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Tell Mel: Foreclosure not the end for Cape Coral renters

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Fifty feet of tubing connect Kim Fahringer to oxygen as she maneuvers around moving boxes.

Fahringer and her husband Toby signed a one-year lease on a three-bedroom Cape Coral home last December.

But two weeks ago, they were served with a notice of foreclosure, and the Fahringers are moving again.

"We thought the real estate agent had vetted the owner," Kim Fahringer said.

Century 21 Birchwood Realty handled the rental. I talked with them last week and was told someone would call back. No one did.

I also tried to reach the homeowner, Kenneth Hoover, in Missouri, but the phone number didn't work.

Hoover owns another home - a mini-mansion on Surfside Boulevard in Cape Coral. When I called there, the man who answered said that he was renting and didn't know how to reach Hoover.

According to a real estate Web site, the Surfside property rents for \$2,000 a week.

The Fahringers have paid \$1,200 a month in rent and wonder why the money wasn't used to pay the mortgage.

"Maybe because we went through an agent, he (Hoover) doesn't see us as people, we're just money," Kim Fahringer said as she broke into tears.

Unfortunately, I get calls all the time from people in similar heartbreaking situations.

I told the Fahringers I probably wouldn't be able to help them, but I thought this would be a good opportunity for a real estate attorney to give some advice on what renters can do.

Real estate attorney Kevin Jursinski of Fort Myers said that people who move in after the foreclosure lawsuit is filed have few options. But the Fahringers are lucky to have received the notice of foreclosure after signing the lease, Jursinski said.

The Fahringers can file a response to the court and copy the plaintiff, Jursinski said. In the response, the Fahringers should ask to be notified of any action on the case. That way, they'll know when the sale is scheduled.

Another thing the Fahringers could do is ask the court to allow them to pay rent to the court registry instead of to the owner, Jursinski said.

They can also file a cross complaint against the landlord and ask to be compensated for damages that could include paying for moving expenses. That way, when the home is sold, they can ask the court to award the money in the registry to them to offset moving costs.

This might sound complicated, but Jursinski assures me it's not and can be done without a lawyer.

Of course, the best way to avoid a foreclosure on your rental home is to do your research beforehand. Don't rely on a real estate agent or the owner to be up front about the financial situation. The agent may not know, and the owner may not tell the truth.

Go to the Lee County Clerk of Court Web site, leeclerk.org, to check pending lawsuits. See if a property has a mortgage, when it was taken out and for how much.

If the homeowner is under water - owing more on the home than it's worth - it increases the likelihood that he will default.

For renters, it's not anymore a matter of just finding a nice place, in a nice neighborhood with reasonable rent - the situation calls for vigilance.

"Unfortunately, it's the world we live in," Jursinski said.
