

## **Sample Qualified Written Request Under RESPA**

If [1] you believe the mortgage loan servicer or lender has made a mistake regarding your mortgage or if [2] your mortgage loan servicer does not answer your informal request for information about your mortgage loan you can make a "qualified written request" for information under the Real Estate Settlement Procedures Act (RESPA). 12 U.S.C. § 2605. You must include a statement of the reasons for your belief that the mortgage account is in error and provide sufficient detail to the servicer regarding other information you seek. If you do not honestly believe there is an error, this letter is not for you.

This letter temporarily protects your credit rating. During the 60-day period beginning on the date of the servicer's receipt of your qualified written request relating to a dispute regarding your payments, a servicer may not provide information regarding any overdue payment, owed by you and relating to such period or qualified written request, to any consumer reporting agency.

Send all letters by certified mail and keep the receipt.

Caution: The letter provided is for illustration only; you must compose your own letter; this is only to show you what one might look like.

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Notice: Prepared by Legal Aid Society • 416 W. Muhammad Ali Blvd., Suite 300 • Louisville, KY 40202 • (502) 584-1254. March 2007. We provide this information as a public service. It is not legal advice. Sometimes the laws change. We cannot promise that this information is always up-to-date and correct. By providing this information, we are not acting as your lawyer. Always consult a lawyer, if you can, before taking legal action.

April 11, 2008

VIA CERTIFIED MAIL

Giant Mortgage Company, NA  
[Address]

Attn: Mortgage Loan Accounting Department

Re: Loan # 999999999  
George and Wanda Borrower  
[Address]

Dear Sir or Madam:

This is a “qualified written request” pursuant to the Real Estate Settlement Procedures Act, 12 U.S.C. § 2605(e). Giant Mortgage Company, NA is 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 an itemization of the following:

1. 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;
2. A breakdown of the amount of claimed arrears or delinquencies, including an itemization of all fees charged to the account;
3. An explanation of how the amount due on the Monthly Billing Statement (\$1,000) was calculated and an explanation of why this amount was increased to \$2,000 on August 1, 2005;
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 [insert date Giant Mortgage Company, NA 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; and

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.

Thank you for taking the time to acknowledge and answer this request as required by the Real Estate Settlement Procedures Act, 12 U.S.C. § 2605(e).

Sincerely,

George and Wanda Borrower