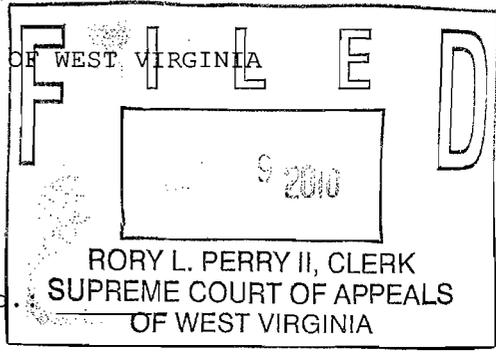


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35704



IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

1
2
3 KEITH WILLIAM DEBLASIO,
4 Petitioner,
5 vs.
6 Kimberly J. Jackson, Circuit Clerk,
7 and
8 John C. Yoder, Circuit Judge,
9 Respondents.

Case No.

PETITION FOR EXTRAORDINARY RELIEF
IN THE NATURE OF A WRIT OF
PROHIBITION AND MANDAMUS

**PETITION FOR EXTRAORDINARY RELIEF
IN THE NATURE OF A WRIT OF PROHIBITION AND MANDAMUS**

13 Pursuant to Chapter 53, Article 1 of West Code, Keith William DeBlasio, comes
14 now, pro se, and petitions this Court for extraordinary relief in the nature
15 of a writ of mandamus, directed to Respondent, Kimberly J. Jackson, Circuit
16 Clerk of Morgan County, and her employees and agents in the Circuit Clerk's
17 Office, Morgan County, West Virginia, 23rd Judicial Circuit. This action
18 seeks to compel Respondent Jackson to file the Petitioner's Civil Complaint,
19 Keith William DeBlasio vs. Virginia L. Stone, et al., submitted on 28 July
20 2010, with fees and costs waived, pursuant to Rule 77(e) of West Virginia
21 Rules of Civil Procedure, as supported by the Petitioner's Financial
22 Affidavit and Application, submitted at the same time; or in the alternative,
23 to provide the review of the affidavit of indigency and determination of
24 indigency as required by Rule 77(e)(2) of West Virginia Rules of Civil
25 Procedure.

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In addition, if the Petitioner is deemed by the Circuit Clerk not to have met the eligibility of indigency pursuant to West Virginia Code §59-2-1, the Petitioner seeks have the Circuit Court review the clerk's decision within the time required by Rule 77(e) (2) of West Virginia Rules of Civil Procedure, on the record, and by written decision filed appropriately to permit appeal.

In support of this verified petition, Petitioner alleges the following:

THE PARTIES

- 1. Petitioner, Keith William DeBlasio, is a disabled resident of Morgan County, West Virginia who currently receives SSI Benefits as his sole income.
- 2. Respondent, Kimberly J. Jackson, is the Circuit Clerk of Morgan County, West Virginia, and is named herein in her official capacity.
- 3. Respondent, John C. Yoder, is the Circuit Judge of Morgan County, West Virginia, 23rd Judicial Circuit, and is named herein in his official capacity.

JURISDICTION

- 4. This Court has jurisdiction over the subject matter of this action pursuant to **Chapter 51, Article 1 of the West Virginia Code** (§51-1-3 establishing original jurisdiction), **Chapter 53, Article 1 of the West Virginia Code** (regarding jurisdiction in cases of prohibition and mandamus), **Chapter 59 Article 2 of the West Virginia Code** (§59-2-1(b),

1 (c) giving authority to establish guidelines and forms for determining
2 the eligibility of civil litigants to proceed in forma pauperis); and
3 **Chapter 51 Article 1 of the West Virginia Code** (§51-1-4 establishing
4 the general regulation of pleading, practice and procedure in all
5 courts of record).

6
7 **FACTS**

8 5. On 28 July 2010, the Petitioner submitted for filing a Civil Complaint
9 to the Circuit Court of Morgan County through the Circuit Clerk,
10 Respondent Jackson.

