

**From:** ["Richard M. Fernández esq."](#)  
**To:** [Sen Shields](#)  
**Cc:** [Sen George L](#); [Sen Baertschiger](#); [Sen MonnesAnderson](#); [Sen Prozanski](#); [Newell Channa](#)  
**Subject:** Please support passage of SB 558  
**Date:** Tuesday, February 26, 2013 4:08:00 PM

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Dear Sen. Shields:

In addition to living in your district, I am a lawyer who practices foreclosure defense for struggling homeowners. Among the biggest problems we see in my firm is the failure of banks and servicers to comply with the terms of the MHA HAMP Guidelines when borrowers apply for loan modifications. Quite often, the very process of applying for a loan mod is turned into an excuse for foreclosing on borrowers who are lulled into thinking the banks are working with them, when in fact they are setting them up for foreclosure. This is facilitated by bank and servicer failure to communicate honestly and in good faith with borrowers - the examples I could give of egregious violations are endless. Bank lawyers know that HAMP provides no enforcement mechanism by borrowers so they are free to ignore its provisions. There are very few tools available to homeowners to protect themselves currently. We believe mediation is one of the most effective, because it provides another layer of recourse before a foreclosure can begin. The value of mediation is proven by the simple fact that non-judicial foreclosures have effectively disappeared in Oregon, so scared are the banks of entering into this process. Please support SB 558 so that homeowners facing judicial foreclosure also have a similar tool to make the banks come to the table.

Thank you very much,



Richard M. Fernández

Attorney / Abogado

Bowles Fernández Law LLC  
5200 SW Meadows Rd Ste 150  
Lake Oswego, OR 97035-0066  
**p** 503.726.5930  
**f** 503.406.2428  
[rick@bowlesfernandez.com](mailto:rick@bowlesfernandez.com)

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