

LOAN MODIFICATION SCAM PREVENTION NETWORK

Client Interview Form

At the beginning of the interview, please remember:

- Tell homeowners at the outset that you are not offering to represent them at this time, that there is no attorney-client relationship (or privilege) at this time, and that no lawsuit is being filed at the moment. You are simply following up on the homeowner's complaint to collect additional information and will determine later whether there is a basis for filing a case.
- Confirm that the homeowner is not being represented by another attorney on this matter.
- Give homeowners your full contact information at the firm and refer them to our project website – www.preventloanscams.org to establish legitimacy. You might also give them the link to your firm bio.
- Explain that the firm and the Lawyers' Committee are working free of charge on this investigation (and any litigation that might follow).

Throughout the interview, remember to ask for any relevant documents the homeowner may have.

Interviewer(s): _____

Date: _____

Interview conducted in: English / Spanish / Other

I. BORROWER INFORMATION

**Much of the information in Section I should be available from the complaint in the database, but please confirm that the information from the database is still correct.*

1. Contact Info:

Full Name: _____

Address: _____

Cell Phone: _____ Home Phone: _____

Work Phone: _____

Which Phone is preferred? {Cell Home Work} Best Time to Reach? {Morning Afternoon Evening}

Email: _____

2. Primary Language: {Chinese English Korean Spanish Vietnamese Other _____}

3. Age Range: _____

4. Gender: {Male Female}

5. Race/Ethnicity: {African-American/Black Asian-American Caucasian/White Hispanic/Latino
Other: _____ Prefer not to say}

II. PROPERTY AND MORTGAGE INFORMATION

An asterisk () denotes when the related documents should be collected.*

1. Type of property for which mortgage rescue assistance was offered:

{First Home Second/Vacation Home Business Other:_____}

2. Are you currently living in the property? {Y/N}

If no, provide the address of the property covered by the mortgage:

3. Tax Parcel ID number: _____

4. What year did you purchase the property? _____

5. Do you currently own the property? {Y/N}

6. Has the property been foreclosed on or is it in the foreclosure process?

{Has been foreclosed Is in foreclosure process No, neither Unsure}

If selected "In foreclosure process" or "Unsure"

(i) Have you received a Notice of Default*? {Y/N} If yes, when? _____

(ii) Have you received a Notice of Sale*? {Y/N} If yes, when? _____

(iii) Court district (if known)? _____

(iv) Case number (if known)? _____

7. Are you current on your property taxes*? {Yes No Unsure}

If no, try to obtain related documentation.

If the homeowner does not have the related documents, ask: did the company or individual kept the originals?
{Y/N}

8. Are you currently in bankruptcy proceedings*? {Yes No Unsure}

If yes, (i) Court district (if known)? _____

(ii) Case number (if known)? _____

9. Have you been served any court documents*? {Yes No Unsure}

If yes, (i) When? _____

(ii) What Type/Title of documents? _____

(iii) Court district (if known)? _____

(iv) Case number (if known)? _____

10. Do you have all of your mortgage-related documents, e.g., contracts? {Yes No Unsure}

If no, did the company or individual keep your original mortgage-related documents? {Y/N}

11. Information regarding your first mortgage*:

a. Name of Lender/Servicer: _____

b. Mortgage Identification Number: _____

(If unable to find, ask for original loan amount \$_____)

c. Is the mortgage in your name only? {Y/N}

If no, please provide the full names of any other borrowers named on your mortgage:

Co-Borrower 1's Full Name: _____

Co-Borrower 2's Full Name: _____

Co-Borrower 3's Full Name: _____

Are you behind in payments? {Y/N} If yes, number of months behind: _____

- d. Did you ever contact your lender about a loan modification? {Y/N} In writing*? {Y/N}
If yes, when? _____ What was their response? _____

12. Do you have a second mortgage on the property*? {Y/N}

a. Name of Lender/Service: _____

b. Mortgage Identification Number: _____

(If unable to find, ask for original loan amount \$ _____)

c. Is the mortgage in your name only? {Y/N}

If no, please provide the full names of any other borrowers named on your mortgage:

Co-Borrower 1's Full Name: _____

Co-Borrower 2's Full Name: _____

Co-Borrower 3's Full Name: _____

d. Are you behind in payments? {Y/N} If yes, number of months behind: _____

- e. Did you ever contact your lender about a loan modification? {Y/N} In writing*? {Y/N}
If yes, when? _____ What was their response*? _____

