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January 31, 2022

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Jan 31 2022
SC Court of Appeals

Via Electronic Mail (ctappfilings@sccourts.org)

Ms. Stormy Falin
Clerk's Office Team Leader (Civil)
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Court of Appeals No. 2019-000486
Gibbs v. Nationstar Mortgage LLC

Dear Ms. Falin:

This firm represents Respondent Nationstar Mortgage LLC ("Nationstar") in the above-captioned matter. On October 19, 2021, the Court ordered that this "matter will be held in abeyance due to the bankruptcy of one of the parties."

The stay in this matter appears to have been entered in response to an August 16, 2021 letter from former counsel to Nationstar, Amanda Cutler, responding to the Court's request for conflicts with the scheduling of oral argument on the issues on appeal. Specifically, Ms. Cutler stated:

The Court should be aware that Ms. Gibbs' bankruptcy case is still pending in the Northern District of Georgia . . . and a related appeal is still pending in the US Circuit Court of Appeals for the Eleventh Circuit. It is highly unlikely that those matters will be finalized by December 2021. As this appeal concerns a foreclosure—we need to be certain that proceeding to oral argument would not be considered a violation of the automatic stay granted to Ms. Gibbs pursuant to 11 U.S.C. § 362.

While Ms. Cutler's letter highlighted the existence of the bankruptcy to this court, Nationstar believes this matter is ready to proceed for two reasons.

First, the October 16, 2019 order entered by the United States Bankruptcy Court for the Northern District of Georgia (the "Order"), enclosed with this letter, does not prevent this case from proceeding. In fact, the Order expressly allows this matter to proceed. The Order states that "the automatic stay is lifted for the parties to proceed with litigation pending in the Florence County South Carolina Court of Common Pleas Case No. 2018-CP-21-03238 Nationstar Mortgage LLC

vs. Gibbs *and any appeals therefrom*” (emphasis added). The United States Bankruptcy Court for the Northern District of Georgia is currently awaiting a final order from this Court.

Second, the Appellants in this case stated their independent belief in their October 26, 2021 letter to the Court (enclosed), that the Order encourages resolution of the appeal. They further ask the court to “restore this case to the active docket.”

Accordingly, given the Order entered by the United States Bankruptcy Court for the Northern District of Georgia, coupled with Appellants’ desire to have this case decided on the merits, Nationstar believes this matter is ready to proceed and has no objection to lifting the stay such that this Court may reach a resolution in the appeal related to the trial court order granting Nationstar’s Motion to Dismiss.

Thank you. If you have any questions, please contact our office.

Sincerely,



T. Richmond McPherson, III

Cc: H. Guyton Murrell, Esq. (via email)
Ms. Barbara A. Gibbs (via regular mail)
Mr. Melvin E. Gibbs (via regular mail)



IT IS ORDERED as set forth below:

Date: October 21, 2019

Wendy L. Hagenau

**Wendy L. Hagenau
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:

BARBARA A. GIBBS,

Debtor,

CASE NO. 19-54809-WLH

CHAPTER 13

ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

The Court held a hearing in the above-styled case on October 16, 2019. Debtor, Debtor's husband M. Eugene Gibbs, counsel for Nationstar Mortgage LLC d/b/a Mr. Cooper, Taylor Mansell, Paul A. Rogers, and counsel for the Chapter 13 Trustee, Ryan Williams, were present. Mr. Gibbs, who is also the Plaintiff in a related adversary proceeding, stated he wished to proceed with the pending litigation in South Carolina. The Court construes his statements as an oral motion for relief from the automatic stay. All parties in interest were present and were in favor of the relief requested. For the reasons stated on the record, which the Court reserves the right to supplement,

IT IS ORDERED that Mr. Gibb's oral motion for relief from the automatic stay is **GRANTED**. The automatic stay is lifted for the parties to proceed with litigation pending in the Florence County South Carolina Court of Common Pleas case no. 2018-CP-21-03238 Nationstar Mortgage LLC vs. Gibbs and any appeals therefrom, provided that the stay is NOT lifted for purposes of collection of any amounts due from the Debtor.

END OF ORDER

Distribution List

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Ryan Williams
Nancy J. Whaley, Standing Chapter 13 Trustee
303 Peachtree Center Avenue
Suite 120, Suntrust Garden Plaza
Atlanta, GA 30303

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40 Technology Pkwy South, Ste 300
Norcross, GA 30092-2924

Bank of America
c/o CT Corporation System

289 S. Culver Street
Lawrenceville, GA 30046-4805

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: 2019-00686

RECEIVED
 OCT 26 2021
 Court of Appeals

APPELLANTS' RESPONSE
 TO COURT'S
 LETTER OF 10/19/2021

TAKE NOTICE: On or about the 21th day of October 2019, Chief Judge Hagenau, presiding over the bankruptcy in question, granted relief for all litigation in South Carolina to proceed and any appeals, See, pp. 5-6!

If this Court does not return this case to [i]ts active docket and GRANT Appellants' Motion for Summary Reversal: immediately (if not sooner) – Gibbs will Petition the SC Supreme Court for an Order of Mandamus....

COMES NOW, the above named Appellants and move this Court to reconsider [i]ts LETTER dated the 19th day of October 2021: removing this case from the active docket. The reasons for this motion are set forth below:

I. STATEMENT

On or about the 25th day of October 2019, Gibbs notified this Court the bankruptcy judge lifted the STAY to allow this appeal to be decided. AND, this Court ORDERED the case to proceed.

