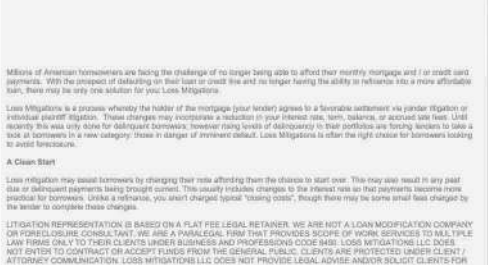




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Millions of American homeowners are facing the challenge of no longer being able to afford their monthly mortgage and / or credit card payments. With the prospect of defaulting on their loan or credit line and no longer having the ability to refinance into a more affordable loan, there may be only one solution for you: Loss Mitigation.

Loss Mitigation is a process whereby the holder of the mortgage (your lender) agrees to a favorable settlement via judicial litigation or individual plaintiff litigation. These changes may incorporate a reduction in your interest rate, term, balance, or accrued late fees. Used accordingly this may only allow for delinquent payments; however many loans of delinquency in their portfolios are forcing lenders to take a look at borrowers in a new category: those in danger of imminent default. Loss Mitigation is often the right choice for borrowers looking to avoid foreclosure.

**A Clean Start**  
Loss mitigation may assist borrowers by charging their rate allowing them the chance to start over. This may not result in any past due or delinquent payments being brought current. This usually includes charges to the interest rate on the payments. It is not a loan modification for borrowers. Unlike a refinance, you start charged typical "closing costs", though there may be some small fees charged by the lender to complete these changes.

**LITIGATION REPRESENTATION IS BASED ON A FLAT FEE LEGAL RETAINER. WE ARE NOT A LOAN MODIFICATION COMPANY OR FORECLOSURE CONSULTANT. WE ARE A PARALEGAL FIRM THAT PROVIDES SCOPE OF WORK SERVICES TO MULTIPLE LAW FIRMS ONLY TO THEIR CLIENTS UNDER BARRETT AND PROFESSIONS CODE 9401. LOSS MITIGATIONS LLC DOES NOT INTEND TO CONTRACT OR ACCEPT FUNDS FROM THE GENERAL PUBLIC. CLIENTS ARE PROTECTED UNDER CLIENT / ATTORNEY COMMUNICATION. LOSS MITIGATIONS LLC DOES NOT PROVIDE LEGAL ADVICE AND/OR SELECT CLIENTS FOR THE FIRM.**

From Mortgage and Debt to Credit Improvement to Tax / IRS issues to Bankruptcy "We've got you covered!"

**Lender and Creditor Settlements**  
When borrowers have financial difficulties and can't have alternative financing options, lenders are usually willing to agree to a structured settlement. We will demonstrate to lenders why it is in their interest to work out a new arrangement with you. Lenders will often be willing to reduce the interest rate, modify payment amounts, loan term and may in some cases reduce principal as well to allow you to avoid foreclosure.

**Do Lenders want to Foreclose on my house? NO!**  
Lenders are in business to make money, not lose it. It is very common for lenders to lose money on foreclosures. This is worse if they are forced to own ownership of a property. In such a case, they would have to sell the property, and it would often take 6 to 12 months to sell the property and they would often lose money. This is great news for you since lenders and their investors do not want to lose on your loan.

## WHY SUE ? " LITIGATION " VS " LOAN MODIFICATION "

[CLICK HERE](#) HOMEOWNERS NEED TO UNDERSTAND THEIR OPTIONS I BE INFORMED AND EDUCATED IN THE PROCESS.

### LENDERS WE WORK WITH

HERE IS JUST A SAMPLE OF SOME OF THE LITIGATION CASES IN CALIFORNIA FOR REFERENCE PURPOSES ONLY TO REVIEW

The below list of law firms have worked together. Those on the list who previously represented have very close links. The lawyers who know how they may affect the outcome under their advice.

Annaly, serves two law & litigation cases against Bank of America (Countrywide) and another litigation against JP Morgan Chase / Washington Mutual. The Wall Street Journal, New York Times, Wall Street Journal, and more to name, when bank officials, lawyers or trustees of foreclosures. These cases are going national. Lawyers have worked cases at Bank of America were previously lawyers of JP Morgan Chase and Bank of America is pulling out at the end of the year. It is likely the firm will be forced to settle but it has been talking to the government in connection to mortgage foreclosures. Furthermore, on October 1, 2009, the Honorable Marlene Field of the United States District Court called the former primary attorney, "scam" and asked the lawyer to retract a suit.

