

FORECLOSURES

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BOOKS & ARTICLES - 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.
- Folks, Larry O. "Arizona Mortgage Deficiency Law: 2017 Update." [54 Arizona Attorney 40](#) (December 2017).
- 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.
- Stapley, DJ. "A Recent Ruling on Title Insurance Policies Neither Poses Significant Ripple Effects nor Addresses Arizona's Statutory Conflicts." [11 Arizona Summit Law Review 63](#) (2018).
- Yarnell, Robert A. *The Ins and Outs of Foreclosures*. Phoenix, AZ: State Bar of Arizona, 2005. KFA 2530.5 .F6 Y37 2005 (Supp. 2007).
- Zeitzer, Beth Jo. "Using Court-Appointed Commissioners and Receivers to Resolve Real Estate Disputes." [54 Arizona Attorney 24](#) (March 2018).

BOOKS - GENERAL

- Bruce, Jon W. *Real Estate Finance in a Nutshell, 7th ed.* St. Paul, MN: West Academic Publishing, 2018. KF 695 .Z9 B78 2018.
- 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, John T. Gregg and Timothy S. McFadden. *Strategies for Secured Creditors in Workouts and Foreclosures, 2nd ed.* Philadelphia, PA: American Law Institute-American Bar Association Committee on Continuing Professional Education, 2012. KF

697 .F6 S76 2012.

Rao, John. *Mortgage Servicing and Loan Modifications*, 1st ed. Boston, MA: National Consumer Law Center, 2019. KF 697 .F6 M678 2019. (Available online <https://superiorcourt.maricopa.gov/llrc/online-research-databases/>).

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.

Walsh, Geoff. *Home Foreclosures*, 1st ed. Boston, MA: National Consumer Law Center. KF 697 .F6 W35 2019 (Available online <https://superiorcourt.maricopa.gov/llrc/online-research-databases/>).

FORMS & STATUES - ARIZONA

Application for Release of Excess Proceeds of Foreclosure Sale:
<https://superiorcourt.maricopa.gov/media/2122/cvep1z.pdf>

Arizona Revised Statute § 33-721 et seq. [Title 33, Article 2, Foreclosure](#).

Arizona Revised Statute § 33-809 Title 33. [Property Request for copies of notice of sale; mailing by trustee; disclosure of information regarding trustee sale](#)

Arizona Revised Statute § 33-993 Title 33. [Property Procedure to perfect lien; notice and claim of lien; service; recording; definitions](#)

Creighton, Catherine A. *Arizona Legal Forms: Debtor-Creditor*. St. Paul, MN: West Group, 1998-. KFA 2468 .A75 (current supplement).

"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. Available online at the Law Library Resource Center.

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).

Ban, Caroline, and Chris Krehmeyer. "Facing Foreclosure: The Impact on Homeowners and Community Responses to the Ongoing Crisis." *60 St. Louis Bar Journal* 4 (2014).

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).

Bartell, Laura B. "Tax Foreclosures as Fraudulent Transfers - Are Auctions Really Necessary." *93 American Bankruptcy Law Journal* 681 (Winter 2019).

Barton, Robert O. "Foreclosures: California's One Action Rule." *26 California Lawyer* 37 (December 2006).

Bauer, Benjamin A. "We Don't Live Here Anymore: A Critical Analysis of Government Responses to the Foreclosure Crisis." *37 Northern Kentucky Law Review* 121 (2010).

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).

Burkhart, Ann M. "Fixing Foreclosure." *36 Yale Law & Policy Review* 315 (2018).

COVID-19 Housing Protections: Mortgage Forbearance and Other Federal Efforts Have Reduced Default and Foreclosure Risks. Washington, D.C: [U.S. Government Accountability Office](#) (July 2021).

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).

