

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

MAY 12 2020

SC Court of Appeals

CASE No: 2019-000486

APPELLANTS' 2nd MOTION FOR
 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. This may be the most incompetently litigated case in the history of jurisprudence! Respondent simply says, "Let 'me' go skipping down the road and through the woods and whatever can be imagined, I'll do and file in this case. To wit:

a. Rather than filing their claim in Bankruptcy Court to enforce the appealed judgment of the lower court, Respondent filed and claimed on the mortgage contract between Barbara Gibbs and Bank of America (BOA) – divesting the lower court and this Court of any and all issues concerning said mortgage contract.

(1) This Court may take judicial notice a party cannot sue on the same contract in state court and federal court....

b. Appellants wake-up one day and like magic – the Korn Law Firm has disappeared from this case and the Law Firm of McGuire Woods has appeared – with no NOTICE to this Court or Appellants – \$1 billion???

c. Respondent, under oath, certified to the lower court and this Court, Appellants didn't pay their mortgage for the months of July and August 2013 – Respondent's OWN RECORDS show the payments Appellants made July and August 2013.

(1) In spite of the uncontroverted evidence in the form of bank records submitted by Appellants – over the course of 7 years of litigation – Respondent has maintained the subornation of perjury in this Court – \$1 billion???

b. Respondent doesn't file their brief as specified by the Court; nor does Respondent petition this Court for an extension of time: Respondent has 1,000 law offices and 10,000 lawyers – detailed in Appellants' Motion for Summary Reversal and SANCTIONS – \$1 billion???

c. Not only does Respondent refuse to file their Brief within the time frame set by this Court – Respondent files a motion to dismiss – again based on the Subornation of Perjury certified by Appellants' filing the ORDER of the Bankruptcy Court – \$1 billion???

d. One (1) month after Respondent's brief was due it "comes to" Respondent's attorney a "good idea" might be to say their attorney's father died three (3) days prior to the Brief's due date – said attorney was so grief stricken he couldn't request an extension or have some of the other 10,000 attorney do so – \$1 billion???

(1) Appellants' sister died three (3) days thereafter and Appellants had to travel from Florence, SC to their home in Buford, GA and back to Florence, SC to file documents in this case.

e. Having “doubled down” on their Subornation of Perjury – the lower court and this Court having failed to address Subornation of Perjury – Respondent “tripled down” and certified Appellants did not pay mortgage for December 2011 – an issue not raised in Respondent’s Foreclosure suit, *see* pp. 6-7 – \$1 billion???

f. NOW, Respondent has filed a “SUPPLEMENTED BRIEF” without petitioning this Court to file said brief or notice to Appellants – \$1 billion???

(1) It is ironic Appellants petitioned this Court five (5) months ago to Supplement their Brief based on issues arising after the filing of Appellants’ Brief – no response from this Court. Yet, Respondent has unchecked latitude to file whatever – whenever Respondent chose to do so – \$1 billion???

II. STATEMENT

2. *Bank of America paid \$1 billion in bribes to ensure NO litigation succeeded to force the repayment of \$200 billion Bank of America stole from 2 mortgagors and the Treasury Department.*

3. NOW, Bank of America has entered this Court and demanded that no matter how incompetent they are or how poorly this case is litigated or that the law favors Appellants 100%, BOA demands judgment based on their \$1 billion payment.

(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.

4. 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.

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. Respondent has "conjured up" Rules of Law with facts having nothing to do with this case! However, Respondent is willing to forego any and all rules of legal analysis put forth a new theory in law: If you don't like the facts of your case – use the facts in a Rule of Law that supports dismissal....

8. ***This Court must TAKE BACK control of the case and sanction Respondent and their attorneys (whoever the attorneys of record are) and RESTORE THE CREDIBILITY OF THIS COURT – DESTROYED BY RESPONDENT!***

VI. CONCLUSION

This Court must STOP THE ILLEGAL CONDUCT OF RESPONDENT.

WHEREFORE, Defendants pray this Honorable Court immediately reverse the lower court, SANCTION RESPONDENT AND THEIR ATTORNEYS \$20 MILLION for their improper SUPPLEMENTAL BRIEF, 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,

/s/ M. Eugene Gibbs
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Florence, South Carolina 29501
(843) 407-6297

July 26, 2013

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

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CERTIFICATE OF SERVICE

I, Melvin E. Gibbs, hereby certify that a copy of Appellants' 2nd Motion for Sanctions was placed with USPS, postage prepaid, the 2nd day of May2020, addressed to:

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

/s/ M. Eugene Gibbs
M. Eugene Gibbs, Pro-se
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Buford, Georgia 30519
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(843) 610-0674

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