

Home Loans

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Foreclosure Hearings for Clerks
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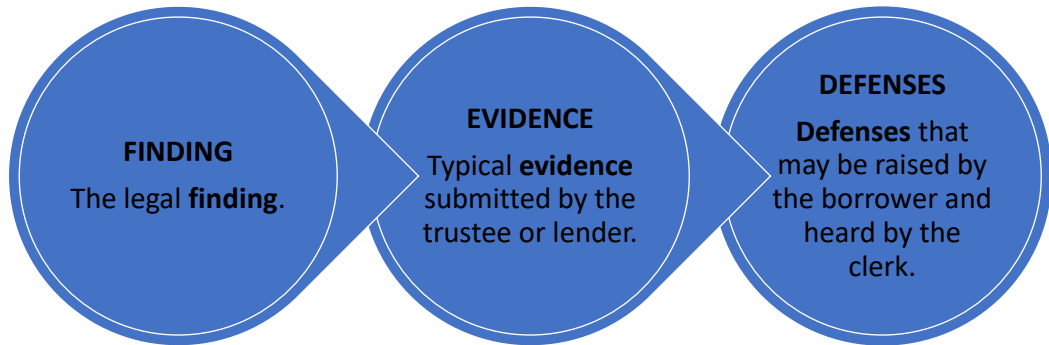
1

The Big Six

1. Holder of a valid debt
2. Right to foreclose
3. Default
4. Notice
5. **Home Loan**
6. Military Service

Plus one: loss mitigation pursuant to G.S. 45-21.16C.

2



3

Home Loans

If the clerk finds that the underlying mortgage debt is

1. not a home loan as defined in G.S. 45-101(1b), or
2. if the loan is a home loan under G.S. 45-101(1b), that
 - a. the pre-foreclosure notice under G.S. 45-102 was provided in all material respects, and
 - b. the periods of time established by G.S. Chapter 45, Article 11 have elapsed.

G.S. 45-21.16(d)(v).

4

What is a home loan?

Depends on

1. Type of loan
2. Type of borrower
3. Type of debt
4. Amount of debt
5. Type of security
6. Purpose of the loan

5

Type of Loan

Not an equity line.

Not a construction loan with funds disbursed periodically.

Not a reverse mortgage.

Not a bridge loan with a term of 12 months or less.

Not a commercial/business loan.

G.S. 45-101(1b).

6

Type of Borrower

Borrower must be a natural person.



G.S. 45-101(1b).

7

Type of Debt

Debt must be primarily for family, personal, or household purposes.



G.S. 45-101(1b).

8

Amount of Debt

Principal amount does not exceed Fannie Mae limits for single-family dwelling

G.S. 45-101(1b).

Units	Max Loan 2025	Max Loan 2024	Max Loan 2022	Max Loan 2021
1	\$806,500	\$766,550	\$647,200	\$548,250
2	\$1,032,650	\$981,500	\$828,700	\$702,000
3	\$1,248,150	\$1,186,350	\$1,001,650	\$848,500
4	\$1,551,250	\$1,474,400	\$1,244,850	\$1,054,500

9

Type of Security

Secured by a lien on current or future principal dwelling of the borrower, which is:

- Manufactured home,
- 1-4 family existing structure, or
- 1-4 family to be built structure

G.S. 45-101(1b).

10

Purpose of the Loan

- Purchase the house,
- Construct, improve, repair, remodel, or improve the dwelling or the real property on which it is located,
- Refinance an existing obligation secured by the same real property, or
- Consolidate existing consumer debts into a new home loan.

G.S. 45-101(1b).

11

Party Asserts: Not a Home Loan


Clerk confirms competent evidence that it is not a home loan:

1. Look for statement in the affidavits
2. From party capable of certifying loan status
3. That gives a reason why not a home loan –what element of G.S. 45-101(1b) makes it not a home loan?

Trustee or holder may also obtain a “non-home loan certificate” from the AOD/Housing Finance Agency database.

