

Comptroller of the Currency
Administrator of National Banks

June 15, 2012

Gregory P. LaPorta
7260 Early Pioneer Avenue.
Las Vegas NV 89129

Re: Case#: 01263610
BANK OF AMERICA, NATIONAL ASSOCIATION

Dear Mr. LaPorta:

The Office of the Comptroller of the Currency (OCC) is responding to your letter against the above-mentioned bank. The focus of the OCC's review of consumer complaints against national banks and federal savings associations (thrifts) is to determine if the financial institutions' actions are consistent with banking statutes, regulations or any policies that are applicable to nationally chartered banking institutions and thrifts.

In your correspondence, you indicated that you were making a Qualified Written Request (QWR) as provided under the Real Estate Settlement Procedures Act (RESPA). As such, you requested copies of loan documentation for validation of your debt.

The OCC contacted the bank to have them review your concerns. The bank responded directly to you and our office regarding your request and complaint. The bank has provided you with a loan payment history, a copy of the Note and Security Instrument, HUD-1 Settlement Statement, Loan Application, Appraisal Report, Truth in Lending, Good Faith Estimate, and Applicable Disclosures. The bank further stated that any documents requested but not included are proprietary.

RESPA

For purposes of the RESPA provisions regarding QWRs, the term "servicing" means:

The Customer Assistance Group's consumer complaint process is a service that is provided to customers of national banks and federal savings associations (thrifts). Information provided within this letter is specifically related to an individual consumer complaint and should not be construed as either a legal opinion of the OCC or a supervisory action. If you are not satisfied with the resolution of your complaint, you may wish to consult legal counsel so as to preserve your rights.

Customer Assistance Group, 1301 McKinney Street, Suite 3450, Houston, Texas 77010-9050
Phone: (800) 613-6743, FAX: (713) 336-4301
Internet Address: www.helpwithmybank.gov

The term “servicing” means receiving any scheduled periodic payments from a borrower pursuant to the terms of any loan, including amounts for escrow accounts described in section 2609 of this title, and making the payments of principal and interest and such other payments with respect to the amounts received from the borrower as may be required pursuant to the terms of the loan. 12 USC 2605(i)(3).

A servicer is responsible for the “servicing of a loan (including the person who makes or holds a loan if such person also services the loan).” 12 USC 2605(i)(2).

A QWR is defined as written correspondence that identifies the account of the borrower and includes “a statement of the reasons for the borrower’s belief of the borrower that the account is in error or provides sufficient detail to the servicer regarding other information sought by the borrower.” A servicer is charged with acknowledging the QWR within 20 days. 12 USC 2605(1)(B).

Within 60 days, the servicer must make necessary corrections to the account, explain that the account is accurate, provide the information requested, or explain why the information the information requested is unavailable or cannot be obtained by the servicer. 12 USC 2605(e)(2).

Hardship

If you are experiencing any hardship or are seeking a loan modification, please contact the bank. In addition, you may contact a housing or financial counselor by contacting the U.S. Department of Housing and Urban Development (HUD) at (800) 569-4287 or (877) 483-1515, or go to www.hud.gov/offices/hsg/sfh/hcc/hccprof14.cfm. You also can find out more information on these federal mortgage modification and refinancing programs by referring to www.makinghomeaffordable.gov.

Please note that the OCC has recently issued a consumer advisory on “Avoiding Mortgage Modification Scams and Foreclosure Rescue Scams,” which is available at <http://www.occ.gov/news-issuances/consumer-advisories/2011/consumer-advisory-2011-1.html>. This advisory describes new rules issued by Federal Trade Commission, which has advised there is no evidence that forensic loan audits will help you get a loan modification or any other foreclosure relief.

Conclusion

Based on our review, it appears the bank has responded to your request for your loan documentation. You did not provide any specific detailed information. As such, these claims

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were very broad and vague. Once you review the loan documents the bank provided to you and if your review re-enforce your beliefs, you will need to provide a more detailed complaint describing the basis of your claims so the bank will be able to further review. At this time, it appears the claims submitted are factual. The OCC is a regulatory agency charged with enforcing banking statutes, regulations or any policies that are applicable to nationally chartered banking institutions. We are not authorized to resolve factual disputes between national banks and their customers.

Information about complaints is generally considered during examinations. During an examination, national bank examiners may review bank operations in such areas as commercial and consumer lending, investment, and fiduciary activities. We may also assess the quality control systems employed by banks as well as qualifications and performance of key management personnel.

However, the information obtained during our examinations is exempt from public disclosure under Exemption 8 of the Freedom of Information Act. Exemption 8 covers matters "contained in or related to examination, operating or condition reports prepared by, or on behalf of, or for the use of the Comptroller's Office.

The OCC regulates and examines national banks to ensure their safe and sound financial condition and compliance with banking laws and regulations. The OCC's consumer complaint process was established to ensure that bank customer's legal rights are protected. Information gathered from consumers is made available to the national bank examiners for their use in the bank examination process.

We trust this is responsive to your issues. If we can assist you in the future, please do not hesitate to contact our office.

Sincerely,

Customer Assistance Group

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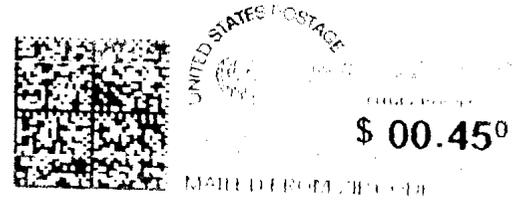
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OFFICIAL BUSINESS



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