III. MORTGAGE RESCUE SCAM DETAILS

An asterisk () denotes when the related documents should be collected.*

A. CONTACT INFORMATION

1. Information about company:

Company/Organization name: _____

Person who worked with you: _____ **Title:** _____

Other people at the company/organization: _____ **Title:** _____
_____ **Title:** _____

Address: _____

Phone: _____ **Website:** _____

Email: _____

Any affiliated companies, if known (include as many as needed):

Company/Organization name: _____

Person who worked with you: _____ **Title:** _____

Other people at the company/organization: _____ **Title:** _____
_____ **Title:** _____

Address: _____

Phone: _____ Website: _____

Email: _____

2. When did you find out about the company or individual? _____

3. How did you first learn about this company or individual?

- a. Circle: They contacted me first / I contacted them first (check all that apply)
- Advertisement* – circle method
 - Billboard
 - Flyer – Fax Mailing Placed on car Posted in public area
 - Internet – Website Other
 - Newspaper/Magazine
 - Radio
 - Television
 - Approached in person – circle method
 - At a modification event
 - If at a modification event, where: _____
 - At your home
 - On the street
 - Other: _____
 - Email*
 - Phone – circle method
 - Mobile/cell phone – call
 - Mobile/cell phone – text
 - Landline
 - Word-of-mouth
 - Colleagues/coworkers
 - Friends
 - Relatives
 - Other: _____
 - Unknown/don't remember

4. How did you respond (if company initiated contact):

- Answer cold call
- Fax
- In person
- Internet/Email*
- Mail
- Phone – circle method
 - Mobile/cell phone – text
 - Toll free
 - 1-900 number
 - International
 - Other
- Other
- Unknown/don't remember

5. In what language were you contacted?

- Chinese (Cantonese / Mandarin) English Korean Spanish Other _____

6. Are you still in contact with the company/individual? {Y/N}

- a. Date of Last Contact: _____

7. What services did the individual or company claim to offer? (Circle all that apply)

- Loan modification assistance/consulting Foreclosure relief/consulting

Legal Representation

Offer to purchase your property

Refinancing

Bankruptcy

Reverse Mortgage

Other: _____

NOTES: (e.g., Did the company tell you how long it would take to complete these services? How did the company make these promises – email*, fax*, in person, in writing*, phone?):

8. Were any of the individuals or company representatives that you worked with identified as lawyers, attorneys, or “legal advisors”? {Yes No Don’t know}

If yes, please tell me briefly about the direct interaction and communication you had with the lawyer (e.g., how often and for how long you met with him or her, what services he or she provided you, etc):

Note: Please ask follow-ups to try to determine if the lawyer(s) actually provided any legal services to the homeowner, or whether the company merely used the “attorney status” to attempt to meet an attorney exception to laws banning collection of upfront fees.

If no, did the company or individual state that it had a lawyer, attorney, or “legal advisor” that it worked with?

{Yes No Don’t know}

What is the lawyer or legal advisor’s name? _____

And do you have a business card* from the lawyer/legal advisor? {Y/N}

9. Were you behind on your mortgage payments when you started communicating with this company or individual? {Y/N}

If yes, how many months? _____

B. PAYMENT QUESTIONS

10. Were you asked to pay a fee before the company or individual began providing services? {Y/N}

If yes:

a. What were you told the fee was for? _____

b. Approximately how much did they ask you to pay? {\$ _____ Don’t Remember}

c. Did you pay it? {Y/N}

If yes,

i. Approximately how much did you pay? _____

ii. On approximately what date did you pay? _____

iii. Method of payment:

1. Automatic Bank Withdrawal

2. Cash

3. Check* – circle method

a. Certified Personal Other

b. To whom: Company Individual(s):

4. Credit Card* _____

If you paid by credit card, have you contacted your credit card company to register a dispute¹? {Y/N}

- 5. Debit Card*
- 6. Money Order* – circle method
 - a. Bank Personal Other
- 7. Payroll Adjustment*
- 8. Phone Bill*
 - a. Mobile Phone Bill VoIP Phone Bill
- 9. Wire Transfer* – circle company used
 - a. MoneyGram Western Union Other
- 10. Other

d. Do you have receipts or other records* of the payment? {Receipts Other Record No}

-- If selected cash, certified check, or wire transfer, ask: Were you told that you could only pay by cash, certified check, or wire transfer? {Yes No Don't Remember}

11. Were you advised to stop making mortgage payments to your loan servicer? {Y/N}

If yes,

- a. Did you stop payments? {Y/N}
- b. Did you notify your loan servicer of your intentions? {Y/N}
- c. During what period did you stop paying? _____ to _____

