

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

**CHRISTAL BURDETTE** )  
**NORTHRUP, individually and on** )  
**behalf of all others similarly situated,** )  
  
*Plaintiff,* )

v. )

**NATIONSTAR MORTGAGE, LLC** )  
**AND SPRING LEAF FINANCIAL** )  
**SERVICES, INC. F/K/A AMERICAN** )  
**GENERAL FINANCIAL SERVICES,** )  
**INC.** )  
  
*Defendants.* )

**CIVIL ACTION NO:** \_\_\_\_\_

**CLASS ACTION COMPLAINT**

Plaintiff, by her attorneys, brings this action on behalf of herself and all others similarly situated against NATIONSTAR MORTGAGE, LLC (referred to as “NATIONSTAR”) and SPRING LEAF FINANCIAL SERVICES, INC. F/K/A AMERICAN GENERAL FINANCIAL SERVICES, INC., (referred to as “SPRING LEAF”). Plaintiff alleges the following on information and belief, except as to those allegations which pertain to the named Plaintiff:

**NATURE OF THE ACTION**

1. Plaintiff brings this action to remedy the negligent, knowing, willful, malicious, and illegal actions of Defendants. She seeks relief under O.C.G.A. § 44-14-3(c).
2. NATIONSTAR is the loan servicer of a SPRING LEAF mortgage loan that is still pending of record in Henry County, Georgia as a Deed to Secure Debt filed June 22, 2004.

3. Plaintiff has been damaged by NATIONSTAR and SPRING LEAFS' continued stubborn refusal, despite repeated demands, to mark the Deed to Secure Debt satisfied of record, despite the underlying Promissory Note being paid in full in 2006.

### **THE PARTIES**

4. Plaintiff CHRISTAL BURDETTE NORTHRUP is a natural person, is over the age of nineteen years of age, and is a resident of this district and division.

5. Defendant NATIONSTAR MORTGAGE, LLC is a foreign Limited Liability Company registered to do business in the State of Georgia and may be served with process by and through its registered agent, Corporation Service Company, 40 Technology Parkway South, Suite 300, Norcross, Georgia 30092. It is organized in Delaware and headquartered in Texas.

6. Defendant SPRING LEAF FINANCIAL SERVICES, INC. is a foreign Corporation registered to do business in the State of Georgia and may be served with process by and through its registered agent, CT Corporation System, 1201 Peachtree Street NE, , Atlanta, Georgia 30361. It is organized in Delaware and headquartered in Indiana.

### **JURISDICTION AND VENUE**

7. This Court has jurisdiction over the present matter because it is a class action and the class representative is from a different state than the Defendants. 28 U.S.C. § 1332(d).

8. Plaintiff seeks \$500 in statutory, liquidated damages and reasonable attorney's fees for each violation of O.C.G.A. § 44-14-3(c).

9. Venue is proper in this district because the Plaintiff resides here, the Defendants do business here, and a substantial part of the events or omissions giving rise to this case occurred here. 18 U.S.C. § 1391(b), (c).

**STATUTORY FRAMEWORK**

10. The Georgia General Assembly passed and codified O.C.G.A. § 44-14-3(c), which holds in relevant part;

(c)(1) Upon the failure of the grantee or holder of the instrument to transmit a legally sufficient satisfaction or cancellation as required by subsection (b) of this Code section, the grantee or holder of the instrument shall be liable to the grantor for the sum of \$500.00 as liquidated damages and such additional sums for any loss caused to the grantor, plus reasonable attorney's fees if the grantor makes a written demand for liquidated damages to the grantee or holder of the instrument before transmittal, but not less than 61 days after the instrument is paid in full, and prior to filing a civil action.

**DEFENDANTS' UNLAWFUL CONDUCT**

11. In 2006 the Deed to Secure Debt, (hereinafter, "the Security Deed"), attached hereto as Exhibit "A," was paid in full.

12. Plaintiff is the owner of the property encumbered by said Security Deed as shown by the Warranty Deed attached hereto as Exhibit "B."

13. Plaintiff has made multiple written demands for the Defendants to mark the Security Deed satisfied of record to remove clouds upon her title and has made a demand for liquidated damages as required by statute. Said demands are attached collectively hereto as Exhibit "C."

**CLASS ALLEGATIONS AND CLAIMS**

14. Plaintiff brings this action on behalf of herself and a class of persons similarly situated in the state of Georgia. This action is maintainable as a class action under Federal Rules of Civil Procedure 23(a) and (b)(3).

15. The Plaintiff proposes the following class definition:

All persons in the State of Georgia who, on or after August 13, 2006, had a mortgage with American General Financial Services, Inc. k/n/a Spring Leaf Financial Services, Inc. and Spring Leaf Financial Services, Inc. serviced or owned by Nationstar Mortgage, LLC whose underlying Security Deed was not marked satisfied or cancelled of record within 61 days of payment of the complete loan balance.

16. The members of the proposed class (Class Members) can be determined from the records of Defendants or records readily available to them. Notice can be sent to Class Members by letter, mail, email, the Internet, publication in newspapers or periodicals, or by other means authorized by this Court.

