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Marietta woman fights to keep home

by Jon Gillooly
jgillooly@mdjonline.com

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Luz Cardoza stands in front of her home in St. Charles Square near the intersection of Sandy Plains and Scufflegrit roads. Cardoza was told foreclosure proceedings on her home would be postponed until Sept. 7. But on July 6, the house was sold on the courthouse steps. Photo by Jim Bolt

MARIETTA - A Marietta woman is fighting to keep the home that she raised her two daughters in.

It was bad enough that Luz Cardoza's husband filed for divorce after 28 years of marriage. But when she found out that he had stopped making payments on their home, prompting Wells Fargo bank to move forward with foreclosure proceedings, she hit rock bottom.

"I had a nervous breakdown," she said.

Last month, Cobb Superior Court Judge Robert Flournoy finalized Cardoza's divorce, awarding her the house, which is in the St. Charles Square subdivision near the intersection of Sandy Plains and Scufflegrit roads.

Cardoza and her then-husband bought the four-bedroom, two-story house in 1998 for about \$200,000, she said. During their marriage, her husband had made the house payments. She was unaware that he stopped making the payments, she said, and that the bank was in the process of foreclosing.

Cardoza said she learned in May that her home was scheduled to be sold on the courthouse steps in July, and that's when she contacted the bank to try and stop the proceedings.

And in a letter from the bank's lawyers, McCalla Raymer, LLC, dated July 6 - the day the house was to go on the auction block - Kerry Rockey, of the law firm, wrote to Cardoza that the foreclosure would be postponed to Sept. 7.

But that's not what happened.

On July 6, the house was sold on the courthouse steps to an investment group out of Canton, OREO Funding Solutions, LLC for \$180,000.

Astounded, Cardoza, contacted the bank, asking what had happened.

The bank responded in a letter dated July 9.

"We may at times agree to postpone the date of a foreclosure sale as a result of these negotiations; however, foreclosure action is not halted or suspended until a viable plan has been approved and the first payment of that plan is received. Since no plan was established before the foreclosure sale date of July 6, 2010 our action is valid and we must respectfully deny your request to rescind the foreclosure sale," the bank wrote.

No such stipulations were mentioned in the July 6 letter from the bank's law firm to Cardoza.

When contacted Friday by the Journal, the writer of that letter, Rockey, refused to comment.

By Cardoza's account, "They lied to me. That's wrong."

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Jay Lawrence, a spokesman for Wells Fargo, said his bank tried to prevent the foreclosure "through numerous contacts with the homeowner up until the point of the foreclosure sale."

"The fact that this is now in litigation limits our ability to provide more details at this time," he said.

When the new owners of her house served her with an eviction notice, Cardoza hired Marietta attorney Justin O'Dell, who obtained a temporary emergency restraining order from Flournoy.

A full hearing is set for 9:30 a.m. Friday.

Cardoza, a translator for the Cobb School District's International Welcome Center, said she has always tried to do the right thing. She raised two daughters, who are graduates of Sprayberry High and Campbell High School's International Baccalaureate program, and sent them to college. She has been active in PTA, Girl Scouts, the 4-H Club, as well as Transfiguration Catholic Church off Blackwell Road. When she moved with her husband from Venezuela in 1985 because he took a job with Voice of America in Washington, D.C., she applied and became a U.S. citizen through the proper channels.

But Cardoza said she's not leaving without a fight.

"It's my home. It made me very mad. These are very bad times for people, and they don't care," she said.
