Private Loan Modification Programs

Banks With Private Loan Modification Programs

- Bank of America Home Loan Assistance Program
- CitiMortgage Homeowner Assistance Program
- JP Morgan Chase Homeownership Preservation Office
- Wells Fargo
Fannie Mae

Servicing Guide

Fannie Mae Index: Servicing Guide, Announcements, and FAQs*

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Freddie Mac

Relief Refinance Mortgage

- Press Release
- FAQs
- Same Servicer Fact Sheet
- Open Access Fact Sheet

Home Value Explorer®

- FAQs
- Fact Sheet

The National Housing Law Project
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Mortgage Servicing Books & Newsletters

Home Foreclosures
Mortgage Servicing Tools

Calculators

- Loan Calculator (Excel spreadsheet)

Mortgage Servicing Other Resources

Glossaries

- Glossary of Mortgage Servicing Terms (helpful in understanding mortgage escrow statements, loan histories, and other client account documents)

Links

- Bankruptcy Mortgage Project (a resource for those seeking an alternative to foreclosure through Chapter 13 bankruptcy)
- The Institute for Foreclosure Legal Assistance

Practice Aids

- Identifying Participating Servicers
- What to Do When the Servicer Says the Investor is Not Participating?
- What to Do When the Servicer Says No?
- What to Do When the Servicer Denies Because They Re-ran the NPV Test?
- What to Do When the Servicer Refuses to Accept or Process a HAMP Application Because Client is in an Active Bankruptcy Case?
• What to Do When the Servicer Denies a HAMP Modification Because the Client Received a Discharge in a Chapter 7 Case and Did Not Reaffirm the Mortgage Debt?
• What to Do for Widows, Orphans, and Divorcees?
• HAMP Index: The Supplemental Directives, FAQs and Handbooks

Administrative Guidance

• Handbook
• Common FAQs
• Conversion FAQs
• HAMP Borrower FAQs
• HAMP General Administration
• HAMP Summary for Judges (July 2011)

Multimedia

• Testimony of Diane Thompson on the Need for National Mortgage Servicing Standards. Presented to a subcommittee of the U.S. Senate Banking Committee in Washington, D.C. Date: May, 2011

Mortgage Servicing Litigation

Below is a sampling of NCLC class action litigation efforts in the areas of mortgage servicing and loan modifications. Information on other NCLC litigation can be found here.

HAMP Trial Period Plan (TPP) Contract Claims

NCLC, with its co-counsel, has filed five class action suits on behalf of Massachusetts residents to challenge the way the nation’s major banks and mortgage servicers are implementing the Home Affordable Modification Program. The lawsuits cite the failure of Wells Fargo Bank, Bank of America, Litton Loan Servicing, Citimortgage, and J.P. Morgan Chase Bank to honor their written agreements with homeowners seeking a loan modification. All five cases have survived motions to dismiss brought by the defendants. Several cases have become or will shortly become part of multi-district litigation with similar cases brought in other states. As a result of the lawsuits, NCLC and our co-counsel have been able to get permanent modifications for some of the named plaintiffs and others have been protected from foreclosure pending the outcome of the cases

• Belyea v. Litton Loan Servicing: Amended Complaint; Order Denying Motion to Dismiss
• Bosque v. Wells Fargo: Amended Complaint; Order Denying Motion to Dismiss
• Calfee v. Citimortgage: Amended Complaint; MDL Order
• Durmic v. J.P. Morgan Chase: Complaint; Order Denying Motion to Dismiss; MDL Order
• Johnson v. Bank of America Home Loans Servicing: Amended Complaint; Order Denying Motion to Dismiss; MDL Order; Consolidated (MDL) Complaint
Foreclosure Fees and Costs

Wilborn v. Bank One

This lawsuit challenged provisions in mortgages that allow reinstatement of a loan after default only if the homeowner brings all payments current and also pays the attorney’s fees incurred by the lender attempting to foreclose. NCLC and our co-counsel argued that these provisions were contrary to Ohio’s public policy that creditors cannot collect attorney’s fees from borrowers in debt collection actions. The Ohio Supreme Court found that because the right to reinstate was contractual, not statutory, the requirement to pay attorney’s fees was an enforceable part of the bargain. However, the Court distinguished reinstatement from other circumstances such as redemption or paying off a home equity line of credit, where the borrower pays the entire debt and no contractual relationship remains – in those circumstances, the lender cannot collect its attorney’s fees. The Ohio Supreme Court remanded that portion of the case which remains pending in the Ohio Court of Common Pleas.

- Class Action Complaint

“Robosigning” - Fraud in the Foreclosure Process

Archibald v. GMAC Mortgage

This lawsuit challenges the practice of GMAC Mortgage submitting certifications and affidavits in support of foreclosures in Maine that falsely state they are based on the “personal knowledge” of the signer and that they are signed in front of a notary. GMAC has been reprimanded by courts in other states for exactly this practice. NCLC and our co-counsel argued that these practices are an abuse of process and are unfair and deceptive. Although the case was filed in state court, the defendant removed the case to federal court, where the judge found that the judicial proceedings privilege barred at least some of the claims. The judge certified a question with regard to the UDAP claim to the Supreme Judicial Court of Maine, where it is currently pending.

- Class Action Complaint (Exhibits 1-4, Exhibits 5-25)
- Certificate of Question to the Maine Supreme Judicial Court

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Participating Servicers

- List of Participating Servicers
Servicing Policy Comments

- Comments to USDA re: Rural Housing Service Notice of Proposed Amendments to 7 C.F.R. Part 3550, Jan. 24, 2020
- Coalition comments to HUD on risks of Opportunity Zones, June 17, 2019
- Coalition comments to Treasury Department regarding data collection and tracking on Opportunity Zones, May 31, 2019
- Coalition comments to the U.S. Dept. of Agriculture re: Single Family Housing Guaranteed Loan Program, Oct. 22, 2018
- Comments to CFPB in response to Request for Information Regarding the CFPB’s Adopted Regulations and New Rulemaking Authorities, June 19, 2018
- Group letter to the Federal Housing Finance Agency re Improving Language Access in Mortgage Lending and Servicing, July 31, 2017
- Group comments to the Consumer Financial Protection Bureau Regarding the Notice of Assessment of 2013 RESPA Servicing Rule and Request for Public Comment, July 10, 2017

Servicing Policy Comments Archive

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