



THE FLORIDA BAR

651 EAST JEFFERSON STREET
TALLAHASSEE, FL 32399-2300

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

850/561-5600
WWW.FLORIDABAR.ORG

September 28, 2011

Ms. Betty Decoursey
3100 Sw 35Th Place, Apt. 11C
Gainesville, FL 32608

Re: Complaint by Betty Decoursey against Robert W. Bauer
The Florida Bar File No. 2012-00,054 (8B)

Dear Ms. Decoursey:

All correspondence and documents submitted in this matter have been carefully reviewed.

Your complaint is the respondent did not utilize the legal remedies you felt were available to you.

An attorney is required to exercise professional judgment in the course of representation of a client's matters. That exercise of judgment means that, in some circumstances, the attorney should not blindly follow the client's directives when the client's directives do not comport with the attorney's professional judgment, based on his or her legal education, experience, knowledge of the facts and issues involved and understanding of the strategies required to represent the client most effectively. The Florida Bar will not attempt to substitute its judgment, retroactively, for that of the attorney.

There is insufficient evidence from the materials provided that Mr. Bauer has violated any of the rules adopted by the Supreme Court of Florida which govern attorney discipline. Accordingly, continued disciplinary proceedings in this matter are inappropriate and our file has been closed. Pursuant to the Bar's records retention schedule, the computer record and file will be disposed of one year from the date of closing.

Sincerely,

William W. Wilhelm, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

cc: Mr. Robert W. Bauer



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TALLAHASSEE, FL 32399-2300

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July 26, 2011

Mr. Robert W. Bauer
2815 NW 13th St
2815 NW 13th St Ste 200E
Gainesville, FL 32609-2861

Re: Betty Decoursey; The Florida Bar File No. 2012-00,054 (8B)

Dear Mr. Bauer:

Enclosed is a copy of an inquiry/complaint and any supporting documents submitted by the above referenced complainant(s). Your response to this complaint is required under the provisions of Rule 4-8.4(g), Rules of Professional Conduct of the Rules Regulating The Florida Bar, and is due in our office by **August 10, 2011**. Responses should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). Please note that any correspondence must be sent through the U.S. mail; we cannot accept faxed material. **You are further requested to furnish the complainant with a complete copy of your written response, including any documents submitted therewith.**

Please note that pursuant to Rule 3-7.1(b), Rules of Discipline, any reports, correspondence, papers, recordings and/or transcripts of hearings received from either you or the complainant(s) shall become a part of the public record in this matter and thus accessible to the public upon a disposition of this file. It should be noted that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain. Pursuant to Rule 3-7.1(f), Rules of Discipline, you are further required to complete and return the enclosed Certificate of Disclosure form.

Finally, the filing of this complaint does not preclude communication between the attorney and the complainant(s). Please review the enclosed Notice for information on submitting your response.

Sincerely,

William W. Wilhelm, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

Enclosures (Certificate of Disclosure, Notice of Grievance Procedures, Copy of Complaint, Notice - Mailing Instructions)

cc: Betty Decoursey

Pursuant to Rule 3-7.1(f), Rules of Discipline, you must execute the appropriate disclosure paragraph below and return the form to this office by **August 10, 2011**. The rule provides that the nature of the charges be stated in the notice to your firm; however, we suggest that you attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this _____ day of _____, 201____, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and, if different, to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2012-00,054 (8B).

Robert W. Bauer

CERTIFICATE OF DISCLOSURE
(Corporate/Government Employment)

I HEREBY CERTIFY that on this _____ day of _____, 201____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2012-00,054 (8B).

Robert W. Bauer

CERTIFICATE OF NON-LAW FIRM AFFILIATION
(Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this _____ day of _____, 201____, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2012-00,054 (8B).

Robert W. Bauer

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an informal inquiry. Your response is required under the provisions of The Rules Regulating The Florida Bar 4-8.4(g), Rules of Professional Conduct. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3 of the Rules of Discipline.
2. Many complaints considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. "Pursuant to Rule 3-7.1(a), Rules of Discipline, any response by you in these proceedings shall become part of the public record of this matter and thereby become accessible to the public upon the closure of the case by Bar counsel or upon a finding of no probable cause, probable cause, minor misconduct, or recommendation of diversion. Disclosure during the pendency of an investigation may be made only as to status if a specific inquiry concerning this case is made and if this matter is generally known to be in the public domain."
4. The grievance committee is the Bar's "grand jury." Its function and procedure are set forth in Rule 3-7.4. Proceedings before the grievance committee, for the most part, are non-adversarial in nature. However, you should carefully review Chapter 3 of the Rules Regulating The Florida Bar.
5. If the grievance committee finds probable cause, formal adversarial proceedings, which ordinarily lead to disposition by the Supreme Court of Florida, will be commenced under 3-7.6, unless a plea is submitted under Rule 3-7.9



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EXECUTIVE DIRECTOR

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July 26, 2011

Ms. Betty Decoursey
3100 Sw 35th Place, Apt. 11c
Gainesville, FL 32608

Re: Robert W. Bauer; The Florida Bar File No. 2012-00,054 (8B)

Dear Ms. Decoursey:

Enclosed is a copy of our letter to Mr. Bauer which requires a response to your complaint.

