

SUPREME COURT OF FLORIDA

CASE NO.: SC18-~~2118~~
2109

Lower Tribunal No(s):

172013CA001457XXXXX, ESCAMBIA, COUNTY

572013CA000693CAAXMX, SANTA ROSA, COUNTY

LARRY R. WETZEL VS. CLERK OF COURT, ET AL.

Petitioner(s)

Respondent(s)

CLAIM: EXEMPTIONS AND EXCEPTION, BUT NOT LIMITED TO IN NEW CASE:
LARRY R. WETZEL VS. CLERK OF COURT, ET AL.,

Back ground History: Objection jurisdiction: Judge Rimmer, and Judge Dicky expressed or oral orders date: 12/18/2018, but not limited to, see: case no. 2013-CA-693. Claim objection jurisdiction of court Judge Rimmer, and Judge Dicky acting without jurisdiction in violation of the due process guarantees of notice and an opportunity to be heard renders all their judgments void and moot a nullity before court around date: 12/18/2018, but not limited to, See: Case no. 2013-CA-693. Claim: All Exemptions and Exceptions, and Exhibits incorporated in to this pleading marked and made part of pleadings, See: case no. SC18-2109, SC18-2118, but not limited to.

Larry Wetzel claim case no. 2013-CA-693, but not limited to Generally, due process requires fair notice and an opportunity to be heard duty owed: Larry Richard Wetzel and denied around date: Dec. 18, 2018, but not limited to and Larry Wetzel denied right to defend in an orderly procedure see: case no. 2013-CA-693 in open court before judgment is entered by Judge Rimmer, or Judge Dickey. See: case no. 2013-CA-693, and All exhibits, 922 So.2d 1090 (Fla. 4th DCA 2006).; see also J.B. v. Florida Dept. of Children and Family Services, 768 So.2d

I certify that this is a true copy of the original.
Dated this 24th day of Dec, 2018
Randy O. Barry
Notary



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1060 (Fla. 2000); and Ryan's Furniture Exchange v. McNair, 120 Fla. 109, 162 So. 483 (Fla. 1935).

This Court lost jurisdiction, and lost discretionary jurisdiction to review case no. 2013-CA-693 improper and falsely titled pleadings-based fraud on court by: Thomas F. Brink, false, erroneous, frivolous, fraudulent pleadings and change named parties without valid notice and service, without valid complaint, without stating cause of action, without valid summons, without valid complaint to confuse court. See: case no. 2013-CA-693 and all exhibits. Agent: Thomas F. Brink pleadings that expressly and directly conflicts with a decision of other District Courts of Appeal or the Supreme Court on the same issue of law. See: case no. 2013-CA-693, All Exhibits, Art. V, 3(b)(3), Fla. Const. and Rule Fla. R. App. P.9.030(a)(2)(A)(iv). See: case no. 2013-CA-693, but not limited to Decisional conflict may be created by conflict in legal principles appearing on the face of the decision case no. 2013-CA-693 or the misapplication of a specific holding by Thomas F. Brink previously announced by this Court. See: case no. 2013-CA-693, and All Exhibits, Knowles v. State, 848 So. 2d 1055 (Fla. 2003) (accepting jurisdiction based on a conflict created by misapplication of decisional law); case no. 2013-CA-693, Wale v. Barnes, 278 So. 2d 601 (Fla. 1973).” Creditor: Larry Richard Wetzel: Beneficiary, 964 So.2d 751 at 752. The trial court case no. 2013-CA-693 close case in Favor: Larry Wetzel foreign judgment and affidavit around date: 08/21/17, recorded with Record of Deeds 6495 Caroline Street, Milton, Florida and concluded that, “timeliness is way over” Claim By: Larry Wetzel by right to: Res Judicata, Latches, Time Limits, Estoppel by record in case no. 2013-CA-693, but not limited to against any and all pleadings filed for named debtors. See: case no. 2013-CA-693, Exhibits, but not limited to. The facts and evidence in the case below are in stark contrast with these decisions and in conflict with Florida law as expressed by this Honorable Court and District Courts. See: case no. 2013-CA-693. Florida law states that a trial court has broad authority under Rule 1.540(b)(1) to vacate or set aside a default judgment and did not set aside foreign judgment in case no. 2013-CA-693, inadvertence, surprise or excusable neglect; indeed, setting aside defaults and allowing trial on the merits is one of liberality not used in case no. 2013-CA-693 and time set aside foreign judgment and affidavit has long pasted. See: case no. 2013-CA-693, Espinosa v. Racki, 324 So.2d

