

Should a non-judicial foreclosure sale occur because of dissolution of union or marriage and both spouses signed the original mortgage loan documents:

- Each spouse may be required to vacate the home after the eviction process is completed.
- Each spouse may experience a loss in credit rating.
- Each spouse may experience an impairment of the ability to secure new mortgage loans for at least five and perhaps as long as seven years.

Dissolution of a union or marriage does not automatically erase the name of either spouse from their mortgage loan or from the consequences of a potential foreclosure. Lenders or their servicing agents are unlikely to voluntarily “remove” one spouse from the mortgage loan before the foreclosure sale simply to preserve that person’s credit rating.

Trash the Home

Your home is collateral for repayment of your mortgage loan. Its value is the ultimate source of repayment and should not be impaired by your intentional or unintentional behavior.

Deliberate damage to your home is one form of “waste.” If serious damage occurs, you may be prosecuted for a crime and you may be sued for damages. Arson (the deliberate destruction of a home by fire) is the most egregious example of waste.

No matter what circumstances bring a homeowner to the point of foreclosure, no justification exists for that homeowner to retaliate against a lender or its servicing agent by damaging the home.

