



Travis County Commissioners Court Agenda Request Travis County Housing Finance Corporation

Meeting Date: December 13, 2011

Prepared By/Phone Number: Andrea Shields, Manager/854-9116

Elected/Appointed Official/Dept. Head: Leroy Nellis, Acting County Executive, Planning and Budget

Commissioners Court Sponsor: Samuel T. Biscoe, President

AGENDA LANGUAGE: Consider and take appropriate action to authorize a Release of Lien and a payoff-statement for a first-time homebuyer that received a loan executed in March 2007.

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS: See attached backup.

STAFF RECOMMENDATIONS: Staff recommends approval.

ISSUES AND OPPORTUNITIES: None.

FISCAL IMPACT AND SOURCE OF FUNDING: None.

REQUIRED AUTHORIZATIONS: Andrea Shields, Manager/854-9116;
Leroy Nellis, Acting County Executive, Planning and Budget/854-9066

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by Tuesdays at 5:00 p.m. for the next week's meeting.

TRAVIS COUNTY HOUSING FINANCE CORPORATION

DATE: December 13, 2011

TO: Board of Directors

FROM: Andrea Shields, Manager

SUBJECT: Approve Payoff Statement and Release of Lien for Carrie Hamrick

I am requesting approval to approve sending a payoff statement of \$0 and to release the Corporation's lien on a property located at 15011 Nordyke Lane, Austin, Texas. The property was purchased by a first-time homebuyer utilizing the Corporation's DPA program on March 8, 2007. The Corporation provided the homebuyer \$10,000 in down payment assistance. The assistance was in the form of two (0%-interest, 10-year forgivable) loans: \$8,000 payable to Texas Department of Housing and Community Affairs (TDHCA) (2nd Lien) and \$2,000 payable to TCHFC (3rd Lien).

The homebuyer's personal circumstances recently required them to sell the property for an amount less than the total amount owed (short-sale). The short sale was negotiated with the first lien holder, Bank of America.

Bank of America paid \$2,500 to TDHCA (less that what was owed) and has nothing left to pay TCHFC. The homebuyer and her realtor are requesting a payoff statement from TCHFC reflecting \$0 owed. (See paragraph 3 of the note, right below the chart) After speaking with Cliff Blount, because this is a short-sale situation and the homebuyer will receive no net proceeds from the sale, we recommend that you approve a payoff statement of \$0 and release the lien.

cc: Leroy Nellis, Acting County Executive, Planning and Budget
Cliff Blount, Esq.

Andrea Shields - contract #1000744 - Hamrick

From: Heather Morstatter <heather@heathermorstatter.com>
To: <Andrea.shields@co.travis.tx.us>
Date: 11/29/2011 4:35 PM
Subject: contract #1000744 - Hamrick
CC: <heather@heathermorstatter.com>
Attachments: Hamrick Request.pdf

Good Afternoon Andrea,

We spoke back in August regarding my client Carrie Hamrick. WE have been negotiating a short sale with Bank of America and have been successful. We are currently in need of a payoff statement from you department at this time. The second lien has provided us a payoff statement stating they will release the lien in full with payment. We were able to offer \$2500 to the second lien, but nothing to offer to the third lien. We need a payoff stating the payoff would be \$0 and would release of the lien upon the successful closing of the short sale. Please contact me with any questions and please confirm that you have received this email. Thank you for your time and efforts in this matter.

Thanks & Blessings.

Heather J. Morstatter

Heather J. Morstatter, REALTOR
The Medallion Group with Keller Williams Realty
(512) 758-5690
(512) 807-1367 fax
Heather@HeatherMorstatter.com

October 13, 2011, 2011

Re: Loan # 148895239

Bank of America,

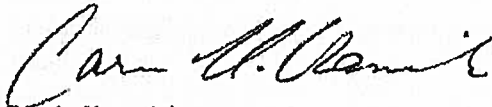
I hope to explain why I feel I have no choice but to seek a short sale on my home at this time.

