

Approved

3/31/92
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Representative John Solbach at
Chairperson

3:30 ~~am~~ p.m. on February 26, 1992 in room 313-S of the Capitol.

All members were present except:

Representatives Hamilton and Snowbarger who were excused.

Committee staff present:

Jerry Donaldson, Legislative Research
Jill Wolters, Revisor of Statutes
Judy Goeden, Committee Secretary

Conferees appearing before the committee:

State Representative Tom Bishop
Jeff Sonnich, Kansas-Nebraska League of Savings Institutions
State Representative Vancrum
David Landis, Kansas Association of Redemption Specialists
Karen France, Kansas Association of Realtors
Maggie Johnson, Wheatland Properties
State Representative Clyde Graber
Ann Elliott, Geary County Landlord Association
Jim Clark, Kansas Association of District & County Attorneys
Helen Stephens, Kansas Peace Officers
Kyle Smith, Kansas Bureau of Investigation

The Chairman called the meeting to order.

Hearing was opened on HB 2940, criminal and civil penalties for equity skimming.

State Representative Tom Bishop testified in favor of HB 2940. (Attachment #1) He answered committee members questions.

Jeff Sonnich, Vice-President of Kansas-Nebraska League of Savings Institutions, testified in favor of HB 2940. (Attachment #2)

State Representative Robert Vancrum testified in favor of HB 2940. (Attachment #3) He suggested several amendments.

Dave Landis, Kansas Association of Redemption Specialists, testified in favor of HB 2940 with his recommended amendments. (Attachment #4)

Karen France, Kansas Association of Realtors, testified in favor of HB 2940. (Attachment #5) She supported Vancrum's suggested amendments. She said she would like the amendments in SB 514 put in this bill also.

Maggie Johnson, President of Wheatland Property Management, testified in favor of HB 2940. (Attachment #6) She gave an example of why this bill was needed.

Hearing on HB 2490 was closed.

Hearing on HB 2962, termination of tenancy for military personnel moving under orders was opened.

State Representative Graber testified why HB 2962 was needed for military personnel.

Ann Elliott, Geary County Landlords Association, testified in opposition to HB 2962. (Attachment #7) She answered committee members questions.

Hearing on HB 2962 was closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,

room 313-S, Statehouse, at 3:30 ~~am~~/p.m. on February 26, 1992

Hearings were opened on HB 3011, expanding unlawful possession of a firearm to include juvenile offenders adjudicated as such because of the commission of a felony, and HB 3012, collecting blood and saliva samples from juvenile sex offenders.

Jim Clark, Kansas County & District Attorneys Association, testified in support of both HB 3011 and HB 3012. He answered questions from members. (Attachment #8)

Helen Stephens, Kansas Peace Officers Association, testified in favor of HB 3011 and HB 3012. (Attachments #9 & #10) In answer to a member's question, she said the Kansas Peace Officers Association has not prepared a tough handgun control bill.

HB 3011 was referred to the subcommittee chaired by Representative Rock.

Hearing on HB 3011 was closed.

Kyle Smith, Assistant Attorney General, Kansas Bureau of Investigation, testified in favor of HB 3012. (Attachment #11) He submitted an amendment for committee consideration

Rep. Macy moved to amend HB 3012 as recommended by the KBI. Rep. Douville seconded the motion. Motion carried.

Rep. Macy moved to recommend HB 3012 as amended favorably for passage. Rep. Gomez seconded the motion. Motion carried.

The chairman called for discussion, debate and action on the following bills: HB 2052, 2055, 2149, 2220, 2279, 2290, 2370, 2385, 2480, 2503, 2282, 2539, SB 75, 171, 298, HB 2940, SB 514, HB 2248.

Rep. Everhart moved to recommend HB 2052 unfavorably for passage. Rep. Smith seconded the motion. Motion carried.

Rep. Everhart moved to recommend HB 2055 unfavorably for passage. Rep. Smith seconded the motion. Motion carried.

Rep. Garner moved to report HB 2149 unfavorably for passage. Rep. Hochhauser seconded the motion. Motion carried.

Rep. Parkinson noted that favorable remarks had been made in the Kansas City Star concerning HB 2149.

Rep. Parkinson moved that the Chairman write to the Judicial Council to let them know that the committee's action on HB 2149 in no way precludes the request for a study on this issue. Rep. Garner seconded the motion. Motion carried.

Rep. Vancrum moved to report HB 2220 unfavorably for passage. Rep. Smith seconded the motion. Motion carried.

Rep. Hochhauser moved to report HB 2279 unfavorably for passage. Rep. Smith seconded the motion. Motion carried.

Rep. Garner moved to report HB 2290 unfavorably for passage. Rep. Smith seconded the motion. Motion carried.

Rep. Smith moved to report HB 2370 unfavorably for passage. Rep. Everhart seconded the motion. Motion carried.

Rep. Garner moved to report HB 2385 unfavorably for passage. Rep. Everhart seconded the motion. Motion carried.

Rep. Everhart moved to report HB 2480 unfavorably for passage. Rep. Lawrence seconded the motion. Motion carried.

Rep. Garner moved to report HB 2503 unfavorably for passage. Rep. Douville seconded the motion. Motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY,

room 313-S, Statehouse, at 3:30 ~~am~~ p.m. on February 26, 1992.

Rep. Garner moved to report HB 2539 unfavorably for passage. Rep. O'Neal seconded the motion. Motion carried.

Rep. Everhart moved to report SB 75 unfavorably for passage. Rep. Douville seconded the motion. Motion carried.

Rep. Douville moved to recommend SB 171 unfavorably for passage. Rep. Carmody seconded the motion. Motion carried.

Rep. Everhart moved to recommend SB 298 unfavorably for passage. Rep. Scott seconded the motion. Motion carried.

Rep. Vancrum made a conceptual motion to amend HB 2940 in Line 20 by deleting "payments under the mortgage or deed of trust" and inserting in lieu thereof, "payments made need to be applied to default". Rep. Scott seconded motion. Motion carried.

Rep. Vancrum moved to amend language from SB 514 into HB 2940 stating that there should be a notice to the tenant that their rights are being severed and also notice to the mortgage holder. Rep. Everhart seconded the motion. Motion carried.

Rep. Vancrum moved to amend HB 2940 to give private right of action to collect to mortgage holder or debtor. Rep. Allen seconded the motion. Motion carried.

Rep. Vancrum moved to recommend HB 2940 as amended favorably for passage. Rep. Macy seconded the motion. After discussion, the motion passed.

Rep. Everhart moved to report HB 2248 unfavorably for passage. Rep. Vancrum seconded the motion. Motion carried.

Representative Macy moved to approve the committee meeting minutes from February 13, 17, 18, 19, 20 & 24 noting that on 2/24 there were six bills, not five bills, requested by Kansas Sentencing Commission. Rep. Douville seconded the motion. Motion carried.

The Chairman appointed the following subcommittee to study the mental health bills in committee:

- Representative Everhart, Chairman
- Representative Hochhauser
- Representative Parkinson

The meeting adjourned at 4:55 P.M.

THOMAS A. BISHOP
 "TOM"
 REPRESENTATIVE, 91ST DISTRICT
 SEDGWICK COUNTY
 1500 W. 32ND N.
 WICHITA, KANSAS 67204



TOPEKA

HOUSE OF
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS
 MEMBER: ECONOMIC DEVELOPMENT
 GOVERNMENTAL ORGANIZATION
 PUBLIC HEALTH AND WELFARE
 ADVISORY COUNCIL ON AGING

TO: Rep. John Solbach, Chairperson
 Members of the House Judiciary Committee

FROM: Rep. Tom Bishop

RE: Testimony in support of HB 2940

DATE: February 25, 1992

It is my understanding that the committee has an understanding of the practice of equity skimming and the effect such a practice has on homeowners, tenants and mortgage holders. Therefore, I will not describe these effects in detail, rather briefly outline the problem HB 2940 addresses and how this bill was developed.

A. Problems created by practice of equity skimming.

1. Misrepresentation to property owners who still remain liable for property debt.
2. Tenants are displaced with little or no notice after often being told they could purchase property.
3. Mortgage holders lose equity, suffer property damage and are forced to evict tenants from their foreclosed property.

B. What is the source of HB 2940?

It is lifted directly from the federal law prohibiting the practicing of equity skimming for properties for which the federal government is mortgage holder, ie, properties with VA, FmHA, FHA, or HUD financing.

The federal law provides for fines of up to \$250,000 and prison terms of up to five years. Obviously they take this practice quite seriously.

C. What does HB 2940 do?

1. It defines the practice of equity skimming.
2. It creates civil penalties that may be imposed by the court.

HJC
 2-26-92
 Attach #1
 108 2

3. It protects the homeowners redemption rights and does not change current foreclosure or redemption procedures.

D. Why is law needed?

The practice of equity skimming is widespread and creates personal and economic hardships for homeowners, tenants, and mortgage holders. Federal law recognizes the problem. Kansas law should as well.

HJC
2-26-92
Attach #1
2082



Jeffrey D. Sonnich, Vice-President

Suite 512
700 Kansas Avenue
Topeka, Kansas 66603
(913) 232-8215

February 26, 1992

TO: HOUSE JUDICIARY COMMITTEE
FROM: JEFFREY SONNICH
RE: H.B. 2940; EQUITY SKIMMING

Mr. Chairman. Members of the Committee. The Kansas-Nebraska League of Savings Institutions appreciates the opportunity to appear before the House Judiciary Committee in support of H.B. 2940 which would impose civil and criminal penalties for engaging in what is commonly called "equiteering".

The bill is modeled after a 1987 federal law that prohibits equity skimming on loans in default where the property is secured by a mortgage and insured by the the Secretary of HUD or the Veterans Administration. H.B. 2940 would essentially expand and adopt into Kansas Law the 1987 Federal statute prohibiting equity skimming.

For years Kansas financial institutions have had difficulties reclaiming single family real property after foreclosure when an equiteer has acquired the redemption rights from the homeowner. Under existing law, there is no legal right to bar or restrict equiteering. The only remedy now available is the right to seek a court appointed receiver as part of the foreclosure case under K.S.A. 60-2414 (p). To secure a receiver, the lender must prove it is necessary "...to prevent any waste or destruction of the premises..." Where the property is occupied by a renter from the equiteer, the Court would probably refuse to appoint a receiver.

Once the equiteer has acquired the rights of redemption all legal rights to redeem the property are transferred to the equiteer. If the outstanding balance on the mortgage is greater than two-thirds of the original indebtedness the redemption period is six-months. If the amount of indebtedness is less than one-third of the market value the period is twelve months. The redemption period starts at the time of the sheriff's sale, however many times the equiteer is already renting the property before then. Only when the redemption expires can the lender take possession of the property

HJC-92
2-26-92 #2
Attach #2
1 of 4

Page 2

and try to sell it. The problems lenders face is that the property is generally in such poor condition that substantial improvements must be made before trying to resell it. This occurs, we feel, because many equiteers have no real vested interest in seeing that the property is maintained once it is rented. We also would like to point out that during the redemption period the equiteer pays no property taxes. Lenders are essentially forced into paying the property taxes in order to avoid a state imposed tax lien on the property.

