

Jeff Fenton

From: Virginia Story <virginia@tnlaw.org>
Sent: Tuesday, November 12, 2019 10:07 AM
To: Jeff Fenton
Cc: Heidi Macy
Subject: Re: Best & Final Settlement Offer

Correction should say
"Will pay her fees"

Thanks,
Virginia

On Nov 12, 2019, at 9:03 AM, Virginia Story <virginia@tnlaw.org> wrote:

Mr. Fenton,

We did not request an award of attorneys fees. Please refer to the Final Decree sent to you there is no Judgement against you for fees. Ms. Fenton will lay her fees.

Thanks,
Virginia

On Nov 12, 2019, at 6:28 AM, Jeff Fenton wrote:

Hello Ms. Story,

If you and Mrs. Fenton are interested in a "settlement", so that we can both mitigate our losses (finally) and go on with our lives, I am momentarily agreeable, before I am forced to waste more time, energy, and money on filing for an appeal in Tennessee. I suspect the 30-day deadline is what you have been waiting for, before apprising me of your legal fees.

In order for me to "settle" and voluntarily walk away from MY LIFE and this marriage with no home, no vocational training, no employment or

sustainable employability, no health insurance, no healthcare, with no current or future provision, while also struggling with my disabilities which you and the court have so far seriously discriminated against (at the very least), I require a couple of concessions / considerations / conditions, which will be of absolutely no consequence, bearing, or cost upon Mrs. Fenton's life, career, finances, or future. Especially since I hope to never step on Tennessee soil again, unless you force me to come appeal, to have ANY chance at surviving MYSELF. While everyone knows how ridiculous, unfair, and impossible it is, that I ever pay Fawn's legal expenses (for a battle which SHE insisted upon), while I tried throughout to mitigate our losses with a collaborative divorce. (Though my side of the story has never yet been heard.) But as you know, Fawn had no interest in a "fair" or "equitable" divorce, so SHE chose instead to spend all of our equity on legal fees, and to even file bankruptcy, to simply avoid paying me \$140k+/- in alimony over the next 6-7 years, along with buying-out my equity, retirement, and life savings in our home, of \$50k-\$75k. As she also refused to allow me to assume our mortgages (previously in her name), and keep our home, while also offering to eventually buy-out her equity, and to secure her interest throughout with a trust or by keeping her name on the deed. All which she refused, and as I'm researching (all day, every day, currently) there were many sensible ways to mitigate our losses, including Federal programs and laws which might have allowed me to assume our mortgages in my own name, since the "due on sale clauses" don't look as though they would have applied in our circumstances.

- <https://www.nolo.com/legal-encyclopedia/summary-tennessees-foreclosure-laws.html>
- <https://www.nolo.com/legal-encyclopedia/tennessees-hardest-hit-program.html>
- <https://www.law.cornell.edu/uscode/text/12/1701j-3>
- <https://law.justia.com/codes/tennessee/2018/title-36/chapter-4/section-36-4-121/>
- So essentially, the entire forced foreclosure/auction/sale, which bankrupted us both, was avoidable, malicious, and unnecessary.

At the end of the day, we are both financially devastated currently. We ALL know that Fawn will "bounce back" the quickest and make at least 2-3x what I will ever make, for the rest of my life. (With very little SS for me or anything else...) While I'm still stuck with \$100k of marital debts in my name (which I can actually document and prove were marital), while I'm fighting to save my credit and to try not to file bankruptcy, if I can at all avoid it. But we all know, that your legal fees would simply leave me no choice but to file bankruptcy (while I've had essentially no representation

through either of Fawn's divorce filings, despite her promises). Either way, we all know, that you'll never receive a dime from me, and obviously I won't from Fawn either, unless we both waste more of our lives on this battle, which just isn't worth it to me, unless I'm simply left no choice.

No matter what, I still love Fawn, and I don't want to see her hurt herself more, just to keep up this fight for fairness or justice which I'll never receive. (At least not in Williamson County, and possibly not in Tennessee at all.) It is also impossible for me to obtain any work or to focus on anything else with my disabilities, while needing to constantly perform legal research and try to figure out how to prevent you from taking more and more of my life away. I'd rather just try to walk-forward empty handed, at 50-years old, with no career, no retirement, no education, or professional training, but I can't without you taking your foot off my throat first.

Here is what I need from you (and Fawn) to SETTLE and never see or hear from me again:

- OP withdrawn, dropped, and expunged.
- Fawn is responsible for her own legal fees, and any outstanding fees due the court.
- I owe her/you/the court nothing, with her owing me nothing. A clean break.
- Both completed this week, before I'm forced to appeal.

I already have my order of indigency signed by Williamson County Chancery. If I must keep up this fight simply to walk away without any strings attached, then I'm going to do everything legally within my power to advocate for what I am honestly legally due, not what you and Fawn are trying to dump me with. This is a one-time offer, which is extremely time sensitive. As soon as one of the organizations, offices, or dignitaries which me and my mom are reaching out to daily, offers to back me in the pursuit of real justice, or I am forced to expend more time by filing my own appeal, then this offer will never be on the table again.

It was my belief that Mrs. Fenton had already accepted it, after what I left at the house for her, since I volunteered everything that she had ever asked for. Obviously, by your actions since, I misunderstood. It was also my understanding that you were going to call me on the 21st to hold our hearing OVER THE PHONE, as you previously promised in court. But then a lot of things which you've promised and swore to in court, have not turned out to be real or to happen as you've promised.