This case is now proceeding in the first suit, and the Mass Joinder of plaintiffs from around the country is beginning. It may be that the bank can sue under its own name and / or through its attorneys, or that the bank may make other arrangements that will cause other parties to be sued upon their own case. We have listed an alternative suit in each suit against Bank of America Countrywide.

If you would like more information regarding these existing developments, or should you wish to be considered for involvement in these Mass Joinder suits, please contact Loss Mitigation LLC at 877-734-6300 x 601 or email [info@lossmitigations.com](mailto:info@lossmitigations.com)

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

Third Amended Complaint

- 1) Fraudulent Concealment
- 2) Intentional Misrepresentation
- 3) Negligent Misrepresentation
- 4) Invasion of Constitutional Rights to Privacy
- 5) Violation of California Financial Information Privacy Act
- 6) Violation of California Civil Code § 2923.5
- 7) Violation of California Civil Code § 1709.02
- 8) Unfair Competition

This lawsuit arises from: (i) Defendants' deception in inducing Plaintiffs to enter into mortgages from 2003 through 2007 with the Countrywide Defendants (ii) Defendants' breach of Plaintiffs' Constitutional and statutory protected rights of privacy and (iii) Defendants' continuing tortious conduct intended to deprive Plaintiffs of their rights and remedies for the foregoing acts.

For more info visit our Paralegal Firm at <http://www.lossmitigations.com> for a complimentary consultation with a firm representative. We are currently accepting attorney, CPA's and industry professionals to join our team.

If you would like more information regarding the developments, or should you wish to be reviewed for qualification or considered for involvement in this action, please call Loss Mitigation LLC at 877-734-6300 x 601 or email [info@lossmitigations.com](mailto:info@lossmitigations.com)

**HERE IS A SAMPLE OF SOME OF THE CASES FILED SO FAR IN LITIGATION CASES. (NO REPRESENTATION OR INVOLVEMENT IS MADE)**

**Citibank**  
(click [back](#) to view Summary) (click [back](#) to view the Complaint)

**One West / Indy Mac**  
(click [back](#) to view Summary) (click [back](#) to view the Complaint)

**Wells Fargo / Washstate**  
(click [back](#) to view Summary) (click [back](#) to view the Complaint)

**Aly / GMAC Summary**  
(click [back](#) to view Summary) (click [back](#) to view the Complaint)

**JP Morgan / Chase**  
(click [back](#) to view Summary) (click [back](#) to view the Complaint)

**TO DETERMINE IF YOUR MORTGAGE NOTE QUALIFIES FOR ACTION AS A PLAINTIFF TO ANY ACTIVE OR PENDING MASS JOINDER SUIT, LOSS MITIGATIONS LLC IS OFFERING THE PARALEGAL FIRM FOR SEVERAL LAW FIRMS NATIONWIDE AND GROWING. LOSS MITIGATIONS LLC WILL PROVIDE LEGAL DOCUMENT ASSISTANCE TO THE GENERAL PUBLIC ONLY.**

If you would like more information regarding these existing developments, or should you wish to be considered for involvement in these Mass Joinder suits, please contact Loss Mitigation LLC at 877-734-6300 x 601 or email [info@lossmitigations.com](mailto:info@lossmitigations.com)

**FREQUENTLY ASKED QUESTIONS BY THOUSANDS OF HOMEOWNERS NATIONWIDE.**

**Loss Mitigations LLC are privileged to ASSIST LAW FIRMS who have started homeowners who have been victims of a lending system based on negligent processes. Mass Joinder Litigation against your lender is a complex process that requires the expertise of an experienced legal team. The following information will help you better understand some key aspects to deciding if litigation is right for you.**

**YOU truly have legal cases against your lender and with Loss Mitigations LLC you can join thousands who are fighting back!!!**

