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## dan hayes honored with consumer law project's "advocate of the year" award

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April 14, 2009

Dan Hayes will be honored with the Consumer Law Project's "Advocate of the Year" award at Public Counsel's 10th annual Volunteer Appreciation Celebration on April 14, 2009.

Dan is being recognized for the exemplary pro bono service he provided to his client and his support of Public Counsel.

MSK's client, a 65-year-old widow living on SSI, was approached by an unscrupulous home improvement salesman. After gaining her trust, this "salesman" convinced our client to allow him to perform various remodeling jobs around her home, which he said would be paid for through a local senior citizen's grant (which was later found not to exist). The salesman instructed our client to sign a stack of documents, which she was not permitted to read, pertaining to the work. Unbeknownst to her, among the documents was a \$30,000 loan from a hard money lender and a deed of trust securing the loan. Unaware of the loan, our client made no payments and the hard money lender immediately hired a foreclosure consultant to foreclose on her home. At the foreclosure sale, her home was sold to a trust controlled by the foreclosure consultant himself, for about 1/10 of the value of the property.

The foreclosure consultant then instituted eviction proceedings against our client. Without an attorney and under extreme duress, she was bullied into signing a stipulated judgment in which she would receive \$2000 in exchange for vacating her home. After the hearing, she was connected with Public Counsel, which filed a fraud lawsuit against the lender and foreclosure consultant, and won a motion to vacate the stipulated judgment. After the foreclosure consultant's eviction case against our client stalled, he sold her home to a third party for 10 times the amount he allegedly paid for it at the self-dealing foreclosure sale. That third party subsequently instituted eviction proceedings against our client, claiming that it was a bona fide purchaser of the property. MSK associated pro bono as counsel to defend the eviction case and prosecute the fraud case.

### practice areas

commercial litigation  
litigation



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After nearly a year of intense investigation and litigation, MSK extracted monetary settlements from the contractors, the hard money lender, and the foreclosure consultant, and most importantly, a settlement with the third party titleholder through which our client regained the title to her home. She now has free and clear title, without any liens, and has also received a monetary settlement.