

# Sample Foreclosure Prevention Counseling Forms

Source: National Consumer Law Center, *Repossessions and Foreclosures* (5<sup>th</sup>. 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.

**Form 1: Authorization for Release of Information**

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: \_\_\_\_\_

**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,