Once you receive Mr. Bauer's response, you have 10 days to file a rebuttal if you so desire. If you decide to file a rebuttal, please send a copy to Mr. Bauer. Rebuttals should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Please address any and all correspondence to me. Please note that any correspondence must be sent through the U.S. mail; we cannot accept faxed material.

Please be advised that as an arm of the Supreme Court of Florida, The Florida Bar can investigate allegations of misconduct against attorneys, and where appropriate, request that the attorney be disciplined. The Florida Bar cannot render legal advice nor can The Florida Bar represent individuals or intervene on their behalf in any civil or criminal matter.

Please review the enclosed Notice on mailing instructions for information on submitting your rebuttal.

Sincerely,

William W. Wilhelm, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

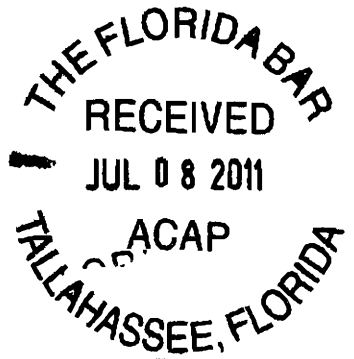
Enclosures (Notice of Grievance Procedures, Copy of Letter to Mr. Bauer; Notice - Mailing Instructions)

cc: Mr. Robert W. Bauer

NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an informal inquiry. Your response is required under the provisions of The Rules Regulating The Florida Bar 4-8.4(g), Rules of Professional Conduct. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3 of the Rules of Discipline.
2. Many complaints considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. "Pursuant to Rule 3-7.1(a), Rules of Discipline, any response by you in these proceedings shall become part of the public record of this matter and thereby become accessible to the public upon the closure of the case by Bar counsel or upon a finding of no probable cause, probable cause, minor misconduct, or recommendation of diversion. Disclosure during the pendency of an investigation may be made only as to status if a specific inquiry concerning this case is made and if this matter is generally known to be in the public domain."
4. The grievance committee is the Bar's "grand jury." Its function and procedure are set forth in Rule 3-7.4. Proceedings before the grievance committee, for the most part, are non-adversarial in nature. However, you should carefully review Chapter 3 of the Rules Regulating The Florida Bar.
5. If the grievance committee finds probable cause, formal adversarial proceedings, which ordinarily lead to disposition by the Supreme Court of Florida, will be commenced under 3-7.6, unless a plea is submitted under Rule 3-7.9

The Florida Bar Inquiry/Complaint Form



Mr. James DeCoursey
3100 SW 35th Place, Apt. 11C
Gainesville, FL 32608

PART ONE: (Read instructions on reverse side.)

Your Name: <u>Betty DeCoursey</u>	Attorney's Name: <u>Robert W. Bauer</u>
Address: <u>3100 SW 35th Pl, 11C</u>	Address: <u>2815 NW 13th Street, Suite 200</u>
City: <u>Gainesville</u> State: <u>FL</u>	City: <u>Gainesville</u> State: <u>FL</u>
Phone: <u>352)374-0611</u> Zip Code: <u>32608</u>	Phone: <u>352)375-5960</u> Zip Code: <u>32609</u>
ACAP Reference No. 11-22825	

PART TWO: The specific thing or things I am complaining about are:

See Attached

PART THREE: The witnesses in support of my allegations are: [see attached sheet].

PART FOUR: Under penalty of perjury, I declare the foregoing facts are true, correct and complete.

Betty DeCoursey 67-05-11
[Signature] 7-5-11
Signature Date

Return Completed Form to:
Attorney/Consumer Assistance Program
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
Toll Free - 866-352-0707

FLORIDA BAR COMPLAINT FORM, ATTACHEMENT FOR PART TWO FOR

ROBERT W. BAUER

Mr. Bauer knew or should have known a hearing in federal court would assure his clients rights as Disabled and elderly persons would be afforded and Mr. De Coursey's allegations of federal wire fraud And other federal concerns could be addressed. On September 4, 2007 Mr. Bauer in correspondence (see Exhibit A) declined to represent the De Courseys in part because we didn't have \$2,500.00 retainer fee , yet On March 26, 2008 filed an amended complaint on our behalf with no retainer's fee nor request to remove Case to federal jurisdiction due to the De Courseys disabled and elderly status (see exhibit B pages1-2 lines 5-7) Mr. Bauer knew from evidence (see exhibit B page4 35-41) that was undisputable fraud had been Committed, he also knew crimes of deception and exploitation of a disabled person had occurred (see exhibit B pgs 8-9 67-75) yet submitted nothing to protect his clients Constitutional or civil rights nor did he Inform tribunal of the high probability of the commission of federal crimes by opposing counsel. Mr. Bauer knew keeping case in county court would surpass state statue of limitations for bank fraud and other crimes Of issue Mr. Bauer Knew when he filed the amended complaint his clients would never receive justice and After 2 years 9 months succeeded in assisting opposing counsel in obtaining an order of summary judgment Due to State statue of limitations (see exhibit C) Mr. Cooper , Mr. Hope, Mr. Bauer, and all counselors Involved knew American General Home Equity, and American General Finance were guilty of defrauding A disabled person, wire fraud and a plethora of other crimes state and federal. As a non- member of the Bar I knew this from day one and knew all cases warranted removal to federal jurisdiction but was unaware of **RULE 28 U.S.CODE ss1443 (1)** concerning vindication of ones federal rights until September 2010 and Asked Mr. Bauer to petition court for change of venue and I would get an attorney to represent us at the Federal level he refused (see exhibit D) all involved are guilty of crimes of collusion and obstruction of Justice at least. I have court documents available upon request to substantiate all allegations.

