

Marin Family Action Offices
Home Save Weekly Meetings
May 5, 2010
Committee Meeting: 3:00 p.m.
Home Save Meeting: 4 p.m. – 5:30 p.m.



Director: Manny Fernandez
Attendees: Provided Upon Request
Notes: Dianne Levy

1) **SPECIAL GUESTS**

Two law firms have expressed interest in presenting to Marin Family Action's Families Fighting Foreclosure:

- Michael Pines of Pines & Associates presented on May 5th.
- Stevan Henriouille of the Law Office of Uy & Henriouille will be presenting to the group on May 19th.
- These sessions are for members of Families Fighting Foreclosure only.

2) **NEW DIRECTIONS BEING SOUGHT**

Because we are concerned about the lack of cooperation on behalf of our lenders (loan servicers) . . . and for the most part we do NOT know who actually has the right to collect on or mortgages . . . we are anxious to determine if other paths might get us to our goal of saving our homes in a more expedient manner. So our May 5th meeting was given over to Michael Pines of Pines & Associates (PinesAndAssociates.com), Encinitas, CA.

Please note that the following are the opinions of Michael Pines and Marin Family Action neither agrees nor disagrees with Mr. Pines' statements. Mr. Pines did not recommend taking the following actions on your own. Also note that his session lasted approximately two hours and these notes touch on as many points as possible but are by no means complete.

3) **PINES & ASSOCIATES**

Pines law degree is from Hastings School of Law. He started his legal career representing insurance companies and then moved to personal injury law. He left the law business to concentrate on real estate investing and, after being duped in that industry, in November 2009, Mr. Pines began focusing on real estate fraud.

Pines has been taking cases for 3-4 months and claims "50-60 wins." His "wins" are stays which stretch the eviction process to 8-12 months. These appear to be temporary fixes; it was unclear as to whether or not anyone has gotten their home back free and clear with or without resuming payments.

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Pines adamantly stated that modifications are fraudulent and that banks have and are foreclosing in the midst of modifications. He was equally adamant about "not talking to these people (the lenders/loan servicers)," and recommended changing your phone number.

His "permanent solution" is to file for \$2 million. He, of course, stated that "every case is different," but he generally recommends NOT planning on retaining your home. Instead, he suggests taking your percentage of the \$2 million once a suit is won and move on. He noted that the clients (borrowers) ARE at fault, but that it is "nothing compared to what the banks have done."

He minimum retainer is \$5,000. He recommends the following audits from his team which cost roughly \$500 each; it was unclear if those fees are included in his \$5,000 fee:

- forensic
- foreclosure
- securitization

He gave timeframes for various phases:

- Bankruptcy can hold up foreclosure for 1-2 months, which gives him time to go to the next step;
- NOD (Notice of Default) takes about 4 months before foreclosure;
- If home is sold on courthouse steps, an unlawful detainer is filed and this can be done "forever," according to Mr. Pines.
- Do not move out of your home as the Judge is the only person that can tell you to move out of your house;
- It is possible to get your home back once it is sold; if someone has moved in, it is more difficult, but it is possible.
- He cited:
 - Senate Bill No. 1137: Perata. Residential mortgage loans: foreclosure procedures and
 - Civil Code 2424.5: No clause in any deed of trust or mortgage on property containing four or fewer residential units (FForRU) or on which FForRU are to be constructed or in any obligation secured by any deed of trust or mortgage on property containing FForRU or on which FForRU are to be constructed that provides for the acceleration of the due date of the obligation upon the sale, conveyance, alienation, lease, succession, assignment or other transfer of the property subject to the deed of trust or mortgage shall be valid unless the clause is set forth, in its entirety in both the body of the deed of trust or

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mortgage and the promissory note or other document evidencing the secured obligation. This section shall apply to all such deeds of trust, mortgages, and obligations secured thereby executed on or after July 1, 1972.

- A favorite strategy of Pines & Associates:
 - Most loans are securitized and most investors have filed class action suits. He finds those suits and joins them on behalf of clients as a “special interest” in the suit.

- 4) **REMINDER: Shop and Send Family and Friends to MarinFamilyShops.org**
A fundraising project to cover expenses for the group with multiple ways to participate:
 - i) TRAVEL: For business or pleasure. Booking through MarinFamilyShops.org costs the same as if you book directly; however, a percentage of your airline, auto, or hotel costs will be donated to Marin Family Action.
 - ii) PURCHASE ITEMS: Purchase items through our own online shop: <http://www.cafepress.com/MFAShops>. Items will be added as time permits;
 - iii) ADVERTISE WITH US: Advertise your business on the site. \$120 per year for a listing and link to your own Web site. MFA can also build and host sites. Details: <http://www.marinfamilyaction.org/MarinFamilyShops/listingFees.html>
 - iv) AFFILIATE MARKETING: Programs now on the shops listing pages; purchase items through any of the affiliate programs and a percentage goes to Marin Family Action. There is no markup for any item purchased through the affiliate programs . . . MFA will get the percentage that usually goes to any vendor or shop.
 - v) SEE’S CANDY: Sales have netted more than \$1000 and will be ongoing. A flyer is online <http://www.marinfamilyaction.org/homeSave/seesOrderInformation.pdf>