11 6. Being without the means to pay filing fees and costs, the Petitioner
12 requested to proceed, in accordance with Rule 77 (e) of West Virginia
13 Rules of Civil Procedure, with a waiver of fees.

14 7. The Clerk's office provided the Petitioner with a Financial Affidavit
15 and Application (SCA-C&M201.03), which was completed by the Petitioner,
16 affirmed by the Deputy Clerk, and submitted along with the Civil
17 Complaint for filing on 28 July 2010. (see **Exhibit A**)

18 8. At this time, the Deputy Clerk informed the Petitioner that the entire
19 filing would be submitted to the Circuit Court for review without a
20 determination by the Circuit Clerk.

21 9. By Administrative Order of the Supreme Court of Appeals, dated 29 April
22 2010, the Financial Affidavit and Application for Fee Waiver (SCA-
23 C&M201.03) and the financial guidelines to be used in such
24 determinations were established by the Chief Justice.

1 10. The guidelines referenced by the 29 April 2003 order requires,
2 pursuant to Rule 77 (e) (2) of West Virginia Rules of Civil Procedure,
3 that, in making determinations of eligibility for waiver, the initial
4 determination of eligibility should be made by the Clerk or Deputy
5 Clerk and that, if the information provided for on the affidavit meets
6 certain criteria as formulated by the guidelines, that "the application
7 for waiver should be granted" by the Clerk or Deputy Clerk. (see
8 **Exhibit B**)

9 11. On Saturday, 7 August 2010, Respondent Yoder signed the
10 Petitioner's Financial Affidavit and Application (SCA-C&M201.03), in
11 place of the Clerk or Deputy, as denied.

12 12. On 23 August 2010, the Petitioner submitted a second Financial
13 Affidavit and Application (SCA-C&M201.03) to the Circuit Clerk's
14 office. (see **Exhibit C**)

15 13. On 2 September 2010, the Petitioner confirmed with the office of
16 the Supreme Court of Appeals that the Administrative Order of 29 April
17 2010 had not been superseded by "further administrative order of the
18 Chief Justice.

19 14. On 2 September 2010, the Petitioner again went to the Circuit
20 Clerk's office to check on the status of his second Financial Affidavit
21 and Application (SCA-C&M201.03), which had not been responded to within
22 the 7 days prescribed by Rule 77 (e) (2) of West Virginia Rules of
23 Civil Procedure; to demonstrate to the Circuit Clerk that the
24 Petitioner was entitled to waiver under the law and prescribed rules;
25

1 and to submit a Notice of Appeal regarding the previous decision to
2 deny waiver.

3 15. During his visit to the Circuit Clerk's office on 2 September
4 2010, the Petitioner was informed that the Deputy Clerk would hold the
5 information and documents for review by the Circuit Court since a
6 Notice of Appeal could not be filed without a docketed case and case
7 number.

8 16. To date, the Circuit Clerk has still not made a determination of
9 eligibility for Petitioner's waiver of fee, the Circuit Clerk has not
10 filed the Petitioner's Civil Complaint, the Circuit Clerk has not filed
11 the Petitioner's Notice of Appeal, and the Circuit Court has not
12 responded to the Petitioner's second Financial Affidavit and
13 Application (SCA-C&M201.03).

14
15 **ARGUMENT**

16 *As a matter of law, the Petitioner is entitled to have his Civil Complaint*
17 *filed by the Circuit Clerk.*

18 17. The Legislature of West Virginia enacted **W.Va. Code §59-2-1**
19 thereby creating an entitlement for any "natural person who is
20 financially unable to pay the fees or costs attendant to the
21 commencement, prosecution or defense of any civil action or proceeding,
22 or an appeal therein, [to be] permitted to proceed without prepayment
23 in any court of this state, after filing with the court an affidavit
24 that he or she is financially unable to pay the fees or costs or give
25 security therefor."