I have recently become engaged and moved out of the area to Cedar Creek, TX into my fiancé's home. Anticipating this move, I spoke with a realtor earlier this year about selling my home. At that time, it was very clear that it would not be possible to sell my home for what was owed on the mortgage. I waited a few months to see what the real estate market would do, hoping it would improve in the spring so I could sell for at least the owed amount, but this was not a possibility after looking at new home and existing home sales in my area. I then considered renting my home out, but that, too, proved next to impossible, due to the area. I explored the rental market, but was unable to find anyone qualified to rent in my area. At this point, I am left with no alternative but to request a short sale of my home that I have made payments on every month since moving in 4 years ago. I cannot afford to continue to pay the mortgage on my home and pay half the mortgage and necessary bills at my new home.

This has been a very difficult decision to make, but I feel that I have no choice due to the current market, the current amount owed on my home, the recent sales prices in my area, and my inability to pay this mortgage and half of the living expenses at our home in Cedar Creek, TX.

Thank you for taking the time and effort to consider me for the short sale program.

Sincerely,


Carrie Hamrick

**Approval to Participate
Pre-foreclosure Sale Procedure
Property Sales Information
Property Occupancy & Maintenance**

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

OMB Approval No.2502-0464
(exp. 10/31/2012)

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 mortgage 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 and Phone Number: Palermo, Holly	Control Number: 148895239	FHA Case Number: 495-7602436	Date: 11/2/2011
Homeowner Name(s): CARRIE HAMRICK		Property Address: 15011 NORDYKE LANE AUSTIN, TX 78725	
Homeowner Signature(s):			

Homeowner(s): Please Read This Information Carefully.

Approval to Participate

Your interest to participate in the HUD Pre-foreclosure Sale procedure has been approved. By signing this form and returning to the above referenced mortgagee within 7 days, you are agreeing to abide by the following conditions of the program.

Property Sales Information

The property must be listed for sale with a licensed Realtor unrelated to you within 7 days of your receipt of this letter for a list price at or near \$ 85,000.00, which is the "AS IS" value indicated on the appraisal of your property. The listing agreement must include the following specific cancellation clause in the event the terms of a sale are not acceptable to HUD: "Seller may cancel this agreement prior to the ending date of the listing period without advance notice to the broker, and without payment of a commission or any other consideration if the property is conveyed to the mortgage insurer or the mortgage holder." The sale completion is subject to approval (under HUD guidelines) by the mortgagee.

Your deadline to obtain a signed Contract of Sale from a qualified buyer is 3/1/2012. If you have not been able to obtain an acceptable contract by that date, your mortgagee must recommence foreclosure or accept a deed-in-lieu of foreclosure.

Acceptable Terms of Sale

Program criteria require that "net" amount payable to HUD as a result of this sale, after allowable expenses will be at least \$ 74,800.00. You must submit your proposed Contract of Sale for approval to the Mortgagee Contact named above. The sale must be an "arm's length" transaction; the buyer cannot be a member of your family, business associate, or other favored party. No hidden terms or special understandings can exist between you, the buyer, appraiser, sales agent or mortgagee. If you negotiate with a buyer to pay for discount points, a home warranty, repairs not required for a new mortgage, transfer taxes or

other costs normally paid by the buyer, you must pay for those expenses. You must also pay prorated real estate taxes and assessments at closing. Your mortgagee can explain which sales costs may be deducted from HUD's sale proceeds.

Relocation Services

A relocation service affiliated with your employer may contribute a fixed sum towards the proceeds of the PFS, without altering the arm's length nature of the sale. This contribution simply reduces the shortfall between the proceeds and the amount owed on the mortgage note. As with any other PFS, such a transaction must result in the outright sale of the property and cancellation of the FHA mortgage insurance.

