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**Bella Homes, LLC**

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10-01-2011, 08:52 AM

[GodSend](#)

Junior Member

Join Date: Jul 2010

Posts: 11

**Re: Bella Homes, LLC**

Thanks again **Article\_Info** You have really shed light on this and We appreciate you. You are a very wise person.

As for you **jimb6387** I know you said we could get your info from the board of realtors. I would like to verify if this is correct.

James B Bigelow

33 Whiting Road

Oxford, MA 01540-2035

If not, let me know. I would like to file a complaint on you.

How dare you get on a open forum and uphold fraud.

If you get one person in this deal, I will see to it that you go to jail for a very long time.

You may not care, since you are no stranger to jail.

**I agree 100% with the poster above....**

Quote:

Jim Bigelow You have NO idea what you're talking about.. as usual!  
Delpiano is the OWNER of Bella Homes, LLC. That is way it's in Atlanta- his home town.  
That's way he purchased the domains, he has all the legal papers filed etc.  
They added Mark Diamond's name after the questions started coming.  
It's so funny how you can get on here and rant about things you are CLUELESS on.  
What color is the sky in your world!??  
You're not going to be able to pull the scam off... Not on my watch.  
I suggest you move on to something else (and pray I don't find out about it).  
This one.. is OVER.  
I promise you're NOT going to make a dime.. I'll see to that!!!

Yes.. you're fat.  
Yes.... You're ugly.  
Yes..... You're useless..  
Yes.... You're a con artist.  
Yes.. You're a convicted felon.

Need I go on!!??? Get a life James (Jim) Bigelow.

You have No idea what you're talking about Jim. No idea!!!

---

[Run From Bella Homes, LLC](#)

[It's a SCAM!!!](#)

[Please take a look at this.](#)

<http://www.wix.com/myvideotalk/bellahomes#!vstc1=contact/vstc0=the-culprits>

[also look here....](#)

<http://www.wix.com/myvideotalk/bellahomes#!>

10-01-2011, 11:27 AM

[jimb6387](#)

Senior Member

Join Date: Jan 2010

Posts: 327

**Re: Bella Homes, LLC**

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Quote:

Originally Posted by **MsDelpiano**

*Jim Bigelow You have NO idea what you're talking about.. as usual!  
Delpiano is the OWNER of Bella Homes, LLC. That is way it's in Atlanta- his home town.  
That's way he purchased the domains, he has all the legal papers filed etc.  
They added Mark Diamond's name after the questions started coming.  
It's so funny how you can get on here and rant about things you are CLUELESS on.  
What color is the sky in your world!??  
You're not going to be able to pull the scam off... Not on my watch.  
I suggest you move on to something else (and pray I don't find out about it).  
This one.. is OVER.*

*I promise you're NOT going to make a dime.. I'll see to that!!!*

*Yes.. you're fat.  
Yes.... You're ugly.  
Yes..... You're useless..  
Yes.... You're a con artist.  
Yes.. You're a convicted felon.*

*Need I go on!???*      *Get a life James (Jim) Bigelow.*

If I am the con man, then why am I putting my real name for everyone to see but you hide behind a fictitious name. Why don't you just tell everyone who you are .. unless of course you are hiding something!

10-01-2011, 11:45 AM

Join Date: Jan 2010  
Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **GodSend**  
*Thanks again **Article\_Info** You have really shed light on this and We appreciate you. You are a very wise person.*

*As for you **jimb6387** I know you said we could get your info from the board of realtors. I would like to verify if this is correct.*  
*James B Bigelow*

*33 Whiting Road*

*Oxford, MA 01540-2035*

*If not, let me know. I would like to file a complaint on you.*

*How dare you get on a open forum and uphold fraud.*

*If you get one person in this deal, I will see to it that you go to jail for a very long time.*

*You may not care, since you are no stranger to jail.*

***I agree 100% with the poster above....***

*You have No idea what you're talking about Jim. No idea!!!*

Yes, that is my address and my name. All spelled correctly. I will let you know as soon as I get my first client. Start writing up the complaint now so we won't have to waste anytime.

Actually, attempted fraud is an actionable offense too. So please send me the complaint. I'm sure I'll have a deal put together by the time we get a court date anyways. Better yet, to make sure you have the right to sue me, go register on my site. I'm afraid you won't be able to sue me if it is not you personally. The address is "stopforeclosure" followed by the "whybellahomes" .

Just post when you've got the information submitted and I'll begin processing it so you can build a solid case against me. Tell your friend to enter hers too so she can sue me too.

I mean really! .. Do you think people are going to believe someone hiding behind a fake name? If you want credibility then post your real name and addresses .. both of you. If you don't post them, then it is obvious who is the one with something to hide.

Please hurry!

PS While you were at the board of real estate site .. how many complaints against me did you find? I mean, I am such a con artist and all there should be a whole list .. correct?

10-01-2011, 11:53 AM

[jimb6387](#)

Senior Member

Join Date: Jan 2010

Posts: 327

**Re: Bella Homes, LLC**

---

Quote:

Originally Posted by **GodSend**

*Thanks again **Article\_Info** You have really shed light on this and We appreciate you. You are a very wise person.*

*As for you **jimb6387** I know you said we could get your info from the board of realtors. I would like to verify if this is correct.*

*James B Bigelow*

*33 Whiting Road*

*Oxford, MA 01540-2035*

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*How dare you get on a open forum and uphold fraud.*

*If you get one person in this deal, I will see to it that you go to jail for a very long time.*

*You may not care, since you are no stranger to jail.*

***I agree 100% with the poster above....***

*You have No idea what you're talking about Jim. No idea!!!*

And next time .. instead of all that research you did .. just ask me. I would have given you my address.

If you give me your address, I'll even send you a self-addressed stamped envelop. Or are you in a prison and that is why you don't want anyone to know? As in a Georgia facility for girls? Or perhaps a mental institution? Or do you live under a bridge somewhere? What are you hiding?

10-12-2011, 07:38 AM

[Article Info](#)

Junior Member

Join Date: Feb 2010

Posts: 21

**Re: Bella Homes, LLC**

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Filed today in Federal Court.....

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
GEORGIA ATLANTA DIVISION

BLAH and )  
BELLA HOMES, LLC, a Delaware )  
Limited Liability Company, )  
)  
Plaintiffs, )  
) CIVIL ACTION FILE  
vs. )

) NO. 1:11-CV-2832-SCJ

SUNTRUST MORTGAGE, INC.; )  
MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC.; )  
JOHN DOE, Attorneys for SunTrust )  
Mortgage, Inc., )  
)  
Defendants. )  
)  
STIPULATION OF DISMISSAL

COME NOW, BLAH(“Mr. BLAH”) and BELLA HOMES, LLC, a Delaware Limited Liability Company (“Bella Homes”), Plaintiffs in the above-captioned civil action (collectively, Mr. BLAH and Bella Homes are hereinafter referred to as the “Plaintiffs”), and SUNTRUST MORTGAGE, INC. (“SunTrust Mortgage”) and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (“MERS”), the named Defendants in the above-captioned civil action (collectively, SunTrust Mortgage and MERS are hereinafter referred to as the “Defendants”),<sup>1</sup> by and through their respective counsel, and respectfully show this honorable Court as follows:

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii) and LR 41.1 (N.D. Ga.), Plaintiffs hereby DISMISS WITHOUT PREJUDICE their respective claims against the named Defendants in their “Verified Complaint for Wrongful Foreclosure and Damages”.

SO STIPULATED this 11th day of October, 2011.

Respectfully submitted,  
STEPHEN M. MAURILLO & ASSOCIATES, LLC.

Again, who knows if there is a side deal or not, but what happens next with the property will tell the story.

10-12-2011, 02:10 PM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

---

Quote:

Originally Posted by **Article\_Info**

*Filed today in Federal Court.....*

*IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
GEORGIA ATLANTA DIVISION*

*MATTHEW W. FANCHER and )  
BELLA HOMES, LLC, a Delaware )  
Limited Liability Company, )*

*)  
Plaintiffs, )  
) CIVIL ACTION FILE  
vs. )*

*) NO. 1:11-CV-2832-SCJ*

*SUNTRUST MORTGAGE, INC.; )  
MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC.; )  
JOHN DOE, Attorneys for SunTrust )  
Mortgage, Inc., )*

*)  
Defendants. )*

*)  
STIPULATION OF DISMISSAL*

*COME NOW, MATTHEW W. FANCHER ("Mr. Fancher") and BELLA  
HOMES, LLC, a Delaware Limited Liability Company ("Bella Homes"), Plaintiffs in the  
above-captioned civil action (collectively, Mr. Fancher and Bella Homes are hereinafter  
referred to as the "Plaintiffs"), and SUNTRUST MORTGAGE, INC. ("SunTrust  
Mortgage") and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.  
("MERS"), the named Defendants in the above-captioned civil action (collectively,  
SunTrust Mortgage and MERS are hereinafter referred to as the "Defendants"), I by and*

*through their respective counsel, and respectfully show this honorable Court as follows:*

*Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii) and LR 41.1 (N.D. Ga.), Plaintiffs hereby DISMISS WITHOUT PREJUDICE their respective claims against the named Defendants in their "Verified Complaint for Wrongful Foreclosure and Damages".*

*SO STIPULATED this 11th day of October, 2011.*

*Respectfully submitted,  
STEPHEN M. MAURILLO & ASSOCIATES, LLC.*

*Again, who knows if there is a side deal or not, but what happens next with the property will tell the story.*

Thanks for the info. Again, it shows Bella is suing the banks as they claim. Under normal conditions, the owner has a 3, 5, or 7 yr lease that must run its course before they obtain ownership again. This allows them to get back onto their feet financially and enough time to repair their credit (if that is an issue). Waiting to see what happens with the property may be quite some time.

As a side note, I think it would be polite to the owners if their names weren't posted on this site. I'd suggest "Joe Homer" instead. Some people may not wish the world to know of their personal circumstances (even though it is public record it isn't as broadcasted as scam.com)

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[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-17-2011, 11:29 AM

Join Date: Feb 2010

Posts: 21

[Article Info](#)

Junior Member

**Re: Bella Homes, LLC**

---

Jim, I hate to get back into this but...

Quote:

---

Originally Posted by **jimb6387**

*Thanks for the info. Again, it shows Bella is suing the banks as they claim.*



That is great if that is their only claim, but the model is based upon suing and winning. This is another case on the federal level in which only the first part was accomplished.

Quote:

Originally Posted by **jimb6387**

*Under normal conditions, the owner has a 3, 5, or 7 yr lease that must run it's course before they obtain ownership again.*

Again, there is no need to cede ownership to get any of this accomplished. That is beside the point, the lease is not arm's length, will not stand scrutiny, and I doubt heavily it would run 3 years, let alone 5 or 7. But why read the actual Act and the Dodd/Frank amended changes when you can just get it right off the Office of the Comptroller of the Currency directly:

The protections of this law apply to tenants under a “bona fide” lease or tenancy. A lease or tenancy is “bona fide” only if:

- (1) The mortgagor or a child, spouse, or parent of the mortgagor under the contract is not the tenant;
- (2) The lease or tenancy was the product of an arm’s-length transaction; and
- (3) The lease or tenancy requires the receipt of rent that is not substantially less than fair market rent or the rent is reduced or subsidized due to a federal, state, or local subsidy.

The Bella program does not do this. In each of the cases researched, including the GA ones I have found, the whole thing is predicated on the mortgagors signing up. This is the only way they (the mortgagors, NOT Bella) have standing to bring any legal action.

Here is an addition definition for one of the key parts:

### **What Does *Arm's Length Transaction* Mean?**

A transaction in which the buyers and sellers of a product act independently and have no relationship to each other. The concept of an arm's length transaction is to ensure that both parties in the deal are acting in their own self interest and are not subject to any pressure or duress from the other party.

Quote:

Originally Posted by **jimb6387**

*Waiting to see what happens with the property may be quite some time.*

No, I can see that now. Sunil lost his house and was warned he would be labeled an abuser of the court if he continued in this fashion.

The homeowners in the case I mentioned in this last post, they are going to lose their house. There was no side deal or anything. The lost the case, there will be no action from the lawsuit, the house will be sold at auction and if they cannot pay, they will have to move. Call the plaintiffs directly and see what they have to say. Call the opposing counsel and see what she has to say. I'm sorry Jim, you are just plain wrong on this response.

Case 1:11-cv-00969-AT has the same outcome and response.

In all the cases one of the recurring themes is that even if they were able to succeed on the merits of the case, they fail to show how they are entitled to anything but damages, not keep the property. It is not addressed further because there is no way for them to succeed on the merits, so it is dropped as moot. That, by the way, comes directly worded from the Judge that denied the motion.

Quote:

Originally Posted by **jimb6387**

*As a side note, I think it would be polite to the owners if their names weren't posted on this site. I'd suggest "Joe Homer" instead. Some people may not wish the world to know of their personal circumstances (even though it is public record it isn't as broadcasted as scam.com)*

I did, you will have to edit your quoted response to do the same.

---

*Last edited by Article\_Info : 10-17-2011 at 01:00 PM.*

10-17-2011, 07:07 PM

[GodSend](#)

Junior Member

Join Date: Jul 2010

Posts: 11

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **Article\_Info**

*Jim, I hate to get back into this but...*

*That is great if that is their only claim, but the model is based upon suing and winning. This is another case on the federal level in which only the first part was accomplished.*

...

*No, I can see that now. Sunil lost his house and was warned he would be labeled an abuser of the court if he continued in this fashion.*

.....

*I did, you will have to edit your quoted response to do the same.*

You are my hero Article\_info!

Thanks for all the information. You've done a excellent job.

If theirs **FOOLS** out there that still get involved with the scheme.. they deserve what they get.

---

Run From Bella Homes, LLC

It's a SCAM!!!

Please take a look at this.

<http://www.wix.com/myvideotalk/bellahomes#!vstc1=contact/vstc0=the-culprits>

also look here....

<http://www.wix.com/myvideotalk/bellahomes#!>

10-17-2011, 07:34 PM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

---

First thing .. thank you for respecting the people's privacy.

I don't know, personally, if those people will be losing their homes or not and am not about to call them to ask. If they are losing their home (and I have no reason to doubt your word), then that is very unfortunate. Bella does not guarantee or even represents they guarantee that

every home will be saved. In fact, they clearly state in their contracts as well as on the websites that they deed the house back to the owner if unable to purchase mortgage. To quote the Q&A on the website (#42) "**What happens if the bank is just stubborn, will not settle, and lawsuit goes to fruition, and the judge rules against Bella, even though he is wrong.**"

Bella deeds the home back to the homeowner, and the homeowner owes the original debt with interest over the years as well as back taxes over the years. "

As far as pointing to Sunil's personal case .. AGAIN, that is not relevant. Sunil's house is not in the Bella program! Sunil found Bella BECAUSE of his situation. Sunil is not owner of Bella. I'm not sure I understand the reason why you keep bringing this up. I've explained this before. If a person that works at KFC gets sick from eating a piece of chicken, are you going to say KFC serves bad chicken even though the person was eating a piece of homemade fried chicken when they got sick? Of course not! It's totally irrelevant because KFC wasn't involved.

As far as the Foreclosure Act of 2009 .. I'd have to say that I personally don't understand how that would protect Bella's clients but I am not an attorney either. I do know that case law could be a factor and having said that, I don't know of any case law that applies and having said that, neither have I looked for I am not an attorney and would have no reason to do so. I don't know if the client is still considered the mortgagor once they sell the home to Bella. I don't know at what point in the process it considered a foreclosure (when started or just when finalized by judge) and I don't know what I don't know. I do know this though .. Bella's program is NOT about providing leases with a primary reason to protect their clients in a foreclosed home as tenant.

I would like to point out that this particular case is only 1 of 700-800 clients so statistically speaking, it is not a sample size sufficient to reach any reasonable conclusion (and that goes both ways .. I can't point to one success and say Bella is a hero and others can't point to one failure and say Bella is a heel). So perhaps you don't need to wait to reach your conclusion as to the business model but I am more empirically minded.

I don't think we will ever know exactly how well their system works. Each person is going to have to decide for themselves if Bella is right for them. I guess my question is .. if you are facing inevitable foreclosure and don't have \$1,000's and \$1,000's for a lawyer OR, probably more prevalent, don't know which lawyer to hire .. then what is there to lose? Seems in that scenario, either something good is going to come of it or you're back to square one (actually, you may be better off either way depending on the price of the rent compared to market or it bought you enough time to come up with another solution)

As always .. I'm open to suggestions for a better program. I don't think you will ever find a perfect system for the mess our country is in. You have laws protecting the consumer and you have laws protecting the banks. The adversarial system that we have will always produce conflict

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-17-2011, 08:34 PM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

---

Quote:

Originally Posted by **Article\_Info**

*That is great if that is their only claim, but the model is based upon suing and winning.*

Perhaps this is where you have their business model incorrect. Their model is to purchase mortgages from banks through negotiations. Banks (or whomever owns them) are selling mortgages all the time.

The number of lawsuits compared to the 700 or so clients indicates it is the exception, not the rule, to sue.

I pointed out the lawsuits because there was a certain group of people spreading lies about Bella. One of which was that Bella did not sue as they say. I was merely trying to show those people were the ones that couldn't be trusted. They absolutely hate me because I didn't just let them play their little game. You can probably figure out who they are .. lol.

So, suing the banks is a portion of their strategy .. not their whole strategy.

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-18-2011, 10:54 AM

Join Date: Oct 2011

Posts: 4

[robaldjay](#)

Junior Member

### Re: Bella Homes, LLC

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Daniel Delpiano is a convicted felon, his son David is just an immature tag-along. Daniel is making decisions for the operation, David just makes excuses.

Is it really a scam, who knows, but it certainly is not something I would want to associate myself with.

---

*Last edited by robaldjay : 10-18-2011 at 10:56 AM.*

10-19-2011, 11:28 PM

[MsDelpiano](#)  
Junior Member

Join Date: Sep 2011  
Location: Atlanta Ga.  
Posts: 14

### Re: Bella Homes, LLC

---

Quote:

Originally Posted by **robaldjay**

*Daniel Delpiano is a convicted felon, his son David is just an immature tag-along. Daniel is making decisions for the operation, David just makes excuses.*

*Is it really a scam, who knows, but it certainly is not something I would want to associate myself with.*

Robaldjay you are wise for Not associating yourself with this garbage.

---

Bella Homes, LLC is a scam!

