

Date: July 11, 2025

Kevin: Realworldfare (formerly Kevin: Walker)
Care of: 30650 Rancho California Road # 406-251
Temecula, California [92591]
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*Respondent, Real Party In Interest, Secured Party,
Injured Party*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MARINAJ PROPERTIES LLC,
[Purported] *Plaintiff*,
vs.
KEVIN WALKER, DONNABELLE
MORTEL,
[Purported] *Defendants*.

Case No. 5:25-cv-01450-SSS(SP_x)

**VERIFIED JUDICIAL NOTICE AND
EMERGENCY NOTICE OF
JURISDICTIONAL DEFECT, VOID
ACTIONS, AND DEMAND TO
VACATE DOCKET, DISMISS FOR
LACK OF JURISDICTION, AND
REASSIGN UNDER 28 U.S.C. § 144**

(SPECIAL LIMITED APPEARANCE — IN
EQUITY ONLY — EQUITY JURISDICTION
PRESERVED)

TO THE COURT, ALL PARTIES, AND COUNSEL OF RECORD:

This matter is brought in **equity**, under the original and exclusive jurisdiction of
this Court as authorized by the Constitution of the United States, Article III, Section
2. All statutory jurisdiction is expressly denied and rebutted. This is a Court of
Record. All rights are reserved without prejudice pursuant to UCC 1-308.
COMES NOW Kevin: Realworldfare, in full capacity as the natural, living man and
Real PartyIn Interest, proceeding *sui juris, in propria persona*, **not pro se**, by Special
Limited Appearance only, **not** appearing as surety for any legal fiction, not a
corporation, **not a “resident”**, and **not** a U.S. citizen under the 14th Amendment, and

invokes the Court's original jurisdiction in **equity**, demanding adjudication according to the **facts, truth, and applicable law**, and hereby provides this Verified Judicial Notice and Emergency Notice of Jurisdictional Defect and Demand to Vacate All Docket Activity, as a matter of equity, law, and mandatory compliance with 28 U.S.C. § 144, 28 U.S.C. § 455, and Federal Rule of Evidence 201.

I. JUDICIAL NOTICE UNDER F.R.E. 201 AND OPERATION OF LAW
UNDER 28 U.S.C. § 144

The Court is **mandated** to take judicial notice of:

1. A **Verified** Motion and **Verified** Affidavit for Disqualification of Judge **Sunshine Suzanne Sykes** filed on **July 11, 2025**, pursuant to **28 U.S.C. §§ 144 and 455**, asserting specific and substantiated facts of:

- Judicial bias and prejudice;
- Failure to protect federal removal jurisdiction under 28 U.S.C. § 1446(d);
- Procedural fraud and tolerance of fabricated filings;
- Continued recognition of a void unlawful detainer action that is jurisdictionally barred by two pending quiet title actions.

2. The language of **28 U.S.C. § 144** is **mandatory and self-executing**:

"The judge shall proceed no further..."

II. THE COURT IS DIVESTED OF JURISDICTION – ALL DOCKET
ACTIVITY AFTER JULY 11, 2025 IS VOID AB INITIO

Once the **Verified** Affidavit was filed:

- Judge Sykes was **automatically disqualified** by operation of law.
- The Court was **divested of all authority** pending mandatory reassignment.
- No further judicial action could lawfully be taken – including issuance of orders, rulings, docket processing, or scheduling.

See:

- *United States v. Sibla*, 624 F.2d 864, 867 (**9th Cir. 1980**)
- *Berger v. United States*, 255 U.S. 22, 36 (1921)

- *In re Goodwin*, 194 B.R. 214, 221 (9th Cir. B.A.P. 1996)

III. ALL PLAINTIFF FILINGS ARE VOID FOR WANT OF JURISDICTION AND MUST BE STRICKEN

Since **June 10, 2025**, this Court has received, docketed, and tolerated a series of filings by Purported Plaintiff **Marinaj Properties LLC** and their counsel, despite the Court lacking **subject matter jurisdiction** and despite the complete absence of verified pleadings, lawful party standing, or indispensable parties. Each of these filings is null and void ab initio and constitutes a continued fraud on the court, in direct violation of **Federal Rules of Civil Procedure 11 and 12(f)**, and established equity principles.

