

# Establishing Standing, Defending Against Claims Relating to MERS, Overcoming Contested Foreclosures, and Responding to Borrower Counterclaims and Stall Tactics

September 22, 2014

ACI's 15th National Forum on Residential Mortgage Litigation & Regulatory Enforcement  
The Adolphus  
Dallas, TX

**Dwayne Danner** participates in American Conference Institute's 15th National Forum on Residential Mortgage Litigation & Regulatory Enforcement taking place on September 22 & 23, 2014 at The Adolphus in Dallas, Texas.

Led by senior in-house counsel, key regulatory and enforcement officials, top outside counsel, and renowned federal and state judges from across the nation, this is the only event that will fully prepare you to manage lending, servicing, and foreclosure litigation, and keep you ahead of the curve in regards to increased enforcement efforts and the evolving regulatory paradigm at both the state and federal level.

This session will cover:

- Conditions precedent to foreclosure
- Assessing borrower attacks on standing
  - New and emerging claims
  - How to combat and defeat standing attacks
- Update on MERS litigation
  - Borrower claims

- *Qui tam* cases
- County recorder/AG litigation
- MERS interest as mortgagee or beneficiary
- Transfer of notes via endorsement and delivery rather than assignment
- Assignment of mortgages
- Handling borrower counterclaims in contested foreclosures
- Overcoming commonly raised defenses including TILA, SCRA, fraud, and rescission claims
- Preventing bankruptcy from becoming a tool used by borrowers to stall foreclosures
- Loss mitigation
- Litigation challenges relating to mortgage origination
- Loan modifications and foreclosure
  - Defending against counterclaims arising from loan modifications and HAMP
- Foreclosure mediation programs
- Responding to challenges to foreclosures in non-judicial foreclosure states

#### Related people

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