

I.2.1 Sample Qualified Written Request Under RESPA for Use by Consumers

This 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. This form is an example of a “qualified written request” that meets the requirements of the law. For more information, see § 9.2.2, *supra*. This sample “qualified written request” is designed for use directly by consumer borrowers. For sample qualified written requests which may be used by attorneys representing borrowers, see §§ I.2.2 and I.2.3, *infra*.

Joe & Sally Consumer
[address]

[date]

VIA CERTIFIED MAIL
[mortgage co. or servicer]
[address]

Attn: Mortgage Loan Accounting Department [or Borrower Inquiry Department]

Re: [acct. no.]
Joe and Sally Consumer
[address]

Dear Sir or Madam:

[Mortgage co. or servicer] is the servicer of our mortgage loan at the above address. We dispute the amount that you claim 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 (section 2605(e)).

Specifically, we are requesting the following information:

1. A complete payment history which lists the dates and amounts of all the payments we have made on the loan to date, and shows how each payment was applied or credited (whether to principal, interest, escrow, suspense, or some other treatment);
2. A breakdown of the amount of claimed arrears or delinquencies on our account, including an itemization of all fees and charges you claim are currently due;
3. An explanation of how the amount due of [amount] on the Monthly Billing Statement dated [date] was calculated and an explanation of why this amount was increased to [amount] in the most recent Statement [or foreclosure notice] dated [date];

4. The payment dates, purpose of payment, and recipient of any and all foreclosure fees and costs that have been charged to our account;

5. The payment dates, purpose of payment, and recipient of all escrow items charged to our account since [*date mortgage co. or servicer took over the servicing*];

6. A breakdown of the current escrow charge showing how it is calculated and the reasons for any increase within the last 24 months;

7. A copy of any annual escrow statements, and notices of a shortage, deficiency, or surplus, sent to us within the last three (3) years; and

8. The current balance in any suspense account as of [*date*] and the reason why such funds were deposited in the account.

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

Very truly yours,
Joe & Sally Consumer