A. Plaintiff's Jurisdictionally Void and Unverified Filings Include:

- **Dkt. 12** – *NOTICE OF MOTION AND MOTION to Remand Case to Riverside Superior Court* (unverified, no standing, includes fraudulent exhibits and self-serving declarations)
- **Dkt. 30** – *REPLY in support of Motion to Remand* (16 pages, entirely unverified)
- **Dkt. 31** – *Declaration of Therese Bailey* (self-interested, unverified, inadmissible)
- **Dkt. 32** – *Request for Judicial Notice* (inadmissible, contains hearsay and unauthenticated exhibits)
- **Dkt. 33** – *Notice of Lodging* (attempt to lodge a proposed order enforcing void and defective filings)
- **Dkt. 29** – *Certificate of Interested Parties* (fails to disclose indispensable parties **WG EXPRESS TRUST** or **WG PRIVATE IRREVOCABLE TRUST**)

All of the above filings were made by a purported Plaintiff who is not the real party in interest, has no legal or equitable title, and is prosecuting an unlawful detainer that is jurisdictionally barred due to two pending quiet title actions (Case No. 5:25-cv-01357 and Case No. 5:25-cv-01434).

B. Such Filings Violate FRCP 11, 12(f), and Equity

These filings are procedurally defective and fatally flawed for the following reasons:

- **Not one is verified** under penalty of perjury or signed by a party with actual first-hand knowledge.
- **They lack standing**, as Marinaj Properties LLC was never the original lender, beneficiary, or a successor with lawful assignment.
- **They ignore two Quiet Title actions** – one originated in State court as case No. CVME2504043 and has since been removed to Federal Court as evidenced by Case No. 5:25-cv-01434, and one in federal court under Case No. 5:25-cv-01357 – **which categorically bar unlawful detainer proceedings under controlling California and federal law.**
- **They introduce fabricated or unauthenticated exhibits** in violation of the Federal Rules of Evidence.
- **They invoke no lawful basis for jurisdiction** under 28 U.S.C. § 1447 or any other authority post-removal.

C. Such Fraud on the Court Renders All Entries Void Ab Initio

It is well-established that:

“Any judgment rendered by a court lacking subject matter jurisdiction is void on its face and subject to collateral attack at any time.”

– *Carlson v. Eassa* (1997) 54 Cal.App.4th 684, 691.

“A court acts in excess of its jurisdiction when it lacks authority over the subject matter.”

– *People v. American Contractors Indemnity Co.* (2004) 33 Cal.4th 653, 660.

“The court has a duty to dismiss an action sua sponte if it determines that jurisdiction is lacking.”

– *County of Ventura v. Tillett* (1982) 133 Cal.App.3d 105, 110.

“The absence of subject matter jurisdiction renders any resulting judgment void and unenforceable.”

– *In re Marriage of Goddard* (2004) 33 Cal.4th 49, 54.

Therefore, Dkt. 12, 29–33, and any subsequent filings by Purported Plaintiff must be **stricken in full**. The Court has not lawfully acquired jurisdiction, and continuing to act on such void filings would further compound procedural fraud and civil rights violations under color of law.

IV. MANDATORY DISMISSAL REQUIRED DUE TO TITLE DISPUTE, LACK OF JURISDICTION, AND PENDING QUIET TITLE ACTIONS

This is not a mere summary eviction matter. This is an action where title is clearly and substantially disputed – across two pending Quiet Title proceedings, one in federal court and one in state court. Both predate or were filed contemporaneously with this unlawful detainer, which was fraudulently initiated under color of law by parties not named in any valid Deed of Trust or Note.