Lenders are not the only victims in the equiteering scenario. Tenants who rent from equiteers many times do not know they have little or no rights once the redemption period ends. In a news segment put together this fall by KAKE TV in Wichita a tenant was evicted by the lender less than one month after moving in. The tenant knew the property was under foreclosure, however she thought that prior to eviction she would be given ample notice. This scenario represents a real public relations problem for lenders. They are forced into the position of being the "bad guys" during the eviction even though they have the legal right to reclaim the property. If this proposal is not passed this session we would hope that the committee would at least consider legislation requiring equiteers to provide tenants with the facts about the property including the possibility of eviction without notice. Consumers could then at least make an informed decision about whether or not to rent the property.

In closing we would add that we recognize the right of a homeowner to redeem his/her property has been a fundamental part of Kansas Law for over 100 years. We do not support taking away that right even though very few individuals (less than 2%) ever redeem their homes. However, we do support limiting or stopping those individuals who profit from the misfortunes of others and at the expense of Kansas financial institutions. Accordingly we would request that the House Judiciary Committee report H.B. 2940 favorably.

Jeffrey Sonnich
Vice President

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NOTE:

PART (A) OF SECTION 416 "PENALTIES FOR EQUITY SKIMMING" OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987 AMENDS SECTION 912 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970. THE NEW LANGUAGE IS SET FORTH BELOW.

EQUITY SKIMMING

EXCERPT FROM HOUSING AND URBAN DEVELOPMENT ACT OF 1970

EQUITY SKIMMING

Sec. 912. Whoever, with intent to defraud, willfully engages in a pattern or practice of—

(1) purchasing one- to four-family dwellings (including condominiums and cooperatives) which are sub-

ject to a loan in default at time of purchase or in default within one year subsequent to the purchase and the loan is secured by a mortgage or deed of trust insured or held by the Secretary of Housing and Urban Development or guaranteed by the Veterans' Administration, or the loan is made by the Veterans' Administration,

(2) failing to make payments under the mortgage or deed of trust as the payments become due, regardless of whether the purchaser is obligated on the loan . . . and

(3) applying or authorizing the application of rents from such dwellings for his own use,

shall be fined not more than \$250,000 or imprisoned not more than

5 years, or both. This section shall apply to a purchaser of such a dwelling, or a beneficial owner under any business organization or trust purchasing such dwelling, or to an officer, director, or agent of any such purchaser. Nothing in this section shall apply to the purchaser of only one such dwelling.

title 12, Section 1709-2, U.S. Code

*HJC
2-26-92
Attach #2
397*

CHAPTER 197 *

House Bill No. 2019

AN ACT concerning home equity protection.

Be it enacted by the Legislature of the State of Kansas:

Section 1. Any assignment or transfer of the rights of the defendant owner in relation to real property which is the subject of a pending action to foreclose one or more mortgages and which is the residence of the owner is subject to the following requirements unless such transfer or assignment is made to the mortgagee or its wholly owned subsidiary as a deed in lieu of foreclosure with all rights of deficiency waived, or to a party who then resides in and uses the property as the party's residence:

(a) All such transfers or assignments shall be in writing. All terms, conditions and agreements in consideration for the transfer or assignment shall be set out in detail in a written agreement, dated, and signed by all parties to the agreement. Copies of both the agreement and disclosure statement shall be provided to the transferor or assignor by the transferee or assignee.

(b) All such transfers or assignments, as described in subsection (a), are subject to rescission by the defendant owner within five business days, as defined by K.S.A. 45-217, and amendments thereto, of the date of the defendant owner's execution of the agreement. Such rescission, if made, shall be in writing, signed by the defendant owner, or by any one of the defendant owners if there be more than one, and mailed to the buyer by certified mail. This right of rescission may not be waived, sold or abrogated in any way.

(c) All such agreements, as described in subsection (a), to be effective, must contain a disclosure statement which shall be signed by all parties to the agreement and which shall be substantially in the following form:

NOTICE. READ ALL OF THIS DISCLOSURE STATEMENT CAREFULLY BEFORE SIGNING IT. YOU HAVE A RIGHT TO CONSULT WITH AN ATTORNEY OR ANOTHER PERSON BEFORE SIGNING IT. YOU ARE SELLING OR GIVING UP IMPORTANT RIGHTS.

I, (owner's name), as the owner of (legal description of the property being foreclosed) commonly known as (address of such property), have entered into an agreement with (buyer's name) for the sale of the above-mentioned property which is my residence. I realize I have the following rights:

(1) Should this property be in foreclosure on any mortgage, I am entitled to a period of redemption following the sale in foreclosure proceedings during which period I have the right to redeem the residence. This period could be from six months to 12 months, depending on the amount of the mortgage, the unpaid balance thereof and value of the residence.

(2) During the period of redemption I have the right to remain in my residence or rent it to others.

Handwritten notes and signatures in the bottom left corner, including the name 'H. C. 197' and dates '4/11/92' and '4/12/92'.

(3) I have the right to sell my rights to my residence.

(4) If I have paid mortgage guaranty insurance premiums, I may have other rights under the terms of the insurance agreement or under applicable state or federal law.

(5) I ALSO HAVE THE RIGHT TO RESCIND ANY SALES AGREEMENT OR DEED WITH THE BUYER WITHIN FIVE BUSINESS DAYS, AS DEFINED BY K.S.A. 45-217, AND AMENDMENTS THERETO, AFTER THE SIGNING OF THE AGREEMENT OR DEED. I CANNOT AGREE TO GIVE UP OR SELL THIS RIGHT IN ANY WAY.

(6) Everything that is being promised to me or given to me for the purchase of my rights must be in the agreement signed by us. This includes the amount being paid me and any agreement concerning what efforts will be made by the buyer to bring the mortgage payments up to date and any promises concerning what will be done with any proceeds from the renting or selling of the property. Anything not in the written agreement might not be enforceable.

(7) IF I SELL MY RIGHTS AND THE RESIDENCE IS FORECLOSED UPON, I MAY STILL BE RESPONSIBLE FOR ANY AMOUNTS STILL OWED ON THE RESIDENCE IF ITS SALE DOES NOT RAISE ENOUGH TO COVER THE ENTIRE MORTGAGE AND THE FORECLOSURE COSTS. IF THE RESIDENCE IS FORECLOSED UPON, IT IS LIKELY THAT THIS WILL BE REPORTED TO THOSE WHO KEEP CREDIT HISTORIES AND THIS MIGHT INJURE MY CREDIT RATING.

(8) I realize this is a serious matter and that I may wish to consult with an attorney to make sure my important rights in my residence are being protected before signing any agreement.

(9) This provision is not intended to deprive the homeowner of any other right under the law.

OWNER-SELLER

OWNER-SELLER

I ACKNOWLEDGE THAT THE OWNER-SELLER'S RECISSION OF THE AGREEMENT IF MADE PURSUANT TO PARAGRAPH (5) ABOVE, MAY BE MAILED WITHIN FIVE BUSINESS DAYS TO ME BY CERTIFIED MAIL AT THE FOLLOWING ADDRESS:

(BUYER'S ADDRESS)

BUYER

(d) Failure to comply with the pertinent provisions of this section shall render the transfer or assignment voidable at the election of the transferor.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 8, 1990.

NOTICE!!!

PROPERTY MANAGERS, LENDERS, AND/OR BONA FIDE AGENTS:

THIS PROPERTY IS NOW CONTROLLED BY SECURITY EQUITIES, INC. ENTERING THIS PROPERTY WITHOUT EXPRESS AUTHORIZATION IS A VIOLATION OF K.S.A. 21-3721, THE CRIMINAL TRESPASS CODE.

VIOLATORS WILL BE PROSECUTED. ANY QUESTIONS REGARDING THIS PROPERTY SHOULD BE DIRECTED TO TOM TUTTLE AT (316) 681-1200.

PLEASE LEAVE THE DOOR UNLOCKED!

**MANAGER
1-800-752-9938**

HJC
2-26-92
Attach #2
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HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER: APPROPRIATIONS
JUDICIARY
TAXATION

BOB VANCURUM

REPRESENTATIVE, TWENTY-NINTH DISTRICT

9004 W. 104TH STREET

OVERLAND PARK, KANSAS 66212

(913) 341-2609

STATE CAPITOL, ROOM 156-E

TOPEKA, KANSAS 66612

(913) 296-7698

February 26, 1992

TESTIMONY ON HB 2940

BY

REPRESENTATIVE ROBERT J. VANCURUM

Chairman Solbach and Honorable Members of the Committee:

Thank you for agreeing to hear testimony on this bill relating to "rent skimming". This is just my latest effort to restrict the practice of equiteering or rent skimming.

The members of this committee will remember that equiteers are people who acquire equities of redemption from those unfortunates whose homes have been foreclosed. The equity of redemption is what allows a debtor to remain in possession of his home for six months or in some cases one year after it has been foreclosed before he can be evicted. The historical purpose of having such a redemption period was to allow the debtor some time to try to come up with the money to purchase the property back from the person who purchased the property at the foreclosure sale (usually the holder of the first mortgage).

The equiteer typically promises to help the debtor regain possession of his home by helping him find financing, etc. In its worst permutation, the equiteer persuades the debtor to leave and allow him to rent the home out to third parties. He then moves in another desperate family that are willing to pay him short term, sometimes very high rents, all the time continuing to promise the debtor that he will help him or her repurchase the property at the end of the term. However, when the period of redemption runs out, the equiteer will either redeem the property from the mortgage holder if he thinks it's worth more than the mortgage holder bid or will simply walk away from the property and let the mortgage holder clean up the mess. In the process, the mortgage holder has received nothing for the occupancy of

HJC
3-26-92
Attach #3
182

his property during the redemption period, the debtor receives nothing for having given away his right to live in the property for some time (in fact he may be faced with a larger deficiency because the equiteer or his tenant has removed value from the property) and only the equiteer has gained.

The federal government for several years has prohibited rent skimming on HUD and VA financed property. That federal statute was the basis for HB 2940 of this year. Several states, including Colorado and California have also recognized that "rent skimming" is a crime that should be prohibited. There is no justifiable reason why an equiteer should be able to rent out the property to third parties during the period of redemption and pocket the rent. If the equiteer is truly trying to help the debtor get back in possession, all rents should be paid to the holder of the mortgage in reduction of the mortgage debts and that's what is permitted by this bill.

The provisions of HB 2940 merely expand what the feds call a crime carrying a five year or \$250,000 penalty to a state offense in all conventional mortgage cases, carrying a misdemeanor of \$50,000 civil penalty. It may need some further amendments, however. First, the reference in line 20 to payments due under the mortgage or deed of trust must be changed to applying rents in satisfaction of the loan in default since the note and mortgage may be "merged" at this point. Second, you may want to pick up the provisions of HB 2848 allowing a private right of action to collect the civil penalty. You may be sure there are powerful people who will tell you this bill is anti-consumer --they are the equiters who have been preying on consumers for years. Let's let them know we agree with the feds - this practice must stop in Kansas!

