

SHOULD I SHORT SALE MY HOME?

**Homeowners Guide How To Survive
The Worst Real Estate Market In History**

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SHOULD I SHORT SALE MY HOME?

HOMEOWNER'S GUIDE :

HOW TO SURVIVE THE WORST
REAL ESTATE MARKET IN HISTORY

By

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and

Tim And Julie Harris

** Readers of this book are advised to seek additional information from their accountant and or attorney. This book and its content is not intended to give legal or accounting advice. The authors and co-authors are not accountants or attorneys.*

LACityShortSales.com

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About Us

LACityShortSales.com is dedicated to assisting distressed homeowners nationwide by identifying and implementing the best available loss mitigation option to prevent foreclosure. Following a thorough analysis of each situation by our specialists, we work with homeowners and their lenders to come up with the appropriate loss mitigation solution, whether it is reinstating the mortgage, a forbearance agreement, a loan modification, a repayment plan, a deed in lieu of foreclosure, or a short sale agreement.

LACityShortSales.com diligently works on behalf of the homeowner to market the sale, negotiate and secure a fair agreement with their lender.

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Table Of Contents

// Chapter One //

A National Epidemic Is Looming. Are You Ready?

// Chapter Two //

How Bad Is It?

// Chapter Three //

Ok, I Get It. A Short Sale May Be My Best Option. Tell Me More.

// Chapter Four //

What Is A Mortgage Foreclosure?

// Chapter Five //

You Have Been Warned: Foreclosure Scams.

// Chapter Six //

What Are The Options For Homeowners In Foreclosure?

// Chapter Seven //

You Now Want To Short Sale Your Home:

Top 10 Short Sale Questions, Answered.

// Chapter Eight //

I Thought Rates Were Falling. Won't That Help?

// Chapter Nine //

Life After Short Sale..When You Want To Buy A Home Again...

FHA To The Rescue.

// Chapter Ten //

Something You Should Know: The Death Of The Home Equity Loan - Millions Of Homeowners Shut Out.

// Chapter One //

**A National Epidemic Is Looming.
Are You Ready?**

Chapter One

A National Epidemic Is Looming. Are You Ready?

Are you stressed out about mortgage payments? Do you think your only option is a foreclosure? Is a short sale right for you? Millions and millions of homeowners are asking themselves the same questions. It is projected that over 20,000,000 homeowners will have negative equity in their homes in the very near future. In other words, they will owe more on their homes than they are worth. Over 2.9 million homes have foreclosed in the last three years and the number is only expected to grow. Expect the effects of the estate recession to ripple for years to come.

What can you do now?

There is expected to be a massive tsunami of homeowners who are simply making the decision to sell their homes through a short sale vs. staying in a home, hoping that one day it may be worth what they paid.

No one is safe. News stories from across the country tell the tales of both celebrities and average Americans who are all considering selling their homes through a short sale.

Selling your home through a short sale doesn't need to be a shameful, life-ruining experience. Sometimes short selling your mortgage simply makes smart economic

sense, especially for homeowners who find themselves "upside down" — that is, they owe more on their mortgage than their house is worth.

Late last year, CNBC Financial Guru Jim Cramer was telling homeowners to 'Just Walk Away'. (Watch the video on YouTube.com.)

We are clearly in uncharted waters. The current housing crisis is different from all the previous housing recessions. It is well known that many financial institutions sold mortgages in a deceptive manner — for example, by approving people for loans they couldn't really afford — then why should homeowners feel obliged to honor their commitments?

From a homeowner's perspective, why should they stay in a home that is depreciating? Often times it's possible to rent the same style home in the same area for half (or less) than their current mortgage payment. Assuming it takes years for the market to recover, the homeowner who sells their home via a short sale now will be far ahead of the person who 'stuck it out'.

Here is an example:

Starting May of 2008:

* Homeowner paid \$500,000 at the market peak in late 2006. Homeowner put down 5% and did a 7 year interest

only mortgage. Monthly payment including principle, interest, taxes and insurance is \$4200 per month.

* Assuming the property has depreciated 30% and is now worth only \$350,000, the owner has negative equity or is 'upside down' by \$150,000.

* The market is continuing to depreciate and is projected to level off in mid to late 2009. In other words, months and months of more losses for the homeowner.

Option 1

Homeowner can 'stick it out' and keep the home. They will continue to make their monthly interest only payment/ house upkeep of \$4200 per month. They will pay \$50,400 per year to keep the home. They are deeply 'upside down' in the home with massive negative equity. By late 2009, the home's value has stopped depreciating. The market stays flat for at least a year thereafter. The inventory levels have to sell off. In late 2010 or early 2011 the market then starts to slowly appreciate again. Best case the home starts to appreciate at 5% per year. Based on this rough example it will take at least 7 years for that home to be worth what that owner paid in 2006. During that time the homeowner will have paid \$50,400 per year. Do the math. That's \$352,800 spent to stay in the home and 'stick it out'.

Option 2

Homeowner lists the home with an agent trained in doing short sales. The home sells and the bank agrees to accept the loss in equity as the short sale. Bank loses

\$150,000. Homeowner moves to a rental home in the same neighborhood and pays rent of \$2000 per month. Half of his previous house payment. Homeowner saves the difference between what he had been paying for the owned home and his new rent payment. \$26,400 per year. Yes, the homeowner does have significant negative credit ramifications as a result of their short sale. This negative credit will prevent them from buying a home for the next 18-24 months. With this option he can sit out the real estate recession and jump back in when the market has hit bottom. If he times it right he can buy at the markets bottom. This time he will have a more significant down payment and a better quality mortgage.

Let's be very clear about this next point...Yes, there is damage to your credit. According to national experts, after a short sale, a person's credit will go down by 300 + or - points and then prevent them from buying using a government backed mortgage for up to 24 months. With a foreclosure, the credit is damaged for up to 4 years preventing someone from obtaining a government-backed mortgage.

Many home owners who are now short selling their properties are going to want to buy houses again some day; and when they do, lenders are going to want to make money lending them money to do so.

// Chapter Two //

How Bad Is It?

Chapter Two

How Bad Is It?

One thing is certain: Foreclosures are on the rise. Cities in California, Ohio, Florida and Michigan just posted the highest foreclosure rates in the U.S., according to RealtyTrac, a private firm.

RealtyTrac is the go-to source for the best foreclosure information. This information is from a recent report that they released. If you want to obtain current, up to the minute information on foreclosures in your area go to their website. www.realtytrac.com

Foreclosure Activity Up 112 Percent From Q1 2007
California and Florida Cities Account for 13 of Top 20 Metro Areas -

“RealtyTrac, the leading online marketplace for foreclosure properties, released its Q1 2008 U.S. Foreclosure Market Report™, which shows foreclosure filings — default notices, auction sale notices and bank repossessions — were reported on 649,917 properties during the first quarter, a 23 percent increase from the previous quarter and a 112 percent increase from the first quarter of 2007. The report also shows that one in every 194 U.S. households received a foreclosure filing during the first quarter. Foreclosure activity in the first quarter increased

on a year-over-year basis in 46 out of the 50 states and in 90 of the nation's 100 largest metro areas, demonstrating that most regions of the country are seeing more foreclosures.”

Nevada, California, Arizona have the highest state foreclosure rates. One in every 54 Nevada households received a foreclosure filing during the first quarter, the highest foreclosure rate among the states and 3.6 times the national average. Foreclosure filings were reported on 19,595 Nevada properties during the quarter, up 3 percent from the previous quarter and up 137 percent from the first quarter of 2007.

Foreclosure filings were reported on 169,831 California properties during the first quarter, the highest total among the states and a rate of one in every 78 households — the nation's second highest foreclosure rate. Foreclosure activity in California increased 32 percent from the previous quarter and was up nearly 213 percent from the first quarter of 2007.

