

Lawyers To Lawmakers: Reject Anti-Consumer Foreclosure Bill

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Released on: April 13, 2010, 12:04 am

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Industry: [Law](#)

TALLAHASSEE - A group of attorneys who represent foreclosure defendants around the state is calling on lawmakers to reject a proposed new law deceptively titled "Homeowner Relief and Housing Recovery Act" designed to change Florida's foreclosure process from that is supervised by the courts, to a non-judicial process that would be entirely in the hands of the banks and mortgage companies from start to finish. Lawyers for Homeowners Rights or LHR-FL, a statewide coalition of consumer attorneys, will travel to Tallahassee on April 21 with homeowners to speak out against this anti-consumer legislation. According to Chip Parker, a Jacksonville attorney, "every Florida homeowner should be worried about passage of this bill".



The two bills, HB 1523 by Rep. Tom Grady, R-Naples, and SB 2270, by Sen. Michael Bennett, R-Bradenton, will be considered this week by legislative committees. These two lawmakers want to allow mortgage companies to obtain foreclosure quickly so the home owned by a borrower who falls behind on their payments can be sold only after two letters sent by mail. If the homeowner does not respond or cannot pay

what has been demanded by the bank, the house can be sold -even if the homeowner is still living in it. There would be no independent review of any amounts claimed to be owed, or whether there has been a default under the mortgage, or even if the mortgage company has the right to foreclose even if there has been a mistake.

"It offends me that bankers can convince our lawmakers to use such blatantly misleading titles to legislation in a concerted effort to fool consumers," said St Petersburg attorney Matt Weidner, who represents hundreds of homeowners across the state in foreclosure proceedings. "I see first-hand, every single day the profound effect the foreclosure crisis is having on consumers, institutions and our communities. This bill will do nothing to help homeowners."

LHR-FL opposes the legislation saying that these institutions cannot be trusted with the foreclosure process pointing to a federal probe, recently reported in the Wall Street Journal, that is now underway and looking into alleged fraud by a Jacksonville, Florida company known as Lender Processing Services and its subsidiary Docx, LLC. These companies regularly prepare thousands of documents for banks and mortgage companies to be used in foreclosures all over the U.S., including at least one document that was prepared and filed in a Florida county showing that "bogus assignee" owned the mortgage. "Our lawmakers should not vote to trust the same people involved in that kind of activity. That is not good judgment in our view", says Weidner.

Dominick Salfi, a former Circuit Court Judge in Seminole County, says "passage of this law would only worsen the abuse by mortgage companies". He continues, "mortgage companies, banks and their lawyers are taking advantage of our overworked judges and their support staff who do not have sufficient hours in a day to thoroughly review each file." LHR-FL argues that lawmakers who vote to put the foreclosure process in the hands of an industry that has shown little regard for the law, our courts and homeowner rights themselves risk being someday at the mercy of these institutions if mortgage payments are missed. "It's a sobering thought. Even if you have faithfully paid for years into your mortgage, if something unexpected happens to you and cannot pay, or if the mortgage company mistakes you for someone else, it's two notices and you're out. That could happen to anyone, and it's just not safe at all." says Parker.

LAWYERS FOR HOMEOWNER RIGHTS
Committed to protecting the rights of Florida's homeowners and

ensuring citizens have access to a fair, elected and properly funded judicial system.

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