

STATE OF NORTH CAROLINA **Element # 16**

File No.

09-CVS-8789

Wake County

In The General Court Of Justice
Superior Court Division

Name Of Plaintiff(s)
Paragon Commercial Bank

VERSUS

Name Of Defendant(s)
Spencer C. Young and his affiliated companies

**MOTION AND ORDER FOR CONTINUANCE
(CIVIL SUPERIOR CASES)**

Re: Hearing on Ex Parte Motion to Appoint a Receiver (which was predicated on Paragon's FRAUDULENT declaration of default.

INSTRUCTIONS: MOVING PARTY must complete all information requested below. Copy of completed form must be faxed, mailed or hand delivered to opposing counsel or unrepresented party(ies) prior to deliver to Senior Resident Superior Court Judge or his/her designee. Upon receipt, OPPOSING PARTY must immediately communicate any objections to Senior Resident Superior Court Judge or his/her

Previous No. Of Continuances 0.00	Date Case Filed 05/04/2009	Calendared Trial Date 05/18/2009
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Opposing Counsel Poyner & Spruill (David Cahill)	Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Atty Box	Date 05/05/2009
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Reason(s) For Continuance Request (attach additional sheet if necessary)

Received Documents by REGULAR mail YESTERDAY (May 14) afternoon, and when reviewed later last night, I first learned of an emergency motion and order signed on May 11, 2009 to shorten an already rushed appointment of a receiver on commercial mortgages that are NOT in default. If granted, I will be deprived of my ONLY current source of income, and therefore unable to provide for many dependents of an extended family, including an 83 year old mother, an ex-wife stricken with pancreatic cancer, two sons in college and a one-year old son. Based on this completely unreasonable timing, I have been unable to engage representative legal counsel. For this reason, this should be dismissed to AT THE VERY LEAST the originally scheduled hearing date (May 27, 2009), but preferably one month from today (June 15, 2009).

CONTINUED

This request was granted, albeit only for two weeks - hardly enough time to engage legal counsel under the circumstances of the extensive tortious interference in engaging legal counsel.

Requested Reschedule Date Or Carryover Date 06/15/2009	Name And Address Of Movant Spencer C. Young and affiliated companies named as defendants
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Has Client(s) Been Notified Of Continuance Request? (not applicable if pro se) <input type="checkbox"/> Yes <input type="checkbox"/> No	Telephone No. 919-370-7544
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Date 05/15/2009	Signature Of Movant
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TO BE COMPLETED BY JUDICIAL SUPPORT STAFF

Objection(s) received? (attach written objections) <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Motion Received	Case Age: <input type="checkbox"/> Less Than 12 Months <input type="checkbox"/> 12 to 18 Months <input type="checkbox"/> More Than 18 Months
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Total No. Of Cases On Trial Calendar	Current Ranking Of This Case On Trial Calendar
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Date Case Set On This Trial Calendar	Attorney input into trial setting? <input type="checkbox"/> Yes <input type="checkbox"/> No
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Ruling: <input type="checkbox"/> Denied <input type="checkbox"/> Granted	Date Rescheduled	Counsel Notified Of Ruling By	Date
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Date	Name Of Senior Resident Superior Court Judge/Designee (Type Or Print)	Signature Of Senior Resident Superior Court Judge/Designee
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Exhibit A - Fraud Element # 16

File No.

09-CVS-8789

Wake County

In The General Court Of Justice
Superior Court Division

Name Of Plaintiff(s)
Paragon Commercial Bank

VERSUS

Name Of Defendant(s)
Spencer C. Young and his affiliated companies

MOTION AND ORDER FOR CONTINUANCE (CIVIL SUPERIOR CASES)

Re: Hearing on Ex Parte Motion to Appoint a Receiver (which was predicated on Paragon's FRAUDULENT declaration of default.

INSTRUCTIONS: MOVING PARTY must complete all information requested below. Copy of completed form must be faxed, mailed or hand delivered to opposing counsel or unrepresented party(ies) prior to deliver to Senior Resident Superior Court Judge or his/her designee. Upon receipt, OPPOSING PARTY must immediately communicate any objections to Senior Resident Superior Court Judge or his/her

Previous No. Of Continuances 1.00	Date Case Filed 05/04/2009	Calendared Trial Date 06/01/2009
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Opposing Counsel Poyner & Spruill (Dan Cahill)	Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Atty Box	Date
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Reason(s) For Continuance Request (attach additional sheet if necessary)

The related Hearing on Foreclosure of Deed of Trust held in the Office of the Clerk of Superior Court in Durham County C on May 27 was continued to June 24 and scheduled as a "contested" hearing, where Plaintiff must prove there was a monetary default. Defendants contest the veracity of a monetary default, and formal complaints of bank fraud were filed earlier this week with the FDIC, OCC and 5 offices of the FBI were advised, seeking a criminal investigation of Robert C. Hatley as CEO of the Plaintiff for aiding and abetting criminal activities including fraud, racketeering, extortion, sabotage, and corruption. Upon information and belief Plaintiff's fraudulent declaration of default on performing loans is a desperate attempt to cover up the crimes of Mr. Hatley - evidenced by 3 senior Poyner & Spruill partners assigned to a pedestrian matter, and tortious interference with Defendant's rights to due process. Moreover, Plaintiffs failed to provide copies of bank statements since the banking relationship began in 2004 that were requested in February 2009, and have failed to provide copies of the loan ledgers since each loan's inception, auto-pay agreements and ACH agreements, which will prove Defendant's counterclaims. Since Plaintiff has the burden of proving a monetary default before a Receiver can be appointed, and the hearing on the merits of their claim was to June 24, this hearing should be continued to no earlier than August 15.