1 18. The Petitioner unmistakably meets the guidelines set forth in the
2 Administrative Order of the Supreme Court of Appeals of West Virginia
3 in response to **W.Va. Code §59-2-1 (b)** (*"The supreme court of appeals or*
4 *the chief justice thereof shall establish and periodically review and*
5 *update financial guidelines for determining the eligibility of civil*
6 *litigants to proceed in forma pauperis."*) and **Rule 77 (e) of West**
7 **Virginia Rules of Civil Procedure** (*"an affidavit prescribed by the*
8 *chief justice of the Supreme of Court of Appeals"*).

9 19. Therefore, the mandatory language of **W.Va. Code §59-2-1** (*"A*
10 *natural person who is financially unable to pay the fees or costs*
11 *attendant to the commencement, prosecution or defense of any civil*
12 *action or proceeding, or an appeal therein, is permitted to proceed*
13 *without prepayment in any court of this state, after filing with the*
14 *court an affidavit that he or she is financially unable to pay the fees*
15 *or costs or give security therefor...[and] The clerk of the court and*
16 *all other officers of the court shall issue and serve all process and*
17 *perform all duties in such cases."*) requires that the Circuit Clerk
18 file the Civil Complaint submitted by the Petitioner.

19 20. In addition, both the **Rule 77 (e) of West Virginia Rules of Civil**
20 **Procedure** (*"If it appears from the affidavit that the person meets the*
21 *financial guidelines, the clerk shall perform the service requested in*
22 *conjunction with the affidavit."*) as well as the **Financial Guidelines**
23 **for Determining Eligibility for Waiver of Fees, Costs, or Security in**
24 **Civil Cases in the West Virginia Courts From May 1, 2003, until**
25 **Directed Otherwise by Administrative Order of the Chief Justice**

1 attached to the **Administrative Order of the Supreme Court of Appeals of**
2 **West Virginia**, dated 29 April 2003 ("A. Initial Determination of
3 Eligibility for Waiver by Clerk or Deputy Clerk...If the amount in Line
4 C1 of the affidavit is less than the amount shown in the income chart
5 below for the number of dependents listed in Line C2b of the affidavit
6 AND the amount in Line C3 minus \$500 is less than the amount in Line
7 C4b of the affidavit, THEN the application for waiver **should be granted**
8 UNLESS the amount in Line C5b of the affidavit is more than the income
9 chart amount."), provide sufficient mandatory language to underpin that
10 of the original statute.

11
12 *As a matter of due process, the Petitioner is entitled to have Respondents*
13 *comply with procedure.*

14 21. Both Respondents failed, or refused, to follow the mandatory
15 procedures set forth by both statute and rules thereby failing to
16 provide the Petitioner with due process as well as an avenue for
17 appeal.

18 22. First, Respondent Jackson's noncompliance with the mandated
19 procedure not only delayed the filing of the Petitioner's claims, thus
20 subjecting him to further harm, but in addition preempted the
21 Petitioner from properly submitting the appropriate Motion for Review:
22 Eligibility for Waiver of Fess, Costs, or Security (SCA-C&M202.03) and
23 obtaining an appropriate record for appeal of the lower court's
24 decision.

1 23. Second, Respondent Yoder's failure to act on the matter within
2 the time allowed under **Rule 77 (e) (2) of West Virginia Rules of Civil**
3 **Procedure** ("*Upon receipt of the affidavit, the court shall, within 7*
4 *days, either approve the affidavit, disapprove the affidavit, instruct*
5 *the person to provide additional information, or schedule an ex parte*
6 *hearing to determine indigency.*") created additional delay while the
7 Petitioner continues to suffer from the harms addressed in his original
8 claim, which remains unfiled.

9 24. Also, Respondent Yoder's failure to provide an appropriate order
10 and/or decision on the matter of indigency, along with reasons for a
11 denial of the waiver, further prevents the Petitioner from seeking
12 appeal since there is still no lower court record.

13
14 *The Petitioner is entitled to extraordinary relief.*

15 25. Since the Respondents have refused to make any of the
16 Petitioner's filings a part of any lower court record, and since the
17 Respondents are in clear contradiction of both statute and rules, the
18 Petitioner has no other available remedy other than to seek redress in
19 the way of extraordinary relief under the original jurisdiction of this
20 Court.

