

About Us

Community Legal Services of Mid-Florida (CLSMF) is the oldest and largest provider of free legal aid for low to moderate income residents in Central Florida. Since 1966, we have been providing legal assistance and advocacy to help the people of Central Florida obtain the basic necessities of life: food, shelter, health care, safety and education.

CLSMF has 8 offices and serves the following 12 counties in Central Florida: Brevard, Citrus, Flagler, Hernando, Lake, Marion, Orange, Osceola, Putnam, Seminole, Sumter and Volusia.

We provide legal services and advice on a variety of issues including:

- Consumer
- Children and Education
- Domestic Violence
- Elder Advocacy
- Family Law
- Housing
- Public Benefits
- Tax Controversy Assistance, and
- Veterans

This brochure is for general education only. It is not intended to be used to solve individual problems.



United Way
of Marion County



Volusia-Flagler Counties



Leadership and Funding for Justice in Florida

Community Legal Services of Mid-Florida Offices:

FORECLOSURE HOTLINE: 1-855-523-9150

*BREVARD: 1-866-469-7444

CITRUS & SUMTER
106 N. Osceola Ave., Inverness, FL 34450
(352) 726-6592 — CITRUS
1-800-984-2918— SUMTER

FLAGLER: 1-800-405-1417

HERNANDO: 1-866-801-5566

LAKE— (352) 343-6351
226 West Main St., Tavares, FL 32778

MARION— (352) 629-6257
1610 SE 36th Ave.
Ocala, FL 34471

*ORANGE — (407) 841-7777
122 E. Colonial Drive, Suite 200
Orlando, FL 32801

OSCEOLA — (407) 933-1791
800 North Main St., Kissimmee, FL 34744

PUTNAM: (386) 385-0928
216 S. 6th Street, Palatka, FL 32177

*SEMINOLE: (407) 322-6673
315 Magnolia Ave, Sanford, FL 32771

VOLUSIA — (386) 258-5600
128 Orange Ave., Suite 100,
Daytona Beach, FL 32114
Client toll-free number: 1-855-523-9150

Florida Relay TTY calls Dial 711

Apply for help online at
applyforhelp.clsmf.org



ADMINISTRATIVE OFFICE:
386-523-9181

**Limited Family Law services offered*

All CLSMF offices are wheelchair accessible



Filing an Answer to Foreclosure Under the New Law

Filing and Answer to a Foreclosure Complaint Under the New Law

Under the new law foreclosures of properties are expedited, and if you do not file an answer to a foreclosure complaint you may be taking a risk of losing your house. If you want to be heard and participate in the court proceeding to defend your rights, you must file an answer to the complaint.

Also, under the new law if you fail to file your answer within the 20 after being served, the court may issue an Order to Show Cause why your house should not be foreclosed and the court may request you to deposit in the Court Registry mortgage payments until the court makes a final decision in your case.

When Must You Respond

You only have twenty (20) days after you are served with summons and complaint to file an answer. Count twenty (20) days after the day you got served including Saturdays, Sundays and holidays. You must respond even if:

- You are working with your lender to try to work out a deal or get a loan modification.
- our lender says you do not have to respond.

What Will Happen if You Do Not Respond

If you fail to file your answer to the foreclosure complaint within the twenty (20) days after being served, then the court will enter a default against you and the foreclosure case will continue without any further notice to you from the court or lender. If you fail to file your answer after being served, or the answer does not have any defenses (reasons why your house should not be sold), then the lender may ask the court to enter an Order to Show Cause why your house should be foreclosed. The hearing on Order to Show Cause may take place 45 days after the expiration of the time you had to respond. So it is imperative, you file your answer within the 20 days from the moment you got

served, because if you fail to do so you may lose your house.

What to Say in the Answer

You must admit or deny every single paragraph in the complaint. If you do not know the facts stated in any specific paragraph, you must deny it for lack of information or knowledge. If you believe your house should not be foreclosed, then you must write your reasons in your Answer in separate paragraphs.

Examples of reasons could be:

- a) you never received any letter from the bank stating they were accelerating the mortgage (declaring the full amount due,
- b) the bank never informed you about options to avoid foreclosure,
- c) you sent payments to the bank and the bank never credited those payments and the bank never returned the money back to you.

Make sure to write at the top of your answer the information about the court where the case is pending your name and the name of the Plaintiff (lender) as it appears on the Summons.

Where to File an Answer

The original of your answer should be filed with the Clerk of the Court where the case is filed. You must send a copy of your answer to the Plaintiff's Attorney. Look at the Summons to check Plaintiff's name and address to mail him/her a copy of your answer. Remember to keep copy for your records.

What About the New Law?

Under the new law the bank has to certify to the court that it has possession of the Original Note prior to filing the foreclosure case against you or that they have lost the note while it was under their possession. Also, the new law makes the foreclosure judgment final, which means you cannot get the house back after the house is sold and title is

transferred to the new owner.

Can I get the house back after it is sold and the title has been transferred?

No, you cannot get the house back after it has been sold and title has been transferred to another person. Under the new law the foreclosure judgment has finality, even if you ask the court to set aside the judgment because there were irregularities in the process. In that particular situation all you can get is a money judgment against the bank/lender for any irregularity in the process.

If My House is Sold Am I Still Personally Liable?

Yes, if the house is sold for less than the amount you owed you will be personally liable to the lender for the difference (deficiency), unless you had agreed with the bank to have the deficiency waived or you file for protection under the bankruptcy court. The lender has one (1) year from the moment the title to your house is transferred to the new owner to file an action to recover the deficiency.

Where Can I Get Help?

There are limited circumstances where a default may be challenged. Contact Community Legal Services of Mid-Florida, if you do not understand the time frames or if you received a default judgment and you have not been previously notified of the lawsuit.

What Happens After I Filed My Answer?

After you filed your answer, the court will advise you of any hearings scheduled in your case so you can attend it and defend your case.

You may contact CLSMF if you need any assistance or have questions how to prepare your answer.