HJC
2-26-42
Attach #3
2002

TESTIMONY BEFORE HOUSE JUDICIARY COMMITTEE

H.B. 2940

FEBRUARY 26, 1992

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

My name is Dave Landis. I am a Kansas Real Estate Broker since 1975 and a member of the Kansas Association of Redemption Specialists®, a group that is concerned about consumers rights in foreclosure. This organization was established in 1985. We are here today to support and give our views on H.B. 2940.

A homeowners equity is probably the largest asset and most prized possession that an individual American has and we value this equity highly. Any act to diminish or take away the equity or right to equity of any individual without compensation should be a prisonable crime. It is our understanding that this bill is designed to do just that and we strongly support this intent. We commend Representatives Bishop and Vancrum for their concern. However, the wording in H. B. 2940 is a little foggy and misleading and therefore should be clarified. We suggest the following changes be made so there can be no mistake as to who owns the equity in real estate. The recommended changes are underlined.

Section 1. (a) It shall be unlawful for any person who, with intent to defraud the homeowner, willfully engages in a pattern or practice of:

- (1) Purchasing one family to four family dwellings, including condominiums and cooperatives or acquiring any right, title or interest therein, including but not limited to an equity of redemption interest, which are subject to a loan in default at time of purchase or in default within one year subsequent to the purchase and the loan is secured by a mortgage or deed of trust and
- (2) fails to disclose to the homeowner that they are not going to make payments under the mortgage or deed of trust as the payments become due, regardless of whether the purchaser is obligated on the loan; and
- (3) applying or authorizing the application of rents from such dwellings for such persons own use without the homeowners knowledge and consent in writing and
- (4) taking a deed from the homeowner without just compensation for the equity in in the home.

Since we are here today to support the homeowners equity and a revised H. B. 2940 to clarify the intent of the bill, we would like to point out that our suggested sub-section (4) would prohibit lenders from taking deeds in lieu of foreclosure without just compensation for the equity. Practice has shown that lenders continue the foreclosure after the deed has been granted. The compensation in the deed was to stop the foreclosure action, therefore the homeowner was deceived in giving up his equity.

We have enclosed 534 names of some of the families that have lost their homes in Johnson County last year. Some of you may know them as your ex-neighbors or your kids might know their kids. These are people, not just statistics.

To sum up—we strongly support a revised H.B. 2940 to protect the homeowners equity interest. With this in mind, I have been invited to Washington, D.C. by Vice-President Dan Quale to meet with the President, Cabinet Members and selected Senators next month. On March 12th, I am meeting with Jack Kemp, Secretary of HUD and I intend to suggest to him that he suggest changing the Federal Equiteering Law to support homeowners rights.

Thank you very much for hearing us today.