21
22 **CONCLUSION**

23 It is respectfully requested that this Court issue an order directed to the
24 Respondents and their counsel to answer Petitioner's Petition and show cause
25 why the relief prayed for in this action should not be granted. Petitioner

1 prays that a writ of mandamus be issued under the seal of this Court
2 commanding the Respondents to file the Petitioner's Complaint, Keith William
3 DeBlasio vs. Virginia L. Stone, et al., submitted on 28 July 2010, with fees
4 and costs waived, pursuant to Rule 77(e) of West Virginia Rules of Civil
5 Procedure, or in the alternative, command the Respondent to provide the
6 review of the affidavit of indigency and determination of indigency as
7 required by Rule 77(e)(2) of West Virginia Rules of Civil Procedure and in a
8 manner that would be reviewable on appeal; that the Court grant the
9 Petitioner the opportunity to file a petition for an award of attorney fees,
10 costs and expenses incurred in bringing this Petition; and that the Court
11 grant such other and further relief as may be just and proper.

12
13
14 Respectfully submitted this 3rd day of
September, 2010

15
16
17
18 _____
Keith William DeBlasio, pro se
19 15 Candlewood Lane
Great Cacapon, West Virginia 25422
20 (304) 947-7607
21
22
23
24
25

Table of Exhibits

Exhibit A

Petitioner' Financial Affidavit and Application: Eligibility for Waiver of Fees, Costs, or Security in a Civil or Domestic Case, dated 28 July 2010

Exhibit B

Administrative Order of the Supreme Court of Appeals of West Virginia and Financial Guidelines for Determining Eligibility for Waiver of Fees, Costs, or Security in Civil Cases in the West Virginia Courts From May 1, 2003, until Directed Otherwise by Administrative Order of the Chief Justice, dated 29 April 2003

Exhibit C

Petitioner' Financial Affidavit and Application: Eligibility for Waiver of Fees, Costs, or Security in a Civil or Domestic Case, dated 23 August 2010

Memorandum of Authorities

Statutes

Chapter 51, Article 1, West Virginia Code, §51-1-3

Chapter 51 Article 1, West Virginia Code, §51-1-4

Chapter 53, Article 1, West Virginia Code

Chapter 59 Article 2, West Virginia Code, §59-2-1(b)

Chapter 59 Article 2, West Virginia Code, §59-2-1 (c)

Rules

Rule 77(e), West Virginia Rules of Civil Procedure

Administrative Orders

Administrative Order of the Supreme Court of Appeals of West Virginia and Financial Guidelines for Determining Eligibility for Waiver of Fees, Costs, or Security in Civil Cases in the West Virginia Courts From May 1, 2003, until Directed Otherwise by Administrative Order of the Chief Justice (29 April 2003)

Memorandum of Parties to be Served

Attorney

Debra MH McLaughlin
Morgan County Prosecuting Attorney
77 Fairfax Street, Suite 2A
Berkeley Springs, WV 25411

Individuals

Kimberly J. Jackson
Morgan County Circuit Clerk
77 Fairfax Street, Suite 2F
Berkeley Springs, WV 25411

The Honorable John C. Yoder
Circuit Judge of Morgan County
Berkeley County Judicial Center
380 W. South Street
Martinsburg, WV 25401

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

KEITH WILLIAM DEBLASIO,)
)
 Petitioner,)
)
 vs.)
)
 Kimberly J. Jackson, Circuit Clerk,) _____
)
 and)
)
 John C. Yoder, Circuit Judge,)
)
 Respondents.)
)
 _____)

PROOF OF SERVICE

I, Keith William DeBlasio, hereby declare, under penalty of perjury, that a true and correct copy of the foregoing Petition for Extraordinary Relief in the Nature of a Writ of Prohibition and Mandamus, along with all attachments, was mailed via U.S.P.S. to counsel for the Respondents, Debra MH McLaughlin, Morgan County Prosecuting Attorney, at 77 Fairfax Street, Suite 2A, Berkeley Springs, WV 25411, on this 7th day of September 2010.

