

Manatee County Government Administrative Center
First Floor, Commissioner Chambers
9:00 a.m. - January 29, 2013

January 29, 2013 Regular Meeting
Agenda Item #14

APPROVED in Open Session
Manatee County Board of County Commissioners

Subject

U.S. Bank National Association vs. Lisa Beckwith, Case No. 2011-CA-7677

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

James R. Cooney, Assistant County Attorney

Ext. 3750

Action Requested

Authorization to permit the County Attorney, or his designee of the County Attorney's Office, to enter into a Settlement Agreement with U.S. Bank National Association, the first mortgagee of the property owned by Lisa Beckwith, at 1703 54th Avenue East, Bradenton, for which Manatee County holds the third mortgage.

Enabling/Regulating Authority

Sec. 768.28, Florida Statutes

Background Discussion

This property at 1703 54th Avenue East, is the subject of a foreclosure action in Case No. 2011-CA-7677. U.S. Bank National Association, the first mortgagee, holds a mortgage in the amount of \$143,013.00 of which the unpaid balance on the principal is \$131,324.03. It has filed a complaint to foreclose its mortgage. Defendant Manatee County holds a third mortgage of \$15,000.00 through the State Housing Initiative Partnership (SHIP) program. Florida Housing Finance Corporation holds the second mortgage in the amount of \$10,000.00. U.S. Bank National Association, is tendering the sum of one thousand dollars (\$1,000.00) to release Manatee County's third mortgage in a short sale for \$54,000.00. If the foreclosure action should proceed to the sale of the property Manatee County is certain to receive nothing on its mortgage. The Property Appraiser shows this property value at \$58,008.00. The County Attorney's Office recommends approval of this settlement offer.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

CAO Item.

Reviewing Attorney

N/A

Manatee County Government Administrative Center
First Floor, Commissioner Chambers
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Instructions to Board Records

Please return stamped copy of this Agenda Memo to Attorney James R. Cooney following disposition.

[Sent Via Email 1/29/13 vj](#)

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Beckwith - HUD Settlement Statement.pdf](#)

Attachment: [Beckwith - US Bank Appr.pdf](#)

Attachment: [Beckwith - FL Housing Appr.pdf](#)

A. Settlement Statement

U.S. Department of Housing
and Urban Development

DRAFT

Printed on: 12/4/2012 11:11:36 AM

B. Type of Loan			6. File Number:	7. Loan Number:	8. Mortgage Insurance Case Number:
1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> FmHA	3. <input type="checkbox"/> Conv. Unins.			
4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Ins.				

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower Nancy LeClerc Brown	E. Name & Address of Seller Lisa Beckwith	F. Name & Address of Lender
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G. Property Location 1703 54th Avenue East, Bradenton, FL 34203	H. Settlement Agent David H. Rosenberg, P.L. Place of Settlement 1626 Ringling Boulevard Fifth Floor, Suite 500 Sarasota, Florida 34236	I. Settlement Date 12/31/12 Disburse Date: 12/31/2012
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J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
100. Gross Amount Due From Borrower		400. Gross Amount Due To Seller	
101. Contract Sales Price	54,000.00	401. Contract Sales Price	54,000.00
102. Personal Property		402. Personal Property	
103. Settlement charges to borrower (line 1400)	393.50	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance		Adjustments for items paid by seller in advance	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120. Gross Amount Due From Borrower	54,393.50	420. Gross Amount Due To Seller	54,000.00
200. Amounts Paid By Or In Behalf Of Borrower		500. Reduction In Amount Due To Seller	
201. Deposit or earnest money	1,000.00	501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	5,210.62
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204.		504. Payoff of first mortgage loan - US Bank	45,594.16
205.		505. Payoff of 2nd Loan - Florida Housing	1,500.00
206.		506. Payoff of 3rd Loan - Manatee County	1,000.00
207.		507.	
208.		508.	
209.		509.	
Adjustments for items unpaid by Seller		Adjustments for items unpaid by Seller	
210. City/town taxes		510. City/town taxes	
211. County taxes 1/1/2012 to 12/31/2012	695.22	511. County taxes 1/1/2012 to 12/31/2012	695.22
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total Paid By/For Borrower	1,695.22	520. Total Reduction Amount Due Seller	54,000.00
300. Cash At Settlement From or To Borrower		600. Cash At Settlement To or From Seller	
301. Gross amount due from borrower (line 120)	54,393.50	601. Gross amount due to seller (line 420)	54,000.00
302. Less amounts paid by/for borrower (line 220)	1,695.22	602. Less reduction amount due seller (line 520)	54,000.00
303. CASH FROM BORROWER	\$ 52,698.28	603. CASH TO SELLER	