10-20-2011, 12:37 AM

[jimb6387](#)  
Senior Member

Join Date: Jan 2010  
Posts: 327

### Re: Bella Homes, LLC

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Quote:

Originally Posted by **MsDelpiano**

*Yes.. You're a convicted felon.*

*Need I go on!???      Get a life James (Jim) Bigelow.*

Please provide me your name and address. This is outright slander and I am going to sue you.

I can't sue you about the lies toward Bella Homes but I certainly can about myself.

Don't think hiding behind an alias is going to protect you.

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-20-2011, 06:11 PM

Join Date: Feb 2010

Posts: 21

[Article Info](#)

Junior Member

**Re: Bella Homes, LLC**

---

Well.....

Quote:

Originally Posted by **jimb6387**

*Bella deeds the home back to the homeowner, and the homeowner owes the original debt with interest over the years as well as back taxes over the years.*

Then what is the point? You can do all of that without having to deed over your home or pay rent. If you truly have a case there are plenty of lawyers looking to sue banks pro bono. Leaving the homeowners in a worse off position is not a good thing.

Quote:

Originally Posted by **jimb6387**

*As far as pointing to Sunil's personal case .. AGAIN, that is not relevant..... I'm not sure I understand the reason why you keep bringing this up.*

Because is it relevant. Sunil is using the program and has had the same results as the other cases. Sunil has now been labeled as an abuser of the court based on this. The judge deciding his case made many references on precedent in his ruling against him. Sunil's case is now being mentioned in Case 1:11-cv-02126 in GA as evidence on the boiler plate, shotgun approach Bella is taking and why the case cannot survive a motion to dismiss. Add all this up, there is not a case in GA or CA that can be filed without these cases being mentioned, making it a very easy task for other lawyers moving forward to defeat the filings Bella makes.

Quote:

Originally Posted by **jimb6387**

*As far as the Foreclosure Act of 2009 .. I'd have to say that I personally don't understand how that would protect Bella's clients.....but I am not an attorney either*

I don't think you need to be an attorney to understand that Bella heavily relies on the Protecting Tenants at Foreclosure Act as part of their program. They mention it as Q&A 54 and twist the meaning to make it look like a client could rely on it as "protection". It's disingenuous at best. All you need to do is read the Act from one of the hundreds of sources on the internet to see why.

Quote:

Originally Posted by **jimb6387**

*neither have I looked for I am not an attorney and would have no reason to do so.*

Why wouldn't you seek out the knowledge of a professional that would help to provide a solid answer for you then, pro or con?

Quote:

Originally Posted by **jimb6387**

*I don't know if the client is still considered the mortgagor once they sell the home to Bella.*

Of course they are still the mortgagor. There is no way a deed of any kind would somehow alleviate the homeowner of their mortgage (barring a deed in lieu of foreclosure mind you). You would need a satisfaction of mortgage along with a deed to release the lien. That's why if Bella fails, the homeowner gets the debt, past due payments, fees, etc whether they have a deed or not; and Bella collected rent on a property for all that time.

Quote:



Originally Posted by **jimb6387**

*I don't know at what point in the process it considered a foreclosure*

It starts when they get notice of pendency, power of attorney to foreclose, or similar event as classified by state law.

Quote:

Originally Posted by **jimb6387**

*.....Bella's program is NOT about providing leases with a primary reason to protect their clients in a foreclosed home as tenant.*

Then why even bother with the lease? Why mention 3,5,7 year leases if there was no intent to rely on them in some fashion? The program may not specifically be about leasing, but it a pretty big part. Leases are mentioned 25 times alone on the Q&A page. Have you read Q&A 57? How does a TRO stop a lender from reporting derogatory information on their credit? Mentioning that the mortgage is illegal? That the homeowner *should* not lose the property because of the lease? That the bank has to honor the lease due to the fact that banks are not interested in becoming landlords? What does that even mean? Stating that no bank to date has challenged a lease? That is just false.

Quote:

Originally Posted by **jimb6387**

*I would like to point out that this particular case is only 1 of 700-800 clients so statistically speaking, it is not a sample size sufficient to reach any reasonable conclusion*

That's fine if you want to look at it in that light, but the fact is that judges in different federal districts are coming to the same legal conclusion, and those cases are being referenced as well. It is setting precedent based on already established precedent. The sample size may be small, but the high percentage of failure on the federal level would make it hard to win a case on the same basis in any federal venue. If they did squeak one by, it would be easy to appeal based on misapplication of standing case law.

Quote:

Originally Posted by **jimb6387**

*I don't think we will ever know exactly how well their system works.*

There is no "system".

Quote:

Originally Posted by **jimb6387**

*I guess my question is .. if you are facing inevitable foreclosure and don't have \$1,000's and \$1,000's for a lawyer OR, probably more prevalent, don't know which lawyer to hire .. then what is there to lose?*

Their house, any chance to save it by other means, the \$1,000's and \$1,000's paid in rent they never had to pay....that's a good start.

Quote:

Originally Posted by **jimb6387**

*Seems in that scenario, either something good is going to come of it or you're back to square one (actually, you may be better off either way depending on the price of the rent compared to market or it bought you enough time to come up with another solution)*

No, you are back to square one. Your rent has to be at market rates in order to be a valid lease per the protection Bella purports they have. If they fail, your only solution is to move as you deeded away your only leverage and when or if you get it back, it is way too late to do anything but move.

Quote:

Originally Posted by **jimb6387**

*You have laws protecting the consumer and you have laws protecting the banks. The adversarial system that we have will always produce conflict*

There are laws protecting the consumers, but this is not really about that. This is based on the premise that the mortgage was illegal in some fashion and that now somehow gives them the right to break the voluntary contract they entered. It is only until the terms of the contract don't suit them that it is suddenly illegal. Up until then they were enjoying the benefits of home ownership that the mortgage provided. The fact is, there is bad things that happened in the mortgage and secondary markets, but not 92% of every mortgage as Bella claims in Q&A 59. There are plenty of legal claims out there like the DOCX issues currently working through the legal system. Even then, all it is doing is delaying the eventual foreclosure. The mortgage simply will not go away. No one will satisfy a mortgage you are not paying, nor will a future lender lend if you are not paying current commitments, AND no title insurance company would insure over that if you somehow did find a lender.

The biggest thing I find interesting is how Bella thinks buying the mortgage helps them. That no one to this point has discussed that if they were somehow successful in the buying the mortgage, that having the deed would create a merger situation if not specific anti-merger language was in the existing mortgage. At that point, the mortgage is cancelled and Bella has the deed to a house with no mortgage. Which, if sold back at the percentages mentioned on the Q&A, violate state law in CA, MN, IL, ID right off the bat for equity stripping.

On to the next post...

10-20-2011, 06:29 PM

[MsDelpiano](#)  
Junior Member

Join Date: Sep 2011  
Location: Atlanta Ga.  
Posts: 14

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **jimb6387**  
*Please provide me your name and address. This is outright slander and I am going to sue you.*  
*I can't sue you about the lies toward Bella Homes but I certainly can about myself.*  
*Don't think hiding behind an alias is going to protect you.*

**Are you drunk... AGAIN!??**

I posted that 3 weeks ago.

You made several comments about it... you idiot.

Go ahead sue me!!!

Call Sunil.. he'll give you **ALL** my info.

**Sunil Wadhwa**  
916-317-1313 Cell  
916-941-6656 Fax  
Wadhwasunil - skype

---

Bella Homes, LLC is a scam!

10-20-2011, 06:31 PM

[MsDelpiano](#)

Join Date: Sep 2011  
Location: Atlanta Ga.

Junior Member

Posts: 14

---

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **Article\_Info**  
*Well.....*

*Then what is the point? You can do all of that without having to deed over your home or pay rent.*

*On to the next post...*

Another GREAT Post!!

Thanks!!!

---

Bella Homes, LLC is a scam!

10-20-2011, 06:37 PM

Join Date: Feb 2010

Posts: 21

[Article\\_Info](#)

Junior Member

---

**Re: Bella Homes, LLC**

Part II

Quote:

Originally Posted by **jimb6387**  
*Perhaps this is where you have their business model incorrect.*

No, I believe I understand it quite well now.

Quote:

Originally Posted by **jimb6387**  
*Their model is to purchase mortgages from banks through negotiations. Banks (or*

*whomever owns them) are selling mortgages all the time.*

It is clear they have no clue how the secondary market works or how to effectuate a trade in any fashion. The secondary market has been close to a standstill for the past few years outside of a few trades here and there. The value you get on a trade is based on the number of assets you are taking over. A one off sale on a single defaulting or defaulted note will not yield remarkable discounts. As for other reasons, see the previous post on merger and anti-merger language needed to protect mortgage interests. If they are looking to do this VIA short sale, then quite a few benefits are lost. Junior creditors becoming senior, the ability to sue, etc.

Quote:

Originally Posted by **jimb6387**

*The number of lawsuits compared to the 700 or so clients indicates it is the exception, not the rule, to sue.*

Of the 34 states I have been able to research, I do not see how you get that number.

Quote:

Originally Posted by **jimb6387**

*One of which was that Bella did not sue as they say.*

No, they are suing, but that is all they are doing. If you read the opinions on the dismissed cases, you know exactly what I am talking about.

Quote:

Originally Posted by **jimb6387**

*They absolutely hate me because I didn't just let them play their little game. You can probably figure out who they are .. lol.*

As I've stated before, I do not understand the direct personal attacks against you. It really does nothing to help this thread.

Quote:

Originally Posted by **jimb6387**

*So, suing the banks is a portion of their strategy .. not their whole strategy.*

Ok, then I don't see how any other part of their strategy works with that piece missing when taking in account the other issues pointed out in previous postings.

More to come

10-20-2011, 07:39 PM

Join Date: Feb 2010

Posts: 21

[Article Info](#)

Junior Member

**Re: Bella Homes, LLC**

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UPDATE:

Case 1:11-cv-02126 has been decided and a opinion filed on 10/18/11. The case has been dismissed. That means 3 out of the 4 cases mentioning Bella currently in the federal system have been dismissed for the same reasons (75%), 4 out of 5 total cases have been dismissed (80%), if you included Sunil and Delpiano's cases, you breach 85%.

Below is a cut and paste of the entire order with comments:

FOR THE NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

HOME OWNER, et al.,

Plaintiffs,

v. CIVIL ACTION FILE

NO. 1:11-CV-2126-TWT

BAC HOME LOANS SERVICING,

LP, et al.,

Defendants.

ORDER

This is an action for predatory lending and wrongful foreclosure. It is before the Court on the Defendants' Motion to Dismiss [Doc. 5]. For the reasons set forth below, the Court GRANTS the Defendants' Motion to Dismiss.

I. Background

On March 28, 2008, HOME OWNER, entered into a loan (the "Loan") with Financial Foundation Group. The Loan was evidenced by a mortgage, security deed, and promissory note in the amount of \$412,000. Further, the Loan was secured by real property located at 525 Inlet Woods Court, Alpharetta, Georgia 30005 (the "Property"). Defendant Mortgage Electronic Registration Systems, Inc. ("MERS") serviced the loan before assigning its rights to BAC Home Loan Servicing, LP ("BAC"). (See Pls.' Resp. in Opp'n to Defs.' Mot. to Dismiss, Ex. B.) The original loan had a fixed rate of 8.125% over 30 years. The Plaintiff entered into a modification agreement in January 2010.

HOME OWNER filed suit on May 31, 2011, alleging that BAC and MERS failed to

prevent her from accepting a loan she could not afford [Doc. 1]. The Complaint includes counts for declaratory relief, injunctive relief, breach of the duty of good faith and fair dealing, rescission, violations of the “Unfair and Deceptive Business Act Practices [sic],” unconscionability, predatory lending, quiet title, failure to comply with state statutes, and conversion. In the body of the Complaint, the Plaintiffs also claim that the Defendants must “produce the note” [see id.]. This claim relates to the Plaintiffs’ general contention that MERS improperly transferred the loan to BAC. The Complaint is almost identical to four other complaints currently pending in the Northern District of Georgia. See XXX v. BAC Home Loans Servicing, LP, 1:11-CV-01336-JEC; XXX v. BAC Home Loans Servicing, LP, 1:11-CV-00475; XXX v. BAC Home Loans Servicing, LP, 1:11-CV-0547-JEC-CCH; The XXX XXX Trust et al. v. BAC Home Loans Servicing, LP, 2011-CV-195421. Indeed, much of the Complaint is identical to a complaint filed in California state court.

Pointing out yet again they have basically lifted the complaint from a CA case without really paying attention to the fact that some things don't really apply to GA law at all.

1 The California complaint can be found at [www.certifiedforensicloanauditors.com/9.2\\_complaint\\_809.pdf](http://www.certifiedforensicloanauditors.com/9.2_complaint_809.pdf).

The Defendants have moved to dismiss the Complaint under Federal Rule of Civil Procedure 12(b)(6) [Doc. 5]. See Fed. R. Civ. P. 12(b)(6). The Defendants contend that the Plaintiffs’ Complaint is a “shotgun pleading” that does not allege sufficient facts to support the Plaintiffs’ claims.

## II. Motion to Dismiss Standard

A complaint should be dismissed under Rule 12(b)(6) only where it appears that the facts alleged fail to state a “plausible” claim for relief. *Ashcroft v. Iqbal*, 129 S. Ct. 1937, 1949 (2009); Fed. R. Civ. P. 12(b)(6). A complaint may survive a motion to dismiss for failure to state a claim, however, even if it is “improbable” that a plaintiff would be able to prove those facts; even if the possibility of recovery is extremely “remote and unlikely.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 556 (2007) (citations and quotations omitted). In ruling on a motion to dismiss, the court must accept factual allegations as true and construe them in the light most favorable to the plaintiff. See *Quality Foods de Centro America, S.A. v. Latin American Agribusiness Dev. Corp., S.A.*, 711 F.2d 989, 994-95 (11th Cir. 1983). Generally, notice pleading is all that is required for a valid complaint. See *Lombard’s, Inc. v. Prince Mfg., Inc.*, 753 F.2d 974, 975 (11th Cir. 1985), cert. denied, 474 U.S. 1082 (1986). Under notice pleading, the plaintiff need only give the defendant fair notice of the plaintiff’s claim and the grounds upon which it rests. See *Erickson v. Pardus*, 551 U.S. 89, 93 (2007) (citing *Twombly*, 550 U.S. at 555).

## III. Discussion

### A. Declaratory Relief

In Count I, the Plaintiffs seek a declaratory judgment that the Defendants’ security interest is void. (See Compl. ¶ 36.) Declaratory relief is appropriate when

it is necessary to “protect the plaintiff from uncertainty and insecurity with regard to the propriety of some future act or conduct.” *Henderson v. Alverson*, 217 Ga. 541 (1962) (*italics added*). Here, the Plaintiffs do not allege any future act or conduct about which they are uncertain. Although the Plaintiffs claim that “[a]n actual controversy has arisen and now exists between Plaintiff and Defendants regarding his [sic] respective rights and duties,” the Complaint does not specify the future conduct for which the Plaintiffs seek guidance. Further, Count I alleges “numerous violations of state and federal laws,” including O.C.G.A. § 7-6A-4, and fraud. (Compl. ¶¶ 36, 38, & 39.) As discussed below, the Plaintiffs’ state law and fraudulent misrepresentation claims cannot survive a motion to dismiss. For these reasons, the Plaintiffs’ claim for declaratory relief is dismissed.

#### B. Injunctive Relief

In Count II, the Plaintiffs request an injunction preventing the Defendants from foreclosing on the Property. (See Compl. ¶¶ 41-46.) In support of this claim, the Plaintiffs make a “produce the note” argument. Specifically, the Plaintiffs claim that the Defendants split the note and security deed by assigning servicing rights to MERS, who then assigned that interest to BAC. In support of their claim, the Plaintiffs cite a Massachusetts case, *U.S. Bank National Ass’n v. Ibanez*, 458 Mass. 637 (2011). In Georgia, however, “this ‘produce the note’ theory has no bite.” *Graham v. Chase Home Finance & U.S. Bank Mortg.*, No. 10-CV-2652, 2010 WL 5071592, at \*2 (N.D. Ga. Dec. 6, 2010). Indeed, “nothing in Georgia law requires the lender commencing foreclosure proceedings to produce the original note.” *Watkins v. Beneficial, HSBC Mortg.*, No. 10-CV-1999, 2010 U.S. Dist. LEXIS 112857, at \*15 (N.D. Ga. Sept. 2, 2010). Further, “[t]he court is unaware of any Georgia statute or decision interpreting Georgia law that precludes the holder of the security deed from proceeding with a foreclosure sale simply because it does not also possess the promissory note.” *Brown v. Fannie Mae*, No. 10-CV-03289, 2011 U.S. Dist. LEXIS 31478, at \*18 (N.D. Ga. Feb. 28, 2011); see also *LaCosta v. McCalla Raymer, LLC*, No. 10-CV-1171, 2011 U.S. Dist. LEXIS 5168, at \*14 (N.D. Ga. Jan. 18, 2011) (noting that Georgia law does not require “that an entity or individual in possession of the security deed, must also possess the note before bringing a foreclosure action.”). Thus, the Plaintiffs’ claim for injunctive relief should be dismissed.

**They again forget that GA is not a "produce the note" state.**

#### C. Breach of Good Faith and Fair Dealing

In Count III of the Complaint, the Plaintiffs set forth a claim for breach of the implied covenant of good faith and fair dealing. (See Compl. ¶¶ 47-55.) “Every contract implies a covenant of good faith and fair dealing in the contract's performance and enforcement. The implied covenant modifies and becomes a part of the provisions of the contract, but the covenant cannot be breached apart from the contract provisions it modifies and therefore cannot provide an independent basis for liability.” *Cone Fin. Grp., Inc. v. Employers Ins. Co.*, No. 7:09-CV-118, 2010 U.S. Dist. LEXIS 82820, at \*4-5 (M.D. Ga. Aug. 13, 2010). Specifically, the Plaintiffs assert that the Defendants violated the “statutory language of the foreclosure statute,” failed to disclose notices



and documents, and “[w]illfully placed Plaintiff in a loan that he did not qualify for.” (Id. ¶ 53.) The Complaint does not, however, allege that the Defendants breached any contract between the Plaintiffs and Defendants. See Cone, 2010 U.S. Dist. LEXIS 82820, at \*5 (“The law is clear that there exists no independent cause of action for breach of good faith and fair dealing outside of a claim for breach of contract.”). For this reason, the Plaintiffs’ breach of the implied duty of good faith and fair dealing claim is dismissed.

