Demand Letter - Qualified Written Request

A Qualified Written Request is a formal request for documentation and answers to questions regarding your mortgage. Please follow these instructions for mailing your QWR.

1. Carefully Review the document for your understanding and Sign.
2. Make 3 to 4 copies (you will need to keep a copy for your records).
3. Mail additional copies to the address below - Mail registered certified mail and keep all receipts.
4. The first four blank lines on page 3 are for the name of the lender, and the last blank line on page 3 is for the loan number.

Chase Home Finance
3415 Vision Drive
Columbus, OH 43219-6009
Attn: Account Manager

Copied QWR to:

Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580

Office of RESPA and Interstate Land Sales
Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410

Government National Mortgage Association
451 Seventh Street, SW
Washington DC 20410

According to RESPA 12 USC Section 2605(e) your lender has 20 days to acknowledge receipt of your Qualified Written Request and 60 Days to provide you with answers to your question.
RESPA QUALIFIED WRITTEN REQUEST, COMPLAINT, DISPUTE OF DEBT & VALIDATION OF DEBT LETTER, TILA REQUEST

This letter is a “qualified written request” in compliance with and under the Real Estate Settlement Procedures Act, 12 U.S.C. Section 2605 (e) and Regulation X 24 C.F.R. 3500, and The Gramm Leach Bliley Act.

REF: Alleged Account # ____________________________________________

Property address

Dear Madam or Sir:

Please be advised of your legal obligation to answer this Qualified Written Request and to obtain all records and documents pertaining to the above-mentioned Loan No. This request is made pursuant to the Real Estate Settlement and Procedures Act (RESPA). We have reason to believe that certain disclosures and documentation have been withheld in violation of the Truth in Lending Act (TILA) and that various Real Settlement Procedures Act (RESPA) loan servicing errors may have occurred.
To ensure that any legal claims are brought against the appropriate parties we are requesting evidence to support or exclude __________________________ and to satisfactorily provide us a good clear and clean hands understanding and clarification from you, of various sale, transfer, funding source, legal and beneficial ownership, charges, credits, debits, transactions, reversals, actions, payments, analyses and records related to the servicing of this account from its origination to the present date. Your due diligence and lawful compliance in the production of documentation to refute the fact that __________________________ has been erroneously holding an alleged right, title, or interest in the alleged account or alleged property/note is vital.

To date, the documents and information we have received from __________________________ and our escrow files including subsequent records do not answer many questions. Any refusal to answer our request will be considered a predatory servicing or lending and servicing schemes. As consumers, we are extremely disturbed by the complete disregard for the law pertaining to this mortgage transaction by __________________________ and/or anyone who may have any interest in this matter.

Needless to say, we are most concerned that fraudulent and deceptive practice by unscrupulous mortgage brokers; sales and transfers of mortgage servicing rights; deceptive and fraudulent servicing practices to enhance balance sheets; deceptive, abusive and fraudulent accounting tricks and practices may have also negatively affected any credit rating, mortgage account and/or the debt or payments that we are currently, or may be legally obligated to.

We hereby demand absolute first hand evidence from you of the original un-certificated or certificated security regarding account number: __________________________. In the event you do not supply us with the very security it will be a positive confirmation on your part that you never really created and owned one. We also hereby demand that a chain of transfer from you to wherever the security is now be promptly sent to us as well. Absent the actual evidence of the security we have no choice but to dispute the validity of your lawful ownership, funding, entitlement right, and the current debt you allege we owe. By debt we are referring to the principal balance you claim we owe; the calculated monthly payment, calculated escrow payment and any fees claimed to be owed by you or any trust or entity you may service or sub-service for.

This letter is a Qualified Written Request under the Federal Servicer Act, which is a part of the Real Estate Settlement Procedures Act, 12 U.S.C. 2605(e). This request is made on the above referenced account. Specifically, I am requesting the following information:
1. A complete and itemized statement of the loan history from the date of the loan to the date of this letter including, but not limited to, all receipts by way of payment or otherwise and all charges to the loan in whatever form. This history should include the date of each and every debit and credit to any account related to this loan, the nature and purpose of each such debit and credit, and the name and address of the payee of any type of disbursement related to this account.

2. A complete and itemized statement of all advances or charges against this loan for any purpose that are not reflected on the loan history transaction statement provided in answer to question #1.

3. A complete and itemized statement of the escrow account of the loan, if any, from the date of the loan to the date of this letter, including, but not limited to, any receipts or disbursements with respect to real estate property taxes, fire or hazard insurance, flood insurance, mortgage insurance, credit insurance, or any other insurance product.

4. Have you purchased and charged to the account any Vendor's Single Interest Insurance?

5. A complete and itemized statement from the date of the loan to the date of this letter of any forced-placed insurance and expenses related thereto, related in any way to this loan.

6. A complete and itemized statement from the date of the loan to the date of this letter of any suspense account entries and/or any corporate advance entries related in any way to this loan.

7. A complete and itemized statement from the date of the loan to the date of this letter of any property inspection fees, property preservation fees, broker opinion fees, appraisal fees, bankruptcy monitoring fees, or other similar fees or expenses related in any way to this loan.

