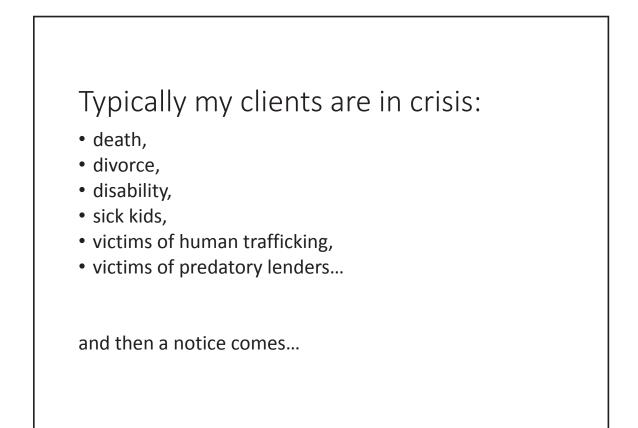
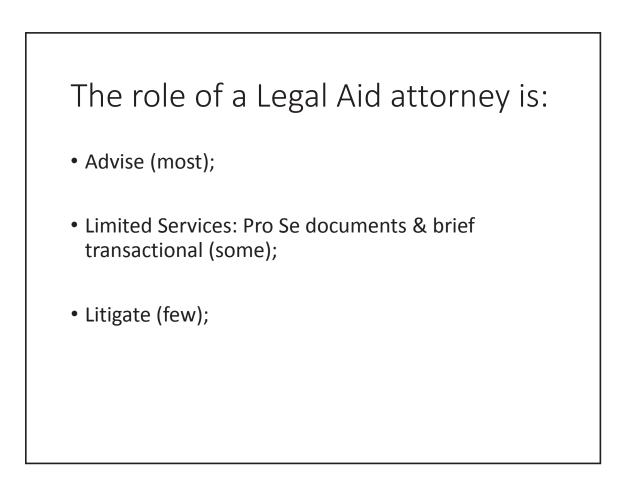
Consumer Claims for Homestead Protection

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What is a Legal Aid case?

- What we used to see: FHA, VA, USDA, Home Equity, servicing complaints, family disputes (i.e. divorce/probate), and everything else;
- What we see now: wrap-around loans, ownerfinanced, HOA foreclosures, PID foreclosures, reverse mortgages, tax lien transfer loans, family disputes, and everything else;





Homestead Rights

Lender No-No's:

 In Texas "[n]o mortgage, trust deed, or other lien on the homestead shall ever be valid unless it secures a debt described by [Section 50]." Tex. Const. art. XVI, §50(c).

The purpose of the homestead exemption matters: Non-Compliant Mortgages, Trust Deeds or Other Liens – void (or invalid until cured). Judgments – termination of exemption subjects property to liability for debts (but proceeds exemption period may apply). Conveyance – If spouse is not joined, unenforceable as long as homestead character is maintained

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Also available as part of the eCourse 2017 Residential Real Estate Lending Hot Topics

First appeared as part of the conference materials for the 51^{st} Annual William W. Gibson, Jr. Mortgage Lending Institute session "Lender "No Nos""