

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

NATIONSTAR MORTGAGE, LLC
d/b/a MR. COOPER,

RESPONDENT,

vs.

BARBARA A. GIBBS, MELVIN E.
GIBBS, and WESTBROOK PHASE IV
HOMEOWNERS' ASSOCIATION,

APPELLANTS.

IN THE COURT OF APPEALS
OF SOUTH CAROLINA

CASE No: 2019-000486

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SC Court of Appeals

**APPELLANTS' MEMORANDUM OF LAW
IN SUPPORT OF PETITION FOR RECONSIDERATION**

I. PRELIMINARY STATEMENT

The United States Supreme Court rejected alternative and fake facts. A court cannot disregard the facts of a case to arbitrarily select rules of law to improperly support a predetermined outcome selected by courts. Moore v. Texas, (rejecting the use of fake facts).

The Court has joined and combined with the PEDOPHILES' continuing criminal enterprise to MURDER Gibbs figuratively and literally to protect the South Carolina politicians and judges who accepted part of the \$10 in BRIBES paid by Bank of America and \$50 billion of Black Art engineered by William "Bill" Cosby.

The Court has uncontroverted proof that Appellants never missed a mortgage payment: verified by Nationstar's self-proving business records and Appellants' bank statements. AND, that Bank of America and Nationstar executed a fraudulent Assignment of Mortgage to commit fraud on this Court and others – to allow Nationstar to file fraudulent foreclosures that prevent Homeowners from discovering Bank of America sold their mortgages to Fannie Mae and Freddie Mac.

Yet here, the Court bloviate [*talk in length, especially in an inflated or empty way*] and obfuscate [*render obscure, unclear or unintelligible*] the “real” facts to protect Bank of America and the PEDOPHILES. The gravamen of Appellants' uncontroverted defenses against Nationstar's illegal foreclosure are: Appellants never missed a mortgage payment and Freddie Mac owns Appellant Barbara A. Gibbs' mortgage not - not Nationstar!!!

Not only is Nationstar not entitled to file this foreclosure, by filing the Assignment of Mortgage – Nationstar knows is fraudulent: self-proving by Nationstar's business records – Nationstar has knowingly committed SUBORNATION OF PERJURY, PERJURY and FRAUD

ON THE COURT.

Courts have become too consumed with protecting [i]t's own; generating \$\$\$ [B]illion in campaign contributions; protecting corporate criminal conduct; incarcerating people to feed the prison complex; 5 Star lodging accommodation, European vacations, and private jets.

Courts have forgotten the noble principles of RIGHT and JUSTICE!

During the housing crisis, which continues, 10,000 Americans have committed suicide due solely to their mortgage crisis. But for – Judges like Hagenau and Pryor – most of those suicides were preventable.

Each day 3,500 Americans are victims of criminal violence; while this “complaint” is being read – 15 Americans will be victims of criminal violence. Corporate “greed” fed at any cost and protected by courts, form the foundation of societal *malaise* upon which criminal violence thrives.

Bank of America made two (2) of the worse corporate decisions in history: purchase of Merrill Lynch added \$1.8 [T]rillion in TROUBLED ASSETS), and the purchase of Countrywide (wrote \$50 [B]illion a year in bad mortgages: these acquisitions caused Bank of America to face a

potential \$2 [B]illion BANKRUPTCY.

THANKS!!! ...to this Court and the circuit court – Bank of America has assets of \$4 [T]rillion...this case concerns Bank of America and Nationstar being allowed to defraud Gibbs, 10 million Homeowners (similarly situated), the Treasury, Fannie Mae and Freddie Mac out of \$3 [T]rillion...and provide protection for the PEDOPHILES continuous rape of thousands of children.

From the year 1492 until 1980, there were less than 10 billionaires in this country. From 1980 to 2021 we have 2,000 billionaires. Not because, suddenly people became brilliant, corporations discovered ways to buy the courts – thus destroying our democratic society!

II. STATEMENT OF FACTS

The ease to which the PEDOPHILES have informed the Court Gibbs may be MURDERED – has been greatly exaggerated.

For 25 years South Carolina judges and politicians have held William “Bill” Cosby out as the paragon of the Black Community. Gibbs was vilified for having added Bill Cosby as a defendant – judges questioned Gibbs’ mental stability and created the “conditions” that allowed Gibbs to be falsely arrested, illegally indicted, and tortured for 14 months: forcing Gibbs to confess to a crime that never occurred.

