

**STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION**

Marika Tolz

Petitioner

VS.

Florida Housing Finance Corporation

Respondent

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FLORIDA HOUSING
FINANCE CORPORATION

AMENDED PETITION

1. The Petitioner, Marika Tolz ("Tolz") herewith files her amended petition and requests a formal administrative hearing because there exists a genuine material factual dispute.

2. The affected agencies are :

Florida Housing Finance Corporation
227 North Bronough Street , Suite 5000
Tallahassee, Florida 32301

Florida Housing Coalition
1376 East Lafayette Street, Suite C
Tallahassee, Fla. 32301

National Foundation for Debt Management
14104 58th Street North
Clearwater, Fla. 33760
Acct # 766453

3. The Petitioner received initial notice of denial on November 28, 2018 by letter, from Amy Bolt at the National Foundation for Debt Management.

(copy attached) Subsequent notice was received on December 6, 2018 from Florida Housing Finance Corporation (copy attached).

4. The notices received both based their opinion on portion of the Dodd Act which is covered below. This specifically identifies a conviction for a mortgage or real estate fraud as the basis for denial. In this case neither apply.

5. A reversal is warranted pursuant to the relevant part of the Frank Dodd Act which states:

(d) PREVENTION OF QUALIFICATION FOR CRIMINAL APPLICANTS.—

(1) IN GENERAL.—No person shall be eligible to begin receiving assistance from the Making Home Affordable Program authorized under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), or any other mortgage assistance program authorized or funded by that Act, on or after 60 days after the date of the enactment of this Act, if such person, in connection with a mortgage or real estate transaction, has been convicted, within the last 10 years, of any one of the following:

- (A) Felony larceny, theft, fraud, or forgery;
- (B) Money laundering;
- (C) Tax evasion.

6. The Dodd Act was the stated basis for the denial to the petition by Tolz. In fact, the conditions as stated by the Dodd Act do not apply to Tolz .

7. In support thereof, Tolz disputes that the Dodd Act serves as a basis for denial in this case. Consequently there is no actual or factual basis for the

denial. In furtherance, incorporates by reference all arguments and attachments as filed in the initial petition, which was denied.

Wherefore Tolz requests a formal administrative hearing to determine whether her application for assistance within the Elmore Program should have been approved in the absence of any evidence that her convictions were related to Mortgage or Mortgage transactions fraud.

Herewith Respectfully filed on this day 29 of December 2018.



Marika Tolz, Petitioner
1229 Polk Street
Hollywood, Fla. 33019
MarikaJTolz@gmail.com
954-200-9734



**NATIONAL FOUNDATION
FOR DEBT MANAGEMENT**

11/27/2018

Marika Tolz
1229 Polk St.
Hollywood, FL 33019

Dear Marika Tolz

Thank you for your application for assistance under the Florida Hardest Hit Fund (HHF) program. Based on the information you provided in your application and any other documentation you submitted, it has been determined that you are ineligible for program funding or your application has been cancelled due to the reason(s) listed on the attached page.

If you believe that this determination has been made in error, you may ask for additional review of your application by contacting:

NFDM - ELMORE
14104 58th Street North
Clearwater, FL 33760
(877) 751-8076

Sincerely,

Amy M. Bolt

Reasons for Ineligibility

1. **Ineligible Mortgage.** We are unable to offer you HHF payment assistance because your loan did not meet one or more of the following basic eligibility criteria of the Hardest Hit Program:

- Your mortgage is not a reverse mortgage.
- Your reverse mortgage is not serviced by a HUD-approved HECM Servicer or a regulated financial institution.
- There is current pending legal action against the property not initiated by your reverse mortgage lender.
- Servicer ineligible due to Servicer not participating in the HHF Program, investor declined participation.
- You do not currently have an arrearage for taxes and insurance. (Servicer has not advanced funds on your behalf to pay for outstanding property taxes, hazard insurance or required flood insurance.)

2. **Ineligible Borrower.** We are unable to offer you an HHF payment assistance because:

- Your total income is higher than 140% of the area median income (AMI).
- You do not have a qualifying hardship resulting in your inability to repay amounts advanced by your mortgage loan servicer for the payment of Property Charges
- You have filed for bankruptcy protection and the case has not been discharged or dismissed.
- You are not a legal US Resident or a Florida Resident.
- You have been convicted of a mortgage related felony within the past 10 years.
- You have not demonstrated a reasonable likelihood of hardship recovery so as to afford the Property Charges on an ongoing, sustainable basis.
- Your cash value of your assets (including retirement accounts) exceeds \$48,000.

3. **Ineligible Property.** We are unable to offer you HHF payment assistance because your property:

- Is not your primary residence.
- Is vacant or abandoned.
- Has been condemned.

Reasons for Cancellation

- You cancelled your application on _____.
- There has been no activity on the application for a period of 30 days or more, or because the following information necessary to process your application which we first requested from you more than 30 days ago has not been provided:

SENT VIA FEDERAL EXPRESS

December 5, 2018

Ms. Marika Tolz
1229 Polk St
Hollywood, FL 33019

Re: Hardest Hit Fund (HHF) Program Determination

Dear Ms. Tolz:

We have received an appeal request dated December 4, 2018. In accordance with the request, Florida Housing Hardest Hit Fund staff performed a review of your HHF file and the documentation within. We found that the ineligibility determination was correctly made and upheld for the reasons stated in the ineligibility notice and subsequent appeal determination letters provided. Additionally, Florida Housing's Office of Inspector General reviewed the appeal determination and supporting documentation and concurred with HHF staff that the determination was made correctly and in accordance with program policy and procedures. Attached to this letter you will find your Notice of Rights.

Sincerely,



David R. Westcott
Director of Homeownership Programs

Enclosure