

MORELLI LEGAL COUNSEL, P.C. ATTORNEYS AT LAW

What if you cannot pay your mortgage?

Are you in risk of losing your home?

If you, the homeowner, fail to make your mortgage payments, the lender has the option to foreclose on the property.

Depending upon the terms, conditions, and agreements made within the original mortgage contract, the lender may do a statutory foreclosure or a judicial foreclosure.

A statutory foreclosure can be performed without bringing a court action. The lender does have to follow strict state regulations as to the proper notices and opportunities to provide payment by the homeowner before a sale of the property occurs. This procedure is relatively fast.

If a judicial foreclosure action is required, the lender must file a complaint with the court system and go through the litigation process to obtain the right to foreclose on the property. In several state jurisdictions, the homeowner is allowed the right to stay in possession of the home until the foreclosure process is finalized or a sale of the home occurs.

SO what can you do?

The first step is to try not to worry too much and take action. Keep a level

head and look at the options that are available.

Most lending companies hate foreclosures due to the expense and time it takes to foreclose.... This helps you!

Before contacting your lender, consider some of these questions:

- Can you afford to pay interest-only payments for a while? If so, for how long?
- Can you afford to pay partial payments? If so, how much?
- Can you afford to pay your mortgage after a few months? If so, how many months?
- Can you never pay it back?
- Can you afford to lose your house?
- Are you on good terms with the lender?
- Would you benefit from a longer-term loan?
- Can you lower your interest rate?
- Is a forbearance agreement along with a repayment plan a viable option? A forbearance agreement includes a -

Inside This Issue

What if you cannot pay your mortgage?

How to Prepare Your Funeral Arrangements

Why should you have Mortgage Protection Life Insurance?

DUI - Over the Limit... Under Arrest!

Chart

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What if you cannot pay your mortgage? (continued)

no payment or low payment for about 6 months. After this term, the repayment plan begins. At this point you will have to pay your mortgage plus interest to cover the balance of the forbearance period

Once you have answers to these questions, talk with your lender and see what other options are available. Many

lenders will help if they think it can keep you in your house and that they will be paid at some point.

And another thing, there are detailed regulations regarding foreclosure procedures. It is best to consult with an attorney if your home is endangered by a foreclosure proceeding.

How to Prepare Your Funeral Arrangements

It is important to have a Will, Living Will, Estate Trust, Durable Power of Attorney for Health Care, etc... but did you know that it is a good idea to have a final disposition document prepared too?

This final disposition document should detail your funeral arrangements and what to do with your remains. Even if you have this information in your will, you should have this document handy for your loved ones. Mostly because often a Will is not discovered until several weeks after your death, leaving your loved ones to make tough decisions in this already difficult time. Letting them know your wishes will save them time, many discussions, and maybe some arguments between each other.

If you do not leave a final disposition document, state laws will determine who will make the decisions on how

your remains are handled. Typically the order is: spouse, child, parent, next of kin, and then a public administrator.

Your final disposition document should detail the name of the funeral home you want to handle the arrangements, the type of casket, ceremony details, whether you want to be buried or cremated, where to scatter your remains, and how your remains will be transported.

By creating this now, you can eliminate all of these tough decisions for your loved ones during this difficult time for them.

Contact us today to prepare your final disposition document, living will, durable power of attorney for health care, and estate trust.

Nursing Home Verdicts

These are recent verdicts for residents against nursing homes:

- Undetected gastrointestinal bleeding led to resident death (Bernalillo County, New Mexico District Court, \$54,000,000).
- 93-year-old resident choked to death after nurse's aide gave him the wrong meal (Waterbury County, Connecticut Superior Court, \$3,400,000).
- Resident suffering from dementia drank lye that was left on kitchen counter and sustained burns of his airways (Kings County, New York Supreme Court, \$3,000,000).
- Nursing home did not prevent resident's pressure ulcers and did not yield to hospital's care when it could no longer treat the ulcers (Harnett County, North Carolina Superior Court, \$638,000).
- Resident escaped and died of hypothermia because she was not checked hourly (Dutchess County, New York Supreme Court, \$350,000).
- Arthritic resident drowned during unsupervised time in the facility's hot tub (Clark County, Washington Superior Court, \$350,000).
- Resident at risk for aspiration choked to death after being fed a hot dog (Norfolk County, Massachusetts Superior Court, \$112,500).