Arizona documented the nation's third highest state foreclosure rate, with one in every 95 households receiving a foreclosure filing during the quarter. Foreclosure filings were reported on 27,404 Arizona properties during the quarter, up 45 percent from the previous quarter and up nearly 245 percent from the first quarter of 2007. Foreclosure filings were reported on 87,893 Florida properties during the first quarter, the second highest

state total and giving Florida the nation's fourth highest foreclosure rate — one in every 97 households received a foreclosure filing during the quarter. Foreclosure activity in the state was up 17 percent from the previous quarter and up 178 percent from the first quarter of 2007.

Colorado foreclosure activity increased 33 percent from the previous quarter and 78 percent from the first quarter of 2007, and the state's foreclosure rate ranked No. 5 among the states. Foreclosure filings were reported on 18,996 Colorado properties during the quarter, a rate of one in every 110 households.

Other states with foreclosure rates among the top 10 were Georgia, Michigan, Ohio, Massachusetts and Connecticut.

The Q1 2008 U.S. Foreclosure Market Report also ranks the nation's 100 largest metropolitan areas by foreclosure rate. California and Florida metro areas accounted for 13 of the top 20 metro foreclosure rates, with the California cities of Stockton and Riverside-San Bernardino taking the No. 1 and No. 2 spots.

One in every 30 Stockton households received a foreclosure filing during the quarter — 6.6 times the national average — and one in every 38 Riverside-San Bernardino households received a foreclosure filing during the quarter — more than five times the national average. Other California metro areas in the top 20 included

Bakersfield at No. 4, Sacramento at No. 5, San Diego at No. 9, Oakland at No. 10, Fresno at No. 12, Los Angeles at No. 17 and Orange County at No. 19.

Las Vegas documented the third highest metro foreclosure rate, with one in every 44 households receiving a foreclosure filing during the quarter. The metro area's foreclosure activity increased 1 percent from the previous quarter and 134 percent from the first quarter of 2007.

Detroit foreclosure activity in the first quarter decreased 22 percent from the previous quarter and was down almost 4 percent from the first quarter of 2007, but the metro area's foreclosure rate still ranked No. 6, with one in every 68 households receiving a foreclosure filing during the quarter. Phoenix foreclosure activity increased 46 percent from the previous quarter and 294 percent from the first quarter of 2007, and the metro area's foreclosure rate ranked No. 7, with one in every 70 households receiving a foreclosure filing during the quarter.

The highest ranked Florida metro area was Fort Lauderdale, which ranked No. 8 with one in every 73 households receiving a foreclosure filing during the quarter. Other Florida metro areas in the top 20 included Orlando at No. 13, Miami at No. 14 and Sarasota-Bradenton-Venice at No. 15. The foreclosure rate in Tampa-St. Petersburg-Clearwater ranked No. 21.

Other metro areas with foreclosure rates among the top

20 included Denver at No. 11, Atlanta at No. 16, Cleveland at No. 18 and Memphis, Tenn., at No. 20.

// Chapter Three //

Ok, I Get It.

A Short Sale May Be My Best Option.
Tell Me More.

Chapter Three

*Ok, I Get It...A Short Sale May Be My Best Option...
Tell Me More...*

A short sale is when a lender accepts a discount on a mortgage to avoid a possible foreclosure auction or bankruptcy. For example: A homeowner, who is facing foreclosure, has an existing first mortgage of \$500,000. The market value of the home is \$350,000. Long story short, the lender accepts the offer for \$350,000 and the home is sold.

That's a short sale.

Why are lenders so eager to take such a huge discount? Banks do not like bad loans. If they see an opportunity where they can sell the property without the huge loss of a foreclosure, they will do it. Some lenders report that if the home goes into foreclosure by the time the home actually closes with the new buyer, the lender will be lucky to net 50% of the original loan balance.

Bottom line from the lenders perspective? They are in the business of lending money, not owning homes. If they can accept a short sale offer and rid themselves of the bad loan AND net more, vs the home going into foreclosure, they will do it every time. It's simply smart business.

Time is not on your side when you are considering a short sale. You must act quickly and work only with a real estate expert who has successfully completed and graduated from advanced real estate education programs like Harris Real Estate University.

// Chapter Four //

What Is A Mortgage Foreclosure?

Chapter Four

What is Mortgage Foreclosure?

Mortgage foreclosure simply means the deed can only be foreclosed through court action. Mortgage foreclosure is usually referred to as a judicial foreclosure.

A mortgage is a security document that allows the borrower to keep title of the property while using the property as security or collateral for a loan. The lender then places a lien on the property in the event the owner does not pay the agreed payment. When the borrower pays off the loan, the lender gives the borrower a satisfaction of mortgage that removes the lien from the property. About half the states in the U.S. use mortgage foreclosure as the means of satisfying the loan balance.

As with most mortgage foreclosure lawsuits, it starts with a summons and a complaint is issued to the borrower and any other parties with inferior rights in the property. Usually the lender's attorney is the one who issues the notice. The complaint is usually filed in the court where the trial is to be held. Here's the interesting part. Once the borrower has been notified, he or she has 20 days to respond back to the court challenging them on the mortgage foreclosure lawsuit. Once this occurs, the court now has 40 days to respond back to the borrower. Keep in mind that each correspondence must be legit and deal with some specific

part of the complaint. This process may go back and forth as long as the borrower finds something erroneous with the complaint. This slows a mortgage foreclosure greatly because it must go through the court system. It may go as long as a year if needs be or even longer. This is how many homeowners stay in their homes for months often years after they have stopped making their house payments.

// Chapter Five //

**You Have Been Warned:
Foreclosure Scams.**

Chapter Five

You Have Been Warned: Foreclosure Scams on the Rise!

Foreclosure Scams are on the rise because of the increasing number of foreclosures. It's very important as homeowners to know about these scams..

Common Foreclosure Scams

1. EQUITY SKIMMING:

You are approached by a "buyer" that offers to buy your home at full asking price. The potential buyer claims he will solve all your financial problems by "promising" to pay off your mortgage. He claims to take over the existing mortgage and give you a sum of money after the property is sold. But in order to do so, he suggests that you move out right away and deed the property over to him. So you move out and assume the "buyer" will continue to make the mortgage payments. However, the "buyer" collects rent for the next 6 - 8 months and does not make any mortgage payments. The lender has no choice but to foreclose and all the while you have no idea what's happening because you've moved out.

2. THE BAIT-AND-SWITCH:

Very similar to taking over "subject to", but the acclaimed buyer is only after the equity. The buyer tells the

homeowners he will bring the mortgage current and tells them they can stay in the home. But in order to do so, he must have a few documents signed that protect his interest and gives him ownership of the property. Then a few weeks down the road, the homeowner receives an eviction notice.

3. THE BAILOUT:

Again very similar to the previous two, where the homeowners sign over the deed with the assumption that they will be able to remain in the house as a renter or lease it back from the buyer and eventually buy it back over time. The terms of these types of scams are so harsh that they make it nearly impossible to buy-back which was the plan to begin with. The homeowner is left with nothing and the buyer walks off with most or all of the equity.

4. PHANTOM ASSISTANCE:

Typically these are online companies claiming to have the magic touch in stopping the foreclosure auction. They know all the ins and outs and what to say to the lender to stop the auction. Then these companies charge outrageous fees for simple phone calls and paperwork the homeowner could have completed themselves.

5. COUNSELING AGENCIES:

Some groups, most of them online, calling themselves "counseling agencies" may approach you or ask you to submit your information for a personal consultation

to review your situation. They then proceed to offer certain services for a fee. Most of the time these "special services" you are paying for are FREE, such as negotiating a new payment plan with your lender, working out a forbearance, or lowering your interest rate. These are all things your lender will assist you with at no charge. Be careful giving ANYONE money online that claims they can assist you out of foreclosure. There are dozens of good, non-profit organizations and free counseling agencies that are ready and willing to assist.