12. Were you advised to make your mortgage payments to someone other than your loan servicer? {Y/N}

a. If yes, did you do so? {Y/N}

If yes again:

- i. To whom did you make the payments?
{Company Individual: _____ Other: _____}

1. If "Individual" or Other", provide address payments were sent to:

- ii. How many payments did you make to this entity? _____
- iii. During what period did you make your mortgage payments to this entity?
 - 1. _____ to _____
- iv. Approximately what was the total amount paid? \$ _____
- v. Were you told that the payments would be forwarded to you loan servicer?
{Yes No Don't Remember}

If yes, were the payments forwarded to your servicer? {Yes No Don't Know}

- vi. Approximately how much did you pay? _____
- vii. On approximately what date did you pay? _____

¹ NOTE: Under the Federal Fair Credit Billing Act, consumer has 60 days from the time that he or she receives the relevant statement to dispute the charge.

viii. Method of payment:

1. Automatic Bank Withdrawal*
2. Cash
3. Check*
 - Certified Personal Other
 - To whom: Company Individual(s):

4. Credit Card*

If you paid by credit card, have you contacted your credit card company to register a dispute²? {Y/N}
5. Debit Card*
6. Money Order* – circle method
 - Bank Personal Other
7. Payroll Adjustment
8. Phone Bill*
 - Mobile Phone Bill VoIP Phone Bill
9. Wire Transfer* – circle company used
 - MoneyGram Western Union Other
10. Other: _____

-- If selected cash, certified check, or wire transfer, ask: Were you told that you could only pay by cash, certified check, or wire transfer? {Yes No Don't Remember}

13. Were you asked to make any other payments to the individual or company (other than an advance fee or mortgage payments)? {Y/N}

If yes:

- a. How many payments did you make? _____
- b. On approximately what date(s) did you pay? _____
- c. What were you told the payments were for? _____
- d. How much did you pay (total)? _____
- e. Did you send payments to a different address than the one you provided for the company above?

If yes, please provide the address:

f. Method of payment:

- i. Automatic Bank Withdrawal*
- ii. Cash
- iii. Check*
 - Certified Personal Other
 - To whom: Company Individual(s):

- iv. Credit Card*

² NOTE: Under the Federal Fair Credit Billing Act, consumer has 60 days from the time that he or she receives the relevant statement to dispute the charge.

- If you paid by credit card, have you contacted your credit card company to register a dispute³? {Y/N}
- v. Debit Card*
 - vi. Money Order *– circle method
 - o Bank Personal Other
 - vii. Payroll Adjustment*
 - viii. Phone Bill*
 - o Mobile Phone Bill VoIP Phone Bill
 - ix. Wire Transfer* – circle company used
 - o MoneyGram Western Union Other
 - x. Other: _____
- g. Do you have receipts or other records* of the payment? {Receipts Other Record No}

-- If selected cash, certified check, or wire transfer, ask: Were you told that you could only pay by cash, certified check, or wire transfer? {Yes No Don't Remember}

14. What services did the individual or company claim it was going to provide in exchange for your payments? (Check all that apply)

- | | |
|---|---------------------------------|
| Loan modification assistance/consulting | Foreclosure relief/consulting |
| Legal Representation | Offer to purchase your property |
| Refinancing | Bankruptcy |
| Reverse Mortgage | Other: _____ |

NOTES: _____

C. GUARANTEE QUESTIONS

15. Did the company or individual guarantee you a loan modification? {Y/N}

NOTES: _____

16. Did the company or individual guarantee that you would be able to avoid foreclosure? {Y/N}

NOTES: _____

17. Did the company claim to have a certain success rate in modifying loans and/or saving homes from foreclosure (ex, 90% success rate in obtaining loan modifications)? {Y/N}

If yes, what success rate did it claim? ____

18. Were you promised that your credit would be protected? {Y/N}

19. Did the company or individual ever claim an affiliation with the government (e.g., FDIC, HUD, “Obama Plan”)? {Y/N}

If yes, was it verbal? {Y/N} In writing*? {Y/N}

20. Did the company or individual ever tell you that you can obtain free help from HUD-approved housing counselors? {Y/N}

D. DOCUMENT AND TITLE TRANSFER QUESTIONS

21. Did you sign any documents provided by the company or individual? {Y/N}

³ NOTE: Under the Federal Fair Credit Billing Act, consumer has 60 days from the time that he or she receive the relevant statement to dispute the charge.

