FORECLOSURES

LAW LIBRARY

SUPERIOR COURT OF ARIZONA, MARICOPA COUNTY

December 2008

CONTENTS

| Books - Arizona | . 3 |
|--------------------|-----|
| Books - General | . 3 |
| FORMS - ARIZONA | . 4 |
| Forms – General | . 4 |
| Articles - General | . 4 |

BOOKS - ARIZONA

- Brower, Stephen. *Avoiding Fraudulent Real Estate Practices*. Eau Claire, WI: National Business Institute, 2007. KFA 2526 .B76 2007.
- Collins, S. Matt. Overcoming Foreclosure Obstacles in Arizona: Title Problems, Bankruptcy, and Procedures. Eau Claire, WI: National Business Institute, 2005. KFA 2530.5 .F6 C65 2005.
- Drain, Diane L. *Arizona Trustee's Sales: A Step-by-Step Workshop.* Eau Claire, WI: National Business Institute, 2008. KFA 2530.5 .F6 D73 2008.
- Fox, Kathleen D. *Overcoming Title and Bankruptcy Obstacles during Foreclosures*. Eau Claire, WI: National Business Institute, 2007. KFA 2530.5 .F6 F69 2007.
- Maidman, Bret A. *Advising Creditors during Foreclosure and Repossession Actions*. Eau Claire, WI: National Business Institute, 2006. KFA 2430.5 .F6 M35 2006.
- "Real Property Foreclosures." In Clarke, Marilee Miller. *Arizona Civil Remedies*, Section 8. Phoenix, AZ: State Bar of Arizona, 2003. KFA 2947 .A955.
- Yarnell, Robert A. *The Ins and Outs of Foreclosures*. Phoenix, AZ: State Bar of Arizona, 2005. KFA 2530.5 .F6 Y37 2005 (Supp. 2007).

BOOKS - GENERAL

- Bruce, Jon W. Real Estate Finance in a Nutshell. St. Paul, MN: Thomson West, 2004. KF 695 .Z9 B78 2004.
- Carter, Carolyn L. *Repossessions and Foreclosures: With CD-ROM.* Boston, MA: National Consumer Law Center, 2002. KF 1085 .S54 2002 (Supp. 2004).
- Dreams Foreclosed: The Rampant Theft of Americans' Homes through Equity-Stripping Foreclosure 'Rescue' Scams. Boston, MA: National Consumer Law Center, 2005. KF 1539 .N37 2005.
- "Foreclosure" in *Restatement (Third) of Property (Mortgages)* §8, 1997. KF395 .Z99 P777 1997 (Supp. 2008).
- Mears, Patrick E. Strategies for Secured Creditors in Workouts and Foreclosures.

 Philadelphia, PA: American Law Institute-American Bar Association Committee on Continuing Professional Education, 2004. KF 697 .F6 S76 2004.
- Rao, John. Foreclosures: Defenses, Workouts, and Mortgage Servicing. Boston, MA: National Consumer Law Center, 2007. KF 697 .F6 R36 2007.
- Renuart, Elizabeth, Odette Williamson and Mark Benson. Foreclosure Prevention

 Counseling: Preserving the American Dream. Boston, MA: National Consumer Law

- Center, 2007. KF 697 .F6 R46 2007.
- "Sufficiency of Manner and Timeliness of Redemption of Real Estate Contract from Foreclosure." 66 American Jurisprudence Proof of Facts 3d 267 (Supp. 2008). KF 8933 .A42 1988.

FORMS - ARIZONA

- Creighton, Catherine A. *Arizona Legal Forms: Debtor-Creditor.* St. Paul, MN: West Group, 1998-. KFA 2468 .A75 (Supp. 2008).
- "Real Property Foreclosures." In Clarke, Marilee Miller. *Arizona Civil Remedies*, Section 8A. Phoenix, AZ: State Bar of Arizona, 2003. KFA 2947 .A955.
- Yarnell, Robert A. *The Ins and Outs of Foreclosures.* Phoenix, AZ: State Bar of Arizona, 2005 (Supp. 2007). KFA 2530.5 .F6 Y37 2005.

FORMS — GENERAL

- "Mortgages: III. Enforcement; Foreclosure." 18 American Jurisprudence Pleading and Practice Forms Annotated §42 et seq. Eagan, MN: Thomson West, 2005 (Supp. 2008). KF 170 .A6 v.18.
- Kyle, Alfred G. "Dealing with Default (With Forms)." 23 *The Practical Real Estate Lawyer* 7 (May 2007).