6. Short Sale Companies. This is the newest breed of companies to avoid. Here is the bottom line, they make all their money from the fees you pay them at the start of the process. In other words, they have little to no incentive to get your short sale actually accepted and closed.

NOT A SCAM: One of the largest foreclosure assistance programs right now is 888-995-HOPE. This is available to any homeowner in America having trouble paying their mortgage. It is provided free of charge by the Homeownership Preservation Foundation, a nonprofit dedicated to preserving homeownership.

Here are a few things you can do to avoid foreclosure scams...

* **DON'T SIGN** any papers that you don't fully understand, or you could make bad matters worse.

* **DON'T SIGN** any papers that you feel pressured into signing. Take your time.

* **DON'T MAKE** mortgage payments to anyone other than your lender.

* **DON'T SIGN** over the deed without some closure or agreement for your protection. Talk to your attorney or title company if you need help.

* **DON'T EVER** pay anyone who claims to stop foreclosure. You can stop the auction yourself.

// Chapter Six //

**What Are The Options For
Homeowners In Foreclosure?**

Chapter Six

What are the Options For Homeowners Facing Foreclosure?

1. Try to “make nice” with your lender. You can call your lender and ask them to reinstate the loan. You may be allowed to reinstate or make the loan current by paying a lump sum or making scheduled payments to your lender over a given amount of time. Just explain to them you had a few bad months and things are now better and most lenders will try to work something out with you.
2. IF you have equity, refinance. Usually the lender would refinance the existing loan and include as part of the new loan any late payments, and fees that you would need to regain control. It would all be "wrapped" into one mortgage.
3. Assuming you have no equity and have to sell, you can list your home with a Realtor who has been trained how to do short sales. Almost always your best option.
4. You can give the property back to the lender. If there are no other liens on the title, the lender may agree to take the property back. This process of transferring ownership from you to the lender under these circumstances is called a Deed in Lieu of Foreclosure, and is sometimes referred to as a "friendly foreclosure" because in essence that what it is. You just walk away. You must discuss this with your

lender.

5. You can file bankruptcy. First, you need to seek the advice of an attorney. In no way are we trying to provide legal advice. Only an attorney can give legal advice. The two most common "chapters" of bankruptcy are Chapter 7 and Chapter 13.

Bankruptcies are "work out" others are "wipe out".

Chapter 7 is the "wipe out" and Chapter 13 is the "work out". Bankruptcy is a federal court action designed to help individuals repay their debts or eliminate their debts depending on their circumstances. Chapter 13 bankruptcies are designed to reorganize debts in an effort to repay all debt. Chapter 7 bankruptcies are geared more towards liquidation of assets. Both Chapter 7 and Chapter 13 immediately stop the foreclosure process and any creditors from taking further action against you.

Chapter 7 Bankruptcy

When someone files a Chapter 7 bankruptcy, all assets are frozen. The attorney creates what is called an automatic stay. Meaning everything "Stays" put. The homeowners can't buy anything, they can't sell anything, and they can't even give away anything. If they try to sell their home, they couldn't. If they try to give away money in savings, they can't. Any unsecured debt like credit cards, unsecured loans, etc. are eliminated or wiped out. They do not exist anymore. Then the trustee or attorney who represents the court and the creditors will look at all the assets (house,

car, furniture, equipment) anything of value and decide what must be liquidated to pay some of the debt that was wiped out.

If the homeowners are in the middle of foreclosure, a Chapter 7 will stop the foreclosure process. Usually banks will then ask the trustee to release the property from the automatic stay so they may continue with the foreclosure process. Once the property has been released from the bankruptcy, the foreclosure process starts right where it left off. Typically you have anywhere from 3-5 weeks until the foreclosure process begins again.

Chapter 13 Bankruptcy

When someone files a Chapter 13, they don't take all the assets and sell them. Instead they take all the monthly payments and discount them for pennies on the dollar. It's like a debt consolidation plan. Whatever amount is agreed upon has to be paid to the bankruptcy court every month for the next 3-5 years. So the homeowners get to keep their house, their cars, and all their assets. Now, as long as the homeowner stays current with the mortgage payments and pays the amount agreed upon, they will be fine. However, if any payments are missed, the trustee will dismiss the bankruptcy and the foreclosure process will begin again.

6. And finally, you can just let it go to foreclosure. Basically you don't do anything. You leave with nothing in hand and a foreclosure on your credit report. This is without question the worst option of all.

Another solution available is the Soldier Relief Act of 1940. When a property is owned by a person in the military and the mortgage payments are not made, then this relief act may stop foreclosure based on certain criteria. The person has to be in active duty in order to qualify. The mortgage loan had to be established before the soldier was called out to active duty. Not only will this stop foreclosure, but it will stop seizure of any personal property while the soldier is actively serving and several months thereafter.

// Chapter Seven //

**You Now Want To Short Sale Your Home:
Top 10 Short Sale Questions, Answered.**

Chapter Seven

You Now Want To Do A Short Sale. Top 10 Seller Short Sale Questions, Answered.

Number 10

I can't make my house payments but I do have an ability to pay back all or part of the negative equity. Also, I want to preserve my credit score...is a short sale right for me?

Probably not. In cases where the seller can pay back all or part of the negative equity (usually to the 2nd lien holder) it makes sense for them to work out a repayment plan.

The lender will then release the lien and allow the home to close.

Number 9

If I pay mortgage insurance and default on my loan, wouldn't that cover the deficiency amount?

The mortgage insurance is not there for your protection, it protects the mortgage lender.

Number 8

Do I have to have my home 'Approved' by my lender prior to offering it for sale as a short sale?

No. Technically speaking, there is no such thing as being 'Short Sale Approved'. The actual approval only happens with an accepted offer.

Number 7

I just missed a payment and I know I will miss more....how long does the foreclosure process take and is there time to do a short sale?

The foreclosure process takes differing times depending on your state. In the Midwest a foreclosure can take over a year. In California it's taking 6+ months. Generally speaking a well-priced short sale being processed by an educated short sale listing agent will sell and close in less than 120 days.

Number 6

Will I still have to pay property taxes if I do a short sale? Property taxes will always have to be paid as part of any accepted short sale. Whether it's you or the lender depends on their policies and the specific agreement you reach while negotiating the short sale.

Number 5

I owe more than my home is worth and I can't make the payment, do I have to somehow qualify for a short sale? The simple answer is NO. If someone can't make their payment and they are otherwise insolvent they qualify for a short sale. Note: insolvent simply means their total debts are great than their assets.

Number 4

Do I have to pay income taxes? I have heard that I will get a 1099. Will the loss the bank takes be treated as a taxable

gain to me..the seller..is this true?!

It WAS true, now it's not. Consult your Tax Attorney or Qualified CPA. Very recently the tax law was modified and now most people who do a short sale will have no taxes due.

Number 3

How do you, my listing agent get paid? Who pays your commission?

The bank will pay the commission along with all the other usual closing costs.

Number 2

Do I have to miss a payment to do a Short Sale?

No. Late last year most major lenders started accepting short sale offers from sellers who have never missed a payment.

Number 1

I want to do a short sale and have a 2nd mortgage, does this make me ineligible?

No. Both of your lenders will need to be satisfied in some way to complete the short sale. If your first lender will be paid off by the sale, then you just negotiate the terms with the second lender. Most short sales do involve 1st and 2nd lien holder.

// Chapter Eight //

**I Thought Rates Were Falling.
Won't That Help?**

Chapter Eight

But, I Thought Rates Were Falling. Won't That Help Me?

The Federal Reserve has been lowering rates to bail out the economy. Does this mean that that mortgage rates will fall?

In some cases yes in most cases no...read on.

