The American Bar Association Coalition on Racial and Ethnic Justice and 10CORE™ Law Society

Presents...

HELP!
I Need A Housing LIFELINE!

A Free Public Forum

The Detroit Public Library
Friends Auditorium
5201 Woodward Ave.
Detroit, MI
Saturday, October 29, 2011
2 PM - 5 PM
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“HELP! I NEED A HOUSING LIFELINE”
A PUBLIC FORUM ABOUT FORECLOSURE

PRESENTED BY
THE 10CORE™ LAW SOCIETY
and
THE AMERICAN BAR ASSOCIATION
COALITION ON RACIAL AND ETHNIC JUSTICE (COREJ)
Detroit Public Library
Friends Auditorium
Detroit, MI

Saturday, October 29, 2011
2:00 p.m. – 5:00 p.m.

Schedule of Events

2:00 p.m. - 2:05 p.m.
Welcome & Introduction of Moderator
Honorable David Perkins
Chairperson
ABA Coalition on Racial & Ethnic Justice

Forum Moderator:
Professor Florise Neville-Ewell
Thomas M. Cooley Law School

Panel I - 2:05 p.m. – 3:00 p.m.
Statistical Overview of Foreclosure, Professor Stevie Swanson,
Thomas M. Cooley Law School

General Property/Foreclosure Law – Professor Florise Neville-Ewell

Mortgage Foreclosure Prevention Program – Jamele Hage, Esq. Wayne County Government

Role of Certified Counselor – Neeta Delaney, Co-Director, Michigan Foreclosure Task Force

Questions & Answers
Panel II – 3:00 p.m. – 3:55 p.m.

Prevalent Mortgage Scams – Abed Hammoud, Assistant U.S. Attorney, Eastern District of Michigan

Impact of Filing for Bankruptcy- Michael Stevenson, Esq. Senior Member, Stevenson Bullock, PLC

Fair Housing Issues – Clifford Schrupp, Executive Director, Fair Housing Center of Metropolitan Detroit

Servicemembers Civil Relief Act – Judith E. Levy, Assistant U.S. Attorney, Eastern District of Michigan

Questions & Answers

Panel III – 4:00 p.m. – 4:45 p.m.

Challenges for Seniors, Reverse Mortgages - Rawle Andrews, Jr. Esq., Regional Vice President, Mideast Region, AARP

Medicaid Estate Recovery is Now A Reality in Michigan, Professor Patricia Mock, Sixty Plus, Inc. Elderlaw Clinic, Thomas M. Cooley Law School

Questions & Answers

Wrap-Up – 4:45 p.m. – 5:00 p.m.

Professor Florise Nevile-Ewell
Honorable David Perkins

*REFRESHMENTS WILL BE AVAILABLE
Welcome Letter.......................................................................................................................... Tab 1

Sponsor........................................................................................................................................... Tab 2

Background Information on ABA Coalition on Racial and Ethnic Justice (COREJ) and List of Members ......................................................................................................................... Tab 3

Overview of 10CORE™ Ten Commandments of Real Estate Law Society Student Organization, Thomas M. Cooley Law School ........................................................................................................... Tab 4

List of Panelists and Contact Information......................................................................................... Tab 5

Biographical Information

Moderator: Professor Florise R. Neville-Ewell, Thomas M. Cooley Law School

Presenters:

- Rawle Andrews, Jr., Regional Vice President, Mideast Region States, American Association of Retired People (AARP)
- Neeta Delaney, Co-Director, Michigan Foreclosure Task Force
- Jamele Hage, Esq., Asst. Corporate Counsel and Acting Director, Mortgage Foreclosure Program, Wayne County Government
- Judith E. Levy, Assistant U.S. Attorney, Chief, Civil Rights Unit, Eastern District of Michigan
- L. Patricia Mock, Associate Professor, Sixty Plus, Inc., Elderlaw Clinic, Thomas M. Cooley Law School
- Clifford C Schrupp, Executive Director, Fair Housing Center of Metropolitan Detroit
- Michael Stevenson, Senior Member, Stevenson Bullock, PLC
- Stevie Swanson, Associate Professor, Thomas M. Cooley Law School
Panel I:
Statistical Overview: Foreclosure Across America, Professor Stevie Swanson and Professor Florise Neville-Ewell
Avoiding Foreclosure Under Michigan Law – Professor Florise Neville-Ewell
Fight Mortgage Foreclosure, Wayne County: Mortgage Foreclosure Prevention Program, Jamele Hage
Trouble Paying Your Mortgage? Neeta Delaney

Panel II:
Emerging Trends in Mortgage Fraud, Abed Hammoud
General Overview of Bankruptcy Process, Michael Stevenson, Esq.
Fair Housing Center of Metropolitan Detroit – Purposes and Program, Clifford Schrupp
Protecting the Rights of Servicemembers, Judith Levy

Panel III:
“Growing Number of Seniors Facing Foreclosure Need Your Help,” Rawle Andrews
“Fannie and Freddie Will Let Mortgage Services Hire Own Attorneys”, Rawle Andrews
Medicaid Estate Recovery Is Now A Reality In Michigan, Professor Patricia Mock
October 29, 2011

Dear Conference Participant:

On behalf of the American Bar Association Coalition on Racial Ethnic Justice (COREJ) and 10CORE™ Real Estate Law Society Student Organization (Thomas M. Cooley Law School), and our illustrious co-sponsor, Fifth Third Bank, we wish to extend our sincere note of thanks to you for participating in this significant public forum. We are excited about the panelists that will share with you their experiences, strategies and recommendations for addressing one of the most devastating crises confronting the country today.

We are honored that Professor Florise Neville-Ewell is spearheading this significant and cutting-edge panel presentation. Professor Neville-Ewell has designed the panel to address the issues from an educational perspective for the community.

We are excited about the panelists that will share with you their experiences, strategies and recommendations for addressing one of the most devastating crises confronting the country today.

Thank you for your participation, interest and concern in these crucial issues that are confronting the entire nation. With your continued support and assistance, we will collectively and individually assist thousands of families who are confronted with the challenges of foreclosure and the mortgage crisis.

Sincerely,

David A. Perkins
Chairperson
ABA Coalition on Racial and Ethnic Justice
TAB 2
The American Bar Association
Coalition on Racial and Ethnic Justice

Would Like To Thank
Our Sponsor

Fifth Third Bank
TAB 3
A presidential Task Force on Minorities in the Justice system was created in 1992 in the aftermath of the Rodney King disturbances. Shortly thereafter, a report was issued with recommendations by the Task Force. The Task Force was re-named the Council on Racial and Ethnic Justice (now the Coalition or COREJ). The Coalition was designed to implement the recommendations and develop partnerships among community groups, civil rights organizations, businesses, religious organizations, and bar associations for the purpose of eliminating racial and ethnic bias in the justice system. Its primary goal is to serve as a catalyst for eliminating racial and ethnic bias in the justice system with a focus on systemic change.

COREJ (1) assists with the development of educational programs; (2) provides public forums for dialogue between legal institutions and non legal groups; and (3) provides technical assistance and advice on how to implement specific programs, strategies, and partnerships that eliminate racial and ethnic bias.

Since its inception, COREJ has been on the cutting edge of social justice issues. It has focused on a number of substantive and diverse issues such as racial profiling, access to the justice system, overrepresentation of juveniles of color, indigent defense, racial profiling and the war on terrorism, voting disenfranchisement and the impact of technology, election protection, injustices and discrimination in Tulia, Texas and restoring justice and equity by providing strategies for disaster preparedness and response that reduce patterns of discrimination and unfairness in the delivery of disaster aid and services e.g. Katrina Project.

**RECENT PROGRAMS**

- The War Against Foreclosures: Combating Foreclosures and Mortgage Crisis in Communities of Color (July 31, 2011, Baltimore, MD)
- Combating Foreclosures and the Mortgage Crisis in Communities of Color (February 12, 2011, Atlanta, GA)
- Stop Teen Violence: Time To Deliver (August 7, 2010, Golden Gate Law School, San Francisco, CA)
- Stop Teen Violence: Time To Deliver (May 3, 2010, Youthville Detroit, Detroit, MI)
- Stop Teen Violence: Time To Deliver (November 20, 2009, Chicago State University, Chicago, IL)

**SIGNIFICANT PROJECTS**

- **Overrepresentation of Juveniles of Color in the Juvenile Justice System**
  After an alarming number of national studies and reports revealed evidence that there is an overrepresentation of juveniles of color in the juvenile justice system and the justice system, the Coalition implemented a two-prong attack on the problems confronting juveniles of color. The first prong focuses on strategies that prevent young people of color from being trapped in the justice system; and the second prong focuses on strategies that divert young people of color and prevent their initial entrance into the juvenile justice system. A complete listing of juvenile justice programs sponsored by COREJ is attached.

- **Election Protection Project**
  COREJ developed a partnership in conjunction with the Lawyers’ Committee and five ABA sections, divisions and entities to remove barriers to the electoral process for citizens of color who sought to participate in the 2004 election. COREJ, along with the Section of Individual Rights & Responsibilities
and the Election Law Committee renewed their partnerships for the 2008 Elections and broadened the scope of the Project.

The goals of the 2008 Election Protection Project were: (1) Safeguard voters’ rights before, during and after Election Day by giving voters the information and resources they needed to cast meaningful ballots; and (2) Provide a comprehensive support system for eligible voters across the country that included support for registration programs, developing voter education materials, and providing direct legal assistance to protect the rights of voters. A primary goal for COREJ was to train volunteer lawyers who worked with voters on a national and local level to monitor polling places, educate voters, facilitate dialogues with state and local election officials, provide legal support to poll monitors and help answer the Lawyers’ Committee Hotline.

The three primary ABA Partners for the Election Project developed a plan for recruiting volunteer lawyers and law students and the major activities began in June 2008. An Election Protection website was launched on the ABA website.

- **Katrina Project**
  The goal of the project was to educate, conduct outreach and coordinate resources and services across the country to assist those survivors that received disparate treatment in the midst and aftermath of Hurricane Katrina. These goals were accomplished by holding a national conference and three CLE programs, conducting outreach, and publishing a Report.

**NATIONAL CONFERENCES**

- **Third National Conference – “Making the Invisible Visible: A Dialogue About Lessons Learned In the Aftermath of Katrina”**

**Conference Overview**: The Coalition brought together approximately 200 judges, lawyers and their clients, health care workers, social workers, doctors, psychiatrists, psychologists, high school, college and law students, community groups, religious organizations, public and private leaders, survivors, responders and others who have devoted time to assisting victims of Katrina. The primary goals of the Conference: (1) conduct a productive dialogue among the survivors, planners (commissioners), and the participants; (2) produce a Report which identifies the type of problems that might emerge due to race and ethnicity, how to avoid inequities based on race and ethnicity, and how to mitigate the problems; and (3) assist the survivors of Katrina with the rebuilding of their lives, restore justice and provide equity and respect to those victims that have been treated unjustly.

**Educational Programs**: Three successful panel presentations have been presented (1) ABA Midyear Meeting in Chicago, 2006 titled “Equity for Racial & Ethnic Survivors of Katrina;” (2) a jointly sponsored program with the National Bar Association as a Webcast Program “Hurricane Relief Seminar,” March, 2006 in Chicago; and (3) “Surviving Together; Healing Together” COREJ convened this special panel of experts in New Orleans to provide an in-depth status report of the communities that suffered disproportionately economically, legally, educationally and medically from Hurricane Katrina.

**Report**: The Final Report of the Conference contains specific recommendations from the speakers, participants and survivors. The Report titled “Making the Invisible Visible: A New Approach to Disaster Planning and Response,” contains an analysis of issues ranging from communications and language skills, to resource allocation, to pre-existing economic and social inequities. A number of excellent recommendations were received from the Conference. The recommendations were included in the Report that was issued in August 2007.
• **Second National Conference on the Impact of Race and Ethnicity on the Justice System**
In March 2002, the Coalition held a highly successful conference in Baltimore. The conference was diverse, intergenerational, interactive and action-oriented. Recommendations from the Conference were used as blueprints for COREJ programs and projects. A report is available on the Conference.

• **First National Conference on the Impact of Race and Ethnicity on the Justice System**
In Los Angeles, CA 1999, after holding two “think tank” meetings, COREJ convened an extraordinary conference. Two reports are available: *Report on the Impact of Race and Ethnicity on the Justice System* provides a brief overview; and the *Draft of the National Conference Proceedings with Recommendations*.

Several major follow-up projects were developed from the 1999 conference:

(1) Enhancing Access to the Justice System through Technology: Would Technology Have Changed the Outcome of the Vote in Florida?
(2) Data Collection Project on Color/Racial Profiling: The Tulia, Texas Project
(3) Friends of the Council

Honorable David A. Perkins, Chairperson
Rachel Patrick, Director
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2011-2012 COALITION ON RACIAL & ETHNIC JUSTICE

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10/23/2011
TAB 4
OVERVIEW

BACKGROUND OF 10CORE™ LAW SOCIETY

A. PARENT ORGANIZATION

B. STUDENT ORGANIZATION(S):
   ORGANIZATIONAL STRUCTURE,
   COMMITTEES, AND GOALS

1. SCHOLARSHIP
2. EDUCATIONAL OUTREACH
3. COMPUTER DONATIONS
A. 10CORE™ LAW SOCIETY
B. MICHIGAN NON-PROFIT
C. GOALS

1. TO SUPPORT STUDENT ORGANIZATIONS ACROSS THE COUNTRY
2. TO COLLABORATE WITH OTHER ENTITIES/ORGANIZATIONS AND PROMOTE PRO BONO ACTIVITIES;
3. HELP PROMOTE LITERACY REGARDING REAL ESTATE ISSUES, GENERALLY, AND FIGHT WAR AGAINST FORECLOSURE, IN PARTICULAR

D. CURRENTLY, COOLEY LAW SCHOOL HAS THE FLAGSHIP CHAPTER, BUT GIVEN INTEREST, MORE WILL BE ESTABLISHED
STUDENT ORGANIZATION(S)

A. 10CORE™ LAW SOCIETY STUDENT ORGANIZATION AT “X” LAW SCHOOL

B. OPERATES UNDER PARENT’S UMBRELLA AND IN ACCORDANCE WITH EACH LAW SCHOOL’S REQUIREMENTS

C. SPECIFICALLY, MODEL BYLAWS ESTABLISH PARAMETERS AND GOALS
SECTION I — Purpose OF 10CORE™ Law Society

A. The primary educational mission is to provide the community with practical and comprehensive information about real estate issues.

