

property.¹ On January 30, 2009, the court granted the property's then-current owner/occupant, LaMar Gunn, intervenor status.² The sale was held and confirmed over the Intervenor's repeated objection and, eventually, a sheriff's deed was issued.

3. The Intervenor took an appeal from the sale's confirmation, and the case was remanded for discovery.³ After that, the case was returned to the Supreme Court, and the sale was affirmed on June 30, 2010.⁴

4. Over Intervenor's further opposition, the successful bidder at the sheriff's sale received a writ of possession on November 12, 2010. Intervenor filed an appeal from the grant of the writ of possession, which was denied by the Supreme Court's May 26, 2011 order.⁵

5. Intervenor then filed an action in the Court of Chancery seeking to vacate the sheriff's sale. The Court of Chancery dismissed, and the dismissal was affirmed by the Supreme Court on December 1, 2011.⁶

¹ *Gunn v. U.S. Bank Nat. Ass'n*, No. 102, 2009, at 5 (Del. Dec. 1, 2009) (ORDER).

² *Id.* at 6.

³ *See id.*

⁴ *Gunn v. U.S. Bank Nat. Ass'n*, 998 A.2d 850 (Del. 2010) (TABLE).

⁵ *U.S. Bank Nat. Ass'n v. Johnson*, 2010 WL 705723 (Del. Super. Feb. 25, 2010) (Silverman, J.), *aff'd sub nom. Gunn v. U.S. Bank Nat. Ass'n*, 998 A.2d 850 (Del. 2010) (TABLE).

⁶ *Gunn v. U.S. Bank Nat. Ass'n*, C.A. No. 5917-VCL (Del. Ch. Aug. 18, 2011) (Laster, V.C.), *aff'd*, 35 A.3d 419 (Del. 2011) (TABLE).

6. On December 27, 2011, the Intervenor filed the above-captioned motion. On its face, the motion is similar to the pleadings filed in opposition to the sheriff's sale. The Intervenor continues to insist that the Plaintiff in the foreclosure did not have standing, and it obtained the foreclosure by fraud on the court. That claim largely stemmed from the foreclosing party's status as the original lender's assignee. Even before Intervenor's appearance in the foreclosure, he insisted that the assignment was fraudulent, and he still does.

7. Additional details about the assignment, foreclosure, confirmation, and affirmance are provided in a separate order issued today.⁷ That order dismisses Intervenor's ejectment suit against the property's current owner of record.

8. As provided above and as further explained in the ejectment's dismissal, the Intervenor's claims have been fully litigated through appeal, repeatedly.

9. In summary, the Intervenor is correct that Superior Court Civil Rule 60(b) authorizes the court to "set aside a judgment for fraud on the court."⁸ It was decided in the prior litigation, however, that, notwithstanding any problems with the original assignment documents, the paperwork was correct before the sheriff's sale was authorized and, by the time of the sale, the loan was seriously in default.

⁷ See *Gunn v. Ambac Assurance*, C.A. No. 11C-11-128 (Del. Super. Mar. 21, 2012) (Silverman, J.).

⁸ Super. Ct. Civ. R. 60(b).

10. This dispute has already been reviewed by the Supreme Court five times.⁹ Because the motion's shortcomings are plain and the court simply does not have the resources to supervise this dispute endlessly, the court will act summarily now.

For the foregoing reasons, and the reasons stated in earlier decisions, including the separate order issued today, Intervenor's motion to reopen is **SUMMARILY DENIED**. This order will become final, however, when the claim against the remaining defendant, Ambac Assurance, is decided in this court.

IT IS SO ORDERED.

/s/ Fred S. Silverman

Judge

oc: Prothonotary (Civil)
cc: Francis G.X. Pileggi, Esquire
Jill Agro, Esquire
La Mar Gunn, Plaintiff, *pro se*, via U.S. Mail

⁹ *Gunn v. U.S. Bank Nat. Ass'n*, No. 102, 2009 (Del. Dec. 1, 2009) (ORDER); *Gunn v. U.S. Bank Nat. Ass'n*, 998 A.2d 850 (Del. June 30, 2010) (TABLE); *Gunn v. U.S. Bank Nat. Ass'n*, 23 A.3d 865 (Del. May 26, 2011) (TABLE); *Gunn v. Select Portfolio Servicing, Inc.*, 23 A.3d 865 (Del. June 13, 2011); *Gunn v. U.S. Bank Nat. Ass'n*, C.A. No. 5917-VCL (Del. Ch. Aug. 18, 2011) (Laster, V.C.), *aff'd*, 35 A.3d 419 (Del. Dec. 1, 2011) (TABLE).