Sample Foreclosure Prevention Counseling Forms
Source: National Consumer Law Center, Repossessions and Foreclosures (5th. Ed. 2002)

Form 1: Authorization for Release of Information

In order to present a full range of foreclosure prevention options, a counselor generally must obtain information about the amount of money the loan servicer claims due. Due to valid privacy concerns for borrowers, very few servicers will release information to a counselor without written authorization from the borrower. Form 1 is an authorization form. Generally, a form of this type is sent by facsimile to the loan servicer with Form 2 requesting necessary information.

Form 2: Information Request for Loan Servicer

Form 2 is a sample form that is useful for obtaining necessary information from a loan servicer about the status of a loan. The information provided on this form helps determine the amounts that the servicer believes are needed to cure or pay-off the loan. In some cases, obtaining this information will crystallize a dispute the borrower may have concerning the amount due on the loan.

Form 3: Sample Qualified Written Request under RESPA

Form 3 is a sample “qualified written request” for information under the Real Estate Settlement Procedures Act (RESPA). A section of RESPA, 12 U.S.C. § 2605, provides a procedure and a remedy to obtain information from a loan servicer that fails to provide it under a more informal request such as Form 2.
TO: ______________________
____________________
____________________
Attention: Loss Mitigation Department

RE: Account No.: _______________________
Borrowers: ______________________
Property Address: ______________________

Dear Sir or Madam:

We are working with ________________________, (a HUD certified counseling agency) on a plan to resolve our mortgage delinquency. We hereby authorize you to release any and all information concerning our account to it at their request.

We further authorize you to discuss our case with ____________ or _____________ of that agency. They are working to help us address our financial problems and to propose a loss mitigation plan which is within your guidelines.

At present, we request that you fill out the request for loan information which accompanies this letter. Please return it to ____________ by fax (__________) no later than ________________.

You may release additional information to the agency in the future without further authorization.

Thank you taking the time to deal with this request.

Very truly yours

______________________________
Address: _____________________
____________________
Phone: _______________________

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Form 2: Information Request for Loan Servicer from Housing Counselor

Borrower(s) _____________________________________________
Loan #: ________________________________________________
Address ________________________________________________

Pursuant to the attached authorization by the borrower(s), please supply the following information about the above referenced account. The information will be used to help the borrower propose a loss mitigation plan, if possible.

Mortgage Investor: ____________________________________________
Investor Loan #: ____________________________________________
Mortgage Insurance Company: ________________________________

Loan Payment Info:
Current Interest Rate: ____________
Monthly Principal & Interest Payment: _______________
Monthly Escrow payment: __________________
Total Monthly Mortgage Payment: _______________

Amount of Arrears:
Due For (Earliest unpaid installment): _______________
Late Charges Due: __________________
Foreclosure Fees & Costs Due: _______________
Other Unpaid Charges: __________________
Balance in Suspense Account: _______________

TOTAL ARREARS (as of ____________) $ _____________

Total Balance Due on Loan:
Unpaid Principal Balance: _______________
Past Due Interest: _______________
Unpaid Escrow: _______________

TOTAL AMOUNT DUE ON LOAN (PAY-OFF) (as of ____________) $ _____________
Per Diem Interest:

Date of Most Recent BPO / Appraisal: _______________
Value: _______________
Other Comments: _______________

FORECLOSURE STATUS: __________________
SALE DATE (IF SCHEDULED): __________________
Form 3: Qualified Written Request Under RESPA by Borrower

_________________________________ (Name of Borrower(s))
_________________________________ (Address of Borrower(s))

Date: ______________

VIA CERTIFIED MAIL

_________________________________ (Name of Servicer)
_________________________________ (Address of Servicer)

______________________________________________________
Attn: Mortgage Loan Accounting Department

Re: Loan # ___________________

Dear Sir or Madam:

You are the servicer of our mortgage loan at the above address. We dispute the amount that is owed according to the Monthly Billing Statement and request that you send us information about the fees, costs and escrow accounting on our loan. This is a “qualified written request” pursuant to the Real Estate Settlement and Procedures Act (12 U.S.C. Sec. 2605(e)).

Specifically, we are requesting an itemization of the following:

• a complete payment history, including but not limited to the dates and amounts of all the payments we have made on the loan to date;
• a breakdown of the amount of claimed arrears or delinquencies;
• an explanation of how the amount due on the Monthly Billing Statement ($_________) was calculated and a explanation of why this amount was increased to $___________ on ______________ (date);
• the payment dates, purpose of payment and recipient of any and all foreclosure fees and costs that have been charged to our account;
• the payment dates, purpose of payment and recipient of all escrow items charged to our account since you took over the servicing;
• a breakdown of the current escrow charge showing how it is calculated and the reasons for any increase within the last 24r months; and
• a copy of any annual escrow statements and notices of a shortage, deficiency or surplus, sent to us within the last three years.

Thank you for taking the time to acknowledge and answer this request as required by the Real Estate Settlement and Procedures Act.

Very truly yours,