

Michigan Foreclosure Prevention Project

Mortgage Servicing Litigation Guide

by the National Consumer Law Center©

A. Checklists and Charts

1. Checklist for Tracking Compliance with the RESPA Loss Mitigation Rules (MS Word)
2. Checklist for reviewing RESPA Loss Mitigation Notices to Borrowers (PDF)
3. Mortgage Servicing Claims Chart (PDF)
4. Call Log for Pending Loss Mitigation Application (MS Word)

B. Sample Qualified Written Requests

1. Sample RFI About a Loss Mitigation Application (MS Word)
2. Sample RFI to Obtain Identity of Mortgage Owner (PDF)
3. Sample NOE and RFI for a Client Who has Filed for Bankruptcy (MS Word)
4. Sample NOE for Dual Tracking Violations (PDF)
5. Sample Second NOE (Jeff Golant) (PDF)

C. Sample Complaints

1. Complaint regarding loss mitigation; failure to get to complete app, timely evaluate - Mary and Steve Client (MS Word)
2. Complaint regarding failure to respond to a QWR/identify holder of a loan - Bonnie Walters (MS Word)
3. Complaint regarding failure to timely credit payments, send monthly statements, respond to NOE re payment application -Jane and John Doe (MS Word)
4. Complaint raising RESPA claims on behalf of a successor in interest - Complaint in Frank v. JP Morgan Chase (PDF)
5. Complaint regarding failure to correct an error - Renfroe v. Nationstar (PDF)
6. Complaint regarding failure to respond to a QWR identifying loan mod error - Sutton v. Citi (PDF)
7. Complaint regarding failure to respond to a QWR and FCRA Claims -White v. Green Tree (PDF)
8. Complaint regarding payment application and QWR - Hastings v. Ocwen (PDF)

D. Legal Authority and Argument

1. Brief on RESPA Damages Issues (MS Word)
2. Brief on Negligent Servicing (MS Word)
3. Brief regarding dual tracking/complete application - Alexander v. Driscoll (PDF)
4. Brief regarding loss mitigation rules - Johnson v. Ocwen (PDF)
5. Making the Most of NOEs and RFIs (PDF)
6. Stopping Foreclosures with the RESPA Servicing Rules (PDF)
7. Servicing Transfers During Loss Mitigation (PDF)
8. Payment Application Issues (PDF)

E. Sample Discovery Requests

1. Interrogatories in a case involving failure to respond to a QWR asking for identity of the loan holder (MS Word)
2. Requests for Production in a case involving failure to respond to a QWR asking for identity of the loan holder (MS Word)
3. Requests for Admission in a case involving failure to respond to a QWR asking for identity of the loan holder (MS Word)
4. Interrogatories in a case involving payment application issues (MS Word)
5. Requests for Production in a case involving payment application issues (MS Word)
6. Requests for Admission in a case involving payment application issues (MS Word)