

Making Lenders Pay in Foreclosure Cases

By JOHN ELIGON

A new state law signed in Albany this week will allow homeowners who win foreclosure proceedings to have the lender pay their lawyers' fees.

Supporters say the law balances what they see as the long unfair practice of lenders writing provisions in mortgage contracts that allow them to collect lawyers' fees from homeowners when the lender successfully forecloses. Some also say that the new law may give homeowners a better chance in court because they will more easily be able to get representation.

The law comes at a time when big banks are coming under increasing scrutiny for lax handling of mortgage documents.

"We have thousands of foreclosures in New York State where homeowners have valid defenses," said Assemblyman Rory I. Lancman, a Democrat of Queens who co-sponsored the

bill. "But they are unable to assert those defenses because they don't have a lawyer."

In some other types of litigation, like employment or civil rights, lawyers' fees have long been awarded to the winning party, Mr. Lancman said. But foreclosure litigation has been an exception.

A new state law gives homeowners who win a way to cover their lawyers' fees.

"There's been a major problem as this foreclosure crisis has exploded in getting representation for people who need counsel," said Andrew Scherer, the former president of Legal Services NYC, an agency that provides counsel to people who cannot afford lawyers in civil cases.

"This is going to provide a pretty reasonable incentive for private attorneys to take on these cases," Mr. Scherer added.

In general, homeowners are

considered to have won foreclosure proceedings when they are able to get a judgment from the court allowing them to keep their homes. With recent revelations that banks have cut corners in documenting mortgages during the boom, lawyers say, the chances are better than ever to raise legitimate defenses to get a bank's foreclosure action thrown out.

Even in cases in which a settlement is reached, Mr. Lancman said, lenders may be more willing to negotiate the lawyers' fees, knowing that they may have to pay those fees if they lose a judgment.

Michael J. Wrubel, a Florida lawyer who represents homeowners, said he did not believe the new law would substantially tip the scale in favor of homeowners.

"When you take into consideration the amount of money that's at stake in the grand scheme, it's just not worth it to them to really be concerned about attorneys' fees," Mr. Wrubel said, referring to the lenders. "Every so often, they'll get hit. The number of cases that that's going to happen is going to be too rare for it to really make a difference."

Touched by Art, and

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bounteous harvest. In India and Nepal, people touch, kiss and offer rice and flowers to lingams, believed by many scholars to represent the god Shiva's penis.

People touch and pose with Adam's penis for many reasons. Because it's unusual. Because it's funny. Because it's just the right combination of naughty and not-too-naughty. Because it's not in a museum but in a shopping center, where the goods are meant to be handled.

"In our normal lives, you really can't go up and touch someone's genitals," said Fernanda Bennett, the deputy director of the Nassau County Museum of Art on Long Island, which has exhibited its share of Boteros over the years.

"But you can if it's made of bronze and in a public space, and your friend will take a picture of you, too."

Or as Christian Rosario, 16, a student at Manhattan Theater Lab High School, said after encountering Adam: "It's a penis, like, in the middle of a mall, just out in the open! It should have a sign on it saying 'Touch me.'"

Within half an hour on a late September afternoon, Adam's or-

gan drew a stroller. First Grader West New York stroller and h neath the per presenting m "Let's Make husband took something w hair and wor grabbed it ap her head with walked on.

