

Loan

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tory relief, injunctive relief, attorney fees and costs brought by Mr. McEldery against Nationstar.”

The McEldery’s case was remarkable for the series of events that led to the couple almost losing their home. But on the other hand, their basic struggle just to get an agent on the phone to modify their loan is all too common.

The trouble started – as often happens – with a building that was fully paid off but which needed repairs.

The McEldery home was owned by Judith’s mother, Louise Moore, who had developed Alzheimer’s disease and needed a caretaker. The McElderys relocated from their home in Alaska to take care of her and then started a small day care in the 106-year-old house.

But it needed repairs, so the couple took out a loan with a company called World Savings and then watched as the debt was repeatedly sold – and raised.

“They said the mortgage would go up once a year,” Judith McEldery told The Skanner News this past summer. “Our mortgage was going up every ninety days.”

The couple’s financial situation melted down in the summer of 2012, when Judith’s mother died. By then the debt was owned by Nationstar Mortgage Inc.

The McElderys tried to petition Nationstar for a loan modification but by September of that year the couple was near bankruptcy and stopped making mortgage payments.

Finally in January of 2013, the company

made the McElderys an offer.

“Nationstar promised Mr. McEldery over the phone and in writing that he could avoid foreclosure, stay in his home, and modify his mortgage if he provided documentation and made three payments in the amount of \$1,394.76,” court documents say.

“Nationstar also promised Mr. McEldery that he had been assigned a single point of contact (Daniel Nettles) within the company to assist him and answer his questions.”

The McElderys sent checks for \$1,394.76 in February, March, April, May, and June of 2013.

That’s where the allegations of fraud come in; after the March payment was sent, documents show Nationstar claimed they didn’t receive it. So the couple – which used cashier’s checks specifically to make these payments – sent proof that the check was purchased and sent.

However Nationstar – after cashing their April check – told the McElderys it was cancelling their loan modification because they had not paid for March. The couple then sent more proof that checks had been mailed to Nationstar for February, March and April as well.

Meanwhile, court documents say the McElderys called “Daniel Nettles” more than a dozen times but his voicemail was always full; he never responded to any communication. Then the McElderys started trying to call the main switchboard but never connected with anyone who could help them.

“Nationstar intentionally ignored the

Veterans Day Parade



PHOTO BY VALERIE CHAMBERLAIN

Buffalo Soldiers rode with the 27th annual Veterans Parade at Fort Vancouver on Saturday, Nov. 9. Hundreds turned out with flags to see marching bands, Gold Star families and the Clark County Junior ROTC as well as many retired U.S. military personnel.

McEldery Family’s desperate calls for help,” legal documents say. “Nationstar was secretly planning to sue the McEldery Family behind their back.”

On Oct. 20, the McElderys filed suit against Nationstar for “mortgage fraud &

elder abuse,” according to court documents, and the company moved to settle Nov. 8.

Read more about the case and about foreclosure law on Fuller’s blog, www.underdoglawblog.com.

Bar

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Osborn says DeWalt spoke with both the victim and a man who was arguing with him before deciding to close down the club for the night; the shooting erupted as patrons were leaving.

In a telephone interview Tuesday evening before being advised by his lawyer not to speak with the media, DeWalt told The Skanner News that Harris “seemed like a nice young man” who had bought many rounds of drinks at the bar that night, and that he and the other man appeared to be arguing about money before he asked them to leave and decided to close the bar early.

Osborn said videos of the club’s interior that night have been released to authorities, and that DeWalt has cooperated with all city and state officials’ requests

since it opened.

“When a Black man opens a bar or a nightclub in Northeast Portland, you know it’s going to get shut down,” Osborn says. “Every one has been.”

The Skanner News has been able to identify just three other Black-owned bars or nightclubs currently operating in the city

Amy Archer, livability program manager for the Portland Office of Neighborhood Involvement, said her office, alongside

police and OLCC officials, has been meeting with DeWalt since April but that he would not agree to take responsibility for incidents outside his doors; DeWalt’s supporters say he should not be required to do so.

“Our goal is not to put anybody out of business,” Archer said. “What we try to do is give people the tools to improve their business.”

Archer said last weekend’s incident is the first time the local authorities have been able to get the OLCC to issue an immediate license suspension, and that the ONI has been working with liquor control officials on making the process more effective.

“We have almost 3,000 licenses in Portland and most never have a problem,” she

said.

The OLCC says it does not track liquor licenses by race.

The Skanner News has been able to identify just three other Black-owned bars or nightclubs currently operating in the city: Quartet, owned by Frank Taylor; Clyde’s Prime Rib Restaurant and Bar in the Hollywood District; and Olive or Twist, owned by Sam Fowler.

(Do you know of other African or African American-owned bars or nightclubs in Portland or anywhere in Oregon? Please send the names of the establishments to lisa@theskanner.com.)

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Justice

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discretion. Under Measure 11, only prosecutors have any power to reduce charges and sentences.

2. JoAnn Hardesty, longtime police accountability advocate and member of the Albina Ministerial Alliance for Justice and Police Reform.

Prepare to speak out at a Fairness Hearing to discuss the City of Portland settlement with the Department of Justice over findings that Portland Police Bureau violated the rights of people with mental illness.

“I think the most important thing that we can do is to prepare to participate fully in the Fairness Hearing that Judge Simon will schedule.

“The public has never had an opportunity to make their views heard. When the settlement agreement was announced, the public had not seen it. It is really important that we do not allow the City of Portland to pretend

that there was a full public process.

“We will pay \$26 million over the next five years and the people out of the gate spending that money are not the people we want to be in charge.”

The Fairness hearing will be held in 2014 to discuss the settlement agreement between the Department of Justice and Portland Police Bureau. Judge Simon, who has been supervising the case in federal court will name a date for the Fairness Hearing, Nov. 18.

3. Kasia Rutledge, a public defender in Portland’s START court, which deals with property offences committed by people with alcohol and drug problems. Rutledge also handles expungments.

“You mean besides economic opportunity, healthcare, housing and alcohol and drug and treatment?” Rutledge said when asked what she would prioritize. Then she narrowed it down:

Educate ourselves: The legal system has no flexibility.

“The system works perfectly. It does exactly what it was set up to do, which is incarcerate certain people. We don’t need system reform. We need a new system.

“I can’t tell you the number of times we have trials and after the sentencing a juror finds out the sentence that was handed down and they are devastated at what the defendant got. So turn up for jury duty and actually stay there.”

4. Emanuel Price, founder of Second Chances are for Everyone, which helps people with felony convictions rise above the stigma and discrimination that prevents former felons from getting jobs and living normal lives. Price shared his story with the audience. After making a bad choice in the summer before his final year of college, he spent five years in prison.

A class for kids that teaches them how

to act in public, how to know their rights and educates them from 5th grade up about the prison system.

“When I went to prison I saw a lot of people I knew and that’s when I realized ‘They are locking us up like crazy.’ A lot of people I knew in high school: that’s where they were. A lot of people I played sports and soccer with: This is where they were.”

“And once I got out no matter how much education I got, no matter how many good references I had, it all came back to that one question, that one bad thing on my record.”

5. Rep. Lew Frederick added his own take on the issues. The laws are made in Salem in the Legislature, he said, so make sure your legislators know this is an important issue for you.

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