B. Specifically, 10CORE’s™ mission shall be accomplished through work completed by the following three committees:

1. SCHOLARSHIP: 10CORE’s™ mission shall be accomplished via the publication of articles written by attorneys with the assistance of law students who have completed Property I and II (with a B average in those courses or with approval from the faculty advisor). The Vice President of this committee shall work with the faculty advisor to confirm that students are matched with outside lawyers who address timely issues involving homeowners, investors, nonprofit developers and developers. Articles may be published on the 10CORE.COM website ("Website") as resources for the community at large;
2. EDUCATIONAL OUTREACH: Although participants will not provide legal advice, lawyers, supervised students, government officials, bankers, and recognized experts will provide presentations about relevant and timely real estate issues through scheduled "town-hall" gatherings. The Vice President of this committee shall schedule sessions and invite people from the community and local organizations.

3. COMPUTER DONATIONS: To help close the digital divide that inhibits people from gaining access to information, the Vice President of this committee shall distribute computers (donated to the Parent organization) to local non-profits within the Law Society’s region. With these computers, approved non-profits will be able to establish or enhance centers for families who lack computer access.

C. Given its purpose, and to accomplish its mission, 10CORE™ will also welcome distinguished guest speakers involved in the real estate industry to enhance the learning environment at the law school and within the community. Speakers may include local attorneys, governmental officials and other recognized real estate professionals and bankers.
IN ADDITION TO ITS PRIMARY GOAL, WHICH IS NEEDED TO EDUCATE THE LAY COMMUNITY GIVEN THE DIRE STATE OF OUR COUNTRY’S ECONOMY, ADDITIONAL BENEFITS EXIST:

- Organization encourages lawyers and law students to recognize the importance of *pro bono* activities;

- Through synergy created with lawyers, other professionals (e.g. bankers), and law students working together, projects are more likely to continue and get completed;

Through joint activities, lawyers will simultaneously mentor students;
By coordinating activities, supervised students will expand the network of information available to the public through existing organizations/entities within the community;

By using the web as a medium, the public will have access to information even if they never connect to outreach efforts;

By providing information, people will develop “antennae” and sense danger or breaches of protocols in real estate processes;

By translating information provided to the public, it will recognize and celebrate the diversity of our communities; and
By participating in the three committees, supervised students will not only help the public, they will also enhance their skills and benefit from meeting and working with others; notably,

- Through the Scholarship Committee, supervised students will create another “law review” for the public;

- By participating on the Educational Outreach and Computer Donations Committees, supervised students will enhance their oral advocacy skills and potentially meet lawyers, politicians, bankers, community activists and other prominent members of their communities.
***

SPECIAL THANKS

FEDERAL RESERVE BANK OF CHICAGO
DETROIT BRANCH

AND

AMERICAN BAR ASSOCIATION
COALITION OF RACIAL AND ETHNIC JUSTICE
HELP! I need a housing LIFELINE!

PRESENTERS

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Wayne County Circuit Court
Chair, ABA Coalition on Racial & Ethnic Justice

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Regional Vice President – MidEast AARP

Hamele Hage, Esq.
Assistant Corporation Counsel and Acting Director of the Mortgage Foreclosure Prevention Program
Wayne County Government

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SPEAKERS ROSTER

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Speakers Roster
The Detroit Public Library
October 29, 2011
Rawle Andrews Jr.

Rawle Andrews Jr. is a regional vice president for AARP's State and National Group. His duties include providing leadership and oversight of AARP's operations and activities in eight states across the Mid-Atlantic and Ohio River Valley sections of the United States including Michigan. Previously, Rawle was AARP's senior state director in Maryland and before that, managing attorney of AARP's Legal Counsel for the Elderly. He was in private practice for 16 years before joining AARP in January 2007. Rawle is a member of the District of Columbia Bar (Recipient, 2006 Pro Bono Lawyer of the Year Award), the Pennsylvania Bar, Phi Delta Phi International Legal Fraternity, and the Bar Association of the District of Columbia (Member, Board of Directors). He also active on several civic panels, including the Maryland Long-Term Care Reform Work Group; the Multi-Disciplinary Urban Gerontology Advisory Board at Morgan State University, as well as AARP's Multi-State Utilities Campaign. A frequent lecturer on consumer protection and elder law issues, Rawle holds adjunct professorships at Georgetown University and Howard University School of Law, where he graduated, with honors, during 1990. He also authored a book review on the American Bar Association's "Legal Guide for Americans Over 50" and he is a chapter author of "Michigan Law of Damages and Other Remedies" (ICLE 3d ed.).

Neeta Delaney

Neeta Delaney currently serves as the Co-Director of the Michigan Foreclosure Task Force, a broad-based statewide coalition founded by CEDAM in 2007 to respond to the foreclosure crisis in Michigan. Neeta’s work on foreclosure at the state level was immediately preceded by similar work at the regional level. In 2008, she was hired by the Community Action Agency of Jackson, Lenawee & Hillsdale to develop and direct the tri-county Community Foreclosure Coalition which under her leadership eventually expanded to a 9-county region across mid-Michigan.

Neeta’s current work with CEDAM is on a contractual basis. She has her own consulting business that draws on her twenty-five plus years of nonprofit executive experience in leading collaborative change and innovation at the organizational, institutional, community and state level. Her career spans the fields of higher education, philanthropy, arts and culture, public policy, community development and the emerging field of cultural economic development.

Neeta spent the early part of her career as an administrator at Eastern Michigan University where she was responsible for the start-up of a number of new units and programs. In 1997, she left the University to become the President and CEO of The Jackson County Community Foundation (JCF) in Jackson, Michigan. During her tenure at JCF, Neeta led a number of community-wide initiatives including the creation of the Jackson Nonprofit Support Center, Jackson’s County’s Promise to Youth initiative, the creation of the Paul DuPuis Family Resource Center and the creation of the Arts & Culture Alliance of Jackson County.

In 2002, she left the Foundation to head up the development of the Armory Arts Project, a bold, innovative urban redevelopment effort that is transforming a 19-acre site that includes Jackson’s historic 19th century prison and the surrounding vacant industrial buildings into a unique arts-focused mixed-use neighborhood that now serves as home and workplace to 60 artists and their families. The Project is the centerpiece of a wide range of community revitalization efforts that
successfully garnered Jackson, Governor Granholm’s 2004 Cool City in Progress designation, & community development interests and arts & cultural interests throughout the state. As part of her work with the state, she authored Cultural Economic Development: A Practical Guide for Communities which has served as a much-needed starting point for communities working to leverage their arts and cultural assets and creative talents as community and economic development tools.

From March 2007 through September, 2008 Neeta served as the President & CEO of the statewide arts and cultural advocacy organization ArtServe Michigan successfully leading the organization through its merger with the Michigan Association of Community Arts Agencies.

Neeta has served on several state and local boards including the Council on Michigan Foundations, Michigan Nonprofit Association and Allegiance Health Care System. She is a frequent speaker at a wide range of conferences and symposia. She earned her bachelors degree in English literature and vocal music performance from The University of Michigan and her master’s degree in Arts Administration from Eastern Michigan University where she was honored with their 2004 Alumni Achievement Award.

Neeta is married to Ken Stevens, Managing Director of Theatre at Eastern Michigan University, and has two adult sons Noah and Adam Delaney and a beautiful grand-daughter, Maya Monroe Delaney.

Jamele Hage

Ms. Jamele Hage has been a Wayne County Assistant Corporation Counsel since 2005, and is currently directing the Wayne County Mortgage Foreclosure Prevention Program (MFPP). She has many years of real estate law experience in both residential and commercial properties. Ms Hage worked with the Wayne County Information Technology Department to design and launch the www.FightMortgageForeclosure.com online intake website. It won a 2009 National Association of Counties Achievement Award recognizing model programs that exemplify hard work in promotion of quality, efficient and responsive management and administration. It also won the 2010 award for furthering the region’s technology industry from the Midwest Technology Leaders, an organization comprised of the Great Lakes Region’s top Information Executives. Ms. Hage’s exemplary leadership and “can do” attitude have spearheaded the MFPP program that has helped more than 5,000 families.

Abed Hammoud

Abed Hammoud has been employed as an Assistant U.S. Attorney in the Eastern District of Michigan since May 2011. He is currently assigned to the White Collar Crime Unit, handling several types of fraud cases including Mortgage Fraud. Prior to joining the U.S. Attorney’s Office, Hammoud spent about 15 years at the Wayne County Prosecutor’s Office where he worked in several divisions. In January 2007, he was appointed the Lead Attorney for the Wayne County Deed and Mortgage Fraud Task Force. His duties included the investigation and prosecution of real estate and identity fraud cases. Under his supervision, the Task Force obtained federal grants allowing it to expand to a fully fledged Unit with several prosecutors and investigators. Hammoud has provided numerous
trainings and lectures in this prosecution area to law enforcement personnel and other professional groups. While still in Wayne County, Hammoud also worked on introducing a new Mortgage Fraud legislation in the State of Michigan and testified in the Michigan legislature in support of such legislation. Before becoming a lawyer, Abed worked as a Project Engineer for a French company and then as a Marketing Director for a Michigan export company. Abed earned his Juris Doctor from Wayne State University Law School in 1996. He also holds a Master’s in Business Administration (MBA) from Wayne State (1992) and a Bachelor’s degree and a Master’s degree in engineering (France 1988). Abed is fluent in Arabic and French.

**Judith E. Levy**

Judith E. Levy is an Assistant United States Attorney in the Eastern District of Michigan, where she has worked since 2000. She is currently Chief of the Civil Rights Unit at that office.

Judith graduated from the University of Michigan Law School in 1996, and went on to serve as a judicial law clerk for United States District Judge Bernard A. Friedman in Detroit, Michigan. Following her clerkship, she served as a trial attorney at the United States Equal Employment Opportunity Commission in Detroit before assuming a position with the Department of Justice.

Judith specializes in large civil rights cases, including fair housing, fair lending, police misconduct, juvenile justice, and disability law. She has received numerous awards from the Department of Justice Civil Rights Division for her work on civil rights investigations and cases, and was the 2011 recipient of the Fair Housing Center of Metropolitan Detroit’s Attorney Appreciation Award. She also teaches as an Adjunct Professor of Law at the University of Michigan Law School.

**L. Patricia Mock**

L. Patricia Mock attended Michigan State University earning her B.A. from James Madison Honors College in 1975; and earned her J.D. from the University of Tennessee, in Knoxville in 1979. She came to Cooley Law School as a visiting professor in the Sixty Plus, Inc., Elderlaw Clinic in 2008 with over twenty years of litigation and legal teaching experience and joined the full-time faculty of Thomas M. Cooley Law School in 2009. At Cooley, she teaches and supervises students in the representation of clients in a variety of civil matters in elder law and has extensive experience representing clients in housing disputes. While in Tennessee, she chaired the Housing Tasks Force for housing advocates across the state and authored a patchwork of housing materials for practitioners addressing wrongful evictions, fair housing, community development, housing preservation, and the prevention of predatory lending and foreclosures. In 1999 she was commissioned in 1999 to conduct the Fair Housing Impediment Analysis for Montgomery County, Tennessee. She served as managing and senior attorney for the Legal Aid Society of Middle Tennessee in Clarksville focusing largely on housing advocacy and litigation
challenging wrongful evictions, predatory lending, and other illegal housing practices. She also served, for 14 years, as the Director of the Community Development Block Grant for Housing Preservation and Fair Housing for Montgomery County, Tennessee. In 2008 she was honored by the 108th General Assembly for the State of Tennessee, honoring 24 years of excellence in legal advocacy and public service.

Florise R. Neville-Ewell

Florise R. Neville-Ewell is an Associate Professor of Law at Thomas M. Cooley Law School. At Cooley, she teaches Contracts and Ethics. Professor Neville-Ewell has published articles for academia and the public. As an academic, her most recent article awaiting publication is entitled *A Slice of History Underlying the Current Financial Pandemic: Black Women and Property 1800-1850 - Black Women as Property*. Sequels to the article are in progress. For the lay community, Professor Neville-Ewell has also published multiple articles regarding real estate issues in publications sponsored by Charter One Bank. In conjunction with being a faculty advisor for the Ten Commandments of Real Estate Law Society at Cooley Law School (Real Estate Law Society), a student organization dedicated to educating the public through outreach and articles released through 10CORE.COMTM, Professor Neville-Ewell continues to also write for the public.

Before joining the faculty at Cooley, Professor Neville-Ewell started her career as a law clerk for the Honorable Julian A. Cook, Jr., a federal District Court judge in the Eastern District of Michigan. A native Chicagoan, she returned to Chicago after the clerkship to work as an associate at Sidley and Austin. After marrying the Honorable Edward Ewell, Jr., she returned to Michigan to work as an associate at Honigman Miller and later joined the faculty at Wayne State Law School where she taught Property and Real Estate Finance. During the interim period, after teaching at Wayne State but before joining the Cooley faculty, she worked as General Counsel for the Detroit Housing Commission and as Chief of Contracts for the City of Detroit Law Department; and, in private practice, as counsel for multiple nonprofits, churches, private entities, and municipalities involved in residential, affordable housing, and commercial real estate development projects.

A frequent speaker, President Obama’s Financial Fraud Enforcement Task Force recently selected Professor Neville-Ewell to participate as a panelist at a Mortgage Fraud Summit. In addition, she periodically speaks on a radio program sponsored by the Detroit Area Agency on Aging, was once responsible for providing weekly commentary about mortgage issues on a radio program sponsored by Comerica Bank, and has spoken at events sponsored by AARP, the NAACP, the Michigan Attorney General’s Office, and Fifth Third Bank.

