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Consumer Finance & Litigation News

More foreclosure irregularities alleged in Maryland

by Dean on March 13, 2011

in [Foreclosure](#), [Foreclosure Defense](#), [Law](#), [Litigation](#), [Mortgage](#), [Mortgage Fraud](#)

Prosecutors have launched an investigation into a complaint that more than 1,000 deeds for homes foreclosed upon in Maryland were improperly executed — the latest development suggesting widespread problems in the way foreclosures have been handled in the state.

The complaint, filed last week by a paralegal formerly employed by the Shapiro & Burson law firm, [...]

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Judge Blasts Fake Loan Audit

February 16, 2011

FRANCIS STOJINSKI, Plaintiff,

v.

JP MORGAN CHASE BANK et al. Defendants.

Civil Action No. L-10-3166.

United States District Court, D. Maryland.

February 7, 2011.

MEMORANDUM

BENSON EVERETT LEGG, District Judge.

Francis Stojinski brings this action seeking money damages for alleged violations of the federal Truth In Lending Act ("TILA"), 15 U.S.C. § 1601 et seq. Now pending are three motions. The first is [...]

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Rescission Without Tender Under TILA Survives Summary Judgment

February 3, 2011

In *James v. Bridge Capital*, the U.S. District Court for the District of Oregon declined to rule and deferred resolution of HSBC's Motion as to Plaintiffs' claim for rescission under TILA to the extent that HSBC sought summary judgment on the ground that Plaintiffs had not shown they were able to meet their tender obligation. U.S. [...]

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Audit Reveals Putative Lender Did Not Exist And Hence The Promissory Note Is Void Ab Initio.

January 26, 2011

I thought I had seen it all but this case must take top prize for the most abhorrent attempt at foreclosure fraud perpetuated by a federal savings bank.

A client hired me to audit his loan documents in preparation for an upcoming motion hearing in Miami-Dade County, Florida. Flagstar Bank is trying to [...]

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Ibanez Foreclosure Ruling Upheld

January 7, 2011

Today, the Massachusetts Supreme Judicial Court (SJC) ruled against foreclosing lenders and those who purchased foreclosed properties in Massachusetts in the controversial *U.S. Bank v. Ibanez* case. The decision is among the earliest to address the validity of foreclosures conducted without full documentation. That issue last year prompted an uproar that led lenders such as [...]

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Congressional hearing: Do banks lack the legal standing to foreclose?

December 3, 2010



By Ariana Eunjung Cha

A state judge, law professor and consumer attorneys are testifying before Congress that in many cases the banks trying to foreclose on borrowers do not have the legal standing to do so, according to prepared remarks. New York State Supreme Court Justice Dana Winslow said Thursday in written remarks that "standing has

become [...]

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Massachusetts County Picks Fight With MERS

December 1, 2010

About a week ago, John O'Brien, Register of Deeds in Essex County Massachusetts, sent a letter to Massachusetts Attorney General Martha Coakley asking that she look into whether MERS (Mortgage Electronic Registration Systems, Inc.) failed to pay legally required recording fees in Massachusetts when a MERS-mortgage is assigned to another entity, like a trust or [...]

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Wikileaks Planning to Bring Down a Big Bank

November 30, 2010



Admire him or revile him, WikiLeaks' Julian Assange is the prophet of a coming age of involuntary transparency, the leader of an organization devoted to divulging the world's secrets using technology unimagined a generation ago. Over the last year his information insurgency has dumped 76,000 secret Afghan war documents and another trove of 392,000 files [...]

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Rich Americans Ditch Home Ownership For Renting

November 28, 2010



Patrick Lee went from homeowner to home renter this year. It may sound like a downgrade, but the New Yorker didn't make the switch because he couldn't keep up with payments or because he lost his job. Instead, Lee was nervous about the state of the housing market. So in March he sold the Manhattan apartment he [...]

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Loan Modification Company Sued by Oregon AG

November 25, 2010



The lawsuit alleges that American Team Mortgage charged more than \$80,000 in fees from nearly three dozen Oregon homeowners in violation of Oregon law

Attorney General John Kroger today announced a lawsuit that accuses the California-based American Team Mortgage, Inc., of repeatedly violating Oregon's Unfair Trade Practices Act and Mortgage Rescue Fraud Protection Act.

