

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

April 2, 2015

To: Ms. Michelle Pllum, 1397 Mineral Springs Road, Hoschton, Georgia 30548

Case Number: \_\_\_\_\_ Lower Court: \_\_\_\_\_ County Superior Court

Court of Appeals Case Number and Style: A15A1054. Lonnie C. Cothran v. Michelle Pllum

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on \_\_\_\_\_.** The Court of Appeals \_\_\_\_\_ The remittitur issued on \_\_\_\_\_ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the \_\_\_\_\_ is: \_\_\_\_\_
- As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.**
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

THE COURT OF APPEALS OF GEORGIA

FILED IN OFFICE

APR - 1 2015

CLERK, COURT OF APPEALS OF GEORGIA

LONNIE C COTHRAN,

§

Appellant,

§

APPEAL CASE NUMBER

A-15A1054

§

MICHELLE PELLUM,

§

Appellee,

§

RECEIVED IN OFFICE  
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CLERK COURT APPEALS OF GA

*She has an attorney of record.*

Request for Dismissal

The Appellant's brief is

its and lacking of any factual disputes.

The Appellant has a long .

ent by way of continued court filings lacking any

legitimate matters, so much, as the Gwinnett County Superior court has an order against the

Appellant prohibiting him from filing any further court actions against the Appellee, without

judicial approval.

I am responding and requesting dismissal based on the following facts:

1. Appellant did not properly or timely file appeal request. Nor has he properly or timely delivered the required paperwork in the matter of the appeal to the Appellee. The matter he is seeking to appeal is from a 2011 court order, long past the time allowed to file appeal. In addition, this is a divorce alimony case which gives appeal authority to the Supreme Court pursuant to Article VI, Section VI, paragraph III of the Constitution of the State of Georgia. Should this case be transferred, I am requesting immediate dismissal

due to improper filing and lack of any legitimate disputes.

2. The Appellants case revolves around a bankruptcy filing by the Appellee and the property of 1397 Mineral Springs Rd, Hoschton, GA. The Appellant stated in his brief, page 1 that he included the bankruptcy schedules. Please note that the property in question was exempted from the bankruptcy estate per 11 USC 522 b 3, Schedule C. The bankruptcy petition further states that the debt and payment are excluded from the bankruptcy and payments will be made outside the bankruptcy plan due to an outstanding settlement agreement/divorce decree.
3. The Appellant is dishonest in his statement that he was a co-debtor on the loan of the property in question. The Appellant was never obligated on the loan with the Appellee. This information is verified by the bankruptcy court and if he had in fact been a co debtor, he would have received notification from the bankruptcy court as well as the lender. Per the bankruptcy petition, the property was listed as a joint ownership, individual debt. The bankruptcy court was fully aware of the situation regarding this property, the debt and ownership.
4. The Appellant has twisted the US code 1301 reference in that the automatic stay protects the co-debtor from the creditor filing any civil action to collect all or part of the consumer debt. That was not the case. This case was to enforce an outstanding settlement agreement/divorce decree not the collection of a creditor. Again, the Appellant was not a co debtor on this loan and this property was exempted from the bankruptcy estate.

5. The deed transfer from the Appellant to the Appellee was not a violation of Automatic stay 11 US Code 362 as the code clearly states that matters involving the enforcement of divorce decree and property settlement agreement are not included in the operation of the Automatic stay. US Code 1301 only applies to co debtors and this debt was an individual debt, never having a co debtor. In addition, the deed was transferred from being in the name of the Appellant and Appellee to only the Appellee, who was the bankruptcy debtor and there was no financial gain whatsoever, the value was less than amount owed. Again, the property was exempted from the bankruptcy estate.
6. There was only 1 request to convert from a chapter 13 to a chapter 7, after losing employment. The loan on the property in question was re-affirmed at that time in February 2012. All information regarding the change of address, property being in my name only, etc. was supplied to the bankruptcy court. In fact, it was the evidence presented by the Appellant at the time of the hearing by way of a full appraisal verifying the significantly lower value of the home than balance owed on the property that was supplied to the bankruptcy court. In addition the deed remained in my name, the only debtor.
7. I discharged in June 2012 and the estate was closed. US Code 11 554 states” any property scheduled, not otherwise administered at the time of the closing of a case, is abandoned to the debtor.” This property was listed in my schedules, was exempt from the estate in the filing, was affirmed in 2012 and administered at that time. I received no financial benefit from this deed being placed solely in my name. Nothing on the loan changed.

## PART 2

### ENUMERATION OF ERRORS-RESPONSE

First, the bankruptcy court was aware of my civil domestic proceedings. Also, aware that I gained no money or any type of financial benefit from the Appellee transferring the deed to my name only as the home was in a negative equity position. Second, the US bankruptcy code interpretation has been twisted by the Appellant. The US Bankruptcy court excludes civil domestic causes of action from the bankruptcy stay so that people such as the Appellant, who try to manipulate the system to their benefit, would not be able to do so. If Civil domestic causes of action were not allowed, fathers, such as the Appellant, who abandon their children and fail to support their child or follow any prior court orders, would be protected by the bankruptcy court. Bankruptcy code US 11 code 362 b 2 ii states that “filing a petition for bankruptcy does not operate as a stay for the establishment or modification of an order for domestic support obligations.” In addition, the Bankruptcy code US 11 code 101 14a further states “that the term domestic support obligation includes debts provided under any other non-bankruptcy law that is established, or subject to establishment before, on, or after the date of the order for relief in a case by reason of applicable provisions of a divorce decree or property settlement agreement.” “Or an order of a court of record”. Therefore, the court which presided over the divorce matter had subject matter jurisdiction and personal jurisdiction.

Appellee’s reference to Parker v Wendy’s does not pertain to a domestic hearing but that of a job discrimination law suit seeking damages and monetary gain, which was filed prior to the

bankruptcy and not disclosed. This case has no relevance to this appeal.

Pursuant to Supreme Court of Georgia Klardie v Klardie s10F0451 Decided July 5,

2010 the Appellant has failed to show that the property in question not excludable or exempt

from the bankruptcy estate. Nor, has he demonstrated that the Appellee mislead or manipulated

the bankruptcy court so as to accrue any benefit for herself. Under the circumstances of this

case, it cannot be found that the court abused its discretion in declining to apply the doctrine

of judicial estoppel or denying the Motion to Challenge Subject Matter Jurisdiction.

Therefore the Appellee prays; that this case is dismissed.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michelle Pllum", is written over a solid horizontal line.

Michelle Pllum

Appellee, pro se

1397 Mineral Springs Rd

Hoschton, GA 30548

770-294-7527

**THE COURT OF APPEALS OF GEORGIA**

**LONNIE COTHRAN,**

§

**APPELLANT,**

§

**APPEALS CASE NUMBER**

**A-15A1054**

§

**MICHELLE PELLUM,**

§

**APPELLEE**

§

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served upon the Plaintiff, pro se, a copy of the foregoing *APPELLEE'S BRIEF AND REQUEST FOR DISMISSAL* by depositing in the United States Mail a copy of same in a properly addressed envelope with sufficient postage thereon to insure its delivery to:

Lonnie Cothran  
108 Rue LaFayette  
Lavonia, GA 30553

This the 15<sup>th</sup> day of April, 2015.

*Michelle Pillum*

Michelle Pillum, Appellee, pro se  
1397 Mineral Springs Road  
Hoschton, GA 30548  
770-294-7527