

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

August 4, 2015

To: Mr. Abdul Malik Chestnut, 5194 Miller Woods Trail, Decatur, Georgia 30035

Docket Number: A15A1935 **Style:** Abdul Malik Chestnut v. Citi Mortgage, Inc.

Your document(s) is (are) being returned for the following reason(s).

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 **Please be advised that your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **An improper Certificate of Service accompanied your document(s). Rule 6**
5. Your Certificate of Service did not include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (compound motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other:

For Additional information, please go to the Court's website at: www.gaappeals.us

**DEKALB COUNTY SHERIFF'S DEPARTMENT
JAIL DIVISION
REQUEST FROM INMATE
DO NOT USE FOR A MEDICAL REQUEST**

To: _____ Sergeant _____
_____ Commissary _____
_____ Inmate Services _____
 Other Law Library

Date: July 20, 2015

Cell Location: 55W105

From: Abdul Chestnut

TYPE OF REQUEST

- | | |
|---|---|
| <input type="checkbox"/> Request Property Disposition | <input type="checkbox"/> To See Chaplain |
| <input type="checkbox"/> G.E.D. Program | <input type="checkbox"/> Mail Room |
| <input type="checkbox"/> Social Worker | <input checked="" type="checkbox"/> Law Library |
| <input type="checkbox"/> Maintenance | <input type="checkbox"/> Reading Library |
| | <input type="checkbox"/> Other (see remarks) |

REMARKS - MUST BE LEGIBLY PRINTED

Please mail to Georgia Court of Appeals, and date stamp it with seal on date of receipt. Thanks.
It must be dated immediately, + need address

ACTION TAKEN

DO NOT WRITE BELOW THIS LINE

DEPARTMENT USE ONLY

See Attached

July 18, 2015

Dear Clerk,

Can you please make a copy of this and forward it to Burn & Forman I am currently in custody in the DeKalb County Jail; and do not have their address available, to serve them properly.

Secondly, can you send me a copy back as proof of receipt, please to the following address:

ABDUL CHESTNUT
P.O. BOX 360802
DECATUR, GA 30036
404-573-6120 WIFE DAVINA CHESTNUT

OLD ADDRESS:
5194 MILLER WOODS TRAIL
DECATUR GA 30035
678-708-6126

CASE No. 15M935
(CIVIL ACTION)

RECEIVED IN OFFICE
2015 JUL 21 PM 1:09
CLERK OF SUPERIOR COURT
DEKALB COUNTY, GEORGIA

ABDUL MAUK CHESTNUT (Petitioner/Appellant),
vs.

Citi Mortgage, Inc. (Respondent/Appellee).

Case was initiated in Fulton County Superior Court.

Judge: Honorable Tom CAMPBELL. I recently filed a motion to Extend Time.

JURY (something). I will mail in a pauper's Affidavit once

I receive one and notary assistance from the jail's law library; which is only provided once a week on Wednesdays.

I am at DeKalb County Jail; until I am transferred to prison (GA Dept. of Corrections).

Abdul M. CHESTNUT #X051198 (SSW-105)
4425 Memorial Drive
Decatur, GA 30032

7-20-17



OFFICIAL SEAL
EARL R. DAVIS
Notary Public, Georgia
DEKALB COUNTY
My Commission Expires
July 24, 2018

Earl Davis

IN THE COURT OF APPEALS
STATE OF GEORGIA

ABDUL MALIK CHESTNUT
(Petitioner/Appellant)
vs.
CITIMORTGAGE, INC
(Respondent/Appellee)

FILED IN OFFICE CASE NO. AL5A1935
JUL 18 2015 (CIVIL ACTION)
COURT CLERK
CLERK COURT OF APPEALS OF GA

RECORDED
2015 JUL 18 PM 1:09
COURT OF APPEALS OF GEORGIA

APPELLANT'S BRIEF

NOW COMES PETITIONER/APPELLANT, ABDUL MALIK CHESTNUT, and hereby files his Appellant's Brief and states the following:

PART 1

This dispute arises from an ILLEGAL foreclosure by Respondent that took place on 4/5/2011. Petitioner purchased a home via mortgage FHA loan from REAL Estate Mortgage Network on October 3, 2008, for the Property located at 5194 MILLER WOODS TRAIL, DECATUR, GA 30035, in DeKalb County. The loan was immediately table funded and sold to an unknown entity, that LENDER who obtained (purchased) the loan from REAL Estate Mortgage Network (ORIGINAL LENDER), failed to record a new SECURITY DEED with MERS, listing them as Successor/Assignor of Petitioner's mortgage loan; holder of ORIGINAL Promissory Note and SECURITY DEED, containing WET ~~INK~~ INK seal.