Professor Neville-Ewell has received multiple awards and acknowledgments for her work and *pro bono* projects. Most recently in 2010, Cooley law students were instrumental in helping her become the recipient of the *Great Deeds Award* because of her commitment to serving others and the *Equal Access to Justice Award* because of her commitment to improving justice for all. As a result of work done with the Real Estate Law Society in
2010, Michigan State Bar President, Charles R. Toy and United States Attorney (for the Eastern District of Michigan) Barbara L. McQuade acknowledged her work and the student organization’s significance. Specifically, U.S. Attorney McQuade stated “[this] program . . . will make a big difference not only in the lives of the citizens you educate, but in the lives of law students who will see the value of public service.” In connection with select prior projects, the State of Michigan issued a *Moment of Tribute* in 2006 (for work done as an appointed member and chairperson of the Michigan State Housing Development Authority). In 1995, former City of Detroit Mayor Dennis W. Archer gave her a *Making It Better Proclamation* for work done on behalf of the city.

Professor Neville-Ewell received her B.A. *cum laude* and J.D. from Yale Law School in 1981 and 1984, respectively. She and her husband have two children, Edward Neville Ewell and Simone-Alyse Ewell.

**David A. Perkins**

David A. Perkins is a Referee for the Third Circuit Court of Wayne County Michigan, where he presides over Delinquency, Neglect and Abuse cases in Juvenile Court. Mr. Perkins has held this position for over 14 years. He previously held the position of Magistrate for the 30th District Court, located in Highland Park Michigan. He served as an Assistant Corporation Counsel for the County of Wayne Michigan before going into private practice. As an Assistant Corporation Counsel he defended the county in civil law suits and provided legal advice to various county departments Mr. Perkins focused on general civil matters, probate and juvenile cases, while in private practice. He also served as a Judge Advocate in the Michigan Air National Guard where he provided legal advice and representation to Base Commanders and members of the unit.

Mr. Perkins received a degree in biology from Rutgers University and his law degree from Howard University. Since graduating from Howard University, he has been actively involved in the American Bar Association, State Bar of Michigan, and Wolverine Bar Association. Mr. Perkins has served as a past president of both the D. Augustus Straker Bar Association and the Association of Black Judges of Michigan. He has also served as past chair of chair of the Michigan Young Lawyers, and the General Practice Section of the State Bar of Michigan. He is a former delegate for the Michigan State Bar to the ABA House of Delegates. Mr. Perkins also served as an elected member of the Representative Assembly of the State Bar of Michigan. Mr. Perkins is the Chair of the Coalition on Racial and Ethnic Justice of the ABA. He was appointed by the Michigan Supreme Court to the State Bar Board of Commissioners. Mr. Perkins was a member of the ABA Steering Committee. Mr. Perkins was involved in the development and implementation of several Juvenile Justice Programs which were presented at ABA meetings around the country.

Mr. Perkins serves as a mentor for at risk youth. He has also served as an instructor for the ABA/CLEO summer program. Mr. Perkins was a volunteer jurist for a Saturday morning teen-court program. Mr. Perkins has also served as a volunteer for two hospice organizations. Mr. Perkins
volunteers on Monday evenings to preside over a Juvenile Drug Court Docket for the Third Judicial Circuit Court.

Mr. Perkins is an active member of several civic and community organizations. He presently serves on the board of directors for The Reggie McKenzie Foundation and TEEN HYPE. He is a former member of the LifeSKills School Board. Mr. Perkins is a lay minister in his Church. Mr. Perkins has received several awards from civic and community organizations for his work with youth. Mr. Perkins frequently acts as motivational speaker for youth.

Mr. Perkins is very passionate about making a better way for the youth in our society. Further he is determined that all voices and in our society shall have a forum to be heard.

**Clifford C. Schrupp**

Mr. Schrupp's career has focused on civil rights concerns and the modification of the behavior of individuals and institutions in the white community in relation to the issues of racism and racial justice. He has held his current position, as Executive Director of the Fair Housing Center of Metropolitan Detroit (FHCMD) since the Center was organized in 1977. His work in the area of fair housing has included service in key staff positions in the three federally funded housing discrimination projects conducted in the United States: the 1977 *Housing Market Practices Survey*; the 1989 *Housing Discrimination Study* and the 2000 *Housing Discrimination Study*.

As Executive Director of the FHCMD, Mr. Schrupp has been responsible for all facets of program development, management and implementation. During his 30+ years with the Center he has supervised the investigation of over 6,000 complaints of unlawful housing discrimination, with over 400 of those complaints resulting in fair housing litigations in state or federal courts. Successful plaintiffs in actions assisted by the FHCMD have received over eleven million dollars ($11,000,000) in financial settlements and awards from defendants. He has testified as a fact witness in depositions and/or trials in support of the allegations of discrimination in over 30 of the 400 FHCMD assisted litigations. Mr. Schrupp wrote, and/or supervised the writing of all or major portions of the HUD required *Analysis of Impediments to Fair Housing* for: the State of Michigan, three Michigan counties, and eight local units of government in Michigan. He is as associate with Lewis Associates and is a frequent writer and speaker on housing discrimination, fair housing and racial justice issues.

**Michael A. Stevenson**

Michael A. Stevenson, admitted to Bar, 1985, Michigan. **EDUCATION:** Michigan State University (B.A. 1981); Wayne State University Law School (J.D. 1984). **MEMBER:** State Bar of Michigan; admitted to practice in Sixth Circuit Court of Appeals, the United States District Court, Eastern District of Michigan; United States District Court, Western District of Michigan, D. Augustus Straker Bar Association, Past President; Wolverine Bar Association; National Association of Bankruptcy Trustees; American Bankruptcy Institute; Consumer Bankruptcy Association; **OTHER:** Chapter 7 Bankruptcy Trustee in the United
States Bankruptcy Court for the Eastern District of Michigan; Attorney, Stevenson & Bullock, P.L.C.

Stevie J. Swanson

Professor Swanson joined Cooley in February 2006. Previously, she served as Director of Legal Services and Policy for Community Legal Resources in Detroit.

There she supervised the pro bono program, provided direct legal services to non-profit corporations in Michigan, and facilitated the Affordability Preservation Project to discern the most viable mechanism for preserving affordable housing units.

From 2002-2005, she served as a Visiting Clinical Assistant Professor/Transactional Attorney for the Urban Communities Clinic at the University of Michigan Law School. There she directly represented numerous non-profit corporations while supervising law student attorneys' representation of the same, and co-taught a corporate real estate transactions course specializing in affordable housing.

Professor Swanson also served as a litigation contract associate with a Lynchburg, Virginia firm.

She is a recipient of the Center for Ethics Service and Professionalism’s 2008 Great Deeds Award. Professor Swanson is the faculty advisor for the Public Interest Law Students Association. She is also a member of the Michigan Land Title Standards Committee of the State Bar.

At Cooley, Professor Swanson teaches Property I and Property II.
TAB 6
STATISTICAL OVERVIEW

A. FORECLOSURE ACROSS AMERICA

B. FORECLOSURE IN MICHIGAN
FORECLOSURE ACROSS AMERICA
Banks started foreclosure actions against 25 million families. Most were owner occupied with mortgages that originated between 2005 and 2008.
Top 5 states with the highest foreclosure rates followed by their rates of foreclosure:

- Nevada 1 in 114 Households
- Arizona 1 in 205 Households
- California 1 in 1248 Households
- Michigan 1 in 352 Households
- Florida 1 in 372 Households

RealtyTrac, July 2011
FORECLOSURE IN MICHIGAN
RealtyTrac, July 2011

July 2011 Foreclosure Rate Heat Map

Foreclosure Rate Heat Map
What are new foreclosures as a percentage of the housing market?
More info

1 in every 417 housing units received a foreclosure filing in July 2011

Get Embed Code
Professors Neville-Ewell and Swanson

FACULTY ADVISORS
10CORE™ LAW SOCIETY STUDENT ORGANIZATION
THOMAS M. COOLEY LAW SCHOOL
AVOIDING FORECLOSURE
UNDER MICHIGAN LAW

BASIC RIGHTS/DUTIES
AND
STRATEGIES

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OCTOBER 29, 2011

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Overview

I. BASIC RIGHTS/DUTIES OF THE PARTIES
   A. Legal Titles
   B. Essential Legal Documents

II. STRATEGIES TO AVOID FORECLOSURE
ASSUME
Jim and Mary want to buy a new house for $100,000. They borrow $80,000 from the Bank of Detroit or the Lender.
LEGAL TITLES FOR JIM AND MARY:
(TWO SEPARATE LEGAL TRANSACTIONS)

1. MORTGAGORS
2. HOMEOWNERS
LEGAL TITLES FOR JIM AND MARY:

FIRST “CLOSING” – INVOLVES THE LOAN FROM THE BANK

1. MORTGAGORS
**Truth-In-Lending Disclosure Statement**

**Standard Federal Bank**
**Savings/Financial Services**

<table>
<thead>
<tr>
<th>Annual Percentage Rate</th>
<th>Finance Charge</th>
<th>Amount Financed</th>
<th>Total of Payments</th>
<th>Total Sale Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>The cost of your credit as a yearly rate</td>
<td>The dollar amount the credit will cost you.</td>
<td>The amount of credit provided to you or on your behalf.</td>
<td>The amount you will have paid after you have made all payments as scheduled.</td>
<td>The total cost of your purchase on credit including your down payment of</td>
</tr>
<tr>
<td>7.697 %</td>
<td>$133,638.38</td>
<td>$194,593.02</td>
<td>$328,631.40</td>
<td>NOT APPLICABLE</td>
</tr>
</tbody>
</table>

Your payment schedule will be:

- **Number of Payments**: 130
- **Amount of Payments**: $1,823.73
- **When Payments Are Due**: MONTHLY-BEGINNING 02/01/93

**Fixed Rate**: X

**Variable Rate**: N/A

Your loan contains a variable-rate feature. Disclosures about the variable-rate feature have been provided to you earlier.

**Property Insurance**: Property insurance is required to obtain this loan. You may obtain the property insurance from anyone you want who is acceptable to Standard Federal.

**Security**: You are giving a security interest in

- 1205 CUMBERLAND WAY
- NY 14503

**Filing Fees**: $600.00

**Late Charges**: If payments are late, you will be charged a late charge of 5% of monthly principal and

**Prepayment**: If you pay off early, you will not have to pay a penalty. You may be entitled to a refund of a portion of any prepaid mortgage insurance premium included in the prepaid finance charge if you pay the loan off early.

**Assumption**: If this loan is secured by a mortgage on your home, someone buying the home cannot assume the remainder of the loan on the original terms.

See your contract documents for any additional information about nonpayment, default, any required repayment in full before the scheduled date, and prepayment refunds and penalties.

**Itemization of the Amount Financed**

A. Amount paid on your present loan account(s) with us $0
B. Amount paid to others on your behalf:
   - To public officials $0

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**TEN COMMANDMENTS | OF REAL ESTATE**
MORTGAGOR(S)

- SIGN MORTGAGE AND NOTE
- AGREE TO MAKE TIMELY PAYMENTS
- ESTABLISH OBLIGATION TO LENDER
MORTGAGE
90010912

THIS MORTGAGE ("Security Instrument") is given on JANUARY 04, 1990
The mortgagor is

whose address is

19635 CUMBERLAND WAY
IN THE CITY OF DETROIT
MI 48203
("Borrower"). This Security Instrument is given to STANDARD FEDERAL BANK, a savings institution, which is organized and existing under the laws of the United States of America, and whose address is 2000 West Big Beaver Road, Troy, Michigan 48084 ("Lender"). Borrower owes Lender the principal sum of

------------ --- --------------- --- 244,999.724
------------ --- ONE HUNDRED SIXTY-SIX THOUSAND FOURHUNDRED

Dollars.

This debt is evidenced by Borrower’s note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on FEBRUARY 01, 2006.

This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under Paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower’s covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower does hereby mortgage, grant and convey to Lender, with power of sale, the following described property located in WAYNE County, Michigan: IN THE CITY OF DETROIT.

LOT ONE HUNDRED FIFTEEN (115), PALMER WOODS, AS RECORDED IN LIBER 32,
PAGE 16 OF PLATS, WAYNE COUNTY RECORDS.-----------------------------

PAID AND CANCEL

SIDWELL NUMBER: 4618 2
1. **BORROWER’S PROMISE TO PAY**
   
   In return for a loan that I have received, I promise to pay U.S. $ 166,400.00 (this amount is called “principal”), plus interest, to the order of the Lender. The Lender is Standard Federal Bank, a savings institution organized and existing under the laws of the United States of America. I understand that the Lender may transfer this Note, The Lender or anyone who takes this Note by transfer and who is entitled to receive payments under this Note is called the “Note Holder.”

2. **INTEREST**
   
   Interest will be charged on unpaid principal until the full amount of principal has been paid. I will pay interest at a yearly rate of **NINE AND 1/4** (9.25%) percent.

   The interest rate required by this Section 2 is the rate I will pay both before and after any default described in Section 6(b) of this Note.

3. **PAYMENTS**
   
   (A) **Time and Place of Payments**
   
   I will pay principal and interest by making payments each month, 1.

   - I will make my monthly payments on the 15th day of each month beginning on __________, 1990.
   - I will make these payments every month until I have paid all of the principal and interest and any other charges described below that I may owe under this Note. My monthly payments will be applied to interest before principal.

   If, on __________, 2005, I owe amounts under this Note, I will pay those amounts in full on that date, which is called the “maturity date.”

   I will make my monthly payments at Standard Federal Bank, 2600 West Big Beaver Road, Troy, Michigan 48084, or at a different place if required by the Note Holder.

   (B) **Amount of Monthly Payments**
   
   My monthly payment will be in the amount of U.S. $ __________.

4. **BORROWER’S RIGHT TO REPAY**
   
   I have the right to make payments of principal at any time before they are due. A payment of principal only is known as a “prepayment.” When I make a prepayment, I will tell the Note Holder in writing that I am doing so. I may make a full prepayment or partial prepayments without paying any prepayment charge. The Note Holder will use all of my prepayments to reduce the amount of principal that I owe under this Note. If I make a partial prepayment, there will be no changes in the due date or in the amount of my monthly payment unless the Note Holder agrees in writing to those changes.

