

# Delaware family loses more than their home

Written by

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Charlene Kobetis accepted her family's misfortune. After her husband had been forced to stop work because of illness, the Kobetises -- like many Americans today -- lost their home of 20 years to foreclosure.

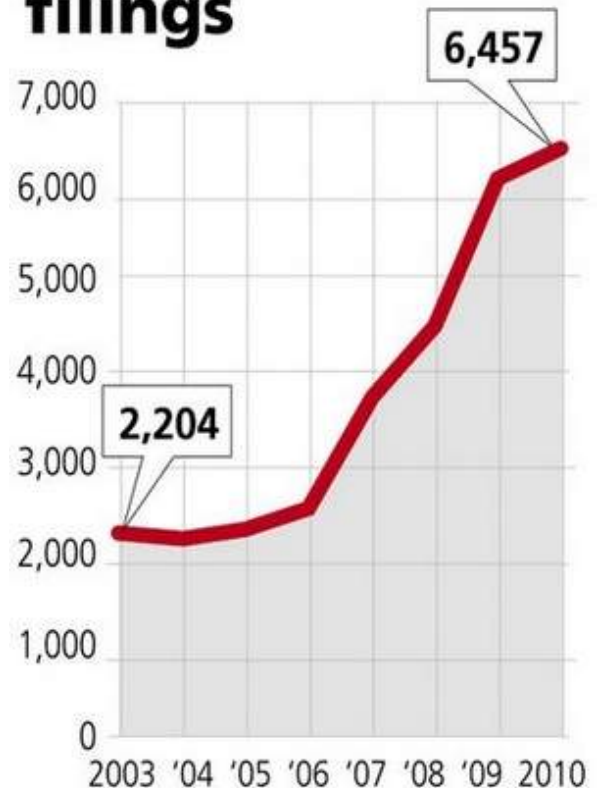
But she wasn't prepared to lose her memories. A week ago, the 61-year-old Kobetis arrived at the Limestone Hills house to find it had been cleaned out. The sheriff's office had told her she had until May 20 to vacate the house, so she had been steadily packing up and preparing to move her personal belongings.

Now, everything -- furniture, personal documents, dishes and silverware, family recipes and photographs -- had vanished. The carpeting had been torn up and a worker was power-washing the siding.

Kobetis said she soon learned that One-Pie Investments LLC, the company that purchased her home at sheriff's sale on April 12, had removed her belongings. Brian O'Neill, of One-Pie, told Kobetis her belongings had been taken to the dump, Kobetis said.

"He told me matter-of-factly that they were in the landfill, without even an apology," she said.

## Delaware foreclosure filings



Source: Delaware State Housing Authority

O'Neill thought the house had been abandoned "based on what was left in the house," said his attorney, Bill Rhodunda.

"My client was under the impression the property had been abandoned for at least several months," Rhodunda said. "The house clearly had not been lived in for an extended period of time."

The situation is not unique.

It's likely that many people have had their possessions swept away in the recent flood of foreclosures, said Rashmi Rangan, executive director of the Delaware Community Reinvestment Action Council.

With more than 6,000 foreclosure actions in Delaware annually, the range of horror stories is shocking, she said. Rangan has heard of locks being changed while the homeowner is working on a resolution with the lender. She knows of cases in which utilities have been shut off while people are living in the house.

Alvin Puller, a certified housing counselor with Neighborhood House in Middletown, said he advises homeowners "to get in touch with a HUD-certified housing counseling agency."

"The key is to get help," Puller said.

Now that O'Neill is aware that Kobetis wanted the items in the house, he would like to resolve the matter, Rhodunda said.

New Castle County police and the state Attorney General's Office are investigating, Rhodunda said. O'Neill and One-Pie are cooperating and have provided a timeline of events and photographs of what was in

the house at the time it was bought, he said.

For Kobetis, life has changed forever.