**Q. How do I know if litigation against my lender is right for me?**

A. As always, you can give us a call at 877-773-4756 x 601 or email us at [info@lossmitigations.com](mailto:info@lossmitigations.com) and one of our knowledgeable and friendly representatives will answer any questions you may have. If you are the right client to join these cases, the following criteria are general guidelines for a client inclusion in the mass joinder case:

- \*Any loan transaction funded by MERS (Over \$2 Million Homeowner Equity)
- \*Clients may be current or have already lost their properties
- \*Clients whose loans are serviced by the included list of lenders
- \*Loans that were securitized
- \*Need private party, credit union, or other non-traditional financing (ask about alternative solutions)

**Q. Can we help a client who has already lost their home due to foreclosure?**

A. YES! Although we cannot guarantee the return of the property to the homeowner we will seek damages.

**Q. Does a client stop paying their mortgage when involved in the litigation process?**

A. NO! Clients should use best efforts to continue making their mortgage payments unless instructed specifically by counsel.

**Q. What are the case merits that have propelled matters forward in filing these cases?**

A. The following criteria are included claims within the most recent amendments in the *Ronald et al v. Bank of America* suit.

- \*Mortgage
- \*Statutory Violations
- \*Third Party Beneficiary Claims
- \*Unfair Business Practices

The following are added foundational elements for the additional suits pending:

- \*MERS (beneficiary processes, rights to foreclose, robo-signing of documents)
- \*Proof of Note (security instrument)
- \*Proof of Funds (Plaintiff Act Violations)

**Q. What were the reasons behind choosing the specific banks?**

A. The lender/lenders were identified by counsel as having utilized MERS and other profiles within the course of their loan transactions.

**Q. What are the potential outcomes of a case like this?**

A. There are 3 potential outcomes of a case like this:

\***Pre-trial settlement:** As each client joins the mass joinder action the lender will receive a pre-trial settlement offer per the following terms. (Note: we are not negotiating with your lender or servicer, we are using legal documents prepared by a Firm (not a Plaintiff). Pre-trial settlement offers to be reduced to 80% of current market value. Interest rate reduced to as low as 2% fixed for 4 Years.

\***Amnesty Program:** Counsel will be working with foreclosure to create an optional amnesty program. The results will likely be a universal modification approach. If successful, this process will indemnify the lending institutions from a million dollar litigation while providing homeowners universal term reductions. Counsel anticipates our clients "having a seat at the table" will be offered increased settlement offers.

\***Full Lien Strip:** This is the intended outcome of each of the Mass Joinder Suits. Counsel has stated they are seeking a complete discharge of the lien.

**Q. What is the time frame for a case like this?**

A. While it is anticipated most homeowners would file a quick resolution (1 to 3 months) in the homeowner's best interest to extend the time frame allowing the larger aggregate of plaintiffs. In addition these cases will likely be processed in Superior Court. This court deals with litigation of "complex" nature. The actual time frame for the new suits is undetermined at this time. There are many compensating factors that could expedite or extend the litigation process.

**Q. What is a Mass Joinder case and how does this differ from a class action or individual lawsuit?**

A. In a class action suit plaintiffs are not identified as individual claims. They are one collective group. Additionally their individual causes of action are not identified as individual claims. In a class action suit plaintiffs are not identified as individual claims. The vast majority of class actions result in attorneys collecting the award in attorneys' fees.

In an individual lawsuit the client bears the burden of the entire litigation expense.

Mass Joinder allows individual plaintiffs to aggregate together to share the cost of litigation. In addition each client maintains the autonomy to accept or reject pre-trial settlement terms as well as their respective case results according to their individual circumstances.

**Q. What will the law firm do to help homeowners avoid foreclosure during what may be a lengthy timeframe?**

A. Counsel will seek injunctive relief in each case to bar lender's from proceeding with foreclosure action. We have seen the necessity of multiple motions (Temporary Injunction (TIC) and other suits) to be filed to stop the lender from proceeding with foreclosure. Banks may also voluntarily halt any foreclosure processes for plaintiffs.

If the lender or the courts do not offer foreclosure relief there are two options Loss Mitigations LLC will support the law firm clients with:

- \*Clients may not be advised by counsel to pursue Chapter 7 or 13 Bankruptcy
- \*Law Firm will direct clients in foreclosure negotiations with their lender. We will work in coordination with that involves the law firm supervising the lender dispute efforts between Loss Mitigations LLC staff and lender to provide a complete and to end resolution the client can benefit from.