\*\*\*2 Variations of the Plaintiffs’ “produce the note” argument appear throughout the Complaint. (See Compl. ¶¶ 9, 78.) To the extent the Plaintiffs assert an independent “produce the note” claim, that claim is dismissed.

#### D. UDAP

In Count IV and V of the Complaint, the Plaintiffs argue that the Defendants violated the “Unfair and Deceptive Act Practices (UDAP) [sic].” (Compl. ¶¶ 57 & 61-62.) Specifically, the Plaintiffs contend that the Defendants “failed to disclose facts and circumstances relating to Plaintiff’s mortgage loan.” (Id. ¶ 61.) First, the Complaint does not cite any statute that the Defendants allegedly violated. Further, to the extent the Plaintiffs allege fraud, the Complaint does not specify what “facts and circumstances” the Defendants failed to disclose. The Plaintiffs claim the Defendants used “various rates and charges to disguise the actual payment schedule and loaned amount,” but does not specify what rates and charges the Defendants used. (Compl. ¶ 61.) See Currie v. Cayman Res. Corp., 595 F. Supp. 1364, 1371 (N.D. Ga. 1984) (quoting Elster v. Alexander, 75 F.R.D. 458, 461 (N.D. Ga. 1977)) (fraud claims require pleading of “time, place, and content of the . . . misrepresentations, [and] the facts misrepresented.”). Rather, the Complaint baldly alleges that the Defendants engaged in “fraudulent, deceptive, unfair, and other wrongful conduct.” (Compl. ¶ 62.) Such legal conclusions cannot withstand a motion to dismiss. See Young Apartments, Inc. v. Town of Jupiter, Fla., 529 F.3d 1027, 1037 (11th Cir. 2008). For these reasons, the Plaintiffs’ “UDAP” claims in Count IV and V are dismissed.

Basically they alleged a bunch of things and never produced the proof to prove the claim.

#### E. Unconscionability

In Count VI, the Plaintiffs argue that the Loan and Security Deed are unconscionable under UCC 2-3202. (Compl. ¶¶ 64-67.) Article II of the UCC, however, only applies to “transactions in goods.” Garbutt v. Southern Clays, Inc., 894 F. Supp. 456 (M.D. Ga. 1995) (UCC does not apply to sale of realty). The Loan transaction was not a transaction of goods. For this reason, Count VI is dismissed.

Again, pointing out that this law does not apply to real estate transactions.

#### F. Predatory Lending

In Count VII, the Plaintiffs allege that the Defendants engaged in “predatory lending.” (Compl. ¶¶ 68-75.) Again, the Plaintiffs do not cite any statute that provides relief. See Hill v. Saxon Mortg. Servs., Inc., No. 09-CV-1078, 2009 U.S.

Dist. LEXIS 72878, at \*2-3 (N.D. Ga. May 14, 2009) (dismissing “predatory lending” claim where “[t]he plaintiff has failed to cite a statute, whether state or federal, that would provide her relief from such lending.”). Although not mentioned in the Complaint, in their response, the Plaintiffs argue that the Truth in Lending Act (TILA) supports their predatory lending claim. (See Pls.’ Resp. to Defs.’ Mot. to Dismiss, at 16.) The statute of limitations for TILA claims is one year. See 15 U.S.C. § 1640(e). Here, the allegedly fraudulent conduct took place on or before March 28, 2008, the date of the closing.<sup>3</sup> The Complaint was filed on May 31, 2011. Thus, even if the Plaintiffs had properly pled a TILA violation, the statute of limitations would bar the claim. Finally, the Plaintiffs do not support their predatory lending claim with factual allegations. Rather, the Plaintiffs assert that the Loan “[was] marketed in whole, or in part, on the basis of fraud, exaggeration, misrepresentation, or the concealment of material facts.” (Compl. ¶ 71.) The Complaint does not, however, specify what misrepresentations and omissions the Defendants made. For these reasons, the Plaintiffs’ predatory lending claim is dismissed.

**Making more allegations without any basis in fact and not knowing the the Statute of Limitations bars this claim.**

#### G. Quiet Title

In Count VIII, the Plaintiffs allege that “the security deed was illegally assigned to MERS” and that “BAC is merely a ‘custodian’ of the note . . . and therefore has no standing.” (Compl. ¶ 78.) Ultimately, the Plaintiff argues that the note and security deed have been split, thus nullifying the transfer from MERS to BAC. As discussed above, however, the Court “is unaware of any Georgia statute or decision interpreting Georgia law that precludes the holder of the security deed from proceeding with a foreclosure sale simply because it does not also possess the promissory note.” Brown, 2011 U.S. Dist. LEXIS 31478, at \*18. Indeed, this “split the note” argument has been repeatedly rejected by Georgia courts. See LaCosta, 2011 U.S. Dist. LEXIS 5168, at \*16 (holding that same entity need not hold both note and mortgage). For this reason, the Plaintiffs’ quiet title claim is dismissed.

**Produce the note.....**

#### H. State Statutes

In Count XI and throughout the Complaint, the Plaintiffs allege violations of various Georgia statutes. First, the Plaintiffs claim that the Defendants failed to comply with O.C.G.A. § 44-14-162(b). (Compl. ¶ 85.) Section 44-14-162(b) requires that the “security instrument or assignment thereof vesting the secured creditor with title to the security instrument shall be filed prior to the time of sale in the office of the clerk of the superior court of the county in which the real property is located.” O.C.G.A. § 44-14-162(b). Here, the Plaintiffs do not allege that a foreclosure sale has taken place. Further, as shown in Exhibit A to the Plaintiffs’ response, the security instrument showing BAC as the party holding the power of sale was filed in the Superior Court of Fulton County on January 24, 2011. (See Pls.’ Resp. in Opp’n to Defs.’ Mot. to Dismiss, Exs. A & B.) For these reasons, the Plaintiffs’ claim under

O.C.G.A. § 44-14-162(b) is dismissed.

Next, the Plaintiffs contend that the Defendants violated O.C.G.A. § 7-6A-4. (Compl. ¶¶ 14, 36, 57.) Section 7-6A-4 prohibits “flipping” a home loan by refinancing the loan within 5 years without a “tangible net benefit” to the borrower. O.C.G.A. § 7-6A-4(a). Although the Complaint mentions § 7-6A-4 three times, it offers no factual basis for the claim that the Plaintiffs received no tangible net benefit. Rather, the Complaint merely asserts that the Defendants violated the statute. See *Young Apartments*, 529 F.3d at 1037. Indeed, the Plaintiffs do not address O.C.G.A. § 7-6A-4 in their response brief. For these reasons, the Plaintiffs’ O.C.G.A. § 7-6A-4 claim is dismissed.

### More allegations without factual basis.

The Plaintiffs also claim that the Defendants violated O.C.G.A. § 23-2-114. (Compl. ¶ 86.) That statute provides that “[p]owers of sale in deeds of trust, mortgages, and other instruments shall be strictly construed and shall be fairly exercised.” O.C.G.A. § 23-2-114. Although the Plaintiffs assert that the Defendants did not “fairly exercise” the power of sale, the Plaintiffs allege no facts to support that conclusion. Indeed, the Complaint does no more than track the language of the statute. See *Twombly*, 550 U.S. at 555 (“[A] plaintiff’s obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.”). For this reason, the Plaintiffs’ O.C.G.A. § 23-2-114 claims are dismissed.

### The ability to read the statute verbatim does not make your claim right.

Finally, the Plaintiffs allege conversion in violation of O.C.G.A. § 16-8-4(a) and § 16-8-2. (Compl. ¶ 103.) Both statutes are criminal statutes and provide no private cause of action. Indeed, in their response, the Plaintiffs do not contest dismissal of these claims. For these reasons, the Plaintiffs’ conversion claims with respect to § 16-8-4(a) and § 16-8-2 are dismissed.

### You cannot use criminal statutes for a civil case matter.

#### I. Fraud

In Count X, the Plaintiffs allege fraudulent misrepresentation. (Compl. ¶¶ 90-103.) The Complaint repeatedly alleges omissions and misrepresentations relating to the Loan transaction. The Plaintiffs do not, however, specify what misrepresentations the Defendants made, when they were made, or how those representations harmed the Plaintiffs. Rather, the Plaintiffs merely recite the elements of a fraudulent misrepresentation claim. See *Twombly*, 550 U.S. at 555 (“[A] plaintiff’s obligation to provide the grounds of his entitlement to relief requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.”). To the extent that the Plaintiffs allege that the Defendants misrepresented their authority to transfer the note from MERS to BAC (see Pls.’ Resp. in Opp’n to Defs.’

Mot. to Dismiss, at 32), the Plaintiffs do not allege that they relied on this misrepresentation.<sup>4</sup> Indeed, the Plaintiffs do not state when or where the Defendants made those representations. See *Currie v. Cayman Res. Corp.*, 595 F. Supp. 1364, 1371 (N.D. Ga. 1984) (quoting *Elster v. Alexander*, 75 F.R.D. 458, 461 (N.D. Ga. 1977)) (fraud claims require pleading of “time, place, and content of the . . . misrepresentations, [and] the facts misrepresented.”). Nor does the Complaint specify which Defendant made the allegedly fraudulent misrepresentations. See *id.* at 1372 (quoting *Helfant v. Louisiana & Southern Life Ins. Co.*, 459 F. Supp. 720, 726 (E.D.N.Y. 1978)) (“The complaint may not rely on blanket references to acts of all named defendants, since each is entitled to be apprised of the specific circumstances surrounding the conduct for which he is charged with fraud.”). For these reasons, the Plaintiffs’ fraud claim is dismissed.

Again reciting things with no proof of claim.

#### J. Rescission

In Count IV of the Complaint, the Plaintiffs argue that the Loan should be rescinded based on the Defendants’ “Fraudulent Concealment; Deceptive Acts and Practices (UDAP) [sic] and violating the Net Tangible Benefit statute in Georgia OCGA 7-6A-4.” (Compl. ¶ 57.) Further the Plaintiffs allege that the Loan is an “illusory promise.” (*Id.*) As discussed above, the Plaintiffs’ fraudulent concealment and misrepresentation, “Deceptive Acts and Practices,” and O.C.G.A. § 7-6A-4 claims are dismissed. As to the claim that the Loan is an “illusory promise,” the Complaint does not present any facts supporting such a claim. Again, the Plaintiffs merely repeat that “[t]his loan needs to be rescinded because it is an ‘illusory promise’ which is one that the courts will not enforce.” (Compl. ¶ 57.) Such a bare legal conclusion cannot survive a motion to dismiss. For this reason, the Plaintiffs’ rescission claim is dismissed.

Just calling something an “illusory promise,” does not make it one.

#### IV. Conclusion

For the reasons set forth above, the Court GRANTS the Defendants’ Motion to Dismiss [Doc. 5].

SO ORDERED, this 18 day of October, 2011.

/s/Thomas W. Thrash

THOMAS W. THRASH, JR.

United States District Judge

Is this really the type of legal argument you want to put the fate of your family and home in?  
Signing your home over with the hopes that this boiler plate, shotgun approach is going to do anything?

10-21-2011, 03:43 AM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

I just went through every case involving a plaintiff suing a lender before that judge in all of 2011. He dismissed EVERY single case! I'd like to know why Bella wasn't granted 30 days to amend the complaint.

Again, I am not an attorney, but I've seen the granting to amend a complaint MANY times. As a side note, when the lender was suing a borrower .. the lender won every motion/case. So it is not just Bella having a hard time in that district. It will be interesting to see how the court finds with the upcoming cases .. assuming the attorneys are on a learning curve. As the pleadings become more detailed, it will be interesting what the courts do at that point.

I am amazed how some states don't require the 'wet note' (the one actually signed .. the original). I say this because if the court allows Lender A to take your house and then Lender B comes along and is the REAL owner of the debt, then the borrower doesn't have the house to give back to settle the debt and is still responsible for the loan.

Am I missing something on this? But isn't the court basically saying all you have to do is be a big bank and claim to be the holder of the note and nobody can challenge that and make the bank prove they are the holder of the note?

There is hope on this though for there is a bill being considered that would require the wet note by federal law. I don't have much hope for it to get passed but it is refreshing at least some of our leaders are willing to represent the people instead of the banks.

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-21-2011, 03:49 AM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

---

Quote:

Originally Posted by **MsDelpiano**

***Are you drunk... AGAIN!??***

*I posted that 3 weeks ago.*

*You made several comments about it... you idiot.*

*Go ahead sue me!!!*

*Call Sunil.. he'll give you **ALL** my info.*

***Sunil Wadhwa***

***916-317-1313 Cell***

***916-941-6656 Fax***

***Wadhwasunil - skype***

I doubt very much Sunil has a MsDelpiano in his database and he wouldn't be able to give it to me even if he did because of privacy laws.

Feel free to either post your true identity along with address or at least PM me.

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-21-2011, 03:58 AM

[jimb6387](#)

Senior Member

Join Date: Jan 2010

Posts: 327

**Re: Bella Homes, LLC**

Has anyone else noticed that I am the only one that is willing to make my identity known? Wouldn't you think that a person being accused of defending a scam would be the one that wants to be anonymous?

I mean, why are all these people so critical of Bella hiding who they are? There must be some ulterior motive they don't want the rest of us to know about.

I myself am skeptical of anyone wanting to hide in the shadows. What are they hiding? Why are they hiding it?

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-21-2011, 04:24 AM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

---

Quote:

Originally Posted by **Article\_Info**

*Is this really the type of legal argument you want to put the fate of your family and home in? Signing your home over with the hopes that this boiler plate, shotgun approach is going to do anything?*

I guess it would be better to just move out and then you know your family's fate.

I personally think that people that can't make their mortgage payments are PROBABLY not able to hire an attorney either. At least Bella gives them an opportunity to keep their house that they would not otherwise have.

Before you come back with some remark about the quality of the attorneys, go read my post about EVERY attorney going before that court is being dismissed. That court is obviously PRO-Lender. I say that because the judge could have quite easily given Bella an opportunity to amend the complaint (as was done in cases not involving banks).

You have the proverbial upper hand in this discussion because there is yet to be publication of homes that are saved by Bella due to the length of time. So all we have to go on is the ones that have to go to court. I had found some in another court .. I'll try to relocate them to see if the same problem is there too.

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the

house is worth.  
508-963-3024

10-24-2011, 05:37 AM

[robaldjay](#)  
Junior Member

Join Date: Oct 2011  
Posts: 4

**Re: Bella Homes, LLC**

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MsDelpiano,

I don't think jimb6387 is criminally stupid to be defending Daniel Delpiano, but not a criminal. I googled Delpiano which is why I backed off. He is in fact a convicted felon, RICO and mortgage fraud, which would make it illegal for him to be doing what he does. He has a lot to see on google, 3 web sites touting his successes, all of them HIS with no real content. And a kids kingdom, did he collect money on that one, or Elvis? He, like the saying goes, will never change his spots.

RJ

10-24-2011, 07:40 AM

[Article Info](#)  
Junior Member

Join Date: Feb 2010  
Posts: 21

**Re: Bella Homes, LLC**

---

Quote:

Originally Posted by **jimb6387**

*I guess it would be better to just move out and then you know your family's fate.*

That's the thing, they don't have to move out. There are plenty of other things that can be done outside of Bella.

Quote:

Originally Posted by **jimb6387**



*I personally think that people that can't make their mortgage payments are **PROBABLY** not able to hire an attorney either. At least Bella gives them an opportunity to keep their house that they would not otherwise have.*

Statistically speaking, they cannot make the rent payments either if they are within 20% of the original PTI. Which is why a large percentage of home loan modifications still fail within a year of modification unless a chapter 13 was used. If the new "rent" payment falls outside of that 20% of statistical market value, it is outside of market rents. Which again violates the protection under the Tenants at Foreclosure Act. Bella does not do anything for them they cannot do on their own except they won't have to pay themselves rent for the privilege of living in their house.

Quote:

Originally Posted by **jimb63871097369**

*.....go read my post about **EVERY** attorney going before that court is being dismissed. That court is obviously **PRO-Lender**. I say that because the judge could have quite easily given Bella an opportunity to amend the complaint.....*

That is not true. Of the 290 cases I sampled filed in the Georgia part of the District from 1/1/2011 to 10/21/2011 filed under "real estate" and "real estate contract", quite a bit moved forward. However, every one that tried to make a "produce the note" claim was dismissed no matter who the presiding judge was. So was every claim that was broad stroked without specific and definable arguments to support the claims. There are rules to civil procedure and standing case law, when you don't have it or don't follow either one or the other, your case will not advance. To say the court is "pro-lender" is false as well. Even though the 11th District as a whole is pretty middle of the road, the Georgia part of the district is quite left leaning. The current sitting judge was appointed to the bench by Bill Clinton and he replaced a judge that was appointed by Jimmy Carter. Considering the views their respective administrations took on this segment of the market, I would be hard pressed to call it "pro-lender". Even if that were the case, how you would explain the 9th Circuit Court ruling along the same lines in similar cases using similar case law? They are quite prominently known as the most liberal court in the nation.

Also, since speaking of the rules civil procedure, you cannot just amend a complaint, there has to be standing to do so. A judge will not continuously give someone bites at the apple for the sake of fine tuning a argument. With standing in mind, remember that Bella does not even have standing to make the claims to begin with. They are not harmed by the mortgage in any way, so that has to be taken into consideration with how their cases will run.

10-24-2011, 05:29 PM

[jimb6387](#)

Join Date: Jan 2010  
Posts: 327

Senior Member

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **robaldjay**  
*MsDelpiano,*

*I don't think jimb6387 is criminally stupid to be defending Daniel Delpiano, but not a criminal. I googled Delpiano which is why I backed off. He is in fact a convicted felon, RICO and mortgage fraud, which would make it illegal for him to be doing what he does. He has a lot to see on google, 3 web sites touting his successes, all of them HIS with no real content. And a kids kingdom, did he collect money on that one, or Elvis? He, like the saying goes, will never change his spots.*

*RJ*

RJ .. I have NEVER defended Daniel Delpiano. I've never met the guy. I do believe people can change but don't know if that applies to him. Posting information about him trying to get children to read the Bible more is not a bad thing in my eyes.

THE FACT REMAINS ... DANIEL DELPIANO HAS NOTHING TO DO WITH BELLA!  
That was a complete lie from someone trying to extort money from Bella.

I invite you to watch the following video explaining what happened and where all the lies originated from at

<https://s3.amazonaws.com/bella.b0913...edited-04.html>

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[www.nowyouknow.whymbellahomes.com](http://www.nowyouknow.whymbellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-24-2011, 06:48 PM

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

Join Date: Jan 2010

Posts: 327

Quote:

Originally Posted by **Article\_Info**

*That's the thing, they don't have to move out. There are plenty of other things that can be done outside of Bella.*

Which is obviously evidenced by the million or so people that have already lost their homes!

