

There are many circumstances in a homeowner's life that could result in missed mortgage payments: unexpected expenses, loss of overtime, unemployment, overspending, illness/injury, disability, death, marriage, childrearing, divorce, education, and relocation. Whatever the reason, if you're behind on your mortgage, it is important to be informed of all available options and to act quickly.

What is Early Delinquency Intervention?

Early Delinquency Intervention (EDI) involves addressing the financial crisis in the earliest possible stages in order to maximize the relief available from your lender. For EDI to be effective, it must include a clear Statement of the Problem, a thorough Personal Financial Assessment, and a realistic Plan of Action, spelling out for the lender the relief you are seeking and how you plan to meet your current and future financial obligations.

You may have the misconception that the lender wants to take your home back through foreclosure. This is not true. The vast majority of lenders are only interested in seeing that payments are made each month as agreed in the mortgage terms. As a general rule, lenders only begin foreclosure when all else fails. They look for ways to assist you when you are having financial difficulty, but their ability to help declines with each missed payment. Therefore, it is extremely important to address the crisis as soon as it occurs and to keep the lender informed at all times.

Your lender wants to help you

Before you contact the lender, however, you need to be prepared to provide accurate, up-to-date, and documented information. Remember, you are not in this alone. Our counselors are here to assist you with your efforts to resolve the delinquency. Contact us with any questions or to make an appointment to speak with a counselor. Complete the following three steps to aid in your preparations.



Step #2: Personal Financial Assessment

Completing a personal financial assessment will help you determine exactly what your financial circumstances are and enable you to make a realistic determination of what payment arrangements are feasible for you. The following worksheet will help you make this assessment.

Housing Expenses	Rent/Mortgage	\$
	2nd Mortgage	\$
	Property Taxes (if not included in mortgage payment)	\$
	Renters/Homeowners Insurance	\$
	Utilities: Phone/Water/Gas/Electric	\$
	Association Dues	\$
	Subtotal (add the amounts for section 1)	\$ (a)
Living Expenses	Food	\$
	Clothing (including laundry/cleaning)	\$
	Transportation (gas, maintenance, bus)	\$
	Insurance (auto, life & medical not deducted from pay)	\$
	Daycare	\$
	Medical Expenses	\$
	Subtotal (add the amounts for section 2)	\$ (b)
Monthly Installment Debt	Car Loan	\$
	Child Support/Alimony	\$
	Credit Card Debt (list all cards)	\$
	Credit Card Debt	\$
	Credit Card Debt	\$
	Other	\$
	Subtotal (add the amounts for section 3)	\$ (c)
Monthly Expenses	Expenses Total (add the subtotals for a, b, & c)	\$ (d)
Monthly Income	Wage Earner #1 (take home pay)	\$
	Wage Earner #2 (take home pay)	\$
	Other Income	\$
	Income Total (add the amounts for section 5)	\$ (e)
What's Left	Income Total (total from line e)	\$
	Monthly Expenses Total (total from line d)	\$
	Cash Flow Total (subtract monthly expenses total from the income total)	\$

Step #3: Equity Calculation

In addition to completing your Statement of the Problem and your Personal Financial Assessment, determine how much equity you have in your home. This may help you decide whether you intend to keep your home at all costs.

Current Market Value of Property	\$	(a)
Outstanding Loan Balance	\$	
Second Loan Balance	\$	
Unpaid Property Taxes	\$	
Other Other Debts Secured by the Home	\$	
Total Indebtedness	\$	(b)
Total Equity Position (a minus b)	\$	

The equity calculation is necessary to help you analyze all of your options. It will also be important to the lender depending upon the type of relief you seek. You are now in a position to examine the various types of assistance that might be available to you from the lender.

Primary Options for Consideration

Depending on the results of Steps 1, 2, & 3, there are many things the lenders can do to help you resolve the delinquency.

Reinstatement (Cure): The easiest way to cure a delinquency is to pay the lender everything that is owed. This includes missed payments, any late fees associated with these payments, and any other fees the lender charges as a result of your delinquency. The reinstatement period varies from state to state.

Repayment Plan: This is a written agreement between you and the lender to help you make up missed payments. Generally, these agreements require higher payments than the regular monthly mortgage amount for a short period of time, until the loan is brought up-to-date. You must not agree to a payment plan you cannot honor; but you must be willing to pay what you can realistically afford. If you fail to meet the terms of this agreement, you will probably receive no additional help from the lender.

