

Traci St. Claire  
8390 Emerald Pointe Lane  
Gainesville, GA 30506  
404-606-3021  
tracistclaire@gmail.com

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
**In re**

**DITECH HOLDING CORPORATION, et al.,**  
  
**Debtors.<sup>1</sup>**  
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**Chapter 11  
Case No.: 19-10412 (JLG)**

**(Jointly Admininistered)**

**DECLARATION OF TRACI ST. CLAIRE IN SUPPORT OF OBJECTION TO  
MOTION OF WIND DOWN ESTATES FOR ENTRY OF FINAL DECREE (I)  
CLOSING SUBSIDIARY CASES; AND (II) GRANTING RELATED RELIEF,  
(III) MOTION TO ENFORCE CONSUMER PROVISIONS OF THE PLAN AND  
CONFIRMATION ORDER AND (IV) THAT DEBTORS AND THEIR COUNSEL  
BE HELD IN CONTEMPT AND SANCTIONED**

Pursuant to 28 U.S.C. § 1746, I, Traci St. Claire, hereby declare under penalty of

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The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, as applicable, are Ditech Holding Corporation (0486); DF Insurance Agency LLC (6918); Ditech Financial LLC (5868); Green Tree Credit LLC (5864); Green Tree Credit Solutions LLC (1565); Green Tree Insurance Agency of Nevada, Inc. (7331); Green Tree Investment Holdings III LLC (1008); Green Tree Servicing Corp. (3552); Marix Servicing LLC (6101); Mortgage Asset Systems, LLC (8148); REO Management Solutions, LLC (7787); Reverse Mortgage Solutions, Inc. (2274); Walter Management Holding Company LLC (9818); and Walter Reverse Acquisition LLC (8837). The Wind Down Estates' principal offices are located at 2600 South Shore Blvd., Suite 300, League City, TX 77573.

perjury and state as follows:

1. I am a secured creditor in the above-mentioned case and have personal knowledge of the facts set forth herein.
2. During Ditech's bankruptcy, I sent qualified written requests, requests for information and notices of error under RESPA that were ignored.
3. On March 16, 2019, in response to a foreclosure notice, I called Ditech Financial and spoke to Heather who told me that she could not speak to me regarding my loan at all. Because Ditech did not have policies and procedures in place to continue servicing in the interim, I was denied a Single Point of Contact under 12 CFR § 1024.40. I was denied the opportunity to get my loan accounting corrected and to receive available loss mitigation options before the loan was transferred to New Rez.

Attached as **Exhibit A** is a transcript of the recording between myself and Ditech's representative. The audio link can be found here:

[https://drive.google.com/file/d/1oHo0drxbz1l7AT1ZQCzrOc\\_5BohXUQm9/view?usp=sharing](https://drive.google.com/file/d/1oHo0drxbz1l7AT1ZQCzrOc_5BohXUQm9/view?usp=sharing)

4. Because the loan was allegedly in default upon transfer to the New Rez d/b/a Shellpoint, I reached out to my assigned Single Point of Contact William David Chapman to inquire about a loan modification and attempt to get the accounting corrected. Mr. Chapman refused to speak to me and I was advised that Shellpoint's legal team would call. They never called once, even after multiple follow up emails.

Attached as **Exhibit B** is a copy of the email exchange between myself and Shellpoint's representative David William Chapman.

5. As a result of Ditech and Shellpoint's failure to correct the issues with the loan, I have been charged unnecessary and excessive fees when I all that I wanted was the account corrected, the escrow waived as is my right under the contract, especially since Ditech and now Shellpoint can't seem to manage the escrow account, to protect my rights under the contract, and to bring the loan current.

Attached as **Exhibit C** is a breakdown of the fees charged to the loan by both Ditech and Shellpoint. To the best of my knowledge, these fees are accurate through November 2021.

