

How to Beat Your Mortgage Like It Owes You Money

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Executive Summary: Bob Hurt explains the easy way to turn the tables on crooked banks by making a dangerous weapon out of the causes of action underlying the mortgage.

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Introduction

Whether or not you face foreclosure, lenders or agents injured 9 out of 10 family home mortgagors. That remains true even if you breach the terms of the note, and the bank forecloses the loan and tries to take your house to discharge your mortgage debt. But how do you choose where to place your attention, on the mortgage or the foreclosure?

The Landscape of War

Visualize your relationship with the original lender and present mortgagee / holder of your note as two potential battles in a war.

Battle	Action	Winner	Reward
1 - Foreclosure	Bank attacks borrower	Bank	House, possibly deficiency lien, legal fees/costs/interest
2 - Mortgage	Borrower attacks lender and agents	Mortgagor	House, reduced balance, compensatory damages, punitive damages, legal fees/costs
3 - No Battle	Borrower walks	Bank	House, poss. short sale, keys for cash, reduced credit damage to borrower.

Battle 1 - Mortgagee attacks you through foreclosure because you breach the contract when you stop paying timely. You lose.

Battle 2 - You attack Mortgagee for cheating you at the beginning or early in the mortgages, and possibly since then. You win.

WHO owns the note becomes irrelevant because in your mortgage security instrument you agreed to pay the servicer, and the servicer worries about paying whoever owns beneficial interest in the note, or that owner's agent.

Now if the **Mortgagee attacks you in Battle 1, YOU NEVER WIN** because you breached the agreement and the public trustee or court will order foreclosure and sale of the house to pay the debt. You NEVER win, NEVER, not EVER, statistically. So you DO NOT WANT TO FIGHT THIS BATTLE of foreclosure defense.

BUT, even if you do win it, you end up with the same house needing repairs, and an underwater loan where you owe more than the value of the house, maybe 2 to 3 times the value, and you still have terrible, increasingly high payments to make. Can you really call that a win? Or did it become a Pyrric victory?

Now IF **You attack the Mortgagee in Battle 2, you ALWAYS WIN**. Your win can take the form of the house free and clear, a cram-down of the loan to the present value, maybe even with an adjustment down for your paid-in equity, refinanced for 30 years at 2 or 3% with no balloon, or cash in your hand.

You win because you never attack unless you have bona fide causes of action: contract breaches, tortious conduct, or legal errors which the lender or lender's agents committed against you at the inception of the deal.

Now, IF you have no causes of action and you cannot make timely payments, you have **No Battle**. You should NEVER EVER do a loan mod unless it dramatically reduces the loan balance to the present value with no balloon. You will have to leave the house creatively, such as with a short sale, keys for cash, or deed in lieu of foreclosure, leaving you with no deficiency lien to pay.

So YOU need to gear up for **Battle 2**, attacking the mortgage (lender and lender's agents).

The Attack and Settlement Strategy

You can inspire the bank to cure your injury if you negotiate or sue. ONLY ONE strategy can put you in a strong negotiating position.

1. Get the mortgage professionally, competently examined for evidence of torts, breaches, and errors by the lender and agents.
2. Demand that the lender correct any discrepancy
3. If the lender does not correct it timely, demand help from government regulators
4. If the lender still will not comply, file a lawsuit and seek damages

Thus, your strategy requires that you **get the mortgage professionally and comprehensively examined** so as to discover the *causes of action* underlying the mortgage transaction. This applies whether you took the mortgage loan to purchase a home, refinance an existing mortgage, or obtain a line of credit.

Government - Bank Collusion

Take note that you do not stand alone. Many big lenders have cheated untold millions of innocent victims in families across America for 15 years or more, particularly since the turn of this century. You can educate yourself and a foreclosure judge about this with the 2010 Financial Crisis Inquiry Commission's Report report available here:

- <http://fcic.law.stanford.edu/report>.

The Report shows the collusion of government and the banking/lending industry in the widespread predatory lending that caused massive unemployment, collapsed home values and destroyed homeowner equity. I believe ALL institutional lenders stand culpable for this travesty.

Negotiation Assistance

You might want to review your obligations in your mortgage security instrument regarding grievances, and review these links to prepare you for dealing with the bank:

- <http://www.consumerfinance.gov/complaint/>
- <https://www.fanniemae.com/content/announcement/svc1108.pdf>
- https://www.fanniemae.com/content/job_aid/borrower-inquiries-escalations.pdf
- https://www.fanniemae.com/content/guide_form/710.pdf
- <http://www.hud.gov/complaints/>

- <http://www.occ.gov/topics/consumer-protection/mortgages/index-mortgages.html>
- <http://www.helpwithmybank.gov/>

Lawsuit: Brown v Quicken Loans

Take note of the Brown v Quicken Loans case in Ohio County West Virginia. Brown sued Quicken for cheating her in the loan and the court ruled in her favor, awarding the house free and clear, \$2.1M punitive damages, and over \$500K in legal fees and costs. Quicken didn't like the ruling. So they stupidly appealed last Nov to the WV Supremes who sent the case back to trial court. The judge changed the award to this:

- Brown keeps the \$144K initial loan;
- Brown pays Quicken up to \$144K from the proceeds if she sells the \$86K house;
- Quicken pays brown \$116K compensatory;
- Quicken pays Brown \$3.5M punitive;
- Quicken pays Brown over \$850K legal fees/costs.

Mortgage victim Brown won nearly \$5 million for using causes of action revealed in a mortgage exam to attack the predatory lender. That fully justifies and proves the merit of a comprehensive mortgage examination. See an update on the case here:

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

Act Now, Call Now

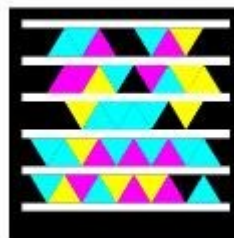
If you don't know, or if you suspect, that you have become a victim of a breach of contract, fraud or other tort, or legal errors by the lender or lender's agents, you really do need to get a professional mortgage examination. I know the ONLY competent mortgage examiner in America, and I shall put you in touch with him after you call me to discuss your situation.



You don't have to wait until you become a victim of foreclosure. Whether or not the bank has foreclosed or threatened foreclosure, ACT NOW to get your mortgage examined. Call me for help. I give no legal advice and charge no money. **727 669 5511**. Call Now.



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Distribute this document far and wide to foreclosure lawyers and mortgage victims across America.