Requested Reschedule Date Or Carryover Date 08/15/2009	Name And Address Of Movant Spencer C. Young and affiliated companies named as defendants
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Has Client(s) Been Notified Of Continuance Request?
(not applicable if pro se)
 Yes No

Telephone No.
919-370-7544

Date 05/29/2009	Signature Of Movant 
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TO BE COMPLETED BY JUDICIAL SUPPORT STAFF

Objection(s) received? (attach written objections) <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Motion Received	Case Age: <input type="checkbox"/> Less Than 12 Months <input type="checkbox"/> 12 to 18 Months <input type="checkbox"/> More Than 18 Months
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Total No. Of Cases On Trial Calendar	Current Ranking Of This Case On Trial Calendar
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Date Case Set On This Trial Calendar	Attorney input into trial setting? <input type="checkbox"/> Yes <input type="checkbox"/> No
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Ruling: <input type="checkbox"/> Denied <input type="checkbox"/> Granted	Date Rescheduled	Counsel Notified Of Ruling By	Date
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Date	Name Of Senior Resident Superior Court Judge/Designee (Type Or Print)	Signature Of Senior Resident Superior Court Judge/Designee
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NOTE: This request for a continuance was rejected by Judge Carl Fox and Spencer Young was precluded by Judge Carl Fox from presenting evidence that exposed Paragon's Fraud

AOC-CV-221, New 4/98

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Original - Case File

MOTION TO HEAR FORECLOSURE COMPLAINT ON TPSOD

STATE OF NORTH CAROLINA

Exhibit XII - Fraud Element # 16

DURHAM County

REGARDING

5/26/09

09-SP-643

In The General Court Of Justice
Superior Court Division

Document C

Name Of Plaintiff(s)
SPRUILLCO, LTD., Substitute Trustee / Paragon Commercial Bank

VERSUS

Name Of Defendant(s)
Spencer C. Young Investments, Inc.

MOTION AND ORDER FOR CONTINUANCE
(CIVIL SUPERIOR CASES)

INSTRUCTIONS: MOVING PARTY must complete all information requested below. Copy of completed form must be faxed, mailed or hand delivered to opposing counsel or unrepresented party(ies) prior to deliver to Senior Resident Superior Court Judge or his/her designee. Upon receipt, OPPOSING PARTY must immediately communicate any objections to Senior Resident Superior Court Judge or his/her

Previous No. Of Continuances 0.00	Date Case Filed 05/04/2009	Calendar Trial Date 05/27/2009
Opposing Counsel David M. Warren of Poyner & Spruill	Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Atty Box	
		Date 05/26/2009

Reason(s) For Continuance Request (attach additional sheet if necessary)

Although I and my affiliated companies have been represented by law firms such as Womble Carlyle / Kennedy Covington / Shanahan Law Group / Cadwalader Wickersham & Taft / Dechert Price etc., I suddenly find myself in an inexplicably vexing position of being unable to engage legal counsel for this and other related matters. For instance, I have personally tried to engage over fifty other law firms, and each one behaved in an oddly similar manner -- for in each case, upon hearing my name, an initially warm and pleasant demeanor turned dichotomously cold and terse. I even contacted the attorneys with whom I worked with at the aforesaid firms, and they oddly refused to refer me to other attorneys, despite earlier indicating they would be willing to do so. My adversaries are well aware of this conundrum, and upon information and belief, have played a diabolical role in this obvious trampling of my rights to legal due process. In fact, the actions of Poyner & Spruill, acting on behalf of Paragon Commercial Bank suggest an unethical, and perhaps sinister agenda may be at work -- because the subject loans are current, and always have been current since the banking relationship with Paragon began in 2004, yet Paragon declared them to be a monetary default, and then aggressively pursued foreclosure that is so beyond the pale, these actions suggest a desperate attempt to cover up a prima facie instance of bank fraud. Complaints have been filed with the FBI, the FDIC and the OCC, impugning an immediate investigation.

Requested Reschedule Date Or Carryover Date 06/30/2009	Name And Address Of Movant Spencer C. Young - President of Defendant 134 Meadowmont Village Circle Chapel Hill, NC 27517
Client(s) Been Notified Of Continuance Request? (applicable if pro se) <input type="checkbox"/> Yes <input type="checkbox"/> No	Telephone No. 919-370-7544

Notwithstanding these filed complaints, NOTHING was done to investigate or otherwise address these matters.