"...Though the colored [Black] man is no longer subject to barter and sale, he is surrounded by an adverse settlement which fetters all his movements. In his downward course, he meets with no resistance, but his course upward is resented and resisted at every step of his progress. If he comes in ignorance, rags and wretchedness... he conforms to the popular belief of his character, and in that character he is welcome; but if he shall come as a gentleman, a scholar and a statesman, he is hailed as a contradiction to the national faith concerning his race, and his coming is resented as impudence. In one case he may provoke contempt and derision, but in the other he is an affront to pride and provokes malice. Frederick Douglass – September 25, 1883

On June 21, 2022, Cosby was found guilty of sexually abusing Judy Huth at the Playboy Mansion in the mid-1970s when she was 16 and ORDERED to pay Ms. Huth \$500,000. After the verdict, Bill Cosby “spit” on this Court....

Respondents’ business records filed in this Court are self-proving that Appellants never missed a mortgage payment: no damages: **no jurisdiction**: the fact Appellants never missed a mortgage is also certified by Appellants’ bank statements and Appellants’ verified affidavits.

Respondent Nationstar was, at the time of filing this suit (2013), was only licensed in the State of South Carolina as a SERVICER and could not originate mortgages: **the Assignment of Mortgage executed between Bank of America and Nationstar is a fraudulent on its face** – Nationstar is not a party-in-interest: **no jurisdiction**. AND Nationstar did not file this suit on behalf of Freddie Mac the true party-in-interest: **no jurisdiction**.

Bank of America sold Appellants’ mortgage to Freddie Mac and used Nationstar to defraud Appellants, 10 million Homeowners and the federal government of \$3 trillion dollars.

Nationstar's foreclosure is fraudulent on its face: the foreclosure does not state a month(s) Appellants failed to pay the mortgage note; it does not demand the monthly sums due to cure a default: **no jurisdiction**.

Summary Judgment is **only** available when there is no material issue in dispute. The most significant issues in dispute are: Respondent suffered no damages and do not have STANDING.

The trappings of Mahogany and Marble cannot hide the fact this Court is no more than a continuing criminal enterprise: existing to ensure those who give \$\$\$ billions in political contributions – escape “paying” for [t]heir crimes.

Gibbs properly notified this Court of Bank of America's \$3 trillion theft from the federal government in violation of the False Claims Act and RICO – based on evidence discovered during the appeal....

III. STATEMENT

WHAT! ...PEDOPHILES and other criminals buy with their BRIBES: politicians receive \$\$\$ billions of dollars disguised as political contributions; judges receive European vacations on private jets, 5 Star accommodations: the “crumbs” of a criminal enterprise having stolen \$50 billion dollars of Black Art and \$3

trillion dollars from America.

The real cost of the BRIBES are 10,000 Homeowners having committed SUICIDE: three (3) each day; PEDOPHILES are raping children every day and our economy and morality are in the garbage.

Having practiced law at the highest level, I am aware of the elements for Civil and Criminal NEGLIGENCE. The actions of this Court and the circuit court fit within both! As a Black litigant, I cannot allow “personal” tragedy, although caused by judges, to affect my “legal” presentation....

I will take time to mourn the deaths of my daughter and grandson – when justice is served...they would be alive, but for the incompetent and corrupt acts of judges who cared more about participating in Bank of America’s criminal enterprise to obtain \$\$\$ hundreds of billions for Republican political campaigns – than the lives of American Citizens.

The deliberately misstated facts of [t]his case is designed to protect Bank of America’s (Big 5 Banks) \$\$\$ million in political contributions: paid to protect Bank of America’s \$\$\$ hundreds of [b]illion defrauded from

Gibbs, 10 million Homeowners, the Treasury Department, Fannie Mae and Freddie Mac *and the pedophiles and rapists involved in “the” theft of \$50 billion of Black Art.*

Bank of America’s business records [t]hey submitted in this case proves BEYOND A REASONABLE DOUBT – Bank of America and their attorneys have committed PERJURY, SUBORNATION OF PERJURY AND FRAUD ON THE COURTS.

IV. STATEMENT OF THE CASE

This case exists to conceal Respondent’s PERJURY, SUBORNATION OF PERJURY and FRAUD ON THE COURTS, and protection of PEDOPHILES!

V. ARGUMENT

The United States Supreme Court rejected alternative and fake facts. A court cannot disregard the facts of a case to arbitrarily select rules of law to improperly support a predetermined outcome selected by courts. Moore v. Texas, 586 U.S. ____ (2019), (rejecting the use of fake facts).