12

Evidence: Not a Home Loan



FILED
JUN 10 2013
CLERK OF SUPERIOR COURT
COUNTY OF WAKE

Non-Home Loan Certificate

This is to certify the following information about File No. 2011-054845 which has been generated by access to the database established and maintained by the Administrative Office of the Courts (the "database") as required under General Statute § 45-154:

1. That on August 30, 2011, the servicer of the loan subject to the File No. 2011-054845, PNC Bank, National Association, submitted information to the database regarding the terms of the loan, which are attached to this certification as EXHIBIT A.
2. That based upon the information provided by the servicer, the loan which is the subject of File No. 2011-054845 is not a "Home Loan" as defined under the law which governs the database established by NCSCA.

The information contained in this certification and Exhibit A may be reviewed by accessing the database at www.courtsnc.net/DatabaseAccess.asp, under File No. 2011-054845.


I, STEPHEN FA, an employee agent of PNC BANK,
WATKINSVILLE, GEORGIA, hereby certify that I have reviewed the database established and maintained by the Administrative Office of the Courts and certify this certification to be true.

Stephen A. Fa
Witness to my hand

18/10/11
Date

North Carolina
COUNTY OF _____, County

I certify that Stephen A. Fa, personally appeared before me this 18 day of October, 2011, at the court session of the County of Wake and having read and official said on this 18 day of October, 2011.



(Official Seal)

J. Christopher Jones
18-10-11

STATE OF NORTH CAROLINA	IN THE GENERAL COURT OF JUSTICE SUPERIOR COURT DIVISION 21-SP-1234
COUNTY OF PRICE	
IN THE MATTER OF THE FORECLOSURE of a Deed of Trust from December 5, 2006 dated and recorded on December 22, 2006 in Book 6569, Page 1029 of the Price County Register of Deeds by Sunshine Trustee Services, LLC (Substitute Trustee).	SERVICER AFFIDAVIT

The undersigned, being first duly sworn, deposes and says that:

1. I am the Assistant Secretary of Nationstar Loan Servicing LLC. I am familiar with the books and records of Nationstar Loan Servicing LLC and I am authorized and competent to make this affidavit.
2. Happy Lending LLC ("Holder") is the current owner and holder of the Promissory Note executed by Bob and Belinda Barker in the original principal amount of \$417,000.00 dated December 5, 2006 (as amended, modified, renewed or restated, the "Note").
3. Payment of the Note is secured by a Deed of Trust from Bob and Belinda Barker to PRLAP, Inc. for the benefit of Capital One, FSB, dated December 5, 2006 and recorded on December 22, 2006 in Book 6569, Page 1029 of the Price County Public Registry, securing indebtedness in the original principal amount of \$417,000.00 (the "Deed of Trust").
4. The copies of the Note and the Deed of Trust attached hereto as Exhibits A and B, respectively, are true, accurate and complete copies of the original Note and Deed of Trust, which are the subject of this Foreclosure proceeding.

Party Asserts: It is a Home Loan

- 1. 45-Day Letter:** At least 45 days prior to filing the notice of hearing, servicer must send written notice by mail to the last known address of the borrower to inform the borrower of resources available to avoid foreclosure
- 2. Registration:** Servicer must register the loan within 3 business days of mailing the letter in the AOC/Housing Finance Agency Database
- 3. Certification:** Trustee must include a certification in the notice of hearing that the pre-foreclosure notice (45-day letter) and information required in the registration were provided material respects and that all requisite time periods have elapsed.

* Servicer includes any person or entity entitled to receive loan payments.

FILED
PRICE COUNTY
CLERK OF COURT
10/1/2021
11:43AM

STATE OF NORTH CAROLINA
COUNTY OF PRICE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
21-89-1234

IN THE MATTER OF THE FORECLOSURE of
a Deed of Trust from December 5, 2006 dated and
recorded on December 22, 2006 in Book 6569,
Page 1029 of the Price County Register of Deeds
by Sunline Trustee Services, LLC (Substitute
Trustee)

**NOTICE OF HEARING ON FORECLOSURE
OF DEED OF TRUST**

To: Bob Barker and Belinda Barker

YOU ARE HEREBY NOTIFIED that the Clerk of Superior Court of Price County, North Carolina, shall
conduct a hearing pursuant to North Carolina General Statutes Section 45-21.16 with respect to the
foreclosure of certain real property, as hereinafter set forth.

