

Preventing Home Foreclosures in Oregon

Cosponsored by the OSB Consumer Law Section and the Oregon Homeowner Legal Assistance Project, with support from Oregon Consumer Justice

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This two-part seminar will delve into historical information about homeownership preservation in Oregon, the state of foreclosure defense, and available resources in the wake of the COVID-19 pandemic. The introductory track on day one will cover the foreclosure process including early case assessment, loss mitigation options, and financial assistance for homeowners. Learn how to help reverse mortgage borrowers, litigate mortgage cases, and explore bankruptcy as a home preservation tool during the advanced track on day two.

Planning Committee

Domino Berns, *Legal Aid Services of Oregon, Portland*

Hope Del Carlo, *Elemental Law LLC, Portland*

Kevin Mehrens, *Law Office of Kevin Mehrens, Portland*

Chris Mertens, *Mertens Law LLC, Portland*

David Venables, *Oregon Division of Financial Regulation, Salem*

IN-PERSON

Oregon State Bar Center
16037 SW Upper Boones Ferry Rd., Tigard

or

LIVE WEBCAST

Thursday, June 16, 1 p.m.–4:45 p.m. PDT
Friday, June 17, 9 a.m.–4:30 p.m. PDT

OR CLE credits: 8.75 General

Neighborworks America continuing education credits for housing counselors: *(pending)*

MCLE ID#: 90961

FREE REGISTRATION

This complimentary seminar is available in-person and via webcast.

There is no charge, but registration is required.

Webcast registration includes online access to the recorded seminar for 60 days after the event. Electronic materials are included with your registration.

[Register for the LIVE WEBCAST.](#)

[Register for the IN-PERSON EVENT](#)

NOTE: In-person attendees will be required to wear masks at the Oregon State Bar Center.

The Oregon State Bar requires that all attendees at in-person events sign and return a [Vaccination Attestation Form](#) prior to attending the event.

Please complete the form in advance of the event (an electronic signature will suffice) and submit to the OSB CLE Service Center at cle@osbar.org.



Need help with registration or accessibility accommodations?

Call or email the OSB CLE Service Center **(503) 431-6413** or **(800) 452-8260, ext. 413** or cle@osbar.org

Please contact us at least 72 hours before the seminar for accessibility accommodations.

Day 1, Thursday, June 16, 2022—Introductory Track

1:00 Introductions and Overview: Historical information about homeownership preservation in Oregon and the state of foreclosure defense and available resources in the wake of the COVID-19 pandemic.

Hope Del Carlo, *Elemental Law, Portland, OR*

1:15 Loan Documents, Players, and Early Case Assessment: Speakers will explain the roles of servicers, owners, investors, and insurers. They will share sample checklists of documents to gather and how to determine what kind of loan your client has, such as federally-related mortgages and other types of financing. You will learn how to counsel clients on whether they should try to keep their home or aim for a graceful exit.

Hope Del Carlo, *Elemental Law, Portland, OR*
Phillip Robinson, *Consumer Law Center LLC, Silver Spring, MD*

2:15 Break

2:30 Foreclosure Processes: An overview of the timelines and steps of judicial, non-judicial, property tax, and HOA foreclosures, as well as the collection processes for alternative financing such as land sale contracts and chattel loans. Post-judgment processes such as execution, writs, sheriff's sales, redemption.

Domino Berns, *Legal Aid Services of Oregon, Portland, OR*
Hope Del Carlo, *Elemental Law LLC, OR*

3:30 Break

3:45 Loss Mitigation Options and Financial Assistance for Homeowners: Loss mitigation options such as loan modifications, forbearances, FHA partial claim, short sales, deeds in lieu, others provided by federal and proprietary servicing guidelines. How housing counselors can help, including their role in applying for direct assistance options such as HAF, local forms of assistance, and wildfire relief.

Sarah Mancini, *National Consumer Law Center, Boston, MA*
Victoria Vale, *NeighborImpact, Bend, OR*

4:45 Adjourn

Day 2, Friday, June 17, 2022—Advanced Track

9:00 Helping Reverse Mortgage Borrowers: How to assist borrowers with the unique problems that arise in the context of reverse mortgages, including what to do about delinquent property charges, how to prevent foreclosure after the death of the borrower, and other topics. Borrowers' rights under HUD's HECM servicing guidelines, and what to do if your client has a proprietary (non-HECM) reverse mortgage will be discussed.

Sarah Mancini, *National Consumer Law Center, Boston, MA*

10:00 Break

10:15 Litigating the Mortgage Case: Defenses, counterclaims, and third-party claims. Raising legal claims can be a powerful strategy for stopping foreclosures and gaining leverage to help your clients. Oregon and federal statutes and legal claims that can be useful in helping borrowers keep their homes, including the Oregon Unlawful Trade Practices Act, fair debt collection laws like FDCPA and OUDCPA, anti-discrimination laws such as ECOA and FHA, as well as TILA and RESPA claims that arise from those statutes' servicing rules, will be discussed. Defenses to foreclosure, such as notice of default issues, UCC issues, real party in interest,

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and evidentiary problems that can arise from the use of business records, will also be covered.

Domino Berns, *Legal Aid Services of Oregon, Portland, OR*

Phillip Robinson, *Consumer Law Center LLC, Silver Spring, MD*

Sarah Mancini, *National Consumer Law Center, Boston, MA*

11:15 Break

11:30 Bankruptcy as a Home Preservation

Tool: Advantages of using Chapter 13 as a homeownership tool. Lien stripping, modifications and bankruptcy, and eligibility to file.

Judson Carusone, *Behrends, Carusone & Covington, Eugene, OR*

12:00 Lunch

1:00 Doing Well by Doing Good: How to start and maintain a sustainable consumer law practice based on homeownership defense and the claims that spin off from mortgage defaults and foreclosures.

Phillip Robinson, *Consumer Law Center LLC, Silver Spring, MD*

2:00 Break

2:15 View from Salem: DFR's Role in Regulating the Mortgage Industry and Assisting

Consumers: Representatives from Oregon Housing and Community Services and the Division of Financial Regulation will provide an update on Oregon's roll-out of the Homeowner Assistance Fund and Oregon's current regulatory landscape in the mortgage lending and servicing arena.

Ryan Vanden Brink, *Oregon Housing and Community Services, Salem, OR*

David Venables, *Oregon Division of Financial Regulation, Salem, OR*

3:15 Break

3:30 Case Sample: Defending Foreclosures of Zombie Second Liens. Building on the prior sessions, the discussion will focus on responding to attempts to collect and foreclose long-dormant second liens that have come back to life due to changes in the housing market.

Phillip Robinson, *Consumer Law Center LLC, Silver Spring, MD*

4:30 Adjourn