



DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF CONSUMER PROTECTION
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

235 SOUTH BERETANIA STREET, ROOM 801

HONOLULU, HAWAII 96813-2419

Phone Number: 586-2636

Fax Number: 586-2640

www.hawaii.gov/dcca/ocp

CATHERINE P. AWAKUNI COLÓN
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI
DEPUTY DIRECTOR

STEPHEN H. LEVINS
EXECUTIVE DIRECTOR
OFFICE OF CONSUMER PROTECTION

LISA P. TONG
MELINA D. SANCHEZ
JAMES F. EVERS
MICHAEL J.S. MORIYAMA
ENFORCEMENT ATTORNEYS

NOTICE OF YOUR RIGHTS AS A HOMEOWNER IN FORECLOSURE

Dear Consumer:

Your foreclosure case is a public record, and you may be approached by someone offering to help save your home from foreclosure. Many consumers have been misled into paying to save their homes only to find out the promised benefits are never delivered. Don't let yourself become a victim of mortgage rescue fraud.

If you have concerns about someone who offers to help you with your foreclosure, you may contact the State of Hawaii Office of Consumer Protection ("OCP"). OCP is a state law enforcement agency that exists for your protection. There are no fees involved. Through information gathered from consumers like you, OCP regularly investigates matters of reported or suspected mortgage rescue fraud. Please take advantage of OCP's expertise to protect yourself. The same person that may offer to help you has likely made the same offer to others, and OCP is likely to have some familiarity with that individual's history.

Because OCP serves to protect the interests of the State of Hawaii as a whole, OCP can not represent you personally and does not provide legal advice. However, OCP regularly seeks to enjoin unlawful conduct, and OCP frequently requests that the Court declare unlawful contracts as void and require the wrongdoers to refund the money received from the consumers.

Please keep these important points in mind in case you are approached by someone offering to help you defend your foreclosure case:

- Anyone other than an attorney holding an active license to practice law in the State of Hawaii is considered to be a consultant

Consumer Rights

Page 2

- Consultants are required by law to use written contracts that fully describe all of the services being offered to you
- It is against the law for a consultant to ask for or receive advance payment for their services from you or anyone paying on your behalf
- A consultant may only charge you after the consultant has fully performed (successfully completed) all of the services identified in the written contract, and the fee may never exceed the two most recent monthly mortgage installments
- Until the consultant has fully performed, you are entitled under the law to cancel the contract at any time without penalty or further obligation
- If you hire an attorney holding an active license to practice law in Hawaii, the attorney must use a written contract that fully describes all of the services to be performed on your behalf
- Only an attorney may ask for advance payment, but such a payment must remain in the attorney's client trust account until the attorney fully performs (successfully completes) all of the services in the written contract
- Where your attorney contracts to seek relief from the Court, any retainer held by the attorney must remain in the attorney's client trust account until such time as the Court orders the requested relief and the Court finds that said services are compensable
- A good rule of thumb is that if an offer sounds too good to be true, it probably is

If you wish to know more about how to protect yourself from mortgage rescue fraud, please visit the Hawaii Foreclosure Information Center ("HFIC") website at www.hfic.hawaii.gov, where you may find helpful materials on foreclosure, and a link to ask questions.

You may also send your questions via email to HFIC@dcca.hawaii.gov or call (808) 586-2630.