5. **LOAN CHARGES**
   
   If a law, which applies to this loan and which sets maximum loan charges, is finally interpreted so that the interest or other loan charges collected or to be collected in connection with this loan exceed the permitted limits, then: (i) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit, and (ii) any sums already collected from me which exceeded permitted limits will be refunded to me. The Note Holder may choose to make this refund by reducing the principal I owe under this Note or by making a direct payment to me. If a refund reduces principal, the reduction will be treated as a partial prepayment.

6. **BORROWER’S FAILURE TO PAY AS REQUIRED**
   
   (A) **Late Charge for Overdue Payment**
   
   If the Note Holder has not received the full amount of any monthly payment by the end of fifteen (15) calendar days after the date it is due, I will pay a late charge to the Note Holder. The amount of the charge will be five percent (5%) of my overdue payment of principal and interest. I will pay this late charge promptly but only once on each late payment.

   (B) **Default**
   
   If I do not pay the full amount of each monthly payment on the date it is due, I will be in default.

   (C) **Notice of Default**
   
   If I am in default, the Note Holder may send me a written notice telling me that if I do not pay the overdue amount by a certain date, the Note Holder may require me to pay immediately the full amount of principal which has
LEGAL TITLES FOR JIM AND MARY:

SECOND “CLOSING” – INVOLVES THE PURCHASE OF
THE PROPERTY/HOUSE

2. HOMEOWNERS – TITLE TO THE
PROPERTY
HOMEOWNER(S)

DEED AND/OR TITLE TRANSFERS
AT CLOSING FROM
FORMER OWNER TO JIM AND MARY
WARRANTY DEED
STATUTORY FORM

KNOW ALL MEN BY THESE PRESENTS: That

whose address is JOLIET PLACE, DETROIT, MI, 48207
Convey and WARRANT to
whose address is 19535 CUMBERLAND WAY, DETROIT, MI, 48203
the following described premises situated in the
and State of Michigan, to-wit:

LOT 115, PALMER WOODS, AS RECORDED IN LIBER 32,
PAGE 16 OF PLATS, WAYNE COUNTY RECORDS.

CITY of DETROIT County of WAYNE

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining,
for the sum of One Dollar (1.00) and other good and valuable consideration
(a Real Estate Transfer Valuation Affidavit is Attached).

subject to ZONING ORDINANCES AND FURTHER SUBJECT TO ACTS AND OMISSIONS OTHER
THAN BY GRANTOR FROM AND AFTER MAY 2, 1989, THE DATE OF A CERTAIN
LAND CONTRACT PURSUANT TO WHICH THIS DEED IS GIVEN.

Dated this 29TH day of DECEMBER 1989
Signed in the presence of:

Signed by:

KATHLEEN E. BESCH

91120323

STATE OF MICHIGAN
COUNTY OF WAYNE

The foregoing instrument was acknowledged before me this 29TH day of DECEMBER 1989
by:

My Commission expires 2-22-92 1991

KATHLEEN E. BESCH
County Public
County, Michigan
HOMEOWNER(S) DUTY TO MAINTAIN THE HOME!
HOMEOWNERS: JIM AND MARY

ONE LEGAL INTEREST
MULTIPLE OBLIGATIONS:

- OWNER: TITLE TO THE HOME
- MORTGAGOR: INDEBTED TO LENDER
LEGAL TITLE FOR THE LENDER:
(ONLY INVOLVED IN THE LOAN TRANSACTION)

MORTGAGEE
LENDER’S INTEREST/OBLIGATIONS

- SECURED INTEREST IN PROPERTY, NOT TITLE
- OBLIGATED TO PROVIDE NOTICE TO THE HOMEOWNER(S)
HOMEOWNER
AKA
MORTGAGOR

LENDER
AKA
MORTGAGEE
Discharge Of Mortgage

Standard Federal Bank
Savings-Financial Services
2600 W. Big Beaver Road
Troy, Michigan 48094
313-843-9500

Mortgage Number

748009 2

That certain Mortgage dated DECEMBER 11, 1985, made and executed by

19535 CUMBERLAND WAY DETROIT MI 48203

as Mortgagor, now held by the Standard Federal Bank, a federal savings bank, of 2600 West Big Beaver Road, Troy, Michigan 48094, as Mortgagor, recorded on MARCH 09, 1993,

in Liber 26388, Page 401, WAYNE County

Records, is fully paid, satisfied and discharged. Said Mortgage covers certain real property located in the

CITY of DETROIT County of WAYNE

State of Michigan, more fully described as:

LOT ONE HUNDRED FIFTEEN PARTS, EIGHTY-FIVE, AS DESCIBED IN LIBER 32,
PAGE 76 OF PLATS, WAYNE COUNTY RECORDS.

Tax Identification Number

02004818.000

Dated

MARCH 04, 1996

Witnesses

CAROL K FAZIO

BARBARA J FRISCH

TINA MARTIN

State Of Michigan

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me MARCH 04, 1996, by

BARBARA J FRISCH, the foregoing officer of Standard
What happens if Jim and Mary (Mortgagors) do not finish paying off the mortgage? Instead, assume that they default or fall behind on their mortgage payments.
FORECLOSURE
Jim and Mary (Mortgagors) Failure to make Payments (3 months)

Lender (Mortgagee) Triggers Lender’s right to collect: Balance Owed + Additional Fees
WAYS LENDERS FORECLOSE

A. JUDICIAL

This procedure begins as a civil lawsuit and culminates with the court entering a judgment for foreclosure, then ordering a sale, and typically monitoring the same.

B. NON-JUDICIAL (BY ADVERTISEMENT) --- typically used in Michigan

If the mortgage contains a “power of sale” provision, a mortgagee can complete the foreclosure sale without court intervention. The mortgagee is required to proceed in accordance with relevant statutes that proscribe how the auction of the property must be conducted. Ultimately, the sale leads to a transfer of the property to the highest bidder.
LEGAL CONSEQUENCES OF FORECLOSURE FOR JIM AND MARY:

1. After the sheriff’s sale of the property, Jim and Mary get time to “redeem.”*

2. If they don’t pay ALL costs to the Lender within the redemption period, they lose “title” to the property/house.

* One Month (if vacant/abandoned) or Six Months
NOTE:

Jim and Mary can lose their property through foreclosure in two (major) ways:

1. Failure to pay Mortgage (our example)
2. Failure to pay Property Taxes
Now assume that Jim and Mary do not own the property. What happens if the bank forecloses on their landlord’s property?

- Federal law protects tenants*
- Tenant(s) must have signed the lease before foreclosure begins
- Tenants have 90 days to remain after the redemption period

*Protecting Tenants at Foreclosure Act of 2009, 12 USC Section 5520, ends in 2014
STRATEGIES TO AVOID FORECLOSURE
PROBLEMS:

CONSISTENTLY LATE PAYMENTS
UNEMPLOYMENT/UNDEREMPLOYMENT
TOO MANY BILLS
SOLUTIONS:

- CONTACT A CERTIFIED COUNSELOR FOR FREE SERVICES!
- PREPARE PLAN TO SOLVE THE PROBLEM
- IMPLEMENT PLAN
Role of the Counselor will be discussed.
PREPARE A PLAN

• IDENTIFY SHORT AND LONG TERM OPTIONS

• MAKE CONTACTS
  – NONPROFITS AND GOVERNMENTAL AGENCIES
  – LENDER
IMPLEMENT PLAN
PHASE II

PROBLEM:
LOAN PAYMENTS ARE IMPOSSIBLE TO PAY
SOLUTION

• CONTACT A CERTIFIED COUNSELOR

• ATTEMPT TO WORKOUT A NEW ARRANGEMENT WITH THE LENDER
PHASE III

PROBLEM: LENDER WILL NOT WORK OUT NEW DEAL
EVALUATE SOLUTIONS

- AVOID SCAM ARTISTS!
- TRY SHORT SALE GIVEN ECONOMY
- CONTACT LAWYER
PHASE IV

PROBLEM:
FORECLOSURE SALE HAS TAKEN PLACE
SOLUTIONS

REDEEM (LOCATE NEW LENDER)

OR

EXIT GRACIOUSLY

OR?
Hire a Lawyer to help you if matters need to be litigated and/or if your rights have been violated.
PLEASE NOTE:
THIS INFORMATION IS NOT DESIGNED TO PROVIDE LEGAL ADVICE.

PLEASE CONTACT A PROFESSIONAL SO THAT S/HE CAN EVALUATE YOUR INDIVIDUAL CIRCUMSTANCES AND PROVIDE SPECIFIC ADVICE.
Professor Florise R. Neville-Ewell
Founder, 10CORE™ Law Society
Faculty Advisor, 10CORE™ Law Society Student Organization
Thomas M. Cooley Law School
WAYNE COUNTY
MORTGAGE FORECLOSURE PREVENTION PROGRAM

Fight Mortgage Foreclosure

www.FightMortgageForeclosure.com

Robert A. Ficano
Wayne County Executive
&
Wayne County Commissioners

Wayne County
Why Choose Professional Mortgage Counseling?

• Only Counselors from Government and Non-Profit agencies can be certified
• Free/Tax payer supported
• Lenders have special phone lines for certified counselors
• Confidential and Secure Service
Don’t Get Scammed

- A qualified housing counselor can help you complete an emergency budget and establish a plan to work with your lender.

- You should NEVER pay for mortgage counseling.

- Wayne County Mortgage Foreclosure Prevention Program is a free service.
Counselor Guided Assistance

1. Gather all relevant documents
2. Develop emergency family budget
3. Realistically evaluate your options and create action plan
4. Help preparing Hardship Letter
5. Create mortgage workout proposal
6. Negotiate with the lender on your behalf
7. Review proposed agreement
Emergency Budget

- Closely examine the necessary expenses
- Ways to reduce your spending:
  - Stop dining out
  - Shut off / Reduce cable TV
  - Reduce spending on clothing and other non essential items and personal services
  - Eliminate entertainment expenses
- Ways to increase your income:
  - Consider temporary or part time employment
  - Sell unwanted Items
  - Take in a roommate
Determining Options/Action Plan

• Based on discussions between Counselor and Homeowner, Action Plan is developed for either home retention plan or a dignified exit strategy

• Each party agrees to certain duties and timelines
Types of Hardships

- Income Reduction
- Job Loss
- Divorce
- Catastrophic Medical Bills
- Death in the Family
- Rapid or Unreasonable increase in interest rate
Workout Package

• THE WORKOUT PROPOSAL
  - Emergency budget
  - Income documentation
  - Tax documents for 2 years
  - Bank statements for 2 months
  - Signed Required Disclosures
  - Proof of your hardship (letter/affidavit)
Lender Negotiations

• Counselor draws upon vast knowledge of programs and options in order to arrive at an affordable strategy for the homeowner

• Counselor discusses a strategy for home retention or dignified exit with the lender
• Counselor reviews lender's offer with the homeowner.
• The homeowner accepts or rejects the lender's offer.
Welcome

Unfortunately, mortgage foreclosures are an epidemic in Wayne County. The experts predict that in 2009, there will be as many as 75,000 homes that will go into mortgage foreclosure in Wayne County. What you need to understand is that you are not alone. To address this crisis, Wayne County created and offers to residents the Mortgage Foreclosure Prevention Program. Allow us to educate you about your options irrespective of where you are in the mortgage foreclosure process. With our national and local partners, including our network of local housing counseling agencies, United Way 2-1-1, Fannie Mae, and many others, we seek to provide a comprehensive and holistic approach to mortgage foreclosure prevention. That means that we review each and every case, determine what options are available to your family, and where warranted, directly and completely negotiate your case with your lender or Mortgage Company. Let our team of highly skilled and experienced foreclosure counselors help you. You can access our program by clicking on the tab at the top left hand corner that says, “Resident Resources” then select the button “Submit Your Case Online.” Once you have completed your application, a certified, experienced foreclosure counselor will be in contact with you to assist you in negotiating with your mortgage company.

OUR PROGRAM

Wayne County is seeking to address the foreclosure crisis currently gripping the county and many of its residents. In collaboration with lenders, investors and local housing counseling agencies, Wayne County aims to mitigate this crisis through the Mortgage Foreclosure Prevention Program. Through this initiative and at no cost to the citizen, residents at risk of mortgage foreclosure will gain viable options through a process of foreclosure education, process awareness and intervention. In addition to mortgage foreclosure prevention service, as a result of our partnership with United Way 2-1-1, we may be able to offer your family, free of charge, assistance with other basic family needs. 2-1-1 is a 24/7/365 hotline that is anonymous and helps people connect with resources to improve their lives. This includes mortgage foreclosure assistance, utility assistance, rent assistance, educational programs, food, clothing, and other basic family needs. When you contact one of our mortgage foreclosure counselors ask about additional assistance that your family may be able to receive.
Commonly Used Mortgage Terms

- Delinquency
- Foreclosure
- Servicer/Lender
- Loan Modification
- Sheriff’s Sale
- Redemption Period
- Eviction
New Michigan Foreclosure Law

• **1\(^{\text{st}}\) AND 2\(^{\text{nd}}\) MONTH** – CALLS AND LETTERS FROM LENDER

• **3\(^{\text{rd}}\) MONTH** - DEMAND LETTER OR NOTICE TO ACCELERATE

• **4\(^{\text{th}}\) MONTH** – NOTICE OF INTENT TO FORECLOSE, FORECLOSURE ATTORNEY ENGAGED
  - Lender’s Attorney sends 14 day Michigan Law Notice Letter to Borrower
  - Homeowners have 14 days to contact a HUD approved agency and their Lenders in order to get the 90 day extension
  - If Homeowners fail to contact Lenders, they can begin foreclosure process and Sheriff’s Sale may occur within seven (7) weeks.
New Michigan Foreclosure Law - cont.

• 6TH MONTH – SHERIFF SALE
• REDEMPTION PERIOD – THE 6 MONTH PERIOD FOLLOWING THE SHERIFF SALE
• END OF 6 MONTH REDEMPTION PERIOD - EVICTION BY COURT ORDER. HEARING TO TAKE PLACE.
Division of Homeownership

Understanding the Foreclosure Process

Day 1 to 15
- Payment due on the 1st and is considered delinquent if not paid.
- Begin communication by contacting your Lender.
- During this time if your lender allows you to make a partial payment – make it.
- Contact a MSHDA approved lender for refinance options.
- As soon as possible contact a MSHDA Certified Housing Counselor. Find the nearest one at www.michigan.gov/mshda

Day 16 to 30
- Late charges are assessed after the 15th.
- Lender attempts phone contact.
- Lender sends notice of delinquency.
- Negotiate a work out plan. Ask “what are my options?”

