



**CLEVELAND MUNICIPAL
COURT
HOUSING DIVISION
W. MONÁ SCOTT, JUDGE**



ZOMBIE MORTGAGES and ZOMBIE TITLES

Cleveland property owners often struggle to maintain the properties they own. When they fail to do so, they may be cited by the City of Cleveland, and ordered to appear in the Cleveland Housing Court to face criminal charges. Increasingly, the Court sees a number of property owners who are shocked to find out that they still own properties they believed they lost long ago to foreclosure or bankruptcy. These property owners have fallen prey to **“Zombie Mortgages” or “Zombie Titles.”**

Zombie Mortgages? They sound scary. What are they?

Zombie Mortgages come about when a property owner is faced with foreclosure. The owner is notified by the bank that foreclosure is being commenced, and the owner should move from the property. The directive to move usually comes first from the bank or lender starting the foreclosure – not a Court. The bank or lender then starts the foreclosure, but does not follow it through to completion – often because the bank or lender has determined that the completing the foreclosure is not in its own best interest, because of the low value of the property. The foreclosing party then abandons the foreclosure, often without notice to the property owner. Even if notice is sent, the property owner often will not receive it, because they've followed the lender's directive to move from the property. Because the foreclosure is not completed, the mortgage remains on the property and title remains in the name of the unsuspecting property owner.

What are Zombie Titles, then?

Zombie titles are similar creatures. The term may refer to the un-transferred title as described above. It may also be used to describe title to property whose owner has filed bankruptcy. Many owners believe that their responsibility for real property ends when they file bankruptcy. This is not the case! In most circumstances, responsibility for maintenance of real property does not end until the title is transferred to someone else. Simply filing bankruptcy does not transfer title. The bankruptcy may not be completed, or the trustee in bankruptcy may “abandon” the real property, often because of its low value. Under those circumstances, the property owner may remain the owner, with all the responsibilities that go with it.

Okay, they are frightening creatures! How can I avoid them?

1. **Review County records to see what those records say you own.** In Cuyahoga County, you can start here, with the County's Fiscal Officer:
 - <http://fiscalofficer.cuyahogacounty.us/AuditorApps/real-property/REPI/default.asp>and the Cuyahoga County Recorder's office:
 - <http://recorder.cuyahogacounty.us/searchs/parcelsearchs.aspx>

2. **Stay informed about the status of your foreclosure case or bankruptcy case.** Information is one of the best weapons against Zombie Mortgages and Titles. If a foreclosure case has been filed against you, or even if you suspect one may have been, find out where your property is in the foreclosure process. You will need the Permanent Parcel Number (PPN), available from the Fiscal Officer's website, to look up information about your property on these websites.

In Cuyahoga County, most foreclosures are filed in the Common Pleas Court. To find out the status of the foreclosure case in the Common Pleas Court click on:

- <http://cpdocket.cp.cuyahogacounty.us/TOS.aspx>

(choose Civil, search by name, then Foreclosure Property Search to search by property)

Sometimes, foreclosure cases may be filed in federal court. You can research federal court cases (including foreclosures) for the Northern District of Ohio by visiting the following site:

- <https://ecf.ohnd.uscourts.gov/cgi-bin/login.pl>

(in order to access federal court records, you will need to have a PACER account. You may incur per-page costs for searches in the PACER system. Visit <https://ecf.ohnd.uscourts.gov/cgi-bin>ShowIndex.pl> or <http://www.pacer.gov/> for more information.)

The Cuyahoga County Sheriff's website provides information about sheriff's sales:

- <http://sheriff.cuyahogacounty.us/en-US/Foreclosure-Property-Search.aspx>

Bankruptcy cases are filed in U.S. Bankruptcy Court. To get information about the status of your bankruptcy case, you may call an automated system at **(866) 222-8029** or visit <https://www.ohnb.uscourts.gov/> to access the Bankruptcy Court's website.

3. **Consult an attorney to be clear about your legal rights and responsibilities.** Getting the factual information described above is important, but it is only a first step. You also need to know the legal effect of that information. The best way to find out about your rights and responsibilities is to consult with an attorney. If you do not have an attorney, you may wish to contact The Lawyer Referral Service of the Cleveland Metropolitan Bar Association, by visiting their website: <http://www.clemetrobar.org/LRS/> or by calling 216-696-3525.

If you cannot afford an attorney, you may wish to attend a Legal Aid Brief Advice Clinic (list at <http://lasclev.org/category/events/> or call 216-687-1900 or 888-817-3777)

Owners of property in the City of Cleveland and the Village of Bratenahl also can speak with a Housing Specialist at the Housing Court from 8:30 am to 4:00 pm, Monday through Friday. Housing Specialists **are not attorneys** and cannot provide legal advice, but do assist residents with information about a wide range of housing issues, including zombie titles. The Housing Specialists are located on the 13th floor of the Justice Center, 1200 Ontario Street, Cleveland, Ohio.

www.clevelandhousingcourt.org