Statement of Warrant Officer Charles L. Pickett III
Army National Guard, Homeowner

Forum on Military Foreclosure

July 12, 2011

Dear Chairman Rockefeller, Ranking Member Cummings, Members of Congress, my name is Chief Warrant Officer Charles Pickett, I am a pilot in the National Guard I fly the AH64D Apache'. I volunteered to deploy for service in OIF in March of 2009. I was ordered and mobilized on May 5th, 2009, and joined the North Carolina Army guard at Fort Hood Texas. My unit deployed forward in July 2009.

I notified all of my creditors with memos seeking relief under SCRA, accompanied with a copy of my title 10 orders deploying me in support of OIF in June 2009. Prior to this correspondence I contacted B of A in March knowing my income would be dramatically reduced, to attempt to modify my loans. After being denied, I received an offer thru B of A's home retention program to do a trial loan modification for 6 months. This reduced my payments to roughly half. After consulting a local attorney, I signed the offer and deployed. At this point I received notice that the terms of my loans had been accelerated, and I was in default. This paperwork, I assumed, led to the starting of the non-judicial foreclosure.

While deployed it was impossible for me to stay on the phone. I was transferred from one department that couldn't help, to another, and then another, and then another. The biggest frustration was finding one: a person to speak with, and two: a person to speak with to get this trustee sale stopped. All the while I'm still in the combat theater, and my daughter is coming home from middle school to find, on the garage door, a notice of her home being sold. The mortgage companies hide behind various loan-servicing companies. I'm convinced the legal profession, JAG officers included, don't adequately understand the SCRA. After the Dec 2nd, 2009 attempt at a trustee sale, B of A on April 6th, 2010 and June 1st, 2010 attempted additional sales. On both occasions, Col Odom contacted BAC Home Loan Servicing and got the foreclosure sales stopped. It was a waste of time trying to speak intelligently with customer service representatives because they didn't understand the first thing about USCRA.

The stress on myself and family because of this was intolerable. This violation caused a ripple or pile on affect. USAA reduced a credit line, and eventually closed the credit line. Ally bank, which had taken over GMAC, harassed my ex-wife and my father over a car loan that they had offered to let me skip 3 payments on, and utility companies required me to send in additional and substantial deposits. Negative credit reporting seems to be an interpretation to these financial institutions, however the dictionary is clear. After returning from theater in Jan 2010 for surgery, my ex-wife attempted and successfully brought a court action against me. That court action resulted in a default judgment being issue against me in March 2011. Upon receiving the notice of default judgment and contacting several local attorneys that judgment still stands against me. There is a sense and legal opinion that USCRA does not apply to service members deployed in support of OIF, OEF, and Noble Eagle if stateside.