PART THREE : witnesses in support

1. James & Betty De Coursey
3100 S.W. 35th Pl Apt 11C
Gainesville, Fl. 32608
352- 374-0615
2. Robert W, Bauer
2815 N.W. 13th Street

Suite 200
Gainesville, Fl. 32609
352-375-5960

The LAW OFFICE OF
ROBERT W. BAUER, P.A.

Exhibit A

2815 NW 13th Street
Suite 200
Gainesville, FL 32609

Tele: 352.375.5960
Fax: 352.337.2518

Internet address:
RWB@bauerlegal.com

**ATTORNEY-CLIENT COMMUNICATION: THIS DOCUMENT AND ITS
CONTENTS CONSTITUTE LEGALLY PRIVILEGED INFORMATION**

September 4, 2007

James and Betty De Coursey
2323 SW 35th Pl
Gainesville, FL 32608

Re: Civil Complaint

Dear Mr. and Mrs. De Coursey,

Thank you for the opportunity to review your case. I regret to inform you that I am not your attorney at this time as I have either chosen to decline to represent you regarding the above-referenced matter or you have declined to retain me as of yet. I will take no further action on your behalf unless you contact my office and sign a fee agreement.

Based on my review of the matter, I cannot represent you. Nevertheless, you may have viable legal rights or interests that require legal representation.

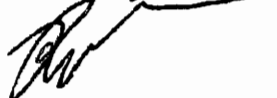
Accordingly, I suggest you contact another law firm or the Lawyer's Referral Service in order to obtain *legal representation* as soon as possible.

You should contact another attorney immediately with any questions that you may have regarding this legal matter and *any statute of limitations or other* time limits that may be applicable. We give no opinion as to the applicable statute of limitations at this time. If you fail to file your claim within the appropriate statute of limitations you may lose your claim.

This letter also confirms that I have not advised you to take any specific actions concerning the legal matter. I have not advised, suggested or made you settle this legal matter since I have not acted as your attorney. Furthermore, this letter confirms my position that you should not drop this legal concern just because I have not taken the case.

If you have any questions, please contact me in writing at the above address.

Sincerely,



Robert W. Bauer, Esq.

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA**

Case No.: 01-07-CA-3006

Division: J

**JAMES A. DeCOURSEY and BETTY
J. DeCOURSEY,
Plaintiffs,**

vs.

**AMERICAN GENERAL FINANCE, A Florida
Corporation, AMERICAN GENERAL HOME
EQUITY, and CAPITAL CITY BANK OF
GAINESVILLE,
Defendants.**

AMENDED COMPLAINT

James W. DeCoursey and Betty Y. DeCoursey, Plaintiffs herein, file this Complaint against American General Finance, a Florida Corporation, American General Home Equity, Defendants herein, and allege:

PARTIES

1. Plaintiff, JAMES A. DeCOURSEY, an individual, sui juris, resides in Bradford County, Florida.
2. Plaintiff, BETTY J. DeCOURSEY, an individual, sui juris, resides in Bradford County, Florida.
3. Defendant, AMERICAN GENERAL FINANCE is Florida corporation.
4. Defendant, AMERICAN GENERAL HOME EQUITY, is Delaware corporation qualified to do business in Florida.

JURISDICTIONAL STATEMENT

5. This is an action for damages in excess of \$15,000.00, exclusive of interest and costs.

This action is a matter within the jurisdiction of the court in accordance with Section 26.012(2) of the Florida Statutes.

VENUE

6. Venue in Alachua County, Florida is proper in this action under Section 47.011 of the Florida Statutes because all parties, properties, and transactions giving rise to this action are found in this county.
7. All conditions precedent to the filing of this action has occurred or will have occurred prior to the time of service of process upon the defendants.

FACTS IN SUPPORT OF CLAIMS

8. Defendants, AMERICAN GENERAL FINANCE, Inc. and AMERICAN GENERAL HOME EQUITY, Inc. are wholly owned subsidiaries of AMERICAN INTERNATIONAL GROUP, Inc.
9. According to the Florida Division of Corporation Defendants, AMERICAN GENERAL FINANCE, Inc. and AMERICAN GENERAL HOME EQUITY, Inc. have identical principal addresses, mailing addresses, registered agent names & addresses, five of six officers/directors, both filed "latest events" on January 2, 1990; and both have filed their annual reports on the same day, since 2003. See Exhibit A and B.
10. According to SEC reports, Defendant, AMERICAN GENERAL HOME EQUITY, Inc. is a subsidiary of Defendant, AMERICAN GENERAL FINANCE, Inc. See Exhibit C.
11. Defendants, AMERICAN GENERAL FINANCE, Inc. and AMERICAN GENERAL HOME EQUITY, Inc. use the same computer hardware, software, and are in the same offices buildings under the logo "AMERICAN GENERAL."
12. Plaintiffs, JAMES A. DeCOURSEY and BETTY J. DeCOURSEY are husband and wife, and the parents of PAULA V. WHITE (hereinafter referred to as "WHITE").
13. In 2001, AMERICAN GENERAL FINANCE, Inc. obtained a Judgment against WHITE and Plaintiff, BETTY J. DeCOURSEY in an Alachua County Court. Case No.: 01-2001-SC-5364.
14. Following entry of that judgment, AMERICAN GENERAL FIANCE, Inc. attempted to collect the Judgment against Plaintiff, BETTY J. DeCOURSEY through a garnishment action.
15. On or about June 6, 2002, an "ORDER RETURNING DEPOSIT TO PLAINTIFF AND

- default interest and late fees were to be waived.
29. EMPLOYEE stated to Plaintiffs that no foreclosure action would resume if the \$1,500.00 payment was made.
 30. EMPLOYEE received permission from the Plaintiffs to process a payment directly from their personal account.
 31. The personal account of the Plaintiffs was debited \$1,500.00 on March 5, 2003 in accordance with EMPLOYEE's instructions.
 32. Plaintiffs reasonably believed that the \$1,500.00 check would be applied against the balance of WHITE's mortgage, and AMERICAN GENERAL HOME EQUITY, Inc. would forbear foreclosure proceedings upon compliance with the terms represented.
 33. The mortgagor, WHITE, was the intended third party beneficiary.
 34. Upon receipt and process of the \$1,500.00 payment, Defendants applied those funds to reduce the amount due on the AMERICAN FINANCE, Inc.'s Judgment against BETTY J. DeCOURSEY.
 35. The check indicates an authorized withdraw designating AMERICAN GENERAL FINANCE for "JAMES & BETTY DECOURSEY, BETTY WHITE." See Exhibit E.
 36. At no time relevant to this case did Plaintiff, JAMES A. DeCOURSEY possess an individual or joint account or debt with either Defendant, AMERICAN GENERAL HOME EQUITY, Inc. or AMERICAN GENERAL FINANCE, Inc.
 37. Accordingly, JAMES A. DeCOURSEY had no reason to be making payment to either defendant other than for the purpose stated above.
 38. At no time relevant to this complaint had Plaintiffs, JAMES A. DeCOURSEY, or BETTY J. DeCOURSEY attempted to make a payment toward the amount allegedly outstanding from AMERICAN GENERAL FINANCE, Inc.'s Judgment.
 39. "American General" employee, LAURA HICKS, alleges receiving a payment from JAMES A. DeCOURSEY, while the foreclosure proceeding was put on hold. See Exhibit F, pg 26.
 40. Prior to accepting payment, LAURA HICKS had special knowledge of the foreclosure action and the Plaintiffs. See Exhibit F, pg 26.
 41. At all time relevant to this complaint, LAURA HICKS is or was an employee of Defendant, AMERICAN GENERAL FINANCE, Inc.

Practices Act (Fla. Stat. §§ 501.201 to 501.213) in the amount no less than \$15,000.00.

63. At all times relevant to this complaint, Defendants, AMERICAN GENERAL FINANCE, Inc. and AMERICAN GENERAL HOME EQUITY, Inc. were engaged in the specific act of "trade and/or commerce" in the marketing, representation, and sale of real property pursuant to Fla. Stat. §§ 501.204(1).
64. Plaintiffs engaged Defendants, AMERICAN GENERAL FINANCE, Inc. and AMERICAN GENERAL HOME EQUITY, Inc. for the purpose of reinstating a mortgage encumbering a property used as Plaintiffs' residence.
65. The agreement between Plaintiffs and Defendants, AMERICAN GENERAL FINANCE, Inc. and AMERICAN GENERAL HOME EQUITY, Inc. was a "consumer transaction" within the scope of the Florida Deceptive and Unfair Trade Act, §§ 501.201 to 501.213 of the Florida Statutes.
66. Plaintiffs have never been engaged in a business for the financing or sale of homes on a commercial scale.
67. Defendants, AMERICAN GENERAL FINANCE, Inc. and AMERICAN GENERAL HOME EQUITY, Inc. engaged in unconscionable and deceptive acts by:
 - a. Engaging a third party (Plaintiffs) to contribute to the outstanding balance on a mortgage with the intent and result of appropriating that money to another account;
 - b. Deceiving a third party to a mortgage agreement or debt as to the relationship between Defendants for the purpose of confusing and concealing the actual appropriation of payments received by Defendants from a third party (Plaintiffs) toward an the outstanding balance; and
 - c. Using a bait and switch approach to collect on a Judgment by convincing a party (Plaintiffs) that the payment will go toward an existing mortgage.
68. By engaging in the above conduct, Defendants, AMERICAN GENERAL FINANCE, Inc. and AMERICAN GENERAL HOME EQUITY, Inc. committed an unfair and deceptive trade practice in connection with the solicitation and advertisement of reinstatement of a mortgage to third party.
69. Defendants' behavior constitutes a threat to the general public and consumers at large

who may respond to Defendants advertisements, solicitations, negotiations, or representations of good faith or fact.