Day 45 to 60
- Lender attempts phone contact.
- Lender sends out notice that a foreclosure is possible and that borrower has right to contact an attorney and a homeownership counselor to see if borrower is eligible for a loan modification.
- Borrower must contact lender within 14 days from the date the notice is mailed.

Day 90 to 105
- Lender sends “demand” or “breach” letter that the mortgage terms have been violated.
- Once the “demand” letter goes out partial payments are generally not accepted and all delinquent payments and late fees are due.
- Lender hires attorney to initiate foreclosure proceedings.
- Public Notification - Notice of Foreclosure at the local courthouse, details of the debt published in local paper for four consecutive weeks, and a notice is posted on the home.

Day 150 to 155
- Sheriff Sale - House sold at foreclosure sale or auction.
- The “sheriff’s deed” lists the date the property can be redeemed.
- Redemption period is generally six months, but can be up to 12 months if property is over 3 acres or there is more than 50% equity in the property.
- Lender can accelerate or shorten the redemption period.
- The property title does not actually transfer until the end of the redemption period.

Redemption Period
- To get the property back you must pay: Mortgage + interest + late fee + court costs + attorney fees.
- LIVE in the house
  ➢ No payment
  ➢ Maintain utilities
  ➢ Maintain Insurance
  ➢ General upkeep
- EVICTION - At the end of the Redemption Period you will receive an eviction notice.
- LEGAL NOTICE - You will be served with legal notice of action. You can appear in court. Date is set for Sheriff to physically remove you from the property, if necessary.

Save your money during the redemption period to help you move.

Be Realistic – if you cannot afford to keep your home – sell it. List your home with a reputable Realtor® who is familiar with “short sales”.

To sell the house, you must pay everything listed above or in the case of a short sale, get permission and a waiver of deficiency from the bank.

Become Informed of YOUR OPTIONS and COMMUNICATE! COMMUNICATE! COMMUNICATE!
Home Retention Solutions

- Reinstatement
- Repayment Plan
- Forbearance Agreement
- Loan Modification
- Partial/Advance Claim
Dignified Exit Solutions

- Traditional Sale
- Short Sale
- Deed-in-Lieu of Foreclosure
Wayne County GIS Map of MFPP Participants 10-1-08 thru 03-30-10
SEMCOG's Projection of Residential Taxable Value Changes 2009-2011

Wayne County Taxable Values

Municipality

2009
2010 Projection
2011 Projection

Millions

$0
$250
$500
$750
$1,000
$1,250
$1,500
$1,750
$2,000
$2,250
$2,500
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$3,000
$3,250
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$3,750
$4,000
$4,250
$4,500
$5,000
$5,250
$5,500

SEMCOG's Projection of Residential Taxable Value Changes 2009-2011
WAYNE COUNTY
MORTGAGE FORECLOSURE PREVENTION PROGRAM
(MFPP)

RESOURCES TO HELP YOU:

• United Way – 211 (Dial 2-1-1) or (800)552-1183 (Referral hotline for a variety of social services and assistance programs)

• Department of Human Services (Food Stamps, Medicaid, State Emergency Relief) (313) 456-1000

• Legal Aid and Defender (877).964.4700

• Wayne County Crisis Hotline (313) 224-7000

• Wayne County Treasurer – www.treasurer.waynecounty.com (313) 224-6105
IF YOU NEED ASSISTANCE

Wayne County Mortgage Foreclosure Prevention Program (MFPP)
1-877-693-6199

www.FightMortgageForeclosure.com
THANK YOU!

• Wayne County Residents
• Invited Guests
• Supporting Officials
• Venue Staff
Documents Needed

- Signed Required Disclosures
- Id’s and Social Security Cards
- Income Documentation
- Federal Tax returns - last two years
- 4506 T form
- Bank Statements – Last two months
- Hardship Letter
- Recent Utility Bills
Attention Homeowners: Trouble Paying Your Mortgage?

FREE LEGITIMATE HELP IS AVAILABLE

Current Michigan Law REQUIRES YOUR LENDER TO WORK WITH YOU TO AVOID FORECLOSURE. To take advantage of this law, you need to:

1. OPEN YOUR MAIL. You will receive a notice in the mail from your lender or their attorney stating your RIGHT to work with your lender and a certified housing counselor.

2. CALL A FREE CERTIFIED, NON-PROFIT HOUSING COUNSELOR AS SOON AS YOU RECEIVE THE NOTICE. You will have 14 days from the date the notice was mailed to contact a housing counselor and the lender:

Find Local Housing Counselors:
- State of Michigan Save the Dream: 866-946-7432
- HUD Housing Counseling & Referral Line: 800-569-4287
- United Way: 2-1-1

3. Once you’ve contacted a housing counselor, YOU WILL HAVE 90 DAYS TO WORK WITH YOUR LENDER TO COME TO AN AGREEMENT ON YOUR LOAN. If the Counselor determines you need legal advice, they will put you in touch with your local Legal Aid office. (Michigan Foreclosure Prevention Project – http://miforeclosure.mplp.org)

4. BEWARE OF FORECLOSURE SCAM ARTISTS claiming they can save your home and asking for a fee up front. To protect yourself:
   - ALWAYS contact a HUD or State of Michigan certified housing counselor for highly qualified, FREE help.
   - ALWAYS contact your local legal aid office for FREE legal aid.
   - NEVER pay a fee in exchange for help working with your lender.
   - NEVER sign anything you haven’t read or don’t understand.
United States Attorney
Eastern District of Michigan

Foreclosure Town Hall in Detroit, Michigan
Saturday, October 29, 2011

Emerging Trends in Mortgage Fraud

• What is Mortgage Fraud
• Typical perpetrators of Mortgage Fraud
• Prevalent schemes during the last few years
  • Loan origination
  • Foreclosure rescue
  • Builder bailout
  • Appraisal fraud

• Emerging trends in Mortgage Fraud
  • Foreclosure rescue schemes
    • Phantom Help
    • Bailout
    • “Bait and Switch”
  • Reverse mortgage
    • Enables seniors to withdraw some of the equity in their home while continuing to live in that home
    • How much can they borrow?
    • Financial requirements
  • Short Sales
  • Federal stimulus fraud schemes
  • Loan Modifications & Refinancing
  • Mortgage servicing fraud
What should homeowners do to avoid these schemes?

- Get referrals for real estate and mortgage professionals. Check the licenses of the industry professionals with state, county, or city regulatory agencies.
- If it sounds too good to be true, it probably is. An outrageous promise of extraordinary profit in a short period of time signals a problem.
- Be wary of strangers, unsolicited contacts, and high-pressure sales techniques.
- Look at written information, including recent comparable sales in the area and tax assessments, to verify the value of the property.
- Understand what you are signing and agreeing to. If you do not understand, re-read the documents or seek assistance from an attorney.
- Make sure the name on your application matches the name on your identification.
- Review the title history to determine if the property has been sold multiple times within a short period. Multiple sales could indicate that this property has been "flipped" and the value falsely inflated.
- Know and understand the terms of your mortgage. Check your information against the information in the loan documents to ensure they are accurate and complete.
- Never sign any loan documents that contain blanks or amounts you have not agreed to. This leaves you vulnerable to fraud.
- To prevent identity theft, periodically review your credit report to make sure the items contained thereon are accurate.

Help & Reporting

- FBI: 313-237-4530
- HUD OIG: 800-347-3735 or 313-226-6280
- Wayne County Hotline: 313-224-5869
GENERAL OVERVIEW OF BANKRUPTCY PROCESS

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I. INTRODUCTION

If you are considering filing a bankruptcy case, there are some very important aspects of the bankruptcy process you should learn about at the outset and keep in mind during the entire bankruptcy process. For example, there are different forms of bankruptcy chapter proceedings that seek to accomplish different goals, have different rules, vary in length, and which can have vastly different impacts on your financial situation. This overview will discuss some of the most important features of the most commonly used bankruptcy chapters. PLEASE BE ADVISED, HOWEVER, THAT THE INFORMATION PROVIDED IN THIS OVERVIEW IS GENERAL IN NATURE AND SHOULD NOT BE RELIED OR ACTED UPON IN ANY SPECIFIC CASE. THE FIELD OF BANKRUPTCY LAW IS A HIGHLY SPECIALIZED AREA OF THE LAW AND IF YOU ARE INVOLVED IN A SPECIFIC BANKRUPTCY CASE OR HAVE A QUESTION RELATED TO A SPECIFIC SITUATION INVOLVING BANKRUPTCY LAW, YOU SHOULD CONSULT A BANKRUPTCY PROFESSIONAL. TO DO OTHERWISE COULD HAVE SEVERE CONSEQUENCES WHICH ARE FAR REACHING AND LONG LASTING.

II. THE ATTORNEY/CLIENT MEETING

The bankruptcy process usually starts with a meeting between the attorney and the client. At that meeting the attorney and the client will discuss the reasons the client believes he needs to file bankruptcy, what caused the client to be in that situation, the extent of the client’s assets, the location of those assets, how the assets are held (for example, individually or jointly), the value of those assets, the extent of the client’s debts, whether the client has any co-debtors on any of the debts, whether the client is presently being sued, threatened with suit, being harassed by creditors, and a host of other things. It is highly important that the client be as candid with the attorney as possible in their meetings because the attorney’s ability to correctly analyzed the client’s financial situation and provide him with appropriate advice and counsel is directly related to how well he knows the client’s financial circumstances. The person who knows the client’s circumstances the best is the client, and the better the client communicates those circumstances to the attorney, the better the attorney can advise the client. In other words, the preparation of a bankruptcy case is a cooperative process between the attorney and the client with both parties bringing essential elements to the endeavor.
III. THE PETITION AND SCHEDULES

In order to file a bankruptcy case, the person filing bankruptcy (referred to as the debtor) must obtain a credit briefing from an approved credit counselor, obtain a credit counseling certificate and file the certificate along with a petition for bankruptcy, summaries of his assets, schedules of assets, liabilities, income, and expenses, a statement of financial affairs, a statement of his intentions with respect whether he will keep or surrender particular assets in which one or more of his creditors has a security interest (for example, a house or a car), a statement of his social security number, a statement of the compensation he has paid or agreed to pay his attorney, and a statement of the debtor’s current monthly income (commonly referred to as a means test), among various other statements or plans, depending on the type of case. When filing the petition, schedules and statements, the debtor has an affirmative duty to disclose all information required to be disclosed under the bankruptcy laws, and failing to do so could be a basis to dismiss the debtor’s case, deny the debtor’s discharge (which means the debtor’s creditors could continue to pursue the debtor for the debts he owes for the rest of the debtor’s life), or to prosecute the debtor for a bankruptcy crime and impose punishment including fines up to $500,000.00 and imprisonment up to five years.

IV. PROPERTY OF THE ESTATE

When a debtor files a bankruptcy case a bankruptcy estate is created and all of the debtor’s real estate and personal assets (excluding his wages) become property of the estate unless and until the bankruptcy court determines the assets to be excluded from the estate (meaning the asset never becomes a part of the bankruptcy estate like certain defined benefit pension plans), exempt from the estate pursuant to a state or federal exemption statute, affirmatively abandoned by the estate as burdensome or of inconsequential value to the estate, or abandoned by operation of law. That means when a person files a bankruptcy case he no longer has the right to sell his house or give his car away or spend his income tax refund, among other things. Those assets no longer belong to him. They belong to his bankruptcy estate. In practice, the status of the property as excluded, exempt, or abandoned is oftentimes determined in the first 60 to 90 days after the case is filed so the debtor regains the use and control of his assets within a relatively short period of time. However, there are times when the debtor would be well advised not to use, deplete, transfer, or exert dominion and control over the assets until the case is closed and it is clear that the estate has abandoned its interest in the assets. In some cases the official abandonment could take months or even years, depending on the type of asset, the value of the asset, and the value of any liens against the assets. Therefore, the decision to file or not file bankruptcy requires a careful analysis by the attorney of which assets are excluded from the estate, which assets may be exempted from the estate, and which assets are likely to abandoned by the estate back to the debtor.

V. EXEMPTIONS

Debtors in Michigan have the right to elect to utilize either the Michigan bankruptcy exemption scheme or the federal bankruptcy exemption scheme. The debtor cannot mix and match schemes. He can only choose one or the other. Each scheme authorizes the debtor to exempt from the bankruptcy estate a certain dollar value of his interest in various assets that fall into certain categories such as real estate, household goods, wearing apparel, motor vehicles, tools of the trade, insurance policies, social security awards, worker’s compensation awards, and
personal injury awards, among other types of assets. In addition to authorizing the debtor to exempt a certain dollar value of his interest in assets that fall into specific categories, the federal exemption scheme authorizes the debtor to use the unused portion of the debtor’s real estate exemption up to a maximum of $11,975.00 in any type of asset the debtor chooses. (The values a debtor may exempt are periodically adjusted by statute.) The attorney’s task, therefore, working in conjunction with the debtor, is to analyze which scheme will afford the debtor the best chance to obtain relief from his debts while retaining the greatest possible portion of his interest in the value of his assets. Moreover, reviewing the results of such an analysis before filing a Chapter 7 bankruptcy (the liquidation chapter) will allow the debtor to decide whether the potential discharge of his debts is so important that he is willing to risk having certain of his assets liquidated by the trustee of the bankruptcy estate in order to obtain the discharge. If the debtor has assets that do not fall into one of the exemption categories or which are only partially exempt, the trustee of the debtor’s bankruptcy estate may sell those assets and use the proceeds to pay the debtor’s creditors and the administrative expenses of the estate.