THE ABOVE HEARING SHALL BE CONDUCTED IN THE OFFICE OF THE CLERK OF
SUPERIOR COURT IN THE CLINTON COUNTY COURTHOUSE, 1234 Wheat Way, Showdown,
NC, Room 234, on December 10, 2021 at 1:00 PM. THE HEARING MAY BE CONTINUED TO A
LATER TIME OR DATE IN WHICH EVENT YOU WILL RECEIVE WRITTEN NOTICE.

(1) The particular real estate security interest being foreclosed is a Deed of Trust from Bob and Belinda
Barker (collectively, "Owner") to PRLAP, Inc. (the "Original Trustee") for the benefit of Capital
One FSB ("Original Lender"), as beneficiary dated December 5, 2006 and recorded on December 22,

USPS First Class Mail

43 Day Letter

August 1, 2019

Bob and Belinda Barker
1234 Price is Right Way
Showdown NC 27892

RE: 1234 PRICE IS RIGHT WAY, SHOWDOWN, NORTH CAROLINA 27892

To Bob and Belinda Barker:

You are obligated under a promissory note dated December 5, 2006, which is secured by a deed of trust
on the above referenced property. Please be advised of the following:

- You are currently past due on the note in the amount of \$85,000.
- You have fees in the amount of \$2,000.
- You have many loan options available after this foreclosure and that the borrower may discuss
available options with the mortgage lender, the mortgage servicer, or a counselor approved by the
U.S. Department of Housing and Urban Development.
- The address, telephone number, and other contact information for servicer who is authorized to
attempt to work with you to avoid foreclosure is National Loan Servicing, LLC, 6254 Money
Drive, Angier, NC 28422, 919-695-6234.
- The name, address, telephone number, and other contact information for a HUD-approved
counseling agency operating to assist borrowers in North Carolina to avoid foreclosure is White
Oak Foundation, 1611 White Oak Church Road, Showdown, North Carolina, 919-562-6706.
- The address, telephone number, and other contact information for the State Home Foreclosure
Prevention Program of the Housing Finance Agency is:
a. P.O. Box 23066
Raleigh, NC 27611-8066
b. 1938 Bush Street
Raleigh, NC 27609-7309

**Conditional Certificate of Compliance with Article 11,
Chapter 45 of the General Statutes**

This is to certify the following information stated in the 1234-1234-1234, which has been generated by notice to the debtor
conditioned and maintained by the Administrative Office of the Courts (the "Debtor") as required under General Statute §
45-103.

- That on 10/1/2021, the servicer of the loan subject to the 1234-1234-1234, United Portfolio Banking,
Inc. met the following pre-foreclosure information required under G.S. 45-102(a):
 - Borrower Name(s): BARKER, BARKER
 - Original Address: 1234 Price Right Way, Showdown, NC 27892
 - The first pre-foreclosure notice required under G.S. 45-102 was mailed to the borrower at the last known
address on 10/1/2021 with the required notice G.S. 45-102 was mailed to the borrower on 10/1/2021.
 - Former Borrower's Mailing Address: 2111 Price Right Way, Showdown, NC 27892
 - That the due date of the last scheduled payment made by the borrower was 10/1/2021.

- That the notice information is accurate, accurate, as of 10/1/2021 at the period of time established by
Article 11, Chapter 45 of the General Statutes, have elapsed.

The information contained in this certificate may be verified by the Clerk of Court by reviewing the database at
this document and the 1234-1234-1234, under the 1234-1234-1234, under the 1234-1234-1234, under the 1234-1234-1234.

I, Jessica Proctor, as employee or agent of Capital One, hereby certify that the number of
printed this certificate is 1.

Further certify that on 10/1/2021, the holder of the certificate of this has called to the borrower's last
known address a complete description of all the information required under G.S. 45-102.

Notary Public, State of NC, expires 10/1/2021

I certify that Jessica Proctor is duly sworn and is the duly authorized representative of the
debtor of the foregoing document. Witness my hand and official seal this 10th day of October, 2021.

Jessica Proctor
Clerk of Court

Capital One
Mortgage Department
1234 Main Street
Raleigh, NC 27601

Capital One
Mortgage Department
1234 Main Street
Raleigh, NC 27601

Evidence: Home Loan

Discussion: Is this sufficient?

