts to non stop electronic warfare black balling plaintiff from being allowed to have employment in hope that I would sell property before this complaint. All actions in which I'm allowed to seek monetary relief Ohio Revised Codes § 2923.02(C)(F)(J) Civil Conspiracy and Aiding and Abetting State Actors Retaliation Through Third Party Creditors, §2935.65 (C) For waging electronic warfare through illegal wiretapping and electronic surveillance which defendants blackballed plaintiff from holding employment in hope that plaintiff would sell his property before this complaint, so that my claim illegal raid and seizure claim be lost

CONCLUSION

Relator/Plaintiff, Terry Walker, filed Declaratory Injunction Relief In The Nature of Mandamus complaint in the Clerk of Court for the Ohio Supreme Court, On June 15th 2020. for the illegal seizure, destruction of property, state actors retaliating through third party creditor, then resort to waging non stop electronic warfare, in hope that I remove padlocks from doors move back inside and or sell property before this complaint to forfeit any claim for relief. And it has been more than (21) days after I, plaintiff filed my complaint. I ask this Court grant me Default Judgment

Respectfully submitted, Terry Walker, Pro-Litigant

Terry Walker

Date: July 15, 2020

CERTIFICATE OF SERVICE

I, certify that a copy of this Memorandum in Support was delivered by hand to Clerk of Courts for the Ohio Supreme Court, to be served to all parties, named above in this motion. And will be served by original mail July 16, 2020

Terry Walker