Keith William DeBlasio, pro se
15 Candlewood Lane
Great Cacapon, West Virginia 25422
(304) 947-7607

EXHIBIT A

IN THE CIRCUIT COURT OF MORGAN COUNTY, WEST VIRGINIA

KEITH WILLIAM DEBLASIO v. VIRGINIA L. STONE, ET AL Case No. _____
Plaintiff or Petitioner Defendant or Respondent

FINANCIAL AFFIDAVIT AND APPLICATION:
ELIGIBILITY FOR WAIVER OF FEES, COSTS, OR SECURITY IN A CIVIL OR DOMESTIC CASE

A. Information for the Applicant:

- ~~1. You will be allowed to file and carry on your civil proceeding without giving security or paying fees or costs that would otherwise be required, if the court finds that you meet the official financial guidelines.~~
2. You must file a separate affidavit and application anytime your financial situation no longer meets the official guidelines or anytime the court orders you to do so.
3. At any time you may request or the court may require review of your eligibility for a waiver; and at any time the court may require you to pay fees or costs previously waived or to pay future fees or costs.
4. When you sign this form, you will have to swear or affirm that you have completely and truthfully provided all information sought, to the best of your knowledge and ability. *If you knowingly give any incomplete and/or false information, you may be prosecuted for the crime of false swearing.*
5. The information you give in this form will be confidential only in a domestic violence or a divorce case.
6. Except for signatures, all information must be clearly printed.

B. Information about You and Your Case:

- 1a. Name: KEITH WILLIAM DEBLASIO b. Telephone Number: 304-947-7607
- c. Address 15 CANDLEWOOD LANE, GREAT CACAPON, WV 25422
2. Describe what is involved in your case: CIVIL ACTION ON HOME OWNERS ASSOCIATION, PROPERTY DAMAGE, AND TENANT ISSUES

- 3a. Do you have a lawyer? No
- b. Have you paid or will you have to pay your lawyer? No
- c. Will you have to pay your lawyer only if you win? N/A

C. Information about Your Financial Situation:

1. What is your current yearly household net (take-home) income from all sources (salary or wages, business(es), government payments, rents, pensions, interest, etc.): \$ 7,088.00

2a. List the names and relationships to you of all the persons supported by this income, whether or not they are household members: SELF

b. What is the total number of these persons? SELF ONLY

3. How much money do you and your household members have in cash, checking and savings accounts, deposit certificates, and/or bonds (liquid assets)? \$ 50.04

4a. List your regular monthly household debt-payment and other expenses (mortgage, car, and other debt payments; food, rent, utilities, medical transportation, child-care, and other expenses):

\$ 875 + (\$100 INSURANCE, \$200 + FOOD, \$150 ELECTRIC, \$100 PHONE, \$60 PRESCRIPTIONS, ETC.) \$400 HOUSE, \$200 AVERAGE MEDICAL TRANSPORT)

b. What is the total amount of these monthly expenses? \$ 875 +

5a. List all cars, trucks, motorcycles, or recreational vehicles (all-terrain vehicles, motor homes, snowmobiles, boats), including their make, model, and year, that you and your household members own (collateral assets readily convertible to cash): 1997 DODGE GRAND CARAVAN

b. What is the total value of these items? \$ 2,000

6a. List all real estate (houses, lots, land, rental property, other commercial property) that you or your household members own: 0.005% OF HOME AND LOT 1 OF SAME SUBDIVISION

b. What is the total value of these items? \$ 420.00 PETITIONERS' INTEREST

7. What would the consequences be for you if a waiver of fees, costs, or security is denied? I WOULD BE UNABLE TO FILE SUIT AND THEREBY WOULD CONTINUE TO BE HARMED.

=====

By signing my name on this form, I swear to or affirm: (1) the completeness and truthfulness, to the best of my ability and knowledge, of the information I have provided and (2) my belief that I have a right to a waiver.

