

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

RECEIVED
 FEB 24 2020
 SC Court of Appeals

**APPELLANTS' OPPOSITION TO
 RESPONDENT'S MOTION FOR
 EXTENSION TO FILE BRIEF**

COMES NOW, the above named Appellants and move this Honorable Court deny Respondent's Motion for Extension of Time. The reasons are more fully set forth below:

I. PRELIMINARY STATEMENT

1. Respondent has "walked" in and taken over this Court: Respondent relieved H. Guyton Murrell, Esq. (Scott and Corley, PA), of their participation in Respondent's continuing criminal enterprise – Subornation of Perjury. Respondent substituted Brian A. Calub, Esq., (McGuire Woods, LLP) as their counsel to continue the criminal enterprise.

2. Respondent dictates to this Court, Respondent doesn't have to request an extension of time during the 20 days set for the submission of their final brief and Respondent does not need to consult with Appellants for an extension of time. AND,

3. Respondent DEMANDS death in the family of one (1) of there more than 1,100 attorneys at their beckoning, is superior to death in Appellants' family: explained in Appellants' Reply to their motion for summary reversal.

II. STATEMENT

4. *McGuire Woods Mission Statement: Our law firm, over its 186-year history, has earned the loyalty of our many longstanding clients with deep understanding of their businesses, and broad skills in corporate transactions, high-stakes disputes, and complex regulatory and compliance matters. McGuireWoods LLP is a U.S. law firm with more than 1,100 lawyers in 22 offices across the United States and Europe.*

a. Yet, Respondent couldn't fine one (1) person in this exquisite law firm to file a motion for extension of time. **AND, McGuire Woods is not the ATTORNEY OF RECORD!**

5. What Respondent asks of this Court is: *administer medicine to a dead person!* In the history of litigation, no Respondent has presented a worst defense of their continuing criminal enterprise that extends into this Court.

III. STATEMENT OF FACTS

6. Respondent's BRIEF doesn't address a single relevant/material fact that allows this Court to uphold the lower court. Respondent cites facts and rules of law that have no bearing on this case! ...Respondent foreclosure alleges Appellants failed and neglected to pay their mortgage: July and August 2013 – *Appellants' bank statements and Respondent's OWN RECORDS prove Appellants never missed a mortgage payment during the 8 years of the mortgage contract.*

7. Respondent has defaulted in the Adversary Proceeding before *Chief Judge Wendy L. Hagenau, US Bankruptcy Court, Northern District of Georgia (Atlanta Division)*: admitting Respondent is not the PARTY-IN-INTEREST in this case; has engaged in Subornation of Perjury; ARE engaged in a continuing criminal enterprise "headed" by Bank of America; and did defraud the

Treasury Department, 2 million mortgagors and Appellants of \$250 Billion....

IV. STATEMENT OF THE CASE

8. 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

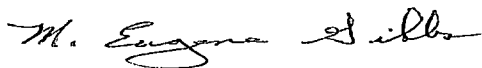
9. *See, pp. 4-6:* p.6 Doc#16 and Clerk's entry 09/13/2019; as to Nationstar ONLY....

10. During the hearing of October 16, 2019, in which Judge Hagenau ORDERED Respondent to provide proof as to the TRUE PARTY-IN-INTEREST of the mortgage note – Nationstar or Bank of America: three (3) times, Judge Hagenau informed the attorney (McGuire and Woods), [s]he could not give him – legal advice: as to how to argue Nationstar wasn't in DEFAULT!

VI. CONCLUSION

This Court must deny Respondent's motion for extension of time and GRANT the relief Appellants' PRAYED for. ***McGuire Woods is not the ATTORNEY OF RECORD!***

Respectfully Submitted,



M. Eugene Gibbs, Esq.
3108 Hidden Falls Drive
Buford, Georgia 30519
(843) 610 0674
mgibbs70@aol.com

**U.S. Bankruptcy Court
Northern District of Georgia (Atlanta)
Adversary Proceeding #: 19-05272-wlh**

Assigned to: Chief Judge Wendy L. Hagenau
Lead BK Case: 19-54809
Lead BK Title: Barbara Albytime Gibbs
Lead BK Chapter: 13
Demand: \$11500000

Date Filed: 08/07/19

Nature[s] of Suit: 71 Injunctive relief - reinstatement of stay
91 Declaratory judgment
21 Validity, priority or extent of lien or other interest in property
14 Recovery of money/property - other

Plaintiff

M. Eugene Gibbs
3108 Hidden Falls Drive
Buford, GA 30519

represented by **M. Eugene Gibbs**
PRO SE

V.