Here is the stats for 3Q 2010 .. there were 244,840 home forfeiture actions, which takes into account the 187,000 completed foreclosures, as well as approximately 56,200 short sales and 1,700 deeds-in-lieu of foreclosure.

Yes indeed, it is obvious they have so many other options. It's just that nearly 1/4 MILLION people chose homelessness rather than keeping their home. You've got me convinced.  
[\quote]

Quote:

Originally Posted by **Article\_Info**

*If the new "rent" payment falls outside of that 20% of statistical market value, it is outside of market rents. Which again violates the protection under the Tenants at Foreclosure Act.*

I did not realize there was a certain percentage of rent that violated TFA. Could you please point me to where you got that from?

Also, where does it say 'statistical market value' and the definition they are using (is it the mean, the average, the mid-20 percentile?)

---

[www.nowyouknow.whymbellahomes.com](http://www.nowyouknow.whymbellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-25-2011, 05:23 AM

[ponyfeet](#)

Junior Member

**Re: Bella Homes, LLC**

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Quote:

Join Date: Oct 2011

Posts: 2

Originally Posted by **FST36**

*I have a buddy who claims he investigated Bella Home. The way he describes it if your home is about to go into foreclosure Bella takes the home and then leases it back to you for 3 to 7 years for about half what your mortgage payment was. Then when the lease is up you can buy back your home for 90% of its appraised value.*

*So yes, you do deed your home to Bella - so you don't lose it and can still live in it for 3-7 years!*

*All the other stuff you listed isn't necessary to this process.*

*Im actually interested in Bella now (thanks to your post here). Unless you can tell me what Im missing.*

We just applied and were turned down. I'm not sure why. We meet all of the criterea they stated. They are re-cruiting agents in Oregon so I don't think it's our state. We have no sale date yet but have been in default for some time; That is my guess, which tells me they are not confident in thier forensic audits and mainly want that rent money which is 3 months up front and increases 10% per year. I am a Realtor and will be investigating this further. It will be interesting to see if we can get a direct answer to why we were turned down.

10-25-2011, 11:40 AM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **ponyfeet**

*We just applied and were turned down. I'm not sure why. We meet all of the criterea they stated. They are re-cruiting agents in Oregon so I don't think it's our state. We have no sale date yet but have been in default for some time; That is my guess, which tells me they are not confident in thier forensic audits and mainly want that rent money which is 3 months up front and increases 10% per year. I am a Realtor and will be investigating this further. It will be interesting to see if we can get a direct answer to why we were turned down.*

Think about how ridiculous this is. If they mainly wanted your rent money .. lol .. then why did they turn you down?? As far as the audit goes .. perhaps there was no problem found from the audit and that is why they turned you down. I don't know for sure but I do know

they say right up front that about 85% of people pass the initial step. If you happen to be in the 15% category, then that is unfortunate for you (I was turned down also .. and they gave me the reasons). I don't think it is fair to say, or even at all logical, Bella "mainly want[s] that rent money" just because you were not accepted into the program. It certainly defies logic.

If you send me a private message with your contact info I will provide info to another source I am aware of. I am not affiliated with that company. My primary purpose of being involved with Bella is to help people keep their homes. I will help you even though you are not my customer nor will I make any money.

I certainly understand your frustration having been living it myself.

(PS You can also get my contact info from my link and contact me that way)

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[www.nowyouknow.whymbellahomes.com](http://www.nowyouknow.whymbellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-26-2011, 07:18 AM

[ponyfeet](#)

Junior Member

Join Date: Oct 2011

Posts: 2

**Re: Bella Homes, LLC**

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Thanks, I will contact you to get info on that other source. My husband did speak with the Bella rep today and she did say she would try to find out why we were turned down but she suspected that they couldn't keep us in the house for any extended period. We have been in default and nego for loan mod for almost 2 years on and off. We did just get a loan mod offer but it is still more than we can comfortably pay. Bella did not look at our loan yet, only when accepted into the program. We got hit pretty hard because we put over 100k down on this house and are still upside down by 75k or more. She also said that the main guy who was trying to extort money and who started all this negativity is in jail?? Idk- I'm honestly just trying to save my family's house. But I have to tell you, I did speak to an OR attorney, and she thought that sale and leaseback in OR was illegal??

10-26-2011, 08:51 AM

Join Date: Oct 2011  
Posts: 4

[robaldjay](#)  
Junior Member

### Re: Bella Homes, LLC

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Jim,

The video is not an unbiased production, so is of little value to show Bella's guilt, innocence or credibility. As it goes in Missouri, SHOW ME, cite cases where Bella has prevailed. You seem to have some idea of the 'truth' of that. And, Mr Delpiano is the decision maker and driving force behind the operations of Bella. Even if he does not own it, does he not have control of the money? Check the laws on convicted felons (RICO) being in the business Bella is in, and especially the Mortgage Fraud conviction. If you have never met him, how do you judge his character?

RJ

10-26-2011, 10:35 AM

Join Date: Jan 2010  
Posts: 327

[jimb6387](#)  
Senior Member

### Re: Bella Homes, LLC

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Quote:

Originally Posted by **robaldjay**

*Jim,*

*The video is not an unbiased production, so is of little value to show Bella's guilt, innocence or credibility. As it goes in Missouri, SHOW ME, cite cases where Bella has prevailed. You seem to have some idea of the 'truth' of that. And, Mr Delpiano is the decision maker and driving force behind the operations of Bella. Even if he does not own it, does he not have control of the money? Check the laws on convicted felons (RICO) being in the business Bella is in, and especially the Mortgage Fraud conviction. If you have never met him, how do you judge his character?*

*RJ*

That's just it .. I don't judge his character because I don't personally know him. Of all the research I've done, I can not find one shred of evidence, nor has any of those claiming such, that he is "control" of the company. From the sounds of it, you appear to have some sort of connection or inside knowledge. Please send me some confirming evidence that your

statement is true. To date, everyone that I've asked that same question of can not provide my request. Yet when I do research on the owners of the company ... he is not listed.

To be frank, I have a very hard time believing that any one (1) person (Delpiano or other) is putting up the money to buy all these mortgages. The only feasible way to do so is through some sort of investment group. To say that Delpiano is behind all the money, AND that he is doing so without any sort of ownership, just seems ridiculous to me. But I wouldn't say that I haven't been wrong before and that ridiculous things don't happen.

For sake of argument .. if Delpiano is indeed behind this, and he is helping people save their homes .. I would respect his 'new life'. I've seen people do some really dumb things in life and learn from their mistakes (as well as never learn also). In fact, I don't think anyone can say they have not done some dumb thing in their life with all honesty .. it's just that some people do dumber things than others .. ;-)

I know people that used to live under bridges in Boston that graduated from college at age 65. I know people that spent 20 yrs in prison that are now working in detox centers helping people get thier lives together and are now married and have homes that I am proud to be their friend .. very honest and caring people. I would put them in the top 2% of the

population for honesty. (my 2 yr old wanted me to put these in)

I guess what I am saying is I judge people from what they are doing TODAY and not yesterday.

But either way .. I don't think Daniel Delpiano is involved and IF he is involved, I don't think they are doing anything wrong. In fact, a previous post of Article spoke of 3 cases that I was unaware of which just shows me they are suing even more banks than I thought.

I will absolutely post information as I find it .. good or bad. I've found enough about those making the claims and about Bella to draw conclusions about both. I am comfortable with my conclusion so I need not look further. I am looking for other things though to show people thinking of joining under me those things they would like to see. I do know things about Bella that they've recently done that is very admirable in my book but I don't think they want the general public to know. I'll be able to show it as time goes on but time needs to pass for it to be at all convincing to those in doubt.

As far as me being biased .. I never claimed I wasn't biased. The video is evidence from an UNBIASED SOURCE. I was uncertain up till that point. I was not going to take Bella's info or people on scam.com or anywhere else's word.

I encourage everyone to NOT take my word or opinion as fact anymore than anyone elses. Do your own research and come to your own conclusion.

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[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-26-2011, 10:55 AM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

### Re: Bella Homes, LLC

Quote:

Originally Posted by **ponyfeet**

*Thanks, I will contact you to get info on that other source. My husband did speak with the Bella rep today and she did say she would try to find out why we were turned down but she suspected that they couldn't keep us in the house for any extended period. We have been in default and nego for loan mod for almost 2 years on and off. We did just get a loan mod offer but it is still more than we can comfortably pay. Bella did not look at our loan yet, only when accepted into the program. We got hit pretty hard because we put over 100k down on this house and are still upside down by 75k or more. She also said that the main guy who was trying to extort money and who started all this negativity is in jail?? Idk- I'm honestly just trying to save my family's house. But I have to tell you, I did speak to an OR attorney, and she thought that sale and leaseback in OR was illegal??*

I'll pass the info on as soon as I have your information (I'll check my PM in a min)

I haven't heard if anyone was arrested to date. All I can say is I've been asked if I would be willing to be a witness.

As far as the legality in OR .. I am not an attorney so I can't say with surety either way. However, I do have an understanding of law from personal study and research. What I've been finding is most of the time those laws are stating that someone can't benefit from their own foreclosure. Well, if the mortgage is not valid, then there is no foreclosure, and thus they are not benefiting from a foreclosure. As in all law, there is 2 sides of the argument and each side takes their position and justifies it with legal interpretation. Article is very good at that and perhaps the most informed (perhaps an attorney .. he won't say). The fact is, regardless of how convincing an argument that either I or others state, it is pretty much a matter of our own opinion. I have my opinion of those cases that were dismissed and think Bella was wronged by such decision but I also see much of the judge's points that he made. It is a FACT of our judicial system that judges ARE NOT ALWAYS RIGHT! Hence, appeals that overturn decisions!

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024



10-27-2011, 05:45 AM

Join Date: Feb 2010

Posts: 21

[Article Info](#)

Junior Member

### Re: Bella Homes, LLC

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Quote:

Originally Posted by **jimb6387**

*Which is obviously evidenced by the million or so people that have already lost their homes!*

Jim, first, where are you pulling your numbers? Hopefully not Realty Trac. Second, the numbers are irrelevant given the situation of the markets in general. More defaults are going to equal more foreclosures.

You do not have a right to a home in this country and you talk as if you do. If you default on your mortgage, the bank will take it back if you don't pay....eventually. No matter what line of thinking you subscribe to, it is statistically impossible for all of the foreclosures to be "wrong" or for all of them to be hopeless situations. What the base numbers don't ever reflect is the percentage that were investment properties, spec builds, second homes, etc. Not to mention that if you are in hard hit areas in AZ or NV, if you paid \$500k for a home that now sits in a \$190k neighborhood, you have to come to terms with the new values. My point is the true number of victims is quite low.

Sometimes things just cannot be done. Sometimes the owners don't want anything to do with the home and leave. Sometimes the people are day 1 defaults that have gamed the system as long as possible. Sometimes it's mortgage and straw buyer fraud. The problem with most of the people that truly need help is a combination of lack of information and pride/embarrassment. Hence, Bella is not the only solution. If the people knew all of their options and overcame the pride/embarrassment issue the number of true foreclosure would drop.

Quote:

Originally Posted by **jimb6387**

*Yes indeed, it is obvious they have so many other options. It's just that nearly 1/4 MILLION people chose homelessness rather than keeping their home. You've got me convinced.*

You are never going to be convinced and the blanket statement that all those home were the choice of "homelessness" is just plain wrong.

Quote:

Originally Posted by **jimb6387**

*I did not realize there was a certain percentage of rent that violated TFA. Could you please point me to where you got that from?*

*Also, where does it say 'statistical market value' and the definition they are using (is it the mean, the average, the mid-20 percentile?)*

It's obvious that at this point, you have not even bothered to read the act despite the numerous times it has been mentioned in this thread alone. Read the whole act in it's entirety and then come back and comment on it.

10-27-2011, 07:04 AM

Join Date: Feb 2010

Posts: 21

[Article Info](#)

Junior Member

**Re: Bella Homes, LLC**

This just in, Case 1:11-CV-02815-JEC-GGB has been recommended to be denied in it's entirety. The denial pretty much follows the other cases that have been dismissed, but it does have some points of note that are outlined below.

This now means, btw, that 100% of the actions in front of two different federal courts have been dismissed using the same logic, case law, and precedent. With that in mind, how many cases do you think Bella can be involved in that when moved to the federal level will be successful on the merits?

Quote:

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION  
BLAH BLAH and BELLA HOMES,  
LLC, A Delaware Limited Liability  
Company,  
Plaintiffs, CIVIL ACTION FILE  
v. 1:11-CV-02815-JEC-GGB  
JPMORGAN CHASE BANK, N.A.,  
and JOHN DOE, Attorneys for

JPMORGAN CHASE BANK, N.A.,

Defendants. Removed from Superior Court of Fulton  
County, Georgia  
Civil Action File No. 2011-cv-203562

This is a civil action filed by the plaintiffs against Defendant JPMorgan Chase Bank, N.A. (“Chase” or “Defendant”) seeking injunctive and other relief with regard to a residential mortgage loan obtained by Plaintiffs Warner and Patricia Lassiter for the purchase of real property located at 2943 Crosswycke Forest Circle, Atlanta, DeKalb County, Georgia, 30319 (the “Property”).

Plaintiffs originally filed their “Verified Complaint for Wrongful Foreclosure and Damages” on July 25, 2011 in the Superior Court of Fulton County, Georgia, Case No. 2011-cv-203562. (Doc. 1-1 at 2, “Complaint”). On August 24, 2011, Defendant Chase removed the case to federal court on the basis of diversity jurisdiction. (Doc. 1, Notice of Removal).

The matter is currently before the court on the “Emergency Motion for Temporary Restraining Order and Ex Parte Temporary Restraining Order” that Plaintiffs filed in Fulton County Superior Court on July 25, 2011. (Doc. 2). In their motion, Plaintiffs move the court to issue an order prohibiting Defendants, inter alia, from commencing the foreclosure proceedings that Defendants have allegedly threatened to initiate concerning the subject Property. Plaintiffs base their motion on the claims included in their Complaint. Plaintiffs’ Complaint alleges a number of state law claims relating to the Property. The claims include: Declaratory Relief Against All Defendants (Count I); Injunctive Relief Against All Defendants (Count II); Contractual Breach of Good Faith and Fair Dealing Against All Defendants (Count III); Unfair And Deceptive Business Act Practices (UDAP) Against All Defendants (Count IV); Unconscionability--UCC-2-3202--Against All Defendants (Count V); Predatory Lending Against Chase (Count VI); and Conversion or Illegal Attempt To Convert and Fraudulent Misrepresentation, Promissory Estoppel (Count VIII). There is no Count VII.

That last part is funny. No count VII means that the attorney filling in the form numbered the counts wrong when editing the complaint they copy/pasted from the internet.

Quote:

1 The United States Court of Appeals for the Eleventh Circuit has noted that “[t]he typical shotgun complaint contains several counts, each one incorporating by reference the allegations of its predecessors, leading to a situation where most of the counts ... contain irrelevant factual allegations and legal conclusions.” Strategic Income Fund, L.L.C. v. Spear, Leeds & Kellogg Corp., 305 F.3d 1293, 1295 (11th Cir. 2002). Shotgun pleadings (such as Plaintiff’s) also characteristically fail to specify

which defendant is responsible for each act alleged. Beckwith v. BellSouth Telecomm'ns, Inc., 146 F. App'x 368, 372 (11th Cir. 2005)(“It is virtually impossible to ascertain what factual allegations correspond with each claim and which claim is directed at which defendant.”).

2 Unless otherwise indicated, the background facts are taken from Plaintiffs' Complaint and the parties' filings and do not constitute findings of fact by the Court.

3

For the reasons stated below, I RECOMMEND that Plaintiffs' Emergency Motion for a Temporary Restraining Order (“TRO”) and Ex Parte Temporary Restraining Order (Doc. 2) be DENIED.

As being yet another shotgun pleading, this case would not be heard on appeal.

Quote:

#### I. BACKGROUND

Plaintiffs' motion and pleadings are in the prohibited shotgun format,<sup>1</sup> which makes it difficult for the court to ascertain which allegations pertain to which individual defendant. For purposes of this Non-Final Report and Recommendation, the court will assume that Plaintiffs are seeking to restrain and enjoin all of the Defendants from foreclosing on the Property.<sup>2</sup> Plaintiffs' action appears to involve a dispute over a mortgage loan that the

BLAH obtained on or about February 5, 2003 from Washington Mutual Bank, F.A.

Officially labeled a shotgun pleading.

Quote:

(“WaMu”). (Doc. 1-1 at 3). In connection with the loan, the Lassiters executed a promissory note (“Note”) and a security deed (“Security Deed”) in favor of WaMu, secured by the Property. On September 25, 2008, WaMu was declared insolvent, and the Federal Deposit Insurance Corporation (“FDIC”) was appointed receiver for WaMu (“FDIC-Receiver”). Pursuant to a Purchase and Assumption Agreement (“P&A Agreement”) dated September 25, 2008, the FDIC-Receiver transferred to Chase “all right, title, and interest of the Receiver in and to all of the assets” of WaMu. (Doc. 4-1 at 2-3). Thereby, Chase acquired WaMu's interest in the Security Deed.

After the Lassiters apparently defaulted on their obligations under the Note, Defendants – at some unspecified time – initiated foreclosure proceedings against Plaintiffs pursuant to the Note and Deed. Plaintiffs allege that the Lassiters made numerous attempts to modify the Note, including filing a Chapter 13 bankruptcy action to stop foreclosure in 2006. (Compl. ¶ 6). Plaintiffs contend that a modification was approved in August of 2009 and that payments were timely made for eleven months through June 2010. Thereafter, Plaintiffs allege that their interest in the home was assigned to Bella Homes, LLC, who was trying to purchase the Note through a “short sale.” (Id.). Plaintiffs allege that Bella Homes, LLC (“Bella Homes”) received title to the Property in July 2011. (Id.).

Interesting note. Bella was trying to purchase the note on a "short sale", which is exactly

how it was worded in the original complaint now that I have read it again. You can not buy a note on a short sale, you buy the property on a short sale. Buying the mortgage and/or note is a totally different process and as I have mentioned before, if there is no anti-merger clause in either, the interest in the property would be immediately extinguished upon transfer. What I am getting at here is for all that has been seen in the filings, they trying to do short sales, not buying mortgages at all.