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." *94 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).
- Deutsch, Lea. "Collateral Damage: Mitigating the Effects of Foreclosure in Communities." [*22 Temple Political & Civil Rights Law Review* 203](#) (2012).
- Dudley, Kelli. "An Excerpt of Iniquity: How Court Systems, Attorneys, and Legal Aid Organizations Cheated Homeowners in Foreclosure." [*12 DePaul Journal for Social Justice* 1](#) (2019).
- Feinstein, Brian D. "Judging Judicial Foreclosure." [*15 Journal of Empirical Legal Studies* 406](#) (2018).
- Fox, Judith. "The Future of Foreclosure Law in the Wake of the Great Housing Crisis of 2007-2014." [*54 Washburn Law Journal* 489](#) (2015).
- 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](#) (2004).
- Gibeaut, John. "Mortgage Fraud Mess: Growing Numbers of Homeowners Are Being Dragged Down by Questionable Loans." [*93 ABA Journal* 50](#) (July 2007).
- Greenberg, David R. "Neglected Formalities in the Mortgage Assignment Process and the Resulting Effects on Residential Foreclosures." [*83 Temple Law Review* 253](#) (Fall 2010).
- Gugenheim, Moshe Y. "Obduskey v. McCarthy & Holthus LLP: Declining to Distinguish between Judicial and Non-Judicial Foreclosure in Furtherance of the FDCPA's Mission." [*14 Journal of Business & Technology Law Proxy* 17](#) (2020).
- Harnick, Ellen. "The Crisis in Housing and Housing Finance: What Caused It - What Didn't - What's Next." [*31 Western New England Law Review* 625](#) (2009).
- "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).
- 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).
- Lacoe, Johanna, and Ingrid Gould Ellen. "Mortgage Foreclosures and the Changing Mix of Crime in Micro-neighborhoods." [52 Journal of Research in Crime And Delinquency 717](#) (2015).
- Lantry, Jacob J. "Municipal Lifeguards: The Constitutionality of Condemning and Refinancing Underwater Mortgages." [62 Drake Law Review 243](#) (2013).
- Leen, David A. "Wrongful Foreclosures in Washington." [49 Gonzaga Law Review 331](#) (2013/2014).
- Lindsey, Daniel. "Prevent People from Wrongfully Losing their Homes: A Primer on Mortgage Foreclosure Defense Practice." *21 CBA Record* 38 (Oct 2007).
- Mason, Helen. "No One Saw It Coming - Again: Systemic Risk and State Foreclosure Proceedings: Why a National Uniform Foreclosure Law Is Necessary." [67 University of Miami Law Review 41](#) (2012).
- McCoy, Patricia A. "Has the Mortgage Pendulum Swung Too Far: Reviving Access to Mortgage Credit." [37 Boston College Journal of Law and Social Justice 213](#) (2017).
- McQuade, Amanda. "The Antidote to Zombie Foreclosures: How Bankruptcy Courts Should Address the Zombie Foreclosure Crisis." [32 Emory Bankruptcy Developments Journal 506](#) (2016).
- 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).
- Perkins, Casey. "Privatopia in Distress: The Impact of the Foreclosures Crisis on Homeowners' Associations." *10 Nevada Law Journal* [561](#) (2010).
- Phillips, Sandra. "Reducing Home Mortgage Foreclosures in a Predatory Lending Environment: A Case Study of Mid-Sized City in Central New York." [36 *Fordham Urban Law Journal* 489](#) (2009).
- Pittman, Sally. "Arms, But No Legs to Stand On: 'Subprime' Solutions Plague the Subprime Mortgage Crisis." [40 *Texas Tech Law Review* 1089](#) (Summer 2008).
- Potter, Shayshari S. "Extending Mortgage Forbearance for Conventional Mortgage Loans during COVID-19." [25 *North Carolina Banking Institute* 565](#) (2021).
- Pulliam, Darlene. "No 'Alternatives' to Tax Lien Foreclosures." *204 Journal of Accountancy* 74 (August 2007).
- Rosing, Robert S., and Monica D. Gonzalez. "Non-Judicial Foreclosure and the Fair Debt Collection Practices Act after *Obduskey vs. McCarthy & Holthus LLP*." *Capital University Law Review*, vol. 49, no. 3, Fall 2021, p. 351-384. HeinOnline, <https://heinonline.org/HOL/P?h=hein.journals/capulr49&i=375>.
- 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. SI100 *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. Sm002 *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." Sm002 *American Law Institute - American Bar Association Continuing Legal Education* 2641 (July 26, 2006).
- Stillman, James R. "Modern Real Estate Transactions the Foreclosure Settlement Agreement." Sm002 *American Law Institute - American Bar Association Continuing Legal* 2611 (July 26, 2006).
- "The Right to Rent Post-Foreclosure: A Legislative Proposal to Address Widespread Vacancies in the Ongoing Foreclosure Crisis." [51 *Harvard Journal on Legislation* 171](#) (2014).
- Tokarz, Karen, et al. "Foreclosure Mediation Programs: A Crucial and Effective Response by States, Cities, and Courts to the Foreclosure Crisis." [59 *St. Louis Bar Journal* 28](#) (2012).
- Wagner, Justin. "Assisting Distressed Homeowners to Avoid Foreclosure: An Advocate's Role in an Evolving Judicial and Policy Environment." [17 *Georgetown Journal on Poverty Law & Policy* 423](#) (2010).
- White, Alan M. "Foreclosure Diversion and Mediation in the States." [33 *Georgia State University Law Review* 411](#) (2017).
- 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).