

FILED

08/28/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0186

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA 25-0186

TIFFANY HOUSE

Plaintiff,

vs.

DAVID E. ORR

Defendant

FILED

AUG 28 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

APPELLANT REPLY TO APPELLEE RESPONSE

On Appeal from The Nineteenth Judicial District Court of
of the State of Montana Case No. DV-22-18
Before the Honorable Matthew J. Cuffe
in The Supreme Court of The State of Montana DA 25-0186

W. Bridger Christian, LL.M
310 West Spruce St.
Missoula, Montana 59802
Tel: (406) 721-7772
Email: bridger@CSBlawoffice.com
Attorneys for Plaintiff

David E. Orr
957 Warland Creek Rd.
Libby, Montana 59923
Tel: (406) 293-3591
Email: daveyo57@gmail.com
Pro Se for Defendant

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 25-0186

TIFFANY HOUSE
Plaintiff,

vs.

DAVID E. ORR
Defendant

APPELLANT REPLY TO APPELLEE RESPONSE

On Appeal from The Nineteenth Judicial District Court of
of the State of Montana Case No. DV-22-18
Before the Honorable Matthew J. Cuffe
in The Supreme Court of The State of Montana DA 25-0186

W. Bridger Christian, LL.M
310 West Spruce St.
Missoula, Montana 59802
Tel: (406) 721-7772
Email: bridger@CSBlawoffice.com
Attorneys for Plaintiff

David E. Orr
957 Warland Creek Rd.
Libby, Montana 59923
Tel: (406) 293-3591
Email: daveyo57@gmail.com
Pro Se for Defendant

TABLE OF CONTENTS

Reply To Response To Opening Brief.....Page 1
Clarification.....Page 2
Appellees Infractions of Rules, Procedures And Law.....Page 3
Due Process Of Law.....Page 7
Void Judgements.....Page 9
Conclusion.....Page 10
Table of Contents.....i
Table of Authorities.....ii
Certificate of Compliance
Certificate of Service

David E. Orr
957 Warland Creek Rd.
Libby Montana 59923
(406) 293- 3591
daveyo57@gmail.com

Pro Se as Defendant

**THE SUPREME COURT OF THE
STATE OF MONTANA**

TIFFANY HOUSE,

Appellee,

vs.

DAVID E. ORR,

Appellant,

Cause No: DA-0186

**APPELLANT'S REPLY TO
APPELLEE'S RESPONSE TO
APPELLANT'S OPENING BRIEF**

REPLY TO RESPONSE TO OPENING BRIEF

COMES NOW Appellant David E. Orr ("Orr"), by and as Pro Se, and respectfully submits Appellants Reply to Appelle's Response to his Opening Brief. Case No. DV-22-18, from The Nineteenth Judicial District Court on Appeal in The Supreme Court of The State of Montana. Cause No. DA 25-0186.

Appellant, Orr disagrees with the analysis of this case put forth by the Appellee. Appellee, House accuses Appellant of not following Rules and Procedures, while failing to follow Procedures and Rules on their own accord on several occasions.

Appellants Reply to Response

Page 1

CLARIFICATION

1. Orr filed for removal to the Federal Court because of Subject Matter Jurisdiction. It was dismissed because of procedure errors. There are Federal Procedures and there are Federal Procedures for Pro Se Litigants. The Federal Court sent Orr an email with two links to forward to House and one to District Court which Orr did. House sent a Notice to The Supreme Court regarding the filing of Removal. It was Orr,s understanding that they would contact the Appeals Court. Orr received a letter explaining the Dismissal and by the same token, it said the Federal Court Clerk was directed to send a copy to the Appeals Court. Orr just wanted to clarify this issue.
2. The other reason for Orr moving for a Removal was because he had just recently discovered on the District Court Docket it states; Reason For Removal; Current. Orr was not aware of what it pertained to, but found out it was for Removal of the Judge, and not for Removal to Federal Court. However, that being said, Orr realizes now that apparently there has been a Reason to Remove the District Court Judge because of a possible bias towards Orr involving this case. Orr was never told or made aware of this and presents it to this Honorable Court and respectfully requests an explanation. If this is because of a bias towards Orr, would it not have been proper for the Judge to notify Orr of this issue, or Recuse himself from the beginning of this case.

This sheds a whole new light on this case and if this holds to be true, then this case should be reversed and the case should be remanded directing the lower court to enter Judgement in favor of Appellant.

