

# Office of the New Mexico Attorney General

## Complaint form for Mortgage Lenders and Mortgage/Foreclosure Assistance Scams

Office of the Attorney General  
Consumer Protection Division  
201 3rd Street NW, Suite 300, Albuquerque, NM 87102



**Keep Your Home** NewMexico.org

*A Program of the New Mexico Attorney General's Office* 

If you would like to file a complaint with the Office of the Attorney General regarding your mortgage lender or if you believe to have been a victim of a scam regarding mortgage/foreclosure assistance please fill out the attached form. This complaint form is pertaining **ONLY** to mortgage lenders and mortgage/foreclosure assistance scams. If you are struggling with your mortgage or in foreclosure you should contact the OAG's "Keep Your Home New Mexico" hotline at 1-800-220-0350. For more information you can visit our website at [www.KeepYourHomeNewMexico.org](http://www.KeepYourHomeNewMexico.org). The hotline will put you in touch with housing counselors who will provide you with assistance on the process of your loan modification and attorneys who can help with your foreclosure if you qualify.

**You should seek legal counsel immediately if you have received a foreclosure summons as there are deadlines for responding to a foreclosure lawsuit.** If you are not sure whether a lawsuit has been filed you can log into [www.nmcourts.gov](http://www.nmcourts.gov) and use On-line Case Lookup to locate any case.

The Office of the Attorney General is prohibited by law from giving legal advice or opinions to individual citizens. The Attorney General is the attorney solely for the State of New Mexico. The Office of the Attorney General **CANNOT** represent you in a judicial foreclosure case and we urge you to contact the hotline to determine if you are eligible for free legal services or contact a private attorney to assist you with any court case.

If you have further questions regarding the program please contact our office at 1-800-220-0350. **Once you have completed the complaint form please mail the form and all supporting documents to the above address (please do not send originals).**

If you are an individual who needs special assistance to complete this form, please contact the Consumer Protection Division at 1-844-255-9210 or 1-800-220-0350. This complaint can be provided in various accessible formats.

If you have a complaint or questions regarding any other issue please contact the Consumer Protection Division at 1-844-255-9210 or (505) 717-3500 or visit [www.nmag.gov](http://www.nmag.gov) and click on "File a Complaint" tab.

# Section 1-Required Consumer Information for all Complaints

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

Mailing Address (If different than physical):

City: \_\_\_\_\_

\_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_

\_\_\_\_\_

Cell Phone: \_\_\_\_\_

Preferred method of written contact from the  
Attorney General's office:  Email  Mail

Other: \_\_\_\_\_

1. Are you currently working with a housing counseling agency? Yes \_\_\_\_\_ No \_\_\_\_\_

- Housing Counseling Agency: \_\_\_\_\_
- Housing Counselor's Name and Contact Information: \_\_\_\_\_

2. Are you currently in foreclosure? Yes \_\_\_\_\_ No \_\_\_\_\_

- What is your foreclosure case number: \_\_\_\_\_

3. Are you currently represented by an attorney? Yes \_\_\_\_\_ No \_\_\_\_\_

- Attorney's Contact Information: \_\_\_\_\_

4. Please indicate all that apply:

Please fill out applicable questions in Section 2 – Mortgage Foreclosure Scam

- Paid a company **upfront** for mortgage/foreclosure assistance
- Advised to not make payments to qualify for mortgage assistance

Please fill out applicable questions in Section 3 – Mortgage Lenders

- Issues with the Short Sale or Deed In Lieu Process
- Incorrect accounting of payments
- Forced placed insurance
- Issues with the Loan Modification Process
- Unfairly sent to foreclosure
- Have been making payments on a Trial Payment Plan for more than 4 months
- Advised to not make payments to qualify for mortgage assistance
- Other: \_\_\_\_\_

5. What would you consider to be a fair resolution of this complaint?

\_\_\_\_\_  
\_\_\_\_\_

**Fill out Section 2** – for mortgage/foreclosure scams

**Fill out Section 3** – for issues with your mortgage lender

**PLEASE INCLUDE A DETAILED STATEMENT/TIMELINE DESCRIBING YOUR EXPERIENCE WITH THE LENDER AND/OR MORTGAGE/FORECLOSURE ASSISTANCE SCAM COMPANY. ATTACHED IS A STATEMENT/TIMELINE FORM FOR YOUR CONVIENIENCE.**

## **Section 2 – Mortgage/Foreclosure Scam**

New Mexico consumers are protected by state and federal laws that prohibit most companies from taking fees for mortgage/foreclosure assistance before the services are provided. Please fill out the information below if you have paid a company upfront for mortgage/foreclosure assistance.

