CONTRA COSTA TIMES

Pinole good Samaritan gets stay on auction of his home

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A good Samaritan with disabilities, whose Pinole home was about to be auctioned off, got a one-month stay Wednesday after a legal aid firm and a Contra Costa County supervisor's office intervened.

Brian Burns, 48, a former East Bay Municipal Utility District plumber and troubleshooter and his wife, Machiel, are facing foreclosure of their Helena Court home for the second time in a little more than three years. The couple has endured a series of financial hardships since Brian Burns was seriously injured in a freeway accident five years ago after he stopped to help an injured motorist.

The holder of the second mortgage on the house foreclosed on them in late 2008 and took the title to the house, letting them stay on as tenants for \$1,500 a month.

But that lender, Wachter Investments of Burlingame, stopped paying the first mortgage, held by Wells Fargo Bank, and about nine months later, the Burnses say, they stopped paying rent. The couple and Wachter Investments Principal Ronald Wachter gave differing accounts of when each stopped making payments.

A trustee was scheduled to sell the house outside Contra Costa Superior Court in Martinez on Wednesday.

On Tuesday, the office of Contra Costa Supervisor John Gioia, of Richmond, contacted the couple and asked Bay Area Legal Aid's Contra Costa office in Richmond to step in.

On Wednesday morning, Bay Area Legal Aid negotiated a one-month postponement with Wells Fargo; the law group said it would use the extra time to sift through the facts and seek a legal solution.

On Sept. 4, 2006, Burns, working the graveyard shift, was driving on Interstate 880 in Oakland in his utility truck heading to Richmond when he saw a damaged car in the left lane and against the middle divider with a person inside. After pulling a man out of the car, Burns was hit by a van, catapulted over the middle divider and struck by a truck.

He returned to work part time a year later, but constant pain and the emotional effects of the accident forced him into disability-related retirement last year.

The county Employment and Human Services Department has offered assistance.