

We examine and analyze each aspect of your case and aggressively advocate to protect your procedural and substantive rights.

Why You Should Fight And How You May Benefit

- You may stay in your home and not pay a dime toward the mortgage, taxes or insurance during the foreclosure process
- You may save your home through a reduction in the principle and interest
- During the process, the laws regarding modification may change to your benefit
- You want justice
- They may pay you to leave
- You may win on the merits by establishing a meritorious affirmative defense
- They may satisfy the mortgage without further payment, or may make a procedural error which prevents them from enforcing the mortgage
- The foreclosure is a lawsuit in an adversarial system. The Judge is not there to enforce procedural and substantive requirements if you do not insist upon them
- The judge can decide in your favor, on each point, and on each step of the way only if you put each legal issue in proper form before the Court. The Judge cannot act as your lawyer and defend you.

Don't Be a Victim of a Shortcut Foreclosure

BIOGRAPHICAL INFORMATION



Barry M. Elkin practices in the areas of federal and state consumer laws and regulations, debtor rights, mortgage foreclosure and real property litigation. In his extensive legal experience, spanning more than 38 years, Mr. Elkin has handled literally thousands of cases, involving many aspects of consumer law.

Barry M. Elkin has been a member of the Florida Bar Since 1971. He has also been admitted to the U.S. District Court, Middle District, Florida and the New York State Bar. He is a member of the National Association of Consumer Advocates.



Richard K. Peck practices in the area of consumer protection litigation and has significant courtroom experience representing consumers in civil lawsuits. Richard Peck was admitted to practice law in Florida in 2007.

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FORECLOSURE DEFENSE



Why You Need a Lawyer

Even If You Have Missed Many Payments, We May Rightfully Delay Foreclosure (Often 2-5 Years) By The Exercise Of Your Legal Rights

You May Stay In Your Home Until The Foreclosure Is Concluded

ELKIN-PECK, PLLC

ATTORNEY'S AT LAW

352-835-7977

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You Should Know

Defenses need not be apparent now, but may be uncovered during the discovery process. This may also result in a settlement favorable to you or may even prevent the foreclosure of your home.

The system does not allow the Court to help you unless you preserve and exercise your rights.

The Judge may not act as your lawyer and defend you.

Negotiations with your Lender will not stop the foreclosure on your home.

Your Lender may, in bad faith entice you to believe you will get a forbearance or a modification, while it proceeds to get a foreclosure judgment. Then it may often be too late for you to protect your home.

Many people believe that the judge can delay the foreclosure or modify the mortgage because of your hardships or negotiations with the Lender. This is not so.

Do You Know How to Exercise Your Rights to:

- Initiate RESPA demands
- Demand TILA compliance
- File a Motion to Quash
- Interpose Affirmative Defenses and Counter Claims
- Recognize grounds for a Motion to Dismiss
- Propound Interrogations
- Demand production of documents to support your defense
- Take depositions
- Set and argue hearings

- Introduce evidence to establish your defenses
- Exclude improper or defective evidence
- Compel Discovery
- Obtain sanctions
- Conduct a trial
- Negotiate from strength

We Do!

Do You Know How to Expose and Pursue Defenses and Counter Claims Due to:

- Fraud in the inducement or execution
- Bait and Switch
- Truth in Lending Act Violations
- Failure of a condition precedent
- The violation of Florida Unfair or Deceptive Trade Practices Act, Senior Citizens Protection Act, Consumer Collection Practices Act, Florida Civil Rights Act, The Fraudulent Practices and Mortgage Fraud Acts, and many other applicable federal and state consumer protection and debtor rights laws
- Common law affirmative defenses such as waiver, estoppel, bad faith and unclean hands, unconscionable conduct and failure to join indispensable parties

We Do!

These and many other points of law may be developed and utilized to advance your cause, protect your rights, confront your Lender, and, disturb the balance of power which your Lender assumes it always controls.

Why Us and What We Do

We help people in your situation every day. Foreclosure Defense and consumer litigation is all we do. We have been defending foreclosures for over 25 years!

We have the knowledge, experience, dedication, integrity, and demeanor to effectively present each aspect of your case to the Court and to opposing counsel.

We demand the documents (which you may not even know exist) and ask the questions that may prove that the Plaintiff...

- Lacks authority or has not met the pre-conditions for foreclosure
- Did not prepare or serve the foreclosure papers correctly
- Is trying to enforce invalid or compromised documents
- Is subject to affirmative defenses
- Cannot prove its case or is barred from enforcing the mortgage or note

We can demand, on your behalf, the strict compliance with the detailed and exacting, and often time-consuming formal procedures in each step of the foreclosure case.