ARTICLES - GENERAL

- Aalberts, Robert. J. "'Exploding Arms' and Subprime Loans: Must Every Decade Have a Real Estate Crisis?" 36 Real Estate Law Journal 3 (Summer 2007).
- Barney, Dale E. "The Secured Lender's State Law Remedies on Default: A Practical Approach to Foreclosure and Replevin." 121 *Banking Law Journal* 527 (June 2004).
- Barton, Robert O. "Foreclosures: California's One Action Rule." 26 California Lawyer 37 (December 2006).
- Bermant, Gordon and Jean Braucher. "Making Post-Petition Mortgage Payments inside Chapter 13 Plans: Facts, Law, Policy." 80 *American Bankruptcy Law Journal* 261 (Spring 2006).
- Blair, Roger D. and Christine A. Piette. "Antitrust Injury and Standing in Foreclosure Cases. (The Antitrust Enterprise: Principle and Execution)." 31 *Journal of Corporation Law* 401 (Winter 2006).

- Cox, Prentiss. "Foreclosure Equity Stripping: Legal Theories and Strategies to Attack a Growing Problem." 39 *Clearinghouse Review* 607 (March/April 2006).
- Cox, Prentiss. "Foreclosure Reform amid Mortgage Lending Turmoil: A Public Purpose Approach." 45 *Houston Law Review* 683 (Fall 2008). Available at: http://www.houstonlawreview.org/archive/downloads/45-3 pdf/45 3 02 Cox.pdf
- Davies, Zachary E. "Rescuing the Rescued: Stemming the Tide of Foreclosure Rescue Scams in Washington." 31 Seattle University Law Review 353 (Winter 2008).
- Davis, Wendy N. "Finding It Hard To Be a Loan: Courts Are Tossing Out Foreclosure Cases: Citing Lawyers for Lacking the Right Papers." 84 ABA Journal 16 (March 2008).
- Del Duca, Patrick and Lois F. Del Duca. "9-610 to 614, 9-625, 9-626 Reasonable Notification and Commercially Reasonable Requirements for Disposing of Collateral Deficiency Judgment Statutory Damages." 37 *Uniform Commercial Code Law Journal* 110 (Winter 2005).
- Fries, Richard S. "Distressed Loans, Workouts and Mortgage Foreclosure: Strategies and Remedies after Default." 543 *Practising Law Institute Ninth Annual Commercial Real Estate Institute* 887 (October/November 2007).
- Fries, Richard S. "Judicial and Non-Judicial Foreclosure: Strategies and Remedies after Default." 549 *Practising Law Institute Commercial Real Estate Financing* 119 (January/March 2008).
- Gerber, Daniel W. and Nikia A. O'Neal. "Mortgagee Clause Claims in the Subprime Fallout." 75 Defense Counsel Journal 254 (July 2008).
- Giantomasi, Gemma "A Balancing Act: The Foreclosure Power of Homeowners' Associations." 72 Fordham Law Review 2503 (May 2004). Available at: http://law.fordham.edu/publications/articles/500flspub11002.pdf
- Gibeaut, John. "Mortgage Fraud Mess: Growing Numbers of Homeowners Are Being Dragged Down by Questionable Loans." 93 *ABA Journal* 50 (July 2007).
- "Home Owners Prove Consumer Fraud and Civil Conspiracy against Lenders Who Misrepresented Home Conveyances as Home Loans." 39 *Clearinghouse Review* 489 (November/December 2005).
- Jacoby, Melissa B. "High Ownership Risk Beyond a Subprime Crisis: The Role of Delinquency Management." 76 Fordham Law Review 2261 (April 2008). Available at: http://law.fordham.edu/publications/articles/500flspub11002.pdf
- Jennings, Marion M. "From the Courts." 36 Real Estate Law Journal 454 (Spring 2008).
- Jennings, Marion M. "Mortgage Follies." 36 Real Estate Law Journal 319 (Winter 2007).
- Johnson, Creola. "Stealing the American Dream: Can Foreclosure-Rescue Companies Circumvent New Laws Designed to Protect Homeowners From Equity Theft?" 2007 Wisconsin Law Review 649 (May/June 2007).