If yes:

- a. Did they include any of the following types of documents?
 - o Agreement that you will not contact your lender
 - o Agreement that you will halt your mortgage payments or to make the payments to someone other than your lender
 - o Contract for an attorney's services
 - o Contract for the company's service
 - o New mortgage agreement
 - o Transfer of the title of your property
 - o Other: _____
- b. Do you have copies of any of the documents*? {Y/N}
 - i. If no, did the company or individual ever offer you a copy of the document you signed? {Y/N}
- c. Did the documents look like they were from your lender? {Yes No Unsure/Don't remember}
- d. Were they written in your primary language? {Y/N}
- e. Did the company/individual adequately explain the documents to you, and give you plenty of time to read the documents? Do you feel that you fully understood what you were signing?

- f. Were you advised that you could have your attorney review the documents prior to signing?
{Yes No Unsure/Don't Remember}

22. Were you advised by the company or individual not to contact your lender, an independent attorney, or anyone else while the company/individual provided you services? {Yes No Unsure/Don't Remember}

23. Were you encouraged to transfer your deed or title to the individual/company, or to a 3rd party? {Y/N}

If yes, did you transfer the title? {Y/N}

If yes:

- a. To whom did you transfer the title? _____
- b. Were you paid for the title? {Y/N}
 - If yes, how much?_____ What was the market value of the property at the time, if known?_____
- c. Were you told that you would be able to buy back the property? {Y/N}
 - If yes, have you done so? {Y/N}
- d. Do you have any of the documents you signed*? {Y/N}

NOTES: _____

E. SERVICES PROVIDED AND ACTIONS TAKEN

24. What services did you receive, if any? Did they ever provide proof in writing*?

25. Did the company or individual ever contact your lender? {Y/N}

26. Did the company or individual ever ask you to lie to your bank, your mortgage servicer, or anyone else about your income or any other detail of your life? {Y/N}

Most mortgage servicers maintain a “contact log” that keeps track of each time a homeowner or a third-party interacts with the servicer. If your servicer keeps this type of log, it might be helpful to obtain it, so that we can determine whether your loan modification company ever actually contacted the bank. In order to do this, we would need you to sign a waiver, allowing us to receive a copy of the contact log from the bank. Would you be willing to do this? {Y/N}

27. Did the company or individual apply for a loan modification on your behalf? {Y/N}

If yes, did you receive a decision about the application? {Y/N}

If yes, when? _____ Do you have a letter from the bank or any notices*? {Y/N}

28. Did the company or individual take any action that you did not expect, such as: (check all that apply)

- File for bankruptcy in your name?
- Transfer title of your property?
- Retain mortgage payments it told you would send to your lender?
- Other _____

29. Were you promised a refund if the company failed to perform certain services? {Y/N}

If yes, what were the terms for a refund? _____

30. Have you tried to obtain a refund from the company or individual? {Y/N}

If yes:

- a. When did you ask for the refund? _____
- b. Who did you ask? _____
- c. How did you ask for a refund? In person Phone Writing/email*
- d. How did the company or individual respond? _____
- e. Do you have records of your request and/or the company’s response*? {Y/N}

31. Are you worse off financially now compared to when you first hired the company? {Y/N}

32. Are you at greater risk of foreclosure? {Y/N}

33. Did your home go into foreclosure as a result of the services provided (or not provided) by the company? {Y/N} Have you lost your home? {Y/N}

34. Has your credit rating or FICO score* decreased as a result this incident? {Y/N}

35. Have you faced any other financial penalties or injuries as a result of this company? {Y/N}

If yes, provide details and any documentation*: _____

36. Have you contacted any government agencies, arbitration services, or attorneys regarding the company or individual? {Y/N}

If yes*:

- a. Please provide the name, address, and telephone number of the agencies and/or individuals you contacted:
Name: _____ Agency: _____
Title: _____ Phone Number: _____

Address: _____

- b. Is court action* against the company or individual pending? {Y/N}
 - 1. If yes,
 - a. Court district (if known)? _____
 - b. Case number (if known)? _____

37. If, at the end of this investigation, we decide to file a lawsuit against the companies/individuals, would you be interested in participating? {Y/N}

REMINDER:

Ask for all available documents, including loan modification contract, e-mails, letters, company advertisements, bank statements, proof of payment, and mortgage documents. Make sure you arrange to have these documents transmitted to you if the homeowner did not bring them with him/her.

ADDITIONAL NOTES ABOUT THE SCAM:

IV. EVALUATION OF HOMEOWNER

Overall impressions of homeowner and interview:

Next steps:

