

Neil Gillespie

From: "Neil Gillespie" <neilgillespie@mfi.net>
To: "Sarah K Halsell" <Halsellsk@elderaffairs.org>; "Jason Maine" <mainej@elderaffairs.org>; "Jacqueline Williams" <Williamsj@elderaffairs.org>; "Jason Nelson" <Nelsonj@elderaffairs.org>; "DOEA Public Records" <doeapublicrecords@elderaffairs.org>; "Liz Jameson" <jamesonlc@elderaffairs.org>; "Victoria Gonzales" <gonzalesv@elderaffairs.org>
Cc: "DOEA Public Records" <doeapublicrecords@elderaffairs.org>; "Neil Gillespie" <neilgillespie@mfi.net>
Sent: Wednesday, January 27, 2016 2:40 PM
Attach: AMENDED DECLARATION OF NEIL J. GILLESPIE.pdf
Subject: Re: Public record request; Request for public information - override

Dear Ms. Halsell,

Thank you for the information in your email. Unfortunately it is too late for Frank Collelo who died March 3, 2015 after collapsing in a Hillsborough County courtroom during a hearing on the foreclosure of his home.

I am an indigent/insolvent non-lawyer, unable to obtain adequate counsel, a vulnerable adult with disabilities, and a consumer of legal and court services affecting interstate commerce, a consumer of personal, family, and household goods and services, consumer transactions in interstate commerce. I have been determined indigent over 10 times in various courts, including the Supreme Court of the United States in Petitions 12-7747 and 13-7280.

On March 19, 2016 I will be 60 years old, and eligible for services under the Older Americans Act (OAA). That is 1 month and 21 days from now.

Currently my home, located at 8092 SW 115th Loop, Ocala, Florida 34481, in Marion County, Florida, is in foreclosure on a HECM reverse mortgage. A *Home Equity Conversion Mortgage*, or HECM, is a Federal Housing Administration (FHA) "reverse" mortgage program administered by the Secretary, United States Department of Housing and Urban Development (Secretary or HUD) to enable home owners over 62 years old access the subject home's equity. 12 U.S.C. § 1715z20 et seq. and 24 C.F.R. Part 206.

The bank made me and my younger brother co-borrowers on the HECM because the only borrower over 62 was my 78 year-old mother, and mom was incompetent due to Alzheimer's dementia, unfortunately.

A HECM does not require a homeowner to make mortgage payments as a conventional mortgage does. Instead, a HECM does not become due and payable until the last surviving homeowner dies or no longer lives in the home. 12 U.S.C. § 1715-z20(j) Safeguard to prevent displacement of homeowner. The HECM becomes due and payable in full "if a mortgagor dies and the property is not the principal residence of at least one surviving mortgagor....and no other mortgagor retains title to the property." 24 C.F.R. § 206.27(c).

I am alive and living in the home located at 8092 SW 115th Loop, Ocala, Florida 34481, in Marion County, Florida. My younger (and only) brother lives in Texas. My foreclosure case is Reverse Mortgage Solutions, Inc., vs. Neil J. Gillespie et al. Marion County Florida, Fifth Judicial Circuit, no. 42-2013CA-000115-AXXX-XX.

I removed the case to U.S. District Court no: 5:13-cv-00058-WTH-PRL.

The appellate case is the U.S. Court of Appeals for the Eleventh Circuit, No. 13-11585-B.

The SCOTUS petition for writ of certiorari was Petition No. 13-7280. The petition and petition for rehearing were denied, which is not a judgment on the merits. However the SCOTUS granted my motion to proceed *in forma pauperis*, which was denied by the U.S. District Court. So I prevailed on my motion to proceed *in forma pauperis* under 28 U.S.C. § 1915(e)(2) denied by the U.S. District Court, in a Report and Recommendation by Magistrate Judge Philip R. Lammens, and later by U.S. Senior Judge William Terrell Hodges.

The U.S. Eleventh Circuit in No. 13-11585-B allowed me leave to file a separate petition for writ of mandamus or prohibition under 28 U.S.C. § 1651, the all writs act, and Fed.R.App.P.21. But Chief Judge Ed Carnes blocked my access to court by and through the Clerk when I started that process.

I made a complaint to HUD, which HUD referred to the Consumer Financial Protection Bureau (CFPB), Complaint No. CFPB 120914-000082. A second complaint was made sua sponte by the Staff (not the Senator) of U.S. Senator Marco Rubio, Complaint No. CFPB 140304-000750.

