

42015

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

**RECEIVED**  
 FEB 04 2020  
 SC Court of Appeals

CASE No: 2019-000486

**APPELLANTS' MOTION FOR SUMMARY  
 REVERSAL and SANCTIONS**

*COMES NOW*, the above named Appellants and move this Honorable Court this Motion for Summary Reversal and Sanctions. The reasons for this motion are set forth below:

**I. PRELIMINARY STATEMENT**

1. The wanton and willful failure of Respondent to file a response to Appellants' Motion to Supplement their Brief, and submit Respondent's Final Brief, DEMANDS: this Honorable Court **REVERSE** the trial court in that Appellants' FINAL BRIEF demonstrates *prima facie reversal error* that is supported by the RECORD!

**II. STATEMENT**

2. *The gravamen of Appellants' Argument*, will take 30 seconds, to wit:

(a) I direct the Honorable Court's attention to the Record; (R. p. 74 ¶ 16).

(1) Respondent alleges Appellants failed and neglected to pay their mortgage for the months of July 1, 2013 and August 1, 2013, giving a legal basis for Respondent to declare Appellants in default and demand said mortgage be paid in full.

(2) This will require 9 seconds....

b. Appellants' next direction would be to, R. pp. 51-52.

(1) Appellants' UNCONTROVERTED bank statements evidencing mortgage payments made July 2, 2013 in the amount of \$2,197.32 and August 2, 2013 in the amount of \$2,197.32.

(2) This requires 11 seconds....

3. Not only has Appellants proved *beyond a reasonable doubt* the material and relevant issues are I doubt; Appellants proved Respondent and their attorneys committed fraud on the Courts and engaged in the SUBORNATION OF PERJURY! Summary Judgment was not proper and Appellants' Motion to Dismiss should've been heard and granted.

4. Appellants' next reference is directed to, R. p. 148.

a. Respondent and their attorneys attempt to deceive this Court by alleging Respondent is the proper party to this litigation – by attempting to imply the document is a financial instrument, it is not.

(1) Respondent's argument goes to an instrument such as "bearer bonds" or a check completed except for the Pay to – only requiring the holder to present the document for payment. Said document is a fraud on this Honorable Court.

### III. STATEMENT OF FACTS

5. Nationstar is not a party to the mortgage contract and has committed one the greatest frauds on this Court and the lower court as has ever been committed. This Court must sanction Respondent and their attorneys to the degree it will discourage *tortfeasors* having the resources Respondent has, from engaging in using the courts to further continuing criminal enterprises.

#### IV. STATEMENT OF THE CASE

6. Nationstar is using this Court and the lower court to punish Appellants for discovering Bank of America and Nationstar are engaged in a continuing criminal enterprise to defraud the Treasury Department of \$45 billion granted to stem-the-tide of foreclosures. AND, defraud 2 million mortgagors (including Appellants) of \$250 billion, *See* pp. 5-6.

#### V. ARGUMENT

7. The wanton and willful failure of Respondent to file a response to Appellants' Motion to Supplement their Brief, and submit Respondent's Final Brief, DEMANDS: this Honorable Court **REVERSE** the trial court in that Appellants' FINAL BRIEF demonstrates *prima facie reversal error* that is supported by the RECORD!

8. Pursuant to Rule 56, Respondent wasn't entitled to Summary Judgment: In determining whether any triable issue of fact exists, the evidence and all inferences which can reasonably be drawn therefrom must be viewed in the light most favorable to the nonmoving party. **Quail Hill, L.L.C. v. Cnty. of Richland**, 387 S.C. 223, 235, 692 S.E.2d 499, 505 (2010) (emphasis added) (quoting **Pye v. Estate of Fox**, 369 S.C. 555, 563, 633 S.E.2d 505, 509 (2006)).

9. *Respondent's attorneys appear and depart this case as if this Court is part and partial to the \$1 billion bribe [t]hey paid to steal \$250 billion....*

#### VI. CONCLUSION

This Court must issue an Order – reversing the lower court and sanctioning Respondent and their attorneys in the amount of \$20 million.

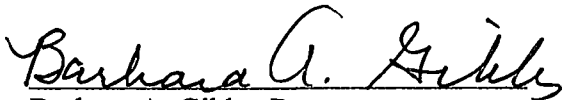
**WHEREFORE**, Defendants pray this Honorable Court immediately reverse the lower court, SANCTION RESPONDENT AND THEIR ATTORNEYS \$20 MILLION, REMAND the case to the lower court for entry of Appellants' Motion for Summary Judgment, and grant such other and further relief, at law and equity, general or special, to which Appellants have shown themselves justly entitled.

Respectfully Submitted,



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July 26, 2013

**RECEIVED**  
FEB 04 2020  
SC Court of Appeals

Nationstar Mortgage LLC  
Customer Service Department  
350 Highland Drive  
Lewisville, TX 75067

In Re: Loan Number: [REDACTED]  
:BOA - # [REDACTED]

Dear Madame/Sir:

This letter is written to advise you that we are/were in negotiations with BOA: Rogelio Chua, Customer Relationship Manager, BOA [Letter attached hereto]. The negotiations included this loan and Loan Number: [REDACTED]. BOA steered my wife into a predatory loan, and when we attempted to re-finance both loans, we were charged \$400 in application fees, and informed the closing cost would be \$30,000. THEREAFTER, for more than two (4) years we attempted to have BOA provide us with the correct information as to HOME MODIFICATION PROGRAMS. We were provided either incorrect information or no information.

Mr. Chua was provided all supporting financial documentation; including but not limited to tax return and form 4506-T, proof of income, financial statement, etc., documents attached hereto.

The critical issues for Nationstar are: the moneys you allege are due and owing; ARE NOT! Part and partial to BOA's fraud, the alleged mortgage payment not paid: December 2012, WAS PAID! The proof is attached hereto: statements showing BOA cashed both checks totaling \$2,258.82; a check cashed from the account of Melvin Gibbs on Nov. 30, 2011 in the amount of \$1,200 and a check cashed from the account of Barbara Gibbs on Dec. 03, 2011 in the amount of \$1,058.82.

This was a deliberate situation: alleged nonpayment, caused by BOA to destroy the negotiation undertaken with us. Including but not limited to the sale of our mortgage to Nationstar. Given the present actions of Nationstar: escalating the falsely stated amount of \$2,258.82 to \$8,528.09, that Nationstar has positioned itself as a co-conspirator and therefore an intricate perpetrator in the Racketeering and Influence Corrupt Organization (RICO)....

The attached documents, and BOA employee affidavits [filed in the RICO suit: US District Court-Colorado], provides by clear and convincing evidence BOA engaged in conspiracy and racketeering (RICO) in violation of the US Code: preponderance of the evidence.

We will either join the suit filed in Colorado or file a separate action: US Federal Court for the District of South Carolina, Florence Division....

We respectfully request you advise whether we must add Nationstar as a co-conspirator, or its Nationstar's intent to transfer our mortgage back to BOA.

With warm regards, we remain

*Barbara A. Gibbs*

*M. Eugene Gibbs*

STATE OF SOUTH CAROLINA )  
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Appellants. )

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**CERTIFICATE OF SERVICE**

I, Melvin E. Gibbs, hereby certify that a copy of Appellants' Record was placed with USPS, postage prepaid, the 3<sup>rd</sup> day of January 2020, addressed to:

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