**Q. How does this differ from some of the battles we have faced with the "Loan Modification" process?**

A. Here are some of the major differences separating a litigation approach versus the traditional loan modification process:

- \*The firm is not submitting documentation with the hopes the lender acts in good faith. The firm is issuing pre-litigation demand settlements at terms that fundamentally benefit the homeowner.
- \*Attorneys directly overseeing case management with attorney updates provided directly from counsel to plaintiffs.
- \*Potential award of property FREE AND CLEAR (subject to individual case results)
- \*No longer subject to lender choice judgments. Litigation of mass cases often with lenders to choose between a loan modification or a foreclosure.

**Q. Can clients still get in on the Ronald et al v. Bank of America case?**

A. Currently we are not accepting new clients! However there is other cases filed for clients with Bank of America / Countrywide loans to be filed as plaintiffs. Counsel has indicated a need for potential plaintiffs to be quickly added as Counsel is preparing to offer pre-trial settlement terms only in all cases with all lenders (IT IS RECOMMENDED TO COMPLETE YOUR RETAINER AND INQUIRE PROXIMATE WITHIN 3 DAYS to ensure being added to the current plaintiff action. Counsel has indicated they will not accept additional settlement terms and appropriate number of plaintiffs exist. Time is of the essence! ACT NOW OR YOU MAY NOT BE ELIGIBLE FOR A SETTLEMENT YOU DESERVE!

**Q. If a client is already in the Loss Mitigation process or has already been offered a modification are they still eligible for the litigation process?**

A. YES!! If there is qualifying language within the documentation counsel may review on an individual basis. (ONLY CLIENTS WILL BE REVIEWED FOR QUALIFICATION AND ACCEPTANCE DUE TO THE LARGE NUMBER OF APPLICANTS.)

**Q. What documentation is needed to sign a client up for the litigation?**

- \*Executed Litigation retainer agreement
- \*Copy of the Trust Deed
- \*Copy of the Mortgage Note
- \*Completed and Signed Client & Property Worksheet

**Q. What is the process once clients sign up for the Mass Joinder Litigation?**

A. Litigation of this size is a complex time consuming process. The following is a VERY brief outline of the litigation process:

- \*Attorney Retainer Agreement Executed
- \*Copy of the Deed of Trust and Copy of Note submitted with fee.
- \*90E Offer and Compromise (30 day wait)
- \*Seek Foreclosure Injunction / Injunction
- \*Plaintiff updates from counsel every 30 days
- \*Settlement Offer
- \*Case Resolution

For more info visit our Paralegal Firm at <http://www.lossmitigations.com> for a complimentary consultation with a firm representative. We are currently accepting attorney, CPA's and industry professionals to join our team.

If you would like more information regarding the developments, or should you wish to be reviewed for qualification or considered for involvement in this action, please call at 877-734-6300 or email us at [info@lossmitigations.com](mailto:info@lossmitigations.com)

**What is Foreclosure?**  
Foreclosure is the legal proceeding when a lender obtains a court order giving the lender the right to re-sell the property. This normally takes place when a mortgagor stops making payments on a loan, or mortgage, to pay for the price of property. If the mortgagor ceases one or more payments, the foreclosure process may begin with an official notice or suit from the lender demanding payment.

**Who is affected by foreclosure?**  
Foreclosure is affecting more people now than any time in US History. Foreclosure nationwide increased 205% from 2006 to 2008, with 1 in 54 homeowners receiving foreclosure notices in 2008. Final numbers for 2009 are expected to be at high, or higher, than those in 2008. The states that have been hardest hit by foreclosures were the same ones that had recorded record high housing prices in the late 90s to around 2005. These states included California, Nevada, Florida & Arizona.

It is expected that 5.1 million homeowners, or 16% of all homeowners, will fall into foreclosure by 2012.

While it is hard to see that Foreclosure affected only lower income individuals, this trend has not been the case in recent years. The first 100 mortgages in the top 500 and after 2006 coupled with the steep decline in housing prices in the last few years has made foreclosure a reality for nearly all segments of our society.