Let's start with the 30-year fixed rate mortgage. The 30-year fixed rate mortgage is not tied to short-term treasuries. Fixed mortgage rates are tied to long-term bond yields that move based on the outlook for the economy and inflation. True, even as the Fed has lowered rates, the 30-year fixed has come down, but that's because of the outlook for slower economic growth in the months ahead. While the decline in treasury yields has helped push mortgage rates lower, the decline in long term rates hasn't been in lockstep thanks to the fact that these mortgages are securitized and sold on the global market. Investors now demand a higher risk premium on these mortgages due to higher delinquencies and foreclosures.

Next let's take a look at 7 and 5-1 Adjustable Rate Mortgages (ARMs) Yes, this is good news if your 5-year (or 7 year) ARM is pegged to a treasury index. So if you're facing a reset on, say, a \$200,000 loan, you're now getting a payment increase of about \$150 a month, as opposed to

\$370 a month, which you would have had before the Fed started cutting rates.

Do the Fed Rate Drops Help Sub-Prime mortgage Holders?

Nope. Unfortunately if you have a sub-prime ARM it is more than likely pegged to LIBOR, which has moved in the opposite direction. Because of the liquidity issues in global financial markets, LIBOR rates have actually increased at the same time that treasury and other benchmark yields have been declining, so the Fed lowering rates today would not help too many sub-prime mortgage holders.

Even with lower rates, the home still must appraise for the amount being borrowed plus another 10 to 20%. In most places, depreciation alone has eliminated the opportunity to refinance and take advantage of rate adjustments.

How are Home Equity Lines of Credit Effected?

How about my Home Equity Line of Credit (HELOC): Yes, if you have that home equity line of credit that you used to renovate your bathroom/kitchen recently, then when the Fed lowers rates, your rate comes down as well. That's because HELOCs are predominantly pegged to the prime rate, which moves in step with the Federal Reserve.

// Chapter Nine //

**Life After Short Sale..
When You Want To Buy A Home Again...
FHA To The Rescue.**

Chapter Nine

Life After Short Sale: When You Want To Buy A Home Again...FHA To The Rescue!

Remember, after a short sale, it's possible to obtain a new mortgage in as few as 18 to 24 months, assuming all other credit has been kept clean.

Get ready for FHA loans to become the best choice EVEN in the high priced areas like California!

Its now possible to get a FHA Mortgage in certain parts of the country for over \$700,000!

Visit this web address for updated FHA mortgage limits for your state.

<http://www.hud.gov/offices/hsg/sfh/lender/sfhmolin.cfm>

You Must Know How FHA Loans Work:

First, it's important to understand that FHA is not only for first time home buyers, anyone can sign up for an FHA loan, as long as you don't have more than one FHA Loan at a time.

Your job is to establish a relationship with an FHA approved lender. Not all lenders hold this qualification.

Little Known SECRETS of FHA Loans:

*FHA Can Help Clients With Blemished Credit History. New programs are coming out that will allow borrowers with credit scores in the high 500s to buy a home.

* Bankruptcy. You can obtain an FHA loan two years from the date of your bankruptcy discharge, as long as you've maintained good credit since your debts were discharged.

*Foreclosure. If you keep your credit in excellent shape after a foreclosure, an FHA loan will be available to you two years from the final date of your foreclosure.

Ultra Competitive Rates & Terms

* There is little or no adjustment to the interest rate for an FHA loan, as the rates vary within .125 percent of a conventional loan.

* Mortgage insurance is funded into the loan, meaning a premium of 1.5% is added to the loan balance instead of being paid out-of-pocket. In addition, a small portion for the mortgage insurance premium is added to the monthly payment, but it is far less than private mortgage insurance premiums.

* Qualifying Borrowers can finance 97% of the purchase

price and put down 3 percent. In some instances, when combined with other types of loans, the down payment can be zero.

- Allowable debt ratios are higher than the debt-ratio limits imposed for conventional loans.
- Borrowers can get up to 6% back from the seller to help with all of their closing costs.

Forget what you thought you knew about FHA...

At one point, FHA repair demands were so excessive that sellers would discount the list price to buyers who would agree to obtain conventional loans over FHA loans. Today the requirements appear more reasonable.

* You can purchase a home in need of repairs and finance the repair costs with the mortgage. This way you can make the necessary repairs immediately without having to come up with the money yourself.

* You can purchase manufactured homes and condominiums with a FHA loan.

* You can finance the cost of energy-efficient repairs with the mortgage.

* Defective roofs that leak still need to be replaced but an older roof does not necessitate replacement if it doesn't

leak. An roofing certification is acceptable in most cases.

* Windows that stick upon opening or have cracked panes do not require replacement.

* FHA appraisals do not take the place of a home inspection, and never have. Buyers should still obtain a professional home inspection.

It's time to take advantage of the return of the FHA loan!
It's about to become significantly better than before, with higher limits and an easier appraisal process.

// Chapter Ten //

**Something You Should Know:
The Death Of The Home Equity Loan -
Millions Of Homeowners Shut Out.**

Chapter Ten

Something You Should Know: The Death Of The HELOC....Millions Of Homeowners Shut Out.

Most major lenders are freezing withdrawals from Home Equity Lines of Credit (HELOCs) – and I don't want you to be caught off guard by this development. If you were planning on using your HELOC for spring home improvements or college tuition chances are the money has been shut off.

You should be aware that the lender retains the right to suspend or reduce the line of credit available if your property value falls below the appraised value used to originate the loan. Lenders are actively assessing (performing Broker Price Opinions, or Appraisals) properties and then suspending access for account holders who have seen a downward slide in their home value. Many of our students who do BPOs are reporting to us a dramatic increase in BPO requests from lenders for this reason.

Actual notice from Countrywide..sent to borrowers:

'Important message about your loan: At Countrywide Home Loans we are committed to helping customers sustain homeownership. As part of the commitment, and in keeping with its sound risk-management and responsible lending practices, Countrywide Home Loan is reviewing

and analyzing home equity lines of credit in its servicing portfolio.

We believe that the decline in the value of your property, from its original appraised value at the time your loan was made is significant. In accordance with the terms of your Home Equity Credit Line Agreement and Disclosure Statement (Agreement), we have elected to suspend further draws against your account as of the Effective Date above.'

The Los Angeles Times recently reported that Countrywide notified many homeowners they've lost their right to borrow against their credit lines:

'Tens of thousands of homeowners with home equity lines of credit are getting a rude surprise: They've been told by their lender that they can no longer take money out on their credit lines because sinking home prices have left them with little or no equity.

Among the lenders taking such action is Countrywide Financial Corp., which sent 122,000 letters to customers last week telling them they could no longer borrow against their credit lines. In some cases, according to the company, the borrowers are now "upside down" — the total debt on the home exceeds the market value of the property.

Calabasas-based Countrywide, the nation's largest

mortgage lender, says it uses computer modeling that factors in changes in home prices to determine which customers will have their money tap shut off.'

If there was any question that consumers were feeling the pinch before...just wait until they are told that their homes are worth LESS than what they owe. Or in the word of Countrywide, "Significantly Less". Do you think that will have an effect on the economy? Think this will make consumers feel more confident about housing?

Appendix A:

Loss Mitigation Companies and Contact Info.

This is the most complete list of loss mitigation phone numbers for lenders on the Internet. It is sorted in alphabetical order. The first step to stop foreclosure is to contact your lender and try and obtain a reasonable loan workout or repayment plan. The quicker you get the ball rolling, the better chance you have of striking a deal with your lender, so you can save your home and your credit. The hardest call is the first. It only gets easier after that. Time is ticking and it goes by fast when you're behind the infamous 8 ball. As Nike would say, "Just Do It!"