Respondents’ business records filed in this Court are self-proving that Appellants never missed a mortgage payment: no damages: no jurisdiction: the fact

Appellants never missed a mortgage is also certified by Appellants' bank statements and Appellants' verified affidavits.

Respondent Nationstar was, at the time of filing this suit (2013), was only licensed in the State of South Carolina as a SERVICER and could not originate mortgages: the Assignment of Mortgage executed between Bank of America and Nationstar is a fraudulent on its face – Nationstar is not a party-in-interest: no jurisdiction. AND Nationstar did not file this suit on behalf of Freddie Mac the true party-in-interest – no right to relief: “[t]he right of a plaintiff to maintain a suit, while frequently treated as going to the question of jurisdiction, goes, in reality, to the right of the plaintiff to relief rather than to the jurisdiction of the court to afford it.” Bardoon Properties, NV, v. Eidolon Corp., 326 S.C. 166, 169; 485 S.E.2d 371, 373 (citing 21 C.J.S. Courts § 16 (1990)).

Bank of America sold Appellants' mortgage to Freddie Mac and used Nationstar to defraud Appellants, 10 million Homeowners and the federal government of \$3 trillion dollars. It is uncontroverted Bank of America paid \$10 billion dollars in BRIBES to escape courts holding [t]hem to account for the theft of \$3 trillion dollars.

Nationstar's foreclosure is fraudulent on its face: the foreclosure does not state a month(s) Appellants failed to pay the mortgage note; it does not demand the monthly sums due to cure a default: no jurisdiction.

The United States Supreme Court has set forth the irreducible constitutional minimum of standing, which consists of three elements: (1) the plaintiff must have suffered an injury in fact; (2) there must be a causal connection between the injury and

the conduct complained of; and (3) it must be likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision. Joseph v. S.C. Dep't of Labor, Licensing & Regulation, 417 S.C. 436, 449, 790 S.E.2d 763, 769–70 (2016), reh'g denied (Dec. 7, 2016) (citing Sean Pines Ass'n for Prot. of Wildlife, Inc. v. S.C. Dep't of Natural Res., 345 S.C. 594, 601, 550 S.E.2d 287, 291 (2001)).

Generally, a party must be a real party in interest to the litigation to have standing. A real party in interest is a party with a real, material, or substantial interest in the outcome of the litigation. Sloan v. Friends of Hunley, Inc., 369 S.C. 20, 28, 630 S.E.2d 474, 479 (2006). As a general rule, to have standing, a litigant must have a personal stake in the subject matter of the litigation. One must be a real party in interest, i.e., a party who has a real, material, or substantial interest in the subject matter of the action, as opposed to one who has only a nominal or technical interest in the action. Ex parte Morris, 367 S.C. 56, 62, 624 S.E.2d 649, 652 (2006)

Summary Judgment is only available when there is no material issue in dispute taken in light most favorable to Appellants. The most significant issues in dispute are: Respondents suffered no damages and Respondents do not have STANDING.

Summary judgment is appropriate if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. Rule 56(a), SCRPC. Summary judgment is appropriate in those cases where plain, palpable, and undisputable facts exist on which reasonable minds cannot differ. Main v. Corley, 281 S.C. 525, 526, 316 S.E.2d 406, 407 (1984). It is uncontroverted by Nationstar that [t]hey suffered no damages and [t]hey are not a party to the mortgage

note between Bank of America and Appellant Barbara A. Gibbs – Summary Judgment is not valid!!!

When the non-moving party bears the burden of proof as to an issue, a party seeking summary judgment may meet this standard by pointing out to the trial court “that there is an absence of evidence to support the nonmoving party’s case.” **Richards v. The State Record Co., Inc.**, 330 S.C. 562, 499 S.E.2d 822, 824–25 (Ct. App. 1998). [I]n cases applying a preponderance of the evidence burden of proof, the non-moving party is only required to submit a **mere scintilla** of evidence in order to withstand a motion for summary judgment. **Hancock v. Mid-South Mgmt. Co.**, 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009). A scintilla of evidence is material evidence filed in the Court which, taken as true, would tend to establish the issue in the mind of a reasonable juror. **Gibson v. Epting**, Op. No. 5612 (S.C. Ct. App. 1/9/19). The Court must view the facts and inferences in the light most favorable to the nonmoving party. See **Thomas v. Waters**, 315 S.C. 524, 445 S.E.2d 659 (Ct. App. 1994).

