

Solution:

How to Solve Your Mortgage and Foreclosure Woes



Bob Hurt

How to Solve Your Mortgage and Foreclosure Woes

Do you have an underwater mortgage (you owe more than the value of the property)?

Do you face foreclosure?

You can solve those problems with relative ease and minimize damage to your credit rating if you follow the decision tree.

You have two battles to fight in the war against the bank over your mortgage.

1. On one side of the hill you have the foreclosure. If you fight the foreclosure battle, you always lose because of several factors - you signed the note and mortgage, failed to pay, and must forfeit the collateral.

2. On the other you have the mortgage itself. If you fight the mortgage, you can get the loan rescinded or get financial compensation or the house free and clear IF you find sufficient causes of action and prosecute them effectively. The mortgage examination shows whether you have causes of action.

It's that simple.

Now you face a variety of courses of action depending on your financial condition and the mortgage exam results:

Mortgage Examination Decision Tree

1. If you are broke
 1. go to Minimize Loss
2. Else (you are not broke)
 1. get the mortgage examined
 2. If the exam shows causes of action
 1. Negotiate settlement with lender (may need to hire lawyer for \$1000)
 2. If you can accept the settlement
 1. embrace the settlement
 2. go to Enjoy Life
 3. else (settlement unacceptable)
 1. Sue lender for causes of action or file counter/cross claim
 2. embrace the result
 3. go to Enjoy Life
 3. else (no causes of action)
 1. go to Minimize Loss
 3. Minimize Loss:
 1. Do Short Sale, Deed in Lieu, or beneficial Loan Mod
 2. go to Enjoy Life
 4. Enjoy Life:
 1. Live happily ever after

I imagine you signed a note and mortgage in which you admitted receiving a loan, having seisin (possession) of the estate, and conveying the estate to the mortgagee for purposes of the mortgage. Article I Section 10 of the Florida Constitution forbids any law from impairing the obligation of contracts (like the note and mortgage) and Section 21 grants injured persons (including banks) the right to use the courts for redress and justice. You must forfeit the house for defaulting on the note. You might drag out the process through legal shenanigans, but I guess you will lose the house in the end at great expense to your fortune and peace of mind...

Unless you can prove that the lender or lender's agents injured you first.

The key to saving a house from foreclosure AND obtaining financial compensation lies in a comprehensive, competent mortgage examination, and negotiating with or suing the originating lender for the related causes of actions. If the exam report reveals tortious conduct, legal errors, or contract breaches underlying the mortgage loan, those will provide a measure of opportunity to hammer the lender into a settlement. Otherwise you don't negotiate from a position of power, and you lose. Done right, settling or suing stops the foreclosure, of course.

I know only one mortgage examiner with any degree of competence. He does not negotiate on price, period. You fill in a non-disclosure agreement and a questionnaire. You scan and zip them and all your mortgage and foreclosure related documents (plus loan app and appraisal) and upload the file to the examiner. He invoices you \$2500 by PayPal. You pay with Credit Card or PayPal account. 7 business days later you receive the report. If it shows causes of action (red ink), you or your attorney negotiate settlement with the originating lender and plaintiff. If you like the settlement, you settle. If you don't, you hire another attorney (fee or contingency) and sue. The process might drag out a couple of years, but you will probably win (just like the mortgagee wins foreclosures).

- Go to the examiner's web site and click Get Started.
- Email a request for QUESTIONNAIRE. When you receive it, fill it in.
- Download and sign non-disclosure agreement.
- Scan those with all mortgage and foreclosure related documents (closing docs plus appraisal, loan application, etc.).
- Contact the Chief Examiner. He will give you necessary details.
- Upload them to the location provided, pay the fee, receive the report in 7 business days
- Settle or sue for the causes of action in the report, or (if no causes) walk from the house with short sale, deed in lieu, keys for cash, etc.

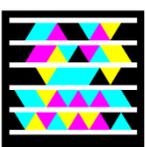
Some gentle reminders...

- As a non-lawyer I don't give legal advice
- NO foreclosure defense works - defenders always lose because the borrower breached the terms of the note and must forfeit the collateral

- Even if you win the foreclosure or do a loan mod, you end up owing more than the house is worth (typically) and having onerous repayment terms
- You can only save your house and obtain financial compensation by ATTACKING the lender and/or agents for injuring you
- You can only discover the bases for an attack through a comprehensive, competent mortgage examination
- You don't need to face foreclosure to justify the mortgage examination - lenders and their agents have cheated 90% of home mortgage borrowers over the past decade or so.
- \$2500 for the exam is a cheap price to pay for the benefit of saving your house or getting compensatory and punitive damages. Look at these examples:
 - *House free and clear, legal fees/costs paid, \$2.1 million in punitive damages*- <http://wvrecord.com/news/233771-quicken-loans-on-losing-end-of-3-million-predatory-lending-verdict>
 - *\$250K compensation, \$1 million punitive* - Wells Fargo lied on the loan application--
<http://www.bizjournals.com/baltimore/stories/2008/08/11/story8.html?b=1218427200^1681713>
<<http://www.bizjournals.com/baltimore/stories/2008/08/11/story8.html?b=1218427200%5E1681713>>
 - *\$10 million actual damages, \$1.5 million mental anguish and economic damage*- Ocwen lied to borrower who missed loan payment -
<http://www.bizjournals.com/southflorida/stories/2005/11/28/daily20.html?page=all>
 - *reinstated \$6 million punitive damage arbitration award* against servicer (8th USCCA W. Mo.Stark v. Sandperg, Phoenix & von Gontard, et al.) -
<http://mortgage-home-loan-bank-fraud.com/legal/Stark%20vs%20EMC.pdf>

Contact me by phone (727 669 5511) or [Email](#) for further details. I'll put you in touch with the Chief Examiner after I have answered all your questions.

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