Signature of Affiant-Applicant: [Signature]

Taken, subscribed, and sworn or affirmed before me, by the person whose signature appears above, on this

28 day of July, 2010, in Morgan County, West Virginia.

Signature of Notary (Clerk or Deputy Clerk): [Signature]

=====

For Court Use Only

The affiant's application for a waiver is (clerk: initial one) _____ granted denied.

Date: 8/7/10 Signature of ^{Judge} Clerk or Deputy: [Signature]

EXHIBIT B

ADMINISTRATIVE ORDER
SUPREME COURT OF APPEALS OF WEST VIRGINIA

WHEREAS, the Legislature of West Virginia, in its 1993 regular session amended W.Va. Code §59-2-1; and

WHEREAS, the Supreme Court of Appeals adopted Rule 77(e) of the West Virginia Rules of Civil Procedure and Rule 22 of Civil Procedure for the Magistrate Courts of West Virginia, both effective September 1, 1993; and

WHEREAS, the above-referenced rules provide for the Chief Justice to establish financial guidelines for determining eligibility for waiver of payment or giving security for fees or costs in civil litigation; and

WHEREAS, W.Va. Code §59-2-1(b) requires this Court or the Chief Justice to periodically update financial guidelines for determining the eligibility of civil litigants to proceed in forma pauperis;

NOW, THEREFORE, IT IS ORDERED that the updated Financial Affidavit and Application for Fee Waiver and the financial guidelines attached hereto and incorporated herein by reference shall be in effect from May 1, 2003 until such time as otherwise directed by further administrative order of the Chief Justice.

IT IS FURTHER ORDERED that the Administrative Director is to update the financial guidelines on an annual basis for the Court's consideration.

ENTER: April 29, 2003

//s// Larry V. Starcher

LARRY V.
STARCHER
Chief Justice

**Financial Guidelines
for Determining Eligibility for Waiver
of Fees, Costs, or Security in Civil Cases
in the West Virginia Courts
From May 1, 2003, until Directed Otherwise
by Administrative Order of the Chief Justice**

(W.Va. Code §59-2-1, Circuit Court Civil Rule 77(e), and Magistrate Court Civil Rule 22)

In making determinations of eligibility for waiver of fees, costs or security, authorized court personnel shall be mindful of citizens' right of access to the court and right to the benefit of court services.

A. Initial Determination of Eligibility for Waiver by Clerk or Deputy Clerk

If the amount in Line C1 of the affidavit is less than the amount shown in the income chart below for the number of dependents listed in Line C2b of the affidavit AND the amount in Line C3 minus \$500 is less than the amount in Line C4b of the affidavit, THEN the application for waiver should be granted UNLESS the amount in Line C5b of the affidavit is more than the income chart amount.

B. Review of Eligibility for Waiver by the Court

The Court may take into account all information provided in the affidavit, any evidence submitted in the action, and the income chart below, and may require the party alleging eligibility for waiver to provide additional information, beyond the affidavit, satisfactory to the Court.

C. Income Chart (April 2003)*

Number of People Dependent on Household Income	Yearly Net Income
1	\$13,000
2	\$18,000
3	\$23,000
4	\$28,000
5	\$33,000
6	\$38,000
7	\$43,000
8	\$48,000
9	\$53,000
10	\$58,000

*Based on Poverty Income Guidelines for the U.S. Department of Health and Human Services. 42 U.S.C. 9902(2). Federal Register, Vol. 68, No. 26, February 7, 2003, pp. 6456-6458.