Here's the list:

Lender/Service Loss Mitigation
Phone Numbers & Contact Information:

ABM AMRO Mortgage (800) 783-8900
Web: <https://www.mortgage.com/C3/application.busAccredited>
Home Lenders (877) 683-4466 AMC Mortgage Services (Also
handles loans originated by Ameriquest and Argent)
(800) 211-6926
1600 McConnor Parkway
Schaumburg, IL 60173
Web: <https://www.myamcloan.com/malwebapp/begin.do>

American Home Mortgage Corp. (877) 304-3100*

Amerquest Mortgage (Debt collection — see AMC Mortgage Services) (800) 211-6926

Aurora Loan Services (Debt collection) (800) 550-0508

By Overnight Mail:

601 5th Avenue

Scottsbluff, NE 69361

Attn: Customer Service

By Regular Mail:

P.O. Box 1706

Scottsbluff, NE 69363

E-mail: ccnmail@alservices.com

Web: <https://www.alservices.com/Consumer/UI/SSL/>

Authentication/Login.aspx?ReturnUrl=%2fConsumer%2fUI%2fSSL%2fServicing%2fDefault.aspx

Avelo Mortgage LLC (866) 992-8356* Bank of America (800) 846-2222 BB&T Mortgage (800) 827-3722* AmTrust Bank (aka Ohio Savings Bank) (888) 696-4444

Beneficial (800) 333-5848

Central Pacific Bank (800) 342-8422*

Charter One (800) 234-6002

Chase (800) 548-7912

Loss Mitigation (877) 838-1882 ext 52195 The Number you will be directed to after you give your loan number: (866) 665-7629 (business hours are 11AM-8PM M-TH, 8AM-12PM F)

Chase Home Finance (800) 848-9136 (customer service)
(858) 605-2181 (delinquency customer service)
Chase Home Finance-New Jersey (800) 446-8939*Chevy
Chase Bank (800) 933-9100*
Web: https://chaseonline.chase.com/chaseonline/logon/sso_logon.jsp?fromLoc=ALL&LOB=COLLogon

Chase Manhattan Mortgage
(800) 446-8939 (Ohio Servicing Center)
(800) 526-0072 (Florida Servicing Center)
(800) 527-3040 x533 (Florida Servicing Center)Chevy Chase
Bank (800) 933-9100
Web: <https://www.chevyCHASEbank.com/htm/payment.html>
(Payment Addresses)Citi Financial Mortgage (800) 753-3673
Citimortgage (800) 283-7918

Countrywide (800) 262-4218
Web: https://customers.countrywide.com/se...t_login254.asp

Ditech (800) 852-0656 (800) 449-8582

Downey Financial Corp. (800) 824-6902, ext. 6696

Deutsche Bank National Call Number on Mortgage Statement

EMC (800) 723-3004
P.O. Box 141358
Irving, TX 75014-1358
Web: <https://www.emcmortgageservicing.com/ccn/ccnsecurity.asp>

EverBank (800) 669-7724 ext. 4730

Equity One (Debt collection) (866) 361-3460

First Horizon Home Loans (800) 489-2966*

Fifth Third Bank (800) 375-1745 Option 3

First Merit Bank (888) 728-9931

Flagstar Bank (800) 968-7700, ext. 9780

Fremont Investment & Loan (866) 484-0291

GMAC Mortgage (800) 850-4622

GreenPoint Mortgage Funding (800) 784-5566, ext. 5383*

Green Tree (877) 816-9125

Homecomings Financial (800) 799-9250

HomeEq Mortgage Servicing (Debt collection) (866) 822-1471

Household Finance (An HSBC Co.) (800) 333-5848

Household Mortgage (800) 333-4489

HSBC Mortgage (800) 338-6441

Default Resolution Team (if long term problem)

2929 Walden Avenue

Depew, NY 14043

(888) 648-3124 Loss Mit

(732) 352-7519 Fax

Web: <http://us.hsbc.com/personal/mortgage/existing/difficulties.asp>

Huntington National Bank (800) 323-4695

Indymac Bank (877) 736-5556

C/O Loan Resolution Department

P.O Box 7014

Pasadena, CA 91107

(Monday - Friday 6:15am-7:15pm. (Pacific Time)

Web: <https://www.indymacbank.com/contactus/loanResolution.asp>

Irwin Mortgage (888) 218-1988

P.O Box 7014

Pasadena, CA 91107

Web: <https://www.irwinmortgage.com/wps/portal/!ut/p/cxml/E-mail:delinquency.prevention@irwinmortgage.com>

James B. Nutter & Company (800) 315-7334

Key Bank (800) 422-2442

LaSalle National Bank (800) 783-8900

Litton Loan Servicing (800) 999-8501 or (800) 548-8665

Fax (713) 966-8820

4828 Loop Central Drive

Houston, Texas 77081-2226

Web: <https://www.littonloan.com/index.asp>

Loss Mitigation Department Hours:

Monday Eastern: 9 a.m. - 7 p.m. Central: 8 a.m. - 6 p.m.

Mountain: 7 a.m. - 5 p.m. Pacific: 6 a.m. - 4 p.m.

Tuesday-Thursday Eastern: 9 a.m. - 9 p.m. Central: 8 a.m. - 8 p.m. Mountain: 7 a.m. - 7 p.m. Pacific: 6 a.m. - 6 p.m.

Friday Eastern: 10 a.m. - 6 p.m. Central: 9 a.m. - 5 p.m.

Mountain: 8 a.m. - 4 p.m. Pacific: 7 a.m. - 3 p.m.

Default Counseling Department representatives are also available most weekends on Saturday from 8 a.m. to 12 p.m. and Sunday from 10 a.m. to 2 p.m. (CST).

Midland Mortgage (800) 552-3000 or (800) 654-4566

Web: <https://www.mymidlandmortgage.com/MyMortgage/Login/Login.asp>

Mortgage Lenders Network (800) 691-0129

E-mail: customerservice@mlnusa.com

Web: http://www.mlnusa.com/customers/info_credithelp.asp Mortgage Electronic Registration Systems (MERS)

(888) 679-6377 National City (800) 367-9305, Ext. 53221 or (800) 523-8654

Attention: Homeowner's Assistance

3232 Newmark Dr.

Miamisburg, Ohio 45342

(8AM-10:30PM ET, Monday - Thursday)

(8AM-5PM ET, Friday)

(8AM-Noon, Saturday)

Web: http://www.nationalcitymortgage.com/service_assistance.

asp Nationwide Advantage Mortgage Company (800) 356-3442,
ext. 6002*

NationStar Mortgage (888) 850-9398* Press 0 for operator

New Century Financial Now Carrington Mortgage Services (800)
790-9502 or (877) 206-9904

(6:00 a.m. to 7:00 p.m. Pacific Time, Monday - Thursday)

(6:00 a.m. to 6:00 p.m. Pacific Time, Friday)

Web: [https://myloan.newcentury.com/webapps/servicing/
myloans/index.do](https://myloan.newcentury.com/webapps/servicing/myloans/index.do)

NovaStar Mortgage Loan Resolution Department (888) 743-
0774 Non-English: (888) 743-0774, ext. 4523

Ocwen Federal Bank (800) 746-2936 or (877) 596-8560

Web: http://www.ocwencustomers.com/csc_fa.cfm

Attention: Financial Information

12650 Ingenuity Drive

Orlando, Florida 32826

or

Ocwen Financial Corporation

1661 Worthington Rd., Suite 100

West Palm Beach, Florida 33409

Phone: 877-226-2936

For serving Ocwen with legal process, please send to their
registered agent:

Corporation Service Company

2711 Centerville Road, Suite 400

Wilmington, DE 19808
Phone: 561-682-8000, x8386

Option One (866) 711-1962 or (888) 275-2648
Web: http://www.oomc.com/servicing/servicing_baifaqs.asp

PHH Mortgage (Formerly Cendant) (800) 257-0460
For borrowers facing possible delinquency: (800) 330-0423*
For borrowers in the foreclosure process: (800) 750-2518
Web: <https://www.phhmortgage.com/sso/mq/login>
ResMae Mortgage Corp. (877) 473-7623, ext. 5944

Saxon (800) 665-7367

Select Portfolio Servicing (888) 818-6032
Fax: (801) 293-3936
Loan Resolution Department
P.O. Box 65250
Salt Lake City, UT 84165-0250
(Monday - Thursday 10:00 a.m. - 10:00 p.m. EST)
(Friday 10:00 a.m. - 7:00 p.m. EST)
(Saturday 9:00 a.m. - 1:00 p.m. EST)
Web: <http://www.spservicing.com/services/customer/loanresolution.htm>

SkyBank (800) 290-3359

Sun Trust Mortgage (800) 634-7928
PO Box 26149
Richmond, VA 23260-6149

Mail Code RVW 3003 Web: <https://www.suntrustmortgage.com/generalquestions.asp#>

Third Federal Savings (888) 844-7333

US Bank (800) 365-7900

Wachovia Bank of Delaware (866) 642-8608

Washington Mutual (866) 926-8937 or (888) 453-3102 or
(800) 478-0036 or (800) 254-3677

Waterfield Mortgage (800) 957-7245

Fax: (260) 459-5390

c/o Loss Mitigation Dept.