Quote:

Defendants contest Bella Homes' standing to bring the instant lawsuit, "as there is no evidence that it possesses an interest in the Property." (Doc. 4-1 at 3). Defendants have also attached a copy of an "Order to Cease and Desist" issued on April 8, 2011 by the Georgia Department of Banking and Finance against Bella Homes, indicating that Bella Homes was in violation of the Georgia Residential Mortgage Act, O.C.G.A. § 7-1-1000, et seq. (Doc. 4-1 at 3-4, Ex. C). The Order became final on May 8, 2011. (Id.). In their Complaint, Plaintiffs allege that Defendants do not hold the Note and the Security Deed, and, thus, are not the proper party to foreclose. Plaintiffs also allege that they have been the victims of predatory lending. With regard to the TRO, Plaintiffs state in paragraph 20 of their motion that, "Defendants have threatened foreclosure and there is the potential that the subject property could be sold to a third party during the pendency of this Action." (Doc. 2 at 6). Thus, it does not appear that foreclosure proceedings have already been initiated. In Chase's motion to dismiss filed in this court on October 3, 2011, Chase states that as of that date, the Property has not been foreclosed upon. (Doc. 4-1 at 12).

Again, it is mentioned that there is no standing for Bella to even be a party to this action. For fun, I will explain the reason why.....again. The reason Bella has no standing to bring action is because despite having a deed to the property, they are not harmed by the mortgage. They are not on the mortgage, they are not responsible for the payments, the bank will not go after them in default.

Quote:

## II. DISCUSSION

There are four prerequisites for the extraordinary relief of a temporary restraining order or preliminary injunction. To prevail, a plaintiff must demonstrate: (1) a substantial likelihood of success on the merits; (2) that he will suffer irreparable injury unless the injunction issues; (3) that the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) that the injunction, if issued, would not be adverse to the public interest. *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000)(en banc)(per curiam); *Zardui-Quintana v. Richard*, 768 F.2d 1213, 1216 (11th Cir. 1985). Under Federal Rule of Civil Procedure 65, the court may not issue a preliminary injunction or a TRO unless "the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully enjoined or restrained." Fed. R. Civ. P. 65(c).

Here, Plaintiffs have not posted a bond or tendered or offered to tender any amount as security for an injunction. Nor have Plaintiffs carried their burden of showing that they have a substantial likelihood of success on the merits of their claims. See Johnson & Johnson Vision Care, Inc. v. 1-800 Contacts, Inc., 299 F.3d 1242, 1246

So back to the bonding issue. In order to ensure the moving party causes no harm, a bond in the disputed amount is usually required at a cost of 10% of face value. You do not get that cost back. So, either the attorney representing the mortgagor does not want to post it, the mortgagor does not want/or cannot afford to post it, or the attorney for Bella just plain forgot the rules in civil procedure. All that does not matter, because yet again it has been determined that do not have the ability to succeed on the merits of their case.

Quote:

(11th Cir. 2002). Plaintiffs have also failed to satisfy or even address the other prerequisites for the issuance of a TRO.  
For these reasons and the reasons stated above, I RECOMMEND that Plaintiffs' Emergency Motion for Temporary Restraining Order and Ex Parte Temporary Restraining Order (Doc. 2) be DENIED.

IT IS SO RECOMMENDED, this 25th day of October, 2011.  
GERRILYN G. BRILL  
UNITED STATES MAGISTRATE JUDGE  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

I will close this post with how I started it. This is now two different federal districts, one of which is the most liberal court in the nation, with different judges (strangely all democratic appointees), and now a federal magistrate that have all fallen on the same federal laws, case law, and precedent to come to the same conclusions in dismissing and denying these claims. When a new suit is filed and moved to the federal system, the defendants counsel will look at all of this. Unless future Bella lawsuits are radically different or has actual merit, the chance of success is very, very, very slim.

10-27-2011, 07:23 AM

[jimb6387](#)

Senior Member

Join Date: Jan 2010

Posts: 327

**Re: Bella Homes, LLC**

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[quote=Article\_Info;1099242]Jim, first, where are you pulling your numbers[\quote]<http://www.nationalhomeless.org/advo...ssness0609.pdf>

Take a minute of your time and digest the reality of our country's situation. To tell you the truth, I pulled the 250,000 homeless due to foreclosure out of my hat. For whatever reason, I seem to be 'gifted' in just knowing things for whatever reason, especially if they are math related. Don't ask me to explain because I don't understand it myself.

Now take a look at the report I have since found and lo and behold, the numbers come up to 223,000! Not bad for pulling it out of my hat!

[quote=Article\_Info;1099242]

My point is the true number of victims is quite low.

[\quote]

It's roughly 223,000! Tell me, since that is quite low in your eyes, I assume it would have to be in the millions for you to think twice about your defendings.

Why we are on the subject, please tell us all just how many victims are acceptable in your opinion. Perhaps there is a law you can reference.

[quote=Article\_Info;1099242]

You do not have a right to a home in this country and you talk as if you do.

[\quote]

You are correct that there is no 'right' to own a home. However, I would be so extremely ashamed of myself to make such a heartless comment. Go read the report above and pay close attention to the children involved. I can not begin to say how disgusted I am at you right now!

You can take your stand for the wealthy of the world and I'll take mine for the poor of the world. You can quote as much law as you wish because that is all written by those that are wealthy or very well off. I'd much rather be on my side of the street when I meet my Maker than on your side of the street. Those that are so heartless and ruthless to put children out in the cold in the name of whatever law you can quote are going to be shocked when they get to heaven with their mounds of gold to find out that gold is just a paving material for the roads!

[quote=Article\_Info;1099242]

Sometimes things just cannot be done. Sometimes the owners don't want anything to do with the home and leave. Sometimes the people are day 1 defaults that have gamed the system as long as possible. Sometimes it's mortgage and straw buyer fraud. The problem with most of the people that truly need help is a combination of lack of information and pride/embarrassment. Hence, Bella is not the only solution. If the people knew all of their options and overcame the pride/embarrassment issue the number of true foreclosure would drop.

[\quote] Please PM me all of your magical fixes. My home didn't qualify for Bella so I'll be more than happy to save my home (with a 2 yr old and a 7 mo old) with whatever means you offer. No pride or embarrassment here. So show me the way!

Quote:

Originally Posted by **Article\_Info**

*It's obvious that at this point, you have not even bothered to read the act despite the numerous times it has been mentioned in this thread alone. Read the whole act in it's entirety and then come back and comment on it.*

I've read most of it but have not studied/memorized it. You can tell from my comments above of what I think (me personally, not Bella) of laws made by the rich for the rich. They always put out laws that look like they help but contain loopholes to suit their needs. That law is designed to protect renters .. correct? And, generally speaking, renters are more likely to be of the lower income bracket which tend to be less educated and less informed. So the attorney for the lender sends them a letter saying they have to move out and they do so because they don't know about the protection and they don't have money to go hire their own attorney.

Tell me something, since you know that law so well. Do the lenders have to inform the tenants of their right to stay in the home for the term of their lease? Do the lenders have to put in big, black, bold letters across the top that they can ignore the letter 'requesting' them to move out? That seems like a pretty easy thing to add to a law and it would make the law 1000 times more effective.

I have to go right now but over the next few weeks I'm going to be putting together a YouTube video showing what the banks REALLY did to the American people. After viewing that, you will then understand why I am so bent on helping my fellow Americans rather than worrying about if the greedy SOB's get their precious money!

I'll give you a sneak peek. There is \$17 Trillion in loans that is the underwater portion. (\$42 trillion is the total loan amount involved). That \$17 trillion was lent ONLY because of the inflated prices caused by the bank's "everyone gets a loan" policy. They are now collecting interest on \$17Trillion that they would never had a chance to lend out otherwise and people are trapped because they borrowed on the fictitious value. Lets say they get 6% on \$17Trillion. That equals \$1Trillion in interest per year! To wrap your mind around how much a trillion is .. consider this. A trillion seconds = 31,709 YEARS!! Christ was born 2,011 years ago. I haven't done the math yet, but my mind tells me it will be between 12 and 15 yrs before people get their mortgage paid down to match the then-current value. I think people are totally blind to what is REALLY going on. Do I think Bella is going to be attacked at all sides .. ABSOLUTELY! The people that set this whole charade up aren't going to just sit by and watch a group tear it down. (That is why I am so suspicious of you because you want to remain anonymous. And after your last post .. it's clear you are on the bank's side of the street. Perhaps reading that report will bring a change of heart to you. I certainly hope so.)

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[www.nowyouknow.whybellohomes.com](http://www.nowyouknow.whybellohomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024



10-27-2011, 07:36 AM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **Article\_Info**

*This just in, Case 1:11-CV-02815-JEC-GGB has been recommended to be denied in it's entirety.*

Bella has several hundred clients right now. The ones that end up in court are because they could not reach an agreement with the lender to purchase the mortgage. It only makes sense that the mortgages the banks would not be willing to negotiate on are the ones that they have their strongest position on and hence are most likely to win. You are speaking about 4 out of somewhere near 1000 clients. Of course, it appears to be 4 of 4, but in reality, it is a small fraction.

Again, you have the upper hand because it is a 3 yr program and only the failures will come to light during that time. There is not much I can do about that.

And your comments about standing still don't make sense to me. You say they are not coming after Bella but it is Bella's property. To say Bella has no right to defend their property doesn't make sense to me. I also don't see why they can't quiet the title.

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[www.nowyouknow.whymbellahomes.com](http://www.nowyouknow.whymbellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

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*Last edited by jimb6387 : 10-27-2011 at 07:45 AM.*

10-28-2011, 09:12 AM

Join Date: Feb 2010

Posts: 21

[Article\\_Info](#)

Junior Member

**Re: Bella Homes, LLC**

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First off, it is disappointing to see you turn the discussion this direction. Do you really think based on the previous postings I would walk into this type of response? It is akin to a pro-life/pro-choice argument of how many murdered babies is does your \_\_\_\_\_ have to have or does X need to get raped and pregnant for you to \_\_\_\_\_. You can make the same type of argument for any hot bed issue. It does nothing to move things forward anymore then the negative comments other posters have pointed at you. It is just interesting to see when your argument breaks down you turn to this style of debate as well.

Quote:

Originally Posted by **jimb6387**

*Take a minute of your time and digest the reality of our country's situation.*

I do not need to take the time to digest anything. I am fully aware of the situation and live and breathe it everyday. You, a realtor, that may or may not be active in short sales and REO sales, has aligned himself with a company that is questionable at best, may have an opinion, but it is clearly uninformed and seems to come more from personal bias then factual knowledge of the industry.

Quote:

Originally Posted by **jimb6387**

*To tell you the truth, I pulled the 250,000 homeless due to foreclosure out of my hat. For whatever reason, I seem to be 'gifted' in just knowing things for whatever reason, especially if they are math related. Don't ask me to explain because I don't understand it myself.*

*Now take a look at the report I have since found and low and behold, the numbers come up to 223,000! Not bad for pulling it out of my hat!*

I did look at the report and also read every cited article and data source referenced. There is nothing referencing 223k people experiencing homelessness due to foreclosure directly. It appears the entire number was pulled out of your hat. Out of the 3.5 million people from households that experience homelessness per year, the monthly average is 300k per month. If your 223k number for the quarter was accurate, that would be over a 25% jump monthly. That would be an epidemic in which no one would sit still for.

That is beside the point, my point is that the number of true victims directly from the mortgage crisis is quite low. People who were truly taken advantage of and were truly harmed by all of this.

Please note that the numbers on that report were based on a survey that was only quantitatively complied and not statistically complied due to low mean numbers. Also of note, the responders also point out that 58% of the people helped that were there due to foreclosure seek little to no help WITH the foreclosure. Meaning my original comment stands by your data resources.

Quote:

Originally Posted by **jimb6387**

*It's roughly 223,000! Tell me, since that is quite low in your eyes, I assume it would have to be in the millions for you to think twice about your defendings.*

*Why we are on the subject, please tell us all just how many victims are acceptable in your opinion. Perhaps there is a law you can reference.*

The homelessness problem is already in the millions, 3.5 MILLION per year according to the same site you referenced. I, along with my family and associated interests already do things like working food drives, soliciting donations, donating money and donate time for food packing at our local food shelf to help ALL homeless and needy families, not just the ones experiencing foreclosure related homelessness. Why do you seem to put more importance on the people displaced by foreclosure over the 1.65 MILLION kids already homeless on a yearly basis?

Quote:

Originally Posted by **jimb6387**

*You are correct that there is no 'right' to own a home. However, I would be so extremely ashamed of myself to make such a heartless comment.*

What is so heartless about the comment? You seem to think based on your standing and alliance with Bella that everyone is a victim and they should get their homes VIA the Bella "process". There is nothing wrong with buying mortgages and restating them to help people....but they are not doing that. There is nothing wrong with helping short sale a property to help the family get out from under the debt.....but they are not doing that. They are filing law suits claiming that every single one of them is a victim, and that is impossible. On top of all of this, what is your (and Bella's) monetary motivation for all of this? If the concern was only for the children (will somebody please think of the children), why is there even a profit motive? Why not operate as a non-profit do everything to cover operating costs and put people back in their homes as cheaply as possible.

Quote:

Originally Posted by **jimb6387**

*Go read the report above and pay close attention to the children involved. I can not begin to say how disgusted I am at you right now!*

I would be more disgusted in myself if I was quoting things about a hurting class of people with out reading the entire study and all associated and cited research.

Quote:

Originally Posted by **jimb6387**

*You can take your stand for the wealthy of the world and I'll take mine for the poor of the world.*

I take no more of a stand for the wealthy of the world than the poor. Though you will see me apply more of my time and resources to get the wealthy to help the latter through solicitation and personal example.

I think your mistake in this discussion is to turn to the same assumption based argument that you have stood to defend against.

Quote:

Originally Posted by **jimb6387**

*You can quote as much law as you wish because that is all written by those that are wealthy or very well off. I'd much rather be on my side of the street when I meet my Maker than on your side of the street.*

Assumption

Quote:

Originally Posted by **jimb6387**

*Those that are so heartless and ruthless to put children out in the cold in the name of whatever law you can quote are going to be shocked when they get to heaven with their mounds of gold to find out that gold is just a paving material for the roads!*

Fear the people that quote religion, respect the ones that follow it without acknowledgement.....

As I have shown earlier, there is 1.65 MILLION children facing homelessness right now, as we speak. What are you doing to help them? Why are you putting a different class of potentially homeless children on a pedestal over the ones clearly in immediate need.

Plus, you are assuming things.

Quote:

Originally Posted by **jimb6387**

*Please PM me all of your magical fixes. My home didn't qualify for Bella so I'll be more than happy to save my home (with a 2 yr old and a 7 mo old) with whatever means you offer. No pride or embarrassment here. So show me the way!*

If you are truly looking for this in lieu of attempting to make a point, I'd be more than happy to respond to your PM.

Quote:

Originally Posted by **jimb6387**

*I've read most of it but have not studied/memorized it. You can tell from my comments above of what I think (me personally, not Bella) of laws made by the rich for the rich. They always put out laws that look like they help but contain loopholes to suit their needs.*

That comment is really telling, though extremely uninformed. The laws go both ways and are made by both sides of the isle. Which means whatever your political and ideological leanings, the people that represent "you" are working against your interests. I do not mean your current elected representatives as much the ideal your political views may suggest. I'd suggest getting involved in some way.

Quote:

Originally Posted by **jimb6387**

*Tell me something, since you know that law so well. Do the lenders have to inform the tenants of their right to stay in the home for the term of their lease? Do the lenders have to put in big, black, bold letters across the top that they can ignore the letter 'requesting' them to move out?*

Actually, yes. It is also referenced in a previous law in which all of that information has to be provided to tenants in the same foreclosure documents as served on the landlord. It has to be in 12 pt bold font or better, reference tenant and landlord rights, as well as a warning on foreclosure scams. Right off the bat, I know of 40 states that mandate the same notice.

Quote:

Originally Posted by **jimb6387**

*After viewing that, you will then understand why I am so bent on helping my fellow Americans rather than worrying about if the greedy SOB's get their precious money!*

So you are doing this without expectation of compensation? Helping your fellow man will be payment enough?

Quote:

Originally Posted by **jimb6387**

*I'll give you a sneak peek. There is \$17 Trillion in loans that is the underwater portion.*

Holy crap, you are really uninformed. The total US mortgage market is about \$12.5 Trillion with about 95% of that now insured by the federal government VIA GSE's, HUD, and FHA.

Quote:

Originally Posted by **jimb6387**

*(\$42 trillion is the total loan amount involved). That \$17 trillion was lent ONLY because of the inflated prices caused by the bank's "everyone gets a loan" policy.*

What the hell are you talking about?

Quote:

Originally Posted by **jimb6387**

*I haven't done the math yet, but my mind tells me it will be between 12 and 15 yrs before people get their mortgage paid down to match the then-current value. I think people are totally blind to what is REALLY going on.*

Please do, as it has been flawed up to this point. 2017 is the current projection to stabilize the market based on current conditions. This number will be drawn out or shortened based on how the government responds going forward. You are right about one thing though, people are blind to what is going on.

Quote:

Originally Posted by **jimb6387**

*Do I think Bella is going to be attacked at all sides .. ABSOLUTELY! The people that set this whole charade up aren't going to just sit by and watch a group tear it down.*

Bella will get attacked for other things. If they were taking bad loans off the books, providing new capital to invest VIA the transactions and helping homeowners, this will not happen. You will have banks jumping to hand over bad assets. Your last part of the "charade" reminds me of debt cures "they" don't want you to know about. The faceless us VS them argument is quite old.

Quote:

Originally Posted by **jimb6387**

*(That is why I am so suspicious of you because you want to remain anonymous.*

I would be more suspicious of me because I have the time, ability, and first hand knowledge (and access) to respond to the argument with factual basis that sheds a light on Bella and other similar companies you do not want to see.

Quote:

Originally Posted by **jimb6387**

*And after your last post .. it's clear you are on the bank's side of the street. Perhaps reading that report will bring a change of heart to you. I certainly hope so.)*

Again, assumption. I am on my side of the street, and no article you quote will change my heart or views. I use my time and capital to effect change in the way I see best and do not

expect my fellow man to do the same under threat of force by law or mob mentality, no matter the cause.

One last thing based on the last case posted. How are they going to complete the short sale when opposing title finds the house in already in Bella's name? How are they going to get around the various lease back laws?