05/26/2009

Signature Of Movant

TO BE COMPLETED BY JUDICIAL SUPPORT STAFF			
Objection(s) received? (attach written objections) <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Motion Received	Case Age: <input checked="" type="checkbox"/> Less Than 12 Months <input type="checkbox"/> 12 to 18 Months <input type="checkbox"/> More Than 18 Months	
Total No. Of Cases On Trial Calendar		Current Ranking Of This Case On Trial Calendar	
Date Case Set On This Trial Calendar 10 AM ON 6/30/2009		Attorney input into trial setting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Ruling: <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Granted	Date Rescheduled 6/24/09	Counsel Notified Of Ruling By	Date
Date 5/27/09	Name Of Senior Resident Superior Court Judge/Designee (Type Or Print) TERESA CHAMBERS	Signature Of Senior Resident Superior Court Judge/Designee	

MOTION TO HEAR FORECLOSURE COMPLAINT ON TCOCH LOTS

STATE OF NORTH CAROLINA
Exhibit XII - Fraud Element # 16
 ORANGE County *REGARDING*

File No
Document D 09-SP-153

In The General Court Of Justice
 Superior Court Division

5/26/09

**MOTION AND ORDER FOR CONTINUANCE
 (CIVIL SUPERIOR CASES)**

Name Of Plaintiff(s)
 SPRUILLCO, LTD., Substitute Trustee / Paragon Commercial Bank

VERSUS

Name Of Defendant(s)
 Spencer C. Young Investments/The Courtyard of Chapel Hill, LLC

INSTRUCTIONS: MOVING PARTY must complete all information requested below. Copy of completed form must be faxed, mailed or hand delivered to opposing counsel or unrepresented party(ies) prior to deliver to **Senior Resident Superior Court Judge or his/her designee**. Upon receipt, **OPPOSING PARTY** must immediately communicate any objections to **Senior Resident Superior Court Judge or his/her**

Previous No. Of Continuances 0.00	Date Case Filed 05/04/2009	Calendar Trial Date 05/27/2009
Opposing Counsel David M. Warren of Poyner & Spruill	Copy(ies) Distributed To Opposing Counsel(s)/Party(ies) By <input type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Atty Box	Date 05/26/2009

Reason(s) For Continuance Request (attach additional sheet if necessary)

Although I and my affiliated companies have been represented by law firms such as Womble Carlyle / Kennedy Covington / Shanahan Law Group / Cadwalader Wickersham & Taft / Dechert Price etc., I suddenly find myself in an inexplicably vexing position of being unable to engage legal counsel for this and other related matters. For instance, I have personally tried to engage over fifty other law firms, and each one behaved in an oddly similar manner -- for in each case, upon hearing my name, an initially warm and pleasant demeanor turned dichotomously cold and terse. I even contacted the attorneys with whom I worked with at the aforesaid firms, and they oddly refused to refer me to other attorneys, despite earlier indicating they would be willing to do so. My adversaries are well aware of this conundrum, and upon information and belief, have played a diabolical role in this obvious trampling of my rights to legal due process. In fact, the actions of Poyner & Spruill, acting on behalf of Paragon Commercial Bank suggest an unethical, and perhaps sinister agenda may be at work -- because the subject loans are current, and always have been current since the banking relationship with Paragon began in 2004, yet Paragon declared them to be a monetary default, and then aggressively pursued foreclosure that is so beyond the pale, these actions suggest a desperate attempt to cover up a prima facie instance of bank fraud. Complaints have been filed with the **FBI, the FDIC and the OCC, importuning an immediate investigation.**

Requested Reschedule Date Or Carryover Date 06/30/2009	Name And Address Of Movant Spencer C. Young - Manager of Defendant 134 Meadowmont Village Circle Chapel Hill, NC 27517
Has Client(s) Been Notified Of Continuance Request? (not applicable if pro se) <input type="checkbox"/> Yes <input type="checkbox"/> No	Telephone No. 919-370-7544
Date 05/26/2009	Signature Of Movant <i>[Signature]</i>

TO BE COMPLETED BY JUDICIAL SUPPORT STAFF

Objection(s) received? (attach written objections) <input type="checkbox"/> Yes <input type="checkbox"/> No	Date Motion Received	Case Age: <input checked="" type="checkbox"/> Less Than 12 Months <input type="checkbox"/> More Than 18 Months
Total No. Of Cases On Trial Calendar	Current Ranking Of This Case On Trial Calendar	
Date Case Set On This Trial Calendar <i>JUNE 16, 17 OR 18</i>	Attorney input into trial setting? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Ruling: <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Granted	Date Rescheduled <i>SEE ABOVE</i>	Counsel Notified Of Ruling By
Date <i>5/27/09</i>	Name Of Senior Resident Superior Court Judge/Designee (Type Or Print)	Signature Of Senior Resident Superior Court Judge/Designee