IT IS ORDERED as set forth below:

Date: October 21, 2010

Paul W. Bonapfel
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN THE MATTER OF:	:	CASE NUMBER: 10-84443-PWB
LEE ANTHONY NORWOOD,	:	
	:	IN PROCEEDINGS UNDER
	:	CHAPTER 7 OF THE
Debtor.	:	BANKRUPTCY CODE
LEE ANTHONY NORWOOD,	:	
Plaintiff	:	
v.	:	ADVERSARY PROCEEDING
	:	NO. 10-6458
BANK OF AMERICA,	:	
Defendant.	:	

ORDER OF DISMISSAL

Lee Anthony Norwood, the chapter 7 debtor and the plaintiff in this action ("the Debtor") has filed a complaint against Bank of America seeking, among other things, a

"Declaratory Ruling as to the validity of the debt" it holds against property located at 3347 Hunters Pace Drive, Lithonia Georgia ("the Property"), and a determination as to the Bank's "standing to seek relief from the automatic stay." (Complaint, Doc. 1). In addition, the Debtor has filed a "Verified Motion for Release of Lien to Avoid Lien and Determine Secured Status of HomeQ Servicing, Trustee Assigns and/or Successors" (Doc. 3) in which the Debtor seeks an order that the lien be "stripped off" and the claim be treated as a general unsecured claim. Bank of America seeks dismissal of the complaint and motion. For the reasons set forth herein, the motion to dismiss is granted.

Rule 8 of the Federal Rules of Civil Procedure, made applicable by Rule 7008 of the Federal Rules of Bankruptcy Procedure, provides that a claim for relief shall include "a short and plain statement of the claim showing that the pleader is entitled to relief" and that "[e]ach allegation must be simple, concise, and direct." In *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S.Ct. 1955 (2007), the Supreme Court explained that, to survive a motion to dismiss under Rule 12(b)(6), a complaint "does not need detailed factual allegations," but those allegations "must be enough to raise a right to relief above the speculative level." *Twombly*, 127 S.Ct. at 1964-65. In *Ashcroft v. Iqbal*, 129 S.Ct. 1937 (2009), the Supreme Court further explained that while Rule 8 "does not require detailed factual allegations, [ ] it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation." *Iqbal*, 129 S.Ct. at 1949. A claim must have "facial plausibility," which is met "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id*. "Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Id*.

In no legal universe does the Debtor's complaint satisfy *Iqbal's* "facial plausibility" test. The Debtor's complaint is nonsensical and asserts no facts to support the relief requested to the extent the Court can even discern the relief that the Debtor seeks. Nevertheless, the Court will attempt to identify for the Debtor why his complaint fails.

First, to the extent that the Debtor challenges Bank of America's standing to seek relief from the automatic stay, the Court will merely note that Bank of America has not sought relief from the automatic stay in this case. Perhaps this is because in the Debtor's previous case, that being 10-82695-pwb, the Court entered an Order on August 20, 2010, granting Bank of America relief from the automatic stay and *in rem* relief from the automatic stay.[1] If the Debtor is attempting to relitigate the August 20 Order entered in the previous case, it is too late. The Court conducted a lengthy hearing in which the Debtor fully participated. There is no revisiting that Order in this proceeding.

Second, the Debtor challenges the "validity" of Bank of America's debt and/or lien against the Property. The Debtor makes a series of conclusory and largely irrelevant assertions dealing with proofs of claim, conversion of property, fraud in the origination of the loan, authentication of documents, and assignment of the note. The debtor apparently contends that if

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[1]The Order provides, "The automatic stay of 11 U.S.C. § 362(a) shall be, and hereby is, terminated as to [Bank of America], its successors and assigns, and the Property, such that [Bank of America], its successors and assigns, are allowed to exercise and enforce any and all of their non-bankruptcy law rights and remedies as to the Property . . ." and "In the event a future petition under the Bankruptcy Code, Title 11 of the United States Code, is filed by or against any person who claims an interest in the Property by or through any person or entity other than [Bank of America], while [Bank of America] remains owner of the Property, such a petition shall not operate as an automatic stay under 11 U.S.C. § 362(a) regarding the Property, or [Bank of America's] exercise of any and all rights and remedies with regard to the Property, including any acts against any person to obtain possession of the Property, unless and until the Court orders otherwise." (Case No. 10-82695-pwb, Doc. 16, ¶¶ 2-3).

Bank of America cannot produce all the documents to show it has "standing" to seek relief from the automatic stay, the Debtor is entitled to have the debt discharged and the lien released. This claim also fails because of the simple fact that, because of Bank of America's foreclosure conducted November 3, 2009, pursuant to its power of sale provisions in its security deed, Bank of America does not have a debt or lien - it owns the Property.

What the Debtor's documents demonstrate, sadly, is a complete lack of comprehension of and, to some degree, respect for, the law. Perhaps the Debtor filed these papers in a cynical attempt to stop his eviction from the Property; perhaps he has a sincere, albeit misguided, belief that the claims have merit. If it is the former, the Debtor's conduct is potentially sanctionable. If it is the latter, it is most likely the result of charlatans who prey upon people in economically dire circumstances. Certainly, the Debtor is not alone. As one District Court Judge in the Northern District of Georgia has noted, nonsensical legalese does not make a debt disappear, but there are people who are happy to help the vulnerable part with their money in the belief that it is so. *See Searcy v. EMC Mortgage Corp.*, Civ. Action No. 1:10-cv-0965-WBH (N.D. Ga. Sept. 30, 2010) (unpublished).

Attached to the Complaint are two documents. One is titled as a "Stop and Desist Order" when, in fact, it is not a court order at all, but instead appears to be something the Debtor has cut and pasted from the internet.

The second document is a "Certified Forensic Loan Audit" prepared by someone named D. Alex-Saunders. Mr./Ms. Alex-Saunders, for whom no contact information is provided, claims, variously, to be a "Senior Auditor: Home and Asset Ombudsman Program, International Environmental Association, 501(c)3," "Senior ombudsman," "Certified forensic auditor by

National Association of Mortgage Underwriters," "Associate of Global Association of Risk Professionals," and the author of "Stop! Illegal Predatory Lending." The Court is unfamiliar with these organizations (if they exist), but it is quite confident that there is no such thing as a "Certified Forensic Loan Audit" or a "certified forensic auditor."[2] In any event, the documents make no more sense than anything else in the Debtor's papers and confirm the empty gimmickery of these types of claims.

The "Certified Forensic Loan Audit" contains the remarkably ironic disclaimer that "Nothing in this audit report constitutes or is meant to constitute advice of any kind. If you require advice in relation to any legal matter you should consult an appropriately qualified lawyer." Yes, indeed. The Debtor has not contested Bank of America's motion to dismiss. For the reasons set forth in the Order, the Court concludes that the complaint and motion fail to state a claim for relief. Accordingly, it is

ORDERED that the motion to dismiss is granted.

End of Order

[2] The Federal Trade Commission has issued a "Consumer Alert" regarding 'Forensic Mortgage Loan Audit Scams." See http://www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt177.shtm. Likewise, the State of California, Department of Real Estate has issued a Consumer Alert entitled "Fraud Warning Regarding Forensic Loan Audits" (February 2010). See http://www.dre.ca.gov/cons_alerts.html.

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