"Homeowners facing foreclosure [...]"

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Elizabeth Warren Instrumental In Defeating H.R. 3808

November 24, 2010



Elizabeth Warren was the first senior Obama administration official to recognize the potentially incendiary impact of a bill that would have made it significantly easier for mortgage companies to foreclose on homes, and her subsequent warnings played a crucial role in persuading the President to veto the measure, according to freshly released documents and people [...]"

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Class Action Challenges Illegal Foreclosures in Chicago

November 24, 2010



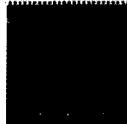
CHICAGO (CN) – Wells Fargo, Bank of America and other mortgage lenders have been improperly serving summonses in Cook County foreclosure cases since 2007, and a class action demands that everyone served under a court-ordered procedural change be "deeded their properties back." The class claims that the presiding judge of Cook County Chancery Court approved [...]"

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Robbins Geller Rudman & Dowd LLP Files Class Action Suit against Lender Processing Services, Inc.

November 24, 2010



BOCA RATON, Fla., Nov 23, 2010 (BUSINESS WIRE) — Robbins Geller Rudman & Dowd LLP ("Robbins Geller") (<http://www.rgrdlaw.com/cases/lps/>) today announced that a class action has been commenced on behalf of an institutional investor in the United States District Court for the Middle District of Florida on behalf of purchasers of the common stock of Lender [...]

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Primer: What Is a Wrongful Foreclosure?

November 24, 2010



The issue at the center of the foreclosure scandal isn't the use of robo-signers [1] and shortcuts in paperwork: It's whether the banks' mistakes and lack of due diligence caused people to face wrongful foreclosures. Banks have denied that this has happened, saying, "We are confident that processing errors did not result in any inappropriate foreclosures [...]"

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Securitization – The Big Fail

November 22, 2010



This is a good article by Adam Levitin posted on Credit Slips. It is an analysis of the recent opinion in *Kemp v. Countrywide* whereby the court held that the note had never been transferred to the securitization trust and it precluded the trust from filing a proof of claim.

Last week the US Bankruptcy Court [...]

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Retired Judge Defends Robo Signers

November 22, 2010



I am totally puzzled by this Huffington Post article written by Judge Sarokin. He is saying we should not sacrifice the rule of law and sanctity of contracts in order to help homeowners facing foreclosure. He thinks that the robo signing controversy is overblown because apparently in this day and age no bank employee can [...]

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Countrywide Admits Notes Were Not Transferred To Securitization Trusts

November 22, 2010



Testimony in a New Jersey bankruptcy court case provides proof of the scenario we've depicted on this blog since September, namely, that subprime originators, starting sometime in the 2004-2005 timeframe, if not earlier, stopped conveying note (the borrower IOU) to mortgage securitization trust as stipulated in the pooling and servicing agreement. Professor Adam Levitin in [...]

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Foreclosure King David J Stern Resigns

November 19, 2010

THE KING IS DEAD

It's all unraveling for David J. Stern, the South Florida foreclosure attorney who built a once-formidable foreclosure empire only to see it crumble in recent months. On Friday, DJSP Enterprises, Stern's publicly traded foreclosure processing company, announced his resignation as president and CEO. Replacing him is Stephen Bernstein, a prominent real estate [...]

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HUD Checking Warehouse Lending for RESPA Compliance

November 19, 2010



The Department of Housing and Urban Development is looking at warehouse lending to see if such transactions are legitimate secondary market transactions under the Real Estate Settlement Procedures Act.

This is the first time since the agency issued RESPA rules in 1992 and 1994 that it is examining this question, a notice from the agency said.

Among [...]

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MERS LOBBY IN HIGH GEAR TO BECOME NATIONAL REGISTRY

November 19, 2010



Aggressive lobbying defends mortgage-trading system

By Ariana Eunjung Cha and Brady Dennis

Washington Post Staff Writers

Thursday, November 18, 2010; 11:10 PM

The financial services industry has launched an aggressive campaign on Capitol Hill to bolster the legality of the way companies have turned mortgages into securities and traded them across the globe in recent years.

