

---

## **Litigating Foreclosures**

**Trainer: April Carrie Charney, Esq., Jacksonville Area Legal Aid, Inc.**

**When: Saturday, March 6, 2010**

**Where: UNIVERSITY OF LA VERNE  
COLLEGE OF LAW  
320 EAST D STREET  
ONTARIO, CALIFORNIA 91764**

**Sponsored by: Inland Counties Legal Services, Inc.**

**MCLE: 7.5 MCLE credit hours, including 2.0 Ethics**

**Workshop Fee: \$175**

**Required:** Attorneys attending agree to donate 20 hours of pro bono services to the Legal Services organization in their community in 2010

### **Agenda**

**8:00 am – 8:30 am: REGISTRATION**

**8:30 am - 10:30 am.: SECURITIZATION / STANDING / STATING A  
CAUSE OF ACTION (NOT) (2.0)**

- Pooling and servicing agreements
- Pattern and Practice Evidence
- Pleadings and Motion Practice
- Discovery/ Depositions/inspections
- Assignments/affidavits

**10:30 am – 10:45am: BREAK**

**Trainer: April Charney, Esq.  
Jackson Area Legal Aid, Inc.  
Litigating Foreclosures**

**10:45 – 12:30 pm: HOW TO DEFEND RESIDENTIAL MORTGAGE FORECLOSURES IN CALIFORNIA (1.75)**

- Reasons to defend foreclosures
- Client intake/statements of fact/collecting documents
- Realistic expectations and outcomes
- Attorney's fees- how to get them
- Costs of Litigation
- Enforcement actions-government contacts•  
Administrative complaints
- Internet and research tools
- Borrower Rights to Default Loan Servicing
- Negotiation/education/mediation/loss mitigation
- Working effectively with housing counselors
- Case management
- Settlements, valuation, loan restructuring
- Credit Repair
- Deficiency damage claims
- Second Liens / HELOCS

**12:30 pm– 1:00 pm: Lunch (provided with tuition)**

**1:00 pm – 2:00 pm CALIFORNIA LAW (1.0)**

- :
- Loan workouts and restructuring
  - Understanding Loan Documents
  - Origination and Closing Documents
    - Broker agreements
    - Home improvement contracts
    - Residential loan application
    - Good faith estimate
    - Underwriting directives/closing instructions
    - Pre-approval forms
    - Broker and lender worksheets and forms
    - Credit reports
    - Appraisals

**Trainer: April Charney, Esq.  
Jackson Area Legal Aid, Inc.  
Litigating Foreclosures**

- Title opinions/commitments
- Settlement statements
- Settlement checks
- Truth in lending disclosure statements/forms
- Notices of right to cancel
- Mortgages, notes -fixed, ARMS, balloon, riders, addendums
- Life of loan/transaction histories and codes

**2:00 pm- 3:15 pm**

**LENDING PRACTICES & OTHER CONSIDERATIONS (1.25)**

- Guidelines for Residential Mortgage Lending Practices
- Best Practices and Statements on (Subprime/Prime) Lending and Servicing
- FHA/HUD laws and regulations on default servicing/loss mitigation
- VA insured home loan Servicing Handbook
- Fannie Mae/Freddie Mac and Private Label Loan Servicing
- 12 USC 1701x - Homeownership Counseling Act
- Foreclosure Prevention:
- Servicemembers Civil Relief Act (SCRA)
- Public records
- Bankruptcy and Tax Considerations

**3:15 pm– 3:30 pm** Break

**3:30 pm–5:00pm**

**COMMON/FEDERAL/STATE LAW CAUSES OF ACTION (1.5)**

- Civil conspiracy / RICO
- Fraud
- Aiding and abetting/willful blindness/deepening indebtedness, lost use
- Breach of contract
- Declaratory and injunctive relief
- Unfair and deceptive practices
- Illegal consumer debt collection

**Trainer: April Charney, Esq.  
Jackson Area Legal Aid, Inc.  
Litigating Foreclosures**

- Unjust enrichment
  - Breach of fiduciary duties
  - Conversion
  - Civil theft
  - Negligence
  - Theories of assignee liability/Close
- Connectedness/ Participation Schemes**
  - Truth-in-lending Act/HOEPA
  - Equal Credit Opportunity Act
  - Real Estate Settlement and Procedures Act
  - Fair Housing Act
  - Fair Debt Collection Practices Act