105 (Fla. 3d DCA 1975). It is the facts of a case no. 2013-CA-693 that are of singular importance in determining whether a valid certified Notice of Recording Foreign Judgment and Affidavit without objections so ever waived, request made record with Recorder of Deeds. See: case no. 2013-CA-693. It is fundamental that a court should set aside a default judgment where the movant shows excusable neglect, a meritorious defense, and reasonable diligence. Sanchez v. Horrell, 660 So.2d 366 (Fla. 4th DCA 1995). A long line of cases clearly states that the underlying legal requirements for setting aside a default judgment is the presentation of a motion and a supporting affidavit demonstrating excusable neglect, meritorious defense and that the movant acts diligently in seeking to set the default judgment aside. Church of Christ Written in Heaven, Inc., v. Church of Christ Written in Heaven Of Miami, Inc., 947 So.2d 557 (Fla. 3d DCA 2006); citing North Shore Hospital, Inc. v. Barber, 143 So.2d 849 (Fla. 1962); Geer v. Jacobsen, 880 So.2d 717 (Fla. 2d DCA 2004); Dade County v. Lambert, 334 So.2d 844 (Fla. 3d DCA 1976). The element of excusable neglect must be proven by: THE TRAVELERS COMPANIES INC., ET AL., sworn statements or affidavits, and demonstrate the existence of a meritorious defense. See: case no. 2001-L-624, St. Clair County, Illinois. Thomas F. Brink failure to satisfy these requirements is fatal to the success of a motion to vacate. See: Case no. 2013-CA-693, Geer, 880 So.2d at 720 - 721. THE TRAVELERS COMPANIES INC., ET AL. sworn affidavit is a self-proving document unless defeated by other evidence or testimony clearly shown and filed in case no. 2013-CA-693, but not limited to. See: case no. 2013-CA-693 and All Exhibits. There was no dispute of Larry Wetzel sworn affidavits filed case no. 2013-CA-693, indeed THE TRAVELERS COMPANIES INC., ET AL., or any witness for named debtors did not appear at the hearing around date: 12/18/2018, but not limited to. SEE: CASE NO. 2001-L-624, St. Clair County, Illinois.

It is the liberal policy of Florida courts that where there is reasonable doubt but clearly not here case no. 2013-CA-693; the trial court's lacks jurisdiction of discretion should not be exercised in favor of granting Thomas F. Brink pleading false, frivolous, erroneous, fraudulent, pleadings filed in case no. 2013-CA-693 over objections, and valid certified notice of recording foreign judgment and affidavit without objections so ever waived by named debtors and Supreme Court

Florida determine the controversy on the merits valid recording foreign judgment and affidavit without objections so ever waived by named debtors.

Thomas F. Brink tricks and false, frivolous, erroneous, fraudulent, pleadings without stating cause of action filed in case no. 2013-CA-693. See: case no. 2013-CA-693, Coggin v. Barfield, 150 Fla. 551, 8 So.2d 9 (Fla. 1942). Notice entry of a foreign default judgment around date: Nov. 19, 2001 is not intended to provide an advantage filed case no. 2013-CA-693; however, it is intended to prevent a dilatory or procrastinating debtor from impeding procedure. See: case no. 2013-CA-693, but not limited to, North Shore, 143 So.2d 849 at 852 – 853, non-resident Creditor: Larry Richard Wetzel: Beneficiary, domicile under duress and protest 3112 Hickory Street, Navarre, Florida was not dilatory and did not procrastinate, and is prepared to proceed immediately execution of valid Notice of Recording Foreign Judgment and Affidavit without objections so ever waived by named debtors. See: case no. 2013-CA-693 and All exhibit made part of this pleading as attachment, Knight v. Gainer, 310 So.2d 58 (Fla. 1st DCA 1975).