17. This action is brought under Rule 23(a), and may be maintained under that rule because it satisfies the following criteria:

a. **Numerosity:** The Class Members are so numerous that joinder of all of them is extremely impracticable. Plaintiff reasonably believes and alleges that the Class consists of thousands (and potentially tens of thousands) of persons.

b. **Commonality:** Common questions of law and fact are shared among the Class Members. Such common questions include, but are not limited to, the following:

(1) Whether Defendants marked Security Deeds granted by the Class Members satisfied or cancelled of record within 61 days of payment in full of the underlying loan as required by O.C.G.A. § 44-14-3(c);

(2) Whether Class Members are entitled to recover actual damages, statutory damages, punitive damages, declaratory or injunctive relief, and/or attorneys' fees.

c. **Typicality:** Plaintiff's claims are typical of the claims of Class Members. Plaintiff and the other Class Members were subjected to the same kind of unlawful conduct and the claims of Plaintiff and the other Class Members are based on the same theories.

d. **Adequacy:** Plaintiff, individually and through counsel, will fairly and adequately protect the interests of the Class Members. Plaintiff has no interest adverse to the Class Members' interests. Plaintiff has retained experienced class action counsel who will fully and adequately represent and protect the Class Members. Plaintiff's chosen counsel are ready, willing, and able to prosecute this case.

18. This case also is brought and maintainable under Rule 23(b)(3) because it satisfies the following essential criteria:

a. **Predominant questions of law or fact:** Questions of law or fact common to Class Members, including those identified above, predominate over questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy. Class treatment will allow a large number of similarly-situated consumers to prosecute their common claims in a single forum, simultaneously, efficiently, and without the unnecessary duplication of effort and expense that numerous individual actions would require.

b. Further, the monetary amounts due to many individual Class Members are likely to be relatively small, and the burden and expense of individual litigation would make it extremely difficult or impossible for individual Class Members to seek and obtain relief. On the other hand, a class action will serve important public interests by permitting consumers harmed by the Defendants' unlawful practices effectively to pursue recovery of the sums owed to them, by deterring further unlawful conduct, and by aiding in the prevention unlawful clouds upon the title of the real property of the Class Members which is the reason for the enactment of O.C.G.A. § 44-14-3. The public interest in protecting the rights of consumers favors disposition of this case in a class action vehicle.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, on her own behalf and on behalf of the Class, prays for relief as follows:

19. An Order certifying this as a Class and appointing Plaintiff and her counsel to represent the Class, which is identified as follows:

All persons in the State of Georgia who, on or after August 13, 2006, had a mortgage with American General Financial Services, Inc. k/n/a Spring Leaf Financial Services, Inc. and Spring Leaf Financial Services, Inc. serviced by Nationstar Mortgage, LLC whose underlying Security Deed was not marked satisfied or cancelled of record within 61 days of payment of the complete loan balance.

20. An Order awarding Plaintiff and the Class statutory damages, actual damages, and punitive damages as this Court deems proper;

21. An Order awarding Plaintiff and the Class restitution and/or disgorgement and such other equitable relief as the Court deems proper;

22. An Order enjoining Defendants from future violations of O.C.G.A. § 44-14-3;

23. An Order awarding Plaintiff and the Class pre-judgment and post-judgment interest;

24. An Order awarding Plaintiff attorneys' fees, expert witness fees, and other costs; and

25. An Order awarding such other and further relief as may be just and proper.

**JURY DEMAND**

Plaintiff demands a trial by struck jury on all issues so triable.

**DATED: October 19<sup>th</sup>, 2016**

**BEN F. WINDHAM, P.C.**

By: \_\_\_\_\_/S/\_\_\_\_\_  
Ben F. Windham (Ga. Bar # 770195)

3838 Highway 42  
Locust Grove, Georgia 30248  
Tel: (678) 565-8686  
Fax: (678) 565-8949  
Email: [ben@windhamlaw.com](mailto:ben@windhamlaw.com)

**BELL & BRIGHAM, P.C.**

By: \_\_\_\_\_/S/\_\_\_\_\_  
John C. Bell, Jr. (Ga. Bar # 048600)

P.O. Box 1547  
Augusta, GA 30903-1547  
Tel: (706) 722-2014  
Fax: (706) 722-7552  
Email: [john@bellbrigham.com](mailto:john@bellbrigham.com)

JS 44 (Rev. 08/16)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
 CHRISTAL BURDETTE NORTHRUP, individually and on behalf of all others similarly situated

**DEFENDANTS**  
 NATIONSTAR MORTGAGE, LLC AND SPRING LEAF FINANCIAL SERVICES, INC. F/K/A AMERICAN GENERAL FINANCIAL SERVICES, INC.

(b) County of Residence of First Listed Plaintiff Henry  
 (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Dallas, TX  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)  
 Ben F. Windham, P.C.  
 3838 Highway 42  
 Locust Grove, Georgia 30248 - 678 565 8686

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Label & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<b>PERSONAL PROPERTY</b>	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other: Fraud	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 751 Family and Medical Leave Act		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>Habeas Corpus:</b>		<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 463 Alien Detainee		<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
		<input type="checkbox"/> 510 Motions to Vacate Sentence		<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
		<input type="checkbox"/> 530 General			<input type="checkbox"/> 893 Environmental Matters
		<input type="checkbox"/> 535 Death Penalty			<input type="checkbox"/> 895 Freedom of Information Act
		<b>Other:</b>		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 896 Arbitration
		<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
		<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 555 Prison Condition			
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

- V. ORIGIN** (Place an "X" in One Box Only)
- 1 Original Proceeding
  - 2 Removed from State Court
  - 3 Remanded from Appellate Court
  - 4 Reinstated or Reopened
  - 5 Transferred from Another District (specify)
  - 6 Multidistrict Litigation - Transfer
  - 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION** Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 28 USC 1332  
 Brief description of cause:  
 Defendants owe liquidated damages for failing to cancel security deed of record on P's home violating Ga Statute

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \_\_\_\_\_ CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 10/19/16 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY  
 RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Nationstar Mortgage, Spring Leaf Facing Unsettled Debt Class Action](#)

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