

# Handling Post-Foreclosure Evictions & Predatory Lending in Housing Court

*Understand the significant changes in post-foreclosure litigation over the past decade*

Prior to 2011, post-foreclosure cases were drastically different than the way they appear today. This new program provides an in-depth overview of how post-foreclosure litigation changed over the last decade, and how it is being handled today along with best practices for handling these cases in Housing Court. Bring your questions!

## Agenda

- **Bank of New York, Trustee v. KC Bailey, 460 Mass. 322 (2011)**
  - Where the Supreme Judicial Court discussed whether the Housing Court has jurisdiction to decide the validity of a challenge to title raised by a former homeowner as a defense in summary process
- **U.S. Bank v. Ibanez, 458 Mass. 884 (2011)**
  - Where the Supreme Judicial Court discussed whether the mortgagee was legally entitled to foreclose on properties where the assignment of mortgage was neither executed nor recorded prior to the foreclosure sale
- **U.S. Bank, Trustee v. Schumacher, 467 Mass. 421 (2014)**
  - Where the Supreme Judicial Court discussed whether G.L. c. 244, § 35A was part of the foreclosure process and whether a mortgagee's failure to strictly comply renders a foreclosure void
- **Pinti v. Emigrant Mortg. Co., 472 Mass. 226 (2015)**
  - Where the Supreme Judicial Court discussed whether a mortgagee was required to strictly comply with the terms of a paragraph of the mortgage concerning the mortgagee's notice to the mortgagor of default and the right to cure
- **HSBC Bank USA, N.A. as Trustee v. Morris, 490 Mass. 322 (2022)**
  - Where the Supreme Judicial Court discussed whether in connection with a summary process action brought by an assignee of a home mortgage loan following a nonjudicial foreclosure, a borrower may bring a counterclaim under G.L. c. 183C, § 15(b)(2) of the Predatory Home Loan Practices Act
- **Other Notable Cases**
- **“Ask the Experts” Q&A Session**

## Faculty

Anthony J. Coletti, Esq., *Downing Van Dyke LLC, Framingham*, Chair  
James F. Creed, Jr., Esq., *CREEDLAW LLC, Marshfield*  
Adam T. Sherwin, Esq., *The Sherwin Law Firm, Charlestown*  
Hon. Jeffrey M. Winik, *Housing Court, Commonwealth of Massachusetts (Ret.)*



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## Dates & Location

Register at [www.mcle.org](http://www.mcle.org)

### LIVE WEBCAST

Monday, June 17, 2024  
12:00 pm–2:00 pm  
Program # 2240153WBC

### REBROADCAST

Tuesday, July 2, 2024  
9:00 am–11:00 am  
Program # 2240153RB1

### REBROADCAST

Wednesday, July 10, 2024  
2:00 pm–4:00 pm  
Program # 2240153RB2

### ON DEMAND WEBCAST

View after Wednesday, July 10, 2024  
Program # 2240153WBA

## Tuition *(includes written materials)*

- \$175
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## Materials

*Massachusetts Mortgages, Foreclosures, and Workouts* ebook, plus speaker materials

- E-materials link emailed upon registration
- Transcript & videorecording emailed 2 weeks post-program

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