

About Community Legal Services of Mid-Florida, Inc. (CLSMF)

The mission of CLSMF is to provide access to justice through high quality legal assistance to low-income persons.

Community Legal Services of Mid-Florida, Inc. provides free legal assistance to eligible low-income persons in civil matters (we do not provide legal assistance in criminal or traffic matters).

CLSMF offers free educational seminars and informational brochures regarding the areas of law we practice. Call your local office (listed on the back of this brochure) for further information.

This brochure is for general education only. It is not intended to be used to solve *individual problems*. If you have specific questions, see an attorney. CLSMF offices are listed on the back of this brochure.

Do not ignore your bills. The sooner you face these issues, the easier it will be to resolve them.

 **The Florida Bar Foundation**
Leadership & Funding for Legal Aid in Florida

The Florida Bar Foundation, with *Interest on Trust Accounts* program funding, provides



Community Legal Services of Mid-Florida, Inc. Offices:

BREVARD — (321) 636-3515
803 N. Fiske Blvd. Cocoa, FL 32922

CITRUS & SUMTER —
1300 Highway 41 North, Suite A
Inverness, FL 34450
(352) 726-8512 — CITRUS
(352) 568-0257 — SUMTER

FLAGLER & PUTNAM —
Flagler client toll-free number:
1-866-886-1799

216 S. 6th St., Palatka, FL 32177
(386) 328-8361

HERNANDO — (352) 796-7238
51 West Fort Dade Ave.
Brooksville, FL 34601

LAKE— (352) 343-0815
226 West Main St., Tavares, FL 32778

MARION— (352) 629-0105
222 SW Broadway St., Ocala, FL 34474

ORANGE — (407) 841-7777
122 E Colonial Dr., Suite 200
Orlando, FL 32801

OSCEOLA — (407) 847-0053
800 North Main St., Kissimmee, FL 34744

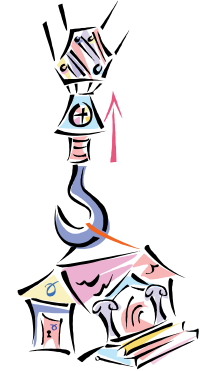
SEMINOLE — (407) 322-8983
315 Magnolia Ave., Sanford, FL 32771

VOLUSIA — (386) 255-6573
128 Orange Ave., Suite 100,
Daytona Beach, FL 32114
Client toll-free number: 1-888-379-4729

info@clsmf.org
http://www.clsmf.org



A brochure prepared by
Community Legal Services of Mid-Florida, Inc.



FORECLOSURE

I'm behind in my mortgage payments
...Now what?

I've been served court papers for foreclosure
...What do I do?

What are my options?

The information in this brochure was provided by
Florida Rural Legal Services, Inc.
(813) 688-7376 (800) 277-7680
Lakeland, Florida





I'm behind in my mortgage payments... now what?

If you have a mortgage on your home and you are behind in your payments, pay close attention to any letters you receive. Your rights may depend on the type of mortgage you have. Be sure to keep copies of all letters and notices — do *not* throw them out!

If you have a:

Farmers Home Mortgage

You may get a letter saying you are behind in your payments. Call the Farmers Home office and ask for help with your mortgage. They may be able to give you interest credit, delay your payments, or provide some other help. If you are turned down, you can ask for an appeal hearing.

Veterans Administration Loan

Contact the V.A. as soon as you are behind in your mortgage. They may be able to help you with your mortgage payments.

Loan from Another Mortgage Company

Write a letter to the mortgage company requesting to pay the back payments over time. The mortgage company may accept your offer.

I've been served court papers for foreclosure...now what?

If the bank or mortgage company has started a foreclosure suit against you, you will be served court papers by the sheriff or a process server. You will probably receive a summons, a complaint, and an order to show cause. These papers come with a deadline: You must respond within 20 days.

As soon as you receive court papers, read them. Talk with an attorney to get advice.

Call the CLSMF Legal Advice Helpline to see if you are eligible for free legal assistance :

1-800-363-2357 or, in the Daytona area, 386-258-5600

If you respond to the papers yourself, this is what you should do:

1. On plain paper, type (or print clearly) the information at the top of the complaint, including the court name, names of the parties, and the case number, then print or type "Answer of Defendant."
2. Use numbered paragraphs to point out anything you believe is untrue or wrong in the court papers you received.
3. You should also write down the reasons why there should be no foreclosure. These reasons are called "affirmative defenses." For example:
 - The mortgage company may have accepted late payments from you for several months, did not send you a new written notice that payments are due on time, but then filed a foreclosure when you were late again.
 - Perhaps a home improvement company placed a mortgage on your house to pay for its services. A defense may be that the work was not done properly. The judge may still rule that you owe the mortgage, but it may be less than the mortgage company is asking.
 - Other defenses are possible. Any reason that would make it unfair for the mortgage company to take over your home should be written down as a defense.
4. Sign the answer. Write that you are mailing a copy to the lawyer for the bank or mortgage company, including the date you mail the copy. Then, mail a copy of the answer to the lawyer for the bank or mortgage company.
5. Take the original answer to the Court Clerk and file it. There is no charge for this. Keep a copy of your answer for your records.
6. You may receive an Order to Show Cause. This will tell the date and time that a judge will decide whether to foreclose on the house. You can go to that "Show Cause" hearing and tell the judge why there should be no foreclosure.

7. If the judge decides that the house should be foreclosed, he/she will set a day and time for the sale. That day will be at least 20 days after the hearing, but probably not more than 35 days later. If you need more time than that, tell the judge. It will be up to the judge to decide if you get more time.
8. At the sale, someone will purchase the house. The new owner cannot take possession of the house until the Clerk of the Court issues the title, usually 10 days after the sale. If you have not moved, the new owner is entitled to move in, and you will be served a "Writ of Possession" by the sheriff. The Writ of Possession will give you 24 hours to move.

If you do not file an answer or if you do not show up at the "Show Cause" hearing, a default can be entered against you. This is like automatically losing your case. The next piece of paper you could receive would be the notice to leave your house.

Are there any other options?

You may wish to sell your home. You have the right to do so until the foreclosure sale. This may be the best way for you to get back the equity you have in the home. If you want to do this, contact a realtor.

You may want to consider bankruptcy. In some situations where the household has a steady source of income, bankruptcy can help you save your home. Talk to an attorney who handles bankruptcy matters for advice.

You have the right to "redeem" your home until the sale of the house. To redeem your home, you must pay all amounts owed on the mortgage, plus attorney fees, and the court costs that went with the foreclosure. If you do this, you can stop the foreclosure sale.

You may also want to consider deeding the house back to the bank or mortgage company. Contact the attorney representing the mortgage company to discuss this option.