VI. THE AUTOMATIC STAY

Immediately upon filing a bankruptcy case an automatic stay goes into effect, preventing all creditors and anyone claiming to be a creditor from continuing with any collection activity to collect a debt from the person filing bankruptcy. That means creditors must stop all telephone calls to the debtor for the purpose of collecting the debt. The creditor may not send a letter for the purpose of collecting debt. If the creditor has sued the debtor, the creditor may not proceed with the lawsuit. The court in which the lawsuit is pending must stop the litigation until the bankruptcy case is completed or until the bankruptcy judge enters an order terminating the automatic stay with respect to the lawsuit. In some instances where the creditor has taken property belonging to the debtor and the debtor files bankruptcy shortly thereafter, the creditor’s failure to return the property to the debtor may be considered a violation of the automatic stay and subject the creditor to sanctions for contempt of court. The automatic stay is a powerful tool of the bankruptcy court that gives the debtor and the creditors breathing space, and allows an orderly examination of the debtor’s assets and liabilities, liquidation of the debtor’s non-exempt assets and payment of the proceeds to creditors in a Chapter 7 case, or review and approval of a repayment plan proposed by the debtor in a Chapter 11, 12, or 13 case.

VII. CHAPTER 7

Chapter 7 is the liquidation (sometimes referred to as “straight bankruptcy”) chapter of the bankruptcy code. When a debtor files a Chapter 7 bankruptcy case a Chapter 7 trustee is appointed to gather together all of the debtor’s non-exempt assets, liquidate those assets, pay the administrative expenses of the estate, and distribute the balance of the proceeds to the debtor’s creditors. The Chapter 7 trustee has the power to sue and may be sued in the discharge of the trustee’s duties. In the vast majority of Chapter 7 cases, the case only lasts 4-6 months from the date the case is filed to the date the case is close. Those cases are filed, the debtor testifies at a meeting of creditors, no one objects to the exemptions the debtor claims in his assets, there are no assets for the trustee to liquidate for the benefit of creditors, no one objects to the debtor’s discharge, the court grants a discharge and closes the case. Be advised, however, that the trustee, a creditor or other interested party has the right to object to the exemptions the debtor claims in his assets (for example, based on the creditor’s assertion that the exemption chosen does not apply or the debtor’s claim of exemption exceeds the amount allowed for the exemption), to
object to the discharge of a particular debt (based on the creditor's claim that the debt was obtained by fraud, among other reasons), or to object to the debtor receiving a discharge of any of his debts (based on the claim that the debtor failed to comply with court orders, failed to disclose all of his assets and liabilities, or failed to properly comply with other aspects of the bankruptcy process). If any of those types of objections occur in the case and the debtor wants to defend against or dispute the objection, hearings or even a trial might be necessary and as a result, the case could take months or even years in addition to the initial 4-6 month period to complete, depending on the complexity of the issues involved. Moreover, the cost of achieving a resolution of those kinds of objections is usually not covered by the initial fee paid to the attorney for consultation, advice, and filing the bankruptcy case. The attorney will usually bill the debtor at his hourly rate for such services. Assuming that either none of those things happen or they are resolved to the debtor’s satisfaction, once the discharge is entered by the court and the case is closed, the creditors may never again pursue the debtor for collection of the debts listed in the debtor’s schedules that were not found to be non-dischargeable by the bankruptcy court. The creditor is left to making a claim in the bankruptcy case for a share of any funds the trustee obtains by liquidating the non-exempt assets of the debtor. If the trustee is unable to liquidate any non-exempt assets of the debtor, after the discharge is granted, the creditors have no way of collecting on the debts. It is important to note that if the debtor fails to list a creditor in his bankruptcy schedules, and the trustee does liquidate assets for the benefit of creditors, but the creditor who was not listed does not become aware of the bankruptcy case in time to file a claim and share in the distribution, that creditor is entitled to continue to pursue collection of the debt against the debtor until the debt is paid. Therefore, it is vitally important that the debtor list all of his creditors in his bankruptcy schedules if he is to take full advantage of the discharge. Finally, the debtor can enter into a reaffirmation agreement to continue to pay the debts on collateral such as a car or a house because to do so is in the debtor’s best interest and it does not create an undue hardship for the debtor. Such reaffirmation agreements require the consent of the creditor who has a security interest in the particular collateral (the debtor cannot compel the creditor to enter into a reaffirmation agreement) and may require court approval.

VIII. CHAPTER 13

The usual purpose for filing a Chapter 13 bankruptcy is to protect a large asset like a house or a car that the debtor needs to keep and is in danger of losing because he is delinquent in the payments and the creditor has the right to take the asset back if the debtor does not pay. Filing a Chapter 7 bankruptcy usually does not help because in a Chapter 7 case, the creditor would usually require the debtor to cure the arrearage in a very short period of time (usually 30-60 days) in exchange for entering into a reaffirmation agreement and allowing the debtor to keep the asset. The creditor is entitled to take back the asset in a Chapter 7 case if the debtor is not current on the payments and usually will do so unless the debtor cures any arrearage on the payments in a very short period of time and is living up to his other obligations with respect to the property such as, keeping the property insured and keeping the property in good physical condition. In a Chapter 13 case, however, the debtor can propose a plan to the court and the creditors in which the debtor turns over to the Chapter 13 trustee appointed in the case all of the debtor’s disposable income for the trustee to use to pay the debtor’s creditors according to the plan. In order for the plan to be feasible, the debtor would need to commit enough funds to pay the current monthly payment on the debts on secured assets like a house or a car plus an additional amount to cure any arrearage on the secured asset in a reasonable time (usually 36
months), pay any priority unsecured debts (like taxes that are given priority status under § 507 of the bankruptcy code and may not be discharged) in full during the life of the plan (the maximum length of a Chapter 13 plan is 60 months), pay whatever his best effort is to unsecured creditors (creditors like credit card companies who generally do not have the right to take an asset of the debtor if he does not pay the company’s debt) and still have enough money to live on. That is, after you subtract your taxes, insurance, and other allowable deductions from your gross income to arrive at your net income and subtract from your net income your reasonable living expenses, you must commit the amount remaining to your Chapter 13 plan. If that amount is your best effort and is enough to pay the required items and whatever percentage is your best effort to your unsecured creditors, your unsecured creditors get that percentage and the amount still owed after that percentage is discharged. If his best effort is enough to pay the required items and 100% to his unsecured creditors, the unsecured creditors get 100%. If his best effort yields nothing to unsecured creditors after paying required items, the court may still approve his Chapter 13 plan if he commits the payment to the plan for 60 months and adheres to the other requirements of the plan. In addition to the requirement that he make his best effort in terms of his payment, in order to be eligible for Chapter 13, he must pay the unsecured creditors at least as much as they would receive if his non-exempt assets were liquidated in a Chapter 7 case. For example, if the debtor had an asset that he could not exempt in a hypothetical Chapter 7 case that if liquidated by the trustee and used to pay creditors would yield a 30% dividend to unsecured creditors in that case, in order to be eligible for Chapter 13 relief, the debtor would have to propose a plan that yielded the unsecured creditors at least a 30% dividend in the Chapter 13 case. Chapter 13 like Chapter 7 is a powerful tool that debtors can use to reorganize their finances. However, Chapter 13 is not a panacea. Only debtors with regular income who can commit enough funds to their plans to pay enough funds to pay their current monthly payments on their secured obligations, additional amounts to cure the arrearages on those secured obligations within a reasonable time, to satisfy their priority debts in full by the end of the plan, and pay whatever their best effort is to unsecured creditors, will have their plans approved by the bankruptcy court. Having enough funds to do those things might require substantial lifestyle adjustments such as eliminating or drastically reducing expenses or significantly increasing monthly income. In many cases funding a Chapter 13 Plan is not possible because the amount the debtor can commit to the plan is simply not enough to pay the items required to obtain court approval. Finally, the debtor may not want to drastically adjust his lifestyle and commit the time and resources necessary to hold on to certain collateral if that collateral is declining in value and the likelihood of the debtor recovering his equity in the property over the long term continues to diminish.

IX. CHAPTER 11 AND CHAPTER 12

Chapters 11 and 12 are beyond the scope of this overview, except to say that Chapter 11 is the primary reorganization chapter for businesses seeking to reorganize or operate until they can liquidated their assets in an orderly fashion and for high income individuals who have too much debt to qualify under the debt limits of Chapter 13 and who do not want to liquidate. Chapter 12 is the reorganization chapter for family farmers.

X. FILING MORATORIUM AND IMPACT ON CREDIT

After filing a Chapter 7 bankruptcy case and receiving a discharge, you may not receive a discharge in another Chapter 7 case filed within eight years from the date the previous case was filed. If the debtor received a previous discharge in a Chapter 7, 11, or 12 case, the debtor may
not receive a discharge in a Chapter 13 case filed within four years from the date the previous case was filed or within two years of the date a previous Chapter 13 case was filed. It is important to note, however, that if the primary purpose of filing a Chapter 13 case is to cure the arrearage on some large item of collateral, the debtor may not need to obtain a discharge. He may simply need the power of the automatic stay while he executes a plan of reorganization. Last, filing any type of bankruptcy case can (and probably will) be reported on the debtor’s credit report for up to ten years. Such reporting might adversely impact on the debtor’s ability to get credit in the future. The decision to lend to any particular person is within the discretion of the particular lender in accordance with the particular criteria the lender uses in evaluating creditworthiness in the context of laws governing lending. Be that as it may, the debtor needs to be more concerned with accepting credit as opposed to getting it, because the debtor does not want to squander his fresh start by going back into debt immediately after his discharge. To the extent possible the debtor should consider paying as he goes.

Michael A. Stevenson, admitted to the Bar, 1985, Michigan. EDUCATION: Michigan State University (B.A. 1981); Wayne State University Law School (J.D. 1984). MEMBER: State Bar of Michigan; admitted to practice in Sixth Circuit Court of Appeals, the United States District Court, Eastern District of Michigan; American Bar Association (former member; D. Augustus Straker Bar Association (past president); Wolverine Bar Association (current member); National Association of Bankruptcy Trustees (current member); American Bankruptcy Institute (current member); Consumer Bankruptcy Association (current member); National Association of Consumer Bankruptcy Attorneys (former member). OTHER: Chapter 7 Bankruptcy Trustee in the United States Bankruptcy Court for the Eastern District of Michigan (currently serving); Attorney, and Senior Member, Stevenson & Bullock, P.L.C.
PURPOSES AND PROGRAM

The Fair Housing Center of Metropolitan Detroit (FHC), a non-profit, tax-exempt, citizen based organization, was established in April, 1977 for the purpose of addressing fair housing issues in the metropolitan Detroit area. FHC seeks to assure equal access to housing without discrimination based on race, sex, age, color, religion, national origin, familial, marital, sexual orientation or disability status. Consistent with the level of resources available, FHC:

- Assists in the investigation of complaints of unlawful housing discrimination;
- Refers some housing discrimination complainants to other agencies or legal resources;
- Initiates negotiations, conciliations and litigations to help resolve equal housing disputes;
- Provides homeseekers with information about the sales and rental market and assists homeseekers who are considering non-traditional housing choices;
- Conducts research projects and housing surveys to evaluate fair housing practices or assist in industry self-testing programs in the sales, rental or mortgage lending markets;
- Provides consulting and program implementation services to employers, businesses, units of government and housing providers that are seeking to develop or implement fair housing programs;
- Conducts training and public information programs on fair housing issues;
- Works with neighborhood groups, community organizations and other service providers to help promote and achieve more racially and ethnically diverse neighborhoods.

FHC has a record of performance that establishes the organization as a professionally competent, effective and reliable fair housing service. Working cooperatively with local, state and federal units of government, FHC has, since it was organized in 1977:

- Investigated over 6000 complaints of unlawful housing discrimination.
- Assisted over 400 complainants resolve allegations of unlawful housing discrimination in 325 successfully concluded lawsuits filed in state and federal courts. Total financial recovery for plaintiffs, through settlements or awards, exceeds 11 million dollars - averaging over $33,000 per concluded litigation.
- Conducted over thirty-five major fair housing testing surveys under contracts with various agencies, including the U.S. Department of Housing and Urban Development (HUD), The Urban Institute, the ARCUS Foundation, the U.S. Department of Justice, the Michigan Department of Civil Rights (MDCR), the Michigan State Housing Development Authority and the Michigan Association of Realtors.
- Developed and conducted fair housing training and information programs reaching over 10,000 participants in over 150 units of government, financial institutions, apartment rental and real estate sales firms in the metropolitan area.
- Wrote HUD required "Analysis of Impediments to Fair Housing Choice" for 10 units of government, including the State of Michigan.
- With its own resources and through grants and contracts with HUD, MDCR and The Joyce Foundation, assisted in the establishment and development of fair housing groups/programs in over 20 metropolitan areas in the United States.
- Through its newsletter, Fair Housing News, and the publication of a national housing discrimination case litigation log, the FHC has become a major source for fair housing information in the metropolitan Detroit area and throughout the United States.
- Since they were started in 1998, the Center's Annual Fair Housing Leadership Awards Receptions have honored 46 housing industry representatives who have taken specific and courageous steps to follow and support fair housing laws.

The Center receives funding through membership donations, individual and corporate gifts, grants, bequests and contracts for services with government agencies and private housing providers. Requests for information or services are welcome. FHC has IRS 501(c)(3) tax status. Contributions are tax-deductible to the extent allowed by Federal law.