7500 W. Jefferson Blvd.

Fort Wayne, IN 46804

(7 am – 10 pm EST Monday – Thursday)

(7 am – 9 pm EST Fridays)

(8 am – 2 pm EST Saturdays)

E-Mail: saveyourhome@waterfield.com

Web: <http://www.waterfield.com/scripts/cgiip.exe/WService=wfg/pub/borrowerservices/delqasst>

Wells Fargo (877) 216-8448 or (866) 261-5642 or
(800)766-0987 or (800) 678-7986 for payment assistance

Borrower Counseling Services

Monday - Friday 8:00 a.m. - 9:00 p.m., CT

Saturday 9:00 a.m. - 2:00 p.m., CT

Web: <https://www.wellsfargo.com/mortgage/account/>

Wendover Financial Services Corporation (800) 934-1081 or
(800) 436-1022

Web: <http://www.wendover.com/borrowers.html>

Wilshire Credit Corporation (888) 502-0100

P.O. Box 8517

Portland, OR 97207-8517

From 6 a.m. to 5 p.m. (Pacific time) Monday through Friday

Web: <http://www.wfsg.com/borrower/borrower.aspx>

*No direct line to the loss mitigation or loan modification department. But we are working on it.

APPENDIX B

What's the difference between Short Sale vs Short Payoff.

In our current real estate environment it is crucial that to fully understand the difference between a **“Short Sale”** and a **“Short Payoff”**.

A **Short Sale** is where the lender or investor agrees to accept an amount less than is actually owed on the property.

The **Criteria for a Short Sale** are that the borrower demonstrates a verifiable long term hardship.

A **Short Payoff** is when the lender agrees to release the lien (their interest) on the property and allow the property to be “conveyed” to a new owner. The lender agrees to accept less than the amount owed on the property to release the lien however they extend a certain amount of “credit” to the borrower in the form of an unsecured line of credit or promissory note.

The **Criteria for a Short Payoff** – The mortgage is current, the borrower has great credit, the borrower had and can demonstrate the ability to pay off the debt.

When would you request a Short Payoff? – You would request a short payoff when the home has lost value dramatically and you do not have the ability to pay the large amount to get completely out of the property.

Note – Not all lenders will allow for a Short Payoff, however you will never know if you never ask.

Advantages of a Short Pay-Off:

- You are able to move out of the property and get on with your life.
- You SHOULD receive no negative

- feedback on your credit.
You may obtain a lower interest rate on the loan. Sometimes 1-2%.

How to apply for a short payoff

1. If possible call the lender and ask them if they will accept a short payoff. Remember you may need to talk to a supervisor or to loss mitigation directly.
2. Put together your package, this is the same information as your short sale package, *however the goal is to show the lender the ability to pay not the inability to pay.*
3. Do not accept the first no as the answer, and never paint a lender or servicer with a broad brush. Remember most lenders do not work with just one investor, lenders sell their loans to different investors so if Countrywide says no today that does not mean no tomorrow.

Man in the Arena

"It is not the critic who counts: not the man who points out how the strong man stumbles or where the doer of deeds could have done better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again, because there is no effort without error or shortcoming, but who knows the great enthusiasms, the great devotions, who spends himself for a worthy cause; who, at the best, knows, in the end, the

triumph of high achievement, and who, at the worst, if he fails, at least he fails while daring greatly, so that his place shall never be with those cold and timid souls who knew neither victory nor defeat. " Theodore Roosevelt

APPENDIX C:

The Complete State-by-State Guidebook on the most Common Foreclosure Procedures.

This section is written for the purpose of providing current information in regard to the topics as set forth in the text. It is not the intention of any author or publisher herein, to provide the reader with specific legal, financial, tax, accounting or professional advice. Understand that each business transaction presents a whole different or unique set of circumstances. Each state is different and applicable laws, regulations and terminology for related subjects may vary in different jurisdictions. Considerable efforts are made to provide the reader with timely and accurate information; however there are no guarantees. Therefore, if expert assistance and advice is required, the reader should always seek the services of a competent professional.

The following information was compiled by

www.harrisrealestateuniversity.com

If you have any questions please visit our site.

Arizona*

Arizona is a Power of Sale State

Foreclosure of mortgage by court action

Mortgages of real property and deeds of trust shall be foreclosed by action in a court.

Right of junior lien holder upon foreclosure action by senior lien holder

Any time after an action to foreclose a mortgage or deed of trust is brought, and prior to the sale, a person having a junior lien on the property shall be entitled to an assignment of all the interest of the holder of the mortgage or deed of trust by paying him the amount secured, with interest and costs, together with the amount of any other superior liens of the same holder. The assignee may then continue the action in his name.

Judgment of foreclosure; contents; sale of property; resale

A. When a mortgage or deed of trust is foreclosed, the court shall give judgment for the entire amount determined due, and shall direct the mortgaged property, or as much thereof as is necessary to satisfy the judgment, to be sold. B. Judgments for the foreclosure of mortgages and other liens shall provide that the plaintiff recover his debt, damages and costs, with a foreclosure of the plaintiff's lien on the property subject to the lien, and, except in judgments against executors, administrators and guardians, that a special execution issue to the sheriff or any constable of the county where the property is located, directing him to seize and sell the property as under execution, in satisfaction of the judgment. If the property cannot be found, or if the proceeds of the sale are insufficient to satisfy the judgment, then if so ordered by the court the sheriff shall take

the money or any balance thereof remaining unpaid out of any other property of the defendant. Any sale of real property to satisfy a judgment shall be a credit on the judgment in the amount of either the fair market value of the real property or the sale price of the real property at sheriff's sale, whichever is greater.

C. If the debt for which the lien is held is not all due, as soon as enough of the property is sold to pay the amount due, with costs, the sale shall cease, and afterward as often as more becomes due for principal and interest, the court may, on motion, order more property sold. If the property cannot be sold in portions without injury to the parties, the whole may be ordered sold in the first instance and the entire debt and costs paid, allowing a rebate of interest where proper.

Notice of trustee's sale

A. The trustee shall give written notice of the time and place of sale legally describing the trust property to be sold by each of the following methods:

1. Recording a notice in the office of the recorder of each county where the trust property is situated.
2. Giving notice as provided in section 33-809 to the extent applicable.
3. Posting a notice, at least twenty days before the date of sale in some conspicuous place on the trust property to be sold, if posting can be accomplished without a breach of the peace. If access to the trust property is denied because a common entrance to the property is restricted by a limited access gate or similar impediment, the property shall be posted by posting notice at that gate or impediment. Notice shall also be posted at one of the places provided for posting public notices at any

building that serves as a location of the superior court in the county where the trust property is to be sold. Posting is deemed completed on the date the first notice is posted.

