

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

Vladimir Gasic,

PLAINTIFF and APPELLEE

VS.

Mark Bosworth,  
Blake Bosworth,  
Matthew Fletcher,  
Catherine Fletcher,  
James Legg

DEFENDANTS and APPELLANTS

SUPREME CT No. #20130281

WILLIAMS COUNTY CASE

Civil# 53-2013-CV-00973

NOTICE OF APPEAL  
REPLY BRIEF OF DEFENDANT  
REQUEST FOR WRIT

Submitted By:

  
Mark Bosworth, Pro Per      DEFENDANT  
634 E Broadway #1020  
Williston, ND 58801  
(701) 261-0525

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JURISDICTION

- 1  
2 1. THIS CASE IS SPECIFIC IN JURISDICTION TO NDCC 47-32 and under the authority  
3 to be heard by the Supreme Court of North Dakota  
4

STATEMENT OF ISSUES

- 5  
6  
7 2. Dakota Horizons LLC owns this property, a UTAH LLC not registered to do business in  
8 the State of North Dakota. The alleged individual Plaintiff Vladimir Gasic does NOT  
9 own this property, and has no legal authority to file this case. Attachment #1-3 items  
10 from the state of North Dakota dated 10/7/2013 clearly documents the plaintiff does NOT  
11 own this property, Vladimir Gasic is simply trying to pull a fast one and circumvent the  
12 prevailing laws under the Tenant Landlord Act! “Vlad” did not even use his legal name  
13 when he filed the action; his legal name is Vladimir Gasic.  
14  
15 3. Less than 24 hours prior to filing this case, the Honorable Judge David W. Nelson threw  
16 out the same Plaintiffs/Owner’s (Dakota Horizons LLC) case #CV-53-2013-CV 928,  
17 advising Plaintiff’s/Owner’s LaVon Ferry Broderick they must be represented by legal  
18 counsel as an LLC, and they were not represented by counsel as required by law. See  
19 attachment #2. Vladimir Gasic was at the Plaintiff’s table representing Dakota Horizons  
20 when this happened; he is no stranger to the requirements necessary to file an eviction in  
21 North Dakota. Judge Nelson even supplied the Plaintiffs with some legal precedence so  
22 they were clear on their obligations in court.  
23 4. Defendants clearly pled this in our counterclaim. Judge Nelson said there was no  
24 Judgment since the case was wrongfully filed, it technically never existed. That is also  
25 why there are no court records to provide this court. This case preceded our current case  
26 before this court. This hearing was a mid afternoon hearing. The very next morning by  
27 10:00am, a new plaintiff, Vladimir Gasic filed the same exact case, allegedly posting 3-  
28 day notices taped on empty trailers knowing most of us were out of town (he lives in the  
trailer next door), and not as an LLC or a member or manager, but as an individual

1 claiming he was now the new legal owner of the property. Just like magic overnight he  
2 becomes the owner so they don't need an attorney? Once we discovered this we were  
3 staggered with the attempt to defeat the court rules and the integrity of the court system  
4 by showing up the next day and clearly misrepresenting the legal ownership of real  
5 property, just to cheat the system.