70. Plaintiffs delay in bringing this action under Florida's Deceptive and Unfair Trade Practices is the direct and proximate result of Defendants' collective and individual fraud and collusion.
71. As a result of Defendants' unlawful conduct, Plaintiffs have suffered an ascertainable loss of money and value in property as follows: repair costs, permit costs, value of the property, and residency.
72. Plaintiffs' injuries were further aggravated by Defendants, AMERICAN GENERAL FINANCE, Inc.'s, and AMERICAN GENERAL HOME EQUITY, Inc.'s collusion, deception, and the exploitation of Plaintiff, JAMES A. DeCOURSEY's disability.
73. Defendant, AMERICAN GENERAL FINANCE, Inc.'s possession, ownership, and control over Defendant, AMERICAN GENERAL HOME EQUITY, Inc. imputes all actions of both Defendants upon each other.

WHEREFORE, Plaintiffs, JAMES A. DeCOURSEY and BETTY J. DeCOURSEY request judgment against defendant for actual damages, jury trial, reasonable attorney's fees and costs of suit pursuant to § 501.211(2) of the Florida Statutes, and any further relief that the court may deem just and proper.

COUNT 3

FRAUDULENT MISREPRESENTATION - AMERICAN GENERAL FINANCE, Inc. & AMERICAN GENERAL HOME EQUITY, Inc.

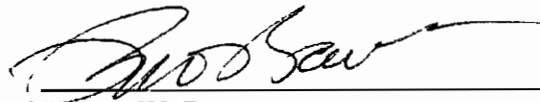
Plaintiffs, JAMES A. DeCOURSEY and BETTY J. DeCOURSEY bring this action for fraudulent misrepresentation against Defendants, AMERICAN GENERAL FINANCE, Inc. and AMERICAN GENERAL HOME EQUITY, Inc.

74. Plaintiffs, JAMES A. DeCOURSEY and BETTY J. DeCOURSEY adopt by reference, as if set out fully and completely in this Count, the following statements of this Complaint: Paragraphs 1 through 42.
75. Defendants, AMERICAN GENERAL FINANCE, and AMERICAN GENERAL HOME EQUITY, Inc. individually and in concert made false statements concerning material facts.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing AMENDED COMPLAINT was served to the following by U.S. Mail this 26 day of March, 2008:

Noel Boeke. Esq
Holland & Knight LLP
P.O. Box 1288
Tampa, FL 33601
Attorney for American General



Robert W. Bauer
Attorney for Plaintiffs
Florida Bar No. 11058
2815 NW 13th Street
Suite 200E
Gainesville, FL 32609
Telephone: (352) 375-5960
Fax: (352) 337-2518

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

JAMES W. DeCOURSEY and
BETTY Y. DeCOURSEY,

CASE NO: 2007-CA-3006

Plaintiffs,

vs.

DIVISION: K

AMERICAN GENERAL FINANCE,
A Florida corporation, AMERICAN
GENERAL HOME EQUITY,
CAPITAL CITY BANK OF GAINESVILLE,

Defendants.

ORDER GRANTING DEFENDANTS MOTION FOR SUMMARY JUDGMENT

Defendants, American General Finance (AGF) and American General Home Equity (AGHE), moved for Summary Judgment on all claims filed by Plaintiffs, James W. DeCoursey and Betty Y. DeCoursey. Hearing on this motion was held on November 15, 2010 at which time the Court received case law and argument from respective counsel.

Being fully advised in the premises, the Court FINDS and ADJUDGES as follows:

1. Plaintiffs' claims are barred as a matter of law by the applicable statute of limitations, the doctrine of collateral estoppel, and Florida's Banking Statute of Frauds, codified at § 687.0304, Florida Statutes (2010).
2. Defendant's Motion for Summary Judgment should be and is hereby **GRANTED** and Plaintiffs shall take nothing from Defendants, American General Finance and American General Home Equity.

DONE AND ORDERED in Chambers at Gainesville, Alachua County, Florida, on this 23 day of November, 2010.

ORIGINAL SIGNED BY
VICTOR L. HULSLANDER
CIRCUIT JUDGE

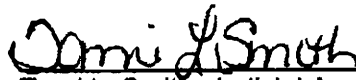
VICTOR L. HULSLANDER, Circuit Judge

Order Granting MSJ
DeCoursey vs. American General
Case No: 2007-CA-3006
Page 2

04 I HEREBY CERTIFY that copies have been furnished by hand delivery or U.S. Mail on this day of November 2010, to the following:

ROBERT W. BAUER, ESQ.
2815 NW 13th Street, Ste. 200E
Gainesville, FL 32609
Attorney for Plaintiff

JUSTIN L. DEES, ESQ.
Holland & Knight, LLP
100 N. Tampa Street, Ste. 4100
P.O. Box 1288
Tampa, FL 33601-1288



Tami L. Smith, Judicial Assistant

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Jan Phillips at the Court Administrator's Office, Alachua County Courthouse, Room 410, 201 East University Avenue, Gainesville, Florida, 32601 (352-374-3648) within 2 working days of your receipt of this Order; if you are hearing or voice impaired, call 1-800-955-8771.

