

LAW OFFICES OF ANDREW BARON

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I have two offices and I only do two things, FORECLOSURE DEFENSE and BANKRUPTCIES, so I routinely obtain information on foreclosures cases filed in the local county courthouses. One such case involves property in which you are listed as an owner. If you have retained a lawyer in this matter, please disregard this letter. If not, consider the following FREE LEGAL ADVICE:

1. FIRST: UNPACK! Foreclosure cases take several months to complete.
2. SECOND: THINK OF YOUR OPTIONS UNDER FLORIDA FORECLOSURE LAW:
 - a. You can file an ANSWER TO THE COMPLAINT to get more time to sell or refinance your property or live there FOR FREE until the foreclosure is completed several months from now.
 - b. You can also file a MOTION FOR MEDIATION and get your mortgage holder to give you a mortgage modification to lower your rate of interest, monthly payment and/or loan amount so you can keep the property you want and which they do not want.
 - c. A simplified example of negotiating for a modification during mediation is as follows:
 - (1) "Look at this appraisal. It shows my client's property is now worth \$120,000.00.
 - (2) Then look at these bankruptcy pleadings and Motion to Cram Down to \$120,000.00.
 - (3) My client need not file bankruptcy if you modify this mortgage to \$125,000.00".
3. THIRD: THINK OF YOUR OPTIONS UNDER FEDERAL BANKRUPTCY LAW:
 - a. If you file bankruptcy, you can get immediate, but temporary, protection and relief.
 - b. If you file Chapter 7, you can wipe out your dischargeable debts and get more time to sell, refinance or to live in your property FOR FREE for months under federal court protection.
 - c. If you file Chapter 13, you can wipe out your dischargeable debts and:
 - (1) REPAY THE MORTGAGE ARREARS over five years so you can save this property.
 - (2) STRIP OFF A SECOND MORTGAGE if the property value is below the first mortgage.
 - (3) CRAM DOWN A FIRST MORTGAGE if the property value is FAR below the first mortgage.
 - d. A simplified example of a STRIP OFF OF A SECOND MORTGAGE is as follows: "Judge, this property is appraised at \$120,000 and we owe \$130,000 on the first mortgage. Therefore, there is no value for the \$30,000 second mortgage, so please strip off this \$30,000 second mortgage.
 - e. A simplified example of a CRAM DOWN OF A FIRST MORTGAGE is as follows: "This property appraised at \$120,000. We owe \$200,000 on it. Judge, please reduce this mortgage to \$120,000".
 - f. If you can STRIP OFF and/or CRAM DOWN for many thousands of dollars off your property, the filing of a foreclosure against you may be one of the luckiest events in your life.
4. FORTH: BE CAREFUL WHEN TAKING ADVICE from relatives, friends and, especially, strangers.
 - a. Relatives and friends have good intentions, but too often give incredibly bad advice!
 - b. Overwhelmingly, Strangers are PREDATORS who want your property, your money or both.
 - (1) They make big promises; they write ONE letter, make a call, then pocket your money!
 - (2) They want large fees, mortgage payments and even the signing over of your property.
 - (3) They cannot represent you in court or exert pressure on your mortgage lender.
 - c. A short sale means that you give your property to someone else immediately and you move out and pay rent instead of continuing to live in your property for free for many months.
 - d. Instead, think of hiring a lawyer. We may be strangers, but we are not predators.
 - (1) We are experienced, licensed and required to act in our client's best interest.
 - (2) We invoke the law and the enforcement power of our courts to help our clients.
 - (3) We can give professional advice, file an Answer to the Complaint, file a Motion for Mediation and represent you in court and in mediation. This is important if you DO NOT HAVE the knowledge, skill, time or patience to go to court by yourself or negotiate for yourself.
5. I have advised and represented clients for 43 years on their foreclosure options. I know:
 - a. Foreclosures inflict severe financial distress and emotional pain on people.
 - b. Answering the Complaint may buy you time to sell, to refinance or to LIVE FOR FREE.
 - c. Mediation may get you a reduction in interest, monthly payment and/or loan amount.
 - d. Most large foreclosing law firms in Florida know I am bankruptcy lawyer.
 - e. They know we may file bankruptcy (I often do) if they do not negotiate in good faith.
 - f. This is important if you CAN NOT or WILL NOT or SHOULD NOT file bankruptcy.
6. IF YOU RETAIN ME TO BE YOUR ATTORNEY, I promise you that I will always:
 - a. Tell you the truth and never lie to you.
 - b. Give you the same advice I hope you would give me if our positions were reversed.
 - c. Charge you the same fees I hope you would charge me if our positions were reversed.
 - d. Work for you as hard as I hope you would work for me if our positions were reversed.
 - e. Explain fees and costs on the phone and put it in writing when we meet.