

Home Foreclosure Legal Aid Project News & Updates

September 2009

Home Foreclosure Legal Aid Project Update:

To date, 378 attorneys have signed up with the Home Foreclosure Legal Aid Project. Of the 378, about 40 volunteers have provided advice and counsel and/or representation to about 80 homeowners. Of those 80 matters, 16 are now closed. 80% of our cases have been in Western Washington. 72 volunteers have certified that they have completed the training modules and are eligible for the MCLE credits.

A Victory Against Predatory Lending:

Volunteer attorney, Brendan Donckers, filed an affirmative predatory lending case in King County Superior Court. He was able to successfully convince the court to grant a temporary restraining order enabling him to complete in time the lawsuit against the trustee, the unlicensed broker, the original lender and the assignee bank. The court later continued the hearing for the preliminary injunction for a month and a half. This has given Brendan the time to negotiate with the assignee bank for a modification that would make the clients' loan affordable and allow them to keep the home. The suit against the unlicensed broker will continue. Thank you, Brendan, for your enthusiasm and dedication!

Inquiring minds want to know...

How does the Home Foreclosure Legal Aid Project respond and handle foreclosure scams?

We handle these types of cases in two ways:

1. One way is when a homeowner has lost title to her home as a result of an equity theft and is trying to recover her home. The home is in foreclosure, but title is held by the rescue scammer or a straw man. These cases must be litigated to quiet title and cancel any loans taken by the scammer.
2. Another way is a situation that involves people in foreclosure who paid for phantom help (foreclosure rescue services). The attorney will address the foreclosure separate from the scam. So while the attorney attempts to modify the loan or restrain the sale, s/he will also send a demand to the scammers to get the client's money back. We send information about the scammer to the AG's office.

Advocate Resources:

Practice Tools and Aids

<http://www.consumerlaw.org/fprc/fpc.shtml>

http://www.lri.lsc.gov/practice/foreclosure_resources.asp

Making Home Affordable Q & A

http://www.consumerlaw.org/issues/financial_distress/content/loan_modification/Obama-Making-Home-Affordable-Q&A.pdf

Short Sales, Deeds in Lieu of Foreclosure and High Price Decline Protection Incentive Programs

http://www.consumerlaw.org/issues/financial_distress/content/loan_modification/ShortSales-Deeds.pdf

Calling all would-be mentors!

If you have a few years of experience under your belt in area of loan modifications/work out agreements, predatory lending, restrain of sale, foreclosure rescue scams, we need you! Yes, if you've shied away from mentoring before this is your chance to dive right in. Please contact Aline at (206) 727-8204 or alinec@wsba.org to discuss ways that you can help out as a mentor without having to over-commit yourself.

A Few Good Stories?

We're looking for a few good stories about what it's like to volunteer for the project so far; stories of inspiration, hope, frustration or concern... What's your volunteer experience been like so far? Please call Aline at (206) 727-8204 or email alinec@wsba.org.

Haven't done the online training yet?

Go to <http://www.mywsba.org/> and click on the home foreclosure project logo. You will then be taken to a page where if you scroll to the bottom you will find the three training modules with training materials and the online video. Once you have completed the training go back to the same site drop down menu where it says, "HFLAP home" and certify that you've completed the training. It's that easy!

Time to Report CLE credits!

Our MCLE department is now collecting 2009 MCLE credit reporting information. If you wish to get credit for doing the online foreclosure prevention training now's the time to let us know. To be sure that our MCLE department knows that you've taken our foreclosure prevention CLE go to <http://www.mywsba.org/> and click on the drop down menu where it says, "HFLAP home" and scroll to the last option to select "Certify MCLE Credit."

Tracking Volunteer Time:

If you've been actively volunteering with our project, we'd like to know how many hours you've donated! Your hard work and generosity deserves to be recognized! Please keep track of your hours and contact Aline at (206) 727-8204 or alinec@wsba.org.

Foreclosures Issues in the News:

A 'Little Judge' Who Rejects Foreclosures, Brooklyn Style
<http://www.nytimes.com/2009/08/31/nyregion/31judge.html>

Tax Bills Put Pressure on Struggling Homeowners
<http://www.nytimes.com/2009/08/18/business/18taxes.html?scp=5&sq=foreclosure&st=cse>

WA Attorney General's Press Release: Attorneys lend a hand during a time of need
<http://www.atg.wa.gov/pressrelease.aspx?&id=23734>

Rising US Foreclosures Dim Outlook For Loan Modifications
<http://www.nasdaq.com/asp/stock-market-news-story.aspx?storyid=200909081644dowjonesdionline000428&title=rising-us-foreclosures-dim-outlook-for-loan-modifications>

Major Banks Still Grappling With Foreclosures
<http://www.npr.org/templates/story/story.php?storyId=112660935&sc=emaf>

Housekeeping:

Please Check Your Email Spam Filter!

Please make sure you are receiving email from Lili Sotelo and Colleen Mold, our Home Foreclosure Legal Aid Project legal team; their emails are colleenm@nwjustice.org and lilis@nwjustice.org and hflap@nwjustice.org. Almost all attorneys should have gotten a chance to accept at least one case. Anyone who has not received a request for case acceptance should contact Aline at alinec@wsba.org as soon as possible.

Really Eager to Get a Case?

Have you been really eager to get a case but feel like you haven't been quick enough on the draw when our legal team sends out volunteer opportunities? Have you been unable to handle a matter that's been offered but are still really interested in getting a case? If so, please email hflap@nwjustice.org and also let us know if you'd be willing to take matters in neighboring counties or statewide.

Too Busy Right Now to Take a Case?

If you are not currently able or believe that you will not be able to accept cases through the Home Foreclosure Project for the next six months, please take a moment to let us know so that we can remove you from our volunteer list. Please contact Aline at (206) 727-8204 or alinec@wsba.org to be removed from our volunteer list. You can always rejoin us when your schedule opens up.

Questions, Comments and Feedback: We want to hear from you!

Please contact Aline at alinec@wsba.org or at (206) 727-8204.

Thanks again for doing your part to put an end the foreclosure crisis and helping Washington state homeowners!