



housing and economic rights advocates

AGENCY: _____ Homeowner/borrower Screening/Intake

Form for Predatory and/or Unfair Lending

Agency Staff Person Who Completed Intake: _____

Title/Position: _____

Telephone: _____ Fax: _____ E-mail: _____

Date Screening form completed: _____

NOTE: If your agency staff would like limited technical consultation advice or assistance from HERA to review the homeowner/borrower information you have obtained on this form – please -- Complete and Mail, Fax or Email this completed form to:

Housing and Economic Rights Advocates (HERA)
P.O. Box 29435, Oakland, CA 94604
Telephone: (510) 271-8443 / FAX: (510) 868-4521 - OR -E-mail to: inquiries@heraca.org

For use by HERA:
Outside Agency Screening Tech. assistance form -
No. Assigned: _____
Date Rec'd: _____
Date Closed: _____

ORGANIZATION PROVIDING INFORMATION:

Organization Name: _____

Contact Person (list name here only if different from above): _____

Address: _____

Date of Intake: _____ Organization Client Number (if any): _____

How were you referred to us? _____

HOMEOWNER/BORROWER BACKGROUND INFORMATION

Name (1): _____

First Middle Last

Name (2): _____

First Middle Last

Address City State

Zip

Phone Numbers: _____

Alternative Home Cell Work

phone 510.271.8443
fax 510.868.4521

Any calling restrictions? _____

Sex: _____ Date of Birth: _____ Race/ Ethnicity: _____

SSN: _____ - _____ - _____ Language preference: _____

Marital Status: _____ Spouse Name: _____ Number in
household: _____

Income (Gross per month): _____ Source(s): _____

If Employed, Employer Name: _____ Telephone: _____

Address: _____

Protected Class: (check all that apply)

____ Race/Color/National Origin ____ Religion ____ Disability ____ Familial/Marital
Status

____ Gender ____ Age ____ Sexual Orientation ____ Source of Income ____ Caring for
Minors

Opposing Party:

Organization or Corporation: _____

Contact: _____

Address _____ City _____ State/Zip _____

Contact Phone Number: _____

Opposing Party attorney's name and address: _____

Problem:

Type of Loan: (check those which apply)

____ Purchase ____ Refinance ____ Home Improvement

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Signed within 3 days? Y N

Receipt of Notice of: ___Default? ___Sale?

Property Address: _____

_____ Address City
State/Zip

Principal residence? Y N Other occupants of property: _____

Multi-unit building? Y N If yes, how many units? _____ Rental income, if any: _____

Current household income: _____ Date of purchase/length of occupancy: _____

Purchase price: _____ Name(s) on title: _____

Original mortgage amount and lender: _____

Original mortgage monthly payment amount: _____

Existing mortgage amount: _____ Current monthly payment amount: _____

Does monthly mortgage include taxes and insurance?: Y N

If answer to above question is "No", have you made every payment on your taxes? Y N

Date of last payment of property taxes: _____

Current on mortgage payments?: Y N Date of last mortgage payment: _____

Last time payment accepted by mortgage company: _____

Reason fell behind (if applicable): _____

If behind in payments, does homeowner/borrower have money to set aside? Y N How much? _____

Second mortgage on property? Y N Is second mortgage current? Y N When was it obtained?: _____

Reason for second mortgage: _____ Amount: _____

Name of lender: _____

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Current value of property (assessed value or estimated sale price): _____

STATUS OF CASE

Has homeowner/borrower received court papers? Y N Date received: _____

Type of Papers: _____

Has homeowner/borrower filed an appearance (Y N), any papers (Y N)—list what was filed:

Has homeowner/borrower been to court? Y N Date(s) homeowner/borrower went to court: _____
_____ Next court date: _____

Has homeowner/borrower filed for bankruptcy? Y N Chapter 7 or Chapter 13 (circle one)?

Monthly bankruptcy payment amount?: _____ Current on bankruptcy payments?: Y N

MORTGAGE HISTORY

Mortgage refinanced?: Y N Number of times refinanced: _____ Date of last refinance: _____

Refinance #1: _____

_____ Date obtained Amount Cash out? Name of original lender Name of
broker, if any

_____ Reason for refinancing (i.e. home repairs, pay tax arrearage, pay other bills, lower monthly
payment...)

If reason for refinance was home repairs, list...

