

Procedures/Concerns for Quick Close on Foreclosure Properties

Procedures:

1. Completed Contract: **all paragraphs** need to be completed.
2. Make sure seller is vetted and knowledgeable regarding the sale and find out method for seller to sign all documents – i.e. mailout, mobile notary, etc.
3. Must have mortgage reinstatement:
 - a. Often the seller is the only one to be able to order the reinstatement and there is a delay in receiving.
 - b. Check the reinstatement deadline to see if time allows for closing and funding.
 - c. Check the method of payment required: wire, cashier's check, etc.
4. Must have mortgage payoff: Often the seller is the only one to be able to order the payoff and there is a delay in receiving. This can be obtained via online information and printed for title.
5. Complete the Seller and Buyer Information Forms provided by our office completely and as quickly as possible.
6. We will conduct a quick lien search to see if any involuntary liens prevent closing timely.
7. If the file is still advancing, we will conduct a full title search and prepare to close.
8. We will order the HOA resale certificate and documents. This will need to be paid in advance by buyer or seller.
9. If closing with entity, we need: certificate of formation, organization documents showing who can sign on behalf of entity.
10. If buying individually, both spouses must sign.

Concerns/Solutions:

1. Seller or Buyer cannot sign before reinstatement due: If this occurs and the title search is returned and all parties are willing to advance, we can have the buyer pay the reinstatement and receive a deed protecting their position in case the seller does not complete the full closing. It is best if seller is to receive some form of payment to encourage them to complete the transaction. If not, and in rare cases, we can have all documents signed and wait for the offending issue to be resolved.
2. Abstract of judgment cannot be removed timely: If this occurs on a seller's homestead, the loan can be reinstated and the AJ can be removed after reinstatement but before recording of all documents.
3. Deceased Seller: If one of seller's is deceased, we will need to get an affidavit of heirship signed as quickly as possible. The affidavit has to be signed by a disinterested family member (i.e. disinterested to the sale or proceeds) and witnessed by 2 parties that can confirm the facts stated.
4. Lien payoff too high: If a property is in foreclosure, we can often negotiate non-mortgage liens lower if time allows. Contact Alan Ceshker directly to discuss this possibility and obtain assistance with same.

NOTES

1. A determination needs to be made as quickly as possible if a file can close or not. If we have too many cancellations by a client, the plant will start to not focus on these files due to "crying wolf" syndrome.
2. LET TITLE WORK. If title advises they are working on a solution, phones calls to check status will delay their efforts. We are fine with a quick email re status, but numerous phone calls take escrow away from the function of clearing title and preparing closings.

No Attorney-Client Relationship Created by This Post.

No Legal Advice Intended.

Contact Your Attorney For Assistance.