EXHIBIT C

IN THE Circuit COURT OF Morgan COUNTY, WEST VIRGINIA

Keith William DeBlasio v. Virginia L. Stone, et al. Case No. _____
Plaintiff or Petitioner Defendant or Respondent

FINANCIAL AFFIDAVIT AND APPLICATION:
ELIGIBILITY FOR WAIVER OF FEES, COSTS, OR SECURITY IN A CIVIL OR DOMESTIC CASE

A. Information for the Applicant:

1. You will be allowed to file and carry on your civil proceeding without giving security or paying fees or costs that would otherwise be required, if the court finds that you meet the official financial guidelines.
2. You must file a separate affidavit and application anytime your financial situation no longer meets the official guidelines or anytime the court orders you to do so.
3. At any time you may request or the court may require review of your eligibility for a waiver; and at any time the court may require you to pay fees or costs previously waived or to pay future fees or costs.
4. When you sign this form, you will have to swear or affirm that you have completely and truthfully provided all information sought, to the best of your knowledge and ability. ***If you knowingly give any incomplete and/or false information, you may be prosecuted for the crime of false swearing.***
5. The information you give in this form will be confidential only in a domestic violence or a divorce case.
6. Except for signatures, all information must be clearly printed.

=====

B. Information about You and Your Case:

1a. Name: Keith William DeBlasio b. Telephone Number: 304-947-7607

c. Address 15 Candlewood Lane, Great Cacapon, WV 25422

2. Describe what is involved in your case: Civil action regarding homeowners association,
property damage, misuse of funds, violation of process, harassment, and tenant issues.

- 3a. Do you have a lawyer? No
- b. Have you paid or will you have to pay your lawyer? N/A
- c. Will you have to pay your lawyer only if you win? N/A
- =====

C. Information about Your Financial Situation:

1. What is your current yearly household net (take-home) income from all sources (salary or wages, business(es), government payments, rents, pensions, interest, etc.): \$ 8,088 SSI Disability (\$674/month)

2a. List the names and relationships to you of all the persons supported by this income, whether or not they are household members: self

b. What is the total number of these persons? self only

3. How much money do you and your household members have in cash, checking and savings accounts, deposit certificates, and/or bonds (**liquid assets**)? \$ 0.25

4a. List your regular monthly household debt-payment and other expenses (mortgage, car, and other debt payments; food, rent, utilities, medical transportation, child-care, and other expenses):

Rent (\$400/month), Electricity (\$200 plus/month average), Telephone/internet (\$100/month), Insurance (\$99/month), Medical Transportation (\$200 plus/month), Prescriptions (\$80 plus/month average), Food (\$200 plus/month)

b. What is the total amount of these monthly expenses? \$ 1,279

5a. List all cars, trucks, motorcycles, or recreational vehicles (all-terrain vehicles, motor homes, snowmobiles, boats), including their make, model, and year, that you and your household members own (**collateral assets readily convertible to cash**): 1997 Dodge Grand Caravan (transmission in need of replacement)

b. What is the total value of these items? \$ -0-

The petitioner notes that the assessed value for personal property tax is \$930, and the KBB value is estimated at \$2,470 in fair mechanical condition, however, the transmission replacement is estimated between \$2,800 and \$3,700 in order for the vehicle to be back in fair mechanical condition.

6a. List all real estate (houses, lots, land, rental property, other commercial property) that you or your household members own: Petitioner has a limited interest (.001% equity without the right to sell while parents remain living) in the family's property assessed for taxes as a total of \$181,440.

b. What is the total value of these items? \$ 181.44 (value of petitioner's portion/interest)

7. What would the consequences be for you if a waiver of fees, costs, or security is denied? The petitioner will be unable to file his claims, unable to seek injunctive relief from defendants misuse of authority and harassment. The petitioner is currently behind in bills, receiving public assistance and disabled, and defendants continue to harm the plaintiff and seek funds.

=====
=====

By signing my name on this form, I swear to or affirm: (1) the completeness and truthfulness, to the best of my ability and knowledge, of the information I have provided and (2) my belief that I have a right to a waiver.

Signature of Affiant-Applicant: _____

Taken, subscribed, and sworn or affirmed before me, by the person whose signature appears above, on this

_____ day of _____, in _____ County, West Virginia.

Signature of Notary (Clerk or Deputy Clerk): _____

=====
=====

For Court Use Only

The affiant's application for a waiver is (clerk: initial one) _____ granted _____ denied.

Date: _____ Signature of Clerk or Deputy: _____