



## **FIGHTING FORECLOSURE... Success Strategies to Save Your Home!**

Unforeseen circumstances can create financial hardship and affect your ability to make your mortgage payments on time. **Early communication** with your lender is important. Contact them as soon as you know a hardship exists to discuss your situation and request that a “work out package” be sent to you. Know that the lender really does NOT **want** your home, but they do want their money and will work with you to try to save your home!

**Completing, signing, and returning the assistance application or “work out package” with supporting documents is KEY to a successful outcome.**

- 1. Getting Started.** Please review all the pages of the work out package before you begin. It is important to use legible handwriting.
- 2. Complete the assistance application entirely and include ALL required documents in one submission.** DO NOT SEND ITEMS “PIECE MEAL”. Be sure to write your Loan Account Number on EVERY PAGE of submission. Keep a copy of everything you send including your application and supporting documents for yourself. The lender may ask you to send them again.
- 3. Completing the Borrower Information (Typically page 1)**  
Only the person(s) that signed the note or loan are the actual borrowers and the information you provide is just for them. (A spouse is not a co-borrower *unless* they signed the note or loan. All spouses must sign the mortgage, as Ohio recognizes “dower rights”.) If unsure, see the name(s) that appear on your monthly mortgage statements.
- 4. Complete Income and Expenses Documentation (Typically page 2)**  
You will need to include specific income verification documents depending on your sources of income. Details on calculating income are provided on page 5.
- 5. Complete Hardship Details (Typically page 3)**  
These questions are typically on the application, **don’t overlook them**. Please include details of your hardship, as well as provide the date the hardship occurred and its expected duration. Depending on the hardship, the application will tell you what documentation is needed. In addition, you may also have to write a letter of explanation, detailing the events that led to your missed payment(s). Keep it as brief and to the point as possible.
- 6. Sign and Date the application, and gather ALL supporting documents.**



**7. Complete IRS Form 4506-T.** This permits your mortgage company to request a transcript of your federal tax return(s) should they choose to. Please make sure you fill out this form COMPLETELY and CHECK THE BOC above the signature line. Some lenders will request that you send copies of your previous 1 or 2 years FEDERAL tax returns, with the other required documents. Even if they do, you still need to sign and return the 4506-T form.

**PLEASE NOTE:** Supplying all requested information **does not guarantee** that you will be approved. Depending on your type of loan and the investor (the owner of your loan), only specific programs may be available. The company you make your payments to (aka your lender) is usually just the **servicer** for the investor.

Use the following checklist as a guide to ensure your application is complete to avoid delays. Please take an extra moment to double check that you've accurately submitted everything you need:

- The IRS Form 4506-T**, completed, signed and box checked. Sample is found on page 6.
- Hardship letter**, signed and dated, explaining reason for missed payments.
- All bank statements**, in consecutive order, starting with the most recent month, and that copies of all pages (front and back), even blank pages, are included.
- The entire Mortgage Assistance Application** with no missing pages.
- Your most recent pay stubs** in consecutive order.
- Please do not redact any data** on your documents (for example: do not black out an account number on a bank statement).
- Federal tax returns** (signed & dated), if required. If you did not file a tax return, include a letter explaining why.

**Confirmation of Submission:** You should get a letter confirming receipt of your submission within a couple of weeks. Read it carefully and call your lender (specifically the loss mitigation department) with any questions. Be aware that collection calls will continue during this process.

## Understanding Your Options

Assuming you want to keep your home, the most common “retention options” include:

- **Loan modification.** This is like a “free refinance,” where your lender rewrites the terms of your mortgage, ideally reducing your payment to make it more affordable.
- **Repayment plan.** You pay a payment plus an additional amount towards arrearage for a certain number of months, typically determined by your lender, until you are caught back up. If you show you can afford a repayment plan based on the financial information you provide, you may also make the lender a payment offer based on what you can afford.
- **Forbearance.** The lender reduces your payments for a set amount of time – but at the end of that time all the money that you weren't paying becomes due. Ideally you will qualify for a modification by the end of the forbearance period; if not, foreclosure is likely.
- **Bankruptcy.** *\*Always Consult a Bankruptcy attorney for legal advice\**



- **Chapter 7 Bankruptcy.** If eligible, you can eliminate all unsecured debt, and you can likely keep your home and car.
- **Chapter 13 Bankruptcy.** A repayment plan – typically over 3-5 years. The goal is that at the end of the plan you are current on all debts (and retain assets) you included in the plan.