The second CFPB complaint is still open, and my comment is profiled on the CFPB website, <http://www.consumerfinance.gov/blog/consumer-advisory-three-steps-you-should-take-if-you-have-a-reverse-mortgage/>

"Neil Gillespie: Avoid reverse mortgages, they are very complicated, and once you sign up, the bank dictates every thing, and you have NO RIGHTS. Yes, you can hire a lawyer, provided you can afford \$350 per hour, plus expenses, court costs, etc. Better have \$50,000 handy - to start. I made two complaints to the CPFEB, Complaint No. 120914-000082, and Complaint No. 140304-000750. Bank of America quashed both of them, one by an inside job, the second by US Senator Marco Rubio."

"For years Bank of America mislead me about "privacy" wrongly asserted for my deceased mother, a co-borrower. Then I learned privacy laws do not protect the privacy of dead people. Dead people do not have privacy rights. Privacy rights are personal and die with the individual. Nestor v. Posner-Gerstenhaber, 857 So. 2d 953 (Fla. Dist. Ct. App. 3d Dist. 2003), review denied, 869 So. 2d 540 (Fla. 2004). [E]ven where a private confidentiality agreement is otherwise proper, it will not be enforced where its effect becomes obstructive of the rights of non-parties. See, e.g., Nestor v. Posner-Gerstenhaber, 857 So. 2d 953, 955 (Fla. 3rd DCA 2003); Scott v. Nelson, 697 So. 2d 1300, 1301 (Fla. 1st DCA 1997). Quoted by U.S. Judge John E. Steele in Tardif, Trustee (Jason Yerk) v. PETA, USDC, SD Fla. Fort Myers Div. Case No. 2:09-cv-537-FtM-29SPC, at the Pacer link, Case 2:09-cv-00537-JES-SPC Document 179 Filed 11/04/11 Page 14 of 31 PageID 6050"

"You can read my motion to reconsider filed in the U.S. Eleventh Circuit Court of Appeals", <http://www.scribd.com/doc/228311060/Motion-to-Reconsider-Vacate-Modify-Order-C-a-11-No-13-11585-B>

"The Court denied the motion, but said I could submit a petition under 28 USC 1651, the all writs act, but changed its mind when I started that process. I still have time to appeal, and may do so. The CFPB is well-intentioned, but it has little power against corrupt banks and judges. My name is Neil J. Gillespie, 8092 SW 115th Loop, Ocala, Florida, 34481, neilgillespie@mfi.net, 352-854-7807. If Director Richard Cordray gets this message, I am willing to provide additional information. I believe in the mission of the CFPB, but found bad banks and bad judges are too powerful for an ordinary person to get fair treatment. Thank you."

You wrote, "To access OAA Title IIIB legal services, an individual may contact the Aging and

Disability Resource Center (ADRC) which serves the area of the state where the individual is located, or contact the Elder Helpline for referral. A map of the ADRCs is available on the DOEA website at <http://elderaffairs.state.fl.us/doea/arc.php>"

According to the link, the ADRC for Marion County Florida is PSA3:

Elder Options
100 SW 75th Street, #301
Gainesville, Florida 32607
(352) 378-6649
www.agingresources.org

The Elder Helpline of the Florida Department of Elder Affairs, 1-800-963-5337, is also shown on its website, <http://elderaffairs.state.fl.us/doea/contact.php>

On October 26, 2015 I called and left a voice message on the Elder Helpline at 1-800-963-5337.

On October 27, 2015 at 8:28 AM a woman named Tina from the Elder Helpline called, said she is not with the Department of Elder Affairs, but Elder Options in Gainesville, a private non-profit, under the "umbrella" of the Department of Elder Affairs for certain things, a private, non-profit agency. Tina denied getting a call or message from me on the Elder Helpline at 1-800-963-5337, but that is the number I called, 1-800-963-5337. Today I confirmed that the number I called on October 26, 2015 was 1-800-963-5337 for Elder Helpline. Today the person said I called the "Area Agency on Aging" for "Aging Resources"

So the DOEA should inform Elder Options in Gainesville that it is getting referral calls from 1-800-963-5337 for the Elder Helpline.

