

FORECLOSURE DEFENSE

Johnson & Associates has represented not just lenders but also borrowers and homeowners in defending mortgage foreclosure matters. Our extensive experience in handling such legal matters over the years allows the firm to zealously safeguard all available rights on behalf of our clients.

In protecting homeowner's rights in foreclosure, typical defenses include:

- Was the homeowner properly served with the foreclosure papers
- Does the plaintiff have the right to commence the foreclosure action
- Did the plaintiff properly serve notices to the homeowner warning of an impending foreclosure – according to the loan terms and according to statute
- Was the "90-day notice" to the homeowner was properly served
- Was a "default notice" properly served

Without these predicate notices, the foreclosing lender may not be legally able to continue the foreclosure action. Johnson & Associates will also review whether other defenses are available, such as the lender's acceptance of partial payments without any notice it was rejecting same, or whether the terms of the mortgage loan were oppressive or whether the loan interest rate or closing terms violated any banking laws. Other defenses can include whether the Truth in Lending Act was violated at the time of the closing because the three-day right to rescind notice was not provided.

Various state and federal laws may also apply to protect the homeowner from mortgage scams, equity stripping, and predatory lending. Homeowners who are experiencing difficulty in making their mortgage payments, or who have been served with foreclosure papers, are welcome to contact Johnson & Associates for a consultation, in order to learn what options exist in addressing the lender's action and defending their rights and home under the law.

