



Kentucky Equal Justice Center  
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## Consumer Task Force

**DATE:** June 18, 2008  
**TO:** Consumer Task Force  
**FROM:** Rich Seckel, Addison Parker  
**RE:** Agenda for June 26 meeting

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The next legal services Consumer Task Force meeting will be held:

**Date:** Thursday, June 26  
**Time:** 11:00 a.m. to 2:45 p.m. ET  
**Place:** Legal Aid of the Bluegrass Community Room  
498 Georgetown Street, Lexington

**Defense, defense:** The big one again is foreclosure defense, with sophisticated bankruptcy angles. We'll move quickly into case strategies. Plus, Kentucky's new mortgage lending law, bottom feeder creditors and . . . box lunches!

**\_\_\_ Yes, I'm coming to the June 26 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 Law Task Force

### Agenda

June 26, 2008

**Got a case? Call Add, Anne Marie or Kate!**

*To prepare for case discussions, we invite you to call Anne Marie, Addison or Appalred's new foreclosure defense attorney, Kate Sanford, before the meeting for an initial case review:*

*Anne Marie Regan: 502-584-0349*

*Addison Parker: 859-624-1394*

*Kate Sanford: 859-624-1394*

#### **11:00 Welcome and Introductions**

**Private bar:** Several private attorneys have said they'll join us. We'll give them an extra minute or two to describe their practice.

#### **11:15 Foreclosure Defense I**

**The ARDF defense outline:** Add will whip through the ARDF foreclosure defense outline. Eileen and others who went to the NCLC conference can chime in if anything important is left out. (15 minutes)

**When bad things happen:** Jim and Anne Marie will talk about a composite hypothetical case that illustrates many of the claims and defenses in Addison's outline. Eileen and Add will describe how they analyze a loan file to uncover these types of claims. Kate and others may chime in. (15 minutes)

**Lost note defense:** Most foreclosure complaints are defective. The note attached to the complaint is normally payable to an entity other than the plaintiff and is not endorsed. What happens when we challenge a foreclosure to produce a properly endorsed note? A note is negotiable instrument. Think of it like a check. Lisa Line or Add will discuss Lisa's so-far-successful case. (Even though they found the note, it may be too late). Add will describe other successes. Too bad we can't get April Charney of Jacksonville Legal Aid to attend. She reports she has brought to a halt over 300 foreclosures using the lost note defense. Check out the stories about April on line. (10 minutes)

**TILA Rescission Trial Coming Up:** Kelly Collinsworth has an upcoming Truth-in-Lending rescission trial before Judge Mains based on an Ameriquest loan. (10 minutes)

**Appalred finance charge & HOEPA points and fees checklist:** a brief how-to-description with handout.

**Another basis for rescission: Finding incorrect disclosure of the payment schedule in an Adjustable Rate Mortgage (Exploding Arm):** Add's how to from Dinkytown.

**12:15 Lunch**

**12:45 Foreclosure Defense and more . . . Bankruptcy Anyone?**

**Objection!** Jim McHugh has objected to attorneys fees in bankruptcy proceedings. He'll fill us in on one great result. Plus, Jim's use of special plan provisions to protect clients from servicing abuses and his favorable decision from Judge Howard. (15 minutes)

**Bankruptcy practice:** We expect private practitioners Marcia Smith and Susan Martin to be there and join in with comments, strategies and concerns. (20 minutes)

**Bankruptcy and manufactured housing:** Wow, can manufactured homeowners come out golden. Open discussion with bankruptcy practitioners (Marcia Smith may describe some of her confirmed Chapter 13 plans). (15 minutes)

**Zombie Debt/Bottom feeders:** We'll revisit defenses against Zombie Debt creditors, who buy up charged off, bad debts for pennies on the dollar and then file suit to collect on their "investment." (10 minutes)

**1:45 Quick Ones and Partners**

**Payday loans and the elderly:** It's not just a case, it's a Congressional hearing. Anne Marie describes a payday loan case in which a borrower's Social Security check was withheld in its entirety — and how the issue is making its way to a hearing in Congress. (5 minutes)

**Who is Neighborworks?** A number of Kentucky housing groups get federal dollars for foreclosure intervention. Mostly, it takes the form of negotiating a workout. We'll hear more from a Neighborworks rep. (5 minutes)

**ARDF grant:** ARDF has a grant to ramp up foreclosure defense. We'll welcome project attorney Kate Sanford and hear about the project. (5 minutes)

**Roadshow?** Kate, Add and others are willing to take foreclosure defense on the road to help pump up the statewide response. What kind of training would be helpful in your neck of the woods? Who can offer expertise? (10 minutes)

**Citizenship Project:** Kentucky Equal Justice Center introduces its newest staff member, Xochi Weiss-Salinas. She works out of Maxwell Street Legal Clinic as the Citizenship Project Coordinator. (5 minutes)

**2:15      What Hath Frankfort Wrought?**

**The bill chart:** A quick handout and highlights from Rich Seckel on consumer bills in the 2008 General Assembly, including the payday loan protection bill that didn't pass.

**New mortgage protection bill:** House Bill 552 is already in effect. Anne Marie Regan hits the highlights and potential uses. If it works as intended, its main value in the near term may be prevention.

**There's always next time:** Consumer priorities for the next Session (the three minute brainstorm).

**2:30      Case Consultation**

If we're not exhausted, we'll go on . . .

**2:45      Adjourn!**