



State News

DETROIT SHERIFF MODIFIES STANCE ON FORECLOSURE SALES

By Rose Marie Brook, Esq., Fabrizio & Brook

The Wayne County Sheriff, Warren Evans, has modified his moratorium on foreclosure sales in Detroit. Rules have now been imposed by which some non-judicial sales may proceed. The Sheriff has decided that for each property brought for non-judicial foreclosure sale, a sworn affidavit must be submitted. The affidavit must indicate whether TARP monies were received "by your firm". If TARP monies were received "by your firm", the affidavit must further state the steps which were taken to modify the homeowner's mortgage and why the loan modification was not successful.

Sheriff Evans ceased conducting foreclosure sales during his campaign for Mayor of Detroit. He was unsuccessful in the primary election and his new rules were released to the public on February 25, coinciding with the end of his electoral race.

While there may now be a small opening by which lenders may foreclose their loans, the Sheriff's self-imposed hurdles are cumbersome at best. The extent of what will be necessary to satisfy his requirements are still unknown.

As we have seen throughout the country, these rogue officials' interference with contracts have essentially gone unchallenged due to an almost certain backlash by the media. As such, the consequence of an official's unilateral disregard for the laws he is elected to enforce is . . . well, nothing.

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