**How does the Foreclosure process work?**  
Foreclosure procedures vary from state to state but they do generally follow the same general process. The information in this section refers to California procedures but may be used a general guide for other states. You should review the official website of your state to look for state specific processes and information.

As mentioned in the first section above ("What is Foreclosure?"), your first indication of a pending foreclosure is a demand for payment from the lender after one or more missed payments. If you do not respond to this demand or don't come to an agreement with your lender, a Notice of Default is filed with with the county Recorder's Office. The home owner will also be served with the Notice of Default.

Once the Notice of Default is filed, the 90 day Foreclosure Waiting Period begins. This waiting period is designed to give the home owner the time to put together enough money to bring the debt current and pay off overdue payments.

After the 90 day waiting period, a Notice of Sale of the property can be issued and the home owner must be served with the notice. The notice of sale must be published once per week for a period of a least 20 days.

When the 20 day publication period is up, the auction for sale of the home can be held.

Together the minimum time that between the filing of the Notice of Default and the home auction is 111 days.

**Notice of Default, Review & Advice Service**

**Positionment of Trustee Sale Date, Review & Advice Service**

**Short Sale, Full Service**

**Deed in Lieu of Foreclosure, Full Service**

**EDUCATION**

**Foreclosure, Wikipedia Page**

**Foreclosure Info: A guide from the UICSC School of Law (PDF)**

**Foreclosure: US Dept of Housing resources**

**Foreclosure facts, figures and data from the FDIC**

**What is a Loss Mitigation ?**

A loan modification happens when a borrower, who is facing great financial hardship, manages to work with the lender to change the terms of their mortgage loan. The changes may be permanent or temporary and usually focuses on the interest rate, length of the loan or the country property.

**Who can qualify for a Loss Mitigation ?**

Anyone facing serious financial hardship who expects to be in danger of home foreclosure should consider a loan modification. The first judge on who is eligible for a modification is the lender holding the loan so the criteria changes from situation to situation and lender to lender. There are also varying circumstances that can affect a homeowner's chances if they have heavy debt or if they are facing bankruptcy. We assist our clients in determining when to apply for a loan modification if they are also in need of bankruptcy, some may need to be advised, some after their loan modification.

In general, you can refer to the following guidelines or your lender's published guidelines.

Most lenders will not approve a loan modification unless someone has a high rate of mortgage debt compared to income. In addition your home likely would have to be worth less than the total amount of outstanding mortgages on the property. In addition, a borrower would have to have a realistic chance of keeping up with the modified loan amount.

If a homeowner purchased a home and took out loans that they clearly could not afford, a loan modification is not a likely outcome. If the borrower has already received a notice of foreclosure, they may need to pursue Foreclosure, Deed in Lieu of Foreclosure, Short Sale, Bankruptcy or a combination of these options.

**How does the Loss Mitigation process work?**

The general process of a loan modification involves convincing the lender that you face a great financial situation but that you can still keep up to date on the modified monthly payments.

In order to prove these, you need to present a complete picture of your current financial situation as well as an idea of what can be expected in the months and years ahead. A borrower would also need to appear in front of the lender to make sure that the person has the authority to make decisions and enact any agreement made.

Once you have proven your current hardship and your future ability to keep up on payments an agreement is signed by all parties and a new loan is created and put into effect immediately.

## Real Estate Judgements

**What are Real Estate Judgments?**

Real Estate Judgments are court orders that a homeowner or borrower may receive in regard to a piece of property that is currently or previously owned. These judgments usually occur when the person who receives them to pay more money regarding a piece of property. Many times the person who receives the real estate judgment is not aware that they may owe more money on a real estate issue that they thought was resolved.

**Who is affected by Real Estate Judgments?**

There are many types of real estate judgments but the ones that usually catch people by surprise have to do with either a home that was foreclosed and sold at auction or home that was sold through the use of a Short Sale.

In some cases a person may also receive a Real Estate Judgment after being involved in a Deed in Lieu of Foreclosure agreement with their lender.