On or around June 9, 2009, Citimortgage, Inc (Respondent) filed a FRAUDULENT Assignment of DEED, listing them as SERVICER and LENDER for Petitioner's mortgage; stating MERS had assigned them as successors. This fraudulent document, if legitimate, would've given Respondent under Power of Attorney/Power of sale, the authority to foreclose and sale Petitioner's property due to DEFAULT on terms and conditions of the loan.

On April 4, 2011, Petitioner filed a Notice of Revocation of Power of Attorney, Notice of Right to Cancel ^{and} Claim Deedy Notice of Successor of

obtained another writ of possession from Superior Court (even though Petitioner had NOT received a Jury Trial); and ILLEGALLY evicted Petitioner from his home on November 22, 2013.

On or around December 19, 2013, CitiMortgage, Inc sold Petitioner's property to HUD (U.S. Department of Housing & Urban Development) ~~via~~ via a CONVEYANCE Sale. Upon an audit and mortgage fraud investigation, HUD concluded that the Assignment of Mortgage Deed that was filed by Respondent on or around June 9, 2009 was indeed fraudulent, void and invalid.

In January 2014, HUD notified Petitioner and advised him that they would be RE-Conveying his property BACK to him; due to the foreclosure eviction and sale of Petitioner's property was ILLEGAL; due to Respondent not having clear title; nor being given authorization from the LENDER, who they were NOT.

In March 2014, the Superior Court erroneously dismissed Petitioner's Wrongful foreclosure case, stating it was a 3rd lawsuit; which was ~~incorrect~~ incorrect. Petitioner also filed a Wrongful Eviction lawsuit against Respondent.

In April 2014, HUD awarded Petitioner access to his home and RE-CONVEYANCE. Petitioner moved back in to his property while HUD was in the process of filing Quitclaim Deed back to CitiMortgage; ordering them to deed property back to Petitioner. There is also a criminal investigation with DeKalb County &

Fulton County Superior Court scheduled an oral argument hearing after a Rule Nisi was filed; to hear Respondent's Motion to Dismiss pleading. Petitioner filed a Motion For Continuance, in order to allow time for him to obtain documents from HUD's audit and foreclosure mortgage fraud investigation, time to subpoena witnesses, as well as provide the necessary time for Petitioner to return from out of town. Petitioner also filed a ~~THRO~~ Counter Affidavit requesting a JULY TRIAL to determine rightful and legal ownership to property.

PART 2 Superior

As outlined in this brief the ~~the~~ Court erred by not:

1) Granting Petitioner with the necessary continuance after the Federal Government had already cited and fined Respondent for Mortgage fraud, improper servicing of mortgage loan and illegal foreclosure.

2) Granting Petitioner a Jury Trial after the filing of a Court Affidavit

3) Denying Respondent's motion to dismiss, denying request to bar Petitioner from filing all future pleadings, and awarding them monetary judgement.

4) Denying Respondent's claim that this is a THIRD duplicative filing for Wrongful Eviction.

5. Petitioner was "ONLY" evicted once on November 22, 2013, so how could he have possibly filed a previous cause of action against Respondent for wrongful eviction?

Petitioner asks this Court to excuse any format ~~errors~~ because he is going off of memory on the correct way to file this brief.

again extend filing deadline

Respectfully submitted this 18th day of July,

2015.

7/20/15

Abdul Malik Chestnut

P.O. Box 360802

DECATUR, GA 30036

404.573.6120 (WIFE DAVINA CHESTNUT)

abdulchestnut@gmail.com



OFFICIAL SEAL
EARL R. DAVIS
Notary Public, Georgia
DEKALB COUNTY
My Commission Expires
July 24, 2018

Earl Davis

CERTIFICATE OF SERVICE

A Copy will be forwarded to Burr & Forman upon being provided with address and copy



7th St 5018
The Commission Expires
DEKALB COUNTY
NOTARY PUBLIC GEORGIA
EVAN B DAVIS
OFFICIAL 2517

Upon receipt can you please forward a copy back to me and/or forward to Burr and Forman as proof of receipt. I am not able to receive access to law library until after filing deadline.
This the 18th day of July, 2015

X 

Abdul Malik Chestnut

~~5799 MILLER WOODS TRAIL~~ P.O. Box 360802

DECATUR, GA 30036

(404) 573-6120 (DAVINA CHESTNUT)

abdulchestnut@gmail.com

ABDUL CHESTNUT * X0151198 (5 SW-105)

4425 Memorial Drive

DECATUR, GA 30032

DEKALB COUNTY JAIL