



A handwritten signature in black ink, appearing to read "M. Eugene Gibbs", is written over a horizontal line.

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

November 11, 2020  
Buford, GA

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF FLORENCE )  
 )  
 NATIONSTAR MORTGAGE, LLC )  
 d/b/a MR. COOPER, )  
 )  
 PLAINTIFF, )  
 )  
 vs. )  
 )  
 BARBARA A. GIBBS, MELVIN E. )  
 GIBBS, and WESTBROOK PHASE IV )  
 HOMEOWNERS' ASSOCIATION, )  
 )  
 DEFENDANTS. )

---

IN THE COURT OF COMMON PLEAS

DOCKET NO: 2018-CP-21-03238

**RECEIVED**  
 NOV 16 2020  
 SC Court of Appeals

**DEFENDANTS' RULE 60 MOTION**

**TAKE NOTE:** *By committing FRAUD on this Court Nationstar has subjected this to the criminal enterprise implemented by Bank of America, Nationstar, et al, in violation of RICO: Title 18 is a criminal statute [18 USC § 1961 et seq.]....*

**COMES NOW**, Defendants pursuant to Rule 60: and move this Honorable Court vacate and set aside the Court's Order GRANTING Plaintiff's motion for summary judgment, and SANCTION Plaintiff and their attorneys: **COMMITTING FRAUD ON THIS COURT**. The reasons for this motion are more fully set forth below.

- 1. Freddie Mac's web-site provides the result as follows:

**YES. OUR RECORDS SHOW THAT FREDDIE MAC OWNS YOUR MORTGAGE**

**Property Address: 4257 MONTEREY DRIVE, FLORENCE, SC 29501**

**Loan Servicer: NATIONSTAR MORTGAGE LLC DBA MR. COOPER:**

Pursuant to an ORDER by the SC Supreme Court SERVICERS may sue on behalf of mortgagees. However, such an issue is not present here because Nationstar – in their Complaint and subsequent filings [Assignment of Mortgage]) certified to the Courts they were the owner of Gibbs' mortgage. If, and no legal argument is needed here, Nationstar wanted to file on behalf of Freddie Mac, Nationstar would have been required to meet minimum standards of PLEADING. AND NOT CERTIFY NATIONSTAR WAS THE OWNER OF GIBBS' MORTGAGE!

2. *Freddie Mac's records show Bank of America and Nationstar are not the owners of Gibbs' mortgage.* In addition to the fraud Bank of America and Nationstar perpetrated on Debtor, Gibbs, and this Court, Bank of America and Nationstar has also defrauded Freddie Mac<sup>1</sup>

4. **BANK OF AMERICA AND NATIONSTAR MAY HAVE COMMITTED THE LARGEST MORTGAGE FRAUD IN HISTORY!** *Nationstar destroyed Plaintiffs!*

5. "RICO makes it unlawful 'to conduct or participate, directly or indirectly, in the conduct of [an] enterprise [that affects interstate commerce] through a pattern of racketeering activity.'" *Republic of Panama v. BCCI Holdings (Luxembourg) S.A.*, 119 F.3d 935, 948 (11th Cir. 1997) (quoting 18 U.S.C. § 1962(c)).

6. Bank of America [*Hereinafter BOA*], Nationstar Mortgage, Urban Lending Solutions, Specialized Loan Servicing LLC (SLS) and others [*Hereinafter the HAMP-less Gang*] joined and combined to destroy Gibbs' application for mortgage modification and 2 million mortgagors similarly situated.

7. Thereafter, *the HAMP-less Gang* "bundled" the 2 million mortgages without the mortgage modifications DEMANDED by HAMP and sold said mortgages to Freddie Mac: *the HAMP-less Gang* having bribed an official(s) at Freddie Mac to "turn a blind eye: any experienced representative would have known to inquire about OBLIGATIONS attached to the mortgage notes." Additionally,

---

<sup>1</sup> Nationstar did not notify Gibbs their mortgage was sold to Freddie Mac as required by law. The only notification provided to Gibbs was that Nationstar would be collecting monthly mortgage payments for Bank of America. Bank of America sold Gibbs' mortgage note to Freddie Mac without informing Freddie Mac of Bank of America's requirement to modify the mortgages pursuant to the Home Affordable Mortgage Program (HAMP).

8. Part and partial to the conspiracy: BOA fraudulently transferred ownership of Gibbs' mortgage and the mortgages of those similarly situated to Nationstar to allow Nationstar to sue to protect the criminal enterprise. When in fact the mortgages were sold to Freddie Mac and Freddie Mac was the legal owner of the mortgages. AND,

9. Gibbs' mortgage and 2 million mortgages similarly situated were sold to Freddie Mac and Nationstar was installed as the SERVICER of these Freddie Mac mortgages – to protect the criminal enterprise formed in violation of RICO.