HJC
2-26-92
Attach #4
1 of 24

Sharon & Ali Bandad
6606 W. 72nd Terr
Overland Park, Ks 66204

Michael & Janice Reintjes
13024 W. 102nd Terr.
Overland Park, Ks

Thomas L. Shutt, II and Karen L. Shutt
11720 W. 108th Circle
Overland Park, Ks

David & Elaine Booth
121 Nelson Circle
Olathe, Kansas 66061

Michael & Dorothy Beckstead
8425 W. 114th St
Overland Park, Ks 66210

Max & Lenore Cardozo
7621 Falmouth
Prairie Village, Ks 66208

Robert & Karen Boulware
14407 W. 80th Terr
Lenexa, Ks 66215

William & Regina Schilb
19627 Birch
Stilwell, Ks 66085

Judy G. Overton
2101 W. 119th St.
Leawood, Ks 66206

Harold & Beverly Roth
13105 Walmer
Overland Park, Ks 66209

Thomas L. & Becky L. Goodloe
16004 W. 152nd St.
Olathe, Ks 66062

Michael & Ann Wheeler
8700 Lamar Ave
Overland Park, Ks 66207

Ross & Lori Moriarity
13451 W. 105th Terr
Overland Park, Ks 66215

Marshall & Annita Osiek
12027 W. 66th St.
Shawnee, Ks 66216

Tracey L. Crosby
8206 Hardy
Overland Park, Ks 66204

John & Jane Sanson
6700 W. 163rd Terr
Stilwell, Ks 66203

James & Eve Eighmy
14301 W. 64th
Shawnee, Ks 66216

Larry & Sharon Rice
8918 Hauser Drive
Overland Park, Ks

Wesley & Cynthia Clark
8915 W. 99th Terr.
Overland Park, Ks 66212

James & Sheia Johnson
5850 Dearborn
Overland Park, Ks

Ann R. Robinson
5530 W. 97th
Overland Park, Ks

Clark Hamilton & Gail Hamilton
4545 W. 124 Terr
Leawood, Ks 66209

Dennis & Diana Miller
15127 Glenwood
Overland Park, Ks 66223

William & Gail Stewart
7850 Darnell
Lenexa, Ks 66216

HJC
2-26-92
Att #4
2-24

daniel J. Wall
6513 Bradshaw
Shawnee,Kansas 66216

Harvey W. Garrett
Patricia S. Garrett
10121 Halsey
Lenexa , Ks 66215

Joanne Lockwood
9710 Nall
Overland Park,Ks

Robert & Kathleen Dorst
113901 Summertree Lane
Olathe,ks

Henri & Maggie Fournier
12901 W. 78th St
Lenexa,Ks 66216

Debra A. Major
6005 W. 79th St
Prairie Village,Ks 66208

Frank & Julie Ollin
9998 Mackey Ct.
Overland Park,Ks 66212

John & Judith Wood
5559 Santa Fe
Overland Park,Ks 66202

Michael G. Roberts
12820 W. 109th St
Overland Park,Ks 66210

Harry P. Ackerman
8312 Richards Road
Lenexa,Ks 66215

Robert & Joy Viscek
2806 W. 73rd Terr
Prairie Village,Ks 66205

Jerome & Gail Plumberg
1111 Northview
Olathe,Ks 66061

Michael E. Long
10302 W. 48th Terr
Shawnee,Ks 66203

John M. Vanlerberg
14639 W. 89th St
Lenexa,Ks 66215

Cletis & Sandra Garrett
7821 W. 97th Terr
Overland Par,Ks 66212

Carin Irene Walden
Jean Paul De Boucard
20610 Mill Rd
Lenexa,Ks 66220

Dennis & Teddie Brown
801 Medford Circle
Olathe,Ks

Ricky & Candace Jones
4701 Windsor
Roeland Park,Ks 66205

Woodrow W. Vick,Jr.
8105 W. 85th Terr
Overland Park,Ks 66212

Randy Smith
7559 Sagamore
Prairie Village,Ks 66208

Sheila & Mark Wrenn
15828 W. 136th
Olathe,Ks 66062

Billy & Jean Wright
10124 W. 69th Terr
Merriam,Ks 66203

George S. Arneson
12715 High Drive
Leawood,Ks 66209

Gregory & Jill Skillet
1106 E. Green Gables
Olathe,Ks 66061

HJC
2-26-92
att#4
3-24

Jay & Paul Gamble
19625 Rosewood Drive
Stillwell, Ks 66085

James & Frank Goode
6306 W. 49th
Mission, Ks 66202

Charles & Marsha Soloff
8539 - 41 Kessler
Overland Park, Ks 66212

William & Karen Tholen
5535 Ash
Roeland Park, Ks 66205

Thomas G. Scanlon, Jr.
8710 Metcalf #206 D
Overland Park, Ks 66212

James & Rae Jackson
37445 W. 207th St
Edgerton, Ks 66021

Walter & Twyla Rist
20905 W. 106th
Olathe, Ks

Wesley & Betty Blue
6300 W. 191 st
Stillwell, Ks 66085

Gerald E. Rowland
333 Olathe Viw Rd
Olathe, Ks

Edward & Debra Smethers
234 N. Blake
Olathe, Ks 66061

Lawrence & Chris Haith
1400 Mission Rd
Leawood, Ks 66224

Ted R. Bergkamp
16625 W. 143rd Terr
Olathe, Ks 66062

Louise E. Watkins
5424 Nall
Roeland Park, Ks 66202

Michael & Pamela Meade
1715 W. Prairie
Olathe, Ks 66061

Larry & Shelley Roth
15017 W. 50th
Olathe, Ks 66062

Rudolf and Margaret Garcia
9315 Grant Drive
Overland Park, Kansas 66212

Joseph A. Zaiotti
Donald E. Beasy
12861 W. 106th
Overland Park, Ks 66212

James & Billie Tippin
2001 W. 120th
Leawood, Ks 66209

Leslie A. Newquist
8311 Meadow Lane
Leawood, Ks 66206

Samuel & Julie Shibloom
10200 Switzer
Overland Park, Ks 66210

Lillian Ruth Hale
404 S. Stevenson
Olathe, Ks 66061

Todd Crum
6512 W. 49th St
Mission, Ks 66202

Lynda L. Taylor
8416 W. 119th Terr
Overland Park, Ks

Carol Charismas
3505 W. 63rd
Mission, Ks 66208

HJC
2-26-92
att #4
4-24

Russell A. Hennighn, Jr.
204 N. Madison
Spring Hill, Ks 66085

Gregory & Stephanie Hicks
1050 Martway
Olathe, Ks 66061

Christopher A. Stanton
9438 Lowell
Overland Park, Ks 66212

Barbara Ann Achterberg
7614 W. 59th Terr
Overland Park, Ks 66202

Bryce & Carolyn King
1225 E. 125th St
Olathe, Ks 66061

Michael & Sharon Postlewait
12700 W. 119th St
Overland Park, Ks 66213

Thomas L. Bridges
17951 Metcalf
Stilwell, Ks 66085

Anna & Angela Buelli
5732 W. 194th
Stillwell, Ks 66085

William & Michael Shartzner
5832 Reeds Rd
Mission, Ks 66205

Ronnie & Jan Deringer
20740 W. 199th St
Spring Hill, Ks 66083

Steven & Mary Clayton
9116 Pflumm Rd
Lenexa, Ks 66215

Hugo & Maritza Fernandez
9523 Noland Road
Overland Park, Ks

Kenneth & Patricia Moll
4604 W. 67th
Prairie Village, Ks

Peter & Lisa Gilbride
8427 Russell
Overland Park, Ks 66212

Jerome & Linda Stonebraker
820 E. Wabash
Olathe, Ks 66061

Jerry & Susan Mitchell
5701 Farley
Merriam, Ks 66203

Frank & Gayle Brockway
1014 N. Parkway Drive
Olathe, Ks 66061

Benny & Linda Nutt
4741 Fontana
Roeland Park, Kansas 66205

Paul Kenneth Hunter
1229 E. 125th
Olathe, Ks 66061

Cheryl Ann Tucker
10650 W. 115th
Overland Park, Ks 66210

William & Shirley Chambers
Gardner, Ks 66030

Larry & Sharon Rice
8955 Hauser
Lenexa, Ks 66210

Steven & Lori Bruns
11902 S. Greenwood
Olathe, Ks 66062

Raymond & Mary Elder
11024 Cottonwood
Lenexa, Ks

HJC
2-26-92
Att #4
5-24

Ray Goffinet
809 - 811 N. Pine
Olathe, Ks

Valerie Lynn Charlton
6029 Hemlock
Merriam, Ks 66203

Michael & Victoria Badger
1217 Hunter Lane
Olathe, Ks 66061

Antonio & Nancy DeSousa
5200 Stearns
Shawnee, Ks 66203

Connie J. Hunt
10903 W. 50th Terr
Shawnee, Ks 66203

John & Sara Grika
8058 Lakeview
Lenexa, Ks 66219

Linda & Richard Moore
16001 W. 151st Terrace
Olathe, Ks 66061

Anthony & Melinda Hoskins
15309 W. 93rd Terr
Lenexa, Ks 66219

Ronald & Tammy Blake
501 N. Logan
Olathe, Ks 66061

D. Richard & Tana Emrich
5848 W. 87th Terr
Overland Park, Ks 66205

Roger J. Peters
1717 - 21 Penrose
Olathe, Ks

Ronald & Vickie Godwin
9116 W. 127th Terr
Overland Park, Ks 66213

Jerry & Ruth Blunk
1507 N. Hunter
Olathe, Ks 66061

Frank & F. G. Kavanaugh
14735 Hadley
Overland Park, Kansas 66223

Raymond & Sharon Bosworth
9345 W. 48th Terr
Shawnee, Ks

Ronald & Joan Jarman
10420 Oakmont St
Overland Park, Ks 66215

Curtis & Diane Costello
1967 Sunvale
Olathe, Ks 66062

Clyde T. Parker
Mary C. Parker
8605 W. 147th Terr
Overland Park, Ks 66223

Robert & Cynthia Madden
12204 Wenonga Rd
Leawood, Ks 66209

John & Jo Thurston
11300 W. 121st Terr
Overland Park, Ks 66213

Bruce & Kimberly Dunn
15908 W. 153rd
Olathe, Ks 66062

Laureen & Kathleen Faltus
12434 W. 82nd Terr
Lenexa, Ks 66215

Jon & Sondra Akers
1012 Piatt Lane
Olathe, Ks 66062

Sandy J. Burns
Karen S. Jeffery
203 N. Normandy
Olathe, Ks 66061

HJC
2-26-92
Att #4
6-24

Justin & Alyce Bishop
716 Purdom
Olathe, Ks 66061

Sylvia Correa
616 North Willie
Olathe, Ks

Patrick & Lisa Darnell
1427 S. Apache Lane
Olathe, Ks

Ronald & Kathryn Adney
4703 Monrovia
Overland Park, Ks

John J. Pfahler
401 - 403 High Street
Olathe, Ks

William & Jacquelyn Allen
4841 Woodward
Overland Park, Ks 66203

Frederic & Linda Yasuhara
15720 W. 143rd Terr
Olathe, Ks 66062

Gordon Verhaeghe
12818 Navaho
Olathe, Ks

David & Penny Baswell
12927 Raintree Drive
Olathe, Ks 66062

T. Wayne & Nancy Cope
8317 Valley View Drive
Overland Park, Ks 66212

Jeffrey & Tammy Boyd
5617 W. 78th
Prairie Village, Ks 66208

John & Deaun Hoelzel
6508 Belinder
Mission Hills, Ks 66208

James & Barbara Flynn
2100 W. 74th
Prairie Village, Ks 66208

James & Mary Buzzard
21105 Oakleaf Drive
Stilwell, Ks 66085

Richard A. Moore
2527 W. 90th
Leawood, Ks 66208

Paul & Diane Hesch
506 D Cedar Ct
Olathe, Ks

Melanie Grinstead
10902 Bradshaw
Overland Park, Ks 66210

Randy & Jeanette Doty
7906 W. 60th
Shawnee, Ks

Martin & Carolyn Smith
12753 Overbrook Rd
Leawood, Ks 66209

Harold & Jeanette Matney
521 W. Sante Fe
Gardner, Ks 66030

Donald & Rhonda Anderson
410 E. Hale St
Spring Hill, Ks 66083

Larry & Janis Colin
13021 Brougham Rd
Olathe, Ks 66062

HJC
2-26-92
Att #4
7-24

Richard & Robin Theis
15619 W. 125th St
Olathe, Ks 66061

Jeff & Susan Papa
7604 Sante Fe
Overland Park, Ks 66206

Harry P. Ackerman
8312 Richards Road
Lenexa, Ks 66215

Jacquelyn L. Williams
10139 W. 84th St
Overland Park, Ks 66212

Michael & Charlotte Hilworth
16513 Horton
Stilwell, Ks 66085

Ronald W. Ford
8100 Walmer
Overland Park, Ks 66204

Wade & Donna Myers
16607 W. 133rd St
Olathe, Ks 66061

Raymond F. Holden III
13345 Kimberly Circle
Olathe, Ks 66061

John and Diana King
9901 W. 156th
Stanley, Ks 66221

David M. Caudill
6455 W. 51st Terr
Mission, Ks 66202

William & Susan Mize
5504 Antioch
Overland Park, Ks

Thomas & Pauline Hannah
9019 W. 117th St
Overland Park, Ks 66210

Robert & Audra Adkins
144 North Saxony Court
Olathe, Ks 66062

Gary & Leigh Ballard
312 W. Martin
Edgerton, Ks 66021

Janet & Paul Richardson
12043 Hemlock
Overland Park, Ks 66213

Calvin Rosey
11616 - 11618 W. 61st St
Shawnee, Ks

Lawrence H. Rieke
Dana Zarda Rieke
7420 Lackman Rd
Shawnee, Ks 66203

Duane & Laura Byerly
8625 Larsen
Overland Park, Ks 66214

Dale & Kimberly Jensen
600 Welston
Olathe, Ks 66061

Ronald & Virginia Vasko
404 W. South St
Spring Hill, Ks 66083

Wilma M. Moorman
201 North Normandy
Olathe, Ks 66061

Phil & Faye Jones