Have you paid anyone to help you obtain or include you in a (mark all that apply)?

1. Loan Modification
2. Foreclosure Prevention
3. Class Action Lawsuit
4. Forensic Loan Audit

If so, please provide the following information regarding the company.

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

City: \_\_\_\_\_

Contact Person: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

1. How were you contacted by the company?

- Mail (please provide the letter)
- Telephone
- Email
- Other: \_\_\_\_\_

2. How much did you pay the company? \_\_\_\_\_

3. How did company receive the payment(s) (mark all that apply):

- Check
- Credit Card
- Debit Card
- Deposited funds into specified account
- ACH (signed agreement of payment amount on a specific date for a set period)
- ECheck (you provided them with your bank account & routing number over the phone)

4. What was your understanding of what you would be receiving after you contracted with the company/individual? (Please mark all that apply)

- They would communicate with your servicer to get you approved for a loan modification
- They would advise you of your options regarding a loan modification or other options
- You were approved for a loan modification
- You would have attorney representation if a foreclosure case was filed
- You hired the company/individual to represent you in your current foreclosure

Please provide us with a copy of all documents and/or emails that you received or sent to the company. If you sent the company any payments please provide a copy of your bank statement showing the withdrawals or your proof of payment.

Consumer Signature

Date

## Section 3 – Mortgage Lenders

If you're having issues with your mortgage lender please fill out the information below that pertains to your situation **and the Authorization Request** on the next page. If you are filing a complaint against a mortgage/foreclosure assistance company please fill out Section 2.

### **Mortgage Lender Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

1. Date of when the loan modification application was submitted: \_\_\_\_\_ (Please provide a copy of what was included in the initial packet and if you have a conformation receipt.)
2. Did you send in multiple applications? Yes \_\_\_\_ No \_\_\_\_
  - o Dates of when the subsequent applications were submitted: \_\_\_\_\_
3. How did the bank inform you that the application(s) were received:
  - o Telephone
  - o Mail (please provide letter)
  - o Didn't receive a notice
4. Were you informed of any missing documents? Yes \_\_\_\_ No \_\_\_\_ (If yes, please provide the letter(s) or date of phone call(s).  
\_\_\_\_\_
5. Did you provide additional documents within the requested time? Yes \_\_\_\_ No \_\_\_\_
6. Were you notified as to whom your specific Customer Relation Manager (CRM) was? Yes \_\_\_\_ No \_\_\_\_
  - o Were you able to easily contact your CRM? Yes \_\_\_\_ No \_\_\_\_
  - o Did your CRM explain your available options? Yes \_\_\_\_ No \_\_\_\_
  - o Did your CRM assist you with pursuing alternatives to foreclosure after you were properly denied? Yes \_\_\_\_ No \_\_\_\_
  - o Did you have multiple CRM's assigned to your loan? Yes \_\_\_\_ No \_\_\_\_
7. Have you receive a determination on your loan modification application? Yes \_\_\_\_ No \_\_\_\_ (If yes please provide the letter).
8. Are you currently in a Trial Payment Plan? Yes \_\_\_\_ No \_\_\_\_  
When did the agreement start? \_\_\_\_\_ (Please provide a copy)
9. Has your loan been transferred to another servicer since you started the loan modification process?  
Yes \_\_\_\_ No \_\_\_\_ If yes, please indicate an approximate date of when the transfer occurred and who your loan was transferred to. (Please include any notice of transfer letters)  
\_\_\_\_\_

In order for your bank to provide our office with your information please fill out and sign the Authorization Request on the next page.

## AUTHORIZATION REQUEST

I authorize \_\_\_\_\_ to release information about my loan on the property located at:  
(BANK/LENDER)

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(PLEASE PRINT PROPERTY ADDRESS)

To: The Office of the New Mexico Attorney General  
201 3rd Street, NW Suite 300  
Albuquerque, NM 87102

My loan number is \_\_\_\_\_.

This authorization is good for \_\_\_\_\_ (Expiration Date) or for the life of the loan if no expiration date is specified. However, this authorization can be revoked, in writing, at any time.

Borrower Name Please Print

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Borrower Signature \_\_\_\_\_

Date \_\_\_\_\_

Last 4 digits of SSN \_\_\_\_\_

• A Power of Attorney or court order is required for any authorized party/parties to make changes to loan information.





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