

A&D prep directions

Before you can be effective filling out the A&D forms you need to identify the following factors in your mortgaging and foreclosure situation:

1. ***Is it an FHA mortgage?*** To ascertain this, retrieve a copy of your mortgage. It is readily available online at the Registry of Deeds for your county.

Look up your county Registry of Deeds, search by your name or any other name that would be linked with the mortgage or deed. You should find all documents associated with your property address under that name. Select the foreclosure deed, click on the mortgage associated with it.

i. In the majority of Registry of Deeds websites, a window will open in the bottom right hand corner for these related documents. Then select view images, and you will see the first page of the mortgage¹.

ii. Some Registry of Deeds systems require you to search for the abstract associated with the foreclosure deed. This will provide you with the associated mortgage and its book and page number. Select the “view” screen to see the front page.

Once you’ve located the front page of the mortgage, scroll approximately $\frac{1}{3}$ down the page to verify whether it is an FHA mortgage - it will show a long title mortgage with a clearly visible box that will contain the letters FHA. Once you verify whether your mortgage is FHA, then fill in all the questions related to FHA mortgages.

2. ***Look up MERS to determine whether your mortgage was ever input into that system.*** If your mortgage was ever held by MERS - the Mortgage Electronic Registration System - it will state so in paragraph C of or somewhere on the first page of your mortgage (or possibly at the beginning of second page). You can confirm it on the MERS look-up. Follow all of the instructions. The first screen that appears will show you who serviced the account - this is the party has been billing you, but you must access the second screen which will provide investor information. Input your information on this screen, and it will respond with the name of an investor. If no investor’s name is revealed, it may still reveal the address or location of the investor, such as Reston, VA. Reston, VA, is the location of Fannie Mae or Freddie Mac. If in this way you determine that either Fannie Mae or Freddie Mac is connected to your mortgage, check “Yes” to Fannie Mae or Freddie Mac, and answer the related questions on these forms.

3. ***Identify who had your mortgage at the time of the foreclosure.*** This information should appear on the face of the foreclosure deed itself. Follow the first few steps above and click on the image of the foreclosure deed itself to see what party has claimed to have foreclosed.

3a. If it states that a bank as trustee for a trust, has acted on behalf of this third party or trust, it is considered a REMIC trust². You will fill out all of the questions related to securitized trusts. If it is not a

¹ This will also provide you with all documents associated with the mortgage they attempted to foreclose. Eventually you will want all the the listing and location of all associated documents.

² your mortgage was made part of a securitized trust that bundled thousands of mortgages together to sell them on the stock exchange. Usually you will see the designation “trustee” in your mortgage documents.

securitized trust, it may be a mortgage held by Fannie Mae or Freddie Mac. There are three ways to assess this.

3b. Check for the presence of Fannie Mae or Freddie Mac.

- i. On the foreclosure deed, did Fannie Mae or Freddie Mac claim to purchase at auction?
- ii. You can search on the web for the Fannie Mae/Freddie Mac lookup, and fill in all the fields. If it doesn't come up immediately as "Yes," try the different ways of filling it in as recommended by Fannie Mae. Similarly, look up Freddie Mac using the same research processes.
- iii. You can go to the MERS look up, follow directions to look up your mortgage. Then go the further step with homeowners' SS# and see who was listed as investor. If it does not list a specific investor but lists a REston Virginia address - Freddie Mac had your loan.

4. Identify whether the party that claimed to sell the mortgage has claimed to buy it back. Look at foreclosure deed - is the name of the seller (grantor) the same as buyer (grantee)? Also, if Fannie Mae or Freddie Mac has claimed to be the purchase, you will check off the questions for the seller and purchaser being different, but you will add the question from the cheat sheet that it applies if the seller purchased back. (because Fannie and Freddie hid but they owned the mortgage all along)

Question #46;

- every foreclosure will have violations with the power of sale and the note
- every foreclosure except maybe if a local bank had it the entire time will have violations of the pre-foreclosure notices
- if you tried to get a loan mod and were denied or never received a final decision of were only given a permanent loan mod that was even worse, they violated loan mod process.
- if the loan was over priced or had other predatory characteristics....
- ADD: if loan is now obsolete or was rescinded, add: "mortgage debt no longer existed before attempted auction"

Other:

A. Assess whether repairs of any kind are needed to the property. Make sure such repairs are specifically noted and listed. You cannot request them to pay for a repair that was needed before the claimed foreclosure date - talk it through with someone if you need a repair that was minor before the foreclosure that is now a major repair.

You should notify the purported purchaser that they are liable for any major repairs needed to the property, as their name on the title as purported purchaser bars you from making those repairs yourself - major contractors such as roofers will not, for insurance purposes, contract with a homeowner who cannot be shown to own the home, as it would void their insurance coverage in case something goes wrong.

B. State whether there is an occupant of the home with disabilities or other special needs. If someone living in the home is disabled, elderly, or a child, to whom moving would create a special hardship, it must be noted. ie., a child with special needs enrolled in a local specialized school program may require them to stay in the house for a longer period of time so as to not cause disruption in the care and

education of that child. Similarly, the disabled and the elderly might require special consideration for extended stays in the home.

Even if you have never previously notified the mortgagee of such occupants, and if in fact they are the same party that has purchased back the home, please note the disability or special needs of any of the occupants. If the only time you ever mentioned the special needs of any occupants in the home was during a loan modification application, they are considered notified.

C. Did they attempt to turn off your utilities?

D. Have they repeatedly communicated or harassed in other ways?