- 6 5. The Defendants believe no counsel would represent Plaintiff's in this fraudulent  
7 misrepresentation and a false eviction of a prepaid lease. The legal owner of the property  
8 has an established track record of not complying with the "rules". See attachments #6
- 9 6. The 3 day notice used by Plaintiff is deficient Plaintiff clearly did not comply with  
10 NDCC 47-32-02. See attachment #3
- 11 7. The 3-day notice is deficient. It clearly states "Dakota Horizons LLC" as Plaintiff, which  
12 would have required legal counsel as an LLC. (See attachment # 1).
- 13 8. The Plaintiff "Vlad" or legally Vladimir Gasic has never posted OR served by legal  
14 process ANY three-day notice of any type as required by NDCC 47-32-02. where he is  
15 listed as the Plaintiff. Plaintiff is required to legally and properly serve a 3-day notice  
16 with Vladimir Gasic as the Plaintiff, if he were even the true owner. The notice he claims  
17 to have served is deficient as Dakota Horizons is clearly still the real owner of the  
18 property. The same Dakota Horizons LLC the Honorable Judge Nelson ordered the day  
19 before be required to be represented by legal counsel, per NDCC.
- 20 9. The requirements to file the case by the Plaintiff for a hearing had not been met. Lack of  
21 full and proper legal service, a violation of due process afforded Defendants under NDCC  
22 47-32-02
- 23 10. NDCC 47-32-02 states this is a requirement "before proceedings can be filed". The  
24 Plaintiffs merely allege they posted the summons themselves on the trailer doors on the  
25 forth day after alleging to posting a deficient/defective 3 day notice, then called it "Good  
26 Enough" for tenants, and continued to Rambo this through the court system in an  
27 outrageous violation of the tenants rights under the Century Code.
- 28 11. The Plaintiffs supplied their own address as the legal address of the defendants, so they  
would get any mail. None of the defendants get mail at their trailers. There are NO  
mailbox or boxes at the property of any kind. The only PO Box is at the Post Office and  
only the Plaintiff has a key or access of any type.

1 12. Defendant Jay Legg never received any service of any type, no 3-day notice of intent to  
2 evict OR a summons to appear. Jay Legg was in Spokane for over two weeks and  
3 provided Amtrak receipts to prove he was not in the state to receive ANY notices or legal  
4 process service. Plaintiff did not comply with requirements in NDCC 47-32-02 as  
5 required for no one being at his residence to receive service/notice, and being outside the  
6 county/state. See attachment #4

7 13. NDCC 47-32-02 states “ If the person cannot be found in the county, of which the return  
8 of the sheriff OR process server is prima fascia proof (neither happened, as is  
9 documented by no notice by Sheriff or process server of attempted service), and that legal  
10 process service has been attempted at least once between the hours of six and 10pm, upon  
11 the filing of an affidavit by the plaintiff stating the defendant cannot be found or on belief  
12 the tenant is not in this state AND a copy of the summons has been mailed to the  
13 defendants at the defendant’s last known address, service of the summons may be made  
14 upon the defendant by the sheriff OR process server posting the summons upon the door  
15 of the residential unit. In all cases, three days written notice of intention to evict  
16 BEFORE the proceedings can be instituted. The 3 day notice may be served AND  
17 returned as a summons is served AND returned (sheriff or process server only) or, if the  
18 party cannot be found, THEN by the sheriff of the county or a process server posting the  
19 notice conspicuously upon the premises. Service by delivery of a copy of the summons to  
20 the defendant IN PERSON within the county MUST is made AT LEAST three days  
21 before the time fixed for the appearance of the defendant. Service elsewhere or personal  
22 service in any other mode must be made at least seven days before the time fixed for the  
23 appearance of the defendant. No legal service of process ever took place, and Plaintiff is  
24 crystal clear about the lack of service!

25 14. Jay Legg was not even back in North Dakota the seven full days that would have been  
26 required *IF* the Plaintiff had properly used an alternate form of service as provided in  
27 NDCC 47-32-02.

28 15. Plaintiff has not even alleged to have done alternative service, as there is no notice filed  
by Plaintiff, as is required, with this court saying they cannot find Jay Legg to legally  
comply with process of service upon defendant, or required validation by the sheriff OR a  
legal process server.

1 16. Defendant Blake Bosworth never received any service of any kind. Plaintiff did not  
2 comply with any requirements in NDCC 47-32-02 for no one being at his residence to  
3 receive service, as stated above in #2.

4 17. Defendant Mark Bosworth received only a deficient and defective 3-day notice from  
5 Dakota Horizon's LLC, not by legal process service, and then he was also out of state for  
6 11 days and did not receive any service of summons or notice of a hearing, or the proper  
7 legal 3-day notice of intent to evict required before the Plaintiff can even file the case.

