

No. 23-54

**In the
Supreme Court of the United States**

ROBERT MARK SCOTT,

Petitioner,

v.

FORCHT BANK, N.A.,

Respondent.

**On Petition for a Writ of Certiorari to the
Court of Appeals of Kentucky**

PETITION FOR REHEARING

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PETITION FOR REHEARING

Barb Sparkman (Mortgage Place Lender) didn't take appraisal that was written to Citizens Bank back to Citizens Bank. Chris Jasper at Forcht Bank used the appraisal written to Citizens Bank to loan for 2 lots and rental homes. How Chris was able to make use of the appraisal written to Citizens I'm not sure? Chris Loaned for 2 building lots and rental homes. Chris had me write down reason for the purchase of 2nd lot and he filed it with the bank. The handwritten document that explained what the extra lot was to be for.

Summary Judgement needs removed because there is more to the story besides another loan, Attorney Bill Meader knew this fact.

I had explained to Bill Meader what it was the bank had done in this loan to me. We haven't even gotten to another loan yet!

This loan is for Rental homes and two building lots. I build the home completed in March 2009'. Come into bank to perm finance the construction loan. Mike Sharp takes over my loan and tells me he wants me to sell the home, I agree to do so not knowing there is a missing document.

I knew I wouldn't be able to sell the home in the downturn economy, that's why I was building rental homes.

I wanted to prove to the bank the home would not sell in the economy, so I try to do as bank wants not knowing there is a missing document.

I try and do as bank wants for as long as I could. This allowed me to pick a great renter family that needed a home. In July when the renter approached me to rent the home, I lease the home to them for 1 year. They both were 2 coaches at Laurel County High School, she's pregnant at the time and both made good money being coaches for local High School. They needed a home, and I was needing a good renter who would stay in the home for a while. I leased the home to them in July, but we didn't sign the lease till August because that's when school was starting back.

And both could be present at that time to sign the lease for 1 year.

In August I went back to bank with Lease for 1-year and asked for Perm finance and another loan to build on the other lot as planned for in the missing document.

Mike Sharp the loan officer grabs me by the arm and shows me to the door. The same day I go to talk to Terry Forcht in Lexington KY. the banks owner and explained what happened. Terry tells me that he cannot go against his loan officers.

I go Back to talk to Mike Sharp asked him to perm finance the loan and release my lots! I will need released so I can go somewhere else quickly, as I have run out of money doing as bank told me too. Mike Sharp tells me he has started the process of release and Perm finance. This was in August.

Mike would check credit 3 times in September each time I would ask if he has started the released my lots yet. Mike would say he is working on that!

Mike would take too long to release my lots. August till October 5th. Mike would release and did perm finance Sept 30th. Mike in taking too long to release I couldn't secure another loan anywhere else timely because Mike wouldn't release the 2 lots. 2009 no construction lending banks failing. The Missing document, I wasn't getting another application at Forcht Bank with Chris Jasper gone, as planned with Forcht Bank either.

Forcht Bank would take longer than 60 days to release! And I had bills come due and it would take another 30 days to go elsewhere for loans.

I couldn't meet my bills timely and this changed my credit score. My credit score changed during the 90 days it took to leave Forcht Bank. Bills came due. Chris Jasper would allow the purchase of two lots for \$22,000 and Mike Sharp would allow me to pay him interest only for six months out of the \$120,000 construction loan with the home completed and ready to rent for incomes. Mike would not release lots and being deceitful with a missing document.

Mike Sharp would later say to me, as he handed me back my appraisal written to Citizens Bank for \$160,000 that I was paying my way out of debt, and he wasn't going to allow me to do that. And with My filed missing document Chris Jasper filed, and with Chris Jasper being fired, lending to me in the first place. I couldn't continue building as planned. Mike was making me sell instead of renting for incomes as planned for. The lot I purchased to build on was useless to have paid for it. No application for other loans with Forcht Bank. Forcht Bank and both loan officers were deceitful in their lending practices and documentations and missing documents and use of

appraisal from Mortgage Place for rentals and 3 lots. Chris Jasper was fired.

Mike Sharp 2 depositions were not filed prior to Summary Judgment. Bill Meader didn't show up for court and present or argue depositions and I paid in full for him to take to court. Case History shows the date of 2 filings for the 2 depositions of Mike Sharp. Filed after summary judgment.

They are material issues of facts that should overturn summary judgment and allow this to go back to Circuit Court for trial.

Had I been allowed to continue to build rentals with Forcht bank as planned, in March I was in good shape to start another rental home with the rental incomes, but being made to pay interest only out of construction funds to bank as home sold without another loan would prove to be fatal.

1. Why wasn't I sent back to Citizens Bank? Appraisal written to them; I just came from Citizens. No letter of denials.

2. Why did Forcht Bank loan to Appraisal from Mortgage Place and Citizens Bank for rentals and lots?

3. Why did Forcht Bank tell me to sell and keep open the construction loan?

4. Why wouldn't Forcht Bank release extra lot when Forcht Bank knew they are not loaning again? With missing document, I didn't know they were not going to take applications again. I was doing as the bank said.

5. Why would it take so long for Mike Sharp to start release of lot and perm finance the construction loan? March to October 2009.

6. What was going on at Citizens Bank and Forcht Bank that they were not loaning again for rental homes? Each Bank already loaned for rentals plus Forcht loaned for extra lot to build rental on it again.

7. Why was I told to sell the rental home by Mike Sharp? 2 Depos of Mike Sharp that was filed after Summary Judgement.

8. Is there enough evidence for another rental home to overturn the summary judgement?

9. Why was Chris fired from being Vice Pres at Forcht Bank?

10. Why was Mike Sharp put into Chris Jaspers place as Vice President? To take over my loan portfolio and tell me to sell the home with a missing document for another loan and tells bank what the extra lot was for? Missing document!

Respectfully submitted,

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