Appellants Reply to Response

House and her council have distorted facts, rules, procedures, and laws.

Opposing Council, hereinafter, WBG, is all over a wide range of spectrums. He is continuing to distort and incorporate Rules how he interprets them instead of their true meaning and the rule of law associated with them. Appellant will not attempt to address every paragraph because they are repetitive, meaningless, and inaccurate. Appellee complains about the duration of this case but takes no responsibility for the time that was wasted when Appellee filed a Motion to Dismiss With Sanctions during Orr's second Appeal in which House was Denied that Motion by this Court.

APPELLEES INFRACTIONS OF RULES, PROCEDURES AND LAW

1. A summons and complaint **must** be served together, but Orr did not receive a summons with the initial complaint, creating insufficient service upon Orr.
2. No later than 14 days after the first publication, the Summons and Complaint **must** be mailed postage paid return receipt to the Defendants address. House did not comply with this Rule 4(o)(5).
3. The Order from the Arizona Court states House **must** include a copy of the Motion/Request and Order and a stamped envelope addressed to **anyone** who has "entered an appearance" in this case. House failed to follow the Arizona Rule 3.2(i)(1).
4. In the District Court Case DV-22-18 House Response to Orrs Motion under Rule 60(b)(1)(2)(3)(6) is titled **Response Brief in Opposition To Defendant Orr's Orr's Motion for Relief From Judgement**. It was a Final Order November 3, 2023 and Orr had one year to file for relief under Mont.R.Civ.P.60, filed October 25, 2024.
Appellants Reply to Response

5. House has constantly mentioned Orr could have raised his issues on earlier proceedings, but there were no proceedings which Orr was entitled to by law.

The District Court Judge said, "I have no jurisdiction over Orr," in the rescheduled pre-trial conference. Orr had two folders of papers but the court was not interested.

6. It is the Plaintiff, House responsibility to to convene a conference of all parties. UCDR Rule 5(a) Unless otherwise ordered by the court. a pre-trial conference shall be held in **all** contested cases. There was not one single conference or meeting.

7. House repeatedly states Orr's JTWRS Deed isn't a Joint Tenancy because there has to be more than two people on it for it to be Joint Tenancy, or JTWRS. That is false. A joint tenancy as to any interest in real property may be established by the owner of the interest by designating in the instrument of conveyance or transfer the the names of the joint tenants, including the person's own, without the necessity of any transfer or conveyance through a third person. 70-20-105(1) MCA.

8. Title 25 chpt.20 Rule 5(d)(1) Required Filings;

The following discovery requests and responses must not be filed until they are used in the proceedings ordered by the court in the Rule 16 conference, or the court orders filings: depositions or notices thereof, interrogatories, requests for documents or tangible things or to permit entry onto land, request for admission, expert disclosure reports, and interrogatory answers. There was no Rule 16 Conference.

9. Rule 36 Requests for Admissions. (a) Scope and Procedure.

(1) Scope. A party may serve on any other party a written request to admit, for purposes of the pending action only, the truth of any matters within the scope

of Rule 26(b)(1) relating to: (A) facts, the application of law to fact, or opinions about either; and (B) the genuineness of any described documents.

Appellee's admission questions do not fall into any of the criteria mentioned in this Rule 36. Therefore Appellant was not obligated to answer them.

APPELLANT DID RESPOND

Appellee only cited 36(a)(3) and Appellant responded in an email before the 30 expiration period. No other part of Rule 36 was cited whatsoever. The questions were worded so that if Appellant Denied he would be wrong and if Appellant were to Admit he would be wrong. For Example: Please admit you paid no consideration to Coggeshall or any other individual in connection with quitclaiming the property. If Appellant said Deny, Appellee would say, "Then you did it to Hinder or Delay" If Appellant said, Admit the Appellee would say, "Then Coggeshall was the owner".

These were trick loaded questions and had nothing to do with the quitclaim deed the Arizona judge presumably awarded Appellee. Therefore Appellee's requested admission questions are null and void as they were improperly administered in conjunction with the improper quitclaim deed associated with this case.

Every matter submitted for determination to a judge of the superior court of Arizona for decision shall be determined and a ruling made not later than sixty days from submission thereof, in accordance with Section 21, Article VI of the Arizona Constitution. A.R.S. Sup.Ct.Rules, Rule 91(e).