Clerk and Court take Judicial Notice sua sponta following:

Objection lower court acting without jurisdiction and Thomas F. Brink in violation RULE 1.070. PROCESS to gain unlawful orders case no. 2013-CA-693 filed in case no. 2013-CA-693 willful and wanton acts around 08 21 2013, but not limited to all acts were with malice having knowledge of following facts:

Objection court acting without jurisdiction Christopher Duffy in case no. 2013-CA-693 without a (a) Summons; Issuance. Upon the commencement of the action, summons or other process authorized by law shall be issued forthwith by the clerk or judge under the clerk's or the judge's signature and the seal of the court and delivered for service without praecipe. see: case no. 2013-CA-693.

Objection lower court acting without jurisdiction Christopher Duffy in case no. 2013-CA-693 without a (b) Service; By Whom Made. Service of process may be made by an officer authorized by law to serve process, but the court may appoint any competent person not interested in the action to serve the process. When so appointed, the person serving process shall make proof of service by affidavit

promptly and in any event within the time during which the person served must respond to the process. Failure to make proof of service shall not affect the validity of the service. When any process is returned not executed or returned improperly Florida Rules of Civil Procedure 16 executed for any defendant, the party causing its issuance shall be entitled to such additional process against the unserved party as is required to effect service. see: case no. 2013-CA-693.

NOW COMES: LARRY RICHARD WETZEL, DOMICILE: 3112 HICKORY STREET, NAVARRE, FLORIDA by through Notary: State of Florida with power of attorney without waiving past objections or rights claim against: Clerk of Court, 6495 Caroline Street, suite s, Milton, Florida pursuant to: Claim: Any and All Exemptions, Any and All Exceptions, 55.10 F.S., chapter 55, 55:501-55:509, common law, Demand: Notice of Recording by Clerk of Court of Foreign judgment and Affidavit without objections so ever waived by named debtors be filed in Recorder of Deeds, Santa Rosa County, Florida and filed in court of record. See: SC18-2109, 2013-CA-693, Notary: State of Florida under signed having personal knowledge of following:

Clerk and Court can take judicial notice sua sponta of :

1. Objection lower court acting without jurisdiction and State of Florida in violation of duties, and right owed to Larry Wetzel and denied by: State of Florida through State's Attorney Office P.O. Box 472 suite I Milton, Florida all acts were willful and wanton with malice which caused violation due process 5th Amendment, Equal protection 14th Amendment, inter alia having knowledge of facts. See: Case no. 2013-CA-693, art. V, § 3(b)(3), Fla. Const., Exhibit A-B, but not limited to.

2. Claim: all and any exemptions, all and any exceptions and Smith v. State, 537 So.2d 982 (Fla.1989) to address other claims raised by State of

Florida by and through State's Attorney Office, p.o. box 472 suite I. Milton, Florida. See: case no. 2013-CA-693, Kelly v. Community Hosp. of Palm Beaches, 818 So.2d 469, 470 n. and Court's direct conflict jurisdictions. See: case no. 2013-CA-693, case no. 2014-CF-1456 and All Exhibits.

3. The following colloquy occurred over objection: Judge: Rimmer, Judge Dicky around Date: 12/18/2018 denied undisputed facts and law before court without expressed orders, which is nullity and without legal effect. See: case no. 2013-CA-693, and case no. 2014-CF-1456. Objection State of Florida claim jurisdiction over both civil and criminal cases over objections And, Larry Wetzel of course, had no opportunity call witnesses, to talk to Mr. Griffith about adoption of pleading in case no. 2014-CF-1456 before hearing around 12/18/2018 [defense counsel case no. 2014-CF-1456] and Clerk and Court can take judicial notice having heard the arguments of fraud by State of Florida without a valid witness or proof of facts around date: 12/18/2018 that were made by State of Florida by through State's Attorney Office, Address: P.O. Box 472, Milton, Florida raised that undisputed foreign Judgment from Illinois certified true and correct copy not fact before the court. See: case no. 2013-CA-693 and case no. 2014-CF-1456., But I do need to have you (court) actually make the official decision based in law and fact on whether you want to elect to go over the objections to jurisdiction or do you want to support ongoing scheme of fraud caused by: Thomas Brink False, erroneous, frivolous, fraudulent pleadings not based in fact or law. See: case no. 2013-CA-693,

and case no. 2014-CF-1456, All exhibit marked and incorporated into this pleading as attachments. Your Honor.