Why should you have Mortgage Protection Life Insurance?

Mortgage Protection Life Insurance is a good idea if you want to protect your mortgage in case of your untimely death. It pays the outstanding balance of your mortgage if the mortgagor (insured person) dies.

Mortgage protection life insurance coverage is usually in the form of decreasing term insurance, with the amount of coverage decreasing as the outstanding mortgage debt decreases.

Usually, the proceeds of the mortgage protection life insurance are paid to the beneficiary, which is the

mortgage company holding the mortgage loan. With additional riders, mortgage protection insurance is often designed to overcome the consequences of unemployment and disability as well.

Some people choose instead to buy level term life insurance in the amount of the mortgage, and the benefits are paid to the insured's beneficiary (family member), who in turn can use the proceeds for any reason, including to pay the mortgage. Either way, it is a good idea to make sure you are protected.

DUI - Over the limit... Under arrest!

Driving under the influence (DUI) is a problem in the United States. Last year over 37,000 people died as a result of drunken drivers.

It is a criminal offense in all 50 states with many states enacting stiffer penalties in recent years due to this problem. As a result, (arguably), the death toll dropped 9.1% in 2008 to 37,313 from 41,059 in 2007.

DUI is most often a misdemeanor but can be charged as a felony if certain conditions are present. Some of the conditions are:

- Several prior offenses
- Very high blood alcohol concentration levels
- Driving intoxicated with a child in the car
- Causing property damage or injury while driving under the influence.

In most states, if you are arrested of a DUI, you will lose most or all of your driving privileges, even if you are eventually found not guilty. In some states, you can appeal your suspension with a letter to the court and a hearing to determine your privileges. Having good legal representation may get you a temporary license and some driving privileges so you can drive to work, take the kids to school, go grocery shopping, etc...

There are criminal penalties in most states that range from:

- Jail time
- Fines
- Loss of license
- Court costs
- Alcohol classes
- Treatment
- Ignition interlock device
- And probation

The court will decide your sentence based on multiple factors including the number of prior convictions, your arrest record, and any aggravating circumstances.

A qualified lawyer will ask the court to be lenient based on your individual case. However, if you have multiple DUI convictions, you may be faced with some of the stiffest penalties allowed by law.

Make sure you get a lawyer that specializes in DUI defense. Using a public defender or someone that does not specialize in DUI law means you may not be getting the best possible defense. With a qualified attorney, you will have a better chance of winning your case and getting on with your life.

Contact Morelli Legal Counsel, P.C. for updates regarding this matter at 630.377.7500.

National Estimate of Fatalities and Fatality Rate in 2008 and Its Comparison With Fatality Counts and Rates From FARS in 2007 (Fatality Analysis Reporting System)¹

Month	Fatalities from FARS in 2007*	Estimate of fatalities for 2008	Difference (08-07) (%)	2007 fatality rate per 100 million VMT	2008 fatality rate per 100 million VMT**
Jan	3,028	2,820	-6.9%	1.30	1.23
Feb	2,876	2,828	-1.7%	1.32	1.30
Mar	3,424	2,797	-18.3%	1.32	1.13
Apr	3,351	2,937	-12.4%	1.33	1.18
May	3,631	3,197	-12.0%	1.36	1.24
June	3,608	3,273	-9.3%	1.36	1.30
July	3,800	3,243	-14.7%	1.42	1.26
Aug	3,653	3,569	-2.3%	1.35	1.39
Sept	3,562	3,084	-13.4%	1.45	1.31
Oct	3,569	3,335	-6.6%	1.36	1.32
Nov	3,322	3,107	-6.5%	1.35	1.34
Dec	3,235	3,123	-3.5%	1.34	1.32
Total	41,059	37,313	-9.1%	1.36**	1.28**

March had the lowest fatalities and August had the highest fatality rate in 2008¹

Source: NHTSA's National Center for Statistics and Analysis¹