

## APPENDIX A1

### Instructions for Completing Qualified Written Request (QWR)

Use this form if you never got copies of your loan documents at closing or if you cannot find your loan documents. Also use this form if you think the servicer made a mistake with your account. This form also asks the servicer to identify the current holder of the Note. This process comes from the Real Estate Settlement Procedures Act, 12 U.S.C. §2605(e).

1. On the top right of the form, fill in your address and the date.
2. In the spaces provides, fill in the number of the return receipt form from the post office that you will use with this letter.
3. Below the return receipt number, fill in the *customer service* address for the servicer, *not* the address where you send payments. If you do not have the customer service address, call the servicer and ask.
4. Below the line that says “QUALIFIED WRITTEN REQUEST,” fill in your account number, your name, and the property address.
5. If you think that the servicer made a mistake in your account—for example, by charging you fees you don’t owe, by failing to credit you for a payment, or by charging the wrong amount of interest—write your dispute on the blank lines provided. Be clear and specific.
6. Sign the letter.
7. Make a *photocopy* of the QWR for your records. A handwritten copy of the form is not enough.
8. Mail the original QWR form to the servicer by certified mail, return receipt requested.
9. Save your copy of the letter and your certified mail receipt in a safe place. When the green return receipt comes back to you in the mail, put it together with the letter and receipt.
10. Wait for the servicer to respond. The servicer has 20 days to let you know your request was received. The servicer has 30 days (not including Saturday, Sunday, or legal holidays) to investigate and send you documents and respond to your dispute.
11. When you receive the lender’s response, look through the documents to make sure you got everything you asked for. If anything is missing, write back to the servicer, telling the servicer that its response was incomplete and asking for the missing documents.
12. If the servicer fails to respond, you have the right to bring a lawsuit against the servicer for damages, costs, and reasonable attorney’s fees.

Additional Information and Links:

<https://www.alllaw.com/articles/nolo/foreclosure/respa-violations.html>

<https://www.consumerfinance.gov/ask-cfpb/what-is-a-qualified-written-request-qwr-en-207/>

Sending Certified Mail online:

<https://www.mymailhouse.net/business-mail/certified-mail>

(date)

Mortgage Servicer

[Customer Service Address]

[Customer Service Address]

RE: RESPA Qualified Written Request Letter

RE: Loan No.: \_\_\_\_\_

Borrowers: \_\_\_\_\_

Property Address: \_\_\_\_\_

Attention Customer Service:

This is a “qualified written request” under Section 6 of the Real Estate Settlement Procedures Act (RESPA) regarding the mortgage account above. I am writing to obtain the following, as I believe there are errors and/or adverse claims that do not coincide with my records and knowledge of my account. 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.

Please kindly provide the following:

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. Copies of ALL documents of transfer involving title to my property including the Promissory Note with all endorsements, Assignments of Mortgage, Satisfactions, Deeds and any other information that may affect my title;
3. 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 with whom you are forwarding my mortgage payments to;
4. 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.

5. 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.
6. The name, address and phone number of any Trustee under any pooling or servicing agreement related to this loan.
7. A copy of the Prospectus offered to investors in the trust.
8. Copies of all servicing, master servicing, sub-servicing, contingency servicing, special servicing, or back-up servicing agreements with respect to this account.
9. Name and detail information on who has/is underwriting my loan (FHA, VA, etc)
10. If the Mortgage Electronic Registration System (MERS) is involved with my loan, please provide a current "Milestone" report;
11. 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.
12. 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;
13. 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.
14. 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.
15. 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.
16. 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 legalbasis for such authority.
17. 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.

Please 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: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

email: \_\_\_\_\_