It is black-letter California law that:

- “Where the right to possession depends on the validity of title, and title is in substantial dispute, the unlawful detainer action **must be dismissed**.”
– *Steiner v. Thexton* (2010) 48 Cal.4th 411, 429;
See also Knowles v. Robinson (1963) 60 Cal.2d 620, 625
- “The unlawful detainer remedy presupposes the existence of a landlord-tenant relationship or legal basis for summary possession; where title is challenged, the action **must be dismissed**.”
– *Evans v. Superior Court* (1977) 67 Cal.App.3d 162, 170

These decisions are controlling and categorically bar unlawful detainer proceedings where:

- Title is the central question (*Steiner, Knowles, Evans*);
- The parties have not proven standing under the Note or Deed of Trust (*Cheney v. Trauzettel* (1937) 9 Cal.2d 158, 159–160);
- A bona fide title dispute exists, evidenced by two pending Quiet Title actions (Case No. 5:25-cv-01357 And Case No. 5:25-cv-01434) (*Delta Inv. Corp. v.*

Morrison (1970) 13 Cal.App.3d 373, 378; *Glovatorium, Inc. v. NCR Corp.* (1983) 143 Cal.App.3d 27, 32);

- The transfer of title is facially defective or unperfected (*Malkoskie v. Option One Mortgage Corp.* (2010) 188 Cal.App.4th 968, 973);
- The proceeding is improperly used to adjudicate title (*Asuncion v. Superior Court* (1980) 108 Cal.App.3d 141, 145).

Further, as confirmed in *People v. American Contractors Indemnity Co.* (2004) 33 Cal.4th 653, 660:

“A court acts in excess of its jurisdiction when it lacks authority over the subject matter.”

And per *Carlson v. Eassa* (1997) 54 Cal.App.4th 684, 691:

“Any judgment rendered by a court lacking subject matter jurisdiction is void on its face and subject to collateral attack at any time.”

California courts also have an affirmative duty to **sua sponte** dismiss an action lacking jurisdiction:

“The court has a duty to dismiss an action sua sponte if it determines that jurisdiction is lacking.”

— *County of Ventura v. Tillett* (1982) 133 Cal.App.3d 105, 110

Finally, subject matter jurisdiction is never presumed, and its absence renders any order **void ab initio**:

“The absence of subject matter jurisdiction renders any resulting judgment void and unenforceable.”

— *In re Marriage of Goddard* (2004) 33 Cal.4th 49, 54

Accordingly, and pursuant to the above controlling authorities:

- **The unlawful detainer must be immediately dismissed for lack of subject matter jurisdiction;**
- The court **must** take judicial notice of the pending Quiet Title actions, which supersede and preclude this unlawful detainer as *a matter of law*;

- Any further proceedings on possession must be dismissed.

This is not a landlord-tenant dispute. This is a civil title controversy – if one can even call it a controversy. In truth, there exists **no genuine legal dispute**, only the continued **dishonor, default, fraud, and obstruction by the purported Plaintiff**. All material facts, including lawful tender, perfected title claims, unrebutted affidavits, and jurisdictional challenges, remain unanswered. **The record shows clear bad faith litigation tactics** by parties without standing, and under California law, there is absolutely **no lawful basis for summary eviction** where title is disputed or where equity demands full adjudication.

V. VERIFIED NOTICE OF IMMINENT MANDAMUS ESCALATION
UNDER 28 U.S.C. § 1651, RULE 21, AND SUPREME COURT RULE 20

Real Party in Interest, **Kevin: Realworldfare**, hereby gives **verified notice** that **any further judicial obstruction or failure to act** in accordance with federal disqualification law, due process, and jurisdictional limits will compel **immediate escalation** to both the **U.S. Court of Appeals for the Ninth Circuit** and, if necessary, the **Supreme Court of the United States** under **Rule 20**.

A. LEGAL MANDATE FOR MANDAMUS RELIEF

1. 28 U.S.C. § 1651(a) – “All Writs Act”

“The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions...”

2. 28 U.S.C. § 144 – Disqualification of Judge for Bias or Prejudice

“Whenever a party... makes and files a timely and sufficient affidavit that the judge... has a personal bias or prejudice... such judge shall proceed no further therein.”

3. 28 U.S.C. § 455 – Disqualification for Personal Interest or Appearance of Impropriety

“Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.”

1 **4. Federal Rule of Appellate Procedure 21 – Mandamus or Prohibition**

2 “A party may petition the court of appeals for a writ of mandamus... to compel a
3 lower court to act as required by law.”