Notice of hearing states:

"If the underlying mortgage debt is a home loan as defined by NCGS 45-101(1b), the filing party certifies that the pre-foreclosure notice and information required by G.S. 45-102 and G.S. 45-103 were provided in all material respects and that the periods of time established by Article 11 of Chapter 45 have elapsed."

The Clerk's Review: 45 Day Letter

Review copy of 45-day letter and confirm:

1. Sent at least 45 days (or more if required) before filing of the notice of hearing
2. Confirm the notice was provided in "all material respects"

GS 45-21.16(d)(v)

17

Required Contents: 45 Day Letter

1. In writing, by mail
2. To borrower's last known address
3. At least 45 days prior to the NOH filing date
4. Itemize past due amounts
5. Itemize charges to bring the loan current
6. Statement that other options may be available
7. Contact info for servicer or other authorized agent authorized to attempt to work with the borrower to avoid foreclosure
8. Contact info for HUD counseling agency assisting borrowers in North Carolina avoid foreclosure
9. Contact info for State Home Foreclosure Prevention Project

Standard:

All Material Respects

G.S. 45-21.16(d)(v); 45-102

18

The Clerk's Review: Certificate of Compliance

Review copy of certificate of compliance and confirm

1. Registration occurred within **three business days** of mailing of the 45-day letter
2. Registration completed in all material respects

*Clerk has AOC database access via Juno.

GS 45-21.16(d)(v); GS 45-107

19

Certificate of Compliance

Servicer must register:


- Name and address of Borrower
- Last scheduled payment made
- Date 45-day notice mailed

GS 45-103(a)

Based on review of information submitted by the servicer, the Housing Finance Agency may order extension on bar to foreclosure filing – CSC can verify in database.

15-088732

-114-


**HOUSING
FINANCE
AGENCY**

**Conditional Certificate of Compliance with Article 11,
Chapter 45 of the General Statutes**

This is to certify the following information about File No 2014-1872247, which has been generated by access to the database established and maintained by the Administrative Office of the Courts (the "database") as required under General Statute § 45-104.

1. That on 6/4/2014, the servicer of the loan subject to the NCHFA File No.2014-1872247, Select Portfolio Servicing, Inc., filed the following pre-foreclosure information required under G.S. 45-103(a):
 - a. Borrower Name(s) - MARGE IANNUCCI
 - b. Property Address - 21 TALL PINE TRAIL, ARDEN, NC - 28704
 - c. That the pre-foreclosure notice required under G.S. 45-102 was mailed to the borrower at the last known address on 6/5/2014.
 - d. Primary Borrower's Mailing Address - 21 TALL PINE TRAIL, ARDEN, NC - 28704
 - e. That the due date of the last scheduled payment made by the borrower was 12/1/2013.
2. That, if the above information is materially accurate, as of 6/4/2014 allowed the periods of time established by Article 11, Chapter 45 of the General Statutes, have elapsed.

The information contained in this certification may be verified by the Clerk of Court by accessing the database at <https://www.nchfa.org/ST-HFPCOnline/default.aspx>, under File No.2014-1872247.


I, Jessica Proctor, as employee or agent of Select Portfolio Servicing, Inc. servicer of this loan, have this day accessed the database established and maintained by the Administrative Office of the Courts and printed this certification therefrom.

I further certify, that on 6/3/2014 the lender or servicer of this loan mailed to the borrower's last known address a complete itemization of all the information required under G. S. 45-102.

North Carolina County Moore

Jessica Proctor

I certify that Jessica Proctor personally appeared before me this 9 day of March, 2015, execution of the foregoing document. Witness my hand and official seal this the 9 day of March, 2015.

 (Official Seal)

LAURA BEST
NOTARY PUBLIC
Union County
North Carolina
My Commission Expires March 28, 2018

Witness my hand

My Commission Expires

20

Database Access Through JUNO

Juno site wide search of “foreclosure database”

or

SP clerks page under “Judicial Groups” and then “Special Proceedings Clerks”

21

Certification in Notice of Hearing

Materially inaccurate statement in the **certification in the notice of hearing** is cause for dismissal and for payment of the filing party of costs incurred by the borrower in defending the foreclosure.

G.S. 45-21.16(c2);
45-107(b)

22