You've also apparently had a number of exparte' communications with the judge, not to mention trying to use the auctioneer (and the sheriff's office) as your enforcement guy(s), beating on my own door while me and my mom were trying to move my stuff. Somehow, I never received a motion for default judgment, or even any notice about our "final" hearing. We hadn't even begun discovery yet. (But the assets were gone.) So many unethical things have happened throughout this case, it could carry on and consume all of our lives for a couple more years, but I don't see that benefiting anyone besides you (\$\$).

Please make sure to present this offer today to Mrs. Fenton, as you are legally bound as her agent, to act in HER best interest, and to fully disclose every offer, rather than seeking out your own vengeance. Otherwise, we could both end-up suing you in the end, for malicious litigation, to recover some of our family's losses.

Opportunities pass... As with everything that we've lost so far, once it is gone, there is no getting it back. You can't get blood out of a turnip, no matter how hard you try.

You can keep legally dominating me if that is what you prefer, but eventually the Governor or someone in the Tennessee or Federal legislature or judicial systems will step-in, and there will be no "rewind" at that point. There is no more that can be taken from me, there is nothing more which you or Mrs. Fenton can gain. Yet pride and greed caused the fall of mankind, and many an overachiever since, to discover humility again.

I will continue each day as though Mrs. Fenton and you have rejected my offer, and I will not be tricked into holding-off (from filing an appeal) at the last moment, to "trust" you or her. We've been down that road before... and many others which the court has yet to hear about (that I have well documented and can actually PROVE, contrary to your allegations). Certainly there is a narrative other than what you have presented, that has yet to be heard in any capacity by the court, in the legal actions which I'd prefer to bring to a close, but I can and will give no more. Need I go line-by-line with what you have presented thus far to the court and disprove most of it. Your only advantages are speed and might, but if I have TIME to catch up, I will deliver the TRUTH.

It's your/her call. (Any hostile actions by you or the court, will result in this offer being immediately and forever revoked.)

I've been advised not to even make this offer to you/her, as it is so horribly unfair. (Yeah, I know, Chancellor Binkley said, "**fair is something you do in the fall**", while surprisingly a lot of the state and federal legal language uses that exact term.) Yet for me to "get" anything, is for Fawn to "lose" something, which she is willing to literally kill herself to avoid. That just hurts my heart more. I don't want to continue this fight with you, when me and Mrs. Fenton are the only ones whom it can ever harm.

Yet I can only walk away, if she'll let go, with no-strings attached.

Please advise.

Jeff Fenton

Procedural due process

Procedural due process requires government officials to follow fair procedures before depriving a person of life, liberty, or property.^[25]⁶⁵⁷ When the government seeks to deprive a person of one of those interests, procedural due process requires the government to afford the person, at minimum, notice, an opportunity to be heard, and a decision made by a neutral decisionmaker.

This protection extends to all government proceedings that can result in an individual's deprivation, whether civil or criminal in nature, from parole violation hearings to administrative hearings regarding government benefits and entitlements to full-blown criminal trials. The article "Some Kind of Hearing" written by Judge Henry Friendly created a list of basic due process rights "that remains highly influential, as to both content and relative priority".^[26] These rights, which apply equally to civil due process and criminal due process, are:^[26]

1. An unbiased tribunal.
2. Notice of the proposed action and the grounds asserted for it.
3. Opportunity to present reasons why the proposed action should not be taken.
4. The right to present evidence, including the right to call witnesses.
5. The right to know opposing evidence.
6. The right to cross-examine adverse witnesses.
7. A decision based exclusively on the evidence presented.
8. Opportunity to be represented by counsel.
9. Requirement that the tribunal prepares a record of the evidence presented.
10. Requirement that the tribunal prepares written findings of fact and reasons for its decision.

Civil procedural due process

Procedural due process is essentially based on the concept of "fundamental fairness". For example, in 1934, the United States Supreme Court held that due process is violated "if a practice or rule offends some principle of justice so rooted in

the traditions and conscience of our people as to be ranked as fundamental".^[27] As construed by the courts, it includes an individual's right to be adequately notified of charges or proceedings, the opportunity to be heard at these proceedings, and that the person or panel making the final decision over the proceedings be impartial in regards to the matter before them.^[28]

To put it more simply, where an individual is facing a deprivation of life, liberty, or property, procedural due process mandates that he or she is entitled to adequate notice, a hearing, and a neutral judge.

The Supreme Court has formulated a [balancing test](#) to determine the rigor with which the requirements of procedural due process should be applied to a particular deprivation, for the obvious reason that mandating such requirements in the most expansive way for even the most minor deprivations would bring the machinery of government to a halt. The Court set out the test as follows: "[I]dentification of the specific dictates of due process generally requires consideration of three distinct factors: first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and, finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail."^[29]

Procedural due process has also been an important factor in the development of the law of [personal jurisdiction](#), in the sense that it is inherently unfair for the judicial machinery of a state to take away the property of a person who has no connection to it whatsoever. A significant portion of U.S. constitutional law is therefore directed to what kinds of connections to a state are enough for that state's assertion of jurisdiction over a nonresident to comport with procedural due process.

The requirement of a neutral judge has introduced a constitutional dimension to the question of whether a judge should recuse himself or herself from a case. Specifically, the Supreme Court has ruled that in certain circumstances, the due process clause of the Fourteenth Amendment requires a judge to recuse himself on account of a potential or actual [conflict of interest](#). For example, in [Caperton v. A. T. Massey Coal Co.](#) (2009), the Court ruled that a justice of the [Supreme Court of Appeals of West Virginia](#) could not participate in a case involving a major donor to his election to that court.^[30]