

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

97269

CASE No: 2019-000486

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SC Court of Appeals

**APPELLANTS' PETITION
FOR RECONSIDERATION**

TAKE NOTICE: Gibbs' law school professor said, "When a court lies and obfuscate the facts – the rule of law is dead!" This court aids and abets Respondents' continuing criminal enterprise (in violation of RICO) to cause Gibbs' figurative and/or literal death to protect \$10 billion in BRIBES; Respondents' complicity in the SUICIDES to 10,000 Homeowners (three (3) each day); and PEDOPHILES raping children.

NOW COMES, the above-named Appellants pursuant to App. Ct. R. 221 and 240 and move this Court to reconsider and reconsider en banc [i]ts ORDER dated the 21st day of September 2022.

During ten (10) years of litigation Judge Nettles has not ruled on Appellants' motion to dismiss. This Court cannot substitute [i]ts "beliefs" for Judge Nettles' failure to engage in "findings of facts" and conclusions of law: lies and obfuscation of material facts will not change Respondents' criminal conduct, to wit:

Respondents' submitted business records 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 taken in light most favorable to Appellants. The most significant issues in dispute are: Respondents suffered no damages and Respondents do not have STANDING.

Judges are subject to being sued in [t]heir personal capacity where, as here, a judge(s) are outside the scope of [t]heir duties as a judge and/or a judge act outside the scope of [t]heir jurisdiction. Courts cannot arbitrarily and capriciously determine, in order to protect PEDOPHILES, the court must ignore a continuing criminal enterprise to conceal BRIBES being "disguised" as political contributions paid to politicians to also benefit corrupt judges to ensure the **CONTINUED RAPE OF CHILDREN**.

Other than this Court – no court in America would permit summary judgment to stand, where, as here: no damages or standing exists; creating a dispute concerning the most material issues of the foreclosure.

Discovery, incorrectly opined on by this Court, is not necessary – the foreclosure is fatally defective on its face. Appellants raised this issue and 100 other reasons why the foreclosure belongs in a garbage can – not a court!

VI. CONCLUSION

For the reasons articulated, *supra*, the Court must reverse its opinion and reverse the lower court.

Submitted,



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September 28, 2022
Buford, GA



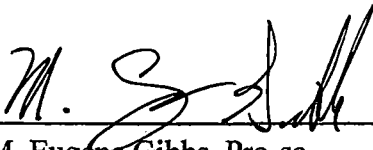
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CERTIFICATE OF SERVICE

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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