The Motion for the very questionable Order, **Exh. F**, was filed on September 24, 2020 and the date on the Order is December 8, 2020 which calculates to 75 days. It would be highly unreasonable to suggest the Arizona legislature would pass meaningless legislation, in accordance with the Arizona Constitution. The Order was signed fifteen days past the 60 day Rule and is unacceptable according to Arizona law.

The Order states it was done in open court and signed by the Judge John Rea. on December 3, 2020, and filed on December 8, 2020. The court docket does not reflect such a transaction. In fact it lists the Judge as Russell, Andrew. **Exhibit G**.

The Superior Court of Arizona also states that all documents and objects offered in evidence, whether admitted or rejected, shall be marked as exhibits or for identification, and filed in the action or proceeding. A.R.S. Sup.Ct.Rules, Rule 91(f). The Order was electronically filed into evidence, and the Judges signature does not match others. House filed this case to avoid the JTWRS Deed, because it is stated in the grant and exists by virtue of such grant. 70-20-310 MCA; and it is protected by the Statute of Limitations of Montana 70-19-303 (1)(2), 70-19-304, MCA.

This case was filed as an attempt for a monetary gain for House, involving Purgery, Misrepresentation, Fraud on the Courts, and should be allowed to move forward and investigated as a Rule of Law and Orr be given a chance to be heard.

DUE PROCESS OF LAW

This case has been based on a Judgment by an Arizona Judge in a Marriage Dissolution case involving the Appellee, House who is a resident of Arizona.

Appellant, Orr had absolutely no notice or information about this case being litigated in Arizona and Orr is a resident of Montana.

With respect to a non-resident, it is clearly established that no person can be deprived of property rights by a decree in a case in which he neither appeared nor was served or effectively made a party to.

In the Arizona case No: FC2012-051948 the State of Arizona was the Forum State. The standard "Minimum Contacts" rooted in the Due Process Clause of the Fourteenth Amendment, requires that the defendant's relationship with the forum state be substantial enough to make it reasonable to require the defendant to defend a lawsuit there. **PURPOSEFUL AVAILMENT:**

The defendant must have purposefully directed its activities toward the forum state, rather than having its presence be merely accidental.

RELATEDNESS:

The lawsuit must arise out of or be related to the defendants contact with the state.

DUE PROCESS CONNECTION

The due process clause prevents states from asserting jurisdiction in a way that is unfair or unjust to an out-of-state defendant. *Shoe v. Washington* 326 U.S. 310(1945)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV

The 14th amendment of the United States Constitution gives everyone a right to due process of law; which includes judgments that comply with the rules and case law. Most due process exceptions deal with the issue of notification. If, for example, someone gets a judgement against you in another state without your having been notified, you can attack the judgement for lack of due process of law. In Griffen v. Griffen, 327 U.S. 220, 66 S. Ct. 556, 90 L. Ed. 635 a pro se litigant won his case in the Supreme Court who stated

The Fourteenth Amendment states:
No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. **U.S. Const. amend. XIV**

A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an **order procured by fraud, can be attacked at any time, in any court,** either directly or collaterally, provided that the party is properly before the court. See Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999).

Black's Law Dictionary, Sixth Edition, p. 1574:

Void judgment. One which has no legal force or effect, invalidity of which may be asserted by any person whose rights are affected at any time and at any place directly or collaterally. Reynolds v. Volunteer State Life Ins. Co., Tex.Civ.App., 80 S.W.2d 1087, 1092. One which from its inception is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right, of no legal force and effect whatever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree. Judgment is a "void judgment" if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. Klugh v. U.S., D.C.S.C., 610 F.Supp. 892, 901. See also Voidable judgment. **Black's Law Dictionary, Sixth Edition, p. 1574.**

APPELLANTS REPLY TO RESPONSE

Void Judgments

Our standard of review of a district court's ruling on a motion pursuant to M. R. Civ. P. 60(b) depends on the nature of the final judgment, order, or proceeding from which relief is sought and the specific basis of the Rule 60(b) motion. "[W]here the movant sought relief under subsection (4) of Rule 60(b) on the ground that the judgment is void, the standard of review is de novo, since the determination that a judgment is or is not void is a conclusion of law." **Essex Ins. Co. v. Moose's Saloon, Inc.**, 2007 MT 202, ¶ 16, 338 Mont. 423, 166 P.3d 451 (citations omitted). See also **Greater Missoula Area Fedn. of Early Childhood Educators v. Child Start, Inc.**, 2009 MT 362, ¶ 18, 353 Mont. 201, 219 P.3d 881.

