



## **Legal Services of Greater Miami, Inc. Mortgage Foreclosure Defense Project**

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### **WHAT**

The Mortgage Foreclosure Defense Project assists individuals and families affected by the foreclosure crisis in Miami-Dade County. The Project assists homeowners at risk of losing their homes due to foreclosure by mortgage lenders, or due to condominium or homeowners association liens, construction or mechanics liens, and tax liens. The Project also assists individuals and families who have fallen victim to foreclosure rescue scams or have otherwise fraudulently lost title to their homes.

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### **WHY**

In Miami-Dade County, 1 out of every 148 homes is in foreclosure. One of the biggest barriers faced by homeowners in foreclosure is the lack of access to free legal services to defend the foreclosure and to assist them in negotiating loan modifications with their lenders, which they cannot do on their own.

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### **HOW**

The Mortgage Foreclosure Defense Project helps homeowners by:

- Representing individuals in foreclosure matters;
  - Rescinding mortgages pursuant to the Truth in Lending Act;
  - Negotiating loan modifications pursuant to the Making Homes Affordable Program and proprietary modification programs;
  - Providing community outreach and education; and
  - Partnering with housing counselors to provide foreclosure alternatives, such as payment assistance and loan modifications
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### **WHO**

LSGMI provides free civil legal services to the neediest individuals within our community. Our clients are primarily women, children, seniors, and the working poor. In many cases, we are the safety net preventing these individuals from becoming homeless or dependent on welfare. On a daily basis, our team of attorneys, who are organized into legal specialty units and projects, provides high quality representation to clients with problems relating to housing, health care, education, disability benefits, family issues, and employment.

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## **Foreclosure Defense Project Typical Cases**

- Although John was in an existing loan modification with his lender, the court refused to cancel the foreclosure sale of his home. John came to LSGMI for help two days before the scheduled sale. LSGMI filed an emergency motion, had a hearing the next day, and the judge canceled the sale. John subsequently obtained his final modification and the lender dismissed the foreclosure action. As a result, John and his family were able to remain in their home.
  
- Charles, an 80 year old, retired music teacher living on a fixed income, faced foreclosure of his home of more than 50 years because his mortgage increased almost two-fold. Although Charles submitted hardship letters to try to get a loan modification, the lender filed a foreclosure action against him. After LSGMI successfully moved the court to dismiss the foreclosure, the lender gave Charles a permanent loan modification. Charles continues to reside in his home and is active in his community.
  
- Mark inherited his mother's home when she passed away. Although he lives in the home, Mark lost the homestead exemption and, as a result, his property taxes increased to a level that he was unable to afford. Mark came to LSGMI for help one week before a tax deed sale which would cause him to lose his home. LSGMI filed a Chapter 13 bankruptcy which allows Mark to pay the tax arrears over 60 months and remain in his family home.