Modification: A loan modification involves changing one or more terms of a mortgage. Modifications can be considered to reduce the interest rate of the mortgage, change the mortgage product (from an adjustable rate to a fixed rate, for example), extend the term of the mortgage or capitalize delinquent payments (add delinquent payments to the mortgage balance — only available in extreme hardship situations). Modifications are not easily granted and there must be strong, justifiable reasons for the request.

Forbearance Agreement: The lender may allow you a period of time (3 to 6 months generally) during which to make lower payments or no payments at all. Unless the loan term is extended, later payments generally will have to be higher than the original monthly mortgage payments until the loan is up-to-date again.

Special Forbearance (Applicable to FHA-insured loans only): The lender may allow partial payments for up to 18 months to allow the borrower to get back on track. The lender may also offer “partial claim”, or advance funds, to help you become current.

Refinance: If you have paid off a good chunk of your mortgage or can get a lower interest rate on a new

mortgage than your current rate, refinancing may be able to give you a lower, more affordable payment. However, getting a new loan can be difficult if you are delinquent on your current mortgage and/or have a low credit score. Also, it may be difficult to refinance if you have no equity.

Second Mortgage (Equity Loan): A second mortgage gives you cash to cure your mortgage delinquency, but it is generally only feasible if you fell behind on your first mortgage due to a temporary problem. Another mortgage payment will only compound long-term payment issues. In order to get a home equity loan, you usually need to have equity in the home and a good credit score.

Bankruptcy: While this may seem to be the most unpleasant option, it may allow you to save the property. A Chapter 13 bankruptcy may help you save your home from foreclosure if all other options have failed. You will need to consult a bankruptcy attorney. Legal advice is always recommended prior to filing.

Secondary Options for Consideration

It is important and realistic to consider other options if you cannot afford to or don't really want to keep your home. This could occur when your situation changes so much that you cannot make the payments that you have been making. It can also occur when there is no equity in the property. Suppose you bought your home several years ago for \$158,000 and today your mortgage balance is \$148,000. If a realtor informs you that the value of your home has declined to \$140,000, you might decide not to keep it.

Foreclosure: You may decide not to, or may not be able to, make any more payments. When this happens, the lender will foreclose and take your home. The amount of time this takes varies from state to state.

NOTE: Some states allow the lender a deficiency judgment for the difference in value between the mortgage balance and any loss the lender might suffer where property values have declined. Deficiency judgments are not common.

Deed in Lieu of Foreclosure: This option, which must be done with the lender's permission, means you deed your home back to the lender. This saves the lender money and time and you avoid having a foreclosure on your credit report.

Short Sale (Pre-Foreclosure Sale for FHA-insured loans): A short sale is the sale of a home for less than the amount owed on the mortgage. A lender may agree to a short sale because if the property is foreclosed upon, the lender will have to sell the house anyway. If you have a first and second mortgage, both lenders must agree to the short sale.

How you handle your delinquency will affect your credit report. Negative information, including late payments, foreclosures, deed-in-lieus, and short sales, can stay on your report for 7 years. However, if you do a deed-in-lieu or short sale, you may be able to negotiate with your lender to remove late payment information and simply mark your mortgage as paid off. You may also be able to have late payments removed if you do a repayment plan or modification. The lender may say no to your request, but it does not hurt to ask.

NOTE: Be sure to research the tax implications of whatever option you pursue. If any of your mortgage balance is forgiven by your lender, you may be responsible for paying ordinary income taxes on that amount. Consult with a tax specialist or the IRS (www.irs.gov) for more information.

Delinquent Mortgage: Plan of Action

You probably have talked by telephone to the lender or servicer and now you are in a position to make a formal request for assistance in writing. To submit your Plan of Action you should:

- Gather all of the documentation you need to provide the lender explaining why you are seeking relief.
- Write a letter to the lender asking for specific relief. If you have made your request verbally, always be sure to follow it up with a written request.

- Keep a telephone log of all calls made to and received from the lender. Indicate time called, the person you spoke with and results of the conversation.
- Be sure to meet any deadline given to you by the lender. Failure to provide information on time can jeopardize your request.

Step 1: Contact the lender.

Remember it is always best to contact the lender at the earliest date (hopefully while you are still current) or as soon as you have missed your first payment. You can contact the lender by calling the 800 number on your most recent statement. Your call should always be followed by a written summary of what you discussed.

Step 2: Draft a written summary.

(See the sample lender letter on page 15.) Include your loan number, which you will find at the top of any correspondence sent by you to the lender, as well as the property address. Include the following items in your letter:

- Paragraph 1 – Statement of the Problem. Refer to your Statement of the Problem Worksheet and restate very clearly why you are delinquent (or will be delinquent). Be very honest and be prepared to furnish documentation to support your statement.
- Paragraph 2 – Summarize your efforts to resolve the problem. Again, remember to be specific and be ready to furnish documentation to back up your efforts. Tell the lender that you will do whatever it takes to save your home from foreclosure.

