QUALIFIED WRITTEN REQUEST

COMPLAINT

DISPUTE OF DEBT/VALIDATION OF DEBT

TILA REQUEST

November 5, 2010 *CERTIFIED MAIL#*

To: Brian Monihan (CEO) C/O BAC Home Loans Servicing, LP

C/O CT Systems, Inc. (R.A. for BofA)

C/O PO BOX 5ZZZ3

LOS ANGELES CA 90051-6803

Loan Number: 1CXXX26

Dear Madam/Sirs:

I, Jane Doe understand that under **Section 6 of RESPA**, you (BAC Home Loans Servicing, LP) are required to acknowledge my request within 20 business days and must try to resolve the issue/s within 60 business days. Please treat this letter as a “Qualified Written Request (QWR)” under the Real Estate Settlement Procedures Act, 12 U.S.C Section 2605(e).

I have been going through a loan modification to assist us through these difficult times but with no end in sight. I have been requested to provide document after documents to your office that I had complied with. However, I am at a loss right now since nothing seems to be happening except delays. We as the public provided you the money (The Bank of America and others) to prevent your collapse, but it seems now, that our financial difficulties are exacerbated by your delays. As a result of your unresponsiveness, I have consulted with outside financial counselors to determine what I should do to protect the loss of my home. The preliminary audit of our loan with you based on the limited documentations available to me indicated that there are violations in underwriting of this loan and possible there are other serious violations exist but require a final audit. It is my understanding that Bank of America/Countrywide have been accused of engaging in one or more predatory lending and servicing schemes. I am extremely concerned about such practices by anyone, let alone my own mortgage company or anyone who has held a beneficial interest in my loan. Needless to say, I am more concerned as an alleged borrower. I am worried that potential fraudulent and deceptive practices by unscrupulous loan originators; 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 negatively affected my credit rating, mortgage account and/or the debt or payments to which I am legally obligated.

Because of this and other reasons stated that leave me to believe that I may have been a victim of predatory lending, I am very disappointed that my loan modification is at a dead end. I am disputing the validity of the current debt you claim I owe. By debt I am referring to:

1. The principal mortgage balance claimed owed;

2. My calculated monthly payment,

3. Calculated escrow payment

4. And any fees/charges claimed to be owed by me.

**I have reason to believe that the loan terms may have been misrepresented to me at the time of application and further obscured and/or modified prior to signing. I believe that my income may have been inflated on the application. I also have reason to believe that certain statements were not provided for my approval prior to closing, and that signatures may have been forged on various documents. It is also my belief that certain documents may have not been presented at all. Additionally, I believe that a notary was not physically present to witness my signatures on several pertinent documents and that I was ill advised at the time of closing.**

To independently validate my debt, I need to conduct a complete exam, audit, review and accounting of my mortgage loan from its inception through the present date. Upon receipt of this letter, please refrain from reporting ANY negative credit information [if any] to any credit-reporting agency until you respond to each of my requests.

I also request that you kindly conduct your own investigation and audit of my account since its inception to validate the debt you currently claim I owe. I would like you to validate this debt so that it is accurate to the penny!

Please do not rely on previous or current servicers or originators records, assurances or indemnity agreements and refuse to conduct a full audit and investigation of my account. I understand that potential abuses by you or a previous servicer could have deceptively, wrongfully, unlawfully and/or illegally caused to:

1. Increase the amounts of my monthly payments

2. Increase the principal balance I owe;

3. Increase my escrow payments;

4. Increase the amounts applied and attributed toward interest on my account;

5. Decrease the proper amounts applied and attributed toward principal on my account;

6. Assess, charged and/or collected fees, expenses and misc. charges I am not legally obligated to pay under my mortgage, note and/or deed of trust.

I am seriously considering engaging a professional auditing firm to perform a forensic document review of your investigation and audit of my account. To help me decide whether to engage a third party auditing company,

I need the following:

1. **Copies of all documents pertaining to the origination of the alleged mortgage and note including my loan application (s), Right to cancel, deed of trust, note, addendum to the note if any, truth in lending statements (TIL), good faith estimate (GFE), HUD -1, appraisal, and all required disclosures and rate sheets** **associated with this transaction for the above referenced loan. The copies should be legible and all documents shall be copied in their entirety.**

**(2) A copy of the loan history including all payments made, all fees incurred, what has been paid out of the escrow account, and how all payments were applied. This information should cover the ENTIRE life of the loan. I want to insure that I have not been the victim of such predatory practices. To insure this, I will be authorizing a thorough review, examination, accounting and audit of my mortgage loan documents by a team of mortgage auditors predatory lending experts, consumer advocates, local non-profit agencies, compliance consultants and if needed LEGAL ADVOCATES. This exam and audit will review my mortgage loan file from the date of my initial contact, application and the origination of my loan to the present date written above.**

**As such, please treat this letter as a Qualified Written Request (QWR) under the Real Estate Settlement Procedures Act, codified as Title 12 § 2605 (e)(1)(B) (e) and Reg. X § 3500.21(f)2 of the United States Code as well as a request under Truth In Lending Act [TILA] 15 U.S.C. § 1601, et seq. RESPA provides substantial penalties and fines for non-compliance or failure to answer my questions provided in this letter within sixty (60) days of its receipt!**

In order to conduct the examination and audit of my loan, I need to have full and immediate disclosure including copies of all pertinent information regarding my loan. The documents requested and answers to my questions are needed by me and my experts to insure that my loan:

1. Was originated in lawful compliance with all federal and state laws and regulations including, but not limited to RESPA, TILA, Fair Debt Collection Act, HOEPA and other laws;

2. That any sale or transfer of my loan was conducted in accordance with proper laws and was a true sale of my note;

3. That the claimed holder in due course of my promissory note and/or deed of trust is holding such note is in compliance with State and Federal laws and is entitled to the benefits of my payments;

