



How to Dispute an Error with Your Mortgage Servicer

Federal mortgage servicing rules require servicers to correct errors related to mortgage loans. Use this sample letter to contact your mortgage servicer to fix an error. Your mortgage servicer is the company to which you make your house payments.

IMPORTANT:

- **Make 100% sure that you send the letter to the right address!** Your servicer may have a special address for error correction requests. Find it on your monthly statement or coupon book, or contact your servicer to ask (or look on their website). Note that the error correction address may be (and probably is) different from the address to which you send monthly payments. Letters sent to the wrong address “don’t count” and won’t require the mortgage servicer to respond.
- **Keep a copy of the letter and note the date you send it.** This is important because a mortgage servicer must respond within a certain number of days (and failure to do so violates federal law, as long as you’ve sent the letter to the right address).

How to use this sample letter:

- Read the background information below.
- Fill out the template letter with your information and edit it to fit your situation.
- Print and send the letter. Keep a copy for your records.

Submitting a letter:

- Include your name, address, and mortgage account number.
 - Use the name on the mortgage, and include your spouse or co-borrower if they are listed.
- Identify the mistake. Describe the error accurately.
 - Provide clear details with dates: “I made my January payment on time. I paid \$1,500 on January 1 but was still charged a late fee.”
 - Be specific. Instead of writing “you did not apply my payment correctly,” explain how the payment was applied incorrectly.
 - **Do not use a payment coupon or other payment form from your servicer to write the letter.**

What to expect next:

If you follow these instructions, your servicer must acknowledge receipt of your request and either:

- Correct the error and confirm the correction, or
- Investigate and report that no error occurred, with an explanation.

Generally, servicers cannot charge a fee for responding to error requests.

Your servicer may ask you for more information about the error, but they cannot refuse to investigate or report “no error” just because you didn't provide information.

Your servicer doesn't have to investigate your error request if:

- Your request is too broad
- You send the same request multiple times, or
- You're requesting help with a loan transferred to another servicer or paid off more than a year ago

Timelines:

The servicer must acknowledge receiving your letter within five business days of receiving it. You will likely get a brief letter from the servicer within that time (legally required, but the mortgage servicers do not always comply with this rule!).

The servicer has a limited amount of time to investigate or correct your error and send you a letter describing the actions it has or will take.

- If you are writing to say your servicer started or scheduled a foreclosure improperly:
 - The servicer must respond to your letter before the foreclosure sale or within 30 business days if they received your letter more than seven days before the sale
 - The servicer should make a good-faith effort to respond to your letter if they receive it seven days or less before the sale
 - If you are writing to say the servicer gave you an inaccurate payoff balance, the servicer must respond within seven business days of receiving your letter.
 - For all other errors, the servicer must respond within **30 business days**

Note that in some cases the servicer may ask for more information or an additional 15 business days to investigate and respond. This is allowed.



How to get in touch with us:

Sometimes, the mortgage servicer doesn't comply with federal law or they may mishandle an error inquiry. In these situations, it may be best to contact an attorney. Here's how you can get in touch with our team:

- Web: www.consumerlawsc.com
- Email: dave@consumerlawsc.com
- Phone: 803-509-6800

Date:

To:

[Your mortgage servicer

Your mortgage servicer's address] **(Make sure this is the correct address for sending notice of errors and inquiries!)**

From:

[Your full name

Your street address

Your city, state, and ZIP Code]

Re: Error Resolution Notice under 12 C.F.R. §1024.35

Mortgage Loan Number: *[Your loan number]*

I am writing to request correction of the error described below in regard to the mortgage on my property at *[Your home address]*.

Instructions: Provide a clear description of the error you are experiencing with your mortgage servicer. Be as specific as possible, including any relevant information that may help your servicer investigate the issue. If you can, include details such as dates or amounts that may be relevant to the error. If you are unaware of what type of error you are experiencing, list any symptoms that may be related to the error.

Make sure to delete any sample language for errors that do not apply to your situation.

Payment Errors:

- Your company rejected the full payment I made on *[Date]* in the amount of *[X dollars]*. *[If this was not equal to your regularly scheduled payment, explain why.]*
- Your company did not properly credit the payment that I made on *[Date]* in the amount of *[X dollars]*. This payment should have been credited to:
 - *[Tell the servicer how the payment should have been credited to principal, interest, escrow, or other charges.]*
- Your company failed to credit the payment I made on *[Date]* as of the date of receipt.

Escrow Errors:

- I have been notified by *[Source of information, e.g., taxing authority, homeowner's insurance company]* that your company failed to pay the following expenses from my escrow account:
 - Property taxes: *[Include amount and date due. Include evidence, if available.]*
 - Insurance premiums: *[Include type of insurance, name of insurance company, account number, amount, and date due. Include evidence, if available.]*
 - Other charges: *[Be specific.]*
- I believe that I am entitled to a refund of excess funds in my escrow account and I have not received them. *[Include evidence or describe why you believe you are entitled to excess escrow funds.]*

Fee Errors:

- Your company incorrectly imposed a *[Describe type of fee – late fee or other]* on *[Date]* in the amount of *[X dollars]*. *[Describe or include evidence that you have been charged this fee.]*

Payoff Errors:

- Your company failed to provide an accurate mortgage payoff balance that I requested on *[Date]*.

If you need to contact me, I can be reached at *[Include the best contact information, which may be your home address, work or mobile phone, or email address.]*

Sincerely,

*[Your name
Co-borrower's name]*