EXHIBIT D

The Law Offices of
Robert W. Bauer, P.A.
2815 NW 13th Street, Suite 200E, Gainesville, FL 32609
www.bauerlegal.com

Robert W. Bauer, Esq.
David M. Sams, Esq.

Phone: (352)375.5960
Fax: (352)337.2518

September 22, 2010

James DeCoursey
3100 SW 35th Place
Apt. 11 C
Gainesville, Florida 32608

Re: Client ID 200802

Dear Mr. DeCoursey:

This letter is in response to your telephone call of today's date and your request to have the case removed to Federal Court. I am sorry that I do not have the availability to respond by phone.

At this time I am not interesting in removing the case to federal court on your behalf. If you still wish to do so you will need to get another attorney. I am interested in continuing to represent you at the state level. Thank you and I hope you are doing well.

Sincerely,

Robert W. Bauer, Esq.

The Law Offices of

Robert W. Bauer, P.A.

2815 NW 13th Street Suite 200F, Gainesville FL 32609

www.bauerlegal.com

Robert W. Bauer Esq

Christopher Parker Cyrus, P.A.

Maria Perez Youngblood Esq

Phone (352)375 5960

Fax (352)337 2518

August 19, 2011

William Wilhelm, Esquire
Bar Counsel
The Florida Bar
651 E. Jefferson Street
Tallahassee, Florida 32399-2300

Re: Betty DeCoursey, 1FB File No.: 2012-00.054(8b)

Dear Mr. Wilhelm:

This letter is my response to the above Florida Bar complaint and your directive to file a rebuttal within ten (10) days of receipt of said complaint. After reviewing Betty and James DeCoursey's inquiry and complaint form and attached narrative, I am somewhat at a loss as to what the client's actual allegations contained therein are. Therefore, I will make my best effort to attempt to respond to the statements made therein.

**The following is a brief case history of James DeCoursey
and Betty DeCoursey v. American General Finance, et.al.**

In 2001, American General Finance, Inc. obtained a judgment against the DeCoursey's daughter, Paula V. White (hereinafter "White") and, Betty J. DeCoursey. Notably, Mr. James DeCoursey was not a party to the judgment. Following entry of that judgment, American General Finance, Inc. attempted to collect the Judgment against Betty DeCoursey, through a garnishment action. On or about June 6, 2002, an "ORDER RETURNING DEPOSIT TO PLAINTIFF AND TERMINATING CONTINUING WRIT OF GARNISHMENT," dissolved the writ and ordered AMERICAN GENERAL FINANCE, Inc. to return all monies garnished. In short the court found that Mrs. DeCoursey was Judgment proof.

In an initially unrelated matter, on or about March 27, 1998, White executed a mortgage in favor of American General Home Equity, Inc. which encumbered the property at 4507 SE 1st Avenue, Gainesville, Alachua County, Florida. The DeCoursey's, due in part to a financial interest and residence on the 4507 SE 1st Ave property, financially assisted White in obtaining the mortgage. However, the DeCoursey's were not named on the mortgage or note. When White fell behind on the mortgage, James DeCoursey, unsuccessfully attempted to settle disputes and reinstate White's mortgage, by means of contacting American General Finance and counsel for American General Home Equity, Inc. On or about February 13, 2003 Defendant, American General Home Equity, Inc. initiated a foreclosure action. On or about March 2, 2003, James DeCoursey was contacted via telephone by a woman identifying herself as a collection agent on behalf of American General Home Equity, Inc, regarding unpaid mortgage installments. Please note that American General Finance, Inc. is a sister corporation of American General Home Equity, Inc. During the conversation, the woman presented detailed knowledge of the mortgage at issue, representing specific knowledge of Plaintiffs personal information, American General Home Equity's position, and amounts owed.

During the conversation, the woman offered to reinstate the mortgage and to allow normal monthly payments thereafter, thereby avoiding foreclosure, upon receipt of \$1,500.00; default interest and late fees were to be waived. During the conversation, the woman provided Mr. DeCoursey with instructions on how to make payment, including the account number which was to be reflected on the check and the mailing address for tendering the check. On or about March 5, 2003, Plaintiffs submitted the payment of \$1,500.00 on March 5, 2003. Upon receipt and process of the \$1,500.00 payment, Defendants applied those funds to reduce the amount due on the American Finance, Inc.'s Judgment against Betty DeCoursey and not against the American General Home Equity's home loan.

On or about October 7, 2004, Plaintiffs James DeCoursey and Betty DeCoursey were evicted from their residence in association with the foreclosure and judicial sale White.

The DeCoursey's claimed an equitable interest in the home by way of fact that they had established residence in the home and were contributing to the mortgage. The DeCoursey's

claimed a loss of their equitable interest in the equity in the home in the amount of approximately \$50,000.00.

The following are the problems identified with Mr. DeCoursey's case.