Occupancy and Property Maintenance

You are responsible for property maintenance and repair until closing. This includes but is not limited to cutting the grass, snow removal, regular interior and exterior cleaning, immediate repair of broken doors and windows, and paying utility bills as they become due. If the property is vacant or becomes vacant during marketing, you must inform your mortgagee immediately and ensure that the property is protected from freeze damage by "winterizing" plumbing pipes. You may arrange with your sales agent to provide property maintenance but you will continue to be responsible for the condition of the home until it is sold. Damage and repair expenses resulting from fire, flood or other natural causes must be reported immediately to the insurance company and to your mortgagee.

Borrower's Incentive Compensation

If you successfully close a sale of your home under this procedure, you will be paid compensation of \$750 at closing. Your compensation will increase to \$1,000 if the sale of your property closes on or before 1/31/2012. You may elect to receive cash or apply some or all of the compensation to sales costs not paid by HUD, for example, discount points, or home warranty plans. You may also use it to pay off junior liens.

Questions concerning any of this information, or your responsibilities in the Pre-foreclosure Sale procedure, must be directed to the contact person at your mortgagee's office at the above telephone number.

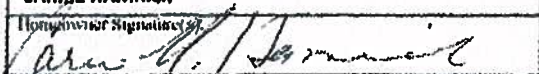
**Approval to Participate
Pre-foreclosure Sale Procedure
Property Sales Information
Property Occupancy & Maintenance**

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

OMH Approval No. 2302-0164
(exp. 10/31/2012)

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Questions concerning any of this information, or your responsibilities in the Pre-foreclosure Sale procedure, must be directed to the contact person at your mortgagee's office at the above telephone number.

TEXAS DEPARTMENT OF HOUSING

(800) 298-4013

PO BOX 13941
221 EAST 11TH STREET
AUSTIN, TX 78711

Mortgage Loan Payoff Statement

Loan Number: 100074426461

Statement Date: 11/22/2011
Date Requested: 11/22/2011

Mortgagor(s):
CARRIE HAMRICK
15011 NORDYKE LANE
AUSTIN, TX 78725-

Requested by:
THE MEDALLION GROUP W/KELLER WILLIAMS
812-807-1367
* RELEASE OF LIEN WILL BE ISSUED AFTER
PAYOFF AMT OF \$2,500 HAS BEEN RECEIVED

Property Address:
15011 NORDYKE LANE
AUSTIN, TX 78725

Payoff Good Through: 01/31/2012
Interest Paid to Date: 03/09/2011
Interest Rate: 0.0000
Per Diem %: .00000000

Loan Type: Conventional

Per Diem \$: 0.0000

Principal balance as of 11/22/2011:	\$	4,800.00	2,500.00
258 Day(s) at \$0.0000:			
Total Interest:	\$	0.00	
Other Due Amounts:	\$	0.00	
Total Payoff Amount Due:	\$	4,800.00	2,500.00

Make check payable to: TEXAS DEPARTMENT OF HOUSING
AND COMMUNITY AFFAIRS
PO BOX 13941
221 EAST 11TH STREET
AUSTIN, TX 78711

Funds received after 01/31/2012 will be charged an additional daily interest per diem of \$0.0000.

Late charges of \$0.00 become due 0 days after each payment due date. Any late charges accruing after this statement request date must be added to the total payoff amount.

In the event your closing is postponed or canceled, please continue to remit your monthly payments to avoid a delinquency status.

Your escrow balance is \$0.00. This is subject to change due to the continuing need for escrow disbursements, charges for uncollectable funds and/or additional interest due. Any positive escrow balance will be refunded to the present mortgagor after payoff.

In order to expedite the mailing of any escrow refund, year-end tax information and release of mortgage, etc., please furnish us with a new address if it is to change after payment in full of the loan. (See attached form)

Escrow funds cannot be used to reduce the payoff amount.

These figures are subject to change in the event any payments are received or reversed or otherwise not collected.

Prepared by: Becky Pavia

TEXAS DEPARTMENT OF HOUSING

PO BOX 13941
221 EAST 11TH STREET
AUSTIN, TX 78711

(800) 298-4013

***** IMPORTANT *****

Loan Number: 100074426461

I. Please verify your social security number and the mailing address and make any corrections to assure receipt of any escrow refund you may be entitled to and year-end tax information.

