

# Kansas Legal Services

A non-profit law firm and community education organization helping low and moderate income people in Kansas



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## FOX4 News and Kansas Legal Services help Kansas City, Kansas couple finally get their deed

by: Linda Wagar

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After years of waiting, it's a problem solved for a Kansas City, Kansas couple having trouble getting the deed to their home.

Back in November, Martin and Reyna Ortiz contacted FOX4 Problem Solvers, saying they had paid off the rent-to-own contract on their home five years ago, but the pastor who held the deed wouldn't give it to them.

Pastor Marvin Donaldson, a bishop at Greater Pentecostal Church, told the Ortizes they needed to pay him an additional \$23,000 for taxes and insurance before he would give them the deed. The Ortizes paid him the extra money. But they still didn't get the deed.

The Ortizes said the pastor then demanded another \$5,000 for what he said were repairs he'd made.

The Ortizes paid him that too, but he still wouldn't give them the deed.

That's when the Ortizes called FOX4 Problem Solvers, who also had problems getting answers from Donaldson who, despite documents to the contrary, insisted he was only renting the home to the Ortizes, not selling it.

FOX4 Problem Solvers then contacted **Kansas Legal Services** which agreed to represent the Ortizes for free since their income made them eligible for the services.

## **How it all started**

A modest home on S.14th Street marked a new beginning for Martin and Reyna Ortiz who had moved from California to Kansas where they could more easily afford to raise their five children and achieve their dream of owning a home.

The Ortizes bought the house from a church pastor who agreed to finance the \$58,000 deal himself since Martin had just started a new job and wouldn't have been able to qualify for a bank loan.

The Ortizes said they gave the pastor \$10,000 down and agreed to pay the remaining in installments of \$500 a month.

That was in 2007. Eight years later, the couple made their final payment and asked the pastor for a deed.

"He said, 'Wait, the house is not for sale,'" said Maria Molina, the Ortizes' daughter.

Although the Ortizes had signed "an agreement to sell real estate," the pastor insisted they could only have the deed if they paid him another \$23,000 for what he said were taxes and insurance.

The Ortizes thought those were already included in their monthly payments, but agreed to sign a second contract for \$23,000 in 2015.

A few years later, they paid that off and again asked for the deed. Instead, they said the pastor asked for another \$5,000 for repairs he'd made at the home. The Ortizes paid him \$5,000.

That was more than a year ago, and they still didn't have a deed.

Privately financed home purchases, commonly known as contract for deed, can lead to heartache.

"They are really upset because they have put a lot of money into the house," Maria said.

What's happened with the Ortiz family isn't unusual in either Kansas or Missouri.

Privately financed home purchases, commonly known as contract for deed, can lead to heartache. It's such a big problem that the city of Kansas City, Kansas, even provides potential warnings about them.

Further complicating the Ortizes' transaction is that the couple speaks limited English and often must rely on their children for help.

FOX4 Problem Solvers showed the Ortizes' multiple contracts to Casey Johnson, an attorney with Kansas Legal Services - Kansas City, who has an expertise in real estate transactions.

Johnson said the paperwork makes it clear they were being sold the home — although, he said, some of the paperwork doesn't make sense.

One document dated Oct. 25, 2015, gave them an option to purchase the property, but it also states that the option expires on Oct. 22, 2015, or three days before the contract took effect.

Problems like that are not unusual when a home seller and home buyer handle the transaction without the help of an attorney. But Johnson said that based on the paperwork he reviewed, the Ortizes deserve to have the deed as long as they made the payments.

“If they made those payments, they should own the property at the end of that,” Johnson said.

Johnson said the one way the Ortizes protected themselves was by filing an Affidavit of Equitable Interest at the county courthouse when they signed the second contract in 2015.

That document asserts that they have a financial interest in the home and should prevent the pastor or anyone else from selling it out from under them.

FOX4 Problem Solvers paid a visit to the pastor to ask him for his side of this whole mess. Marvin Donaldson, a bishop at Greater Pentecostal Church, wouldn't talk to them at his home, but later called.

He seemed surprised when FOX4 told him the contracts the Ortizes signed were to buy the home. He said he thought he was renting it to them.

However, he insisted he has always wanted the Ortiz family to have the home, but said they still owe him money for repairs he's made through the years.

That's something the Ortizes denied.

At first, Donaldson told Problem Solvers that because he was tired of dealing with the issue, he had contacted his attorney to have him transfer the property to the Ortiz family. Great news!

After three weeks, the Ortizes had still not received a deed. Donaldson would not return FOX4 phone calls to explain why.

So what could the Ortizes do? FOX4 directed them to Kansas Legal Services because the only way left to resolve this dispute was in court.

All it took was a letter from attorney Casey Johnson from Kansas Legal Services -

Kansas City to convince Donaldson to finally hand over that deed. Problem Solved.

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