



Kentucky Equal Justice Center
201 W. Short Street, Suite 310
Lexington, KY 40507

P: 859-233-3057
F: 859-233-0007

Consumer Task Force

DATE: May 4, 2009 *via fax—3 pages*
TO: Consumer Task Force
FROM: Addison Parker, Kate Sanford, Rich Seckel
RE: Agenda for special May 15 meeting

We've called a **special Consumer Task Force meeting on Foreclosure Defense:**

Date: Friday, May 15
Time: 12:00 noon to 3:30 p.m. ET (starts with lunch!)
Place: Legal Aid of the Bluegrass Community Room
498 Georgetown Street, Lexington

It's prep for the two-day NCLC event: If you're coming to the NCLC Foreclosure Defense Training May 19-20, you definitely want to attend this meeting—unless you already consider yourself expert in Truth in Lending, HOEPA, and loan servicing abuse claims and defenses. Agenda below.

No handouts! No foolin'! **BRING THE MATERIALS IN A TABBED LOOSE LEAFNOTE BOOK OR ON YOUR LAPTOP.** Watch for them on the list serve.

Yes, I'm coming to the May 15 meeting!

Name: _____ Program: _____ Office: _____

Case topic: _____

Please sign up to help us get an accurate lunch count!

Fax to: Rich Seckel at 859-233-0007

Consumer Task Force

Foreclosure Defense

Preparation for NCLC Training

May 15, 2009

If you plan to attend the NCLC Foreclosure Defense Training May 19-20 in Lexington, you definitely want to attend this Task Force Meeting—unless you already consider yourself expert in Truth in Lending, HOEPA, and loan servicing abuse claims and defenses!

READ THE MATERIALS IN ADVANCE AND BRING YOUR LAPTOP

12:00 Lunch, Welcome and Introductions

We'll start with a working lunch to make it easier for Western Kentucky folks to join us.

12:15 Program Foreclosure Defense Overview

Representatives of each legal services program will briefly describe how their program handles foreclosure defense. Each representative will have about 10 minutes.

1:00 Ad's Hyperlink Foreclosure Defense Outline, Posted to Access to Justice Website

Ad has prepared a foreclosure defense mini-outline that is hyperlinked to a more detailed outline, plus rescission letters, pleadings and jury instructions in five major areas of foreclosure defense: Lost Note; Truth in Lending Rescission; HOEPA and Kentucky High Cost Home Loan Act; Home Solicitation Cancellation; and Loan Servicing Abuse. Everyone who can do so should bring a laptop so they can more easily participate in this session. Remember, NCLC wants you to bring laptops to their training, too.

1:30 Preparation for NCLC Conference

TILA and HOEPA substantive review, possibly also including claims under the Kentucky Home Solicitation Act & state law claims related to origination; followed by review of ARDF procedures for preserving evidence of insufficient numbers of disclosures and ARDF checklists for finding understated finance charges and HOEPA points and fees. Remember NCLC

training will focus on how to analyze a loan file to find the violations. *You will be expected to be familiar with TILA and HOEPA.*

2:30 Loan Servicing Abuse

The second day of the NCLC training will be devoted primarily to finding state law claims arising from misapplication of home owners' payments. At the Task Force meeting, Kate, Ad and Eileen Zell will discuss various state law claims that can arise from loan servicing abuse. Because loan servicing abuse claims are so new, there is no precedent as to whether state law claims may apply. So, this is a great time to be creative. In this presentation, we will review the claims as laid out in various jury instructions and pleadings.

3:15 Case Discussion: Foreclosure Defense (Mostly)

If you want to discuss a particular case at the Task Force meeting—and we encourage this—you must e-mail Kate and Ad a summary of the key facts with the key loan documents attached by May 8. The key loan documents include the note, TILA disclosure statement, itemization of amount financed if available, settlement statement and any other document you deem key.

Addison Parker addparker@roadrunner.com
Kate Sanford kates@ardfky.org

3:45 Adjourn: Or Stay Around for Case Review

Assuming you have submitted your case, Add and Kate (and presumably a few others) will stay on for a reasonable period of time thereafter to discuss it.

Advance Materials: Bring 'Em!

MATERIALS TO BE POSTED BY FRIDAY, MAY 8

Ad will post all documents to be reviewed at the training to the list serve on or before Friday, May 8th. Rich also will post them on the Kentucky Equal Justice Center [website](#). All attendees will be expected to bring these documents.

We strongly suggest you bring the materials in a tabbed, loose leafed, notebook or place them on your laptop for ready access.

No documents will be distributed at the task force meeting.

No private attorneys may attend this task force meeting unless approved by Add or Kate.