SELLER INSTRUCTIONS: If this real estate was your principal residence, file Form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return, for other transactions, complete the applicable parts of Form 4794, Form 6252 and/or Schedule D (Form 1040).
SUBSTITUTE 1099: The information contained in Blocks E, G, H, I and on line 401 (or, if line 401 is asterisked, lines 403 and 404) is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

L. Settlement Charges

DRAFT

Printed on: 12/4/2012 11:11:36 AM

700. Total Sales/Broker's Commission based on price \$ 54,000.00 @ 6 % = \$3,240.00		Paid From	Paid From
Division of Commission (line 700) as follows:		Borrower's	Seller's
701. \$ 1,620.00	to ReMax Alliance Group	Funds at	Funds at
702. \$ 1,620.00	to Exit King Realty	Settlement	Settlement
703. Commission paid at Settlement			3,240.00
704.	to		
800. Items Payable in Connection With Loan			
801. Loan Origination Fee	%		
802. Loan Discount	%		
803. Appraisal Fee	to		
804. Credit Report	to		
805. Lender's Inspection Fee	to		
806. Mortgage Ins. Application Fee	to		
807. Assumption Fee	to		
808.	to		
809.	to		
810.	to		
811.	to		
900. Items Required By Lender To Be Paid In Advance			
901. Interest from to @ \$ / day			
902. Mortgage Insurance Premium for months to			
903. Hazard Insurance Premium for years to			
904.	to		
905.	to		
1000. Reserves Deposited With Lender			
1001. Hazard Insurance	months @ \$	per month	
1002. Mortgage Insurance	months @ \$	per month	
1003. City Property Taxes	months @ \$	per month	
1004. County Property Taxes	months @ \$	per month	
1005. Assessments	months @ \$	per month	
1006.			
1007.			
1008. Aggregate Acct Adjustment			
1100. Title Charges			
1101. Settlement or closing fee	to David H. Rosenberg, P.L.	375.00	500.00
1102. Abstract or title search	to Chicago Title Insurance Company		85.00
1103. Title examination	to		
1104. Title insurance binder	to		
1105. Document preparation	to		
1106. Notary fees	to		
1107. Attorney fees	to		
(Includes above line numbers:)		
1108. Title insurance	to Chicago Title Insurance Company		310.50
(Includes above line numbers:)		
1109. Lender's coverage	\$		
1110. Owner's coverage	\$ 50,000.00		
1111.	to		
1112.	to		
1113.	to		
1200. Government Recording and Transfer Charges			
1201. Recording fees: Deed \$ 18.50 ; Mortgage \$; Releases \$		18.50	
1202. City/county tax/stamps: Deed \$; Mortgage \$			
1203. State tax/stamps: Deed \$ 378.00 ; Mortgage \$			378.00
1204. Intangible Tax	to		
1205.	to		
1300. Additional Settlement Charges			
1301. 2012 RE Taxes	to Manatee County Tax Collector		697.12
1302.	to		
1303.	to		
1304.	to		
1305. Total From Line 1520	to		
1400. Total Settlement Charges (enter on line 103, Section J and 502, Section K)		393.50	5,210.62

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief it is a true and accurate account of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

Buyer/Borrower Nancy LeClerc Brown

Seller Lisa Beckwith

Buyer/Borrower

Seller

To the best of my knowledge, the HUD-1 Settlement Statement which I have prepared is a true and accurate account of the funds which were received and have been or will be disbursed by the undersigned as part of the settlement of this transaction.

