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There is no precedent in the United States Courts to give a bank an equitable mortgage where the homeowners' signatures are forged while in the possession of the lender, said Anderson.

"The bank could have simply placed a call to the homeowners and requested them to sign the mortgage, which was missing from the closing documents," he said. "Instead, somebody was directed to lie and commit a fraud on the homeowners. The bank is now asking the courts to reward its bad behavior and set a precedent that would encourage banks to disregard the law and the due process rights of its borrowers.."

The granting of an equitable mortgage in this case would set a precedent that would say to homeowners that they have no recourse against lending institutions that break the law, said Anderson.

Anderson said he hopes this case sets a precedent that will encourage lenders to obey the law.

He and his clients are awaiting a decision by the appeals court, due to come down at any time.

Calls to U.S. National Bank and Saxon Mortgage Services were not returned.

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