

Questions & Answers for March 6, 2012 Webinar The Independent Foreclosure Review Request Form and Process

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ELIGIBILITY

Q1: What is a foreclosure action? Which foreclosure actions are part of the Independent Foreclosure Review?

A: Foreclosure actions eligible for review include any initiated, pending, or completed foreclosure on a borrower's primary residence between the dates of January 1, 2009 and December 31, 2010. Examples may include:

- The property was sold due to a foreclosure judgment.
- The mortgage loan was referred into the foreclosure process, but the borrower subsequently entered a payment plan or modification program.
- The mortgage loan was referred into the foreclosure process and the home was sold, including through a short sale, or deed-in-lieu.
- The mortgage loan was referred into the foreclosure process and remains delinquent, but the foreclosure sale has not yet taken place.

Q2: If there was a transfer of servicing on or after January 1, 2009, will the borrower receive the Request for Review form from their current servicer or their previous servicer?

A: An eligible borrower will receive a Request for Review form from their current servicer provided that the servicer is one of the participating servicers under the Consent Orders.

Q3: My foreclosure action occurred before January 1, 2009. Am I out of luck?

A: As long as the foreclosure action involved your primary residence, was still active during any part of January 1, 2009 through December 31, 2010, and the mortgage was serviced by one of the participating servicers, you may be eligible for a review.

Q4: My foreclosure sale was in 2011 but the process began in 2010, am I still eligible to have my foreclosure reviewed?

A: Yes, if the foreclosure activity was in process at any point in 2009 or 2010, if it involved your primary residence, and if the mortgage was serviced by one of the participating servicers.

Q5: Will the review process continue in a similar manner for improper foreclosures, by any mortgage servicer, for foreclosures in either 2011 or after?

A: No, the Independent Foreclosure Review is limited to reviews of mortgage loans serviced by the 14 large financial institutions subject to the enforcement actions, including their affiliates, and that were active in the foreclosure process in 2009 or 2010.

Q6: Does it count as a "foreclosure" when a servicer refuses to accept payments from the borrower or tells the borrower "you are in foreclosure," but no other action has been taken by the servicer?

A: To be eligible for review, a borrower must be referred into the foreclosure process by the servicer in 2009 or 2010. If the borrower is merely delinquent, but has not been referred into the foreclosure process in 2009 or 2010, they would not be eligible for review. The best way to determine eligibility is to call the toll-free call center at 1-888-952-9105.

Q7: Can borrowers who settled out of their property through a short sale or deed-in-lieu still request a review?

A: To be eligible for review, a borrower must have been referred into the foreclosure process by the servicer in 2009 or 2010. If the borrower completed a short sale or deed-in-lieu without first being referred into the foreclosure process by their servicer in 2009 or 2010, they would not be eligible for review.

By comparison, if a borrower had been referred into the foreclosure process by their servicer in 2009 or 2010 and thereafter completed a short sale or deed-in-lieu, the borrower is eligible for review.

The best way to determine eligibility is to call the toll-free call center at 1-888-952-9105.

Q8: Should the borrower still go through this process, even though the borrower can no longer afford the mortgage and may have suffered a financial injury?

A: Yes, if the borrower believes that he or she suffered financial injury, the borrower should fill out the Request for Review form and submit it for review. Determinations of financial injury and remediation are not dependent upon the borrower remaining in the home. The borrower should also continue to work directly with his or her servicer to pursue any loss mitigation options the servicer may have to offer. The review is not intended to replace active foreclosure prevention efforts with the borrower's servicer.

Q9: What if I have more than one mortgage account? Can I receive a form for each mortgage?

A: If you have more than one mortgage account that meets the initial eligibility criteria for an Independent Foreclosure Review, you will receive a separate letter for each. You will need to submit a separate Request for Review form for each account. It is important that you complete the form to the best of your ability. All information you provide may be useful.

Q10: Who identifies which borrowers are eligible for the Independent Foreclosure Review?

A: As part of the Consent Orders with federal banking regulatory agencies, the 14 mortgage servicers and their affiliates have identified borrowers who were part of a foreclosure action on their primary residence during the period of January 1, 2009 to December 31, 2010. The

identified borrowers were subject to testing and validation by the independent consultants and review by the federal banking regulatory agencies.

Q11: Where may I find a list of the servicers subject to the enforcement actions?

A: The federal banking regulatory agencies issued enforcement actions in April 2011 against 14 large financial institutions. A list of those institutions and their affiliates covered by those actions can be found on the www.IndependentForeclosureReview.com website.

Q12: Why wasn't Ocwen Financial Corporation included in the enforcement actions, since it is a major servicer?

A: Ocwen is not regulated by the Office of the Comptroller of the Currency or the Federal Reserve and, therefore Ocwen is not subject to the enforcement actions issued by the federal banking regulatory agencies.