Settlement Agent David H. Rosenberg, P.L.

12/31/12
Date

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction include a fine and imprisonment. For details, see Title 15 U.S. Code Section 1001 and Section 1010.



All of us serving you®

U.S. BANK HOME MORTGAGE

P.O. Box 211128
Eagan, MN 55121-4201

December 11, 2012

Melissa Robinson

1ST MORTGAGE

Borrower Name: Lisa Beckwith
Mortgage Loan Number: 9900159237
Property Address: 1703 54th Ave E
Bradenton FL 34203

To Whom It May Concern:

This letter will serve as our pre-approval and demand statement to accept a short payoff on the property listed above. This property is being sold "As-Is". Approval is subject to the following terms and the closing costs are limited to the following amounts:

Sales price:	\$54,000.00
Commission:	\$3,240.00
Closing costs:	\$2,665.84
HUD Seller Incentive:	\$1,000.00 (Manatee County)
Liens/Judgments:	\$1,500.00 (Florida Housing)
Net proceeds to USBHM (equal or exceed):	\$45,594.16

Please advise the seller that as a condition to approval, the seller's rights to any escrowed funds and any refunds from pre-paid expenses are waived. The seller will not receive any funds from the proceeds of the sale. Receipt of these funds shall suffice for release of the mortgage and deed of trust.

NOTE: This approval is subject to clear title.

Please forward to my attention a copy of the PRELIMINARY HUD-1 no less than 5-7 business days before closing this transaction for final approval. Final approval to close is needed before we will accept a short payoff. We at any time reserve the right to rescind our approval of the Pre-Foreclosure Sale if any fraudulent activity is suspected or information received indicates that the mortgagor no longer qualifies for this program.



All of us serving youSM

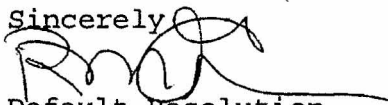
U.S. BANK HOME MORTGAGE

P.O. Box 211128
Eagan, MN 55121-4201

Mortgage Loan Number: 9900159237

If you have any questions or require further information please contact our office Monday thru Friday during the hours of 8:00am - 5:00pm ET at 1-800-337-1193.

Sincerely,


Default Resolution
Loss Mitigation Department

You may easily access a Bank representative while your account is in the loss mitigation* and/or foreclosure process. For assistance, including status and other information, as well as the steps you must take in order to be considered for loss mitigation options, please contact your Relationship Manager. Your Relationship Manager is BRITTNEY KENDLE, who you may contact at 1-855-MYUSMAP (1-855-698-7627) ext. 4254426, during the hours of 7:00 A.M. to 8:00 P.M. Central Time, Monday through Friday. You may also contact a Mortgage Assistance Point (MAP) representative at mortgageassistancepoint@usbank.com.

*"Loss Mitigation" refers to foreclosure alternative solutions such as forbearance, loan modification, loan restructure, short sale and deed-in-lieu of foreclosure.

If you are a servicemember and/or their dependents and require additional assistance, please contact the toll-free Military OneSource number at (800) 342-9647 or visit <http://www.militaryonesource.com>.

OH157

**Sales Contract Review
Pre-foreclosure Sale Program**

**U. S. Department of Housing
and Urban Development**
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0464
(exp. 07/31/2009)

Public reporting burden for this collection of information is estimated to average 9 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Section 204 of the National Housing Act authorizes the Secretary to pay an insurance claim that bridges the gap between the fair market value proceeds from the HUD-approved third party sale of a property. The respondent's maybe lenders (mortgagee's), counselors and homeowners who are attempting to sell their properties prior to foreclosure. The Privacy Act of 1974 pledges assurances of confidentiality to respondents. HUD generally discloses this data only in response to a Freedom of Information request.

