McElroy Deutsch

Mortgage and Foreclosure



Experienced mortgage and foreclosure lawyers, covering trial and appellate work on a state and federal level

The work of the mortgage and foreclosure lawyers at McElroy Deutsch is diverse in scope and involves trial and appellate work in federal and state courts on both a regional and national level. Our law firm has an accomplished team of litigation attorneys who have successfully prosecuted and defended a variety of actions in both state and federal courts on behalf of our secured lender, mortgage servicer, and investor clients in the areas of foreclosure, bankruptcy, eviction, and REO, among many others.

Our attorneys routinely serve as counsel in contested and uncontested foreclosures, bankruptcy adversary proceedings, defensive litigation, title claims and litigation, code violations, and other types of actions. Our mortgage lawyers also regularly handle litigation stemming from the origination and servicing of mortgages, involving issues arising under the Truth-in-Lending Act (TILA), Regulation Z, the Home Ownership and Equity Protection Act of 1994 (HOEPA), the Real Estate Settlement Procedures Act (RESPA), state consumer fraud statutes, among many others.

McElroy Deutsch also handles lender liability claims, including claims for fraud, breach of contract, and tort. Our attorneys have litigated class action disputes in many contexts of federal and state courts, including matters involving lending practices. Our foreclosure lawyers also prosecute consumer and commercial foreclosures and handles all aspects of the process, from the fulfillment of pre-suit

requirements to sheriff's sale. Our law firm handles both the prosecution and defense of such actions on behalf of its clients which includes lenders, mortgage servicing firms, and several Fortune 500 companies in sophisticated and complex litigation matters.

Representative Matter

Results may vary depending on your particular facts and legal circumstances.

- Successfully opposed a preliminary injunction in Essex County Superior Court, Massachusetts involving the foreclosure of a million dollar property, on behalf of financial institution. In response to the mortgagor's last-minute tactics, we drafted a substantial opposition overnight and argued the opposition before the court in an emergency hearing. The court advised counsel for the Mortgagor that its already high burden was made nearly insurmountable by the quality of the Firm's submissions. The court then declined to issue the preliminary injunction and ordered the mortgagor to produce evidence of the funds' origin or the foreclosure would be permitted to go forward.

Related Industries

Real Estate



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