Revised: 10/20/11
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<td>Rental</td>
<td>Detroit</td>
<td>Federal</td>
<td>$30,000</td>
</tr>
<tr>
<td>02-021</td>
<td>McNeill v Southwicke Sq</td>
<td>Familial St</td>
<td>Co-operative</td>
<td>Trenton</td>
<td>State</td>
<td>Non-discl.</td>
</tr>
<tr>
<td>02-045</td>
<td>Geer v Medallion Homes</td>
<td>Disability</td>
<td>Sales</td>
<td>Milford</td>
<td>Federal</td>
<td>$9,000</td>
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<tr>
<td>02-052</td>
<td>James v First Mt. Mtg.</td>
<td>Race</td>
<td>Mortgage</td>
<td>Detroit</td>
<td>Federal</td>
<td>V.Dis****</td>
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<tr>
<td>02-060</td>
<td>Rothenberg v Nortley</td>
<td>Religion</td>
<td>Sales</td>
<td>Casco</td>
<td>Federal</td>
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<tr>
<td>02-085</td>
<td>Robinson v Dunlap</td>
<td>Race</td>
<td>Sales</td>
<td>East Pointe</td>
<td>Federal</td>
<td>V. Dis****</td>
</tr>
<tr>
<td>02-115</td>
<td>Lewis v Cen.21 Hartford</td>
<td>Race</td>
<td>Rental</td>
<td>W.Bloomfield</td>
<td>Federal</td>
<td>Non-discl.</td>
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<tr>
<td>03-006</td>
<td>LeGree v Al-Soofi</td>
<td>Disability</td>
<td>Condominium</td>
<td>Roseville</td>
<td>Federal</td>
<td>$3,250</td>
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<tr>
<td>03-015</td>
<td>Bishop v Hartland Est.</td>
<td>Race</td>
<td>Sales</td>
<td>Hartland</td>
<td>Federal</td>
<td>V.Dis****</td>
</tr>
<tr>
<td>03-056</td>
<td>Carter v Fox Hills</td>
<td>Race</td>
<td>Rental</td>
<td>Bloomfield Twp</td>
<td>Federal</td>
<td>Non-discl.</td>
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<tr>
<td>03-075</td>
<td>Benchmark v S.C. Shores</td>
<td>Disability</td>
<td>Group Home</td>
<td>St.Cl.Shores</td>
<td>Federal</td>
<td>Non-discl.</td>
</tr>
<tr>
<td>04-003a</td>
<td>FHC v General Prop..</td>
<td>Race</td>
<td>Rental</td>
<td>Livonia</td>
<td>Federal</td>
<td>$350,000</td>
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<td>04-003b</td>
<td>U.S. General Prop.</td>
<td>Race</td>
<td>Rental</td>
<td>Livonia</td>
<td>Federal</td>
<td>$375,000</td>
</tr>
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<td>04-013</td>
<td>Winiarlski v Townh.Green</td>
<td>Marital St</td>
<td>Cooperative</td>
<td>Clinton Twp.</td>
<td>State</td>
<td>$10,000</td>
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<tr>
<td>04-112</td>
<td>Brayton v Kean Apts.</td>
<td>Disability</td>
<td>Rental</td>
<td>Detroit</td>
<td>Federal</td>
<td>Non-discl.</td>
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<tr>
<td>04-115</td>
<td>G.L.Housing v Howell</td>
<td>Disability</td>
<td>Group Home</td>
<td>Howell</td>
<td>State</td>
<td>C-Def.**</td>
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<tr>
<td>04-129</td>
<td>Schatz v Canterb'y Mews</td>
<td>Disability</td>
<td>Cooperative</td>
<td>Canton</td>
<td>State</td>
<td>Non-discl.</td>
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<tr>
<td>05-032</td>
<td>Bogdon v Service Sp.</td>
<td>Disability</td>
<td>Rental</td>
<td>Roseville</td>
<td>Federal</td>
<td>C-Def.**</td>
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<tr>
<td>05-036</td>
<td>Purchase v McArthur Mng</td>
<td>Race</td>
<td>Rental</td>
<td>Warren</td>
<td>Federal</td>
<td>$30,000</td>
</tr>
<tr>
<td>05-039</td>
<td>Sherry v Coldwell Bkr.F</td>
<td>Race</td>
<td>Sales</td>
<td>Putnam Twp.</td>
<td>Federal</td>
<td>C-Def**</td>
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<tr>
<td>06-031</td>
<td>Brennan v Waldman Mgmt</td>
<td>Race</td>
<td>Rental</td>
<td>Royal Oak</td>
<td>Federal</td>
<td>C-Def**</td>
</tr>
<tr>
<td>06-NCN</td>
<td>U.S. v The Preserves</td>
<td>Disability</td>
<td>Rental</td>
<td>Sterling Hts</td>
<td>Federal</td>
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<td>08-NCN</td>
<td>U.S. v Regent Court</td>
<td>Race</td>
<td>Rental</td>
<td>Roseville</td>
<td>Federal</td>
<td>$170,000</td>
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<td>08-012</td>
<td>Lucy v Musa</td>
<td>Race</td>
<td>Rental</td>
<td>Troy</td>
<td>Federal</td>
<td>Open</td>
</tr>
<tr>
<td>08-20</td>
<td>Moss v Quicken Loans</td>
<td>Race</td>
<td>Mortgage</td>
<td>Dearborn</td>
<td>Federal</td>
<td>Open</td>
</tr>
<tr>
<td>10-NCN</td>
<td>Brown &amp; McDonnell vQ.L</td>
<td>&quot;</td>
<td>&quot;</td>
<td>Detroit</td>
<td>Federal</td>
<td>Open</td>
</tr>
<tr>
<td>08-054</td>
<td>Shelby v Cassar</td>
<td>Disability</td>
<td>Rental</td>
<td>Keego Harbor</td>
<td>Federal</td>
<td>$60,000</td>
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<tr>
<td>08-093</td>
<td>Benkovich v Washgtn Con</td>
<td>Disability</td>
<td>Condominium</td>
<td>Washington Twp</td>
<td>Federal</td>
<td>Open</td>
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<tr>
<td>09-02</td>
<td>Harris v The Hayman Co.</td>
<td>Race</td>
<td>Rental</td>
<td>Wayne</td>
<td>Federal</td>
<td>Open</td>
</tr>
<tr>
<td>09-051</td>
<td>Cambridge v Lakeridge</td>
<td>Disability</td>
<td>Condominium</td>
<td>Harrison Twp</td>
<td>Federal</td>
<td>$6,000</td>
</tr>
<tr>
<td>09-63</td>
<td>Anonymous v Sieperski</td>
<td>Race</td>
<td>Sale</td>
<td>Grosse Isle</td>
<td>Federal</td>
<td>Open</td>
</tr>
</tbody>
</table>

* Jury, Bench, Arbitrator or Appellate Court decision for Plaintiff after trial.

** Dismissed by Court before trial.

*** Open – on Appeal.

**** Voluntarily dismissed by Plaintiff with no financial recovery.

***** Jury, Bench Arbitrator or Appellate Court decision for Defendant after trial.

Indented = Consolidated with main case and, unless indicated, no additional financial recovery.
SUMMARY OF LITIGATION ACTIVITY: 9/1/77 - 9/30/10:

1. Total Number of FHC Assisted Cases that were Filed in State or Federal Courts: 439

2. Total Number of actual Lawsuits Filed in State or Federal Courts (some lawsuits involved more than one FHC case): 403

3. Total Number of Lawsuits Filed in Federal Court: 285
   a. Total Number of Federal Lawsuits with Disclosed Financial Recovery: 179
   b. Total amount of Financial Recovery from Disclosed Federal Lawsuits: $8,412,110
      (Average: $46,995)

4. Total Number of Lawsuits Filed in State Court: 118
   Total Number of State Lawsuits with Disclosed Financial Recovery: 66
   Total amount of Financial Recovery from Disclosed State Lawsuits: $1,079,979 (Average: $16,363)

5. Total Number of Lawsuits Open, 9/30/10: 7
   Number Open and on Appeal (see cases that are marked ***): 0

6. Total Number of Closed Lawsuits: 396 (see below, a+c+h+i+j)
   a. Total Number Closed with Disclosed Financial Recovery for Plaintiffs: 245
   b. Total Amount of Disclosed Financial Recovery for Plaintiffs: $9,492,089 (Average: $38,743)
   c. Total Number Closed with Non-disclosed Financial Recovery for Plaintiffs: 79
   d. Total Estimated Amount of Non-Disclosed Financial Recovery for Plaintiffs: $1,522,800 (Average: $19,275)
   e. Total Number of Lawsuits with Disclosed or Non-disclosed Recovery for Plaintiffs: 325 (82% of 396 closed lawsuits)
   f. Total Estimated Amount of Disclosed and Non-disclosed Financial Recovery for Plaintiffs: $11,014,889
      (Average: $33,996)
   g. Total Number of Lawsuits that were decided in favor of the Plaintiff after trial or full hearing before a Jury, the Bench, an Arbitrator or an Appellate Court (see cases marked *): 23
   h. Total Number of Lawsuits that were Dismissed by Court before Trial (see cases marked **): 26
   i. Total Number of Lawsuits Voluntarily Dismissed by Plaintiffs with no financial or other form of recovery (see cases marked ****): 28
   j. Total Number of Lawsuits with a final decision by a Jury, the Bench, an Arbitrator or an Appellate Court for the Defendant (see cases marked *****): 18
SUMMARY OF LITIGATION ACTIVITY: 9/1/77 - 9/30/10, continued:

7.  Total Number of Primary Types of Discriminatory Allegations in the 404 lawsuits:

   Race - 283
   Familial Status - 53
   Marital Status - 12
   Disability Status - 35
   Sex - 5
   Religion - 3
   National Origin - 7
   Age - 5

8.  Distribution of the 404 Lawsuits by the Type of Transaction Involved:

   Rental - 300
   Sales - 44
   Housing Co-operative - 17
   Housing Condominium - 12
   Mortgage - 21
   Appraisal - 1
   Insurance - 1
   Zoning/Land Use/Group Home - 4
   Mobile Home - 3

9. Distribution of the 399 Lawsuits by the location of the property identified in the complaint:

   a. Wayne County - 221
      Allen Park - 4         Lincoln Park - 3
      Belleville - 3         Livonia - 10
      Canton - 6             Melvindale - 3
      Dearborn - 6           Plymouth - 4
      Dearborn Heights - 3   Redford - 3
      Detroit - 116          River Rouge - 3
      Ecorse - 1             Riverview - 1
      Flat Rock - 2          Romulus - 2
      Grosse Ile - 2         Sumpter Twp. 1
      Grosse Pointe Park - 4  Taylor - 8
      Grosse Pointe Woods - 3 Trenton - 1
      Hamtramck - 3          Wayne - 3
      Harper Woods - 4        Westland - 12
      Highland Park - 2      Woodhaven - 1
      Inkster - 6            Wyandotte - 1
### SUMMARY OF LITIGATION ACTIVITY: 9/1/77 - 9/30/10, continued:

#### b. Oakland County - 106
- Beverly Hills - 1
- Birmingham - 2
- Bloomfield Hills - 1
- Bloomfield Twp. - 2
- Farmington - 1
- Farmington Hills - 12
- Ferndale - 3
- Hazel Park - 1
- Keego Harbor - 1
- Madison Heights - 1
- Milford - 3
- Oak Park - 3
- Orion Twp. - 1
- Pontiac - 4
- Rochester Hills - 1
- Royal Oak - 6
- Royal Oak Twp. - 1
- Southfield - 45
- Troy - 4
- Waterford - 6
- West Blomfield - 5
- Wixom - 1

#### c. Macomb County - 51
- Clinton Twp. - 5
- Eastpointe - 3
- Fraser - 2
- Harrison Twp. - 2
- Macomb Twp. - 1
- Mt. Clemens - 8
- Romeo - 2
- Roseville - 6
- Shelby Twp. - 1
- St. Clair Shores - 4
- Sterling Heights - 5
- Warren - 11
- Washington Twp. - 1

#### d. Out-State, Michigan - 22
- Ann Arbor - 2
- Au Gres - 1
- Boyne City - 1
- Carlton Twp. - 1
- Casco Twp. - 1
- Delta Twp. - 1
- Flint - 2
- Golden Twp. - 1
- Grand Blanc - 1
- Hartland - 1
- Howell - 1
- Lapeer - 1
- Monroe - 3
- Newport - 1
- Prudenville - 1
- Putnam Twp. - 1
- Ypsilanti - 2

#### e. Other - 3
- Canada - 1
- Multiple Sites - 2

* * * * * * *
Members of the armed forces make great sacrifices in order to protect our nation. Recognizing these sacrifices, Congress has enacted a number of laws specifically designed to protect the civil rights of servicemembers, both while they are on active duty and after they return to civilian life. These laws ensure that servicemembers will be able to vote while they are stationed overseas, return to their civilian employment after completing their service and have certain civil financial protections while on active duty. Additionally, servicemembers who have been injured during their service and return to civilian life with a new disability have civil rights guaranteed by the law.

This brochure provides a brief explanation of the civil rights of servicemembers, as well as information about how to learn more or to file a complaint if you believe your rights have been violated.
The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the civilian employment rights of servicemembers and veterans. Among other things, under certain conditions, USERRA requires employers to put individuals back to work in their civilian jobs after military service. If you are eligible for reemployment, you must be restored to the position and seniority-based benefits that you would have attained or, in some cases, a comparable job, had you not been absent from work to perform military service.

USERRA also protects servicemembers from discrimination in the workplace based on their military service or affiliation. An employer may not terminate you or deny you initial employment, retention in employment, promotion, or any other benefit of employment because of your status as a servicemember. An employer also may not retaliate against you or any other person for asserting, or assisting with the assertion of, USERRA rights.

USERRA also entitles you to the right to continue your existing employer-based health plan coverage for
up to two years while in the military, and to reinstate your health insurance once you are reemployed. Additionally, upon reemployment following a period of absence for uniformed service, the employer must treat you as not having had a break in service for purposes of participation, vesting, and accrual of benefits in pension plans. If you are enrolled in a contributory plan, you are allowed, but not required, to make up missed contributions to the plan or elective deferrals, and receive the employer’s match, if any.

Servicemembers who believe that they have been victims of employment discrimination based on their military service may file a complaint with the Department of Labor (DOL) or file their own lawsuit in federal or state court.

It is important that you file a complaint with DOL or consult with a private attorney as soon as possible. To file a complaint under USERRA, contact your nearest Veterans’ Employment and Training Service (VETS) office, which you can locate by visiting www.dol.gov/vets/aboutvets/contacts/main.htm, or calling DOL at 1-866-4USADOL (487-2365). DOL will investigate the complaint and may attempt to voluntarily resolve the complaint. If DOL cannot resolve the complaint, upon the complainant’s request, DOL will forward to the complaint to the Department of Justice’s Civil Rights Division.
The Servicemembers Civil Relief Act (SCRA), formerly known as the Soldiers’ and Sailors’ Civil Relief Act (SSCRA), is a federal law that provides a range of relief to active duty servicemembers. The law’s purpose is to postpone or suspend certain civil obligations so that members of the Armed Forces can focus their full attention on their military responsibilities without adverse consequences for them or their families. It covers issues such as rental agreements, security deposits, prepaid rent, eviction, installment contracts, credit card interest rates, mortgage interest rates, mortgage foreclosure, civil judicial proceedings, automobile leases, life insurance, health insurance and income tax payments.

