

Is Default/Right to Cure/Acceleration Letter in Compliance with MA law?

(Mass. General Law c. 244, section 35A – statute 209 CMR 56)

Date of default letter ___/___/_____ [is it blacked out/redacted? YES or NO]

(This process is only relevant to letters dated May 1, 2008 or later)

Lender/Mortgagee in whose name default letter is sent (Only list servicer if lender/mortgageholder is not named)

Is this the mortgage-holder on the date of letter [see below]? Circle: YES or NO

To determine mortgage holder at date of letter: (Information from Registry of Deeds)

Mortgage (most recent) Date signed: ___/___/_____ Land Court Case# _____

Lender _____

MERS as nominee

MERS as mortgagee

Assignment #1** Date signed: ___/___/_____

From Lender/Mortgagee _____

To Lender/Mortgagee _____

This Assignment contains possible legal challenges: _____

Assignment #2** Date signed: ___/___/_____

From Lender/Mortgagee _____

To Lender/Mortgagee _____

This Assignment contains possible legal challenges: _____

Assignment #3** Date signed: ___/___/_____

From Lender/Mortgagee _____

To Lender/Mortgagee _____

This Assignment contains possible legal challenges: _____

(If there are more assignments use additional sheets as necessary or write it on the back of this sheet with above format)

Mortgagee listed on Mortgage Affidavit? _____

Date signed: ___/___/_____ **Is this Mortgagee of record on that date?** YES NO

The Letter, by law, must contain the things listed (if compliant; if not compliant)

I. For all Default/Right to Cure Letters:

- Why the homeowner is in default
 - The amount of money required to cure the default
 - An expiration date by which the money is due
 - How many days* from the date of the letter the expiration date is
 - * If Letter is dated between May 1, 2008 – August 6, 2010 - not less than 90 days
 - * If Letter is dated August 7, 2010 or after – not less than 150 days
 - Are there dollar amounts listed for monies the bank states that you owe **other** than principle, interest, escrow or late charges?
Description: _____ \$ _____
 - Notice that, if the homeowner does not pay the required amount by the expiration date specified, the lender/mortgage servicer may take steps to foreclose or take other action to seize the home
 - The lender/mortgage servicer's name and address to whom the payment shall be made
 - The telephone number of a representative of the lender/mortgage servicer whom the homeowner may contact if they have questions and/or if homeowner disagrees with the calculation of the past due balance
 - Name of any current and former mortgage broker _____
- AND/OR**
- Name of any mortgage loan originators _____

II. If Letter is dated between May 1, 2008 – August 6, 2010:

- Notice that the homeowner may be eligible for assistance from the Division of Banks (DoB)
 - The local or toll free telephone number the homeowner should call to request assistance from DoB
- AND**
- Notice that the homeowner may be eligible for assistance from the Massachusetts Housing Finance Agency (**not** any other counseling services – statute says MHFA)
 - The local or toll free telephone number the homeowner should call to request assistance from MHFA

If Letter is dated August 7th or after:

- Notice that the homeowner may be eligible for housing counseling
 - the local or toll free telephone number the homeowner should call to request housing counseling

Is this letter and affidavit compliant with Mass law 244 -35a? YES NO