Q13: Can a borrower request a review, even if they didn't receive a letter? How?

A: Yes, the borrower may call the toll-free call center at 1-888-952-9105 to determine whether they are eligible for review and, if eligible, have a Request for Review form mailed directly to them. In addition, borrowers may check their eligibility online through the www.IndependentForeclosureReview.com website.

Q14: Is it possible that not all borrowers who are eligible for some sort of relief under the Independent Foreclosure Review received these letters?

A: All 4.3 million borrowers identified as potentially eligible for a foreclosure review were mailed notification letters. However, it is possible that not all the letters may have reached a borrower. If the borrower feels that he or she may be eligible for review, they should call the toll-free call center at 1-888-952-9105 or submit their request online at the www.IndependentForeclosureReview.com website. There is a process online that will tell borrowers if they had been identified as a potentially eligible borrower. If, for any reason, the borrower believes that they are eligible, and the website is telling them that they are not, the borrower should call the toll-free call center at 1-888-952-9105 to request a form.

REQUEST FOR REVIEW FORM

Q15: Is the Request for Review available in any language other than English?

A: The Request for Review form is available in English, but the toll-free call center at 1-888-952-9105 has translation services available in over 240 languages and the operators can also translate documents for borrowers over the phone. Spanish language translations of the Frequently Asked Questions and a Spanish language guide on how to complete the form are now available on the www.IndependentForeclosureReview.com website.

Q16: If borrowers call the translation service to have their questions translated for them, can they then submit their answers in their native language?

A: Yes. Borrowers can submit their answers in their native language, and their answers will be translated into English. However, borrowers should make sure that the information is submitted on their original Request for Review form.

Q17: Is there funding provided through this process for housing counselors to assist borrowers with completing the form?

A: The federal banking regulatory agencies are encouraging servicers to provide resources to housing counselors to help make borrowers aware of the Independent Foreclosure Review. Bank of America has already funded an initiative to engage 11 HUD-approved counseling intermediaries to support enhanced outreach to reach as many eligible customers as possible, including low-and moderate-income borrowers, multicultural borrowers, and those who may experience language barriers.

Q18: Can I complete/submit a Request for Review form over the phone?

A: No, because the Independent Foreclosure Review Administrator must receive the borrower's signature on the Request for Review form. We are pleased to announce, however, that a borrower may now also submit their Request for Review form on-line through the www.IndependentForeclosureReview.com website.

Q19: How can homeowners who have been foreclosed and have moved receive a Request for Review form?

A: They may call the toll-free call center at 1-888-952-9105 to determine whether they are eligible for review and to have a Request for Review form mailed directly to them.

Efforts were made to find current addresses for all eligible borrowers. Direct mailing to the borrowers included use of address tracing methods to locate borrowers who no longer live in their homes, such as through the national change-of-address database and third-party consumer databases that use information from credit bureaus, public records and utilities, etc. to determine a borrower's most likely current address.

Q20: Who can submit or sign the Request for Review form?

A: Either the borrower or a co-borrower of the mortgage loan can submit and sign the form. The borrower signing the Request for Review form should be authorized by all borrowers to proceed with the Request for Review. In the event of a finding of financial injury, any possible remedy will take into consideration all borrowers listed on the loan, either directly or to their trusts or estates.

Q21: Can the housing counselor use its third-party authorization granted by the borrower to sign the form on behalf of the borrower?

A: No. Only the borrower, co-borrower or attorney-in-fact can sign the form. If the housing counselor is assisting a borrower with questions about the form, the borrower must be with the counselor when calls are made to the toll-free number for the Independent Foreclosure Review process. Housing counselors may now also assist a borrower in submitting his or her Request for Review form online through the www.IndependentForeclosureReview.com website.

Q22: What if one of the borrowers has died or is injured or debilitated?

A: Any borrower, co-borrower, court appointed guardian or executor, or attorney-in-fact can sign the form. In the event of a finding of financial injury, any possible remedy will take into account all borrowers listed on the mortgage loan, either directly or to their trusts or estates.

Q23: Can attorneys or housing counselors complete the form for clients with their information and signature?

A: Attorneys, as well as housing counselors or other third-party advisors, may assist the borrower with gathering information or providing other assistance requested by the borrower for completing the form. However, the form must be signed by the borrower, co-borrower, court appointed guardian or executor, or attorney-in-fact.

Q24: If housing counselors or attorneys already have a representation agreement with their clients regarding the mortgage, can they sign the Request for Review form on their behalf?

A: No, unless the borrower (client) has granted the counselor or the attorney with the authority to act on the borrower's behalf in the form of a legal power of attorney.

Q25: Can the form be submitted electronically?