1821 Arrowhead
Olathe, Ks 66062

Maureen & Phillip McLeod
7100 Horton
Overland Park, Ks 66204

Douglas & Eula McKee
6308 W. 82nd Terr
Overland Park, Ks 66204

HJC
2-26-92
Att #4
8-24

Virbinia A. Hansord
20011 Nall
Stillwell,Ks 66085

Patricia A. Hinzie
1506 E. 153rd St
Olathe,Ks 66062

Joseph & Sharon Ricard
7911 Rene
Lenexa,Ks 66215

Kenneth & Diana Jackson
6142 Hadley
Merriam,Ks 66202

Stephen & Deborah Finley
5504 W. 86th Terr
Overland Park,Ks 66212

Stanford P. Glazer
Cheryl A. Glazer
4101 W. 110th St
Leawood,Ks 66211

David & Pamela Pull
16304 W. 125th Circle
Olathe,Ks 66062

Raymond & Allison Patch
12216 Norwood
Leawood,Ks 66209

Robin & Venita Sanderson
8105 Craig Road
Overland Park,Ks 66204

Arlyn N. Schroeder
5840 Blackhoff Trail
Merriam,Ks 66203

Charles & Mary Troppito
8948 Rosewood
Prairie Village,Ks 66207

Michael & Anne Scarcello
5900 W. 58th
Mission ,Ks 66202

Clifford & Marlene Spence
119 East Nelson
Edgerton,Ks 66021

Terry & Jacqueline DeWolf
303 East South St
Olathe,Ks 66061

Martin & Anna Davis
3100 W. 171st Street
Stilwell,Ks 66085

Dr. John C. Taylor
Patricia A. Taylor
11208 W. 102nd Street
Lenexa,Ks 66215

Billy & Chery Wuellner
8811 W. 106th Circle
Overland Park,Ks 66212

Bruce & Andrea Varney
2400 W. 162nd Terr
Stillwell,Ks 66085

Rex & Mary Wood
8341 W. 102nd
Overland Park,Ks 66212

Ronald L. Sobanek
11612 Bluejacket
Overland Park,Ks 66210

James & Elizabeth Beach
801 North Hamilton
Olathe,Ks 66061

Jonathan D. Coe
14417 W. 78th Terr
Lenexa,Ks 66216

HJC
2-26-92
Att #4
9-24

Rakesh & Prabha Gupta
5909 Haskins
Shawnee, Ks 66216

Dean & Kathleen Chapman
1575 W. Prairie Terr
Olathe, Ks 66061

Dale & Krista Snyder
416 W. Cedar
Olathe, Ks 66061

Michael & Linette Ayers
16232 W. 131st Terr
Olathe, Ks 66062

Stephen & Roberta Small
5400 W. 99th Terr
Overland Park, Ks 66207

George & Janice Repp
10520 Manor Rd
Leawood, Ks 66206

Thomas & Teresa Rowe
12202 W. 54th Street
Shawnee, Ks 66216

Winon W. Ludgate
11923 W. 70th
Shawnee, Ks 66216

Ronnie & Ruth Cortese
15261 Oakmont
Overland Park, Ks 66212

Bryan E. Nelson
12601 W. 70th
Shawnee, Ks 66216

W.E. Emerson
Carol J. Emerson
6701 County Line Rd
Shawnee, Ks 66216

Michael J. Taylor
9366 W. 48th Terr
Merriam, Ks 66203

Roger Gray
36060 W. 146th Street
Gardner, Ks 66030

John & Sherry Tennery
29325 West 153rd Terr
Gardner, Ks 66030

Larry & Judith Jones
9618 Horton
Overland Park, Ks 66207

Craig & Dianna Pfeiffer
31230 W. 135th
Olathe, Ks 66061

Manuel & Marsha Lopez
14814 W. 71st Terr
Shawnee, Ks 66211

Kenneth & Tanya Jacobson
1423 E. Martway Unit D
Olathe, Ks 66061

Lewis & Clare Koewler
5245 W. 130th Terr
Leawood, Ks 66209

Samuel DePriest
10512 Belinder
Leawood, Ks 66206

Vernon & Virginia Paul
12500 South Cottonwood
Olathe, Ks 66061

Robert S. Weaver
5010 W. 101st Terr
Overland Park, Ks 66207

HJC
2-26-92
Att #4
10-24

Deborah J. Ireland
5918 W. 75th
Prairie Village, Ks 66208

Kenneth & Ann Miller
15101 Blackfoot
Olathe, Ks 66062

George & Dorthy Osgood
2705 W. 104th Terr
Leawood, Ks 66206

Frederick & Tina Fields
14716 Brougham
Olathe, Ks 66062

C. Martin & Carolyn Grayum
11439 W. 112th Terr
Overland Park, Ks 66210

Claude & Paula Everette
1604 W. Sheridan
Olathe, Ks 66061

Patty Inderwiesen
8781 W. 106th Terr Apt 6 D
Overland Park, Ks 66212

Michael & Erica Figary
421 South Water
Olathe, Ks 66061

Arthur & Joyce Stefka
9020 W. 169th Street
Stilwell, Ks 66085

Dennis & Stephany Belcher
16613 W. 126th Terrace
Olathe, Ks 66062

Grant & Rita Burns
7101 W. 188th Street
Stilwell, Ks 66085

Thomas & Linda Anderson
105 Nelson Circle
Olathe, Ks 66061

Karen M. Bridges
13310 W. 113th Street
Overland Park, Ks 66210

D. Michael Cox
16205 W. 132nd
Olathe, Ks 66062

V. Richard & Pamela Patterson
2217 W. 74th Terr
Prairie Village, Ks 66208

Don & Bertha Hahn
12548 Gardner Place Road
Gardner, Ks 66630

Stanley & Diana Wilkins
110 Chambery Drive
Olathe, Ks 66061

Windell & Nina Day
15211 Long
Overland Park, Ks 66209

John & Barbara Clayton
12932 W. 146th Street
Olathe, Ks 66062

Kurt & Lynn Ritter
8146 Barkley
Overland Park, Ks 66204

Jeffery & Marcia Kreimendahl
15033 W. 139th Street
Olathe, Ks 66062

Dale & France Stewart
2013 Sunvale
Olathe, Ks 66062

HJC
2-26-92
att # 4
11-24

Patrick & Lisa Rushing
12712 W. 108th
Overland Park,Ks 66210

Peter & Beverly Dedecker
14322 South Kaw
Olathe,Ks 66062

Richard & Beverly Muir
12923 W. 102nd Street
Lenexa,Ks 66215

Harlan & Cecelia Miller
11913 Mohawk Lane
Leawood,Ks 66216

Bryon & Melisia Campbell
410 W. King
Spring Hill,Ks 66083

Robert & Annette Philippi
3116 W. 72nd Street
Prairie Village,Ks 66205

Dane Banks
11836 W. 99th Terr
Overland Park,Ks 66214

Philip & Marsha Williams
12828 Sagamore
Leawood,Ks 66209

Daniel & Julie Gadwood
7500 Briar
Prairie Village,Ks 66208

Gary & Brenda Tollefson
1002 Palmer Dr.
Olathe,Ks 66062

Ross & Christine Randall
7645 Marty
Overland Park,Ks 66204

Wen Chieh & Hyeon Cheng
11007 W. 115th Street
Overland Park,Ks 66210

Cecil Dahl
Karen L. Dahl
15293 Halsey
Overland Park,Ks 66062

Jamie & Richard Bluhm
625 Valley Road
Olathe,Ks 66061

Jerry & Vickie Hinton
12620 Flint Street
Overland Park,Ks 66213

Vernon & Patricia Horton
2116 Arrowhead
Olathe,Ks 66062

Ruth E. Tice
12558 Broadmoor
Overland Park,Ks 66209

David & Sheryl Roberts
435 S. Chestnut
Olathe,Ks 66061

Jerome & Jane Duggan
4001 W. 101st Terr
Overland Park,Ks 66207

Michael P. Kolarik
6204 W. 76th Place
Prairie Village,Ks 66208

Morton Mann
4325 W. 87th Street
Prairie Village,Ks 66207

James S. Wadum
11002 W. 64th
Shawnee,Ks 66203

HJC
2-26-92
Att #4
12-24

James & Cynthia Boyce
10508 W. 99th Street
Overland Park, Ks 66212

Kay C. Gilmer
16650 Lackman Road
Olathe, Ks 66062

Kendall & Deborah Dalton
7701 W. 63rd Terr
Overland Park, Ks 66202

Harry & Deborah Johnson
17670 W. 183rd Road
Olathe, Ks 66032

Gary & Zona Belinder
11901 Belinder
Leawood, Ks 66209

David & Mary Watson
345 North Blake
Olathe, Ks 66061

Jacqueline & Keith Miller
18495 Woodland
Olathe, Ks 66062

Michael & Mary Aver
6032 W. 89th
Overland Park, Ks 66207

Lyle Wayne Whitworth
14711 Summertree
Olathe, Ks 66062

Eileen Grube
16608 W. 142nd Place
Olathe, Ks 66061

Dennis Craig Mundell
4330 Merriam Drive
Overland Park, Ks 66203

Charles & Barbara Cox
5587 Gleason Road
Shawnee, Ks 66226

Thomas J. Mahlmeister
6648 West 152nd Street
Overland Park, Ks 66223

John & Candyce Goldman
12913 Glenfield
Leawood, Ks 66209

James & Katherine Hamilton
12021 Goodman
Overland Park, Ks 66213

Houston & Brenda Brock
11510 W. 70th Terr
Shawnee, Ks 66203

James & Cary Witt
6400 Charlotte
Shawnee, Ks 66216

Bonnie L. Bundy
15495 Gardner Lake Road #4
Gardner, ks 66030

Lamont H. Dearing
11202 W. 49th
Shawnee, Ks 66216

Christopher & Laura Hurla
1000 Cardinal Place
Olathe, Ks 66062

Orville & Wanda Thompson
1415 Willow Drive
Olathe, Ks 66062

John & Tracy Herron
5224 Newton Street
Overland Park, Ks 66202

HJC
2-26-92
Att #4
13-24

Marshall I. Gordon
10426 Garnett
Overland Park, Ks 66212

Charles & Ellen Kreimendahl
1713 Prairie
Olathe, Ks 66061

George & Joyce Dutcher
500 East 125th Terr
Olathe, Ks 66061

Jimmy & Joloyce Harper
6918 Metcalf Ave
Overland Park, Ks 66204

James & Joan Viebert
15025 Metcalf
Stanley, Ks 66223

Jerry & Denise Schutter
6701 Roe Ave
Prairie Village, Ks 66208

Stephen & Melinda Hurd
612 North Parker
Olathe, Ks 66061

Jay D. Hurley
734 S. Oak
Gardner, Ks 66030

Edward & Dee McGuire
520 E. 125th Terr
Olathe, Ks 66061

Ronald & Lorie Kipper
319 Normandy
Olathe, Ks 66061

B.J. & Joyce Vanlandingham
1205 S. Clairborne Rd.
Olathe, Ks 66062

Dennis & Susan Collins
8237 Linden
Prairie Village, Ks 66208

Peter & Culleen Cheney
19260 Sunray
Spring Hill, Ks 66083

Jeanetta & Eli Issa
11801 W. 109th
Overland Park, Ks 66210

Jerry & Vicky Hinton
12620 Flint
Overland Park, Ks 66213

Donald Shanks
1362 North Martway Drive
Olathe, Ks 66061

Lee & Sonia Holt
12740 W. 75th
Shawnee, Ks 66216

James & Carol Ferguson
14506 W. 58th
Shawnee, Ks 66216

Sheryl L. Barnett
20040 W. Adams
Spring Hill, Ks

William & Melinda Mauzey
405 South Church
Olathe, ks 66061

Robert & Jan Colvin
12316 Flint
Overland Park, Ks

Robert & Margo Swaim
6517 W. 102nd
Overland Park, Ks 66212

HJC
2-26-92
Att #4
14-24

James & Jeanee Rickson
4390 W. 152nd Court
Leawood, Ks 66224

Sharon & Tony Jewett
15411 Lake Road #3
Gardner, Ks 66030-9659

James & Janet Letendre
5430 Sherwood Drive
Roeland Park, Ks 66205

Dan & Elaine Ogilvie
10100 Glenwood
Overland Park, Ks 66212

Raymond & Linda Brown
9020 W. 123rd
Overland Park, Ks 66213

Alain & Ellen Mikhael
6042 Alhambra
Fairway, Ks 66205

Billy & Margaret Henderson
1600 Farrow Drive
Olathe, Ks 66061

Jill Keri Dietz
12822 W. 109th
Overland Park, Ks 66211

Anne M. Nicholas
512 West Sante Fe
Olathe, Ks 66061

David & Darlene Summerour
8443 West 193rd Terrace
Stillwell, Ks 66085

Todd & Maureen Elder
11024 Cottonwood
Lenexa, Ks

Djuan W. Webb
307 N. Normandy
Olathe, Ks 66061

Edward & Lynda Raner
14004 W. 67th
Shawnee, Ks 66216

Linda A. Morland
137 Chambery
Olathe, Ks 66061

Otis I. Simmons
Valerie C. Simmons
6006 Antioch Drive
Merriam, Ks 66202

William & Regina Owen
8432 W. 113th
Overland Park, Ks 66210

Carolyn Smolich
12044 Mackey
Overland Park, Ks 66213

William & Sharon Thompson
15292 Caenan
Overland Park, Ks

Lee S. Pate
8539 Westgate Drive
Lenexa, Ks 66212

Richard & Mary Gray
12810 W. 117th
Overland Park, Ks 66210

Kenneth & Sharon Cox
5916 State Line Rd.
Mission Hills, Ks 66208

Gary & Andrea Osborn
14016 W. 48th
Shawnee, Ks 66216

HJC
2-26-92
Att #4
15-24

William & Joan Lesuer
5131 Ballentine
Shawnee, Ks 66203

Terry & Markproe Gregory
13296 W. 112th
Overland Park, Ks 66210

Cory L. Gates