4. That all appropriate disclosures of terms, costs, commissions, rebates, kickbacks, fees etc. were properly disclosed to me at the inception of my loan;

5. That each servicer and/or sub-servicer of my mortgage has serviced my mortgage in accordance with the terms of my mortgage, promissory note and/or deed of trust;

6. That each servicer and sub-servicer of my mortgage has serviced my mortgage in compliance with local, state and federal statutes, laws and regulations;

7. That my mortgage loan has properly been credited, debited, adjusted, amortized and charged correctly;

8. That interest and principal have been properly calculated and applied to my loan;

9. That my principal balance has been properly calculated, amortized and accounted for;

10. That no charges, fees or expenses, not obligated by me in any agreement, have been charged, assessed or collected from my account;

As such, please send me, at my address stated herein, copies of the documents requested below. Please provide me copies of:

1. All data, information, notations, text, figures and information contained in your mortgage servicing and accounting computer systems including, but not limited to Alltel or Fidelity CPI system, or any other similar mortgage servicing software used by you, any servicers, or sub-servicer of my mortgage account from the inception of my loan to the date written above.

2. All descriptions and legends of all Codes used in your mortgage servicing and accounting system so that the examiners, auditors and experts retained to audit and review my mortgage account may properly conduct their work.

3. All assignments, endorsements, transfers, or other document(s) evidencing a transfer, sale or assignment of my mortgage, deed of trust, promissory note or other document that secures payment by me to my obligation in this account from the inception of my loan to the present date including any such assignments on MERS.

4. All records, electronic or otherwise, of assignments of my mortgage, promissory note or servicing rights to my mortgage including any such assignments on MERS.

5. All deeds in lieu, modifications to my mortgage, promissory note or deed of trust from the inception of my loan to the present date.

6. The front and back of each and every canceled check, promissory note, money order, draft, debit or credit notice issued to any servicer of any account for payment of any monthly payment, other payment, escrow charge, fee or expense on my account.

7. All escrow analyses conducted on my account from the inception of my loan until the date of this letter.

8. The front and back of each and every canceled check, draft, promissory note or debit notice issued for payment of closing costs, fees and expenses listed on my disclosure statement including, but not limited to, appraisal fees, inspection fees, title searches, title insurance fees, credit life insurance premiums, hazard insurance premiums, commissions, attorney fees, points, etc.

9. Front and back copies of all payment receipts, checks, money orders, drafts, automatic debits and written evidence of payments made by others or me on my account.

10. All letters, statements and documents sent to me by your company.

11. All letters, statements and documents sent to me by agents, attorneys or representatives of your company.

12. All letters, statements and documents sent to me by previous servicers, sub-servicers or others in your loan file or in your control or possession or in the control or possession of any affiliate, parent company, agent, sub-servicer, servicer, attorney or other representative of your company.

13. All letters, statements and documents contained in my loan file or imaged by you, any servicer or sub-servicers of my mortgage from the inception of my loan to present date.

14. All electronic transfers, assignments, sales of my note, mortgage, deed of trust or other security instrument.

15. All copies of property inspection reports, appraisals, BPOs and reports done on my property.

16. All invoices for each charge such as inspection fees, BPOs, appraisal fees, attorney fees, insurance, taxes, assessments or any expense, which has been charged to my mortgage account from the inception of my loan to the present date.

17. All checks used to pay invoices for each charged such as inspection fees, BPOs, appraisal fees, attorney fees, insurance, taxes, assessments or any expense which has been charged to my mortgage account from the inception of my loan to the present date.

18. All agreements, contracts and understandings with vendors that have been paid for any charge on my account from the inception of my loan to the present date.

19. All loan servicing records, payment payoffs, payoff calculations, ARM audits, interest rate adjustments, payment records, transaction histories, loan histories, accounting records, ledgers, and documents that relate to the accounting of my loan from the inception of my loan until present date.

20. All loan servicing transaction records, ledgers, registers and similar items detailing how my loan has been serviced from the from the inception of my loan until present date.

Please provide me, with the documents I have requested and a detailed answer to each of my questions within the required lawful time frame. Upon receipt of the documents and answers, an exam and audit will be conducted that may lead to a further document request and answers to questions under an additional QWR letter.

Copies of this Qualified Written Request, Validation of Debt, TILA and request for accounting and legal records, Dispute of Debt letter will be sent to FTC, HUD, ALL RELEVANT STATE AND FEDERAL REGULATORS; CONSUMER ADVOCATES; AND MY CONGRESSMAN if any further evasive actions are detected or this matter is not settled. It is my hope that you can answer my questions, document and validate my debt to the penny and correct any abuses or schemes uncovered and documented.

I look forward to receiving your acknowledgement within 20 business days. Send any response to NOTARY: Barbara Roe C/O P.O. BOX 4534, Santa Rita, California, [98532-4534] zip exempt

CC:

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| --- | --- |
| **Fannie Mae**  **1000 Brickell Ave. Ste. 600**  **Miami, Florida 33131** | **Federal Trade Commission**  **600 Pennsylvania Ave. NW.**  **Washington, DC. 20580** |
| **Government & Industry Relations**  **401 9th Street, NW**  **Ste 600 South**  **Washington, DC 20004** | **Office of RESPA and Interstate Land sales**  **Office of Housing, Room 9146**  **US Department of Housing and Urban Development**  **451 Seventh Str., SW**  **Washington, DC 20410** |

Without prejudice,

Execurted:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2010

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Home owner

State of California )

County of Sonoma )

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 2010,

by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, proved to me on the basis of satisfactory evidence to be

the person(s) who appeared before me.

Notary Public Signature Notary Public Seal