In most cases people are notified by Real Estate Judgments because they did not use a skilled and knowledgeable attorney when going through the Foreclosure, Short Sale or Deed in Lieu of Foreclosure process. It is best to have a skilled attorney take the lead with any of these complex real estate situations but you should at least have the paperwork reviewed by an experienced attorney before going through with these transactions.

Contact us today for a free consultation or check out our Menu of Services to determine see if any of our Self-Help Services would be helpful for your situation.

**How does the Real Estate Judgment process work?**

The two main situations that cause Real Estate Judgments are when a home is foreclosed and when a Short Sale goes through. Each of these is discussed below:

**Real Estate Judgments - Foreclosure:**

The people that get into trouble after a Foreclosure are those that had taken out a home equity line of credit or some other kind of refinanced after the original sale of the purchase. In California, the holder of a second mortgage (or third, fourth, etc) can sue either a borrower for money, claim a Foreclosure and sue at auction has already occurred.

**Real Estate Judgments - Short Sale:**

Real Estate Judgments resulting from a Short Sale can happen in the same way that they occur after a Foreclosure. The holder of a second, third or fourth mortgage on the property can legally sue for compensation from the original borrower. If the subsequent lenders (2nd, 3rd, 4th, etc) are not included in the Short Sale agreement in a legally binding way, a person may be opening themselves up to a future Real Estate Judgment.

There is also another reason a borrower may receive a real estate judgment after a Short Sale. For some background on Short Sales, click the link: [Short Sales](#).

The difference between the amount owed on the loan and the home sale amount during a Short Sale is sometimes called a deficiency. The lender may or may not waive this deficiency. If the deficiency is waived by lender, the seller in the Short Sale transaction does not have to pay the deficiency in the future. If the lender fails to waive the deficiency in a legally binding way, the seller could have to pay this debt in the future.

Check out our menu of services or contact us today for a free consultation to make sure that you are protected from future Real Estate Judgments.

**What is Home Reinstatement?**

Home reinstatement has several meanings that can vary from lender to lender. The specialized meaning that we are discussing is the process of a homeowner getting their house back after a Foreclosure takes place.

People are sometimes surprised to find that with the right guidance and in the right situation, a person can get a home back after Foreclosure.

**Who can qualify for Home Reinstatement?**

Home reinstatement can only rarelyly happen in certain situations.

To be eligible for home reinstatement a person must have had their home Foreclosed, if a Short Sale or Deed in Lieu of Foreclosure was used, home reinstatement is not a likely option.

The next requirement is that during the Foreclosure auction, it did not sell to an outside third party. When a home does not sell at auction, the bank or lender retains ownership. When a bank owns a property after foreclosure it is referred to as "Bank Owned" or "Real Estate Owned (REO)".

Though it is not a requirement, home reinstatement is much more likely if the person involved has at least half of the past due loan amount on hand. A person that is pursuing Home Reinstatement must prove that their home will not be repossessed again.

**How does the Home Reinstatement process work?**

Once the above conditions are met, there are two avenues to pursue home reinstatement. In both of the following situations, it is important to note that they are options and not the only way to proceed. A borrower pursuing home reinstatement and avoid foreclosure at they can avoid the home.

The first avenue to home reinstatement is known as Redeeming and Redeeming a loan. For this type of reinstatement an experienced attorney will file the foreclosure documents looking for a mistake on the part of the lender. If an error is found, a person has an opening to get their Foreclosure home back. After agreement with the lender, the previous loan is activated again and the homeowner can move back into their home.

The second path to home reinstatement is called Redemption and it is an exceedingly complicated legal matter. Home reinstatement by Redemption would only be considered after all loan and foreclosure documents are reviewed and no lender errors are found. An experienced and reputable attorney would sit down with a client and weigh the costs and benefits of Redemption before moving forward with this process.

If you would like to see if we can help then [CHECK HERE TO SCHEDULE APPOINTMENT](#)

[Free Consultation](#)



Have been offered loan modification, or a FORECLOSURE, or need a LOWER INTEREST? [Learn About "Lender Litigation"](#)

Or, an unworkable legal communication and expense. Receive peace of mind, dedicated case manager, and online coaching! [Click to Learn More](#)

Our experienced team will not just open to a network member who specializes in your matter. If our legal approach isn't right, [Click here to find quality](#)