4. The only potentially significant factual distinction between THE TRAVELERS COMPANIES INC., ET AL. V. LARRY WETZEL case no. 2013-CA-693 and STATE OF FLORIDA V. WETZEL LARRY, case no. 2014-CF-1456 are the parties but based on same facts is that Larry Wetzel had absolute right to elect to stand on valid undisputed certified final foreign judgment AROUND DATE: 08/21/2017 without objection or appeal by named debtors so waived. See: case no. 2013-CA-693 and case no. 2014-CF-1456. Claim: Certified final judgment is expressly granted DATE: 08/21/2017 to Larry Wetzel who's also made expressed affidavits in objection to jurisdiction of court. See: case no. 2013-CA-693, case no. 2014-CF-1456, but not limited to. Larry Wetzel offense was alleged on Failure to Appear around date:11/13/2014, been denied: Lawyer, Hearing, Notary, First appearance, right file pleadings over objections. See: 2014-CF-1456, and case no. 2014-CA-693. Larry Wetzel civil right to be heard been denied, and he has be denied the right to elect to stand on valid certified foreign judgment and objection to jurisdiction of court. See: case no. 2013-CA-693, case no. 2014-CA-1456, and Exhibits, but not limited to.

As a consequence of the primary holding that Thomas F. Brink, false, erroneous, frivolous, fraudulent pleadings are not consistent with facts and laws Florida. See: Chapter 55, 55:501- 55:509, 55:10 F.S, common law. Larry Wetzel right to claim all exemptions, exceptions, a fair reading of the Writ of Mandamus, Chapter 55, 55:501- 55:509, 55:10 Florida

statute, common law the pertinent cut-off date for purposes of the right
Thomas F. Brink to appeal or objection Certified Final Foreign Judgment
around date: Nov. 19, 2001 has long past. See: case no. 2013-CA-693 and
Case no. 2014-CF-1456, All Exhibits, but not limited to.

Therefore: Clerk and Court take judicial notice procedurally and substantively
non- resident Creditor: Larry Richard Wetzel: Beneficiary, domicile under duress
and protest 3112 Hickory Street, Navarre, Florida has met his burden filed in case
no. 2013-CA-693 notice of recording foreign judgment and affidavit without
objections so ever waived by named debtors to have the trial court enforce the
default judgment without objection or Appeal by debtors so ever waived. See:
case no. 2013-CA-693, but not limited to. Thomas F. Brink orders around date:
12/18/2018 are clearly gain without jurisdiction, Jurisdiction being changed over
objection from civil to criminal in case no. 2013-CA-693, Santa Rosa, County,
Florida, and case no. 2001-L-624, St. Clair County, Illinois but not limited to; but
the 4th DCA's disjointed opinion on the trial court's abuse of discretion and the
trial courts failure to act in case no. 2013-CA-693, but not limited to in accordance
with Florida law are inconsistent and expressly and directly in conflict with Florida
law. See: case no. 2013-CA-693, but not limited to. Furthermore, Creditor: Larry
Richard Wetzel: Beneficiary had not received proper or fair notice prior to entry of
the Oral order or expressed order date:12/18/2018 by: Judge Rimmer and Judge
Dickey acting without jurisdiction around date: 12/18/2018 over objections to
jurisdiction of court, see: case no. 2013-CA-693, but not limited to, which is
inconsistent and expressly and directly in conflict with Florida law. See: case no.
2013-CA-693, but not limited to. Creditor: Larry Richard Wetzel: Beneficiary,
respectfully request this Honorable Court accept and record in recorder of deeds,
Santa Rosa, County, Florida, Address: 6495 Caroline Street, Milton, Florida
pursuant to: 55.10 F.S., chapter 55, 55:501-55:509, common law be filed in court
of record, Instrument incorporated here and now. Clerk of Court file pursuant to
Chapter 55, 55.10 F.S., common law in court of record, this stamp and signature
certifies this 36-page document is a copy of the original on file in the office of:
Donald C. Spencer Clerk of the Court, Santa Rosa County, Florida this 10th Day of