The first problem with the DeCoursey's case was Mr. DeCoursey's passionate pursuit of his case. Prior to my becoming part of the case Mr. DeCoursey had a restraining order taken out on him for allegedly going to one of the branches of the bank and allegedly threatening the works there. This wasn't a substantive problem; however it did in some way complicate the case.

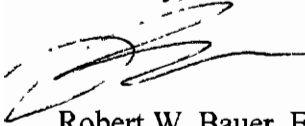
The second and chief problem for the DeCoursey's was the statute of limitations. The DeCoursey's allege that the fraudulent act that gave rise to their claim occurred on March 5, 2003. The DeCoursey's filed their action pro se on July 20, 2007 which was past the 4 year statute of limitations for fraud. I attempted to use the floating deadline for the statute of fraud that allows for when they knew or should have know. However, due to some of the action of the DeCoursey's prior to my representing it make it very difficult to argue that they did not know of the fraud before July 20, 2003. Some of those actions included the restraining order Pro Se filings that established their time of knowledge. There was some "wigggle room" to work with, but not enough to convince the judge. Therefore, since we could not show that they discovered after July 20, 2003 – we lost on a statute of limitations issue.

In regards to the DeCoursey's allegations that I did something wrong by initially denying their case, I have the right to refuse to represent an individual in a particular action and I chose not initially and then I changed my mind. I did, in fact, send the September 4, 2007 letter declining representation (please note this is after the statute of limitations had already passed). This letter was sent immediately after our initial consolation. However, after further conversations, I agreed to represent the DeCoursey's. I had sympathy for Mr. DeCoursey's status and a disabled veteran, being a veteran myself. I agreed to try to get fees paid for by the opposing party. Specifically, I attempted to use the Deceptive and Unfair Trade Practice Claim in order to represent the DeCoursey's, which also have the possibility of getting attorneys fees.

In regards that I refused to transfer the case to Federal Court – that is correct. I saw no need to transfer to federal court, the state court was quite capable of handling this case and I offered to allow him to find another attorney who would be willing to go to Federal Court. I do not believe I have an obligation to represent a client in Federal Court.

The chief problem with this case was that the DeCoursey's had a bad case – it was past the statute of limits. Regardless, in mediation I was able to get a \$15,000.00 offer of settlement for them and the DeCoursey's refused. I did not push the cash further because I was still having telephone conversation with opposing counsel and there were strong indications that he might be able to get more money out of his client. I felt that this was the best strategy for the case as I strongly suspected that the outcome would be as it ultimately was. There really was nothing more that could have been done for this case and I charged the DeCoursey's nothing for my services.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Bauer", with a stylized flourish at the end.

Robert W. Bauer, Esq.



THE FLORIDA BAR

651 EAST JEFFERSON STREET
TALLAHASSEE, FL 32399-2300

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

850/561-5600
WWW.FLORIDABAR.ORG

August 23, 2011

Ms. Betty Decoursey
3100 Sw 35Th Place, Apt. 11C
Gainesville, FL 32608

Re: Complaint by Betty Decoursey against Robert W. Bauer; The Florida Bar File No. 2012-00,054 (8B)

Dear Ms. Decoursey:

Enclosed you will find Mr. Robert W. Bauer's response to your complaint, which does not reflect a copy being mailed to you.

If you wish to file a rebuttal to the response, please do so in writing by **September 7, 2011**.

Sincerely,

William W. Wilhelm, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707
Enclosure

cc: Mr. Robert W. Bauer



THE FLORIDA BAR

651 EAST JEFFERSON STREET
TALLAHASSEE, FL 32399-2300

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

850/561-5600
WWW.FLORIDABAR.ORG

August 23, 2011

Mr. Robert W. Bauer
Law Office of Robert W. Bauer
2815 NW 13th St Ste 200E
Gainesville, FL 32609-2861

Re: Complaint by Betty Decoursey against Robert W. Bauer; The Florida Bar File No. 2012-00,054 (8B)

Dear Mr. Bauer:

While the Bar has received a response to the above inquiry/complaint, the required disclosure form was not returned with the response.

Rule 3-7.1(f) applies to all attorneys against whom a disciplinary file is opened regardless of the merit. The rule requires limited disclosure of the nature of the charges to the present law firm/employer and, if different, respondent's law firm/employer at the time of the alleged acts giving rise to the subject complaint.

Please note the disclosure must be in writing and executed within 15 days of receipt of the inquiry/complaint, with a copy served upon The Florida Bar. For your convenience, attached is a Certificate of Disclosure form.

Please return the completed disclosure to our office by **September 7, 2011**.

Sincerely,

William W. Wilhelm, Bar Counsel
Attorney Consumer Assistance Program
ACAP Hotline 866-352-0707

Pursuant to Rule 3-7.1(f), The Rules Regulating The Florida Bar, you must execute the applicable section of this form and return it to my attention by **September 7, 2011**. The rule provides that the nature of the charges be described in the notice to your firm or you may attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this ____ day of _____, 20__, a true copy of the foregoing disclosure was furnished to _____, a member of my present law firm of _____, and/or to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2012-00,054 (8B).

Robert W. Bauer

CERTIFICATE OF DISCLOSURE

(Corporate/Government Employment)

I HEREBY CERTIFY that on this ____ day of _____, 200__, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2012-00,054 (8B).