9218 Park
Lenexa, Ks 66215

Pamela & Timothy Amsden
10008 Craig Drive
Overland Park, Ks 66212

Katherine & Betty Craven
13426 W. 56th Terr
Shawnee, Ks 66216

Jerry & Judy Larson
5532 Barton Lane
Shawnee, Ks

Brian Coplin
Joyce Coplin
16212 West 45th Terr
Olathe, Ks 66062

Larry & Janelle Studt
12475 South Ortega
Olathe, Ks 66062

John & Sandra Mays
1423 Penrose
Olathe, Ks 66062-1709

Jack & Phyllis Taggart
6300 W. 62nd
Mission, Ks 66202

Gerald L. Phenicie
15929 W. 82nd Place
Lenexa, Ks 66219

Mary Lipari
9302 West 83rd Street
Overland Park, Ks 66204

Sharon K. Dearing
5624 West 92nd Place
Overland Park, Ks 66207

Louise H. Karr
13623 West 95th Street
Lenexa, Ks 66215

Charles & Sandra Barham
2222 Arrowhead
Olathe, Ks 66062

Eric & Jacqueline Lawandowski
8407 Glenwood
Overland Park, Ks 66212

David Stewart Hudson
5523 W. 81st
Prairie Village, Ks 66207

Donald & Nancy Swartz
8416 W. 88th
Overland Park, Ks 66212

Edward & Regina Schoenhofer
316 North Cherry
Olathe, Ks 66061

Walter & Phyllis Zauke
1430 Wells Fargo
Olathe, Ks 66062

Loena B. Greenhagan
7608 W. 64th Terr
Overland Park, Ks 66202

William & Elizabeth Mitchelson
1427 E. 125th Terr No A
Olathe, Ks 66061

HJC
2-26-92
att #4
16-24

Michael S. Reece
10604 W. 57th
Shawnee, Ks 66203

Roy & Bettie Young
21250 W. 105th
Olathe, Ks 66061

Lorena B. Greenhagen
7608 W. 64th Terr
Overland Park, Ks

Jim & Barbara Bodenhamer
14742 W. 122nd Terr
Olathe, Ks 66062

Dennis E. Christesen
8919 W. 100th Terr
Overland Park, Ks 66212

David & Ladonna Hargis
4848 Dearborn
Mission, Ks

Thomas & Merrie Adams
1713 W. Wabash
Olathe, Ks 66061

William E. Stoddart
15104 W. 82nd Terr
Lenexa, Ks 66218

Beverly R. Larkin
8407 Twilight
Lenexa, Ks 66219

Richard & Kathryn Newhouse
14221 W. 82nd
Lenexa, Ks 66215

James & Denise Moore
16060 Gardner Place
Gardner, Ks 66030

Lawrence & Cheryl Pandjaris
10195 Farley
Overland Park, Ks 66212

Michael & Ena Shartzter
5112 Howe Drive
Roeland Park, Ks 66205

Marcus & Cislene Kadur
603 Sycamore
Gardner, Ks 66030

Teresa A. Kirby
7132 Reeds
Overland Park, Ks 66204

John & Nancy Layden
10515 Sagamore
Leawood, Ks 66206

Kevin Michael Hoffman
13795 Walnut View Drive
Olathe, Ks 66061

Frederick J. Beicht
810 N. Mesa
Olathe, Ks 66061

Donald & Holly Stack
12122 W. 82nd Terr
Lenexa, Ks 66215

Edward & Debra Smethers
234 N. Blake
Olathe, Ks 66061

Patricia L. Coleman
1263 N. Petzold Dr. #E
Olathe, Ks 66061-583

Brian C. Williams
2616 W. 47th Terr
Westwood, Ks 66205

HJC
2-26-92
Att #4
17-24

Greg A. Faulkender
621 North Mahaffie
Olathe, Ks 66061

Dennis & Diana Miller
11568 Caenan
Overland Park, Ks 66215

M. Ray Michael
Ginger L. Michael
29140 W. 199th
Gardner, Ks 66030

Charles & Joyce Kiper
14607 S. Alden
Olathe, Ks 66062

Roy M. Vanderwood
12305 W. 65th Terr
Shawnee, Ks 66216

Larry & Sally L. Keyser
8924 Hemlock
Overland Park, Ks 66204

Jerome & Jane Duggan
4001 W. 101st Terr
Overland Park, Ks 66207

Joseph & Ruth Rainey
7517 Sagamore
Prairie Village, Ks 66208

Grant & Jeanine Greenlee
1404 Frontier Lane
Olathe, Ks 66062

Patrick & Elizabeth Rice
5200 W. 65th Place
Prairie Village, Ks 66202

Michael & Tamara Richards
617 Piatt
Olathe, Ks 66061

John & Cindy Risner
13912 Sycamore
Olathe, Ks 66062

Steve & Beverly Miller
12805 El Monte
Leawood, Ks 66209

Timothy & Mary Wilson
12201 W. 79th Terr
Lenexa, Ks 66215

Larry & Cherly Pandjaris
8734 Metcalf #104B
Overland Park, Ks 66212

Carolyn Smolich
12044 Mackey
Overland Park, Ks 66213

G. Thomas Williams
10830 - 10832 W. 115th Place
Overland Park, Ks 66210-3837

Wilma E. Mayfield
4920 Grandview Ave
Merriam, Ks 66203

David & Elaine Booth
121 Nelcon Circle
Olathe, Ks 66061

Linda L. Taylor
8416 W. 119th Terrace
Overland Park, Ks 66213

Arthur & Barbara Curtright
14602 W. 84th
Lenexa, Ks 66215

Patricia R. Brooke - Hisel
27845 W. 49th
Lenexa, Ks 66227

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Att #4
18-24

Bernard & Deonna Belcher
314 Winterbrooke Drive
Olathe, Ks

Mark & Nancy White
729 South Stevenson
Olathe, Ks 66061

Charlie & Kimberly Burch
1706 Taylor Circle
Olathe, Ks 66062

Michael & Cathy Davis
5207 Buena - Vista
Roeland Park, Ks 66205

Glen & Carolyn Shancellor
14831 Homestead Drive
Olathe, Ks 66062

Larry & Salley Keyser
8924 Hemlock
Overland Park, Ks 66204

Rozanne & Fred McCandless
12635 Juniper Circle
Leawood, Ks 66209

Ousama & Marie Abu-Yousif
16615 West 149th Terr
Olathe, Ks 66062

J. Lynn Campbell
9416 State Line Road
Leawood, Ks 66206

Richard & Sherril Rosenstock
9801 W. 104th
Overland Park, Ks 66212

Robert & Debra Neal
805 Hunter Dr.
Olathe, Ks 66061

Robert & Kathy Redine
11795 Clare Rd.
Olathe, Ks 66061

Glen & Carolyn Chancellor
14831 Homestead Drive
Olathe, Ks 66062

John & Debra Knoepker
9516 W. 116th Terr
Overland Park, Ks 66210

Jeffrey & Sherry Helmke
1101 Sunset
Olathe, Ks 66061

Kenneth & Janet Sobocinski
1304 N. Hunter
Olathe, Ks 66061

Chester & Joann Morris
2118 Stratford Rd.
Olathe, Ks 66062

Daniel & Candace Lawson
14545 W. 187th Terr
Olathe, Ks 66062

Robert & Terri Couture
12712 Raintree Drive
Olathe, Ks 66062

Carol A. Hogan
1423 Martway Circle
Olathe, Ks 66061

Evon L. Race
12702 High Drive
Leawood, Ks 66209

Jon L. Blakely
Kim Blakely
16208 W. 131st Terr
Olathe, Ks 66062

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19-24

Charles & Gail Dery
7506 Bradshaw
Shawnee, Ks 66216

Raymond & Nancy Holden
13345 Kimberly Circle
Olathe, Ks 66061

Joan Thomas Nees
7743 Long
Lenexa, Ks 66215

Ronald & Mary Copland
6301 W. 82nd Terr
Overland Park, Ks

Melba Loretta Monteil
8911 Hemlock
Overland Park, Ks 66212

Donald J. Ricke
12733 W. 109th
Overland Park, Ks 66210

Kevin & Sally White
10212 Haskins
Lenexa, Ks 66215

Todd Crum
6512 W. 49th
Mission, Ks

R. Kinney & Teresa Williams
2005 W. 120th Terr
Leawood, Ks 66209

William & Regina Hoover
7800 W. 59th Terr
Overland Park, Ks 66202

Bonnie & Jason Holland
1901 South Clairborn
Olathe, Ks 66062

Johnnie & Janet Llorente
12752 Cody
Overland Park, Ks 66213

Chester & Sylvia Slater
5670 W. 151st
Overland Park, Ks 66223

Tamala A. Shields
9108 Switzer
Overland Park, Ks 66214

David & Belinda Depping
8817 W. 116th Terr
Overland Park, Ks 66210

Anthony & Diana Nicotra
12027 W. 58th Place - Unit G
Shawnee, Ks 66216

Donald L. Hance
Michael J. Roettele
11905 W. 58th Terr
Shawnee, Ks 66216

Phillip G. Bollinger
4709 Fontana
Roeland Park, Ks 66205

Craig & Cathy Harp
8221 Hamilton Drive
Overland Park, Ks 66204

Richard I. Coke
5738 Reeds
Mission, Ks 66202

James K. Renshaw
7920 W. 113th Terr
Overland Park, Ks 66210

Rex A. & Cynthia Danley
7061 W. 166th Terr
Stilwell, Ks 66085

Charles &Carolyn Egnor
18724 Delmar
Stilwell, Ks 66085

Paul & Theresa Willey
11201 W. 99th Terr
Overland Park, Ks 66214

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2-26-92
Att #4
20-24

Billy & Iota Brown
15708 W. 126th Terr
Olathe, Ks 66062

Truman & Karen Collins
407 Hale
Spring Hill, Ks 66083

Steven C. Middleton
1703 W. Spruce
Olathe, Ks 66061

Frank & Elizabeth Sandwell
9130 W. 92nd Terr
Overland Park, Ks 66212 -3913

Ronald D. Thompson, Sr.
8620 Thorpe
DeSoto, Ks 66018

Margaret McKnight
1325 East 123rd
Olathe, Ks 66061

A. Raymond & Jodie Hawkins
11321 W. 109th St
Overland Park, Ks 66216

Richard B. Lynch
11926 W. 66th
Shawnee, Ks 66216

Gerald & Sharece Derks
8525 Rosehill Rd.
Lenexa, Ks 66215

Dewayne & Shari Kangas
1024 Cothrell
Olathe, Ks 66061

Robert & Ruth Turner
7416 W. 57th
Overland Park, Ks 66202

Charles & Pamela Dennis
16000 Beckett Lane
Olathe, Ks

Robert & Ruth Turner
5440 Foster
Overland Park, Ks

Patricia A. Williams
18319 Highview Drive
Gardner, Ks 66030

Lynn Allen McMillin
8911 W. 47th St.
Merriam, Ks 66203

Kenneth & Kathy Stauch
866 Sheridan Circle
Olathe, ks 66061

Larry & Kathleen Parks
500 East Whitney Street
Olathe, Ks 66061

Lori S. Barker
1403 E. 123rd Terr
Olathe, ks 66061

Michael & Renee Waggoner
4901 W. 55th St.
Roeland Park, Ks 66205

Greg R. Heagler
8761 West 106th Terr
Overland Park, Ks

Pamela & George Darrington
5424 Maple
Mission, Ks 66202

Richard & Bette White
4813 W. 102nd
Overland Park, Ks 66207

Forrest & Judith McCarty
7675 Canterbury
Prairie Village, Ks 66205

Harry J. McConnell
5526 Antioch Apts # 3,4,7 & 8
Merriam, Ks 66205

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Att # 4
21-24

Bert & Donna Pierson
7117 Ballentine
Shawnee, Ks 66203

Homer & Billie Damet
202 N. Edgerton Rd.
Edgerton, Ks 66021

Gary & Dalyn Johnson
6607 Goode Drive
Shawnee, Ks 66216

Steven & Donna Wilkins
15704 W. 124th Terr
Olathe, Kansas 66062

John W. McCorkle
Linda A. McCorkle
13205 South Brougham
Olathe, Ks 66062

Kenneth & Judy Renner
11195 W. 176th Terr
Olathe, Kansas 66062

Patrick & Deborah Bell
14401 West 65th Terr
Shawnee, Ks 66216

Kenneth W. Minor
6201 W. 53rd
Mission, Ks

J. Lynn Campbell
Caroline J. Campbell
10300 Delmar
Overland Park, Ks 66207

Michael L. Kelly
Cynthia J. Kelly
1701 W. Spruce
Olathe, Ks 66061

Stephen & Debra Pierson
830 Parma Way
Gardner, Ks 66030

Billy & June Hulse
8506 Bradshaw, Lenexa 66216

Ferdinand & Viola Clark
13218 W. 91st St.
Lenexa, Ks 66021

Gary L. Frazier
2006 Stratford Rd
Olathe, Ks 66061

David & Kathi Swanson
2110 Mohawk Ct.
Olathe, Ks 66062

William & Carol Emerson
10815 W. 62nd
Shawnee, Ks 66203

Jimmy L. Miles
Karen A. McGautha
16208 Indian Creek Parkway
Olathe, Ks 66062

Donna D. Kirk
2801 W. 74th
Prairie Village, Ks 66208

John & Jeri Campbell
8909 Knox
Overland Park, Ks 66212

Terrance & Jennifer Brown
711 E. Park
Olathe, Ks 66061

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Att #4
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Thomas & Terri Woods
5205 Goodman Lane
Overland Park, Ks 66202

