



Foreclosure Defenders Tilt at Windmills?

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It should come as no surprise that I have promoted mortgage examinations as the entry point to foreclosure salvation. I recently promoted the service of “MFE,” a mortgage examiner with an office in the same building as, but on a different floor than, MERS. Fidalgo “Manchon,” the foreclosure defense practitioner and I interacted in the following chat. Manchon started with this:

How many attorneys these days want to follow the lead of a [MFE] who seems to be an advocate for if not an agent for MERS? I wish I could make you wake up and see how much damage you are doing by not supporting the revolution. When did you become an agent for the banks and MERS?



I responded with this:

NOTHING but your wild imagination makes MFE seem like an agent of MERS. MFE does nothing on MERS’ behalf, does not promote their interests, has nothing to do with them, and operates a completely unrelated business. MFE devotes its energies to helping people bring down crooked bankers and agents whom MERS supports.

All your efforts to get me to change my analysis are futile until you can share the details of [MFE]’s program. I told her and I will tell you. I am ready willing and able to provide MFE with a complete confidentiality and non-disclosure agreement.

Neither MFE nor anyone else owes you any trade secrets involving the techniques of their craft, regardless of whether you sign a non-disclosure agreement. Besides, you already KNOW the fundamental principles of mortgage examination. From *Brown v Quicken Loans* you know its fundamental benefit to attorneys seeking to attack the lender for injuring the borrower. From the many losing foreclosure defenses, including securitization arguments, in courts across the land, you know foreclosure defense does not work, and that leaves ONLY mortgage attack for fighting lenders successfully.

She is going to handle all client intake and fee arrangements for the moment, possibly from now on until we win. Any offers or potential clients you have directly to her. I have to focus on the legal research and strategizing which is what I do best. I want us to be on the same side, Bob, but so far you offer only empty platitudes about MFE’s strategy as an alternative to what I believe is happening.

I compare your foreclosure solutions to MFE's as I would compare a rock to a modern can opener as solutions for opening a can of simulated Texas Cowpoke Chili (everyone know real Texas cowpokes make real Texas Cowpoke Chili fresh from near-rancid beef seasoned liberally with hot chili peppers and eat it fresh from the campfire pot). Your drag-out-the-foreclosure ROCK only messes up the can and renders the contents an inedible mess, so to speak. MFE's CANOPENER gets the job done cleanly and quickly and leaves the mortgage victim with a great meal.

Your ROCK method leaves the client with loss of the house 99% of the time. In the rare cases where you might actually make the foreclosure go away, the client ends up with the same old house in need of repairs, huge legal fees and costs, a monumental debt the client cannot pay, and exposed for the creditors to attack up to 35 years later when the client becomes flush again. So even if you win, the client still loses and has a pile of worries and debt.

MFE's CANOPENER method leaves the client with a wide array of potential WINS including HUSH money, compensatory and punitive damages, the house free and clear, all legal fees and costs paid, and happiness in their hearts for beating the lender at the lender's own game.

If you consider these as empty platitudes, then, assuming your integrity remains intact, you have learned nothing commercially useful from recent history, or you just want to dupe more people into falling for commercially non-viable legal theories and litigation schemes.

The Block-of-Ice mortgage world will not crumble under the flat hand of your quixotic ambitions, Manchon. It needs your acumen and energy applied to the handle of the mortgage attack icepick I have repeatedly outlined to you. Then it will crumble, and your fame and client base will grow wildly. I remind you of the ideal path:

1. Examine mortgage for torts, breaches, and legal errors by the lender or agents.
2. If no causes of action, the mortgage victim walks creatively from the house.
3. Otherwise, negotiate settlement with the lender.
4. Call in the Government if the lender balks.
5. Sue the lender as a last resort.

You have never done that, have you, Manchon, even though your true chivalry DEMANDS that you do it? But you have drug out numerous foreclosures, and clients have lost their homes as a result of your tactics. Please allow yourself to consider a harsh reality. You have a BAD reputation among numerous of your former clients for bilking them, and a worse reputation for never actually WINNING any litigation. Dragging out a foreclosure does NOT constitute a WIN. Getting a temporary dismissal does NOT constitute a WIN. You complain that clients give up too early, but you forget that they don't want an interminable lender fist-fight, for the related services of which they must pay you so that they can ultimately LOSE.

The knock-down-and-drag-out over the Communism of Securitization that you envision might seem to appeal to the romantic-minded with money to burn, but most people with a shred of common sense hate and shun the idea as impractical, expensive, and dead wrong. Furthermore, a generalized win will not specifically apply to any client's mortgage situation. So some court declares securitization to constitute Communism. Then what? How does your client benefit from that? Does your client suddenly stop owing

repayment of a huge mortgage loan which the client promised in writing to repay under penalty of forfeiting the collateral - the house? If you answer yes to that, I have another question to ask:

ON WHAT PLANET? Certainly not planet Earth.

As to your laying eyes on a mortgage examination report, you had an excellent opportunity with CL, and you spurned it even when I told you about it while you lodged nearby. As her practitioner you might have asked her for it. And, you could have offered to help AR's client for a reasonable price, and thereby obtained access to the mortgage examination report, but you refused because he wouldn't pay your outrageously high price. I have several prospective clients RIGHT NOW in Florida who could use your services, and they would show you their reports IF you became their practitioner. I might refer them to you if you would promise to follow my program RELIGIOUSLY. But you haven't and won't, so I'll not let you poison the well of my success with mortgage victims.

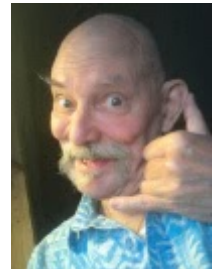
Besides, you don't need to see the report to know the benefits of a comprehensive mortgage exam. You know lenders or their agents cheated the vast majority of mortgagors, and if you had any good business sense at all, you would already have established a mortgage examination methodology of your own so you can attack the lender for torts and breaches. You and your mortgage victim clients would certainly fare better with cram-downs, damage awards, and adversary-paid legal fees than you fare with foreclosure defenses. How much common sense does it take to see that?

See this, Manchon. You have only your intractably stubborn self to blame if I don't send you any clients OR if you don't get to see a mortgage exam report. YOU caused this. I didn't.

Since you keep spewing venom at me over my promotion of mortgage examinations in general, and MFE's examinations in particular, and keep using your lack of intimate knowledge of the specifics of MFE's technique trade secrets as an excuse not to embrace the repeatedly proven methodology, I'll just back off and leave you and your misfortunate clients to the ignominy of your respective fates.

You'll need all the good luck you can get. Just remember a few years from now that when this opportunity knocked at your front door you wore ear muffs while you alternately and ardently searched for four-leaf clovers and jousted at windmills in the far end of your figurative big back yard.

Remember, you need only call me for a full explanation of the benefits of a comprehensive mortgage examination, and step-by-step instructions, absolutely FREE, as to how to proceed to get and use that exam. 727 669 5511. NOW.



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