8 18. In addition to the deficiencies by Plaintiff stated, Mark Bosworth was not even back in  
9 the state/county for three days before the hearing, let alone the minimum of seven the  
10 Plaintiff has a burden of proving, only after alternative service was fully and legally  
11 completed per the NDCC.

12 19. Matt and Kathleen Fletcher received no 3-day notice as required before proceedings can  
13 even be filed, and were handed their summons by their 8-year-old daughter.

#### 14 NATURE OF PROCEEDINGS

15 20. This is a simple eviction proceeding, the legal claim being the complete absence and  
16 abuse of the requirements of due process and proper notice

#### 17 CONCLUSION

18 21. Not one Defendant received proper notice as required under NDCC 47- 32-02, and all  
19 have been denied their basic rights to due process and "their day in court".

20 22. Defendants are supplying the lease copy to document for the court that it exists AND  
21 includes ALL utilities-see attachment #5,

22 23. Defendants are also attaching copies of emails from Plaintiffs where they acknowledge  
23 their knowledge AND existence of the lease, that it was executed by owner of property,  
24 that Vladimir Gasic had knowledge of pre-paid lease that included ALL utilities see  
25 attachment See attachments #6

26 24. The tenants/defendant rights are clearly advocated by the NDCC 47-32-02. This are  
27 important rights to consumers brought about to stop abuses by landlords against their  
28 tenants, the same abuse now being perpetuated by Gasic & Broderick. The Plaintiff has  
clearly trampled on the important requirements of due process and proper legal service on  
all parties, in his personal attacks and vendetta against the defendants. All Defendants

1 merely seek their right to legal and proper service upon all defendants AND their  
2 properly noticed day in court.

3 REQUEST FOR WRIT  
4

5 25. Plaintiff's knowingly and willingly circumvented the law by not retaining legal counsel  
6 to represent the LLC as The Honorable Judge Nelson had advised Mr. Gasic the day  
7 before he "re-filed" this case, when he threw out the previous case and provided the legal  
8 documentation to Mr. Gasic to make certain Mr. Gasic was clear on his obligations under  
9 the law under the Tenant Landlord Act.

10 26. An attorney may have been liable for sanctions for perpetuating these fraudulent claims  
11 and filings, Mr. Gasic was clear about his obligation as Plaintiff to comply with the law  
12 and the legal instructions of the court and the Honorable Judge Nelson. Defendant's  
13 believe Plaintiff(s) should bear the same burden, including cover all Plaintiff's cost's and  
14 financial losses, time required to perform this extensive response to this court AND the  
15 lower court etc.

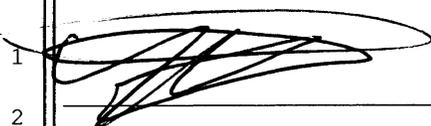
16 27. Additionally, the Plaintiff's have disconnected the water and electricity to ALL the  
17 defendant's trailers and RV, as well as the garage included in the lease. They have kicked  
18 down the door to the garage, stolen my tools and equipment at least 3 different times.  
19 This is another in a long line of bully and intimidation tactics used by the Plaintiffs to  
20 force the Defendants from their pre-paid occupancy of the premises. This clear "in your  
21 face" violation of the most basic of due process rights alone warrants the unusual action  
22 of the court issuing a writ to restore ALL services and for the Plaintiff to pay all accrued  
23 costs and reasonable expenses from being illegally evicted by force by cutting off these  
24 services and requiring the Defendants to seek room and board elsewhere, and pay for all  
25 missing/damaged personal property.

26 Respectfully submitted,

27 Signed and sworn this 2nd day of December, 2013  
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Mark Bosworth PRO-PER

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634 E Broadway

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Williston, ND 58801

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