Linda & Michael Schiavoni
7816 W. 116th Terr
Overland Park, Ks 66210

Steven & Jordan Wrischnik
6931 Albervan
Shawnee, Ks 66216

Marc & Barbara Birnbaum
11225 Benson
Overland Park, Kansas 66210

Michael & Denise Hoskins
15423 Summertree
Olathe, Ks 66062

Philip & Antoinette Gastl
9401 Hardy
Overland Park, Ks 66212

James & Jane Fowler
8904 Millstone
Lenexa, Ks 66213

Hugh & Patricia McTighe
9815 Connell
Overland Park, Ks 66212

Robin & Susan Gifford
3204 W. 122nd
Leawood, Ks 66209

Lawrence McDonald
8615 Greenway
Lenexa, Ks 66215

Wayne & Cheryl Starr
4652 Blackswan Drive
Shawnee, Ks 66216

Richard & Sharon Fancher
6445 Nieman
Shawnee, Ks

Michael W. Bussone
1418 Willow Dr.
Olathe, Ks 66062

Paul & Mary Lang
8637 Greenwood Lane
Lenexa, Ks 66215-4188

Stephen & Linda McGuckin
8137 Valleyview Dr.
Overland Park, Ks 66204

Louise M. Dold
3501 W. 73rd Terr
Prairie Village, Ks 66208

Terry Brandy
216 West McDonald
Edgerton, Ks 66021

Ursula & Ronald Rowe
12631 W. 110th Terr
Overland Park, Ks 66210

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23-24

Robert & Cheryl Tate
5636 Horton
Mission, Ks 66202

Donald & Caroline Batson
6827 Quivira Rd.
Shawnee, Ks

David & Tammy Harrah
8445 Corliss Road
DeSoto, Ks

Glenn & Nancy Schulz
15290 Sunflower Road
Gardner, Ks 66030

William & Barbara Burns
9607 W. 104th Terr
Overland Park, Ks 66212

Frank & Sandra Brown
Rural Route # 1, Box 177
Gardner, Ks 66030

Janet K. Tendick
12330 Farley
Overland Park, Ks 66213

Robert William Carlson
2824 W. 22nd
Leawood, Ks 66206

HJC
2-26-92
att #4
24-24



Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

TO: THE HOUSE JUDICIARY COMMITTEE
FROM: KAREN FRANCE, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: FEBRUARY 26, 1992
SUBJECT: HB 2940, EQUITEERING

Thank you for this opportunity to testify. On behalf of the Kansas Association of REALTORS®, I appear to support HB 2940.

We have been dealing with a growing number of complaints over the years concerning the practice of "equiteers". We strongly support the ability of property owners to have and exercise their rights of redemption. We are concerned that if the practices which we have heard about continue, there will be a movement to shorten or diminish the redemption rights. We support this bill because we believe it handles the problems which equiteering can cause, without diminishing redemption rights.

The information we have received indicates that the debtor homeowners lose, the mortgage holders lose, and the renters lose. The only winners are the equiteers who walk away with money in their pockets.

Under current practice the debtor homeowners are given a sum of money by the equiteer in return for signing over their redemption rights. They believe this transaction will absolve them from any further obligations on the property. The equiteer then rents the property during the balance of the redemption period and pockets the rent.

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The property is typically not maintained during the redemption period. Thus, the value depreciates and when it comes to the end of the redemption period, the mortgage holder often must take deficiency judgment against the original debtor who was under the misconception that they were free and clear of any further obligations. To top it off, the renters are removed by the mortgage holder without having any forewarning in their lease agreement that this property was in foreclosure.

House Bill 2940 strikes a reasonable balance between all interested parties. The debtor homeowner can still retain or sell their redemption rights. The lender receives the rental payments which will reduce the amount of the outstanding mortgage, and the renter would be put on notice of the redemption situation at the beginning of the lease.

This practice is already illegal for FHA and HUD insured properties, with much stiffer penalties than those given here. Also an amendment similar to this concept was put on SB 514 yesterday during Senate debate. That amendment provides that this type of activity would be cause for a person to lose their license under the Real Estate Salesperson and Brokers Act. We believe these bills complement each other.

To summarize, we support HB 2940 because we believe it handles the problems which have arisen, without diminishing redemption rights. We ask for your support.

HJC
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Attach #5
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House Judiciary Committee
HB 2940
February 26, 1992

Mr. Chairman, members of the committee, ladies and gentlemen my name is Maggie Johnson, President and owner of Wheatland Property Management, Inc. of Topeka. I'm a licensed real estate broker, a Certified Property Manager, immediate past president of the Topeka Board of Realtors and Vice-Chairman of the Governmental Affairs Committee for Kansas Association of Realtors. I have been involved in the real estate industry for approximately 15 years.

I'm here today to share an actual experience relating to the situation of equiteering. I handle the management of several condominium homeowners associations, one of which had an owner who was facing foreclosure. This was an absentee owner who had to relocate to another state.

Shortly after the Association learned of the foreclosure proceedings, a tenant moved into this unit. Other residents soon began to complain about disruptive conduct in this ordinarily quiet community. On behalf of the Association we attempted to contact the lender and the tenant, ultimately learning that the property was in the hands of an "equity buyer."

We identified the "equity buyer" and notified them of the problem with the tenant. We also notified them and the tenant that unless dues were paid the resident had no rights to the use of common area facilities. We were promptly informed that this was none of our business. They said "We consider this as an interference in a real estate contract..... This action is in violation of the Kansas Real Estate Brokers and Salesperson's Act." and they filed a complaint with the Kansas Real Estate Commission which was never investigated. The Real Estate Commission was aware of their activities as well as my faultless record as a broker.

Meanwhile, the tenant and his friends terrorized the common areas, discouraging use by other dues paying residents. They also damaged exterior fixtures, climbed on the roof and poked holes in the valley of the roof eventually causing a leak. Unfortunately, we had little first hand evidence of these activities and little cooperation from the police department. Later we had to make an inspection of the property as a result of the roof leak and found it "trashed" - full of garbage and seriously damaged.

No cooperation was given by the "equity buyer" who had one primary interest - that of collecting rent from the tenant during

HJC
2-26-92
Attach #4
1082

the balance of the foreclosure and the redemption period. And they made a timely visit each month to collect the rent but did nothing about the destructive tenant.

After months of this disruption and a series of complaints from other homeowners, the redemption period expired and the lender took over the property. But, the tenants remained until the lender could evict them. As the tenants were moving other residents noticed that permanent appliances including the dishwasher were being removed from the unit. The property was left in shambles.

Like other "equity buyers" this one identified a person who was being foreclosed upon and a property that was easily rentable. They probably paid a paltry sum to the owner for the redemption rights. And in many cases the original owner is lead to believe in this transaction they will be relieved of all liability. However, they are not. The Shawnee County Register of Deeds does not consider the purchase of redemption rights as a legitimate recordable transaction. The foreclosure is filed against the original owner.

During the balance of the foreclosure and redemption period the "equity buyer" is collecting rent, but they are not providing insurance, paying taxes or reducing the debt on the loan, and they usually do not maintain the property. As long as they collect rent they do not care whether or not the tenant is damaging the property because it will revert to the lender at the end of the redemption period.

The "equity buyer" is taking advantage of the fact that the foreclosure process and redemption period can last a year or more during which time they make a considerable profit. They prey upon individuals who are in financial distress and ultimately create additional distress. At whose expense is their profit made? Ultimately it is at the expense of consumers. The lenders suffer great losses in situations such as this. They are responsible for taxes, insurance and damages while another party is collecting rents. And ultimately these costs are passed on to other borrowers in the form of fees.

I've served as a court appointed receiver for several lenders as the only current solution to this problem; however there are limitations regarding the use of the rental proceeds. Many lenders are unfamiliar with this process and it can be contested by the "equity buyer". The best solution is elimination of the right to operate as an "equiteer".

Without legislation such as HB 2940 and the real estate license law changes proposed in SB 514, these activities will continue and unsuspecting individuals will continue to experience loss.

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Attach #6
2092

GEARY COUNTY LANDLORDS ASSOCIATION
Ann Elliott, Junction City KS

HB 2962

I am testifying in opposition to HB 2962. The Kansas Residential Landlord Tenant Act is one of the most fair landlord tenant acts in the U.S. It may not be perfect, but it is a workable law for both parties.

The changes requested in this bill only affect 3 areas of Kansas, consisting of 4 major cities; Leavenworth, Manhattan, Junction City and Wichita. These areas have dealt with military for many years and are accustomed to unexpected military orders and in most instances landlords have worked with the tenants to break a lease when PCS and ETS orders have come up.

Most landlords will check before signing a lease to see if the soldier has enough time at the military installation to fulfill the lease.

The Geary County Landlords Association objects to the changing of the language in the KRLTA for the following reasons:

- 1) Temporary orders are for short periods of time. The military does not pay for the soldier to move on TDY orders unless the soldier will be changing duty stations at the end of the TDY and the soldier will have PCS orders for that move.
- 2) The "requiring the tenant to move to other housing" is objectionable because the soldier has the option to take government quarters and is very rarely ordered to take

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2-26-92
1083
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quarters. With this wording, a soldier coming from Korea, who was married before going to Korea, is guaranteed government housing at Ft. Riley. If housing is not available immediately, the tenant will sign any lease and break the lease as soon as housing is available.

If these changes are made, what is the point of having a lease longer than a month-to-month? A lease gives the tenant protection that he or she has a place to live for a given time and the landlord has assurance the home is rented for that period of time. If we start breaking leases for military orders, other than PCS and ETS orders, again, what is the point of having a lease over month-to-month? Longer term leases are cheaper.

Better education of both tenants and landlords as to the laws concerning leases is the answer, not changing the law. It may be beneficial for military officials to advise military personnel not to sign long-term leases. I checked with Post Housing at 7:30am today and asked if they are advising the military not to sign year leases and they said "No".

Saudia Arabia was a unique situation. Unit orders were issued, not individual orders. Col. Kaplan from the Judge Advocate's office at Ft. Riley met with our Landlords Association and explained to the landlords under KRLTA unit orders did not apply. Col. Kaplan asked the landlords to work with the soldiers and break leases. Most of the landlords in our area did with a letter from the Commander of the individuals unit.

The 2nd Brigade is now preparing to go to NTC on temporary duty, approximately 6 weeks; another group, 977th MP's, will be

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going to Honduras for 3 months. The government does not pay for the family to move for these temporary duty orders or storage of household goods. Also, the two temporary duty assignments I just mentioned don't allow the families to accompany the soldier. So why should the landlord break a lease for these situations?

As a representative of the Geary County Landlords Association, I am asking this committee to reject this bill and let the landlords continue to handle each case individually.

HJC
2-26-92
303
#7

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Kansas County & District Attorneys Association

827 S. Topeka Blvd., 2nd Floor • Topeka, Kansas 66612
(913) 357-6351 • FAX (913) 357-6352

EXECUTIVE DIRECTOR, JAMES W. CLARK, CAE • CLE ADMINISTRATOR, DIANA C. STAFFORD

Testimony before the

HOUSE JUDICIARY COMMITTEE

February 26, 1992

The Kansas County and District Attorneys Association supports both **HB 3011** and **HB 3012**.