Name and Social Security Number:

CORRECTED / NEW INFORMATION

CARRIE HAMRICK

000-00-0000

Mailing Address:

15011 NORDYKE LANE
AUSTIN, TX 78725-

II. Address for mailing Release of Mortgage and Form 1099

Attention: _____

Phone: _____

Reference #: _____


III. For proper processing of payoff records, please provide the following information:

Reason for Payoff: Refinance with _____
(Company Name)

Sale of Property

Other _____

IV. Other

 <p>A. U.S. Department of Housing and Urban Development</p> <p>Settlement Statement</p>	B. Type of Loan		
	1. <input type="checkbox"/> FHA	2. <input type="checkbox"/> RHB	3. <input type="checkbox"/> Conv. Unins.
	4. <input type="checkbox"/> VA	5. <input type="checkbox"/> Conv. Ins.	
	6. File Number 1108315		7. Loan Number
B. Mortgage Ins. Case No.			

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 "(POC)" were paid outside the closing; they are shown here for information purposes and are not included in the totals. POC(B) represents paid outside of closing by borrower, POC(S) represents paid outside of closing by the seller, POC(L) represents paid outside of closing by lender, and POC(M) represents paid outside of closing by mortgage broker.

D. Name of Borrower:	Shane Powell, 4600 Seton Center Pkwy #418, Austin, TX 78758
E. Name of Seller:	Carrie Hamrick, 18011 Nordyke Lane, Austin, TX 78725
F. Name of Lender:	
G. Property Location:	Lot 6, Block J, Austin's Colony, Section 7A 15011 Nordyke Lane, Austin, TX 78725
H. Settlement Agent:	Gracy Title, a stewart company(512) 244-2948
Place of Settlement:	2007 Sam Bass Road, Suite 100, Round Rock, TX 78681
I. Settlement Date:	1/6/2012
Proration Date:	1/6/2012

J. Summary of Borrower's Transaction		K. Summary of Seller's Transaction	
(Line)	Gross Amount Due from Borrower	(Line)	Gross Amount Due to Seller
101.	85,000.00	401.	85,000.00
102.		402.	
103.	1,717.00	403.	
104.		404.	
105.		405.	
Adjustments for items paid by borrower in advance		Adjustments for items paid by seller in advance	
106.		406.	
107.		407.	
108.		408.	
109.		409.	
110.		410.	
111.		411.	
112.		412.	
120.	86,717.00	420.	85,000.00
Adjustments for items paid by seller		Adjustments for items paid by borrower	
201.		501.	
202.		502.	7,434.23
203.		503.	
204.		504.	74,298.78
205.		505.	2,500.00
206.		506.	
207.		507.	
208.		508.	
209.	742.00	509.	742.00
Adjustments for items supplied by seller		Adjustments for items supplied by borrower	
210.		510.	
211.	26.99	511.	26.99
212.		512.	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220.	788.99	520.	85,000.00
Subtotal		Subtotal	
301.	86,717.00	601.	85,000.00
302.	788.99	602.	85,000.00
303.	85,948.01	603.	0.00

SUBSTITUTE FORM 1099 SELLER STATEMENT - The information contained in Blocks E, G, H and I and on line 401 (or, if line 401 is asterisked, lines 403 and 404), 406, 407 and 408-412 (applicable part of buyer's real estate tax reportable to the IRS) 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.

SELLER INSTRUCTION - 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 4797, Form 6252 and/or Schedule D (Form 1040).

You are required by law to provide Gracy Title, a stewart company(512) 244-2948 with your correct taxpayer identification number. If you do not provide Gracy Title, a stewart company(512) 244-2948 with your correct taxpayer identification number, you may be subject to civil or criminal penalties.

Carrie Hamrick
The Public Reporting Burden for this collection of information is estimated to average 35 minutes per response for collecting, reviewing, and reporting the data. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. No confidentiality is assured; this disclosure is mandatory. This is designed to provide the parties to a RESPA covered transaction with information during the settlement process.

