



Outline – Advanced Foreclosure Issues/Best Practices

(Challenges to completing a foreclosure, reducing delays, meeting investor timelines and obtaining good and marketable title)

1. Intro – **Robert/Lisa**
2. The Standard Foreclosure
 - a. The Pre-Foreclosure Process: What are the Roadblocks to First Legal Filing? – **Andrew/Melody**
 - i. Document Issues – missing, defective content, defects in public record
 - ii. Breach Letters – timing and content, latest trends in borrower challenges
 - iii. Other Notices – The 14-Day Letter, PRSL, FDCPA
 - b. The Foreclosure Process: How can the Servicer and Counsel work to resolve delays? – **Lisa/Marsha**
 - i. Executed Documents – refining the exchanges, change management
 - ii. Service Transfers – assignments and promissory notes, effect on judicial process
 - iii. Counsel – communication, timeliness, changes in law
 - c. Ancillary Challenges During the Foreclosure Process – **Robert/Michael**
 - i. HOA's and COA's – servicer's rights and duties
 - ii. Municipalities and Property Maintenance Issues – obligations of the servicer
 - iii. Loss Mitigation/CFPB – holds, working the case, reporting



Advanced Foreclosure Issues/Best Practices – cont'd

3. Litigation During the Foreclosure Process **Lisa/Robert/Michael**
 - a. Identifying High Risk Litigation
 - i. What are the hot button defenses? What's the strategy?
 1. Forced Escrow Accounts/Insurance and Taxes
 2. Mismanaged Loss Mitigation
 3. Predatory Lending
 - b. Effective Management of Contests – **Lisa/Robyn**
 - i. Should foreclosure firm retain contested file?
 - ii. Comprehensive Loan / Origination File Review
 - iii. Removal to Federal Court on RESPA / TILA / FDCPA
 - iv. Creative Ideas to Quickly Solve Problems without Further Litigation
 - v. Summary Judgment and Other Litigation Resolutions
4. Advanced Concepts in Processing – **Mark/Robyn**
 - a. Coordination of Loss Mitigation Efforts with Foreclosure Operations to Maximize Results
 - b. Necessary Language in Loss Mitigation Agreements (Cure "All Evils")
 - c. Handling 1st and 2nd Liens on the Same Property for Different Investors – Is this a conflict of interest?
 - d. Valuation and Bidding Strategies
 - i. Use of AVMs in Calculating Bids
5. Questions

Presenters:

Co-Leads – Lisa Lee/Robert Forster

Andrew Harmon

Mark Rothfuss

Michael Gonzales

Melody Jones

Robyn Katz