II. STATEMENT OF FACT

Each day this Court joins and combine with Bank of America (Nationstar) to DEFRAUD Homeowners – an average of three (3) Homeowners commit SUICIDE; 15 people experience criminal violence; AND: this Court is complicit in Bank of America stealing \$892 million (each day)....

Bank of America and Nationstar by and through their attorney (McGuire Woods) agreed this appeal should proceed. NOW,

Because Gibbs has exposed Respondent's criminal enterprise operating in violation of RICO: \$3 [T]rillion FRAUD of Appellants, 10 million Homeowners (Similarly Situated), the Treasury Department, Fannie Mae and Freddie; and Respondent's PERJURY, SUBORNATION OF PERJURY and FRAUD ON THE COURT –

McGuire Woods has ORDERED this Court to disregard Judge Hagenau's [bankruptcy judge] ORDER and STAY this case, *See*, pp. 5-6.

II. STATEMENT OF THE CASE

McGuire Woods uses this Court participation in [t]heir eight (8) year persecution of Appellants: designed to silence Gibbs for having exposed [t]heir \$3 [T]rillion FRAUD.

III. ARGUMENT

“All parties in interest were present and were in favor of the relief requested,”

See, p. 5, L-6. Judge Hagenau was clear and concise to ensure McGuire Woods, representing Nationstar Mortgage and Bank of America, Debtor (Appellant Barbara A. Gibbs) and Gibbs were present and agreed to lift the STAY.

Respondent agreed to lift the STAY! However, now that Gibbs has used Respondent’s business records – Respondent voluntarily filed with Respondent’s Proof of Claim¹ – Respondent ORDERS this court to “SAVE” Respondent.

If this Court was not controlled by McGuire Woods – this Court would STOP Respondent’s eight (8) year criminal prosecution of Appellants: five (5) years aided and abetted by this Court. **AND**,

SANCTION RESPONDENT AND [T]HEIR ATTORNEYS!!!

Perjury, Subornation of Perjury and Fraud on the courts must not be tolerated!!!
...Especially, where, as here, Respondent has “spit” on this Court by refusing to withdraw [t]heir criminal litigation.

¹ Respondent voluntarily filed their case in the bankruptcy court based on the mortgage contract Debtor (Appellant, Barbara A. Gibbs) executed with Bank of America – divesting the SC Circuit Court of JURISDICTION: thereby rendering the judgment of said court: **MOOT!!!**. Respondent’s POC (Proof of Claim) was SELF-PROVING of Respondent’s PERJURY, SUBORNAITON OF PERJURY and FRAUD ON THE COURTS, to wit: Gibbs never missed a mortgage payment; when Respondent filed this illegal foreclosure in 2013, Respondent was not authorized to originate mortgages in South Carolina: Respondent did not file the foreclosure on behalf of Bank of America or Freddie Mae the TRUE PARTY-IN-INTEREST; AND, Respondent and Bank of America are defrauding Freddie Mac (TRUE PARTY-IN-INTEREST) of tens of \$\$\$ billions – aided by this Court!!!

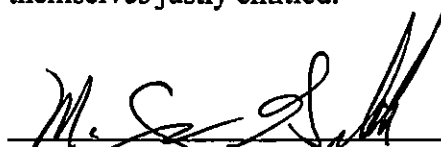
PETITION FOR MANDAMUS

If this Court fails to act immediately to stop the three (3) suicides each day;
the daily theft of \$892 million: being perpetrated by Bank of America and aided
and abetted by this Court – Gibbs will Petition the SC Supreme Court for an
ORDER OF MANDAMUS!!!

IV. CONCLUSION

This Court has the right to allow Bank of America's criminal enterprise which has existed for eight (8) years – causing the death of Gibbs' daughter and grandson; to continue another eight (8) years and cause the death of "all of" Gibbs' children and grandchildren. However, this Court does not have the right to blame [i]ts criminality on the BANKRUPTCY COURT!

WHEREFORE, Defendants pray this restore this case to the active docket; GRANT Appellants' motion for SUMMARY REVERSAL or transmit this case to the SC Supreme Court for resolution or an ORDER OF MANDAMUS, and grant such other and further relief as this Court deems just and proper, at law and equity, general or special, to which Appellants have shown themselves justly entitled.



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

October 24, 2021
Buford, GA

IT IS ORDERED as set forth below:



Date: October 21, 2019

Wendy L. Hagenau

Wendy L. Hagenau
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

BARBARA A. GIBBS,

Debtor,

CASE NO. 19-54809-WLH

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

IN THE COURT OF APPEALS
OF SOUTH CAROLINA

RECEIVED
OCT 26 2021
SC Court of Appeals


CASE No: 2019-000486

CERTIFICATE OF SERVICE

I, Melvin E. Gibbs, hereby certify that a copy of Gibbs' Motion for Reconsideration, and Appellants' Response to the Court's Letter dated October 19' 2021: was placed with USPS, postage prepaid, the 23rd day of October 2021, addressed to:

Brian A. Calub, Esq.
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IN THE COURT OF APPEALS
OF SOUTH CAROLINA

CASE No: 2019-000486

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OCT 26 2021

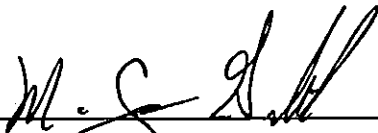
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