For 25 years South Carolina judges and politicians have held William “Bill” Cosby out as the paragon of the Black Community. Gibbs was vilified for having added Bill Cosby as a defendant – judges questioned Gibbs’ mental stability and created the “conditions” that allowed Gibbs to be falsely arrested, illegally indicted, and tortured for 14 months: forcing Gibbs to confess to a crime that never occurred. Bill Cosby has admitted, and it is uncontroverted Bill Cosby an “architect” of the theft of \$50 billion dollars of Black Art, and assisted Bank of America and Nationstar (by providing information on the PEDOPHILES) to steal \$3 trillion dollars.

On June 21, 2022, Cosby was found guilty of sexually abusing Judy Huth at the Playboy Mansion in the mid-1970s when she was 16 and ORDERED to pay Ms. Huth \$500,000. After the verdict, Bill Cosby “spit” on this Court and every court in the United States. Yet here, the Court still allow Respondents and the continuing criminal enterprise to hold Gibbs’ suit against Bill Cosby and the other PEDOPHILES out as to why Gibbs must be denied justice:

Bank of America (“Big 5 Banks”) used their knowledge of and participation in the stolen art to defraud 10 million Homeowners, the Treasury Department, Fannie Mae and Freddie Mac of \$\$\$ trillions; my RICO civil suit incorporates the False Claims Act (FCA). BOA’s crimes are documented by sworn testimony of their employees, self-proving business records and uncontroverted fraudulent Assignment of Mortgages...this is a “saga” of justice being denied while we protect the PEDOPHILES and THIVIES who pretend to represent us....

PEDOPHILES: British socialite Ghislaine Maxwell’s trial (**conviction**) exposed those associated with **Jeffrey Epstein:** (“Black Book”) also contains the names of: President Donald Trump, President Bill Clinton: best friend Bill Cosby; David Koch, Mike Bloomberg, Peter Cohen, Flavio Briatore, Steve Forbes, Rubert Murdoch, Ronald Perelman (the businessman, not the actor), Peter Soros (the nephew of George Soros) and Robert Trump (the brother of Donald Trump), **Alec Baldwin**, Ralph Fiennes, David Blaine, Ivanka and Ivana Trump, Jimmy Buffett, Chris Evans, Dustin Hoffman, Mick Jagger, Michael Jackson, Chris Tucker... Britain's Prince Andrew, Duke of York (son of Queen Elizabeth), Professor Alan Dershowitz, billionaire investor Leon Black, [federal judges and politicians]... Bill Cosby – arranged for Hugh McColl, CEO of Bank of America to donate \$500,000 to the Clinton Foundation; a week later Clinton pardoned McColl’s friend Rick Hendrick (NASCAR).

This Court does not have the option of protecting: H. Guyton Murrell, Esq., having disappeared from the record and Brian A. Calub, Esq., mysteriously appeared as attorney of record and filing multiple pleadings – ***WITHOUT AN ORDER OF THIS COURT OR NOTICE TO APPELLANTS.***

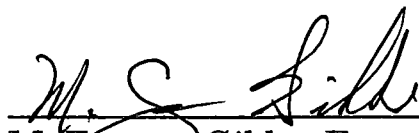
But for the criminal enterprise of Bank of America – joined by the South Carolina Courts by and for South Carolina politicians – Gibbs' daughter and grandson would be alive today.

This Court is fully and completely aware: given 10,000 suicides and 3,500 acts of violence each day, illegally maintaining this foreclosure for eight (8) years – deaths are not only foreseeable – but expected!

VI. CONCLUSION

Gibbs will die before [h]e allows judges to hide their illegal and/or improper conduct in **CODE: THE DUMB IGNORANT "NIGGER" DOESN'T KNOW THE LAW!!!**

Submitted,



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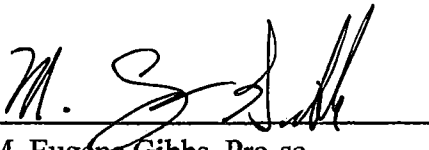
September 28, 2022
Buford, GA

CERTIFICATE OF SERVICE

I, Melvin E. Gibbs, hereby certify that a copy of Appellants' Petition for Rehearing and Memorandum, were placed with USPS, postage prepaid, the 28th day of September 2022, addressed to:

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