10-28-2011, 11:01 AM

[robaldjay](#)

Junior Member

Join Date: Oct 2011

Posts: 4

**Re: Bella Homes, LLC**

---

OK, about the video, I believe it is a Mr Walsh speaking in very syrupy tones about Bella, it made me think he had no interest in what Bella was doing other than offering him the opportunity to make money and have no concern for those paying it out or losing their homes.

David Delpiano is truly an employee, but, Daniel Delpiano is there and he is running things, David hasn't got the intelligence. Bella was out of his basement until the move to the new office. The address on Glen Lake Pkwy is/was a PMB, not the business address. Yes, he is a father, but I wouldn't be bragging about it. The money as I understand things is Mr Diamond. Daniel Delpiano is not in this to help anyone but himself. The MLM part of it was his idea, more people bringing more victims, sorry, that is what I feel awaits most everyone who deals with Bella. If you are part of the MLM who did you negotiate with at Bella?

And - Article\_Info, Delpiano is what he is and has been, even if Jim thinks he can change for the good, there is none in him. He cares little for the fate of Bella's clients, only his own.

JR

10-28-2011, 11:02 AM

[jimb6387](#)

Senior Member

Join Date: Jan 2010

Posts: 327

**Re: Bella Homes, LLC**

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Quote:

Originally Posted by **Article\_Info**

*First off, it is disappointing to see you turn the discussion this direction.*

I would have to agree with you. My apologies.

I made assumptions that were unfounded and improper and I am not going to make excuses for it.

You asked why the children being put out on the streets due to foreclosure take a priority. I never once said that (we are all human and can make wrongful assumptions). It is more in the forefront of my mind because I have a 2 yr old and an 8 mo old and am 9 mo behind on my mortgage and winter is upon us. Sometimes the stress of the situation I am in is a bit much to handle. I had no right to use you as an outlet of my frustration.

As I've said before, I do know of things about Bella that you don't know but I don't think they want it publicized and was given to me in confidentiality. I have people come to me concerned about what you say here. The cases you speak of are the minority of the cases as I explained earlier but it appears, because of the nature of the 3 yr program, that Bella is not working for anyone and that is far from true. If you knew what I know you would probably want to help rather than harm our cause from what you say you do with your life.

As far as Bella being the only solution .. you must have missed my post where I offered (and did) help someone that was turned down by Bella with passing along another program (of which I make \$0 so your assumption that I won't help unless I get paid is unfounded)

As far as why I want to get paid .. because I want to get FILTHY RICH! I see people in need EVERYWHERE and am not able to help any significant portion because of lack of money. I want to become filthy rich so I can help thousands of people (and trade in my 1994 pick up). Those that know me know that I have 3 groups that I want to help..

The homeless

The hungry

The battered women

I'm not sure what point you think I was trying to make when I asked you to PM the other ways you always speak of, but I am 100% honestly interested. Bella can not, nor claims to, help everyone. I'd like to offer them a solution regardless of my personal gain.

As far as Bella being the only option I speak of .. it is because it is superior to all other options for those that want to stay in their homes. A short sale stays on a credit report and could result in either still owing the bank money or the IRS wanting taxes for forgiven debt. A foreclosure .. well, you can't stay so not much help there. Then the loan mods which many people can't afford anyways or are never approved (or are foreclosed on while negotiating). Then there are tons of scams taking people's money (\$3K-7K) for loan mod aid or various audits or attorneys that just go through the motions.

Not all homes reveal problems from an audit yet if a homeowner has to choose between getting an audit or using the money for an apartment .. I'd say the chance is too great to spend scarce cash on an audit. There are reasons why people don't fight foreclosure (using your techniques or Bella's) and I would guess that is probably from lack of information. Bella's model of multi-level marketing has great potential for exponential growth which will



result in more awareness and get people thinking of their options rather than just moving out. The traditional means (which I assume are what you are speaking of) has not worked for the majority of people (again, which may be because of lack of info)

I'd like to point out something else too. I have applied for a loan mod from my lender. I was denied any offer at all. It was because I didn't meet the thresholds set by govt laws. The total housing cost would have been in the low \$900's .. about \$500/mo savings. I could afford that but because THEY say I can't afford it, they are keeping it at \$1400. Let me repeat .. they are keeping it at \$1400 because they don't think I can afford \$900. The kicker is this .. you can't rent a 1-bedroom apt for less than \$900 where I live! A 2 bed with lead paint costs \$1100/mo. The laws say it would be illegal for me to keep my home at \$900 and be better to go into a lead infected apartment with 2 little children for \$1100! And you wonder why I don't respect the laws of our government?!

Personally, I would not go onto a site that offered a solution that was being promoted by you and tear it down just because it is not flawless. My actions would inevitably cause a family to be homeless that you could have helped. That would bother me.

It would be nice for you to acknowledge that the few cases you are referencing are, by the very fact they are in court, the people that Bella can help the least. They are doing so at their own expense (even after considering the rental income).

Something you said the other day made sense also. You said the deep discounts aren't achieved by buying a single note. That makes complete sense. That, in turn, leads to it would make sense for Bella to accumulate a number of homes before purchasing them so they could do so in bulk which would take time. I don't know if that is their strategy but it would explain the necessity of the 3 yr lease (along with rebuilding credit).

Let me say this .. I KNOW Bella is helping people save their homes (notice the plural!). This is not a belief .. this is absolute knowledge! I would like nothing more to blurt what I know out to counter the harm you are doing but I will bite my tongue until they say I can say so. In the meanwhile, you are inevitably going to convince someone to not try Bella and they will unnecessarily lose their home. Most people using Bella have already tried the traditional methods and use Bella as a last effort .. just to find out that is where they should have started!

I sincerely hope it won't be long before I can come here SCREAMING what I know so that all can know and then hopefully you'll reconsider pointing out every setback that Bella has. But until that day comes, the only thing people will read about are the setbacks you write and will inevitably be getting a lopsided point of view.

If you recall, I said a while back I don't really have the time for this. I would be much wiser to spend this time building a team or marketing to homeowners as far as financial considerations go. I choose to spend this time here so that people can at least have a more balanced discussion. The time I spend here flies in the face of your suggestion that I am doing this just for money.

Again, I apologize to you. I assume you mean well but there are many assumptions you make about Bella that simply not true. Time will tell and I would ask you to consider if you think I am telling the truth and you are indeed doing harm to those you are trying to help. It very well could be they have tried your options and they did not succeed. (of course, I am assuming you do not have a 100% success rate .. if you do, then by all means PM me with it)

One more thing .. the 223,000 was from applying their numbers to each other to determine how many. I didn't have time to post how I came to that conclusion but I assure you, that is the number. I will be showing that on the video I want to make next week (time permitting). You speak of statistics so I assume you have a decent math aptitude. Go run the numbers and you'll see how I came up with it.

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-28-2011, 11:20 AM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

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Quote:

Originally Posted by **robaldjay**

*If you are part of the MLM who did you negotiate with at Bella?*

JR

I am assuming you are talking to me. I had submitted my home through the website. I was turned down. I wrote them a letter asking to reconsider. They refused. It was David Delpiano that I spoke to.

If Delpiano is behind this and is so merciless and greedy .. why didn't he take my money when I was just short of begging him to? I had told them I was willing to pay the \$1000/mo.

Please make sense of all that. It kind of flies in the face of your statements. I've been trying to somehow twist this fact around somehow to fit these accusations and I can't come up with a logical conclusion that would make such a ruthless, greedy, merciless, self-centered individual skip over me and my money.

Now, it would make sense to me if what you're saying is not true and they are indeed trying to help people.

I guess readers can make up their own mind as to which makes most logical sense.

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-28-2011, 04:27 PM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

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Quote:

Originally Posted by **Article\_Info**

*Holy crap, you are really uninformed. The total US mortgage market is about \$12.5 Trillion with about 95% of that now insured by the federal government VIA GSE's, HUD, and FHA.*

I had seen a source stating those figures. I just went to Fed Reserve Board and total mortgages is 13.642 Trillion including commercial. It's 11.2 Trillion .. single and multifamily.

My bad for not verifying info. There was a HUD report saying the underwater portion is 864Billion (if I am not mistaken .. it was 800+ Billion).

As I've said, I will post things both for me and against me. It's the truth that I want to see. If I am the one wrong, then I will admit it.

Quote:

Originally Posted by **Article\_Info**

*Please do, as it has been flawed up to this point. 2017 is the current projection to stabilize the market based on current conditions. This number will be drawn out or shortened based on how the government responds going forward. You are right about one thing though, people are blind to what is going on.*

I understand those projections but I don't agree with them. The reason why is somewhere

between 2017 and 2018 the first year of baby boomers will reach the age where they HAVE to sell their stock off or face a 50% penalty on that portion. 2008 was the first year the first year of baby boomers COULD sell their stock without incurring a penalty. That contributed to the crash without a doubt. Being the baby boomers span 18 yrs, the later ones didn't want to incur a 10% penalty so they didn't sell (only to find out the market went down close to 25% and that they should have sold). They thought they had enough time left to rebuild. Fast forward ten years and with that loss fresh in their minds I doubt very much they will sit by idle this time. I expect a huge crash in the stock market at the time they are saying the housing market will recover. I doubt that because consumer confidence is so powerful and that will plummet.

The reason why I say that about the stock market is because when they sell the supply goes up and prices come down. At the same time, they stop buying and the demand goes down which also drives the price down.

I don't think those people predicting 2017 are factoring in what I've just said. I'm also not confident our country will be financially intact .. either bankrupt, runaway inflation, or possibly revolt (there is going to be a lot of unhappy campers when SS runs out at the same time as the stock market crash).

Beyond the issue of homelessness, we need to find a solution to this foreclosure crisis as soon as possible so we have a chance to rebuild before 2017 and the SS crash comes. You don't have to agree with my opinion of the future but each foreclosure we stop (by whatever means) is better for the overall economy. I think we should all be trying to help each other rather than hurting each other.

I also just saw that 52% of loan mods are more than 3 months behind after 24-26 months. I sincerely hope you PM me with additional ways to help.

---

[www.nowyouknow.whyybellahomes.com](http://www.nowyouknow.whyybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

10-28-2011, 04:50 PM

Join Date: Feb 2010

Posts: 21

[Article Info](#)

Junior Member

**Re: Bella Homes, LLC**

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Here we go....

Quote:

Originally Posted by **ponyfeet**

*We just applied and were turned down. I'm not sure why. We meet all of the criterea they stated. They are re-cruiting agents in Oregon so I don't think it's our state.....*

My best guess is because what Bella does as it sits would directly violate the Oregon Mortgage Rescue Fraud Prevention Act that was passed a short time ago.

Quote:

(b) "Foreclosure consultant" means any person who directly or indirectly makes any solicitation, representation, or offer to any owner to perform for compensation or who, for compensation, performs any service which the person in any manner represents will do in any manner any of the following:

- a. Stop or postpone the foreclosure sale;
- b. Obtain any forbearance from any beneficiary or mortgagee;
- c. Assist the owner to exercise any right of redemption;
- d. Obtain any extension of the period within which the owner may reinstate his obligation;
- e. Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a deed of trust or mortgage on a residence in foreclosure or contained in any such deed of trust or mortgage;
- f. Assist the owner in obtaining a loan or advance of funds;
- g. Avoid or ameliorate the impairment of the owner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale;
- h. Save the owner's residence from foreclosure;

(c) "Foreclosure consulting contract" means a written, oral, or equitable agreement between a foreclosure consultant and a homeowner for the provision of any foreclosure consulting service or foreclosure reconveyance.

(d) "Foreclosure consulting service" includes:

- (1) Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a residence in foreclosure;
- (2) Contacting creditors on behalf of a homeowner;
- (3) Arranging or attempting to arrange for an extension of the period within which a homeowner may cure the homeowner's default and reinstate the homeowner's obligation;
- (4) Arranging or attempting to arrange for any delay or postponement of the sale of a residence in foreclosure;
- (5) Arranging or facilitating the purchase of a homeowner's equity of redemption or legal or equitable title within 20 days of an advertised or docketed foreclosure sale;
- (6) Arranging or facilitating any transaction through which a homeowner will become a lessee, optionee, life tenant, partial homeowner, or vested or contingent remainderman of the homeowner's residence;
- (7) Arranging or facilitating the sale of a homeowner's residence or the transfer of legal title, in any form, to another party as an alternative to foreclosure;
- (8) Arranging for a homeowner to have an option to repurchase the homeowner's

residence after a sale or transfer;

(9) Arranging for or facilitating a homeowner remaining in the homeowner's residence as a tenant, renter, or lessee; or

(e) "Foreclosure purchaser" means a person who acquires title or possession of a deed or other document to a residence in foreclosure as a result of a foreclosure reconveyance.

(f) "Foreclosure reconveyance" means a transaction involving:

(1) The transfer of title to real property by a homeowner during or incident to a proposed foreclosure proceeding, either by transfer of interest from the homeowner to another party or by creation of a mortgage, trust, or other lien or encumbrance during the foreclosure process that allows the acquirer to obtain legal or equitable title to all or part of the property; and

(2) The subsequent conveyance, or promise of a subsequent conveyance, of an interest back to the homeowner by the acquirer or a person acting in participation with the acquirer that allows the homeowner to possess the real property following the completion of the foreclosure proceeding, including an interest in a contract for deed, purchase agreement, land installment sale, contract for sale, option to purchase, lease, trust, or other contractual arrangement.

(g) "Foreclosure surplus acquisition" means a transaction involving the transfer, sale, or assignment of the surplus remaining and due the homeowner based on the audit account during a foreclosure proceeding.

(g)(1) "Foreclosure surplus purchaser" means a person who acts as the acquirer by assignment, purchase, grant, or conveyance of the surplus resulting from a foreclosure sale.

## SECTION 7. PROHIBITED ACTIONS.

A foreclosure consultant may not:

(1) Claim, demand, charge, collect, or receive any compensation until after the foreclosure consultant has fully performed each and every service the foreclosure consultant contracted to perform or represented that the foreclosure consultant would perform;

(2) Claim, demand, charge, collect, or receive any interest or any other compensation for any loan that the foreclosure consultant makes to the homeowner that exceeds 9% a year;

(3) Take any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation;

(4) Receive any consideration from any third party in connection with foreclosure consulting services provided to a homeowner unless the consideration is first fully disclosed in writing to the homeowner;

(5) Acquire any interest, directly or indirectly, or by means of a subsidiary, affiliate, or corporation in which the foreclosure consultant or a member of the foreclosure consultant's immediate family is a primary stockholder, in a residence in foreclosure from a homeowner with whom the foreclosure consultant has

contracted;

(6) Take any power of attorney from a homeowner for any purpose, except to inspect documents as provided by law; or

(7) Induce or attempt to induce any homeowner to enter into a foreclosure consulting contract that does not comply in all respects with this subtitle.

.....(2) Fail to:

(i) Ensure that title to the property has been reconveyed to the homeowner in a timely manner if this subtitle or the terms of a foreclosure reconveyance agreement require a reconveyance; or

(ii) Make payment to the homeowner within 90 days of any resale of the property so that the homeowner receives cash payments or consideration in an amount equal to at least 82% (66% - 90%) of the net proceeds from any resale of the property should a property subject to a foreclosure reconveyance be sold within 18 ( - 36) months after entering into a foreclosure reconveyance agreement;

(3) Enter into repurchase or lease terms as part of the foreclosure conveyance that are unfair or commercially unreasonable, or engage in any other unfair conduct;

(4) Represent, directly or indirectly, that:

(i) The foreclosure purchaser is acting as an advisor or a consultant, or in any other manner represent that the foreclosure purchaser is acting on behalf of the homeowner;

(ii) The foreclosure purchaser has certification or licensure that the foreclosure purchaser does not have;

(iii) The foreclosure purchaser is assisting the homeowner to "save the house" or use a substantially similar phrase; or

(iv) The foreclosure purchaser is assisting the homeowner in preventing a foreclosure if the result of the transaction is that the homeowner will not complete a redemption of the property;

(5) Make any other statements, directly or by implication, or engage in any other conduct that is false, deceptive, or misleading, or that has the likelihood to cause confusion or misunderstanding, including statements regarding the value of the residence in foreclosure, the amount of proceeds the homeowner will receive after a foreclosure sale, any contract term, or the homeowner's rights or obligations incident to or arising out of the foreclosure reconveyance; or

(6) Until the homeowner's right to rescind or cancel the transaction has expired:

(i) Record any document, including an instrument of conveyance, signed by the homeowner; or

(ii) Transfer or encumber or purport to transfer or encumber any interest in the residence in foreclosure to any third party.

That is only part of it of course, but you get the picture.

10-29-2011, 02:33 AM

Join Date: Jan 2010

Posts: 327

[jimb6387](#)

Senior Member

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **Article\_Info**

*That is only part of it of course, but you get the picture.*

*(b) "Foreclosure consultant" means any person who directly or indirectly makes any solicitation, representation, or offer to any owner to perform for compensation or who, for compensation, performs any service which the person in any manner represents will do in any manner any of the following:*

- a. Stop or postpone the foreclosure sale;*
- b. Obtain any forbearance from any beneficiary or mortgagee;*
- c. Assist the owner to exercise any right of redemption;*
- d. Obtain any extension of the period within which the owner may reinstate his obligation;*
- e. Obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a deed of trust or mortgage on a residence in foreclosure or contained in any such deed of trust or mortgage;*
- f. Assist the owner in obtaining a loan or advance of funds;*
- g. Avoid or ameliorate the impairment of the owner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale;*
- h. Save the owner's residence from foreclosure;*

...

**SECTION 7. PROHIBITED ACTIONS.**

*A foreclosure consultant may not:*

...

Thanks for posting this. I may have been inadvertently violating the law with my name "stopforeclosure" on my replicated website. This is a highly regulated industry and reps have to be very attentive to details.

I don't see anything within the definition of a 'foreclosure consultant' concerning someone seeking to buy a mortgage as Bella does in its strategy. (and I am fully aware you can go quote from that single court case where there is mentioning of a short sale. I don't know the particulars with that case but none of the other cases you posted have it .. which, btw, defeats



your 'copy & paste' comments) And since Bella does not fit the definition and the 'Prohibited Actions' are only for 'foreclosure consultants' .. none of this law applies.

There is a myriad of possible reasons one can be denied and I suppose a rep advertising incorrectly could be one of them .. I'll agree it is a possibility. And IF that was the case, Bella did the right thing .. but there is no evidence that is what happened. This is all based purely on your (admitted) 'guess'.