Settlement Charges		File Number	108316
700.	Total Real Estate Broker Fees based on : \$85,000.00 @ 6.0000% = \$5,100.00	Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
	Division of commission (line 700) as follows:		
701.	\$2,650.00 to Keller Williams-Heather Morstatter		
702.	\$2,650.00 to Keller Williams-Paul Pulg		
703.	Commission paid at settlement \$5,100.00	0.00	5,100.00
704.			
705.			
706.	THE FOLLOWING PERSONS, FIRMS OR CORPORATIONS RECEIVED A PORTION		
707.	OF THE REAL ESTATE COMMISSION SHOWN ABOVE:		
708.	Heather Morstatter/Paul Pulg		
709.			
800.	Origination Charges		
801.	Our origination charge (from GFE#1)		
802.	Your credit or charge (points) for specific interest rate chosen (from GFE#2)		
803.	Your adjusted origination charges (from GFE#A)	0.00	
804.	Appraisal fee (from GFE#3)		
805.	Credit report (from GFE#3)		
806.	Tax service (from GFE#3)		
807.	Flood certification (from GFE#2)		
808.			
809.	Document Preparation to * S		
810.			
811.			
812.			
900.	Insurance Related Charges		
901.	Daily interest charges (from GFE#10)		
902.	Mortgage Insurance premium (from GFE#8)		
903.	Homeowner's Insurance (from GFE#11)		
904.	Flood Insurance Premium for		
905.			
1000.	Escrow Deposited With Lender		
1001.	Initial deposit for your escrow account (from GFE#9)	0.00	
1002.	Homeowner's Insurance		
1003.	Mortgage Insurance		
1004.	City property taxes		
1005.	County property taxes		
1006.	Annual Assessments (maint.)		
1007.			
1008.			
1009.	Aggregate Adjustment		
1100.	Title Charges		
1101.	Title services and lender's title insurance (from GFE#4)	303.00	
1102.	Settlement or closing fee to Gracy Title, a : \$250.00		250.00
1103.	Owner's title insurance to Gracy Title, a steward comp. (from GFE#5)	742.00	
1104.	Lender's title insurance		
1105.	Lender's title policy limit		
1106.	Owner's title policy limit \$85,000.00		
1107.	Agent's portion of the total title insurance premium \$830.70		
1108.	Underwriter's portion of the total title insurance premium \$111.30		
1109.	Agent Name: Gracy Title, a steward company		
1110.	Underwriter Name: Stewart Title Guaranty Company		
1111.	Policy Guaranty Fee - Owner Policy to Guaranty Fee		5.00
1112.	Policy Guaranty Fee - Loan Policy to Guaranty Fee \$5.00		
1113.	Tax Certificate to Tejas Tax Dat		48.00
1114.	Overnight/Courier/Messenger Fee to Gracy Title, a : \$40.00		
1115.	Miscellaneous Charges		
1116.	Document Preparation to Law Office of I		85.00
1117.	E-Recording fees to Gracy Title, a : \$8.00		
1200.	Government Recording Agent Charges		
1201.	Government recording charges (from GFE#7)	72.00	
1202.	Deed/Mortgage/Release Deed \$24.00 Mortgage \$48.00		
1203.	Transfer taxes (from GFE#8)	0.00	
1204.	City/County tax/stamps		
1205.	State tax/stamps		
1206.	Additional Recording Fees		
1300.	Other Charges		
1301.	Required services that you can shop for (from GFE#6)	0.00	
1302.	2011 Property Taxes to Travis County Tax Collector		1,648.23
1303.	Home Warranty		
1304.	HOA Transfer/Resale Fee to HOA Management Company	800.00	
1305.	HOA Dues to HOA Management Company		300.00
1306.	Reimbursement of Resale Certificate		
1400.	Total settlement charges (entered on lines 103, section J and 502, section K)	1,717.00	7,434.23