4. Publication of sale notice in a newspaper of general circulation in each county in which trust property to be sold is situated. Sale notice shall be published at least once a week for four consecutive weeks. The last date of publication shall not be less than ten days prior to the date of sale. Publication is deemed completed on the date of the first publication of notice pursuant to this paragraph.

B. The sale shall be held at the time and place designated in the notice of sale on a day other than a Saturday or legal holiday between 9:00 a.m. and 5:00 p.m. at a specified place on the trust property, at a specified place at any building that serves as a location of the superior court or at a specified place at a place of business of the trustee, in any county in which part of the trust property to be sold is situated.

C. The notice of sale shall contain:

1. The date, time and place of the sale. This date shall be at least ninety days after the date that the notice of sale was recorded.

2. The street address, if any, or identifiable location as well as the legal description of the trust property.

3. The county assessor's tax parcel number for the trust property or the tax parcel number of a larger parcel of which the trust property is a part.

4. The original principal balance as shown on the deed of trust. If the amount is not shown on the deed of trust, it shall be listed as "unspecified".

5. The names and addresses, as of the date the notice of sale is recorded, of the beneficiary and the trustee, the name and address of the original trustor as stated in the deed of trust, the signature of the trustee and the basis for the trustee's qualification pursuant to section 33-803, subsection A. The address of the beneficiary shall not be in care of the trustee or trustee's agent.

6. The telephone number of the trustee.

Sale by public auction; postponement of sale

A. On the date and at the time and place designated in the notice of sale, the trustee shall offer to sell the trust property at public auction for cash to the highest bidder. The attorney or agent for the trustee may conduct the sale and act at such sale as the auctioneer for the trustee. Any person, including the trustee or beneficiary, may bid at the sale. Only the beneficiary may make a credit bid in lieu of cash at sale. The trustee shall require every bidder except the beneficiary to provide a one thousand dollar deposit in cash or in any other form that is satisfactory to the trustee as a condition of entering a bid. The trustee shall not refuse cash as a form of payment of the bidder's deposit. Every bid shall be deemed an irrevocable offer until the sale is completed, except that a subsequent bid by the same bidder for a higher amount shall cancel that bidder's lower bid. To determine the highest price bid, the trustor or beneficiary present at the sale may recommend the manner in which the known lots, parcels or divisions of the trust property be sold. The trustee shall conditionally sell the trust property under each recommendation, and, in addition, shall conditionally sell the trust property as a whole. The trustee shall determine which conditional sale or sales result in the highest total price

bid for all of the trust property. The trustee shall return deposits to all but the bidder or bidders whose bid or bids result in the highest bid price. The sale shall be completed on payment by the purchaser of the price bid in a form satisfactory to the trustee. The subsequent execution, delivery and recordation of the trustee's deed as prescribed by section 33811 are ministerial acts. If the trustee's deed is recorded in the county in which the trust property is located within fifteen business days after the date of the sale, the trustee's sale is deemed perfected at the appointed date and time of the trustee's sale.

B. The person conducting the sale may, for any cause deemed in the interest of the beneficiary or trustor, or both, postpone or continue the sale from time to time or change the place of the sale to any other location authorized pursuant to this chapter by giving notice of the new date, time and place by public declaration at the time and place last appointed for the sale. Any new sale date shall be a fixed date within ninety calendar days of the date of the declaration. No other notice of the postponed, continued or relocated sale is required except as provided in subsection C of this section.

C. A sale shall not be complete if the sale as held is contrary to or in violation of any federal statute in effect because of an unknown or undisclosed bankruptcy. A sale so held shall be deemed to be continued to a date, time and place announced by the trustee at the sale and shall comply with subsection B of this section or, if not announced, shall be continued to the same place and at the same time twenty-eight days later, unless the twenty-eighth day falls on a Saturday or legal holiday, in which event it shall be continued to the first business day thereafter. In the event a sale is continued because of an unknown or

undisclosed bankruptcy, the trustee shall notify by registered or certified mail, with postage prepaid, all bidders who provide their names, addresses and telephone numbers in writing to the party conducting the sale of the continuation of the sale.

Redemption of property by payment to officer directed under foreclosure judgment to sell the property.

If payment is made to the officer directed to sell mortgaged property under a foreclosure judgment, before the foreclosure sale takes place, the officer shall make a certificate of payment and acknowledge it, and the certificate shall be recorded in the office in which the mortgage or deed of trust is recorded.

Payment of bid; trustee's deed

The highest bidder at the sale, other than the beneficiary to the extent of the credit bid, shall pay the price bid by no later than 5:00 p.m. of the following day, other than a Saturday or legal holiday. If the highest bidder fails to pay the amount bid for the property struck off to the bidder at the sale, the trustee, in the trustee's sole discretion, shall either continue the sale to reopen bidding or immediately offer the trust property to the second highest bidder who may purchase the trust property at that bidder's bid price. The deposit of the highest bidder who fails to pay the amount bid shall be forfeited and shall be treated as additional sale proceeds to be applied. If the second highest bidder does not pay that bidder's bid price by 5:00 of the next day excluding Saturdays and legal holidays after the property has been offered to that bidder by the trustee, the trustee shall either continue the sale to reopen bidding or offer the trust property to each of the prior bidders on successive days excluding Saturdays and legal holidays in order of their

highest bid, until a bid price is paid, or if there is no other bidder, the sale shall be deemed to be continued to a time and place designated by the trustee, or if not designated, the sale shall be continued to the same place and at the same time twenty-eight days after the last scheduled sale date. If the twenty-eighth day is a Saturday or legal holiday, the sale shall be continued to the next business day. If the sale is continued, the trustee shall provide notice of the continuation of the sale by registered or certified mail, with postage prepaid, to all bidders who provide their names, addresses and telephone numbers in writing to the party conducting the sale. In addition to the forfeit of deposit, a highest bidder who fails to pay the amount bid by that bidder is liable to any person who suffers loss or expenses as a result, including attorney fees. In any subsequent sale of trust property, the trustee may reject any bid of that person. In any sale that is continued pursuant to this subsection, the trustee shall reject the bid from any previous bidder who elected not to pay that bidder's bid price. The price bid shall be paid at the office of the trustee or the trustee's agent, or any other reasonable place designated by the trustee. The payment of the bid price may be made at a later time if agreed upon in writing by the trustee. The trustee shall execute and deliver the trustee's deed to the purchaser within seven business days after receipt of payment by the trustee or the trustee's agent made in a form that is satisfactory to the trustee. The trustee's deed shall raise the presumption of compliance with the requirements of the deed of trust and this chapter relating to the exercise of the power of sale and the sale of the trust property, including recording, mailing, publishing and posting of notice of sale and the conduct of the sale. A trustee's deed shall constitute conclusive evidence

of the meeting of those requirements in favor of purchasers or encumbrancers for value and without actual notice. Knowledge of the trustee shall not be imputed to the beneficiary. The trustor, its successors or assigns, and all persons to whom the trustee mails a notice of a sale under a trust deed pursuant to section 33-809 shall waive all defenses and objections to the sale not raised in an action that results in the issuance of a court order granting relief pursuant to rule 65.

Arizona rules of civil procedure, entered before 5:00 p.m. on the last day other than Saturday, Sunday or other legal holiday before the scheduled date of the sale. A copy of the order, the application for the order and the complaint shall be delivered to the trustee within twenty-four hours after entering the order. A sale is not complete if the sale violates subsection C of this section because of an undisclosed order entered by the court within the time provided for in subsection C of this section. A sale held in violation of subsection C of this section shall be continued to a date, time and place announced by the trustee at the sale and shall comply with section 33-810, subsection B. If not announced, the sale shall be continued to the same place and at the same time twenty-eight days later. If the twenty-eighth day falls on a Saturday, Sunday or other legal holiday, the sale shall be continued to the next business day. If the sale is continued because of an unknown or undisclosed order as provided in this subsection, the trustee shall notify by registered or certified mail, with postage prepaid, all bidders who provide names, addresses and telephone numbers in writing to the party conducting the sale of the continuation of the sale. The trustee's deed shall operate to convey to the purchaser the title, interest and claim of the trustee, the trustor, the beneficiary, their

respective successors in interest and all persons claiming the trust property sold by or through them, including all interest or claim in the trust property acquired subsequent to the recording of the deed of trust and prior to delivery of the trustee's deed. That conveyance shall be absolute without right of redemption and clear of all liens, claims or interests that have a priority subordinate to the deed of trust and shall be subject to all liens, claims or interests that have a priority senior to the deed of trust.