When appeal is taken from a void judgment, the appellate court must declare the judgment void, because the appellate court may not address the merits, it must set aside the trial court's judgment and dismiss the appeal. A void judgment may be attacked at any time by a person whose rights are affected. See *El-Kareh v. Texas Alcoholic Beverage Comm'n*, 874 S.W.2d 192, 194 (Tex. App.–Houston [14th Dist.] 1994, no writ); see also *Evans v. C. Woods, Inc.*, No. 12-99-00153-CV, 1999 WL 787399, at *1 (Tex. App.–Tyler Aug. 30, 1999, no pet. h.).

A Party Affected by VOID Judicial Action Need Not APPEAL. State ex rel. Latty, 907 S.W.2d at 486. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." Ex parte Spaulding, 687 S.W.2d at 745 (Teague, J., concurring). If an appeal is taken, however, the **appellate court may declare void any orders the trial court signed after it lost plenary power over the case,** because a **void judgment is a nullity from the beginning** and is **attended by none of the consequences of a valid judgment.**

VALLEY v. NORTHERN FIRE & MARINE INS. CO., 254 U.S. 348, 41 S. Ct. 116 (1920) "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal."
WILLIAMSON v. BERRY, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 (1850).

Appellants Reply to Response

Page 9

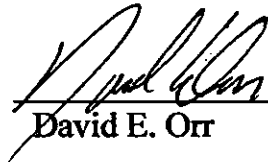
CONCLUSION

It is Mr. Orr's Constitutional Right to be heard before being deprived of his property that he has been in possession of for over thirty years. Orr did not get a chance for even one hearing in a Court of Law in The United States of America before deprivation of his Real Property, Joint Tenancy With Right of Survivorship Legal Title, based on a judgement in an Arizona case that Orr was not privy to, and had no notice of the proceeding. Therefore it should be rendered as a Void Judgement.

Orr has also satisfied the criteria of adverse possession of the premises for the term of five years (per Section 70-19-408, MCA and has paid all of the property taxes levied during that five year term, that had become due. *See Attachment.*

The Judgement of the lower court should be reversed and the case should be remanded directing the lower court to enter Judgement in favor of Appellant, Orr.

Respectfully submitted this 28th day of August, 2025.



David E. Orr

(ii)

TABLE OF AUTHORITIES

Cases

Shoe v. Washington 326 U.S. 310(1945).

Constitutional Provisions

U.S. Constitution Amendment XIV.....	Page 8
U. S.Constitution Statutory Provisions Involved.....	Pages 8, 9
Void Judgements.....	Page 8

Statutes and Rules

Mont.R.Civ.P. Rule 4(o)(5).....	Page 3
Mont.R.Civ.P 60(b)(1)(2)(3)(6).....	Page 3
Mont. Code Ann 70-20-105(1).....	Page 4
Mont R.Civ.P. Rule 36(a)(3).....	Page 5
Mont. R.Civ.P. Rule 26(b)(1)(A)(B).....	Page5
A.R.S.Sup.Ct.Rules, Rule 91(e).....	Page 6
A.R.S.Sup.Ct. Rules, Rule 91(f).....	Page 6

Other Authorities

M. U. D. C. R.

Order AF 07-0110

U.D.C.R. Rule 5(a).....	Page 4
Maricopa County Local Rule 3.2(i)(1).....	Page 3
Arizona Rule 3.2(i)(5).....	Page 3
Exhibit F.....	Page 6
Exhibit G.....	Page 6
Black,s Law Dictionary, Sixth Edition, p. 1574:	
Void Judgement.....	Page 8

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing brief is proportionally spaced typeface of 14 points and does not exceed **5**,000 words.



[Signature]





YOUR SIGNATURE

Certificate of Service

I herby certify that true and correct copies of the foregoing Motion, any referenced Affidavit, and other documents indicated above filed as attachments to this Motion were served upon the opposing party(ies) on the 28 day of AUGUST, 20 25 by the method and at the address as indicated below:

W. BRIDGER Christian.

Name
310 W. Spruce Street

Address
Missoula MT. 59802

City/State/Zip Code

U.S. mail, first class postage prepaid
 Hand Delivery

DATED this 28 day of AUGUST, 20 25.



YOUR SIGNATURE