I also thought it a bit ironic that you commented on PonyFeet .. she's the one I offered alternatives that I don't get paid on. Actually, I came by this morning in hopes you had PM'd me your alternatives as you said you would (I saw you were logged on last night). I am still very interested in your options. If they are legit (and I have no reason to think they are not), I would even refer people to you if turned down by Bella for whatever reason. In fact, if your solutions are superior to Bella, I would promote yours.

I just realized something .. you've been pointing out that, in your opinion, Bella is bad (for lack of a better word .. I can't really figure out what it is you are trying to say) because they are disregarding laws (again, in your opinion). And now you are pointing to laws to say Bella didn't help PonyFeet because Bella was abiding by the laws. Something just doesn't seem right about that .. kind of like wanting your cake and eat it too. Your 'unbiased' position seems to always land on the critical side of Bella. Combine that with your insistence of not saying who you are .. smells fishy to me!

---

[www.nowyouknow.whymbellahomes.com](http://www.nowyouknow.whymbellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

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*Last edited by jimb6387 : 10-29-2011 at 02:35 AM.*

11-03-2011, 07:53 AM

[Article Info](#)

Junior Member

Join Date: Feb 2010

Posts: 21

**Re: Bella Homes, LLC**

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Quote:

Originally Posted by **robaldjay**

*And - Article\_Info, Delpiano is what he is and has been, even if Jim thinks he can change*

*for the good, there is none in him. He cares little for the fate of Bella's clients, only his own.*

I agree. I don't know how they even got it past his PO when Bella was being run out of the Belldrum address. Also, I wonder how his creditors that are owed tens upon tens of millions of dollars would react to his own press release for the church club. Especially since he is fund!ng it on his own.

11-03-2011, 09:16 AM

Join Date: Feb 2010

Posts: 21

[Article Info](#)

Junior Member

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **jimb6387**

*I had no right to use you as an outlet of my frustration.*

No problem here, I really am a easy going guy.

Quote:

Originally Posted by **jimb6387**

*.....I do know of things about Bella that you don't know but I don't think they want it publicized and was given to me in confidentiality.*

That is fine, I am sure if it is noteworthy it will come out eventually one way or the other. However, if it is something overwhelmingly positive and can defeat what I have presented in one fell swoop, I would encourage you to encourage them to go public.

Quote:

Originally Posted by **jimb6387**

*I have people come to me concerned about what you say here. The cases you speak of are the minority.....*

They should be concerned, this is about them losing their house and/or signing it over. This is a lot of information that I am sure has not been made public. From what I can tell from all the youtube videos, brushed over as a non-concern. If I was a potential or current client, I would want to know these things. Also, I understand the federal cases may be of the minority of overall people and/or cases on the district court level; but they are the majority

of what has reached the federal level. With that in mind, any case that reaches the federal level will have the same case law, standing, opinions, dismissals, etc to overcome. Any attorney that is representing a bank that sees this will immediately bring it into their case or motion to have it removed to the federal level using the same arguments.

Quote:

Originally Posted by **jimb6387**

*If you knew what I know you would probably want to help rather than harm our cause from what you say you do with your life.*

Not if it involved anyone currently involved with the company. Just being the son of someone like that would eliminate funding from the capital markets and hedge funds, they would cut you off at the knees.

Quote:

Originally Posted by **jimb6387**

*As far as why I want to get paid .. because I want to get FILTHY RICH!*

I believe real estate and market speculation is the best way to do this, even in today's market. Bella, however, is not.

Quote:

Originally Posted by **jimb6387**

*Those that know me know that I have 3 groups that I want to help..*

*The homeless*

*The hungry*

*The battered women*

Not that I would not want you to become rich, but you can help each of those groups by donating time until you can follow-up with meaningful financial contributions. I.E. picking apples for the shelters, packing food, meals on wheels type delivery, etc.

Quote:

Originally Posted by **jimb6387**

*I'm not sure what point you think I was trying to make when I asked you to PM the other ways you always speak of, but I am 100% honestly interested. Bella can not, nor claims to, help everyone. I'd like to offer them a solution regardless of my personal gain.*

I do not have a plan, program, or a solution and depending on state laws and such, may not even work at all depending on timelines.

Quote:

Originally Posted by **jimb6387**

*As far as Bella being the only option I speak of .. it is because it is superior to all other options for those that want to stay in their homes.*

The FNMA lease for keys program is far superior.

Quote:

Originally Posted by **jimb6387**

*A short sale stays on a credit report and could result in either still owing the bank money or the IRS wanting taxes for forgiven debt.*

Bella is doing short sales, they are not buying notes from anything that I have seen. As of the new FHA guidelines, short sales, foreclosures, and bankruptcy are all treated the same way as far as securing FHA/HUD backed loans.

Quote:

Originally Posted by **jimb6387**

*using your techniques or Bella's*

I don't have any techniques or programs. I know what I know from the experience I have in this market. Lack of information on the consumer level is a root cause to a lot of this on both sides of the problem.

Quote:

Originally Posted by **jimb6387**

*I'd like to point out something else too.....*

Now that is something I would call attention to. I would sue based on the misapplication of the loan mod guidelines and the silliness of HAMP and Save Our Homes.

Quote:

Originally Posted by **jimb6387**

*And you wonder why I don't respect the laws of our government?!*

Then do what you can do to effectuate change where you can. More government is never the answer.

Quote:

Originally Posted by **jimb6387**

*Personally, I would not go onto a site that offered a solution that was being promoted by you and tear it down just because it is not flawless.*

That is good, but I am also not out there promoting one on the levels they are trying to reach. My objections to it have less to do with it being "flawed" and more concern with it being "fraud". There are too many red flags for which they do not have answers for.

Quote:

Originally Posted by **jimb6387**

*My actions would inevitably cause a family to be homeless that you could have helped. That would bother me.*

You should be bothered to some degree right now then. Those cases on the federal level resulted in people losing their homes.

Quote:

Originally Posted by **jimb6387**

*It would be nice for you to acknowledge that the few cases you are referencing are, by the very fact they are in court, the people that Bella can help the least. They are doing so at their own expense (even after considering the rental income).*

I can not and will not acknowledge something on incomplete information. I can, however, attempt to reach the homeowners directly and get their side of the story.

Quote:

Originally Posted by **jimb6387**

*Something you said the other day made sense also. You said the deep discounts aren't achieved by buying a single note. That makes complete sense. That, in turn, leads to it would make sense for Bella to accumulate a number of homes before purchasing them so they could do so in bulk which would take time.*

That would only work if all the notes were in the same pool, with the same lender, same bond series, same security, etc. I do not see anywhere near the sophistication or talent level anywhere in Bella to even attempt something on that scale. Even if that was their strategy, all mortgage payments would need to be kept current to prevent them from going "junk" and moved all over the place. It would be near impossible to select clients based on defaulted or defaulting note pools.

Quote:

Originally Posted by **jimb6387**

*Let me say this .. I KNOW Bella is helping people save their homes (notice the plural!). This is not a belief .. this is absolute knowledge! I would like nothing more to blurt what I know out to counter the harm you are doing but I will bite my tongue until they say I can say so.*

Great! If it is positive I am sure it will come out and eventually fill their references page. As of right now, it is blank, and of the 300+ people "helped" on their FAQ page, not one has stepped forward to do so as of yet. As I mentioned in a previous post, I would be singing the praises of Bella from on high if they saved my house and then do whatever I could to help other people. Likewise, in the absence of such things, I would demand documentation of everything before signing over my house.

Quote:

Originally Posted by **jimb6387**

*In the meanwhile, you are inevitably going to convince someone to not try Bella and they will unnecessarily lose their home.*

If they are losing their homes, it is certainly not because of me.

Quote:

Originally Posted by **jimb6387**

*Most people using Bella have already tried the traditional methods and use Bella as a last effort .. just to find out that is where they should have started!*

I disagree. I believe it puts the homeowners in a highly vulnerable position.

Quote:

Originally Posted by **jimb6387**

*I sincerely hope it won't be long before I can come here SCREAMING what I know*

Me too. I would be very interested to know what you know.

Quote:

Originally Posted by **jimb6387**

*Again, I apologize to you.*

Again, no problem.

Quote:

Originally Posted by **jimb6387**

*It very well could be they have tried your options and they did not succeed. (of course, I am assuming you do not have a 100% success rate .. if you do, then by all means PM me with it)*

Nothing is 100% and I don't have program. I will send you another PM in a bit and go more in-depth.

11-03-2011, 10:19 AM

Join Date: Feb 2010

Posts: 21

[Article Info](#)

Junior Member

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **jimb6387**

*Thanks for posting this. I may have been inadvertently violating the law with my name "stopforeclosure" on my replicated website. This is a highly regulated industry and reps have to be very attentive to details.*

Yeah. You have to be very careful with phrasing a lot of things in this industry. Saving homes, stopping foreclosure are just a few of the off limits things to state.

Quote:

Originally Posted by **jimb6387**

*I don't see anything within the definition of a 'foreclosure consultant' concerning someone seeking to buy a mortgage as Bella does in its strategy.*

I do not believe it is their strategy, but if it was, there is nothing wrong with buying a mortgage and restating it to make it affordable as long as you do it within the law. But at that point, there is no need for the deed or the lease as you have a enforceable mortgage. Again, if you take control of the mortgage AND have the deed without specific anti-merger language in the mortgage, you have just cancelled out your mortgage interest.

Quote:

Originally Posted by **jimb6387**

*(and I am fully aware you can go quote from that single court case where there is*

*mentioning of a short sale. I don't know the particulars with that case but none of the other cases you posted have it .. which, btw, defeats your 'copy & paste' comments)*

That case just happened to be a bit more verbose as to the response from the banks counsel. Has nothing to do with the cut & paste job Bella's lawyers have done. Read the pleadings, it is very cut & paste.

Quote:

Originally Posted by **jimb6387**

*And since Bella does not fit the definition and the 'Prohibited Actions' are only for 'foreclosure consultants' .. none of this law applies.*

It does apply. I only posted part of the statute, but I do not see how anyone would think it does not apply.

Quote:

Originally Posted by **jimb6387**

*In fact, if your solutions are superior to Bella, I would promote yours.*

As mentioned previously, I have nothing to promote and sell.

Quote:

Originally Posted by **jimb6387**

*I just realized something .. you've been pointing out that, in your opinion, Bella is bad (for lack of a better word .. I can't really figure out what it is you are trying to say) because they are disregarding laws (again, in your opinion). And now you are pointing to laws to say Bella didn't help PonyFeet because Bella was abiding by the laws.*

Oregon is a state that takes a very hard stance on the law, mortgage/foreclosure law is no exception. If it looks interesting to the AG, he goes after it. There are just some states you would want to keep out of in my opinion. That was my basis for that.

Quote:

Originally Posted by **jimb6387**

*Something just doesn't seem right about that .. kind of like wanting your cake and eat it too.*

Not really, I think they are smart for staying out of states like Oregon and California and I believe there is a reason.

Quote:



Originally Posted by **jimb6387**

*Your 'unbiased' position seems to always land on the critical side of Bella.*

I just cannot come to any other conclusion at this point. There is nowhere near the level of supporting evidence for Bella to counteract anything.

Quote:

Originally Posted by **jimb6387**

*Combine that with your insistence of not saying who you are .. smells fishy to me!*

Who I am has nothing to do with what has been presented nor does it change anything. Take "me" out of everything I have posted and it stands on it's own. You've posted your name in an attempt to add legitimacy, and that's fine. I choose not to do so for the same reasons and, quite frankly, I am not internet presence guy. I don't twitter, facebook, linkedin, or any of that stuff. I take great care with my "name" and who and what I choose to link it to.

11-03-2011, 03:10 PM

[jimb6387](#)

Senior Member

Join Date: Jan 2010

Posts: 327

### **Re: Bella Homes, LLC**

In response to some people coming here and talking very intelligently .. I did some research to see if what they are saying is true. Specifically, I looked to see if others were buying mortgages in smaller quantities as Bella does. If it were true what they claim .. that only very large pools could be purchased (typically 300+ loans from my research or about \$50M or so), then there would be no other sites targeting smaller purchases.

What I've found are sites that state this ..

Buyers for Scratch—&—Dent Assorted Loan Paper

1. Buyer for scratch—and—dent loans nationwide. Program fall—outs, sub—prime loans, past or current delinquencies, high LTVs, or other problems. Wants first lien loans but will take a few piggyback seconds. WILL NOT buy HELOC loans. Prices to 75% ITV. Min. \$2mm, up to \$25mm. Several investors for all types of scratch—n—dent loans nationwide, subperforming or NPL, including firsts and seconds. Min. \$1M to max \$50M per pool

Buyers for Senior Position Nonperforming Loans

1. Private trust Buyer for Nonperforming Residential Notes anywhere in the US, no limits. \$100 million available.
2. Private equity fund Buyer for Nonperforming Commercial Notes nationwide, no limits. \$100M available.
3. Private buyer for NPL nationwide. Prefer loans \$50k and up. Paying 45% to 60% of UPB. Pools from \$10M to \$200M desired.
4. **Buyer for smaller packages of senior NPL. Will buy piggyback seconds. Will go nationwide. Minimum \$1M.**

#### Buyers for Assorted 2nds

1. TWO Buyers looking for second mortgages nationwide. Will take performing, delinquent and/or non—performing product. Pricing varies on delinquent status of loans in pool, market locations, and borrowers' credit. They like packages of \$5M or more.

#### Buyers for Both REO and/or NPL in Bulk

1. Private trust buyer of Non—Performing Loans & REO properties. Prefers Southeast U.S.(likes Florida). Wants individual property values of \$150k+, but will take some down to the \$100k range. \$100M to invest
2. Private hedge fund spot buyer will purchase Nonperforming paper and selected REO nationwide. Will purchase up to \$2B at one time. Has \$6B available.
3. Private individual Combo buyer for 50% REO and 50% Non Performing notes. Wants SFR—detached ONLY... NO CONDOS. Metro Las Vegas and/or Metro Phoenix area ONLY. Will pay .40 to .55 of current BPO value. Current value of individual houses must be \$200,000/up ea. retail. Has \$2.5M to invest right now. Can contract to buy \$10M total at \$2.5m per quarter over four quarters.

You can verify for yourself at ..

<http://www.nascentequity.com/main/bulkbuyerparam.html>

There is also an interesting article here ..

<http://www.articlesnatch.com/Article...ed-Debt/481366>

I know of other companies that are doing exactly what Bella is doing but on a much smaller scale and they don't allow the homeowner to buy it back at as much a discount.

I understand this can be confusing and hard to determine who is telling the truth. I don't believe it is so much about telling the truth as it is in differing opinions. Article\_info stated he didn't think people didn't exhaust all other options before trying Bella .. but since he is not promoting Bella, I am not sure how he came to that conclusion. It has been my experience that is indeed the case. Of course, my info is probably slanted because I market to those that have not had success with other options. I target the ones on their last legs (figuring I still have time to get to those at the beginning of the process later).

At minimum, understand that nobody can know all there is to know to this giant industry (including myself). For example, Article\_info stated he thought it a good opportunity to be buying and selling (flipping) homes. THAT is exactly what I was doing when I got crushed. I have another friend that has 6 properties that aren't selling for over 8 months now and he buys WAY lower than I did. It doesn't look good for him either. I would say it is a good chance that Article\_info has not flipped houses as a business. Everyone I know flipping is getting out of it .. most not by choice!

I guess my best advice at this point is to consider Bella if you have not had success in loan mods and short sales and am facing imminent foreclosure (for what would you have to lose at that point?). Bella will be able to prove to the naysayers that their strategy is working at some point (which may be sooner than later).

I'd have to say that I may be wrong about all of this. Likewise, I'd have to say that the naysayers may be wrong about all they say too (though I don't think they are quite as honest and open as I am to so admit .. I practice 'rigorous honesty in all my affairs' as a way of life .. a much better life). I am willing to speak with anyone about Bella .. just PM me. I will always give my honest opinion.

This whole subject (the foreclosure mess in general) is highly emotional and often controversial. Our nation is in a mess and most people don't know just how bad of a mess we are in. Unfortunately, there are many, many con artists that take advantage of others during these times. I know for a fact that I don't and I believe Bella does not. Perhaps others are doing so for monetary gain rather than ideals but the end result is people are being helped.

Bella has a strict policy that there can be no equity involved. That policy coupled with them turning me away says something about who they are and are not. People have accused them (actually, the father of an employee) of being nothing but greedy but that doesn't make sense. I would think if that were true they would insist on equity being available, charge fees for their services, ask for reimbursement of legal fees if they lose, and DEFINITELY would have taken my personal rent money.

The greedy SOB argument just doesn't hold water.

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[www.nowyouknow.whymbellahomes.com](http://www.nowyouknow.whymbellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

11-04-2011, 12:37 PM

[jimb6387](#)

Join Date: Jan 2010  
Posts: 327

Senior Member

**Re: Bella Homes, LLC**

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Here is an example of why I am so disgusted with the courts and attorneys and bankers that are making huge sums of money from putting families on the street.

[http://www.washingtonpost.com/busine...rfM\\_story.html](http://www.washingtonpost.com/busine...rfM_story.html)

---

[www.nowyouknow.whybellahomes.com](http://www.nowyouknow.whybellahomes.com)

You don't HAVE to be in foreclosure but you do have to owe more on the mortgage than the house is worth.

508-963-3024

11-05-2011, 11:59 AM

Join Date: Feb 2010

Posts: 21

[Article Info](#)

Junior Member

**Re: Bella Homes, LLC**

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Quote:

Originally Posted by **jimb6387**

*In response to some people coming here and talking very intelligently .. I did some research to see if what they are saying is true. Specifically, I looked to see if others were buying mortgages in smaller quantities as Bella does. If it were true what they claim .. that only very large pools could be purchased (typically 300+ loans from my research or about \$50M or so), then there would be no other sites targeting smaller purchases. What I've found are sites that state this .....*

I can tell you right off the bat all of the things you listed are 99% if not 100% crap. Not that smaller deals and such don't happen, but they do not happen like this. Anyone with a fund or a cage number does not go through this process to purchase things of this nature.....they make a phone call. All of the things you listed are people that gather up LOI's and try to shop around or use them for POF to try and close a deal. There used to be somewhat of a market for this but it was eliminated once true sellers realized the people were not closing with their own funds, were trying to re-market the pool before closing, were not closing in their own name/entity, and would walk from the trade leaving someone holding the bag. Hence a blacklist was born and specific trade practices were put in place. Go to that equity site and read the management bios.

These days anyone going by the name of "compiler", "buyers rep", "sellers rep" should let you know you are working with someone who used to be a real estate agent or mortgage broker.