Mortgagee Contact Person: Rachael Gerda	Phone Number: 216-475-7671	Account/Control Number: 9900159237	FHA Case Number: 093-6017593
Homeowner Name(s): Lisa Beckwith	Property Address: 1703 54th Avenue E Bradenton, FL 34203		
Homeowner Name(s):			


Date of Sales Contract: 11/19/2012	Date contract Received by Mortgagee: 12/11/2012	Sales Agent and Firm: Robinson	Phone Number:	Sales Commission & Rate
Offered By: Nancy LeClare Brown		Address:		
Listing Price: \$ 50,000	Price Offered: \$ 54,000	Appraised Value: \$ 50,000	90% of Appraised Value: \$ 45,000	Estimated Net Sales Proceeds: \$

Mortgagee (or HUD) Review of the Sales Contract

The Sales Contract offered by the individuals listed above is:

- Accepted
 Rejected (List reasons below)

This Sales Contract is rejected for the following reasons(s):

 12.11.12
Mortgagee Signature and Date



Home Mortgage
17500 Rockside Road
Bedford, OH 44146

December 11, 2012

2nd MORTGAGE

Natalyne Zanders
Florida Housing Finance Corporation

Recommendation for Pre-Foreclosure Sale


Mortgagor	Lisa Beckwith	HAFAs: NO
Co-Mortgagor		
Property Address	1703 54 th Avenue E Bradenton, FL 34203	✓
Loan number:	9900159237	
Due Date:	5/1/11	✓

Reason for Default: Homeowner no longer able to maintain the mortgage payment due to many necessary repairs needed to the property and the additional child care expenses acquired after birth of second child.

Loan Investor:	FHA	
Note Date:	6/12/2006	
First Mortgage Unpaid Principal Balance:	\$131,324.03	
DPA:	\$10,000.00	→
As-Is Appraised Value:	\$50,000.00	(Decline by 50%-attach appraisal)
Date of Appraisal:	June 1, 2012	
Minimum Net Proceeds:	\$43,000.00	
Offer:	\$54,000.00	
Net Proceeds for First Mortgage:	\$45,594.16	

U.S. Bank Home Mortgage is requesting your approval to release your lien in the amount of \$10,000.00 for \$1,500.00.

Please advise if you are willing to accept this offer by signing the Release of Lien Authorization and returning it to my attention. Please fax to 877-903-6972.

Thank you

 Rachael Gereza
 Liquidation Processor
 Default Resolution



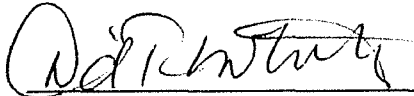
227 North Bronough Street, Suite 5000 • Tallahassee, Florida 32301
850.488.4197 • Fax: 850.488.9809 • www.floridahousing.org

December 13, 2012

Release of Lien Authorization

Florida Housing Finance Corporation gives authority to US Bank Home Mortgage to release its lien in the amount of \$10,000.00 against the property located on 1703 54th AVENUE E, in the city of BRADENTON, in the state of Florida.

- In consideration for this release we are requesting \$1,500.00 be paid to Florida Housing Finance Corporation upon closing.
- In consideration for this release we are not requesting any funds at closing.



David R. Westcott
Director of Homeownership Programs

12-13-12

Date

Rick Scott, Governor

Board of Directors: Leonard Tylka, Chairman • Ken Reecy, Florida Department of Economic Opportunity
Marilyn L. Carl • Mary L. Demetree • Lynn Hanfman • Clifford Hardy • Natacha Munilla • Jose "Joe" Sanchez • Bernard "Barney" Smith
Executive Director: Stephen P. Auger