

Consumer Defense Law Group Helps San Diego Homeowner Secure Loan Modification After Servicer Violates Foreclosure Laws

SAN DIEGO, CA, UNITED STATES, February 24, 2025 /EINPresswire.com/ -- Facing foreclosure can be an overwhelming and devastating experience, but for San Diego homeowner Young Kim, legal advocacy and nonprofit support made all the difference. After falling behind on her mortgage due to illness and reduced income, Kim was at risk of losing her home. However, with the intervention of both the Nonprofit Alliance of Consumer Advocates and their legal alliance the Consumer Defense Law Group, led by Managing Attorney Tony Cara, she successfully obtained a [loan modification](#), securing her home and financial future when her loan servicer declined assistance.

Kim originally purchased her property on March 9, 2006, for \$565,000. However, like many homeowners affected by financial hardship, she struggled to keep up with her mortgage payments. On April 5, 2009, she received her first Notice of Default, marking the beginning of a long battle to retain ownership of her home.

After exhausting other options, Kim engaged with the Nonprofit Alliance of Consumer Advocates in July 2024, just as her property faced a pending foreclosure sale date of August 9, 2024. Recognizing the urgency of her situation, the nonprofit submitted a complete file to the loan's Servicer within California's required five-day period, expecting the Trustee Sale to be postponed, as mandated by state law.

Servicer Violates State Foreclosure Law, Forcing Legal Action

Despite the legal requirement to halt foreclosure proceedings, the Servicer—who was not the actual Investor-owner of the loan—refused to comply, blatantly violating California's Dual Tracking laws. This left Kim with only three options: Accept foreclosure and lose her home, Sell the property under pressure, or Seek legal protection through bankruptcy or aggressive foreclosure defense.

This scenario is far too common when dealing with Investor-owned loans serviced by third-party entities thought to be the Lender. These Servicers, who do not own the loans they only manage, often refuse to properly review homeowner requests for foreclosure relief, ignoring legal protections designed to prevent wrongful foreclosure.

Recognizing this injustice, with an eminent Trustee Sale date the Lender refused to Postpone the Nonprofit Alliance of Consumer Advocates immediately referred Kim to the Consumer Defense Law Group, who took immediate action, filing a lawsuit against not only the servicer, but also included the investor as a co-defendant on September 25, 2024 (Case# 24CU013760C) to protect Kim's rights and stop the illegal foreclosure process. This legal action was not just about stalling foreclosure—it was about holding Servicers accountable for violating homeowner protections.

Legal Action can Force Servicer to Grant Loan Modification when the Investor is being Sued.

After months of legal battles, Kim successfully secured a loan modification in November 2024, allowing her to reinstate her loan despite being three years behind, with a delinquent balance of well over \$80,000. Without legal intervention, she would have lost her home due to the Servicer's refusal to comply with state law.

This case underscores a critical issue facing California homeowners: Servicers of Investor-owned loans routinely violate foreclosure laws, forcing homeowners to seek aggressive legal protection. The Consumer Defense Law Group remains committed to defending homeowners in court when Servicers attempt to ignore state law and push wrongful foreclosures forward.

About Consumer Defense Law Group

The Consumer Defense Law Group is a legal firm dedicated to protecting homeowners from foreclosure through strategic legal action. Led by Managing Attorney Tony Cara, the firm has a strong track record of successfully defending homeowners, reversing Trustee Sales thru wrongful foreclosure Litigation, and holding lenders accountable for violations of foreclosure law.

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