

The Florida Bar Foundation Public Interest Law Fellows and  
UF Center for Governmental Responsibility present:

# DEFENDING RESIDENTIAL FORECLOSURES

*presented by*

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of Jacksonville Area Legal Aid, Inc.

**Saturday, March 28, 2009**

**8:00am – 4:30pm**

**Co-Sponsors: 8<sup>th</sup> Judicial Circuit Bar Association,  
UF Real Property Law Association,  
the Association for Public Interest Law, and the UF Journal of Law & Public Policy**  
*Made Possible with Support from the Florida Bar Foundation*

**Florida Bar CLE Credits:** 9.0 hours General; 2.0 hours Ethics

**Florida Bar Certification in Real Estate:** 9.0 hours

**For:** Attorneys giving a 20 hour commitment of pro bono  
service to the Legal Aid/Service program in their community

## Agenda

**7:30 am – 8:00 am:** Registration

**8:00 am - 10:00 am.:** Securitization / Standing / Stating a cause of  
action (NOT)

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

**10:00 am – 10:15am:** Break

**10:15 am – 12:00 pm:** How to Defend Residential Mortgage Foreclosures in Florida

- 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

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

**12:30 pm – 1:30 pm**

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- 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
- 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

**1:30 pm - 2:45 pm**

- 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

**2:45 pm – 3:00 pm** Break

**3:00 pm – 4:30pm:** Common/Federal/State Law Causes of Action

- 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
- 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