

Brown v. Quicken Loans

HERE'S PROOF THAT A MORTGAGOR WITH A TALENTED ATTORNEY CAN CRUSH A CROOKED MORTGAGE LENDER

10 July 2014 by Bob Hurt. 727 669 5511. <http://bobhurt.com>. Okay to distribute this freely.

The Beauty of Brown v Quicken Loans

The outcome of the Brown v Quicken Loans case gives hope to all mortgage victims and should embarrass all Foreclosure Pretense Defense Attorneys. This compilation shows the public and the legal community HOW TO BEAT THE ABUSIVE MORTGAGE LENDER and obtain a nearly **\$5 million judgment**. I challenge every Mortgagor to READ this e above-linked document COMPLETELY.

Excerpt from the law journal The West Virginia Record:

<http://wvrecord.com/news/s-3962-state-supreme-court/261610-quicken-loans-ordered-to-pay-3-5m-in-mortgage-case-appeals>

Quicken Loans ordered to pay \$3.5M in mortgage case, appeals

August 7, 2013 9:00 AM
By JOHN O'BRIEN

WHEELING – A judgment in a fraud lawsuit against Quicken Loans has only gotten bigger since an appeal to the state Supreme Court, so the company is heading back.

On July 17, Quicken Loans filed a notice of appeal to the state Supreme Court of a decision in Lourie Jefferson's lawsuit against it that awarded her \$3.5 million in punitive damages and more than \$875,000 to attorneys at Bordas & Bordas in Wheeling.

In November, the Supreme Court found the company committed fraud and violated various provisions of the West Virginia Consumer Credit and Protection Act in a mortgage loan, but sent the case back to Ohio County Circuit Court to adjust an approximately \$2.8 million award.

On June 18, Ohio Circuit Judge David J. Sims, who took over the case from Arthur Recht, awarded Jefferson even more. In an appeal brief, the company called the punitive damages award "grossly excessive."

See the West Virginia Supreme Court documents for Case # 11-0910 (First Appeal) and 13-0764 (Second Appeal) here:

<http://www.courtswv.gov/searchPageResults.html?q=Quicken%20Brown>

And download my pdf compilation in a single 18MB pdf file from here:

<https://archive.org/details/BrownVQuickenLoansOverviewAndCaseFiles>

Hats off to Jim Bordas and Jason Causey of Bordas & Bordas Law firm, Wheeling WV, for engineering the defeat of Quicken Loans and using the LAW to bludgeon them into submission. I expect the final opinion in Quicken's second appeal from the WV Supreme Court soon.

The Key to Winning - Attack the Mortgage, NOT the Foreclosure.

How did the Bordas team win? They examined the mortgage and discovered a horror story of criminal and civil abuses by lender Quicken Loans. Quicken made the loan so toxic they could not sell or securitize it.

Quicken refused to offer Brown a reasonable settlement, so Bordas sued, and won a whopping \$2+ million judgment. Quicken appealed, the Supreme Court of WV remanded, the trial court upped the judgment to nearly \$5 million. Quicken appealed again, and the Supreme Court of WV will soon end the case with a final opinion against Quicken.

What lesson shall we learn from this? Just this... If you face foreclosure, you need a comprehensive mortgage examination to prove the causes of action against the lender, and you need a lawyer willing and able to attack the mortgage, not merely defend against the foreclosure.

If your lawyer will not seek and find the causes of action underlying your mortgage and then attack the lender on that basis, you need to FIRE that attorney. Do not rest until you have found a competent litigation team like that at Bordas & Bordas.

Legal Malpractice Lawsuit Opportunities for Foreclosure Victims

What if you have already lost your home to foreclosure AND your lawyer FAILED to seek and find causes of action and failed to attack on that basis? You might have a valid legal malpractice claim against that attorney. You would show wisdom by hiring a competent professional to examine your mortgage. If the examination report shows that

your lawyer could have beaten the lender with affirmative defenses and counter/cross complaints, or a tort/breach lawsuit, you might have a legal malpractice cause of action against your attorney. Call me at 727 669 5511 to discuss the related concept of a "case within a case."

Step-by-Step Plan for Coming Out Ahead

In order to save your home from foreclosure, or become able to negotiate a cram-down of the loan balance (and other favorable terms), or to sue the lender for injuring you, you must do one thing first:

1. HIRE A COMPETENT MORTGAGE EXAMINER OR ATTORNEY to examine your mortgage and find all the causes of action.
 - a. Of course, a good mortgage examiner will charge you a fraction of what the lawyer will charge, IF you can find an examiner or lawyer with the requisite competence. Which worries me. Which is why I have gone to the trouble of writing this message.
 - b. Read <http://MortgageAttack.com> then call 727 669 5511 for more info. I know the only competent professional mortgage examination firm in America.
2. If the examination report reveals causes of action (torts, breaches, legal errors) against the lender or lender's agents (title company, mortgage broker, appraiser, servicer)...
 - a. Notify the servicer and then attempt to negotiate a settlement. I suggest finding a "CLOSER" type of lawyer to negotiate for you. I suggest a "loan mod" type of settlement where the lender lowers the balance to the present market value, gives a favorable fixed interest rate, sets the term for 30 years, no prepayment penalty, assumable, no balloon, forgive arrears and legal fees/costs. If this fails...
 - b. Sue via complaint, counter complaint, cross complaint as necessary. I suggest hiring a COMPETENT lawyer (not a foreclosure pretender defender) for this purpose. If possible, find one to take your case on contingency. The lawyer will use the causes of action from the mortgage examination report to formulate the pleading.
 - c. Go to next step if you have no money or no causes of action.
3. DO NOT let your home go to foreclosure final judgment. If you do, it will haunt your credit record for 10 years AND (depending on your state) leave you owing a huge deficiency judgment when the auction does not bring enough money to discharge your debt. Instead, try to work with the lender to do one of these:
 - a. **Short-Sale:** Bank agrees that you may sell the house at a discounted price in order to end the foreclosure, and hand over all the proceeds from

the sale to the bank. This imposes some work and stress on you, but if you have equity in the house (it has higher resale value than you owe on the mortgage note), this should be your first choice

- b. **Keys-for-Cash:** Bank pays you cash (\$2,000 to \$20,000, depending on the value of the home) to move out, leave the home broom clean, and deed the property to the bank. This can save a huge litigation cost for the bank, and make leaving the property less stressful for you. Sometimes a mortgage examination can reveal weak causes of action that can pressure the bank to give you a Keys-for-Cash deal.
- c. **Deed-in-Lieu-of-Foreclosure:** Same as Keys-for-Cash, except the bank gives you no cash.

Take the Right Action - Contact Me NOW

Okay, I have given you the proof that you can beat your abusive lender, and I have shown you the strategic plan for doing so. If you simply refuse to do what I have outlined above, then you will either lose your home to foreclosure, or make underwater loan payments. If you feel READY engage in MORTGAGE ATTACK, contact me immediately for help.

If you do not need help, SOMEBODY you know DOES. Pass on this message and encourage your friends, associates, family members, loved ones to call me or write me for help. Send them to <http://MortgageAttack.com> for an education on the issues.

No, I have no authorization to practice law or give legal advice, so I refrain from both. However, we can discuss the strategic business aspects of your situation as necessary.

Yes, if you fit into the category of "Foreclosure Pretender Defender," you can contact me too, and I shall help you the best I can. Whether you believe it or not, training for "Kool-Aid" drinkers like you has become available. Sorry, no CLE credits.

AND... I do not charge money for giving business guidance. So, what do you have to lose? Give me a call.



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