

HOMEOWNER LEGAL ISSUES SCREENING TOOL

Property Title

- Is it clear who owns the house? *Yes/No/Unknown*

- If the owner/s are deceased:
 - Do the heirs/successors have documentation of their ownership?
Yes/No/Unknown
 - Do the heirs/successors need help establishing and documenting their ownership? *Yes/No/Unknown*
 - Are there disputes about who inherits the house? *Yes/No/Unknown*

- If there has been a divorce or formal separation:
 - Have the spouses/partners agreed on ownership of the house?
Yes/No/Unknown
 - Have any transfers of ownership been documented and recorded (for example, with a Quit Claim Deed)? *Yes/No/Unknown*
 - Is there a divorce judgment or separation agreement that addresses ownership of the house? *Yes/No/Unknown*

- Are there any other types of disputes about who owns the house?
Yes/No/Unknown

Active Court Cases

- Are there or have there recently been any court cases that involve the house?
Yes/No/Unknown
 - If “Yes”, what type of case (if known – check all that apply):
 - Family law
 - Probate
 - Bankruptcy
 - Quiet title
 - Dispute about a mortgage
 - Dispute about non-mortgage debt collection
 - Other

Foreclosure Issues

- If there is an active foreclosure:
 - Is there a sale date scheduled? *Yes/No/Unknown*
 - Who is foreclosing?
 - Mortgage lender – first lien
 - Mortgage lender – junior lien
 - HOA/Condo Association
 - Tax collector/government
 - Other

- Is the loan more than 120 days late? *Yes/No/Unknown*

- Has the homeowner received all required pre-foreclosure notices?
Yes/No/Unknown

- Did the servicer move forward with a foreclosure while the homeowner had a complete application under review? *Yes/No/Unknown*

- If a foreclosure sale has already occurred:
 - Is the homeowner still living in the property? *Yes/No/Unknown*
 - Has the new owner contacted the homeowner? *Yes/No/Unknown*
 - Has the new owner started an eviction action? *Yes/No/Unknown*

- Do you or does the homeowner believe the servicer is foreclosing or has foreclosed in violation their legal rights? *Yes/No/Unknown*

Loss Mitigation Issues

- Did the homeowner submit a complete application for a loan modification to the mortgage servicer:
 - before a sale date was scheduled?
 - more than 37 days before the scheduled sale date?
 - 45 days or more before the scheduled sale date?
 - 90 days or more before the scheduled sale date?

- After the homeowner submitted initial application materials, did the servicer send the homeowner an acknowledgement letter listing any additional documents or information needed to make the loss mitigation application complete? *Yes/No/Unknown*

- If the servicer denied the homeowner's loan modification application:
 - Did the servicer provide a written notice explaining the reason/s for the denial? *Yes/No/Unknown*
 - Did the servicer provide the homeowner with an opportunity to appeal the denial? *Yes/No/Unknown*

- Is the servicer complying with the relevant loss mitigation guidance and requirements relating to COVID-19? *Yes/No/Unknown*

- If the servicer offered the homeowner a loan modification:
 - Did the servicer give the homeowner a reasonable amount of time to respond to the offer? *Yes/No/Unknown*
 - Did the servicer honor the loan modification terms after the borrower accepted the offer? *Yes/No/Unknown*

- If the original borrower is deceased or if there has been a divorce or formal separation, is the heir/successor having trouble communicating with or obtaining information from the servicer? *Yes/No/Unknown*

- Has the loan been modified one or more times in the past? *Yes/No/Unknown*

Other Loan Servicing Issues

- Are there problems with the escrow account? *Yes/No/Unknown*
- Are there problems with how the servicer has applied the homeowner's payments to the account? *Yes/No/Unknown*
- Has the servicer failed to provide the homeowner with information about the loan account (such as a payment history or a payoff statement) when the homeowner requested it? *Yes/No/Unknown*
- Has the servicer failed to correct an error with the loan account when the borrower requested it? *Yes/No/Unknown*
- Has the servicer made credit reporting errors in connection with the loan, including errors related to COVID-19/CARES Act requirements?
Yes/No/Unknown
- Is the servicer charging for force-placed insurance? *Yes/No/Unknown*

Loan Origination Issues

- When was the loan originated?
 - Less than three years ago
 - Three or more years ago
 - Unknown
- Did the homeowner receive all of the required disclosures and notices, including information about their right to cancel? *Yes/No/Unknown*
- Was the client denied a loan or given unfavorable loan terms on the basis of a protected characteristic or because all or part of their income derives from any public assistance? *Yes/No/Unknown*
- Do you or does the homeowner believe this is a predatory loan?
Yes/No/Unknown

Other Obligations, Debts or Liens

- If the homeowner's property taxes increased significantly from one year to another:
 - Are there any special assessment liens (such as a PACE lien) recorded against the property?
 - Has the property value been reassessed due to a change in ownership?
 - Has the property value been reassessed based on improvements, additions or a remodel?

- Are any of the following non-mortgage liens recorded against the property?
 - Property tax lien
 - Income tax lien
 - Utility/municipal lien
 - Mechanic's lien
 - Judgment lien

Miscellaneous

- Does the client have any other legal problems, concerns or questions unrelated to the home, such as:
 - High debt burden/need to consult with a bankruptcy attorney
 - Family issues (divorce, custody, domestic violence, guardianship)
 - Non-mortgage consumer/debt collection/credit reporting
 - Employment
 - Immigration
 - Public benefits