4 **5. Supreme Court Rule 20 – Procedure on a Petition for an Extraordinary Writ**

5 Rule 20 authorizes original petitions for **extraordinary relief** including
6 **mandamus** where:

- 7 • The case is “of such imperative public importance as to justify deviation
8 from normal appellate practice”;
- 9 • Relief is sought to restrain a lower court acting **in excess of jurisdiction,**
10 **without authority of law, or in violation of mandatory constitutional**
11 **duties.**

12 **B. CONTROLLING CASE LAW**

- 13 • **Ex parte Republic of Peru**, 318 U.S. 578, 585 (1943):

14 “A court which lacks jurisdiction cannot proceed at all in any cause.
15 Jurisdiction is power to declare the law, and when it ceases to exist, the only
16 function remaining... is that of announcing the fact and dismissing the
17 cause.”

- 18 • **United States v. Will**, 449 U.S. 200, 217 (1980):

19 “Disqualification under § 144 is mandatory once a sufficient affidavit is
20 filed.”

- 21 • **United States v. Sibla**, 624 F.2d 864, 867 (9th Cir. 1980):

22 “[F]iling of a legally sufficient affidavit under 28 U.S.C. § 144 requires the
23 judge to recuse himself.”

- 24 • **Miller v. French**, 530 U.S. 327, 340 (2000):

25 “The separation-of-powers doctrine prohibits any court from arrogating
26 power beyond its jurisdiction.”

27 **C. CONCLUSION AND MANDATORY RELIEF**

28 If this Court fails to:

- Acknowledge and enforce judicial disqualification under § 144;
- Vacate all void orders and fraudulent docket activity post-disqualification;
- Reassign this matter to a neutral Article III judge;
- And stay all proceedings pending full resolution;

Then, Respondent/Secured Party/Injured Party **shall immediately file:**

1. A **verified Emergency Petition for Writ of Mandamus** in the U.S. Court of Appeals for the Ninth Circuit under **28 U.S.C. § 1651** and **FRAP 21**;
2. If obstruction or non-action continues, an **Original Petition for Writ of Mandamus** in the **Supreme Court of the United States** under **Rule 20**, demanding correction of ultra vires acts, judicial misconduct, and jurisdictional violations.

This record is hereby preserved for appellate and extraordinary relief. This Court is on **formal notice**.

VI. VERIFIED DEMAND FOR VACATUR, DISMISSAL, AND REASSIGNMENT

In both equity and law, I, **Kevin: Realworldfare**, Real Party In Interest, Secured Party, Injured Party, and Respondent, hereby issue the following verified demands:

1. **Immediate judicial notice and entry** acknowledging that Judge Sunshine Suzanne Sykes is **disqualified by operation of law**, pursuant to 28 U.S.C. § 144, upon the filing of a legally sufficient affidavit and motion for disqualification;
2. **Vacatur of all filings, orders, hearings, and docket activity dated July 11, 2025 or later**, as void ab initio for want of jurisdiction and in furtherance of fraud upon the court;
3. **Immediate dismissal of this action in its entirety**, with prejudice, based on lack of subject matter jurisdiction, fatal procedural defects, default by Plaintiff, and active obstruction of justice and equitable adjudication;

4. **Reassignment to a neutral Article III judge**, in accordance with federal law, due process, and the mandatory disqualification procedures triggered under 28 U.S.C. § 144 and binding Ninth Circuit precedent;

5. **Formal stay of all proceedings** pending adjudication of the verified disqualification, jurisdictional challenge, and equitable motions now before the Court.

This demand is made under oath and supported by the **verified** record, unrebutted affidavits, and **overwhelming evidence of fraud, default, and systemic obstruction** by the purported Plaintiff *and* its counsel. No further filings, rulings, or hearings may lawfully proceed under a disqualified judicial officer.

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VERIFICATION:

Pursuant to 28 U.S.C. § 1746

I, Kevin: Realworldfare, over the age of 18, competent to testify, and having firsthand knowledge of the facts stated herein, do hereby **declare, certify, verify, affirm, and state** under penalty of perjury under the laws of the **United States of America and the State of California**, that the foregoing statements are **true, correct, and complete**, to the best of my **understanding, knowledge, and belief**, and made in **good faith**.

