

From: Ed Vallejo [REDACTED]
Sent: Thursday, November 18, 2021 3:00 AM
To: DFPI Regulations <REGULATIONS@dfpi.ca.gov>
Cc: Teena Colebrook [REDACTED]; Niki Wise [REDACTED]; Leo Blas [REDACTED]; Tom Kibler [REDACTED]; Eric Mesi [REDACTED]
Subject: Fw: Extension to Submit Comments for Notice of Second Modifications to Proposed Regulations: Debt Collection Licensing Act (PRO 02/20)

**Department of Financial Protection and Innovation,
Attn: Sandra Sandoval,
300 S. Spring Street, Suite 15513,
Los Angeles, California 90013.**

Dear Sirs:

We would like to include legal concerns related to provisions of Regulation X and of the Real Estate Settlement Procedures Act (RESPA). RESPA aims to make sure that consumers are provided with better and more timely information about settlements and to protect them from abusive practices; Reg X amends RESPA.

Attached you will find a Class Action against a servicer:

**Select Portfolio Servicing (SPS)
SPS, PO BOX 65250
SALT LAKE CITY
UTAH 84165-0250**

Dear SPS:

As you know we have filed a Class Action complaint against you and you have failed to reply to our Qualified Written Request (QWR) and send my Attorney the documents requested, among them a copy of the note and information when and where we can audit the ORIGINAL Note.

This class action brings suit against Select Portfolio Servicing, Inc. (SPS). The legal concerns relate to provisions of Regulation X and of the Real Estate Settlement Procedures Act (RESPA). RESPA aims to make sure that consumers are provided with better and more timely information about settlements and to protect them from abusive practices; Reg X amends RESPA.

A borrower has a right to submit a "qualified written request" (QWR) to a mortgage servicer, either requesting information or asserting that the borrower's account is in error, and to receive a timely response to such a letter.

RESPA specifies how quickly a mortgage servicer must acknowledge a QWR and either resolve the issue or provide an explanation of why no resolution is necessary. It also requires that the

answer “include the name and telephone number of a representative of the servicer who can provide assistance to the borrower.”

Reg X expanded what servicers owed to borrowers under RESPA. Among other things, it added new categories of inquiries: Requests for Information (RFIs) and Notices of Error (NOEs). It also provides circumstances in which servicers don't need to provide an answer to an inquiry.

There are at least two other plaintiffs in this case who are protesting the lack of proper responses to their inquiries.

One of them, George C. Koustis, for example, sent SPS an RFI and two other covered inquiries, including a request for a payoff statement and a request asking about the owner or assignee of his loan. He sent these on May 21, 2020.

SPS did not send him the payoff statement he had requested. The complaint says, “On or about June 26, 2020, SPS sent [a letter] to Koustis’s counsel stating that it would not be providing a detailed response to the Koustis Inquiries because his account and the issues presented in the Koustis Inquiries ‘are part of an ongoing litigation[.]’” While SPS did send him a copy of his “Servicing File,” the complaint claims this was incomplete and did not contain all the information requested.

On July 6, 2020, Koustis sent another letter to SPS by certified mail. Again, SPS refused to answer because the issues were “part of an ongoing litigation[.]”

Another inquiry produced the same results. Around September 2, 2020, he finally received a payoff statement. In reference to his other inquiries, he received only another “active litigation” letter.

Our complaint alleges that SPS is not entitled, under RESPA or Reg X, to refuse to provide an answer because of “ongoing litigation.”

The class for this action is all borrowers in the US (1) who sent SPS a QWR, RFI, NOE, or other covered inquiry, and to whom SPS did not provide a complete response or did not perform an investigation as required on the grounds that the issues are “part of an ongoing litigation.”

We have also sent SPS multiple QWRs for information regarding our note and they have refused to provide the information to our Attorney. Please see below:

Juliet Stead, Paralegal

Lemberg Law LLC

43 Danbury Road | Wilton | CT | 06897

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As agreed, I have requested that you send the Attorney any and all correspondence and or information regarding any and all accounts you have open under my name, and any and all accounts and information regarding:

WILMINGTON SAVINGS FUND SOCIETY, FSB, TRUST, TRUSTEE OF CSMC 2019-RPL 10 TRUST, C/O: SPS, PO BOX 65250, SALT LAKE CITY, UTAH 84165-0250, and any others.

I do not have any contract nor account with you, nor with any of the Companies or Trusts mentioned above, and have not authorized your company or any other company mentioned above to act on my behalf.

Pursuant to RESPA, TILA, FDCPA, FCA, I will be proceeding to subpoena any and all documents and records held by you under my name, and once against demand that you **cease and desist** from sending me any other debt collection letters and or contacting me directly in any way, shape or form.

Sincerely,

Ed Vallejo
[REDACTED]
[REDACTED]

Cc: [Lemberg Law LLC](#).

Thank you and we await your reply.

Sincerely,

Mr. Ed Vallejo
[REDACTED]
[REDACTED]

Tel: [REDACTED]