A: The www.IndependentForeclosureReview.com website has been recently updated to allow for online Request for Review form submission. By submitting the form electronically, the borrower is indicating that he or she has signed the review form and certifies that all information provided is truthful. Once the completed form is submitted, a copy can be printed for the borrower's records.

Q26: Can I photocopy a blank Request for Review form to give to borrowers who did not receive one in the mail?

A: No. Each form mailed contains a bar code with unique information for that borrower. If the borrower has misplaced the form or needs another form, please have the borrower call the toll-free call center at 1-888-952-9105 to request another form or visit the website to submit their form online.

Q27: Does the court date in Question #6 on the Request for Review form mean the date the servicer or lender commenced the lawsuit, the date the borrower appeared in court, or the date of final judgment?

A: Question #6, "Did you attempt through the court to have the decision to foreclose on your home reversed?" requests the court date if available. This question is referring to the date that the borrower commenced the lawsuit.

Q28: Is there a character limitation for the open section of Question #13 on the Request for Review form?

A: There is no character limit for the response to Question #13 on the Request for Review form. In fact, the borrower can attach additional pages if he or she wants to explain in more detail his or her concern or issue. For the online submission of the form, there is a character limit for the response to Question #13 that is noted online.

THE INDEPENDENT FORECLOSURE REVIEW PROCESS

Q29: If I have already submitted a complaint to my servicer, do I need to submit a separate Request for Review form to participate in this process?

A: Yes, you should submit a Request for Review form directly to the Independent Foreclosure Review to ensure your mortgage loan is reviewed in this process.

Q30: What if my home is going through a foreclosure sale in the next 7 days? Or, what if I have received an eviction notice?

A: Call your servicer directly. If you do not have their number, the toll-free call center at 1-888-952-9105 can provide it to you.

Q31: Will the Independent Foreclosure Review affect, stop, or delay my foreclosure date?

A: All borrower requests received through the Independent Foreclosure Review process will be reviewed to determine if a foreclosure sale date is scheduled. The servicers and independent consultants have been instructed to prioritize the files to be reviewed, taking into consideration the scheduled date of the foreclosure sale. However, the submission of a Request for Review form will not automatically stop or delay your foreclosure. You should continue to work with your servicer in all efforts to prevent a foreclosure sale.

Q32: What if I am working with my servicer or have been approved for a modification or another option to avoid foreclosure?

A: The Independent Foreclosure Review is a separate review of your mortgage loan to determine whether financial injury occurred because of errors, misrepresentations, or other deficiencies in the foreclosure process. A Request for Review will not impact any other options you may be approved for or may be pursuing with your servicer.

Q33: I'm still working with my servicer to prevent a foreclosure sale. Will I still be able to work with them?

A: Yes, you will continue to be able to work with your servicer. Participating in the review will not impact any effort to prevent a foreclosure sale. The Independent Foreclosure Review is not intended to replace active foreclosure prevention efforts with your servicer.

Q34: Will consultants review files to determine whether defaults were caused by improper application of loan payments, improperly forced place insurance, abusive fees, etc.?

A: If the borrower responds "yes" to Question #4 or to Question #11 on the Request for Review form, the consultants will review the file to determine whether the servicer erred in the application of payments, improper forced place insurance or improper fees. The borrower should provide as much specific information as possible in response to Question #13.

Q35: What types of errors or deficiencies may lead to financial injury to a borrower?

A: Listed below are examples of situations that may have led to financial injury. This list does not include all situations:

- The mortgage balance at the time of the foreclosure action was more than you actually owed.

- You were doing everything the modification agreement required, but the foreclosure sale still happened.
- The foreclosure action occurred while you were protected by bankruptcy.
- Fees charged or mortgage payments were inaccurately calculated, processed, or applied.
- The foreclosure action occurred while you were protected under the Servicemembers Civil Relief Act.

Q36: I was more than six months delinquent on my mortgage. Can people like me expect remediation?

A: Remediation will be based on documented financial harm caused as a direct result of improper foreclosure practices by the servicer. If foreclosure activity on your primary residence was in process at any point in 2009 or 2010, your mortgage was serviced by one of the participating servicers, and if you believe you have been financially harmed by improper foreclosure practices involving errors, misrepresentations, or other deficiencies, you should consider requesting a review through the Independent Foreclosure Review process.

Q37: What kind of remedy can you provide for people who unfairly lost their homes as a result of illegal or inappropriate servicing practices?

A: The primary goal of remediation is to identify and compensate individuals who suffered direct financial injury as a result of improper foreclosure actions by the servicer. After reviewing each file, the independent consultants will make recommendations for compensation or remediation based on guidance issued by the federal banking regulatory agencies, which will include specific types and amounts of compensation or other remediation for borrowers based on different types of error and harm. This guidance is close to being finalized and will be made public.