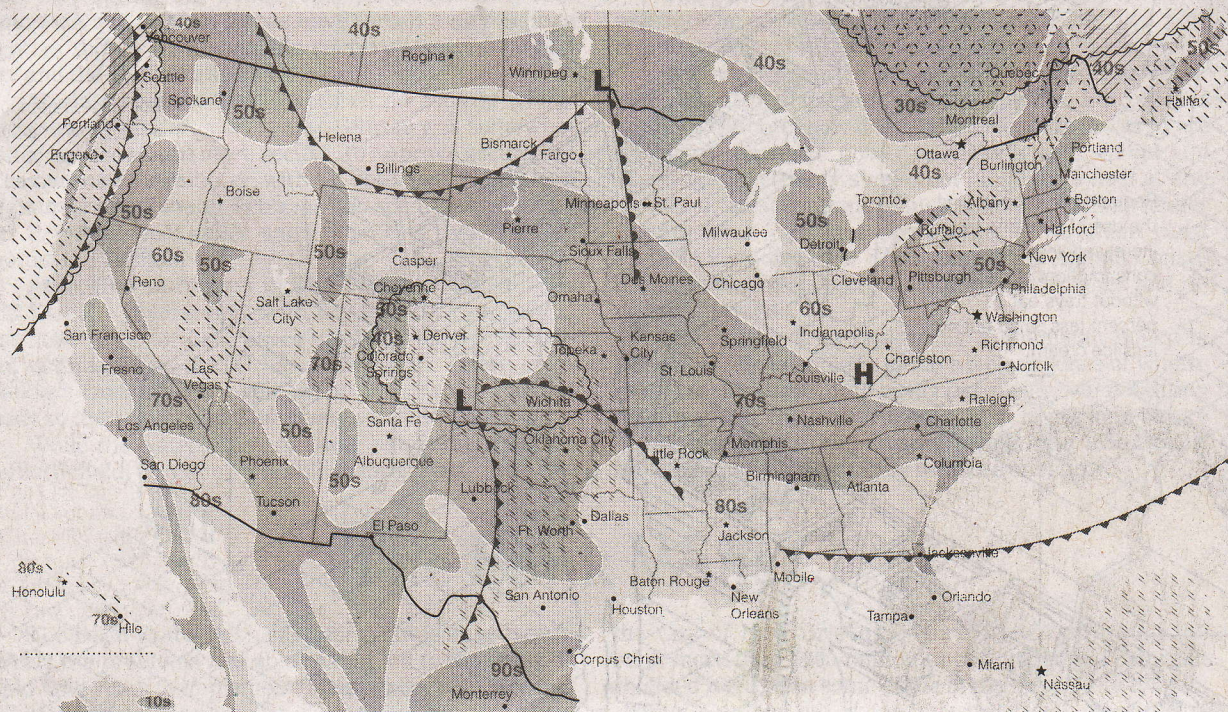
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Then the Y ins, finance s zakhstan, sho grabbed Ada and sideways Maria, 24, sn switched plac distance from "I don't wa be the same, same penis," Some visit

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Weather Report



Alternating light and dark bands show today's expected highs. Weather patterns shown as expected at noon today. Eastern time.

Cities

High/low temperatures for the 16 hours ending at 4 p.m. yesterday, Eastern time, and previous 16 hours (inches) for the 16 hours ending at 4 p.m. Expected conditions for today and

C	Clouds	S	Snow
F	Fog	Sn	Snow
H	Haze	SS	Snow
I	Ice	T	Thunder
PC	Partly cloudy	Tr	Thunder
R	Rain	W	Wind
Sh	Showers		

N.Y.C. region

	Yesterday	Today
New York City	64/49 0	56/48
Bridgeport	63/47 Tr	55/44
Caldwell	62/42 0.01	57/38
Danbury	61/38 0.01	54/33
Islip	62/44 Tr	54/33
Newark	65/46 Tr	56/44
Trenton	65/44 Tr	56/33
White Plains	62/46 0	54/33

United States

	Yesterday	Today
Albany	54/32 0.02	48/30
Albuquerque	65/43 0.06	64/44
Anchorage	45/36 0.01	44/33
Atlanta	80/50 0	78/55
Atlantic City	66/45 0.01	58/44
Austin	89/66 0	86/73
Baltimore	68/40 Tr	61/33
Baton Rouge	84/57 0	86/66
Billings	72/39 0	66/33
Birmingham	84/47 0	80/55
Boise	71/42 0	64/44
Boston	61/38 0.04	53/33
Buffalo	52/35 0.45	50/44
Burlington	50/31 0.32	46/33
Casper	71/33 0	65/33
Cedar Rapids	60/33 0	71/55
Champaign	63/34 0	70/44
Charleston, W.Va.	67/34 0	64/33
Charlotte	79/42 0	71/44
Chattanooga	81/39 0	74/44
Chicago	57/38 0	54/44
Cincinnati	57/38 0	54/44
Cleveland	57/38 0	54/44
Columbia	57/38 0	54/44