#### **MEMORANDUM OF AUTHORITY**

##### **Argument**

10. Rule 60 F.R.Civ.P.<sup>2</sup> applies in cases where, as here, Defendants' refused to comply with the ORDER of this Court – whereby this Court ORDERED Defendants to provide the Court proof as to the ownership of Debtor's mortgage. AND, Defendants' refusal was based on the fact Defendants knew Debtor's mortgage had been sold to Freddie Mac.

11. Defendants knew that informing this Court Freddie Mac owned Debtor's mortgage – would expose the **LARGEST MORTGAGE FRAUD IN HISTORY!**

#### **WHISTLEBLOWER STATUS<sup>3</sup>**

[The Whistleblower Protection Act of 1989, 5 U.S.C. 2302(b)(8)-(9), Pub.L. 101-12 as amended].

12. ***Defendants' \$200 billion fraud perpetrated on Gibbs, 2 million mortgagors similarly situated, the Treasury Department and Freddie Mac – entitles Gibbs to an AWARD up to \$60 billion: because DAMAGES are treble under RICO – Gibbs' AWARD could be \$120***

---

<sup>2</sup> Rule 60. Relief from a Judgment or Order:

(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party....  
<sup>3</sup> Gibbs is an employee of the US Department of Defense.

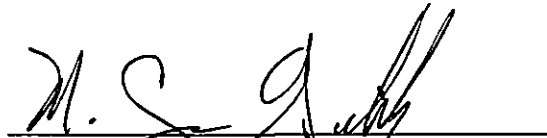
***billion: DAMAGES the Appellees, given their proven criminal conduct, would KILL for....***

**CONCLUSION**

Defendants having refused to comply with an lawful ORDER of the Court to conceal the largest mortgage fraud in history warrants REVERSAL and SANCTIONS!

***WHEREFORE***, Plaintiffs prays this Honorable Court vacate and set aside the ORDER of dismissal, hold the Defendants in DEFAULT, GRANT Plaintiffs' Motion for Default Judgment, sanction Defendants and their attorneys, and grants such other and further relief as the Court deems just and proper, at law and equity, general or special, to which Plaintiff has shown himself justly entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Eugene Gibbs', is written over a horizontal line.

M. Eugene Gibbs, Pro-se  
3108 Hidden Falls Drive  
Buford, Georgia 30519  
mgibbs70@aol.com

December 26, 2020  
Buford, GA

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**  
NOV 16 2020  
SC Court of Appeals

**CERTIFICATE OF SERVICE**

I, Melvin E. Gibbs, hereby certify that a copy of Appellants' motion for leave was placed with USPS, postage prepaid, the 11<sup>th</sup> day of November 2020, addressed to:

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

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



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

PRESS FIRMLY TO SEAL



PRESS FIRMLY TO SEAL

PRIORITY MAIL  
FLAT RATE ENVELOPE  
POSTAGE REQUIRED



PRIORI  
MAIL

- Expected delivery date specified for domestic use.
- Most domestic shipments include up to \$50 of insurance (restrictions apply)
- USPS Tracking® Included for domestic and many international destinations
- Limited international insurance.\*\*
- When used internationally, a customs declaration form is required.

\*Insurance does not cover certain items. For details regarding claims exclusions see the Domestic Mail Manual at <http://pe.usps.com>.  
 \*\* See International Mail Manual at <http://pe.usps.com> for availability and limitations of coverage.

FLAT RATE ENVELOPE  
ONE RATE ■ ANY WEIGHT

TRACKED ■ INSURED

To schedule free Packing scan the QR code



PS00001000014

EP14F May 2020  
OD: 12 1/2 x 9 1/2



USPS.COM/PICKUP

<b>P</b>	\$7.55 US POSTAGE PRIORITY MAIL ZONE FLAT RATE ENVELOPE Combined Price	06250002330071 FROM 30519
		SEMI-ANNUAL 1 1/2 x 9 1/2
<b>PRIORITY MAIL 2-DAY™</b>		
	MEL GIBBS 3108 Hidden Falls Drive Buford GA 30519-4581	0004
		<b>C076</b>
SO Court of Appeals Clerk South Carolina Court of Appeals 1220 Senate St Rm 200 Columbia SC 29201-3769		
<b>USPS TRACKING #</b>		
9405 5118 9956 4337 3524 12		

RECEIVED

NOV 18 2020

SO Court of Appeals

This postage is the property of the U.S. Postal Service and is provided only for use in sending Priority Mail® and Priority Mail International® shipments. Insurance may be a violation of federal law. This postage is not for resale. EP 14F © U.S. Postal Service, May 2020. All rights reserved.