**In the event you do not want to keep your home, standard “exit options” include:**

- **Short Sale.** Some people call it a “quick sale” – but that’s very inaccurate! This may be done when you owe more on the house than what you can sell it for.  
**What to know:** you must use a realtor who does the negotiating between potential buyers and your lender to accept or counter-offer any offers. Banks may not be very fast at approving these, so this process **can** be long and nerve-wracking. Potential buyers may walk away and find another home without all the “hassle.”  
**Beware:** you **may** get a 1099 at year’s end and could have to pay tax on any forgiven debt resulting from a short sale. That forgiven debt is considered **unearned income** and therefore taxable income – which, depending on the amount forgiven, **could** have significant tax implications.
- **Deed in Lieu (DIL).** With this option, you can avoid the foreclosure process and “simply give” the house back to the lender. However, this is not an easy process and the lender may not be willing. You must let your lender know if you are interested in this option.  
**What to know:** Typically, you first list your home for sale with a realtor for at least 3 months. If no sale, ask if DIL with “cash for keys” is an option. If you list with a realtor and can’t sell, you must leave the home in “broom-clean” condition (i.e. not filthy, trashed and torn up). The lender will give you an agreed-upon cash amount, subject to their inspection when the property is vacated.
- **Foreclosure.** Should you decide to “let it go”, and do nothing, it is wise for you stay in the home for long as you can and save money to relocate.  
**What to know:** The process can be 6 months +/-, **and** you have at least 60 days after the sheriff’s sale for the sale to be **confirmed**, meaning the new deed is prepared for the new owner(s). After that, **only** a sheriff deputy can physically escort you from the home and **only** after you have been served a 10-day notice to vacate.  
**NOTE:** If the house sells for less than owed at the sheriff’s sale, the bank may file a default judgment against you for the difference. This is generally referred to as the “lender’s loss.” Lenders do not typically pursue collecting on these judgments, nor report to the credit bureaus. Additionally, you will not typically get a 1099 for unearned income.

## Helpful Phone Numbers and Links

### Avoid Foreclosure Ohio

For additional detail information about alternative options to foreclosure:

[avoidforeclosureohio.org](http://avoidforeclosureohio.org)

### CFPB (Consumer Finance Protection Bureau)

To file a complaint against your mortgage company:

[consumerfinance.gov](http://consumerfinance.gov) or call 855-411-2372

### eHome America

Free online “Foreclosure Prevention” course:

<https://www.ehomeamerica.org/nhp>



Does **Fannie Mae or Freddie Mac** own your loan? Look-up:

For Fannie Mae: <http://www.knowyouroptions.com/avoid-foreclosure>

For Freddie Mac: <http://www.freddiemac.com/loan/loanlookup>

## Nolo

Free legal information – look up Ohio foreclosure procedures:

<https://www.nolo.com/legal-encyclopedia> (use the search box at top of page)

## Ohio Foreclosure Law

Current law surrounding foreclosures in Ohio:

[http://foreclosurelaw.org/Ohio\\_Foreclosure\\_Law.htm](http://foreclosurelaw.org/Ohio_Foreclosure_Law.htm)

## Save the Dream Ohio/Ohio's Hardest Hit Funds

For homeowners that have been approved for **unemployment** or **disability** benefits on or after January 1, 2014. This program provides funds to bring your loan current and pay up to 9 months of future payments. For more information and program qualifications, look up:

[www.savethedream.ohio.gov](http://www.savethedream.ohio.gov) or call **888-404-4674**

## Phone Tips

When making that initial call to your lender, **be prepared** for the questions they may ask. The lender may review your financial information or ask, “What caused you to fall behind on your payments?”

Before you call, it is **very important** to write down **all** your income sources/amounts: paychecks, social security, child support, etc. List income by **both gross** (before deductions) **and net** (after deductions).

These amounts should be the same you include in the work out package's financial information section.

This information is critical as it determines which, if any, programs you may qualify for.

**What to know:** When listing all income and expenses, keep in mind that if you show a large shortage in your budget, your lender may consider it unaffordable. They can't reduce your payment enough to cover the shortage in the budget and no workout is offered. If you show a large surplus of income, you will be more likely to be offered a repayment plan. For utility bills, gasoline and other expenses that vary each month, you should use an “average” cost. If something like a car loan is almost paid off, remember to also disclose that.

When contacting your lender, keep a **call log** detailing the date, time, name of who you speak with, and notes of your conversation. Call weekly for updates after you've sent your submission.

