

Do Not Make A Bad Time Worse

March 1, 2012



Melanie Payne – New Press Columnist

Fort Myers, FL - Karen Harb knew she was going to lose her Fort Myers home.

She couldn't afford it, had stopped making the mortgage payments and wasn't fighting the foreclosure.

Still, the process dragged on. In August 2009, Harb's bank filed a foreclosure lawsuit on her Heritage Cove home. It was finally sold in late December 2011. On Valentine's Day, a writ of possession was filed. On Feb. 17, a notice was posted on the door of the home telling her to be out before 7 a.m. Feb. 21.

Harb, 75, was in Minnesota recovering from surgery. She had been there for months staying with her daughter. She wasn't home to see the note on her door. And she wasn't there when the Lee County Sheriff's Office arrived to make sure the home was secure before the crew came in to move Harb's possessions to the curb.

A neighbor called Harb's good friend, Bernadine Clark-Hodge, to tell her what was happening, but Clark-Hodge didn't get the message until late that morning. When she did, however, she rushed over to the home and told the movers she would be back with a moving truck to pick up Harb's possessions and move them to a storage unit.

Clark-Hodge trusted the neighbors not to take Harb's furniture and belongings. She didn't expect, she said, for the clean-out crew to load the items into trucks to be taken away. But according to Clark-Hodge, and the neighbors who witnessed it, that's what happened. All Harb's dishes, pots and pans, silverware, her master bedroom set, bar stools, recliners and an armoire were taken.

Less valuable items were left, Harb said. "They knew what they were doing."

Red Pig Realty, the company selling the property for Fannie Mae, declined to comment on the incident. So I'm not sure who they hired to do this job and whether it's common practice for them to keep what they want from these foreclosure clean-outs.

But real estate attorney Kara Jursinski said the movers should have moved the items to the property line and left. "They exceeded their authority by not abandoning it on the curb," she said.

The arrival of Clark-Hodge and her husband Dave Hodge with the movers from A. J. Bradley Moving & Storage halted the pillaging of Harb's belongings by the clean-out crew. The Hodges paid \$420 to the movers and \$159 for a unit at A Storage Inn.

As awful as this situation is, I think it could have been avoided.

First, Harb didn't hire an attorney to represent her in the foreclosure. She especially needed to do this not only because it's a good idea to have legal representation when you have a legal problem, but also because she was leaving town. The attorney would have told her when the writ of possession was filed and told her she only had days before she would have to have her possessions out of the house.

The next thing is that she knew she was going to have to get out eventually. So why not do it when it was convenient? Before leaving for Minnesota, she should have moved her belongings just in case the foreclosure was made final while she was gone.

I feel sorry for people losing their homes. Honestly, I do. And I don't think a clean-out crew should help themselves to the furnishings.

But you can't stick your head in the sand when you're in a foreclosure. You need to regularly check what's going on with your case. (Every move is online at leeclerk.org). Whether you have an attorney or not, you need to watch what's happening. And my advice is, when your home is sold, you need to start packing because it's not a matter of "if" at that point, it's a matter of "when." And it will be cheaper and easier if you're prepared.

Email Melanie Payne at tellmel@news-press.com, call 239-344-4772 or write to "Tell Mel," 2442 Martin Luther King Jr. Blvd., Fort Myers, 33901. Read more at news-press.com/tellmel.