8. Identify the provision under the Deed of Trust and/or note that authorizes charging each and every such fee against the loan.

9. Please attach copies of all property inspection reports and appraisals.

10. A complete and itemized statement of any and all post-petition arrears including each month in which the default occurred, and the amount of each monthly default.

11. A complete and itemized statement of any late charges to this loan from the date of this
loan to the date of this letter.

12. The amount, if applicable, of any “satisfaction fees.”

13. A complete and itemized statement from the date of the loan to the date of this letter of any fees incurred to modify, extend, or amend the loan or to defer any payment due under the terms of the loan.

14. The current amount needed to pay-off the loan in full.

15. A full and complete comprehensible definitional dictionary of all transaction codes and other similar terms used in the statements requested above.

16. A complete and itemized statement of any funds deposited in any post-petition suspension account(s) or corporate advance account(s), including, but not limited to, the balance in any such account or accounts and the nature, source and date of any and all funds deposited in such account or accounts.

17. A complete and itemized statement from the date of this loan to the date of this letter of the amount, payment date, purpose and recipient of all foreclosure expenses, NSF check charges, legal fees, attorney fees, professional fees and other expenses and costs that have been charged against or assessed to this mortgage.

18. A complete and itemized statement of the amount, payment date, purpose and recipient of all fees for the preparation and filing of the original proof of claim, any amended proofs of claim, or any supplemental proofs of claim related to this mortgage.

19. The full name, address and phone number of the current holder of this debt including the name, address and phone number of any trustee or other fiduciary. This request is being made pursuant to Section 1641(f) (2) of the Truth In Lending Act, which requires the servicer to identify the holder of the debt.

20. The name, address and phone number of any master servicers, servicers, sub-servicers, contingency servicers, back-up servicers or special servicers for the underlying mortgage debt.

21. A copy of any mortgage Pooling and Servicing Agreement and all Disclosure Statements provided to any Investors with respect to any mortgage-backed security trust or other special purpose vehicle related to the said Agreement and any and all Amendments and Supplements thereto.
22. If a copy of the Pooling and Servicing Agreement has been filed with the SEC, provide a copy of SEC Form 8k and the Prospectus Supplement, SEC Form 424b5.

23. The name, address and phone number of any Trustee under any pooling or servicing agreement related to this loan.

24. A copy of the Prospectus offered to investors in the trust.

25. Copies of all servicing, master servicing, sub-servicing, contingency servicing, special servicing, or back-up servicing agreements with respect to this account.

26. All written loss-mitigation rules and work-out procedures related to any defaults regarding this loan and similar loans.

27. The procedural manual used with respect to the servicing or sub-servicing of this loan.

28. A summary of all fixed or standard legal fees approved for any form of legal services rendered in connection with this account.

29. Is this loan subject to any Electronic Tracking Agreement? If the answer is yes, then state the full name and address of the Electronic Agent and the full name and address of the Mortgage Electronic Registration System.

30. Is the servicing of this loan provided pursuant to any type of mortgage electronic registration system? If the answer is yes, then attach a copy of the mortgage electronic registration system procedures manual.

31. A copy of the Loan Servicing and Management System (LSAMS) Transaction History Report for the mortgage loan account, with a detailed description of all fee codes.

32. Is this a MERS Designated Mortgage Loan? If the answer is yes, then identify the electronic agent and the type of mortgage electronic system used by the agent.

33. Is this mortgage part of a Mortgage Warehouse Loan? If so, then state the full name and address of the Lender and attach a copy of the Warehouse Loan Agreement.

34. Upon any default or notice of default, state whether or not the Mortgage Warehouse Lender has the right to override any servicers or sub-servicers and provide instructions directly to the Electronic Agent? If the answer is yes, then specifically identify the legal
basis for such authority.

35. Is this mortgage part of a Whole Loan Sale Agreement? If the answer is yes, then state the name and address of the Purchaser, the Custodian, the Trustee, the Electronic Agent and any Servicer or Sub-Servicers.

You should be advised that you must acknowledge receipt of this qualified written request within 20 business days, pursuant to 12 U.S.C. Section 2605(e)(1)(A) and Reg. X Section 3500.21(e)(1).

You should also be advised that I will seek the recovery of damages, costs, and reasonable legal fees for each failure to comply with the questions and requests herein. I also reserve the right to seek statutory damages for each violation of any part of Section 2605 of Title 12 of the United States Code.

*Also note that mortgage servicers are required to fully answer all these questions within 60 days from the date they receive this letter in addition to acknowledging receipt of your request in the first 20 days. During that time they are forbidden to report late-pays to the bureaus as well.

Sincerely ______________________________ Date: ______________________

NOTARY

I, ______________________________, a notary public residing in ____________ County, _________________ State __________________________________________

Do say that on the date of ________, 20___ that a person known to me as ______________________________ did appear before me in their true character and did attach their autograph to the above document.

_____________________________ __________________________
NOTARY date

Seal____________________________