Robert W. Bauer

CERTIFICATE OF NON-LAW FIRM AFFILIATION

(Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this ____ day of _____, 20__, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2012-00,054 (8B).

Robert W. Bauer

**THE FLORIDA BAR
RECEIVED**

AUG 30 2011

The Law Offices of

Robert W. Bauer, P.A.

2815 NW 13th Street, Suite 200E, Gainesville, FL 32609

www.bauerlegal.com

Robert W. Bauer, Esq.

Maria Perez Youngblood, Esq.

Phone: (352)375.5960

Fax: (352)337.2518

August 26, 2011

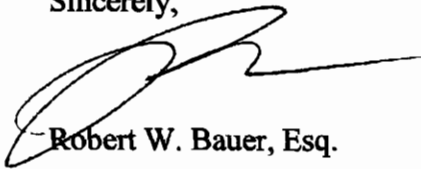
William Wilhelm, Esquire
Bar Counsel
The Florida Bar
651 E Jefferson Street
Tallahassee, Florida 32399-2300

Re: Betty DeCoursey; TFB File No.: 2012-00,054(8b)

Dear Mr. Wilhelm:

Enclosed please find the Certificate of Disclosure in the above-referenced matter. Thank you for your attention in this matter and should you have any questions or concerns regarding same please do not hesitate to contact me.

Sincerely,



Robert W. Bauer, Esq.

Pursuant to Rule 3-7.1(f), The Rules Regulating The Florida Bar, you must execute the applicable section of this form and return it to my attention by **September 7, 2011**. The rule provides that the nature of the charges be described in the notice to your firm or you may attach a copy of the complaint.

CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this 26 day of August, 2011, a true copy of the foregoing disclosure was furnished to Maria Youngblood, a member of my present law firm of Law Office of Robert W. Bauer, P.A., and/or to _____, a member of the law firm of _____, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2012-00,054 (8B).



Robert W. Bauer

CERTIFICATE OF DISCLOSURE

(Corporate/Government Employment)

I HEREBY CERTIFY that on this _____ day of _____, 200____, a true copy of the foregoing disclosure was furnished to _____, my supervisor at _____ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2012-00,054 (8B).

Robert W. Bauer

CERTIFICATE OF NON-LAW FIRM AFFILIATION

(Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this ___ day of _____, 20___, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2012-00,054 (8B).

Robert W. Bauer

September 2, 2011

SEP 07 2011


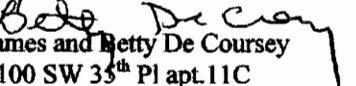
William W. Wilhelm Esq.
Florida. Bar Counsel
651 Jefferson Street
Tallahassee, Fl. 32399-2300

Re: Robert W. Bauer; Florida bar File No. 2012-00,054 (8B)

Dear Mr. Wilhelm is in response to Mr. Bauer's letter dated August 19, 2011 complainants ascertain Mr. Bauer's actions and service were never criminal or prejudicial. Mr. Bauer knew Mr. De Coursey was not a Party to AGF judgment and had never had an account with AGF therefore would have no reason to Communicate with or make payment to aforementioned. De Courseys did not assist their daughter in Obtaining mortgage. To simplify matters and avoid redundancy evidence prove and Mr. Bauer knew AGHE received permission to withdraw funds from the De Courseys checking account he also knew AGF Withdrew funds from the De Courseys account with the statement "AS AUTHOURIZED BY JAMES AND BETTY DE COURSEY AND BETTY WHITE with this evidence and the De Courseys statement Concerning this matter, there was no need to use the floating deadline concerning fraud due to the fact that Mr. De Coursey is a very disabled veteran therefore entitled to rights and protection granted by federal Disability laws. Mr. Bauer could have asked the court for a dismissal because the actions of defendants Were fraudulent and possibly criminal in nature introduce the evidence and allow the court to decide if Fraud was a factor or if case warrant removal to federal jurisdiction De Courseys respect and appreciate Mr. Bauer's professionalism. De Courseys ascertain Mr. Bauer knew or should have know defendants Obtained the foreclosure by using deceptive means, thus making all proceedings and findings held or Granted because of the fraudulent act, unlawful and unenforceable due to courts lack of knowledge of The fraud. If opposing counsel had, refuse to represent their clients because of their deceptive methods The fraudulent act would not have been concealed from the court and litigated in the court as a legal Matter for eight years or more with counsels for AGHE and AGF failing to inform the tribunal of their Client's fraudulent and /or criminal actions. And Mr. Bauer's failure to ask for dismissal due to fraud and Crimes committed against a disabled person with civil and constitutional rights an issue may not be a crime, Attorneys are members of the bar, for them to turn a blind eye or fail to inform the tribunal of the possibility

That fraud and other crimes being committed are in violation of rule 4-3.3 (2, 3) concerning candor toward

The tribunal. The De Courseys thank the honorable Counsel for their time and indulgence.



James and Betty De Coursey
3100 SW 35th Pl apt. 11C
Gainesville, Fl. 32608

Cc; Robert W. Bauer by U.S. mail
2815 NW 13th street suite 200E
Gainesville, Fl. 32609