## Sample Notice of Error and Request for Information Under RESPA for a Client Who Has Filed for Bankruptcy

Appropriate alterations based on your client’s situation must be made before sending the following sample notice and request. Only those specific request items that are applicable to your client and needed to assist in representing the client should be included.

[*date*]

[*mortgage co. or servicer*]

RE: [*debtor*]

[*address*]

[*SSN*]

[*bankr. no.*]

[*file date*]

[*acct. no.*]

To Whom It May Concern:

Please treat this letter as a **“notice of error”** and **“request for information”** under the Real Estate Settlement Procedures Act, 12 U.S.C. § 2605(e), and Regulation X, 12 C.F.R. §§ 1024.35, 1024.36. This request is made on behalf of my client, [*client*], based on her dispute of the amount alleged to be due and owing contained in the [*servicer’s*] notice of default and/or proof of claim filed in [*client’s*] Chapter 13 bankruptcy. Specifically, I am requesting the following pre-bankruptcy and post-bankruptcy information:

1. The monthly principal and interest payment, and monthly escrow payment prior to [*date of bankr. filing*].

2. The monthly principal and interest payment, and monthly escrow payment subsequent to [*date of bankr. filing*].

3. The total unpaid principal, interest and escrow balances due and owing as of [*date of bankr. filing*].

4. A schedule of all transactions credited or debited to the mortgage loan account, including any escrow account and any suspense account. This should include for each payment received during the [*number of months*] prior to [*date of bankr. filing*], the amount of the payment, the date received, the date posted to the account, how the payment was applied or credited (indicating the portion, if any, applied or credited to principal, interest, escrow or suspense), and the month to which the payment was applied. If interest is calculated using a daily accrual accounting method, indicate for each payment the number of days that lapsed from the prior payment application date.

5. The amount, payment date, purpose, and recipient of all foreclosure expenses, late charges, NSF check charges, appraisal fees, property inspection/preservation fees, force placed insurance charges, legal fees, recoverable corporate advances, and other expenses or costs that have been charged and/or assessed to [*client’s*] mortgage account in the [*number of months*] prior to [*date of bankr. filing*].

6. The amount, payment date, purpose, and recipient of all foreclosure expenses, late charges, NSF check charges, appraisal fees, property inspection/preservation fees, force placed insurance charges, legal fees, bankruptcy/proof of claim fees, recoverable corporate advances, and other expenses or costs that have been charged and/or assessed to [*client’s*] mortgage account subsequent to [*date of bankr. filing*].

7. The amount, payment date, purpose, and recipient of all escrow account items, including but not limited to taxes, water and sewer charges, and insurance premiums, charged and/or assessed to [*client’s*] mortgage account in the [*number of months*] prior to [*date of bankr. filing*].

8. A breakdown of the current escrow account payment showing how it was calculated and the reasons for any increase or decrease in the [*number of months*] prior to [*date of bankr. filing*].

9. The balance in the escrow account as of [*date of bankr. filing*].

10. The balance in any suspense account as of [*date of bankr. filing*] and the reason why such funds were deposited in said account.

11. The current interest rate on [*client’s*] mortgage account.

12. The transaction codes used by [*servicer’s*] electronic servicing system that will assist in understanding the entries for transactions listed in the information provided in response to this request.

13. Any notes created by personnel of [*servicer*] reflecting communications with my client in the [*number of months*] prior to [*date of bankr. filing*].

To the extent that [*servicer*] has charged to the [*client’s*] mortgage account, subsequent to [*date of bankr. filing*], any appraisal fees, broker price opinion fees, property inspection/preservation, legal fees, bankruptcy/proof of claim fees, recoverable corporate advances, and other fees or costs that were not disclosed to [*client*] and approved by the bankruptcy court, [*client*] disputes such fees and costs and requests that the account be corrected to delete such fees and costs.

Thank you for taking the time to acknowledge and answer this request as required by the Real Estate Settlement Procedures Act (sec. 2605(e)).

Very truly yours,

Attorney for Debtor

**Authorization to Release Information**

[*mortgage co. or servicer*]

RE: [*name of debtor*]

[*acct. no.*]

[*bankr. no.*]

[*property* *address*]

To Whom It May Concern:

I am represented by the law office of [*name of firm*] and attorney [*name of attorney*] concerning the mortgage on my home located at [*address*] and in my chapter 13 bankruptcy case filed on [*date*]. I hereby authorize you to release any and all information concerning my mortgage loan account to the law office of [*name of firm*] and attorney [*name of attorney*] at their request. I also authorize you to discuss my case with the law office of [*name of firm*] and attorney [*name of attorney*].

Thank you for your cooperation.

Very truly yours,

[*debtor*]