Tina said Elder Options is a telephone information and referral service, for seniors, disabled persons, and their caregivers, and Tina offered telephone referrals, and made a referral to a brochure on a website, www.agingresources.org but I did not see a brochure. Tina offered a "long-time care waiver" with an extensive wait list, but no age requirement, other than over 18 years-old.

Due to disability, telephone referrals are not very useful to me. Tina responded "yes" when I asked if one such referral was "Legal Aid" which I never found useful in all the times I was referred or made contact. Tina said I am not old enough for the Florida Senior Legal Helpline (must be 60). The link for PSA3 eventually links to <http://www.referweb.net/psa03/> It will take me awhile to interpret that website, which may have hundreds of links and sublinks.

So other than a referral to a generic "Legal Aid", Elder Options has no referrals under the OAA for legal counsel through the DOEA in Marion County for HECM foreclosure.

As of today, I do not show a response from Jason Maine, DOEA General Counsel, or Taroub King, DOEA Inspector General, to the attached pleading,

AMENDED DECLARATION OF NEIL J. GILLESPIE
IN THE SUPREME COURT OF FLORIDA
CASE NO.: SC15-1145
Lower Tribunal No(s): 5D15-340;
42-2013-CA-000115-CAAXXX

NEIL J. GILLESPIE, ETC,
Petitioner pro se (nonlawyer),
vs.
REVERSE MORTGAGE SOLUTIONS, INC,
(same law firm in the death Frank Collelo in a Hillsborough Co. foreclosure case)

My Service List October 27, 2015 included:

Jason Maine, General Counsel, Florida Department of Elder Affairs
Email: mainej@elderaffairs.org

Taroub King, Inspector General, Office of Inspector General (OIG),
Florida Department of Elder Affairs, Email: kingt@elderaffairs.org

See paragraph 26:

"26. Yesterday (October 26, 2015) I left a phone message on the Elder Helpline of the Florida Department of Elder Affairs, 1-800-963-5337. In 4 months and 21 days, I will be 60 years-old, and covered by the Older Americans Act (OAA) - **Title III B** Services or Activities"

As of today Mr. Maine has not responded or contacted me.

As of today Mr. King has not responded or contacted me.

Please provide information for legal counsel under the OAA through the DOEA in Marion County for HECM home foreclosure. Thank you.

Sincerely,

Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Tel. 352-854-7807
Email: neilgillespie@mfi.net

----- Original Message -----

From: Sarah K Halsell
To: neilgillespie@mfi.net
Cc: [DOEA Public Records](#)
Sent: Tuesday, January 26, 2016 3:33 PM
Subject: FW: Public record request; Request for public information - override

Dear Mr. Gillespie,

Thank you for your request for information and public records relating to the provision of legal services through the Older Americans Act (OAA). Title IIIB of the OAA provides funding to states for legal services. In Florida, this funding is distributed by the Department of Elder Affairs (DOEA) through contract to the

eleven Aging and Disability Resource Centers (ADRCs). The ADRCs contract with legal aid programs at the local level. OAA-funded legal programs provide legal services throughout Florida for seniors 60 years of age and older. Given the limited resources available, legal aid programs cannot provide services to every senior who requests assistance. Therefore, it is important these programs target services to those seniors with the greatest economic and social need and set priorities for legal assistance, as required by the OAA.

General information about legal services available through the DOEA under OAA Title IIIB are located in the Department's Program and Services Handbook, Appendix A: Service Descriptions and Standards, pages A-191 - A-195. The link is as follows: <http://elderaffairs.state.fl.us/doea/notices/June15/Appendix%20A%20Service%20Descriptions%20and%20Standards.pdf>

To access OAA Title IIIB legal services, an individual may contact the Aging and Disability Resource Center (ADRC) which serves the area of the state where the individual is located, or contact the Elder Helpline for referral. A map of the ADRCs is available on the DOEA website at <http://elderaffairs.state.fl.us/doea/arc.php>. The telephone number for the Elder Help Line is 1-800-963-5337. In Hillsborough county, the OAA-funded legal provider is Bay Area Legal Services. Information about applying for help at Bay Area can be found on their website at <https://www.bals.org/how-to-apply>.

I hope this information is helpful to you. Please let me know if you have any additional questions.

Sincerely,
Sarah Halsell

Sarah Halsell, J.D.
State Legal Services Developer
Florida Department of Elder Affairs
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Tallahassee, FL 32399-7000
(850) 414-2389