



Christian W. Hancock

Partner

Christy Hancock's practice is dedicated to financial services regulatory compliance and litigation. Her work with mortgage servicing and financial institution clients has given her a broad base of knowledge regarding laws affecting the mortgage servicing business, including bankruptcy and foreclosure best practices, payment application, correspondence requirements, allowable fees, loan modifications, escrow requirements, and property preservation. In recent years, the majority of her practice has focused on advising large financial institutions on bankruptcy-related regulatory matters and large-scale remediation projects.

In 2020, Christy emerged as a thought leader on the CARES Act and related state laws regarding mortgage forbearances, deferrals and other loss mitigation options, as well as foreclosure and eviction moratoriums. She hosts a weekly WebEx for Bradley's financial services clients on COVID-19 mortgage servicing issues.

Christy provides daily guidance to clients on laws such as the CARES Act and related state laws, TILA, RESPA, FDCPA and the Dodd-Frank Act, as well as compliance with certain bankruptcy rules and mortgage servicing best practices. She has assisted her financial services clients with a variety of intricate matters, including developing responses to new legislation, conducting internal risk assessments, assisting with and responding to internal and external audits, training company personnel, and revising quality control processes, as well as drafting and updating a variety of mortgage servicing policies and procedures. Christy also routinely responds to the CFPB, the United States Trustee's Office, various state attorneys general, and state banking department inquiries on behalf of her clients.

In addition to her broad compliance practice, Christy also represents financial institutions and mortgage companies in state and federal courts across the country. These suits range from individual consumer claims to class action and commercial disputes. She defends her clients in a variety of matters, including TILA, RESPA, RICO, FDCPA and FCRA disputes, predatory lending claims, mortgage-related fees and servicing issues, escrow account disputes, and UDAP claims. Christy has litigated numerous facets of the mortgage servicing industry, including loan origination, pooling and servicing agreements, title insurance, loan-repurchase disputes, REO-related disputes and mortgage



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Practices

Banking & Financial Services
Bankruptcy Compliance &
Consumer Bankruptcy
Litigation
Examinations, CIDs &
Subpoenas
Financial Services Litigation
Regulatory Compliance
State Attorneys General &
Regulators
Cybersecurity & Privacy

Education

University of North Carolina
School of Law, 2001,
Publications Editor,
*University of North Carolina
Banking Journal*, J.D.
University of South Carolina,
1998, *cum laude*, B.A.

Licensed In

Arizona
North Carolina
Texas

fraud.

In addition to her normal practice, Christy also enjoys teaching and mentoring. She is a regular instructor for the MBA at the Schools of Mortgage Banking I and II, teaching Regulatory Compliance, Laws Affecting the Mortgagee's Interest in Property, and Ethics in the Financial Services Industry and a yearly "Financial Services 101" seminar to incoming attorneys at Bradley.

Tennessee

Mississippi

Florida

Alabama

Experience

Ditech Financial, LLC Memorandum of Understanding with the United States Trustee Program and associated remediation projects (2019)

Represented Ditech regarding its negotiation of a memorandum of understanding (MOU) with the United States Trustee Program memorializing approximately \$35 million in remediation to more than 20,000 homeowners for (1) unnoticed loan modifications for borrowers in bankruptcy resulting in overpayments and improperly capitalized unnoticed fees and costs, (2) failure to run annual escrow analyses for borrowers in bankruptcy, and (3) failure to waive unnoticed tax and insurance advances following bankruptcy discharge. Designed and counseled Ditech in implementing the remediation required under the MOU as part of this settlement.

Represent lending institutions and mortgage servicing companies nationwide

Regularly represent lending institutions and mortgage servicing companies nationwide against claims related to mortgage origination and servicing, bankruptcy compliance, lien priority, title insurance disputes and REO matters.

United States v. Bank of America, et al. (2012)

Represented Ally Financial, Inc., Residential Capital, LLC, and GMAC Mortgage in the largest national joint state/federal government settlement in history. The case began with a "robo-signing" investigation and then broadened into examination of the mortgage industry. The case involved 49 state attorney generals, 48 state banking departments, the Department of Justice, the Department of Treasury, the Department of Housing and Urban Development, the Consumer Financial Protection Bureau, and the Federal Trade Commission.

Taylor, Bean & Whitaker Mortgage Corporation v. GMAC Mortgage Corporation, United States District Court for the Middle District of Fla., Case No. 5:05-cv-260

Aggressively represented GMAC Mortgage in a commercial dispute against Taylor Bean & Whitaker Mortgage Corporation related to a series of purchase and sale agreements governing thousands of residential mortgages loans. Taylor Bean asserted claims for breach of contract against GMACM, and GMACM asserted claims against Taylor Bean for breach of contract, offset/recoupment, declaratory judgment, indemnification, fraudulent inducement and attorneys' fees. After three years of litigation and shortly before trial, the case ended in a mutually agreeable settlement. Following the

settlement, subsequently represented GMAC in further repurchase demands with Taylor Bean & Whitaker Mortgage Corp., which were resolved without further litigation.

Kee v. Fannie Mae (Utah District Court, 2011)

A borrower, an aggressive serial filer, filed a quiet title and wrongful foreclosure action against the investor following his 2008 foreclosure. The foreclosure itself followed on the heels of multiple suits by the borrower against his prior lenders and servicers for a variety of claims related to the origination of his loan and a PMI dispute. The borrower has been deemed an abusive filer by the Utah Federal Court in prior litigation, and Bradley filed a motion to dismiss all of his claims based on res judicata and failure to state a claim under Utah law. The court granted that motion in its entirety and that ruling was upheld on appeal by the 10th Circuit.

Pamela Michaels v. Homecomings Financial, LLC, et al., CV-2007-900160 (Ala.)

Plaintiff borrower filed suit against defendant lender for breach of contract, fraud, fraudulent inducement, fraudulent suppression and negligence, alleging, among other things, that the defendant lender orally misrepresented the terms of her \$1 million mortgage loan. The case/defense presented a difficult and unique application of the statute of frauds. Bradley obtained summary judgment in favor of defendant lender wherein all claims of the plaintiff against the defendant lender were dismissed with prejudice. Plaintiff subsequently appealed, but after extensive briefing, the court denied the plaintiff's appeal and affirmed the trial court's judgment.

Accolades

- Listed in *Charlotte Business Journal*
 - "Women in Business Achievement," 2012
- Listed in *North Carolina Super Lawyers*
 - "Rising Star," Civil Litigation, 2015-2016
- Listed in *North Carolina Lawyers Weekly*, "Leaders in the Law," 2017

You May Not Know

Christy is married with a young daughter. She enjoys reading, talking about books, international travel, and other people's cooking.

Professional & Community Activities

American Bar Association, TIPS and Litigation Section

Charlotte Center for Legal Advocacy, Pro Bono Committee