The companies have opened [...]

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Tracking Down Those Lost Mortgages

November 19, 2010



Trevor Douglas, 54, may soon lose his Orlando house. Sure, Douglas hasn't paid his mortgage in more than two years, which is what a Bank of America spokesperson tells me "is important to remember." It is. Still, if it happens, I will feel partially responsible. I helped push Douglas closer to eviction.

Like many other home [...]

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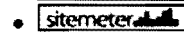
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Court reprimands lawyer over misleading ads

Justices order auto insurance public service announcement

By CARRI GEER THEVENOT
LAS VEGAS REVIEW-JOURNAL

The Nevada Supreme Court publicly reprimanded a Las Vegas lawyer Friday for running a Spanish radio advertisement in 2008 that "grossly misstated the law."

According to the order, Anthony "Tony the Tiger" Lopez Jr. ran the 10-second advertisement on two radio stations in Las Vegas and one in Reno. It cost about \$19,500 and ran for about three months.

The commercial told listeners: "If you have had an auto accident, by law you have the right to receive at least \$15,000 for your case."

"The record demonstrates that the advertisement misled the public into believing that they had a right to \$15,000 if they were involved in a car accident regardless of the merits of their case," according to the Supreme Court order. "Moreover, as the State bar argues, Lopez's prior instances of misconduct evidence his disregard for the rules of professional conduct."

Neither Lopez nor attorney Felicia Galati, who represented him at a disciplinary hearing in January 2009, could be reached for comment Friday afternoon.

A panel of the State Bar of Nevada's Southern Nevada Disciplinary Board conducted the hearing and found that the misrepresentations in the commercial "harmed the public by fostering unnecessary and unwarranted litigation by people who were not necessarily entitled to any recovery."

The panel, which rejected Lopez's argument that the commercial had been intended to inform the public of the minimum insurance requirements for automobile drivers, recommended the public reprimand. The panel also recommended that Lopez be required to run "a Spanish-language public service announcement campaign equal to the \$19,500 (he) spent in promoting his misleading advertisement."

"This public service announcement would simply inform the public that drivers have a responsibility under Nevada law to maintain liability insurance with minimum limits of \$15,000," according to the recommendation. "The advertisement must be a pure public service announcement and must not contain any solicitation for business."

The Supreme Court ordered Lopez to comply with all the panel's recommendations. Lopez, 49, has been licensed to practice law in Nevada since 1993.

Contact reporter Carri Geer Thevenot at cgeer@reviewjournal.com or 702-384-8710.

Find this article at:

<http://www.lvrj.com/news/court-reprimands-lawyer-over-misleading-ads-90559909.html>

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Consumer Finance & Litigation News

Las Vegas Lawyer Reprimanded for False Advertising

by Dean on April 20, 2010

The Nevada Supreme Court publicly reprimanded a Las Vegas lawyer Friday for running a Spanish radio advertisement in 2008 that “grossly misstated the law.”

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Contact reporter Carri Geer Thevenot at cgeer@reviewjournal.com or 702-384-8710.

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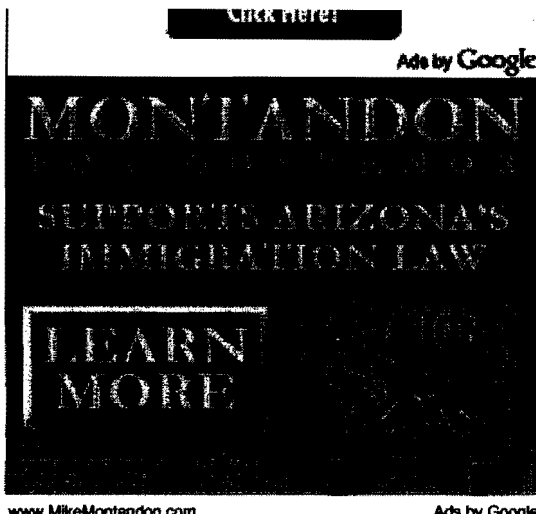
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