

Short Sales -LUCKY 7
Prudential, Americana Group, REALTORS®
September 10, 2009

EXPLANATION of a Short Sale: <http://ameglegal.wordpress.com/2007/05/04/tgif-legal-tip-short-sale-seller-perspective/>

1. Inspections

Buyer? The Sellers are not providing SRPDs nor paying for repairs.
Get an inspection, lower price if necessary.

2. Foreclosure Date

Trustee sale date?
Share this date with the purchasing party.
Buyer? Know the date, get permission to get updates.

3. Loans - Foreclosure Debt Recovery

Sellers – Is there a First – Second – Third?
Know the terms of debt forgiveness? Have the seller ask the lender, “**what are the terms of the forgiveness of the debt?**”
Charge Off? Waived? 1099? Advise to seek counsel.
Nevada is a deficiency judgment state, which means a seller can be sued after they have been foreclosed upon. A second can pursue a foreclosed owner for six years.

Deficiency EXPLANATION -
<http://ameglegal.wordpress.com/2007/04/27/tgif-legal-tip-foreclosuredeficiency/>

Taxes EXPLANATION Personal Residence–
When taxes will not be charged
<http://ameglegal.wordpress.com/2007/12/21/tgif-legal-tip-mortgage-debt-relief-for-foreclosures-short-sales/>

One Action Rule EXPLANATION
<http://ameglegal.wordpress.com/2007/04/20/tgif-legal-tip-foreclosureone-actionsold-out-junior-lien-holders/>

4. Commission on MLS Ensure proper:

EXPLANATION -
<http://ameglegal.wordpress.com/2007/08/17/short-sale-reduced-commissions/>

5. CIC Liens

Unlike REO, these debts are valid and are required to be paid down to get clear title.
Get in touch with CIC.
EXPLANATION -
<http://ameglegal.wordpress.com/2009/07/02/priority-of-liens-for-dues-on-a-foreclosed/>

6. Bankruptcy?

Ensure Seller hasn't filed BK? If Seller has get with trustee to allow the sale to be approved without a motion, this is done by trustee noting there is not value to the home.
EXPLANATION
<http://ameglegal.wordpress.com/2008/01/18/tgif-legal-tip-how-does-a-chapter-13-bankruptcy-affect-a-foreclosure/>

7. Mediation Foreclosure

This law establishes a Foreclosure Mediation Program for owner-occupied residential properties that are subject to foreclosure notices – formally known as a *Notice of Default and Election to Sell* – filed on or after July 1, 2009. To qualify for the mediation program, a property must be a homeowner's primary residence and located in Nevada.
You can provide your seller with a CMA, to assist in future approvals. MEDIATION –
EXPLANATION
<http://ameglegal.wordpress.com/2009/07/10/tgif-legal-tip-mediation-option-for-nevada-foreclosures/>