HB 3011 expands K.S.A. 21-4204, unlawful possession of a firearm, to include those individuals who have had an adjudication for a felony offense as a juvenile offender, as well as those who have been convicted of a felony or been released from imprisonment. The bill does not increase punishment, but merely makes it applicable to young adults who have a juvenile record for a serious offense. KCDAA requested a similar, but broader, bill in Senate Bill 700, which includes similar treatment of theft, escape from custody, aiding escape, aggravated failure to appear, and unlawful disposal of explosives. The purpose behind SB 700 was more one of consistency, rather than substantial concern for the primary offense. Our main concern lies with being able to prosecute for unlawful possession of firearms.

HB 3012 simply adds authority to expand the DNA sample pool to include juvenile offenders. As this population has generally gone through puberty, and is highly energetic, it is likely that a significant portion of juvenile offenders commit sex crimes. Including such offenders in the DNA data base is only a logical extension.

HJC
2-26-92
Attach #8

Ks PAVEY, President
Law Enforcement Training Center
Hutchinson, Kansas 67504

CLIFF CKER, President-Elect
Johnson County Sheriff
Emporia, Kansas 66801

LARRY MAHAN, Vice President
Kansas Highway Patrol
Wichita, Kansas 67212

ALVIN THIMM
Secretary-Treasurer
Kansas Peace Officers' Association
Wichita, Kansas 67201

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Santa Fe R.R. Police
Topeka, Kansas 66612

DISTRICT 1

FRANK P. DENNING
Johnson Co. Sheriff's Office
Olathe, Kansas 66202

DAVE SMALL
Paola Police Department
Paola, Kansas 66071

DARRELL PFLUGHOF
Kansas Lottery Security
Kansas City, Kansas 66103

DISTRICT 2

DANA KYLE
Riley County Police Department
Manhattan, Kansas 66502

RANDALL THOMAS
Lyon County Sheriff's Office
Emporia, Kansas 66801

DOUGLAS PECK
Kansas Highway Patrol
Emporia, Kansas 66801

DISTRICT 3

JIM HUFF
Chief of Police

Ellsworth, Kansas 67439

CARL McDONALD
Dickinson County Sheriff's Office
Abilene, Kansas 67410

ALLEN BACHELOR
Kansas Highway Patrol
Salina, Kansas 67401

DISTRICT 4

LAWRENCE YOUNGER
Chief of Police
Hays, Kansas 67601

JOHN FROSS

Ft. Hays State University Police
Hays, Kansas 67601

FRANK REESE
Ellis County Sheriff's Office
Hays, Kansas 67601

DISTRICT 5

KENT NEWPORT
Holcomb Police Department
Holcomb, Kansas 67851

CAMERON HENSON
Kansas Bureau of Investigation
Liberal, Kansas 67901

RAY MORGAN
Kearny County Sheriff's Office
Lakin, Kansas 67860

DISTRICT 6

DAVE SMITH
Hoisington Police Department
Hoisington, Kansas 67594

JIM DAILY
Barton County Sheriff's Office
Great Bend, Kansas 67530

DICK BURCH

Ks. Law Enforcement Training Ctr.
Hutchinson, Kansas 67504

DISTRICT 7

DELBERT FOWLER
Chief of Police
Derby, Kansas 67037

BOB ODELL
Cowley County Sheriff
Winfield, Kansas 67156

LARRY WELCH
Ks. Law Enforcement Training Center
Hutchinson, Kansas 67504

DISTRICT 8

ALLEN FLOWERS
Chief of Police
Coffeyville, Kansas 67337

LOWELL PARKER
Greenwood County Sheriff
Eureka, Kansas 67045

TINY WILNERD
Ks. Dept. Wildlife & Parks
Howard, Kansas 67349

SERGEANT-AT-ARMS
KENNETH MCGLEASON
Kansas Highway Patrol
Wakeeney, Kansas 67672

Kansas Peace Officers' Association

INCORPORATED

TELEPHONE 316-722-7030

FAX 316-729-0655

P.O. BOX 2592 • WICHITA, KANSAS 67201



February 26, 1992
House Bill No. 3011

Mr. Chairman and Members of the Committee:

My name is Helen Stephens, representing the 3,000 members of the Kansas Peace Officers Association.

KPOA supports passage of House Bill No. 3011.

Expanding unlawful possession to aggravated juvenile delinquency was included in a bill which passed this house several years ago -- HB 2018. At that time, a definition of "aggravated juvenile delinquency" was reviewed by other members of the legislature and it was removed from the bill and applied unlawful possession to only those convicted of person felonies.

We support expanding this to include juvenile offenders adjudicated as such due to the commission of a felony. We have experienced a large increase in the number of firearms in the hands of juveniles and an increase in the number of juvenile offenses involving a firearm.

Kansas will be giving a solid message to all that the use of firearms in this manner is totally unacceptable.

We urge your support for passing HB 3011 favorably.

Thank you for the opportunity to speak to you today.

HJC
2-26-92
#Hoch #9

In Unity There Is Strength

Ks PAVEY, President
Law Enforcement Training Center
Hutchinson, Kansas 67504

CLIFF CRICKER, President-Elect
Law Enforcement Training Center
Emporia, Kansas 66801

LARRY MAHAN, Vice President
Kansas Highway Patrol
Wichita, Kansas 67212

ALVIN THIMM
Secretary-Treasurer
Kansas Peace Officers' Association
Wichita, Kansas 67201

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Chief W.S.U. Police

Wichita, Kansas 67208

DENNIS TANGEMAN

Kansas Highway Patrol

Topeka, Kansas 66603

BOB SCHUMAKER

Santa Fe R.R. Police

Topeka, Kansas 66612

DISTRICT 1

FRANK P. DENNING

Johnson Co. Sheriff's Office

Olathe, Kansas 66202

DAVE SMALL

Paola Police Department

Paola, Kansas 66071

DARRELL PFLUGHOF

Kansas Lottery Security

Kansas City, Kansas 66103

DISTRICT 2

DANA KYLE

Riley County Police Department

Manhattan, Kansas 66502

RANDALL THOMAS

Lyon County Sheriff's Office

Emporia, Kansas 66801

DOUGLAS PECK

Kansas Highway Patrol

Emporia, Kansas 66801

DISTRICT 3

JIM HUFF

Chief of Police

Ellsworth, Kansas 67439

CARL McDONALD

Dickinson County Sheriff's Office

Abilene, Kansas 67410

ALLEN BACHELOR

Kansas Highway Patrol

Salina, Kansas 67401

DISTRICT 4

LAWRENCE YOUNGER

Chief of Police

Hays, Kansas 67601

JOHN FROSS

Ft. Hays State University Police

Hays, Kansas 67601

FRANK REESE

Ellis County Sheriff's Office

Hays, Kansas 67601

DISTRICT 5

KENT NEWPORT

Holcomb Police Department

Holcomb, Kansas 67851

CAMERON HENSON

Kansas Bureau of Investigation

Liberal, Kansas 67901

RAY MORGAN

Kearny County Sheriff's Office

Lakin, Kansas 67860

DISTRICT 6

DAVE SMITH

Hoisington Police Department

Hoisington, Kansas 67594

JIM DAILY

Barton County Sheriff's Office

Great Bend, Kansas 67530

DICK BURCH

Kansas Law Enforcement Training Ctr.

Hutchinson, Kansas 67504

DISTRICT 7

DELBERT FOWLER

Chief of Police

Derby, Kansas 67037

BOB ODELL

Cowley County Sheriff

Winfield, Kansas 67156

LARRY WELCH

Ks. Law Enforcement Training Center

Hutchinson, Kansas 67504

DISTRICT 8

ALLEN FLOWERS

Chief of Police

Coffeyville, Kansas 67337

LOWELL PARKER

Greenwood County Sheriff

Eureka, Kansas 67045

TINY WILNERD

Ks. Dept. Wildlife & Parks

Howard, Kansas 67349

SERGEANT-AT-ARMS

KENNETH MCGLEASON

Kansas Highway Patrol

Wakeney, Kansas 67672

Kansas Peace Officers' Association

INCORPORATED

TELEPHONE 316-722-7030

FAX 316-729-0655

P.O. BOX 2592 • WICHITA, KANSAS 67201



February 26, 1992
House Bill No. 3012

Mr. Chairman and Members of the Committee:

My name is Helen Stephens, representing the 3,000 members of the Kansas Peace Officers Association.

KPOA supports passage of House Bill No. 3012.

DNA is a valuable tool for law enforcement and the value is continuing to grow. The use of DNA to collect a "library" of blood and saliva from sex offenders is one of its more important uses. The inclusion of juveniles in this collection would further enhance present AND future law enforcement efforts in investigating child abuse, rape, or other sexual crimes.

We would appreciate your support of HB 3012.

Thank you for the opportunity to speak to you today.

In Unity There Is Strength

HJC
2/26/92
Attach #10



JAMES G. MALSON
DIRECTOR

KANSAS BUREAU OF INVESTIGATION

DIVISION OF THE OFFICE OF ATTORNEY GENERAL

STATE OF KANSAS

1620 TYLER

TOPEKA, KANSAS 66612-1837

(913) 232-6000



ROBERT T. STEPHAN
ATTORNEY GENERAL

TESTIMONY

KYLE G. SMITH, ASSISTANT ATTORNEY GENERAL
KANSAS BUREAU OF INVESTIGATION
BEFORE THE HOUSE JUDICIARY COMMITTEE
IN SUPPORT OF HOUSE BILL 3012
FEBRUARY 26, 1992

Mr. Chairman and Members of the Committee:

I appear today on behalf of the Kansas Bureau of Investigation in support of House Bill 3012. This bill would expand the DNA Data Bank to include juvenile offenders adjudicated for the predicate offenses already in place for adults under K.S.A. 21-2511, i.e. murder and the various felony sex offenses.

We feel this expansion would be appropriate as juvenile offenders commit approximately 20% of the sex offenses, according to KBI statistics. Due to the high recidivist rate among sex offenders, coupled with the fact these particular offenders are younger, the chances of their being involved in future assaults are unfortunately quite high. Further, juveniles generally spend less actual time incapacitated in institutions than adults. As such, they are more likely in the near future to be out among the general population. Unfortunately, a certain number will be repeat offenders and having their DNA profiles in our Data Bank will hopefully help us identify those offenders and facilitate their apprehension and conviction.

There will, of course, be additional costs if the DNA Data Bank is expanded to include juvenile offenders. In 1991, 142 juveniles were

HJC
2-26-92
Attach #11
182

02/26/92

Page 2

adjudicated under the predicate classifications. The KBI has prepared a fiscal note to expand the Data Bank to include juveniles. The cost would be between \$7,500 and \$10,000 per year, depending on collection options.

Finally, I would like to suggest a minor amendment to clean up a question that the Department of Corrections (DOC) raised. During initial implementation, the DOC questioned whether persons currently on parole for the predicate offenses were covered. We have agreed and proceeded on the interpretation that they are subject to sampling and have had no problems. However, it is my understanding that the DOC would like this expressly spelled out. Therefore, I would ask this committee to amend HB 3012 by adding "K.S.A. 22-3717" the statute dealing with parole, after K.S.A. 21-4603 in line 36, page 1.

I would be happy to stand for questions.

#070

HJC
2-26-92
Attach # 11
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