You can eliminate most of these companies right off the bat by really asking only one question, but here is a small list:

- How many successful trades have you closed?
- Were you the only entity on the trade, if not, did you take the lead?
- Did you JV?
- Is this your only pool?
- How did you acquire it?
- How much of your capital is at risk at any one time?
- Is this your direct product?
- Do you have complete loan level information on the pool?
- Do you have original underwriting info, current/past FICO, up to date UPB and LTV ratios, bankruptcy info, full debt profile of the property, supporting market statistics, etc.
- How does your process work? On this one, if they say anything about LOI's and POF's upfront, hang up the phone.

All of the above is good, but all you really have to ask is the following question:

Do you have the authority to legally bind your party to the trade and take full financial responsibility for the transaction if you cannot perform?

If the answer is nothing but an unequivocal "yes", thank them for their time and hang up the phone.

Quote:

Originally Posted by **jimb6387**

*I know of other companies that are doing exactly what Bella is doing but on a much smaller scale and they don't allow the homeowner to buy it back at as much a discount.*

How are they doing it exactly?

Quote:

Originally Posted by **jimb6387**

*Article\_info stated he didn't think people didn't exhaust all other options before trying Bella .. but since he is not promoting Bella, I am not sure how he came to that conclusion. It has been my experience that is indeed the case.*

From experience, also from the survey I quoted on the [nationalhomeless.org](http://nationalhomeless.org) website in a previous post. Just saying.....

Quote:

Originally Posted by **jimb6387**

*For example, Article\_info stated he thought it a good opportunity to be buying and selling (flipping) homes.*

I stand by that statement. It is a great time, but as with any market, you make your money on the buy, not on the sell. I do not know how you or your friend conducted business so I am at a loss as far as that goes.

Quote:

Originally Posted by **jimb6387**

*I would say it is a good chance that Article\_info has not flipped houses as a business*

Unfortunately, no, that is not the case. Although I do not "flip" houses, that is a bad word.....I acquire properties cheap and then wholesale them out. I am almost positive that my current monthly volume in my home state exceeds what your yearly volume might have been.

Quote:

Originally Posted by **jimb6387**

*Everyone I know flipping is getting out of it .. most not by choice!*

Not to sound callous, but good, malinvestment helps to correct markets. Just like when mortgage brokering was hot all the used car salesmen jumped into the industry and then got out when it cooled, so to it happened in real estate speculation. Once "flip that house" and all the other like shows hit the airwaves, so did all the jumpers. It was funny at first, you could tell when whatever real estate "guru" came through town by the sheer number of newbs that would show up at various places. All they really did is artificially drive up prices on some good deals, and make thin deals really thin. You could go do this for a bit in a upward trending market, but not downward trending.

As of right now, as all the others fell by the wayside it is the same few people buying and selling as when I got into it.

Quote:

Originally Posted by **jimb6387**

*Perhaps others are doing so for monetary gain rather than ideals but the end result is people are being helped.*

Nothing wrong with doing it for monetary gain as long as it is a "win-win" deal for all parties. If you are truly providing a service that is helpful, there is no reason you should not

be paid for it.

Quote:

Originally Posted by **jimb6387**

*Bella has a strict policy that there can be no equity involved.*

My thought on that is 1. You cannot do a short sale with equity involved. 2. IF they were buying a mortgage, you would not take a book loss on a note when there is recoverable equity (in most cases). Especially if you could create equity by foreclosing out the other lien positions. 3. You are going to love this one Jim.....Harder to prove equity stripping with no upfront equity.

Quote:

Originally Posted by **jimb6387**

*People have accused them (actually, the father of an employee) of being nothing but greedy but that doesn't make sense.*

To be fair here, due to the fathers convictions and the tens of millions of dollars of judgments and the not so long ago pattern of moving/hiding assets; it would be a fair statement to say he has shown quite the propensity for greed in the not too distant past.

Quote:

Originally Posted by **jimb6387**

*I would think if that were true they would insist on equity being available, charge fees for their services, ask for reimbursement of legal fees if they lose, and DEFINITELY would have taken my personal rent money.*

Having equity in today's market would represent value, and they would have to pay for that value. They are charging fees in the form of taking a deed and collecting rent. They cannot demand fees after the fact because they cannot charge for services they did not deliver on. It is akin to the upfront fee argument. I am sure if you could look at the people they accept in comparison to the ones they turn down, there is a common theme.

Quote:

Originally Posted by **jimb6387**

*The greedy SOB argument just doesn't hold water.*

It does to me because there is no benefit to the homeowner to sign over the deed and to pay rent on the house. As stated before, the deed does not give them standing in relation to the mortgage because they are not a party to the mortgage and therefore, not harmed. It also does not give them the power to do anything with the mortgage. Everything they are doing could be accomplished with a Power of Attorney and Authorization to Release Information

form, without rent or a deed. Also, the whole "rent payment is 40%-60% of the current monthly mortgage obligation" from Q&A No. 5 thing makes no sense. How can they even determine that when you don't even know the outcome? How does that hold up to the normal market rent argument? Wait, so you are saying I am incurring a monthly rent of 40%-60% of my mortgage at the same time I am not paying my mortgage? For what benefit? Sounds to me that I deeded my home over for the opportunity to rent my house back at about 150% of my mortgage payment. W.T.F?

Also, what the hell is this now for Q&A 1.

Quote:

Bella Homes, LLC is first and foremost a premiere, real estate investment company. We purchase residential and commercial properties and offer them as leaseback opportunities to qualified homeowners. We do not offer loan modification agreements, short sales, defenses to mortgage foreclosure actions, mortgages, or renegotiate mortgages for others.

Ummmm, what? Now I have to re-read the obviously updated Q&A page.

11.

Quote:

No. Bella Homes is a national mortgage buyer.

I have not found one trade connected to Bella. National mortgage buyer gives the impression of something they are not.

13.

Quote:

If Bella Homes is unable to settle the second mortgage we will transfer the property to one of our subsidiaries and foreclose on ourselves,

Sorry, you can't, you merged interests.

14.

Quote:

Bella will offer, through a subsidiary or affiliate company, a mortgage to each tenant who exercises their option and through the lease term remain current on their lease. The rate of the owner financing will be 1% over prime.



Not in Georgia you won't.

17.

Quote:

No. Bella will not refund any of the lease payments. All of the lease payments are earned as of the date they are made as of the terms of the rental agreement.

Notice the change in the language stated. Compare it to the cached versions of the page to see why.

19.

Quote:

No. Bella Homes buys mortgages. In our business model we do not deal with short sales.

What? OK....I guess....but not according to court record listed in previous postings. Looks like they are learning a bit here.....oh wait, never mind.

21.

Quote:

The value to the client is that after Bella Homes purchases the property and does a forensic audit of the mortgage and determines the loan is illegal, and to date this has been 92% of every mortgage, Bella will defend the property that it now owns from any legal proceedings from the bank.

H.O.L.Y. S.H.I.T..... they still have the 92% of every mortgage thing in there...ummmmm.....wow. OK, well I still don't see how they are going to defend from the banks right to enforce their mortgage when they are not a party to it.

24.

Quote:

Yes, however attorneys will not discuss other clients' negotiations as that would be unethical.

I still call this BS, there is no reason not to get a release for the purposes of a testimonial.

30. Bella has changed the language.

48.

Quote:

Bella Homes is a privately owned company - no data can be disclosed. However, Bella has a goal of reaching ownership of 10,000 homes in next 3 years.

Well, that is nice way of saying things. Since when does being a private company have anything to do with data being disclosed. You show me where in the US federal level or individual state where data from a private company cannot be disclosed. The only way that is possible is if it is specifically in the bylaws or articles of organization. Even then it is a choice of the shareholders, organizers, or members. If they wanted to disclose it, they could....and why wouldn't they. How are they going to prove they made 10,000 homes outside of "we did it".

53.

Quote:

gives Bella Homes authorization to speak to and negotiate on the clients behalf with the mortgage company. Once that document has been sent to the mortgage company they can no longer harass the client. In the event they contact the client once this document has been filed, they can be fined.

What document might that be? I don't know of any clause in the fair debt collection practices act that outlines anything like that. The only thing VIA federal law is the automatic stay of creditors in bankruptcy.

54. No point to quote, read it yourself, it is just incorrect and I pointed out why in a different post.

55.

Quote:

Bella Homes is unable to determine prior to signing and closing whether or not the loan documents are legal and can be contested due to the fact that Bella Homes does not have or obtain loan documents from a prospective client prior to closing. The due diligence and legal review in that regard is expensive and Bella Homes will not go through that process until the file has closed.

Are you kidding me?

56.

Quote:

When the lender sells your loan at a discount, they are waiving their rights to any deficiency and therefore can't come after you for any deficiency.

Have they ever even bought a mortgage? Selling a mortgage at a discount to a investor DOES NOT wipe out anything. The investor has every right to collect the full amount is they so desire. If they want to satisfy the mortgage for a smaller amount, well that is something different altogether.

I'm not even going to read the rest, there just is no point.

11-05-2011, 03:57 PM

[jimb6387](#)

Senior Member

Join Date: Jan 2010

Posts: 327

**Re: Bella Homes, LLC**

Quote:

Originally Posted by **Article\_Info**

*I stand by that statement. It is a great time, but as with any market, you make your money on the buy, not on the sell. I do not know how you or your friend conducted business so I am at a loss as far as that goes.*

We both fixed up the homes so people would be buying a problem free home. We added VALUE to the property.

Quote:

Unfortunately, no, that is not the case. Although I do not "flip" houses, that is a bad word.....I acquire properties cheap and then wholesale them out. I am almost positive that my current monthly volume in my home state exceeds what your yearly volume might have been.

I figured something would come out sooner or later. It just took a little prying. I knew you weren't a 'unbiased' person.

So you are saying (correct me if I am wrong) that you buy houses and/or mortgages at a steep discount and then 'wholesale' them out (which I believe means reselling them to another investor and make a profit by being a middle man). The only way I know of doing

what you are talking about is by purchasing large volumes at one time .. which you alluded to in previous posts. Which, in turn, means you are involved with people with large sums of money (ie: the wealthy or at minimum some sort of money fund). Am I correct in saying you don't add any value to the property before selling (ie: new roof, septic, carpets, whatever)? Perhaps you add value to the *investment*, ***but not the property*** .. correct?? And this added value to the investment .. does it have anything to do with foreclosing on the properties to get a clear title?? That would explain all the knowledge of the various things you speak of but don't know enough about to be an attorney (which I believe is correct because you quote laws that are not applicable to Bella and when I say something you come back with .. well, I didn't post the whole law. (Like we are going to believe you only posted the parts that DIDN'T apply to make your point rather than those parts that did apply!)

Quote:

**Not to sound callous, but good,** malinvestment helps to correct markets. Just like when mortgage brokering was hot all the used car salesmen jumped into the industry and then got out when it cooled, so to it happened in real estate speculation. Once "flip that house" and all the other like shows hit the airwaves, so did all the jumpers. It was funny at first, you could tell when whatever real estate "guru" came through town by the sheer number of newbs that would show up at various places. *All they really did is artificially drive up prices on some good deals, and make thin deals really thin.* You could go do this for a bit in an upward trending market, but not downward trending.

As of right now, as all the others fell by the wayside it is the same few people buying and selling as when I got into it.

Ahhhhh! Yes! Of course! Get rid of the competition because they were driving the price UP! I understand now. **You want the price to go down!!** Who gives a crap about people losing their homes or any money they earned to save for the deposit or the fact that for every dollar you make extra because the price went down there are 1000 hard working Americans that lost another dollar of value that could be used for their retirement, college, or whatever.

Quote:

*Nothing wrong with doing it for monetary gain as long as it is a "win-win" deal for all parties.* If you are truly providing a service that is helpful, there is no reason you should not be paid for it.

I agree 100%. I guess I had you all wrong. I thought you were buying foreclosures or something. Like you said, I don't have a clue because I was under the impression that banks would keep mortgages that were being paid on and profitable (or at least don't sell them at deep discounts) and people wanted to keep their homes. If you are not buying foreclosures then you are buying short sales at a deep discount (which, foolish on my part, but I thought meant people were selling their homes and could be responsible for the lost money or perhaps the IRS could tax them for 'forgiven debt' .. my bad! At minimum, short sales hurt your credit)

I'd like to hear about your 'win/win' strategy and find out how the homeowner is winning. You've stated several times here that in your non-attorney opinion that people could not rent back their homes so I am assuming you don't do that.

Quote:

My thought on that is 1. You cannot do a short sale with equity involved. 2. IF they were buying a mortgage, you would not take a book loss on a note when there is recoverable equity (in most cases). Especially if you could create equity by foreclosing out the other lien positions. 3. You are going to love this one Jim.....Harder to prove equity stripping with no upfront equity.

Your thoughts are getting a little hazy. First, technically speaking, you can do a short sale with equity. There are closing costs and if there is not enough equity to cover the closing costs then it is a short sale (attorneys and real estate brokers still get paid, deed stamps (in Mass anyways)).

Second, my house had 3 mortgages and I was turned down. If foreclosing to get equity was their strategy, then mine would have been prime. Also, they do not have a requirement that there be a second mortgage to foreclose on. This simply does not apply.

Third .. LOL. Equity stripping is harder to prove when there is no equity?? I gave up smoking that stuff years and years ago. You'll have to explain that one to me. Never mind .. as I think about that I realized you probably have some way of interpreting some law, somehow, to show there are really 3 cookies in an empty cookie jar.

Quote:

To be fair here, due to the fathers convictions and the tens of millions of dollars of judgments and the not so long ago pattern of moving/hiding assets; it would be a fair statement to say he has shown quite the propensity for greed in the not too distant past.

I am definitely getting sick and tired of this constant referral to an employee's dad! His father is not owner, employee, or holds any position in Bella Homes.

Here is a link to Georgia's corporate lookup ..

<http://corp.sos.state.ga.us/corp/soskb/Corp.asp?1760157> The actual corporation is out of Delaware but they charge fees for information so this will have to do. Anyone wanting to go to Delaware Secretary of State to look it up can. I've asked EVERY TIME for someone that keeps referring to this to show me proof (or at least evidence) that he owns, runs, or works for Bella and NOT ONE! has done so. This is COMPLETE SMOKE to distract people!

Quote:

I am sure if you could look at the people they accept in comparison to the ones they turn down, there is a common theme.

LOL. This is a close second to the 'stealing equity that doesn't exist' statement.

OF COURSE there is a common theme! They have guidelines set for their business model that they follow!

Quote:

... there is no benefit to the homeowner to sign over the deed and to pay rent on the house. As stated before, the deed does not give them standing in relation to the mortgage because they are not a party to the mortgage and therefore, not harmed.

No benefit??! How about NOT HAVING TO MOVE?! How about if someone doesn't have the money for attorneys they have a chance at keeping vultures off their front lawn looking for 'deep discounts' so they can 'wholesale' their house for a quick profit? How about no disruption to the family in having to move .. not to consider the EXPENSE of moving?

Did you ever stop to think before you write that THERE HAS TO BE A BENEFIT or else no one would be going into the program?!

Then your statement as to no harm done to Bella if a mortgage is foreclosed on .. LOL. It doesn't take a brain surgeon to figure out if you spend money on attorneys, audits, buildings, salaries, etc that you would like to protect your investment (which is only protected by their ownership!) OF COURSE they have an interest .. it's their property! They don't have to be tied to the mortgage because the mortgage is tied to their property!

Quote:

Also, the whole "rent payment is 40%-60% of the current monthly mortgage obligation" from Q&A No. 5 thing makes no sense. How can they even determine that when you don't even know the outcome? How does that hold up to the normal market rent argument? Wait, so you are saying I am incurring a monthly rent of 40%-60% of my mortgage at the same time I am not paying my mortgage? For what benefit? Sounds to me that I deeded my home over for the opportunity to rent my house back at about 150% of my mortgage payment. W.T.F?

OK. I'll try to go slow here. 40-60% does not equal 150% in any math book I've ever seen. I take it you are trying to add the rent PLUS the mortgage payment to get to the 150%. If they can afford and are willing to pay the 150% as you calculate .. I would dare say they are probably better off to just pay the 100% and not to use Bella. I don't think people have to come to Scam.com to figure that one out!

Quote:

Now I have to re-read the obviously updated Q&A page.

Yes, the program is being tweaked as laws change and errors are found.

Quote:

I have not found one trade connected to Bella. National mortgage buyer gives the impression of something they are not.

Sorry, you can't, you merged interests.

[\quote]

I'd say you probably answered your own question. You've been saying they can't buy the mortgage because of some merger law. Now you are trying to say you can't find any deals in their name. Add 2 + 2!

[quote]

OK, well I still don't see how they are going to defend from the banks right to enforce their mortgage when they are not a party to it.

And you don't have to! They have the right to defend their PROPERTY! That is why they need to take title .. because they are not a party to the mortgage.

Quote:

I still call this BS, there is no reason not to get a release for the purposes of a testimonial.

Well, that is nice way of saying things. Since when does being a private company have anything to do with data being disclosed. You show me where in the US federal level or individual state where data from a private company cannot be disclosed. The only way that is possible is if it is specifically in the bylaws or articles of organization. Even then it is a choice of the shareholders, organizers, or members. If they wanted to disclose it, they could....and why wouldn't they. How are they going to prove they made 10,000 homes outside of "we did it".

Why would they have to 'prove it'. Word of mouth is working just fine. Bella isn't going to plaster someone's personal business all over the web to get self gain.

I'll point out something that I think everyone can relate to ..

**BAD NEWS TRAVELS FASTER THAN GOOD NEWS!** There will be 10 complaints before 1 compliment!

Agree??

Now go find me a complaint about Bella at a Better Business Bureau site! A REAL complaint .. not this Scam.com crap!

**WE ALL KNOW WHY NOW ..** why you didn't want anyone to know your identity (unbiased my ars!)

**EVERY SINGLE HOME BELLA SAVES IS 1 LESS HOME FOR YOU TO PROFIT ON!**

BELLA IS WORSE TO YOU THAN THOSE 'Newbs' that were ruining your precious little 'good deals'.

I hope people will now realize WHY you are on here and making such effort to discredit Bella. I'll stand in the bright light and openly state that I am pro Bella. I knew it was just a matter of time that the truth would come out about you.

Once this whole mortgage crisis is over ... YOU ARE OUT OF A JOB! The people's hardships are your bread and butter 'good deals'.

Go circle with the vultures .. I'll fly with the eagles! Heck, I'd rather fly with the pigeons!

---

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