

Lee County foreclosures continue

Banks' moratorium claims called 'farce'

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Two giant lenders who said they're freezing foreclosures nationwide are conducting business as usual at the Lee County Courthouse.

JPMorgan Chase & Co. and Bank of America Corp., along with some smaller lenders, have announced that they were holding off on court-based foreclosures until they could sort out issues with them, such as whether attorneys actually read all the paperwork.

But in Lee County, court records show both of those banks have continued to get court judgments allowing the sale of mortgages on foreclosed houses at public auction.

That's despite statements from both banks that they stopped doing that about two weeks ago.

April Charney, a Jacksonville-area legal aid attorney who's an expert on foreclosure issues, said she's hearing similar reports from around the country. She scoffed at the banks' protests that they didn't intend for the judgments to be issued.

"It's a farce," she said. "We're all being played."

JP Morgan spokesman Tom Kelly said Tuesday he didn't know the bank's attorneys were continuing to get judgments allowing them to go forward with auctions.

Twelve judgments have been issued in Lee for JPMorgan since Oct. 2, the latest on Tuesday, according to court records.

"We reached out to our local foreclosure counsel and asked them to ask the courts not to enter judgments," Kelly said. "I don't know what happened there."

JP Morgan always intended to continue filing new foreclosure lawsuits, as it has been doing, he said.

Bank of America spokesman Rick Simon said in an e-mail Monday night that "the bank continues to process foreclosures on delinquent accounts, but will not take the process to the point of judgment or sale."

However, county court records show judgments have continued for the bank, the latest being issued Tuesday.

Simon said in an e-mail Tuesday afternoon that contributing factors "include that the judgment might not have been a loan we serviced, but one we were the trustee or owner for. Also, there are several reasons beyond our control that the Court might have gone ahead and entered the order."

He continued that "if we find judgments have been entered against our instructions, wishes and they are within our control, we will deal with those and postpone any sale until after the review is completed."

Bank of America announced its freeze for Florida and 22 other states Oct. 1, but continued through Friday to go forward with public auctions — the last step before people are forced to leave their homes to make way for the new owner.

Simon said in an e-mail that after the bank's Oct. 1 announcement of the freeze, it continued with auctions that resulted from judgments before Oct. 1.

On Friday, Oct. 8, the bank expanded its ban to include all states and delayed future auctions, he said.



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No public auctions were held Monday or Tuesday in Lee County.

Kevin Jursinski, a Fort Myers-based attorney who handles foreclosure cases, said he tries to resolve his clients' cases well before a judgment and the ensuing auction.

"A judgment is pretty devastating to a lot of people," he said.

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