Name of home repair company: _____ Type of repairs needed: _____

Repairs completed satisfactorily?:(Explain) _____

How was homeowner/borrower referred to repair company?: _____

Did homeowner/borrower sign a home repair contract?: Y N If so, was homeowner/borrower given a
copy? Y N

Did home repair company refer homeowner/borrower directly to lender/mortgage broker? Y N

Refinance #2: _____

_____ Date obtained Amount Cash out? Name of original lender Name of
broker, if any

_____ Reason for refinancing (i.e. home repairs, pay tax arrearage, pay other bills, lower monthly
payment...)

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If reason for refinance was home repairs, list...

Name of home repair company: _____ Type of repairs needed: _____

Repairs completed satisfactorily?:(Explain) _____

How was homeowner/borrower referred to repair company?: _____

Did homeowner/borrower sign a home repair contract?: Y N If so, was homeowner/borrower given a copy? Y N

Did home repair company refer homeowner/borrower directly to lender/mortgage broker? Y N

Refinance #3: _____

	Date obtained	Amount	Cash out?	Name of original lender	Name of broker, if any

Reason for refinancing (i.e. home repairs, pay tax arrearage, pay other bills, lower monthly payment...)

If reason for refinance was home repairs, list...

Name of home repair company: _____ Type of repairs needed: _____

Repairs completed satisfactorily?:(Explain) _____

How was homeowner/borrower referred to repair company?: _____

Did homeowner/borrower sign a home repair contract?: Y N If so, was homeowner/borrower given a copy? Y N

Did home repair company refer homeowner/borrower directly to lender/mortgage broker? Y N

Background on problem loan

How was homeowner/borrower referred to this specific lender/broker?: _____

Number of times homeowner/borrower met with lender/broker prior to closing the loan? _____

What did lender/broker tell homeowner/borrower about loan terms at the time of initial application? _____

Homeowner/borrower's income at time of refinance: _____

Has there been change in income?: Y N

Did monthly mortgage payments include taxes and insurance? Y N

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Did homeowner/borrower's monthly payments increase or decrease after refinance? Y N How much?:__

SUMMARY

Statement of Legal Problem: _____

What does homeowner/borrower want? _____

What action is being or has been taken on behalf of this homeowner/borrower? _____

Is any court action pending in this matter: No ___ If yes, describe: _____

Any scheduled appearances or deadlines: _____

Court: _____

Case Name: _____ Case Number: _____

Homeowner/borrower represented by attorney? If so, please list name: _____

Address: _____

Telephone: _____ Fax: _____ E- mail: _____

Other Comments (use reverse side or additional page(s) as necessary):

Example of Consumer Story on Intake and Referral:

Summary of Facts

Complainant's name is John Doe, who is a 65-year old Oakland Homeowner. Mr. Doe sought a reverse mortgage because he had heard that those are good loans for seniors. He found a broker by the name of Sneaky Broker from Super Mortgage who offered to get him such a mortgage. Instead, Mr. Broker placed Mr. Doe in a high-cost, adjustable rate mortgage with a balloon payment and prepayment penalty. The monthly payments on that loan are approximately twice the monthly payments that Mr. Doe was paying before. Specifically, they jumped from approximately \$1000 monthly to over \$2000 monthly. Mr. Doe's monthly, gross income is approximately \$1900 from his full-time job. However, without Mr. Doe's knowledge, Mr. Broker vastly overstated Mr. Doe's income in loan applications. Mr. Broker presumably did this in order to qualify Mr. Doe for a loan that he could not afford and did not want. The loan was closed around October, 2006. As a result of Mr. Broker's conduct Mr. Doe will likely lose his home, while Mr. Broker and his employer will walk away with thousands of dollars in broker fees—fees stolen directly from Mr. Doe's hard-earned home equity.