"I feel like I've been pilfered," she said. "Nobody wants to go through this. I'm a good person who had some bad luck. I'm totally devastated."

## **Into foreclosure**

For the past six months, Kobetis has been living in a town house near Elsmere that belongs to her son, who works in New York.

Her husband, who has two brain injuries, is in Christiana Hospital, she said.

Kobetis and her husband, James, purchased the house in Pike Creek in 1991 and raised three children there. About four years ago, James, who worked in the gas measurements business and traveled frequently, returned from a trip not feeling right. He went to a doctor, was hospitalized and underwent surgery for a brain injury.

Since then, he's had other surgeries and has been in and out of the hospital, Kobetis said.

"He recovered, but he'll never be the same," said Kobetis, who works on weekends as a school nurse at the University of Delaware. She also does massage therapy.

With her husband no longer able to work, the couple had to purchase medical insurance to help pay for his medical expenses. As a result, they couldn't keep up with the bills and had to take out a second mortgage.

Kobetis said circumstances forced her to stop making mortgage payments about two years ago and it fell into foreclosure. The homeowner's insurance lapsed in December.

A real-estate agent attempted to sell the property, but the house needed repairs and Kobetis didn't have the money to make them.

O'Neill's company, which purchases, renovates and resells residential properties, bought the house for \$213,000. One-Pie put down a 10 percent deposit.

Kobetis was planning to sell some of the items in the house and was packing up other belongings in anticipation of the May 20 deadline.

## **End of the process**

Janet Charlton, the attorney for Kobetis' lender, Wells Fargo Bank, in the foreclosure action, said Wells Fargo never had access to the house.

During the foreclosure process, Wells Fargo sent a certified letter to the Kobetis house. It was marked "vacant" and returned.

Once the gavel went down at the sheriff's sale, Wells Fargo was no longer involved, she said. Under the law, title to the real estate changed hands on the date of the sale, Charlton said.

If the previous owner does not voluntarily vacate after a sheriff's sale, the purchaser

must file for a writ of possession.

The new owner can't take over a property that has not been abandoned, Charlton said.

"Assuming the house is still occupied, the only way a buyer can legally take possession is to file a writ of possession in Superior Court, and then the sheriff's office can schedule an eviction at a future date," said New Castle County Sheriff Trinidad Navarro.

But sometimes it "may be difficult to tell if a prior owner has vacated," Charlton said. When the previous owner has abandoned the property, it's not necessary to have a writ of possession, she said.

When a property is bought by the lender, the lender typically hires a real-estate agent to handle the eviction process and check if utilities are on and mail is being delivered.

"If the property is vacant, they can enter, change the locks and clean the place up," Charlton said.

How O'Neill determined the property was abandoned has not been revealed.

But Kobetis insists it was not abandoned.

"My utilities are still on ... water, electric. I was still packing. I've been back and forth," she said. "At no time was the house ever abandoned. My husband lived in it up until the time he was hospitalized."

Until the judge signs off on the sale, there is no sheriff's deed, according to the Attorney General's Office.

This is not the first time One-Pie

Investments has been investigated by the Attorney General's Office.

In 2007, One-Pie was investigated for defrauding consumers by purchasing residual rights to excess proceeds in claims filed with the sheriff's office. Excess proceeds are any equity remaining in a property after it is foreclosed on and the liens and loans have been paid off.

According to law, the remaining money is to be disbursed to the home's rightful owner, after they prove entitlement to that money.

As part of a consent agreement with the AG's Office, One-Pie Investments' owners paid \$58,860 in restitution to the victims, plus \$3,000 to the Consumer Protection Fund and another \$10,000 for the cost of the investigation in exchange for the agency's not bringing action against them.

Kobetis, meanwhile, is left with the thought that all her family's sentimental possessions are in the landfill.

"I made sure what my rights were and tried to abide by the law," she said. "I had some things that meant something to me and now I'll never see them again."