The types of relief provided under the law include:

- Reducing the rate of interest for debts incurred before entering active duty to 6 percent;
- Protecting servicemembers against default judgments, evictions, mortgage foreclosures, and repossessions of property;

- Giving servicemembers the ability to terminate residential and automobile leases.

If you think your rights under the SCRA may have been violated, you should contact your nearest Armed Forces Legal Assistance Program office to see if the SCRA applies. Dependents of servicemembers can also contact or visit local military legal assistance offices where they reside. Office locations may be found at http://legalassistance.law.af.mil/content/locator.php.

In order to have your SCRA case reviewed by the Department of Justice, you should first seek the assistance of your military legal assistance office. If that office cannot resolve the complaint, it may choose to forward the complaint to the Department of Justice.

**Voting**

The right to vote is among our most basic and cherished civil rights. Enacted in 1986, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) protects the right of servicemembers to vote in federal elections regardless of where they are stationed. This law requires that states and territories allow members of the United States Uniformed Services and merchant marine, their family members, and United States
citizens residing outside the United States to register and vote absentee in elections for Federal offices. UOCAVA was expanded significantly in 2009, when Congress passed the Military and Overseas Voter Empowerment (MOVE) Act to provide greater protections for servicemembers, their families and other overseas citizens.

Among its key provisions, UOCAVA, as amended by the MOVE Act, allows qualified servicemembers and overseas citizens to:

- Register to vote and request an absentee ballot simultaneously on a single federal form.
- Request and receive voter registration and absentee ballot applications and blank absentee ballots by electronic transmission, such as by fax or email.
- Have their timely-requested ballots sent to them no later than 45 days before an election for federal office (subject to certain conditions).
- Track the receipt of their absentee ballots through a free access system.
- Use a “back-up” ballot, called the Federal Write-In Absentee Ballot (FWAB), to vote for federal offices if they have made a timely application for, but have not received, their regular ballot from their home state or territory, subject to certain conditions. The
FWAB is available at military installations and embassies worldwide, and an official on-line version of this ballot and instructions are available on the Defense Department’s voting website.

The Federal Voting Assistance Program (FVAP) in the Department of Defense actively monitors the voter registration and absentee voting opportunities provided to members of the Armed Forces, and assists servicemembers and their families to facilitate their participation in the voting process. If you have a question or believe you have been denied any of the rights guaranteed by UOCAVA, you can contact the FVAP with the details, and FVAP can forward the relevant information to the Department of Justice for assessment. The United States Attorney General is authorized to enforce UOCAVA and the Department of Justice has filed suits against states that fail to comply with their requirements.

The FVAP website provides detailed information about voting procedures and materials. The website can be found at www.fvap.gov. You can also contact the FVAP at:

Federal Voting Assistance Program  
Department of Defense  
1777 North Kent Street  
Suite #14003  
Arlington, VA 22209  
E-mail: vote@fvap.gov  
U.S. Toll-free: 800-438-VOTE (8683)
The Americans with Disabilities Act of 1990, or the ADA, gives civil rights protections to individuals with disabilities. The ADA prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin, the ADA is an "equal opportunity" law, not a benefit program entitling you to specific services or financial assistance because of your disability.

The ADA uses different standards than the military and the Department of Veterans Affairs in determining disability status. The ADA covers people with a physical or mental impairment that substantially limits one or more major life activities such as walking, speaking, lifting, hearing, seeing, reading, eating, sleeping, concentrating, or working. Major life activities also include the operation of major bodily functions such as brain, immune system, respiratory, neurological, digestive, and circulatory functions.

Businesses and State and local government agencies must take reasonable steps to make it possible for people with disabilities to be their employees or customers.
For more information about protections under the ADA, visit www.ada.gov, or call the ADA information line at:

800-514-0301 (voice)
800-514-0383 (TTY)

A brochure describing the rights of servicemembers under the ADA in more detail can be found at www.ada.gov/servicemembers_adainfo.html.
U.S. Department of Justice

To enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

Civil Rights Division

Assistant Attorney General

Thomas E. Perez
Growing number of seniors facing foreclosure need your help

By Rawle Andrews Jr.
AARP Regional Vice President – Mid-Atlantic States

AARP is deeply committed to removing barriers that keep older Americans from “aging in place,” or remaining in their own homes as long as they desire and as long as they are able.

One of those barriers is foreclosure. An increasing number of seniors, who own their houses outright, get behind on their taxes and insurance and face the risk of losing their homes.

This is a growing and heart-rending problem that cries out for fair, just and compassionate solutions and civic engagement.

Foreclosures are lose-lose situations for both lenders and homeowners, so AARP favors extending the work-out period to help lenders protect their loan and people protect the roof over their head.

AARP urges lenders to look beyond immediate short-term returns and consider how accepting some financial concessions to prevent foreclosures may help them in the longer run by stabilizing the communities in which they do business.

Declining home values, the languid economy and rising insurance premiums are among the factors that have led more than 600,000 homeowners to

Rawle Andrews Jr.
utilize reverse mortgages to generate income that helps them meet basic needs and to age in place.

A reverse mortgage allows homeowners age 62 and older to borrow against their equity to set up a monthly stream of income. They can use that money to pay medical bills, property taxes, insurance coverage or other expenses. This can be a viable option to some, but borrowers need to be aware of the terms and beware of unscrupulous operators.

The U.S. Department of Housing and Urban Development (HUD) has emphasized earlier interventions to prevent foreclosures when homeowners have difficulty keeping up with property tax and insurance payments. AARP supports this approach.

Michigan recently enacted a foreclosure law that requires lenders and borrowers to attempt to work out their differences before foreclosing. But seniors need pro bono help from the legal community in all these arenas. It’s difficult to fathom how attorneys and law students with some expertise in housing, mortgage and foreclosure issues can see a rising number of older Michiganders losing their homes and their dignity and not step forward to help.

If you’re interested in volunteering to help seniors at risk of losing their homes, please call AARP Michigan at 1-866-227-7448 or email to miaarp@aarp.org

The public is invited to a Foreclosure Town Hall on Saturday, Oct. 29 fro 2-5 p.m. at the Detroit Public Library, Friends Auditorium, 5201 Woodward Ave. in Detroit.

Rawle Andrews Jr. oversees AARP’s operations and activities in eight Mid-Atlantic states, including Michigan. Previously, he was senior state director for AARP in Maryland and managing attorney for AARP’s Legal Counsel for the Elderly, and had a private law practice for 16 years. A frequent lecturer on consumer protection and elder law and policy issues, he is active on several civic boards, commissions and task forces. He was awarded the District of Columbia Bar’s Pro Bono Lawyer of the Year for 2006.
Fannie and Freddie Will Let Mortgage Servicers Hire Own Attorneys

Fannie Mae and Freddie Mac are dumping their law firm networks and instead will let mortgage servicers hire their own lawyers to process foreclosures.

The Federal Housing Finance Authority, which serves as conservator of the two government-sponsored enterprises, said the move "will lead to greater transparency and benefit delinquent borrowers who become subject to the foreclosure process."

Fannie Mae’s Retained Attorney Network, or RAN, currently includes 191 firms in 45 states, according to the FHFA’s Office of Inspector General, which on Sept. 30 issued a report criticizing the program.

The changes will be implemented after a transition period, when mortgage servicers, lawyers, regulators and others will have a chance to comment. The plan calls for mortgage servicers (who contract with Fannie or Freddie to collect the monthly mortgage payments on their portfolio of loans) to “select qualified law firms that meet certain minimum, uniform criteria” rather than only being allowed to hire in-network firms, according to FHFA.

In either case, the mortgage servicer works directly with the lawyers – Fannie does not manage individual firms as they litigate foreclosures.

Fannie established the network in 1997, claiming that it allowed it to control costs through negotiated rates. But in-network lawyers have since been accused of robo-singing documents, losing records, levying inappropriate fees and filing forged documents.

The agency IG found that FHFA "lacks assurance that law firms with histories of performance deficiencies do not jeopardize the safety and soundness of the enterprises."

Posted by Jenna Greene on October 18, 2011 at 05:10 PM | Permalink

I believe this is a step in the right direction. Servicers in our area had become robotic in their responses to homeowners, negotiating parties and Realtors instead of reviewing each file on an individual basis, hopefully this will aid all involved in the process and reduce the number of properties currently pending foreclosure.

Posted by: MaryBeth Muldowney | October 20, 2011 at 01:51 PM
MEDICAID ESTATE RECOVERY IS NOW A REALITY IN MICHIGAN

Q: What is the Medicaid Estate Recovery Act?

A: It is a law that involves state recovery of certain Medicaid expenses paid on behalf of Medicaid recipients age 55 or older for long term care (amounts spent on nursing home facilities, community-based services and related hospital and prescription drug services.) In 1993 federal law known as OBRA '93 required all states to enact some form of Estate Recovery. On September 28, 2007 Michigan was the last state in the country to enact Estate Recovery legislation bringing Michigan into compliance with the federal mandate. Fortunately, Michigan adopted a narrow form of Estate Recovery which only covers post-death recovery of certain "probate" assets. However, unless exempted under the law, Medicaid payments must now be recovered from estate property to reimburse the state.

Q: When did this law take effect?

A: July 1, 2011 was the implementation date.

Q: When does the law affect Medicaid recipients?

A: It will only take effect after the Medicaid recipient dies.
There is no pre-death recoupment via Medicaid lien or Estate Recovery in Michigan.
Q: What property is affected by Estate Recovery?

_**A:** Estate Recovery is limited to the Medicaid recipient's "probate" assets which means the recovery will come from the Medicaid recipient's probate estate. _Non-probate property and certain exempt (protected) probate property will not be subject to estate recovery._

Q: What is the difference between probate and non-probate property?

_**A:** The Michigan Medicaid Estate Recovery Act states that the property and other assets from which recovery may be made are those that are in the Medicaid recipient's estate. Under Michigan law, a probate estate includes property and other assets that pass from a decedent through probate proceedings. Non-probate property passes outside of probate through transfer on death instruments like life insurance, joint bank accounts or other jointly owned property with a right of survivorship, property owned by a trust and property subject to a life estate interest._

Q: Is certain probate property exempt (protected) from Estate Recovery?

_**A:** Yes. The home is protected if one of the following persons is living in the house:_

- Surviving spouse

- A child who is under age 21
• A child of any age who is blind or disabled as determined by the Social Security administration.
• Caretaker relative - who took care of the Medicaid recipient for at least two years immediately before the Medicaid recipient entered the nursing home but was provided care that enabled the patient to live at home rather than in the institutional nursing home facility.
• Sibling with an equity interest in the home for at least one year immediately preceding the Medicaid recipient’s admission to the nursing home.

*** Hardship exemptions for the homestead also provide protection for the decedent’s homestead.

Q: What are the hardship exemptions for the homestead?
A: Certain protection is allowed for property having an equity value equal to or less than 50% of the average price of a home in the county where the homestead is located will be protected from Estate Recovery.

• Primary income-producing asset such as a family farm or business is exempt.
• Recovery that could cause the survivor to become or remain Medicaid eligible will be exempt.
• If costs of recovery exceed the amount available for recovery the State will not pursue recovery.

Q: Who is responsible to the administration and enforcement of Estate Recovery in Michigan?
A: Michigan Department of Community Health (MDCH) is responsible for the implementation of the law.

Q: Exactly how does the Estate Recovery process work?

A: According to the MDCH website on estate recovery, when MDCH learns of the death of a Medicaid recipient, the state will send a notice to the estate representative or to a family member.

Q: What does the Estate Recovery Notice cover?

A: The notice provides general information about the recovery process; advises of the State's plan to file a claim; specifies the amount of the claim; and explains the procedure to apply for an undue hardship waiver.

Q: What comes next?

A: A questionnaire is sent with the notice and must be completed and returned within two weeks. The information furnished in response to the questions is used to determine if any exemptions apply. After the questionnaire is returned the estate representative may request an application to apply for an undue hardship waiver.

Q: Is the estate recovery claim given priority status over other estate claim?

A: Estate debts are marshaled and paid according to priority status. By example, estate recovery claims should not be paid for estate debts such as burial and funeral expense.
Q: How important is estate planning in this process?

A: Estate planning is extremely important but transferring assets to avoid estate recovery carries risks in that such transfer create a rebuttable presumption that no undue hardship exists. Additionally, if done improperly, the transfer of assets may be treated as a divestment with resultant Medicaid penalties or Medicaid ineligibility.

Q: What about the right to appeal an adverse decision?

A: After a decision is made concerning the amount of the Estate Recovery claim that decision may be appealed through an administrative hearing within 60 days.

Q: What should I do if I don’t understand or have questions about estate recovery?

A: MDCH has hired a private contractor, Health Management Systems, Inc. (HMS), to operated Michigan’s estate recovery program. According to MDCH, all questions and requests for information about Michigan’s estate recovery should be directed to HMS. The best advice is to seek the counsel of an attorney knowledgeable attorney on this subject. Since this law is new and steadily evolving, adherence to the governing law, rules and policy must be monitored. Additionally, consult the following websites for updates and guidance:

- Information about HMS is available at: www.hms.com
- See www.michigan.gov/estaterecovery
- Brochures on this topic may be obtained at (http://www.michigan.gov/documents/mdch/Brochure_Versio n1_322322_7.pdf)
- Also, See Medical Services Administration Bulletin Number MSA 11-20 at:
Governing law includes:

- Section 1917 of the Social Security Act; 42 USC 1396p
- Michigan Public Act 74 of 2007; MCL 400.112G et seq.
- See the amendment to Michigan’s Medicaid State Plan that incorporated estate recovery at: www.michigan.gov/documents/SPA_10_018_Approve_355355_7.pdf
- MCL 400.112k

Other useful resources include:

- The Sixty Plus, Inc., Elderlaw Clinic (517) 371-5140
- The Legal Hotline, a program of Elder Law of Michigan, Inc., is also to answer questions. The hotline number is (800) 347-5297