Executed, signed, and sealed this 11th day of July in the year of Our Lord two thousand and twenty five, *without* the United States, **with all rights reserved and without recourse and without prejudice**.

All rights reserved without prejudice or recourse, UCC § 1-308, 3-402.

By: Kevin: Realworldfare

Kevin: Realworldfare, Real Party In Interest,

Respondent, Secured Party, Injured Party

LIST OF EXHIBITS / EVIDENCE:

1. **Exhibit T:** GRANT DEED recorded in Official Records County of Riverside, DOC #2024-0291980, APN: 957-570-005, File No.: 37238 KH, where the private trust property is titled to '**WG Private Irrevocable Trust, dated February 7, 2022**'.
2. **Exhibit U:** UCC1 filing #2024385925-4.
3. **Exhibit V:** UCC1 filing #2024385935-1.
4. **Exhibit W:** UCC3 filing and NOTICE #2024402433-7.
5. **Exhibit X:** UCC3 filing and NOTICE #2024411182-7.
6. **Exhibit Y:** NOTE lawfully discharged and extinguished
7. **Exhibit Z:** Mortgage/DEED OF TRUST lawfully discharged and extinguished
6. **Exhibit AA:** Affidavit and Contract and Security Agreement #EI988807156US.
7. **Exhibit BB:** Affidavit and Contract and Security Agreement #RF775822865US.
8. **Exhibit CC:** Affidavit and Contract and Security Agreement #RF775823755US.
9. **Exhibit DD:** Contract and Security Agreement / Affidavit Certificate of Dishonor, Non-response, DEFAULT, JUDGEMENT, and LIEN AUTHORIZATION and LIEN AUTHORIZATION, #RF775824288US.
10. **Exhibit EE:** Form 3811 corresponding to Exhibit G.
11. **Exhibit FF:** Form 3811 corresponding to Exhibit H.
12. **Exhibit GG:** Form 3811 corresponding to Exhibit I.
13. **Exhibit HH:** Form 3811 corresponding to Exhibit J.

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Date: July 11, 2025

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I competent, over the age of eighteen years, and not a party to the within action. My mailing address is the Walkernova Group, **care of:** 30650 Rancho California Road suite #406-251, Temecula, California [92591]. On or about **July 11, 2025**, I served the within documents:

1. VERIFIED NOTICE MOTION AND VERIFIED MOTION AND DEMAND TO DISQUALIFY JUDGE SUNSHINE SUZANNE SYKES UNDER 28 U.S.C. §§ 144 AND 455 FOR BIAS, PREJUDICE, AND FAILURE TO PRESERVE FEDERAL REMOVAL JURISDICTION

By Electronic Service. Based on a court order and/or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below.

Naji Doumit, Mary Doumit, Daniel Doumit
C/o **NAJI DOUMIT, MARINAJ PROPERTIES, FOCUS ESTATES INC**
louisatoui3@yahoo.com
najidoumit@gmail.com

John L. Bailey (#103867), Therese Bailey (#171043)
C/o **THE BAILEY LEGAL GROUP**
jbailey@tblglaw.com
tbailey@tblglaw.com

Barry-Lee: O'Connor (#134549)
C/o **BARRY LEE O'CONNOR, BARRY LEE O'CONNOR & ASSOCIATES**
udlaw2@aol.com

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **July 11, 2025** in Riverside County, California.

/s/Chris Yarbra/
Chris Yarbra

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Date: July 11, 2025

NOTICE:

Using a notary on this document does *not* constitute joinder adhesion, or consent to any foreign jurisdiction, *nor does it alter my status in any manner*. The purpose for notary is verification and identification only and not for entrance into any foreign jurisdiction.

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ACKNOWLEDGEMENT:

State of California)

) ss.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

County of Riverside)

On this 11th day of July, 2025, before me, Joyti Patel, a Notary Public, personally appeared Kevin Realworlfare (formerly Kevin Walker), who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Joyti Patel (Seal)