What Mr. Doe Wanted:

Mr. Doe wanted a reverse mortgage only because he had seen them advertised and thought they were supposed to be good loans for seniors. He was not interested in getting cash out of the deal. He did want to have some of his higher rate credit cards paid off with this loan, but I am uncertain as to whether that was a motivating thought behind seeking the reverse mortgage.

Mr. Doe did not understand that with a reverse mortgage, he would receive funds monthly. He thought he would still have to make monthly payments. Consequently, he told the broker that he wanted to make sure his monthly payments were not larger than his current payments.

What The Broker Told Mr. Doe:

1st Meeting: Mr. Doe is not sure how he found the broker, but it may have been from a flyer. The broker, Mr. Broker, met with Mr. Doe approximately 6 times at Mr. Doe's home. At the first meeting, a Mr. Supervisor, also with Worldwide Mortgage and Financial Services, was also present but said nothing. Mr. Broker reviewed a reverse mortgage pamphlet with Mr. Doe at that first meeting. Mr. Doe still has the pamphlet, which has Mr. Broker's name printed on the front and states in bold letters across the front that it pertains to reverse mortgages. At the end of the first meeting, Mr. Broker told Mr. Doe that he would have to check his credit to see whether he qualified for a reverse mortgage. (Mr. Doe believes his credit was good as he was not behind on his mortgage or on any credit card payments.)

2nd Meeting: Mr. Broker returned about a week later and said that Mr. Doe qualified for a reverse mortgage. Mr. Broker offered to start the paperwork for Mr. Doe and promised to keep the monthly mortgage payment at around \$1000. Mr. Broker said he would roll Mr. Doe's credit card debt into the loan.

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3rd Meeting: Mr. Broker brought a Good Faith Estimate to Mr. Doe. Mr. Doe called his daughter, Jane Doe, to discuss the proposed loan with her as she was also on title for the property. I do not know when the call to Ms. Doe took place.

4th Meeting: At this meeting some point, Mr. Broker told Mr. Doe that Ms. Doe would have to be removed from title in order for Mr. Doe to qualify for a loan. (Ms. Doe lives in Missouri.) Mr. Doe told Mr. Broker to speak to Ms. Doe about that. Mr. Doe had a conversation with her thereafter, and she said she would agree to removal from title so the loan could be processed.

5th or 6th Meeting: Mr. Broker said Ms. Doe had agreed to removal from title. He brought a new packet of documents for Mr. Doe to sign. Mr. Doe did not read anything before signing. He said the broker reviewed pieces of the paperwork with him, but he does not remember what the broker told him. Mr. Broker brought a notary with him to Mr. Doe's home. Mr. Doe subsequently learned that Mr. Broker had vastly overstated Mr. Doe's income on the loan application. Mr. Doe had provided Mr. Broker with pay stubs indicating his true income, but never saw his loan application before Mr. Broker submitted it on his behalf.

6th or 7th Meeting: Mr. Broker brought over checks made out by the title company to some of the credit card companies to whom Mr. Doe is indebted. Mr. Doe was upset because the checks were to companies with some of the lower interest rates and were not the credit cards he was worried about. He asked the broker to fix this problem. The broker agreed but never did. Ms. Doe advised Mr. Doe at some point to stop calling Mr. Broker to fix that problem as it was just upsetting Mr. Doe without anything being corrected. Mr. Doe still has a copy of the checks that Mr. Broker delivered to him.

Possible Legal Claims: Theft (of home equity), Financial Elder Abuse, Fraud, Misrepresentation, Bait and Switch, Truth in Lending Act Claims

Conclusion

Mr. Doe was shocked when he received the first mortgage loan payment statement showing how high the payments would be. He received only \$300 back from the transaction (may have been just a refund of monies he deposited). He is dipping into savings to pay the mortgage and estimates he can only manage for another 4 months. He is not paying on any credit cards. I referred him to Consumer Credit Counselors of the East Bay to work on the credit card debt problem and referred him to HUD-certified housing counseling agencies for loan restructuring. I advised him to seek an attorney for the broker's conduct and offered to provide this complaint to the D.A.'s offices. I said I would also seek counsel for him. Mr. Doe has a complete set of proposed loan documents from Mr. Broker and final loan documents from Mr. Broker.