

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

October 23, 2015

To: Mr. Reginald Ware, 2555 Knox Street, Atlanta, Georgia 30317

Docket Number: A15A2291 **Style:** Reginald Ware v. Multibank 2009-1 Res Venture, LLC

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. No Certificate of Service or 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) I have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review.
 11. Your motions were submitted in an improper form (joint, compound or alternative 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: Your Appellant's Brief was docketed in this Court on September 9, 2015. We are returning your Brief of Appellant to you.**
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18. Other: We have your appellants brief docketed 9.9.15.

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

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REGINALD B WARE

Appellant

MULTIBANK 2009-1 RES VENTURE, LLC

Appellee

CASE ACTION NO. A15A2291

BRIEF OF APPELLANT

REGINALD B. WARE

Reginald Ware Pro Se'

2555 Knox Street

Atlanta, Ga. 30317

404-325-8800

This is the second time that this case has been before this Honorable Court and the Appellant's brief has cited the deficiencies in this case. The defects were noted by the court in the first appeal. The Appellee has failed to correct in of the defects. The Appellee has failed to provide any statements, documents, ledgers or written records to support the affidavit of Niral Shaw. The court has noted previously without these records Damages cannot be awarded. The Appellee omits, in its reply brief, page 1, line 4-6 "The only reason the factual issue remains was the inadvertent omission of the documents referenced in the affidavit of Niral Shah". These documents have been requested over ten times and the Appellee has failed to provide the documents. The Appellee failed to provide the documents at the last hearing upon request and now they state it was an "inadvertent omission".

The Appellee has failed to provide documents to support its increase in the note from \$96,125 to \$96,413.38. The Appellee has failed to address this issue in its reply brief dated September 28, 2015.). See Myers v First Citizens Bank & Trust Co., Inc., 324 Ga. App. 293, 296 (750 SE 2d 378) 2013. Capital City Developers, LLC. v Bank of North Georgia 316 Ga. App.624 2012 Hanna v First Citizens Bank & Trust Co., Inc., 323 Ga. App. 321, 328,-329 (4)

(744 SE 2d 894) 2013.

The Appellee never addressed the issue of the document presented into evidence at the last trial. This document fails the O.C.G.A. rules. “The document presented by the Appellee was not prepared at or near the time of the time of the described acts, events, conditions, opinions, diagnosis.” See Georgia’s new Evidence Code apply Ga. L. 2011, pp. 99, 214 § 101.

1. Appellant’s First Enumeration of Error is barred:

The reference to 24-3-14(b) was in era and was to referenced to the former O.C.G.A. 24-3-14(b)

2. The trial court properly considered the testimony of Vincent Quang:

The Appellant Vincent Quang submitted into evidence documents that pertained to payment histories that were not created near the time of the merger of banks. The records had no bearance to calculating damages sought by the Appellee. This testimony and records should be stricken.

CONCLUSION

The Appellant has showed that the trial court has erred in granting Summary judgment based on the facts provided above. The Appellee failed to supply supporting documentation to support its claim for damage. The Appellant Moves this honorable court to vacate and dismiss the Summary Judgment in this action and remand this case back to the Superior Court of DeKalb County, Georgia so the Appellant may then make necessary fillings and objections in order for the Appellant to receive a fair and impartial hearing.

Respectfully submitted, this 18th day of September, 2015.



Reginald B. Ware

2555 Knox St.

Atlanta, GA. 30317

jusreggie2@bellsouth.net

404-325-8800

CERTIFICATE OF SERVICE

I certify that I have this day served all opposing counsel and /or opposing parties with a true and accurate copy of the foregoing Appellant's Brief by placing the same in an envelope with adequate, first class U.S. mail with adequate postage affixed thereon to ensure delivery, properly addressed as follows:

Hartman, Simons & Wood LLP

6400 Powers Ferry Road, N.W.

Suite 400

Atlanta, Ga. 30339

This 18th day of September, 2015.

A handwritten signature in black ink, appearing to read "Reginald B. Ware", written over a horizontal line.

Reginald B. Ware