Defendant

Barbara Albytime Gibbs
3108 Hidden Falls Drive
Buford, GA 30519

represented by **Michael R. Rethinger**
Law Offices of Michael R. Rethinger, LLC
Suite 1150
50 Hurt Plaza SE
Atlanta, GA 30303
(770) 922-0066
Fax : (866) 656-4321
Email: michael@rethingerlaw.com
LEAD ATTORNEY

Defendant

Nationstar Mortgage LLC d/b/a Mr. Cooper
c/o Corporation Service Corporation
40 Technology Parkway South
Suite 300
Norcross, GA 30092-2924

represented by **Paul A. Rogers**
McGuireWoods, LLP
Promenade II, Suite 2100
1230 Peachtree Street, NE
Atlanta, GA 30309-3534
(404) 443-5636
Fax : (404) 443-5772
Email: progers@mcguirewoods.com

Defendant

Bank of America
 c/o CT Corporation System
 289 S. Culver Street
 Lawrenceville, GA 30046-4805

represented by **Paul A. Rogers**
 (See above for address)

Filing Date	#	Docket Text
08/07/2019	<u>1</u> (24 pgs)	Adversary case 19-05272. Complaint against Barbara Albyline Gibbs , Nationstar Mortgage LLC d/b/a Mr. Cooper , Bank of America , Fee Collected \$350, 71 (Injunctive relief - reinstatement of stay) 91 (Declaratory judgment) 21 (Validity, priority or extent of lien or other interest in property) 14 (Recovery of money/property - other) Filed by M. Eugene Gibbs (hd)
08/07/2019	<u>2</u> (2 pgs)	Summons Issued on Bank of America Answer Due 09/6/2019; Barbara Albyline Gibbs Answer Due 09/6/2019; Nationstar Mortgage LLC d/b/a Mr. Cooper Answer Due 09/6/2019 (hd)
08/07/2019		Receipt of Adversary filing fee. Receipt Number 1257730. Fee Amount \$350.00. Paid by M. Eugene Gibbs.
08/20/2019	<u>3</u> (5 pgs)	Certificate of Service of Summons and Complaint filed by M. Eugene Gibbs . (related document(s) <u>1</u> , <u>2</u>) (aam)
08/20/2019	<u>4</u> (5 pgs)	Certificate of Service of Summons and Complaint filed by M. Eugene Gibbs . (related document(s) <u>1</u> , <u>2</u>) (aam)
08/20/2019	<u>5</u> (5 pgs)	Certificate of Service of Summons and Complaint filed by M. Eugene Gibbs . (related document(s) <u>1</u> , <u>2</u>) (aam)
08/20/2019	<u>6</u> (46 pgs)	Amended Complaint filed by M. Eugene Gibbs . (related document(s) <u>1</u>) (aam)
08/20/2019	<u>7</u> (5 pgs)	Plaintiff's Motion for Stay and or Injunction filed by M. Eugene Gibbs . (aam)
08/20/2019	<u>8</u> (5 pgs)	Motion for Declaratory Judgment filed by M. Eugene Gibbs . (aam)
08/27/2019	<u>9</u> (6 pgs)	Plaintiff's Supplemented Motion for Stay and/or Injunction filed by M. Eugene Gibbs . (related document(s) <u>2</u>) (hd) (Entered: 08/28/2019)
09/03/2019	<u>10</u> (15 pgs)	Plaintiff's Motion to File Second Amended Complaint and Second Amended Complaint filed by M. Eugene Gibbs . (aam) Modified on 9/5/2019 (jlc). (Entered: 09/04/2019)
09/09/2019	<u>11</u>	Defendant Barbara A. Gibbs' Answer filed by Barbara