- Kyle, Alfred G. "Dealing with Default (With Forms)." 23 *The Practical Real Estate Lawyer* 7 (May 2007).
- Lindsey, Daniel. "Prevent People from Wrongfully Losing their Homes: A Primer on Mortgage Foreclosure Defense Practice." 21 *CBA Record* 38 (Oct 2007).
- Morrissey, Siobhan. "Prime Aid, Subprime Crisis: Pro Bono Efforts Flourish Despite Conflict Issues." 94 ABA Journal 36 (September 2008).
- Nelson, Grant S. "The Foreclosure Purchase by the Equity of Redemption Holder or Other Junior Interests: When Should Principles of Fairness and Morality Trump Normal Priority Rules?" 72 Missouri Law Review 1259 (Fall 2007).
- Nelson, Grant S. and Dale A. Whitman. "Reforming Foreclosure: The Uniform Non-Judicial Foreclosure Act." 53 *Duke Law Journal* 1399 (March 2004).
- Nevius, Alistair M. "Forced Home Sale Can Result in Income to the Borrower." 204 *Journal of Accountancy 88* (September 2007).
- Pasquini, C. Barrett. "The Tax Consequences of the Statutory Right of Redemption in Property Foreclosures." 48 William and Mary Law Review 1497 (March 2007).
- Pittman, Sally. "Arms, But No Legs to Stand On: 'Subprime' Solutions Plague the Subprime Mortgage Crisis." 40 *Texas Tech Law Review* 1089 (Summer 2008).
- Pulliam, Darlene. "No 'Alternatives' to Tax Lien Foreclosures." 204 *Journal of Accountancy* 74 (August 2007).
- Rutledge, Thomas E., Carter G. Bishop and Thomas Earl Geu. "Foreclosure and Dissolution Rights of a Member's Creditors: No Cause for Alarm." 21 *Probate and Property* 35 (May/June 2007).
- Schmudde, David. "Lessons from the Subprime Mortgage Debacle." 24 *The Practical Real Estate Lawyer* 9 (May 2008).
- Schurig, Elizabeth M. and Amy P. Jetel. "The Alarming Potential for Foreclosure and Dissolution by an LLC Member's Personal Creditors." 20 *Probate and Property* 42 (May/June, 2006).
- Seidenberg, Steven. "Homing in on Foreclosure." 94 ABA Journal 54 (July 2008).
- Shattuck, Steven D. "Real Estate Financing Documentation: Strategies for Changing Times UCC Foreclosure Sale of Equity Interests." *American Law Institute American Bar Association Continuing Legal Education* 769 (January 11, 2007).
- Stillman, James R. "Commercial Real Estate Defaults, Workouts and Reorganizations Holding Property Acquired at Foreclosure: Premises Liability, Environmental Costs, and Other Issues." *American Law Institute American Bar Association Continuing Legal Education* 605 (April 20, 2006).

- Stillman, James R. "Commercial Real Estate Defaults, Workouts and Reorganizations Selling Property Acquired at Foreclosure: Duties to Disclose, Warranties, and the 'As-Is' Clause." American Law Institute American Bar Association Continuing Legal Education 623 (April 20, 2006).
- Stillman, James R. "Commercial Real Estate Defaults, Workouts and Reorganizations the Foreclosure Settlement Agreement. American Law Institute American Bar Association Continuing Legal Education 593 (April 20, 2006).
- Stillman, James R. "The Foreclosure Settlement Agreement." 21 *Practical Real Estate Lawyer* 57 (July 2005).
- Stillman, James R. "Modern Real Estate Transactions Holding Property Acquired at Foreclosure: Premises Liability, Environmental Costs, and other Issues. *American Law Institute American Bar Association Continuing Legal Education* 2623 (July 26, 2006).
- Stillman, James R. "Modern Real Estate Transactions Selling Property Acquired at Foreclosure: Duties to Disclose, Warranties, and the 'As-Is' Clause." *American Law Institute American Bar Association Continuing Legal Education* 2641 (July 26, 2006).
- Stillman, James R. "Modern Real Estate Transactions the Foreclosure Settlement Agreement." *American Law Institute American Bar Association Continuing Legal* 2611 (July 26, 2006).
- Wright, Fred. "The Effect of New Deal Real Estate Residential Finance and Foreclosure Policies Made in Response to the Real Estate Conditions of the Great Depression." 57 Alabama Law Review 231 (Fall 2005).