Step 3: Include any documentation that will support your claim.

For instance, if you were laid off, send a copy of official notice or unemployment benefits notice, which will verify the layoff. If under a doctor's supervision, send a letter from the doctor specifying what happened and when you might return to work. Also, be sure to include a copy of your Personal Financial Assessment worksheet.

Step 4: Send this request Certified Mail, Return Receipt Requested

Be sure to send your letters certified mail and keep copies of everything you send to the lender. It is very

important that you keep accurate documentation of this entire process.

By following a reasonable and realistic Plan of Action, there is a good chance your lender will offer some assistance. It is essential that you follow through with your part of the bargain. Never agree to something that you know will be impossible for you to complete. Most lenders will only give you one chance to resolve your delinquency. If you fail to keep the terms of your loan workout agreement, you probably won't get a second chance.

However, if your financial situation changes due to circumstances beyond your control and you can't meet the terms of your loan workout, let the lender know right away. There is a good chance they will work with you.

You can use the techniques above for your other creditors as well. (See the sample creditor letter on page 15.) Notification to everyone is the surest way to receive the assistance you need.

Foreclosure

If you miss mortgage payments, the lender can decide to begin the foreclosure process. This typically occurs between the 60th and 90th day of delinquency. First a document called a Notice of Default will be recorded with the County Recorder's Office and a copy of the notice will be sent to you. This notice actually starts the foreclosure process, which generally takes several months.

You may bring your loan current by making all the missed payments, late fees, and any other charges accrued. Bringing the loan payments current will cure the default and the loan will continue as if the payments had never been late. If the default is not cured by paying all back payments plus costs, or by making some other agreement with the lender, your home will be sold at auction to the highest bidder, usually the lender.

In most states, after foreclosure sale occurs, you will have no further options and will have lost all rights of possession and ownership to the new owner. The lender (new owner) can then proceed to evict you following normal eviction procedures just as if you were a tenant who had not paid rent. This process can be completed in just a few weeks.

Sample Lender Letter

February 18, 20X0

Friendly Mortgage Company
123 Main Street
San Francisco, CA 94108

RE: Loan Number 14365-3324
345 Anywhere Street
San Francisco, CA 94115

Dear Lender:

I am writing to ask for your assistance. On November 15th of last year, while at work on my job with Heavy Construction Company, I fell and broke my leg. Since that date I have been unable to work and have incurred additional medical bills not covered by insurance. It is for this reason that I have not made my December and January payments. I have enclosed an accident report from my company verifying the date of my injury. I've also attached a letter from my doctor indicating that I will be able to return to work on May 1st.

I need your help in order to keep my home from foreclosure. I would like to make 1/2 payments for the next 4 months. Beginning with June, I would like to make a full payment and 1/4 of the missed payments until such time as I am completely current. This should take me about 8 months to get back on track. I do not anticipate having any difficulty returning to work in May. I have been with this company for 11 years and anticipate retiring with them in the future.

I am working with a financial counselor from the BALANCE Housing Education Program. I have prepared a budget, which I've enclosed for your review. You can see that with your assistance, I will be able to make it financially until I return to work full-time.

My telephone number is (555) 123-4567 and the best time of the day to reach me is between 2pm and 5pm each afternoon. If there is any additional information that I might provide, please let me know immediately.

Thank you very much for your consideration and assistance in helping me save my home from foreclosure.

Respectfully,
John Q. Public

Enclosures

Sample Creditor Letter

February 18, 20X0
XYZ Credit Corporation
Central City, CA 94123

Dear Creditor:

Due to a lay-off, I am temporarily out of work and as a result, am experiencing financial difficulty. I have analyzed my current situation with the help of a BALANCE counselor.

After making a strict budget for my expenses (budget enclosed) I find it necessary to ask each creditor to accept a reduced payment for the next three months. By then, I anticipate being back to work and earning as usual.

I would appreciate your cooperation in making the payment plan work. In place of the regular payment of \$50, I request that you accept payments of \$30 per month during this emergency. I will pay before the 30th of the month.

You can be sure that I will resume normal payments as soon as possible. I feel very bad about having to ask for the consideration and hope you understand. If there are any changes in my situation, I will notify you of them as soon as possible.

Sincerely,

John Q. Public
345 Anywhere Street, San Francisco, CA 94115
Account Number 1234 5679 1011 1213