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livinglies, on [February 5th, 2009 at 5:46 PM](#) Said:

Todd: It isn't up to you to prove that you do or do not owe the money and if so, to whom. It is ALWAYS up to the party seeking affirmative relief to meet their burden of proof which means the establishment of a prima facie case. In order to establish a prima facie case, they must have competent witnesses whose testimony will be admitted in a court of law. In Non-Judicial states the companies seeking foreclosures have no right to do so because they were not part of the loan transaction, they have no loss and they have no rights to the property or proceeds of sale. But they are getting it anyway because homeowners are walking away (57% now) rather than putting up a fight. Keep the pressure on them. Get a forensic review (see "In Trouble Now" on blog and download intake form). Send a Qualified Written Request. File a lawsuit if necessary but concentrate on forcing them to answer your interrogatories, requests to produce and request for admissions. Don't try to convince a Judge in motion hearing that you should win the case. Convince the Judge you are entitled to complete discovery and to be heard on the merits.