

# Untangling Titles in Rent-to-Own Properties

By **Nycole E. Watson**

MY PASTOR ONCE SAID, “ALL IT TAKES for evil to prevail is for good people do nothing.” That is why I have always been passionate about representing the underdog. So it must have been fate that brought me together with Ms. Taylor\* in 2012. My grandmother had just passed away and here, Philadelphia VIP, the hub of pro bono services, was giving me the opportunity to help a 78-year-old mother and grandmother win back the home she had lived in for 34 years.

Taylor had entered into into a lease-purchase agreement, making small monthly payments toward an eventual purchase of the home. One of the only hopes for individuals who cannot qualify for a mortgage, lease-purchase contracts are risky. Often, the property owner saddles the client with

a huge mortgage to pay off after the lease-purchase is made.

That was the case with Taylor. For 15 years, she had made her payments on time. But without notifying her, the owner took out a 15-year \$25,000 mortgage. When the owner passed away, Taylor learned there were two mortgages on the property and a substantial inheritance tax lien against him. After doing everything right, she faced homelessness. “I think I’m going to lose the house,” she told me sadly. “I don’t have any money.”

We kept fighting and praying, but Taylor’s case had many complex issues and every time we resolved one issue, another one came up. Fortunately, VIP paired me with a mentor attorney, Kenneth Fleischer of Zarwin Baum DeVito Kaplan Schaer Toddy P.C. The bank refused to settle, so Fleischer helped me defend against a pre-

trial motion, and we did a lot of research. We both cared so much and vowed not to take the easy way out. We filed two quiet title complaints and requested a release of inheritance tax lien. After two years, we extinguished the two mortgages and the Department of Revenue released the lien without a motion to dismiss. Taylor was ecstatic: “I’ve been fighting for this house for 20 years,” she said. “This means so much to me.”

Since Taylor was granted a free and clear title, she lives happily in her own home with an incredible asset to pass onto her children and grandchildren.

VIP’s work is vital to preventing sellers from robbing home-buyers of their assets. “Without a lawyer, Taylor might have had to obtain a reverse mortgage to pay off the seller’s mortgage, leaving her heirs with nothing but debt,” said VIP Manag-

ing Attorney Kelly Gastley. When you take a case with VIP, you become a better lawyer and you change lives. You build legal skills and learn new areas of the law while putting procedures and knowledge into practice, something you cannot do in a classroom.

Taylor’s case certainly changed my life for the better, and we still keep in touch. So take advantage of VIP’s trainings, and volunteer. You can make a profound difference and be the reason that someone has a home to call her own.

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*\*The client’s name was changed to protect her identity.*

## 2017 Philadelphia Bar Association Budget

### Sources of Funds

Membership Dues.....	\$1,840,000
Lawyer Referral Service.....	552,310
Committee Programs.....	21,000
Publications.....	100,000
Interest and Dividends.....	61,000
Royalties.....	695,000
Affiliate Services.....	40,000
Special Events.....	78,404
YLD Program.....	15,000
Annual Sponsorship Program.....	30,000
CLE.....	494,319

### Outside Groups

Catering.....	79,000
Miscellaneous.....	14,250
<b>Total Revenue.....</b>	<b>4,020,283</b>

### Application of Funds

Program Services	
Lawyer Referral Service.....	91,573
Committee Activities.....	35,000
Meeting Services and Special Events.....	150,024
External Communications.....	6,355
Affiliate Programs (VIP).....	100,000
Bar Association Legal Services Programs.....	9,130
(Legal subscriptions and malpractice insurance)	
Publications.....	27,016
General Services/Catering Administration.....	131,321
Executive.....	212,516
Finance, Information, Technology and Administration.....	155,505
YLD Program.....	40,000
CLE Program.....	333,966
Overhead (includes phones, Internet and insurance).....	252,097
Rent.....	165,410
<b>Total Program Services.....</b>	<b>1,709,913</b>

### Support Services

Employee Salaries.....	1,766,607
Employee Benefits.....	694,828
Stationery, Postage and Office Expense.....	32,925
<b>Total Support Services.....</b>	<b>2,494,360</b>
<b>Total Expenses.....</b>	<b>4,204,274</b>
<b>Change in Net Assets.....</b>	<b>(\$183,991)</b>

## Climate Change

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emissions enough to avoid disaster requires sensible laws to encourage clean energy and discourage dirty energy.

From a safety perspective, the change-over to clean energy cannot come soon enough. But when it will happen will depend on many factors, most importantly public awareness and support for clean energy.

Speakers noted that while reducing and soon eliminating greenhouse gas emissions are of paramount importance, significant attention also must be paid to the subject of adaptation, i.e., learning to live with rising waters, extreme heat, stronger storms and more. Adaptation is now driving the conversation in many places as government and private interests need to consider the effects on low-lying urban areas, coastal communities, military installations and infrastructure at sea level. The changes and their effects will present great challenges for our regions, states, country and world.

The day ended with a discussion about the role of lawyers in fighting climate change. Speakers agreed that, through litigation, counselling clients and promoting education and awareness, lawyers can help bring about sensible legal changes to protect the common good. The planners of the conference and a number of the speakers and attendees agreed to meet again soon to

discuss ways to promote involvement by lawyers and the legal community.

Persons wishing to join the discussion or learn more can contact the author or visit [www.calltothebar.org](http://www.calltothebar.org). A Call to the Bar grew out of a discussion in Philadelphia by lawyers and scientists about what members of the legal profession can do to help society face the urgent problem of climate change, knowing that viable solutions are technically and economically available but not being implemented because of a lack of public awareness and support. The argument was made that lawyers are one of the most powerful groups in our society and should use that power to help convince the public and politicians of the need for immediate action on climate change.

*Stephen G. Harvey ([steve@steveharveylaw.com](mailto:steve@steveharveylaw.com)), organizer of A Call to the Bar, is the owner of Steve Harvey Law LLC.*

### CLE Topic Idea?

To submit a topic idea for a CLE course or volunteer to be a course planner or presenter, contact Director of Continuing Legal Education, Tara D. Phoenix, at 215-238-6349 or [tphoenix@philabar.org](mailto:tphoenix@philabar.org).