Disposition of proceeds of sale

A. The trustee shall apply the proceeds of the trustee's sale in the following order of priority:

1. To the costs and expenses of exercising the power of sale and the sale, including the payment of the trustee's fees and reasonable attorney's fees actually incurred.
2. To the payment of the contract or contracts secured by the trust deed.
3. To the payment of all other obligations provided in or secured by the trust deed and actually paid by the beneficiary before the trustee's sale.
4. To the junior lien holders or encumbrancers in order of their priority as they existed at the time of the sale. After payment in full to all junior lien holders and encumbrancers payment shall be made to the trustor, except that if the trustor has sold or transferred the property to another owner before the trustee's sale, payment shall be made to the person who is the owner of record at the time of the trustee's sale.

***Courtesy of Arizona State Statutes**

California*

California is a non-judicial state.

Redemption Period

Once the Notice of Default records the foreclosure time frame begins. Within 10 business days a copy of the recorded Notice of Default is sent by certified and regular mail to the borrowers at all addresses provided and any recorded special requests. Within 30 days a copy of the Notice of Default is sent by certified and regular mail to new owners and all junior lien holders to the Deed of Trust being foreclosed. A Trustee's Sale Guarantee Report is ordered from the title company providing all title information. The foreclosure remains dormant for the next 60 days unless the borrower makes contact to cure.

Publication Period

The publication period begins once the redemption period has expired. A Notice of Trustee's Sale is prepared and published in an adjudicated paper of general circulation in the city in which the property is located. The Notice of Trustee's Sale is published one time per week for three weeks. The actual Sale is established by adding at least 20 days to the date that the Notice of Trustee's Sale was first published in the newspaper. The Notice of Trustee's Sale is posted on the property and in a public place. At least 14 days period to Sale date the Notice of Trustee's Sale must be recorded in the county in which the property is located.

Trustee's Sale

On the day that was established for sale of the property, and only after all publication period requirements have been met, the property is sold to the highest bidder for cash for the full amount of the debt plus foreclosure fee and expenses. If no one bids at the Trustee's Sale, the property automatically reverts back to the beneficiary for the debt. A Trustee's Deed Upon Sale is recorded

in the county in which the property is located transferring title to the foreclosing beneficiary allowing the marketing of the property to recover their debt. All sales under a power of sale in a deed of trust will be made between the hours of 9:00 a.m. and 5:00 p.m. on any business day, Monday through Friday, at the time specified in the notice of trustee sale. The sale must be made at public auction to the highest bidder. The trustee has the right to require every bidder to show evidence of ability to pay the full bid in cash, cashier's check or certain bank checks. Each bid is by law an irrevocable offer to purchase. However, a higher bid cancels an earlier bid. It is unlawful and a criminal offense (a fine of \$10,000 or up to one year in jail) to offer anyone consideration not to bid, or to fix or restrain the bidding process in any manner. Debtors may reinstate up to five days before non-judicial foreclosure sale. Junior lien holders may no longer redeem, so they may try to protect themselves by (1) advancing funds to bring the senior loan payments current, then foreclosing for the sums advanced; (2) bidding at the foreclosure sale so the price will be sufficient to payoff the senior and the junior liens; or (3) acquire the property by bidding at the foreclosure. If the debtor has a right to redeem and does so, the junior who purchased the home must be reimbursed. Junior liens do not reattach the property if a borrower redeems a senior lien whose foreclosure extinguished the junior. This helps borrowers by encouraging the junior to bid up to the property to fair market value at the foreclosure sale, or else lose out, giving borrowers closer to fair value at sale. Lenders may not seek a deficiency judgment if (1) the foreclosure is non-judicial or if (2) foreclosure is on a purchase money obligation. The same rules do not apply to guarantee or later lien holders. The lenders

may seize alternative collateral. If the lender forecloses by filing a lawsuit, then the lender can obtain both a foreclosure sale order and a judgment against the borrower for a deficiency after the court ordered sale, but only for the difference between the judgment and the fair value of the security.

VA Loans

An appraisal should be ordered through an authorized VA appraiser 60 days from the recording of the Notice of Default. A completed VA567 form should be sent to the local VA office with a copy of the Notice of Trustee's Sale and Trustee's Sale Guarantee once publication of the Notice of Trustee's Sale has begun. A Corporation Grant Deed should be prepared conveying title from the foreclosing beneficiary to the proper governmental agency.

FHA Loans

A Notice to Occupant of Pending Acquisition should be mailed to mortgagee with a copy of the cover letter to the local FHA office. A Corporation Grant Deed should be prepared conveying title from the foreclosing beneficiary to the proper governmental agency. If the property is occupied, an eviction process must be started to convey the title to FHA unoccupied. Once eviction complete, record Corporation Grant Deed and issue title package to FHA for Title Approval Record Corporation Grant Deed and issue FHA 27011 Part A.

***Courtesy of National Foreclosure Professionals and California State Statutes**

Nevada*

Nevada is a Non-Judicial State

A Notice of Default is recorded and elected to sell. A copy of the NOD and election to sell is mailed to the grantor and to the person who holds the title of record. A notice is then sent to the borrower declaring the entire balance due. After three months, if the borrower fails to cure the loan, then the property will be sold at foreclosure. The borrower has 35 days from the first day following the day on which the Notice of Default and election to sell was recorded to cure the default.

Notice of Sale

The trustee must give notice of the time and place of sale at least 21 days before sale. The trustee must also post similar notices in three public places, and publish those notices three times in a newspaper once a week for three weeks.

Deficiency Judgment

There is a possibility the lender may sue for a deficiency within three months after the foreclosure sale, if proceeds from the sale failed to generate enough funds to payoff the remaining balance.

Redemption Period

There is a one-year redemption on judicial sales.

***Courtesy of Nevada State Statutes**



Toni Patillo,
Broker, Toni Patillo
& Associates,
LACityShortSales.com

Toni Patillo always ranks at the top of her profession. She is currently the Broker of Record for the Keller Williams Santa Monica and Pacific Palisades Market Centers and is a member of the Beverly Hills Board of Realtors, Malibu Board of Realtors, the Southland Regional Association of Realtors, the California Association of Realtors, the National Association of Realtors and PartnersFirst, a Nationwide Real Estate Network that specializes in Pre-foreclosure. Toni has multiple certifications and designations in Loan Modifications, Pre-Foreclosures, REO's and Short Sales.

At the KW Market Centers, she oversees the sales production of over 300 sales agents. Toni has consistently achieved the top 3% of all Sales Professionals within both the Prudential and Keller Williams real estate networks nationally. Her specialty is listing residential housing with a strong focus on distressed properties, including short sales, pre-foreclosures, and bank-owned properties.



Tim and Julie Harris,
Founder, Harris Real
Estate University

Tim and Julie Harris are unique in the coaching and training field because they have actually done what they teach. In an industry that is filled with professional 'speakers' and 'gurus' whom have never sold real estate or haven't sold real estate in decades Tim and Julie stand alone. Matter of fact, they are still involved in the real estate sales industry every day.

Tim and Julie have contributed directly to the success of thousands of real estate professionals nationwide, through their unique and proven techniques. With over tens of thousands of coaching calls, they are proud to have some of the most successful agents in the country enrolled at The Harris Real Estate University. Everyday over 6000 agents participate in a HREU coaching program.