Q38: When will the remediation framework used to determine financial injury be made available?

A: The agencies are close to finalizing the remediation framework. More information is forthcoming.

Q39: If it is determined that a borrower was injured as a result of an improper foreclosure, is it possible that they can regain the property, or is monetary compensation the only outcome?

A: The financial remediation framework that would address this specific question, and many other questions related to remediation, will be published soon. The federal banking regulatory agencies are currently working on a financial injury framework and expect to make it available to the public sometime in April 2012. The framework will answer questions regarding the types of specific amounts and remediation that borrowers can expect for different types of errors and injuries.

Q40: How and when will I be notified of the results of the review?

A: The borrower will receive a letter advising them whether or not they incurred financial injury and are entitled to compensation or other remedy due to errors in the foreclosure process. Because the review process will be a thorough and complete examination of many details and documents, the review could take several months.

Q41: What can the borrower do if he or she disagrees with the Independent Foreclosure Review decision? Is there an appeal process?

A: The results of the Independent Foreclosure Review are considered final and there is no appeal. However, the review will not have an impact on any other options the borrower may pursue related to his or her mortgage loan.

Q42: Will the servicer take any action against me for participating in this process?

A: No, the participating servicers and their regulators want to ensure that borrowers are treated fairly. The Independent Foreclosure Review will not have an impact on your credit report or any other options you may pursue related to your foreclosure.

Q43: Will access to the information in the independent consultants' file review be made available to the servicer?

A: The servicer will need to receive the information in the independent consultant's file to provide remediation to the borrower, but the servicer may **only** use the borrower's information submitted during the Independent Foreclosure Review process for purposes related to the Independent Foreclosure Review, unless the borrower directly contacts the servicer separately to provide their information. Borrowers should refer to the privacy policy on the www.IndependentForeclosureReview.com website, which addresses this issue.

Q44: Will the consultant request additional information if they need clarification regarding something a borrower stated on their Request for Review form?

A: Yes. If the independent consultant determines that additional information is required from the borrower to complete his or her review, they may request that information from the borrower.

Q45: What if the review process/independent consultant determines I owe money to my servicer?

A: There will not be any determination or reporting of funds owed to servicers as part of the Independent Foreclosure Review. The review will only assess whether or not eligible customers incurred financial injury and should receive compensation or other remedy due to errors in the foreclosure process.

ADDITIONAL QUESTIONS

Q46: Does filing a Request for Review Form prevent me from filing other litigation or action against the servicer?

A: No. Submitting a request for an Independent Foreclosure Review will not preclude you from any other options you may pursue related to your foreclosure.

Q47: Will the Independent Foreclosure Review process require the borrower to sign a waiver to release the servicer from any claims related to the foreclosure action in order to receive a remedy?

A: The federal banking regulatory agencies are still looking into the matter of releases and will follow up once a final decision has been reached. However, submission of the Request for Review form itself will not waive any borrower rights. In addition, borrowers will always be given a choice to either accept the offer of remediation or to reject the offer and pursue their claims in alternative venues, including the courts.

Q48: Is the Independent Foreclosure Review process the same as the state Attorneys General/Department of Justice (DOJ) Settlement?

A: No. The two actions are separate. The Independent Foreclosure Review process is the result of the enforcement actions issued on April 13, 2011 by the federal banking regulatory agencies against 14 large financial institutions in response to deficiencies found in their mortgage servicing practices. The state Attorneys General's settlement was announced on February 9, 2012 and entered into with the five leading bank mortgage servicers to address mortgage loan servicing and foreclosure abuses found from investigations conducted by multiple federal and state government agencies.

Q49: Will I be disqualified from the DOJ Settlement if I participate in this Independent Foreclosure Review, and vice-versa?

A: No. Borrowers may be eligible to participate under both.

Q50: How do I know the Independent Foreclosure Review is legitimate?

A: The Independent Foreclosure Review is legitimate. For additional information, visit the [Office of the Comptroller of the Currency](#), the Board of Governors of the [Federal Reserve System](#), the [Prevent Loan Scams](#), or the [Loan Scam Alert](#) websites. Website address information is available on the presentation slides. The Independent Foreclosure Review is free. Watch out for scams—there is only one Independent Foreclosure Review. Beware of anyone who asks you to pay a fee for any foreclosure review service, such as completing the Request for Review form.

Q51: Where are the funds for remediation through the Independent Foreclosure Review process coming from--the wrongdoer servicer or the taxpayers?

A: Definitely not the taxpayers. The servicers who are subject to the enforcement actions will pay for any financial compensation that is remediated to the borrowers.

Q52: Will the slides from the training webinars held be available for printing and distribution?

A: Yes, the slides from the webinar presentation held on March 6, 2012 are available to print and to distribute to others.