## Keep in Mind

- Different lenders may require different information in different circumstances.
- This resource guide is specifically for **owner occupied** properties. Contact your lender if you need information on assistance with investment properties.
- Foreclosure **cannot** be started **until you have missed the 4<sup>th</sup> payment**.
- If you do get served with foreclosure papers, you have 28 calendar days (from the day you were served the foreclosure papers) to file a 60-Day Extension with the court. This is a simple process, and NHP can provide the paperwork upon request. This can buy you additional time to work with your lender before the bank can move forward with the process. After this, it typically takes 1 – 2 months for the case to go through the courts and get a foreclosure sale date scheduled with the Sheriff's office. It must be advertised in local newspaper for 3 consecutive weeks.
- **If denied** (the lender's decision must be in writing), **you can appeal or resubmit a new package**.



# Calculating Income

4 weeks is NOT a month! Gross household income is calculated based on the average income per pay period of all income sources for all applicants. Examples of calculations are shown below:

**\$ Weekly Pay** – 4 paystubs:

Example:  $\$500 + \$525 + \$631 + \$720 = \$2,376 / 4 = \$594 \times 52 = \$30,888 / 12 = \$2,574$  monthly income.

**\$ Biweekly Pay** – 2 paystubs:

Example:  $\$600 + \$645 = \$1,245 / 2 = \$622.50 \times 26 = \$16,185 / 12 = \$1,348.75$  monthly income.

**\$ Bi-monthly Pay** – 2 paystubs:

Example:  $\$1,200 + \$1,500 = \$2,700 / 2 = \$1,350 \times 24 = \$32,400 / 12 = \$2,700$  monthly income.

**\$ Monthly Pay** – Last 2 check stubs or benefit award letter:

Gross amount is the monthly income. Example: Social Security before Medicare deduction, or Pension/Annuity before deductions are taken out.

**\$ Self-Employed** – Last 2 years **complete** Federal Tax returns (signed). Also, the most recent quarterly Profit and Loss (P&L) statement. Gross income – Expenses = Net (countable) income.

**\$ Rental Income** – Most recent **complete** Federal Tax return (signed) including Schedule E. Rental income on line 26 less depreciation/depletion on line 18 divided by 12.

**FYI:** If you have someone in your household that is not a signer on the note or loan, and therefore not a ‘borrower’ (like a spouse, live in friend, partner, or child) and they have income **and** contribute (and you need the additional income for affordability), then you may be able to count that income. Lenders will typically request a signed letter with a contribution amount, proof of address and income. Individual situations vary; your lender will tell you what they require.

## Final Note

If you have questions regarding this guide and the foreclosure process, please feel free to contact Neighborhood Housing Partnership (NHP) at 937-322-4623 or [information@springfieldnhp.org](mailto:information@springfieldnhp.org).



Neighborhood Housing Partnership

OF GREATER SPRINGFIELD



527 E. Home Rd., Springfield, Ohio 45503 (937) 322-4623



**4506-T**

**Request for Transcript of Tax Return**

OMB No. 1545-1872

▶ Do not sign this form unless all applicable lines have been completed.  
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**1a** Name shown on tax return, if a joint return, enter the name

**1b** First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)

**2a** If a joint return, enter spouse's name shown on tax return.

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**3** Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

**4** Previous address shown on the last return filed if different from line 3 (see instructions)

**5** If the transcript or tax information is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

**Caution:** If the tax transcript is being mailed to a third party, ensure that you have filled in lines 6 through 9 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your tax transcript to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your transcript information, you can specify this limitation in your written agreement with the third party.

**6** Transcript requested. Enter the tax form number here (1040, 1065, 1120, etc.) and check the appropriate box below. Enter only one tax form number per request.

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**8** Form W-2, Form 1099 series, Form 1098 series, or Form 5498 series transcript. The IRS can provide a transcript that includes data from these information returns. State or local information is not included with the Form W-2 information. The IRS may be able to provide this transcript information for up to 10 years. Information for the current year is generally not available until the year after it is filed with the IRS. For example, W-2 information for 2011, filed in 2012, will likely not be available from the IRS until 2013. If you need W-2 information for retirement purposes, you should contact the Social Security Administration at 1-800-772-1213. Most requests will be processed within 10 business days.

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Signatory attests that he/she has read the attestation clause and upon so reading declares that he/she has the authority to sign the Form 4506-T. See instructions.

Signature (see instructions) \_\_\_\_\_ Date \_\_\_\_\_

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Spouse's signature \_\_\_\_\_ Date \_\_\_\_\_

For Privacy Act and Paperwork Reduction Act Notice, see page 2. Col. No. 37667N Form 4506-T (Rev. 7-2017)

**Request for Transcript of Tax Return**

**4506-T**

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**U.S. Bank and Its Successors and/or Assigns, 4901 Frederica St. Owensboro, KY 42301. 655.698.7627**

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