	(2 pgs)	Albytime Gibbs . (aam) (Entered: 09/10/2019)
09/09/2019	<u>12</u> (2 pgs)	Defendant Barbara A. Gibbs' Answer to Plaintiff's Amended Complaint filed by Barbara Albytime Gibbs . (aam) (Entered: 09/10/2019)
09/12/2019	<u>13</u> (4 pgs)	Plaintiff's motion for Default Judgment and Partial Default Judgment against Bank of America filed by M. Eugene Gibbs . (aam)
09/12/2019	<u>14</u> (3 pgs)	Request for Entry of Default against Bank of America Filed by M. Eugene Gibbs . (aam)
09/12/2019	<u>15</u> (4 pgs)	Plaintiff's Motion for Default Judgment and Partial Default Judgment against Nationstar Mortgage d/b/a Mr. Cooper filed by M. Eugene Gibbs . (aam)
09/12/2019	<u>16</u> (3 pgs)	Request for Entry of Default Against Nationstar Mortgage d/b/a Mr. Cooper Filed by M. Eugene Gibbs . (aam)
09/12/2019	<u>17</u> (13 pgs)	Plaintiff's Hearing Brief and Affidavit in Support of Hearing Brief Filed by M. Eugene Gibbs . (aam) Modified on 9/13/2019 (jlc).
09/13/2019		Clerk's Entry of Default, pursuant to Bankruptcy Rule 7055 and a Request for Entry of Default filed by M. Eugene Gibbs. It appears from the record that Bank of America, has failed to plead or otherwise defend in this case as required by law. (related document(s) <u>14</u>) (jlc)
09/13/2019		Clerk's Entry of Default, pursuant to Bankruptcy Rule 7055 and a Request for Entry of Default filed by M. Eugene Gibbs. It appears from the record that Nationstar Mortgage LLC d/b/a Mr. Cooper, has failed to plead or otherwise defend in this case as required by law. (related document(s) <u>16</u>) (jlc)
09/16/2019	<u>18</u> (7 pgs)	Plaintiff's Supplemented Motion for Default Judgment and Partial Default Judgment filed by M. Eugene Gibbs . (related document(s) <u>13</u>) (hd)
09/16/2019	<u>19</u> (7 pgs)	Plaintiff's Supplemented Motion for Default Judgment and Partial Default Judgment filed by M. Eugene Gibbs . (related document(s) <u>15</u>) (hd)
09/16/2019	<u>20</u> (3 pgs)	Plaintiff's Praecipe and/or Line Regarding Nationstar Mortgage d/b/a Mr. Cooper filed by M. Eugene Gibbs . (hd) Modified on 9/16/2019 (hd).
09/16/2019	<u>21</u> (3 pgs)	Plaintiff's Praecipe and/or Line Regarding Bank of America filed by M. Eugene Gibbs . (hd)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
NATIONSTAR MORTGAGE, LLC)
d/b/a MR. COOPER,)
)
Respondent,)
)
vs.)
)
BARBARA A. GIBBS, MELVIN E.)
GIBBS,)
Appellants.)
_____)

IN THE COURT OF APPEALS
OF SOUTH CAROLINA

CASE No: 2019-000486


RECEIVED
FEB 24 2020
SC Court of Appeals

CERTIFICATE OF SERVICE

I, Melvin E. Gibbs, hereby certify that a copy of Appellants' Opposition to Respondent's Motion for Extension of Time to File Brief was placed with USPS, postage prepaid, the 20th day of February 2020, addressed to:

Brian A. Calub, Esq.
McGuire Woods LLP
201 North Tryon Street, Suite 3000
Charlotte, NC 28202

H. Guyton Murrell, Esq.
SCOTT AND CORLEY, P.A.
2712 Middleburg Drive, Suite 200
Columbia, SC 29204, and



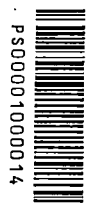
M. Eugene Gibbs, Pro-se
3108 Hidden Falls Drive
Buford, Georgia 30519
mgibbs70@aol.com
(843) 610-0674

This envelope is made from post-consumer waste. Please recycle - again.

PRIORITY MAIL

- DATE OF DELIVERY SPECIFIED
 - USPS TRACKING™ INCLUDED
 - INSURANCE INCLUDED*
 - PICKUP AVAILABLE
- * Domestic only

WHEN USED INTERNATIONALLY, A CUSTOMER'S DECLARATION LABEL MAY BE REQUIRED.



PS00001000014

PRESS FIRMLY TO SEAL

PRESS FIRMLY TO SEAL

P	\$7.15 US POSTAGE PRIORITY MAIL FLAT-RATE ENVELOPE ComBusPrice	06290009330971 FROM 30519
		stamps enclia 02/20/2020
PRIORITY MAIL 2-DAY™		
	MELVINE, GIBBS, SQUIRES, Esq. 3108 Hidden Park Drive Buford GA 30519	
	FEB 24 2020	C076
SHIP TO:	CLERK Clerk's Office South Carolina Court of Appeals 1220 Senate St Columbia SC 29201-3769	
USPS TRACKING #		
9405 5118 9956 1218 1030 26		

PRIORITY MAIL POSTAGE REQUIRED

EP14F July 2013
001725 x 915

VISIT US AT USPS.COM
ORDER FREE SUPPLIES ONLINE



This packaging is the property of the U.S. Postal Service® and is provided solely for use in sending Priority Mail® shipments. Misuse may be a violation of federal law. This packaging is not for resale. EP14F © U.S. Postal Service, July 2013. All rights reserved.