6. Ditech and its attorneys along with Shellpoint and its attorneys have used the prior litigation, the complexity of Ditech's bankruptcy, its insolvency and the pandemic to steal my home equity by charging fees that they were not entitled to collect under the contract, but in violation of Fannie Mae's Servicing Guide.

7. I was forced to file for Chapter 13 on December 3, 2021 to stop the foreclosure of my home.

Respectfully submitted, this 10th day of December, 2021.

By: /s/ Traci St. Claire  
Emerald Pointe Lane  
Gainesville, GA 30506  
404-606-3021  
tracistclaire@gmail.com

## EXHIBIT A

<https://recordings.tapeacall.com/t/4MrL6JLCItf0>

00:00

Speaker 2

We are proud to be your mortgage servicer, but espanyol. I'm paying your annual IRS tax and interest statement any time by visiting us online. At. We are experiencing significant call volumes and your whole Times May exceed. Twenty minutes. We are working diligently to resolve this issue and urge you to use our website or automated phone system. To obtain any information you may need. Especially if you're calling to make a payment where both options are cheaper and faster than speaking to an agent. We appreciate your patience and apologize for the delay. I found an account using your phone number for verification. Please say, or enter the last four, digits of your Social Security number. Thanks. Please hold while we access your account information. the amount of interest paid on this account, in 2018, was this call may be monitored or recorded for quality purposes. Please hold while your call is being transferred. This call may be monitored or recorded for quality

00:01

Speaker 4

purposes. Thank you for calling ditech. This call may be monitored or recorded for quality assurance purposes. This is Heather. Can I have the account number?

00:01

Speaker 2

Sure, it is 300-846-1075. Thank you. Bear

00:01

Speaker 4

with me. And your name, ma'am, Tracy Sinclair wage. Thank you. Your mailing address

00:02

Speaker 2

8390. Emerald, Pointe Lane Gainesville,

00:02

Speaker 4

and the last four digits of your Social

00:02

Speaker 2

six, seven.

00:02

Speaker 4

Thank you. And so missing, Claire, I apologize, but I'm not able to discuss the details of this account with you. You would need to submit any inquiries in

00:02

Speaker 2

writing off really well. I just received a letter dated March 4th that

said to call you immediately.

00:02

Speaker 4

Yeah, unfortunately you you're required to submit. Any inquiries in

00:02

Speaker 2

writing. Why is that? Are you servicing the

00:03

Speaker 4

loan? Again, ma'am. I can't discuss any details of this account with you. You need to submit any inquiries in writing. The customer service. Address is PO box. 6172. So again, it's PO Box.

00:03

Speaker 2

617 address. I will send them a written request. But just so, you know, I dispute the the amount owed. Will you be able to make a notation of that?

00:03

Speaker 4

Again? We can't discuss any details of the account with you. Anything that

00:03

Speaker 2

to discuss the details. I'm asking you to just Mark, the account is disputed. Isn't that a right? It says. So in a letter if you wish to dispute the delinquency or if you dispute the cash been writing ma'am. You know, you're threatening foreclosure, and you're getting all my

00:04

Speaker 4

God. We're not going to be discussing the details. So you go ahead and send in the written request. Any inquiries and writing you off accident. You could

00:04

Speaker 2

be servicing the loan, ma'am. Did you know that the Consumer Financial Protection Bureau said that you have to resolve all customer refused within 30

00:04

Speaker 4

days? Ma'am. We're not going to be able to get anywhere here with our conversation. So again, please anything that you would like to discuss anything that you would like to inquire about needs to come in Thursday trading. You can fax it to that mail it in

00:04

Speaker 2

that has not worked for me in the past.

00:04

Speaker 4

I apologize my

00:04

Speaker 2

account. Do you do? You realize how stressful? Oh, by the way, I I'm recording this entire conversation. Do you realize how stressful it is to me to receive a letter off after everything that I have been through? And after all of the letters that I have sent that? When I do send another letter, I'm just going to get a complaint that I have sent another letter. After all of that, then I received this letter, that died Tech is going to foreclose on the property and that you are offering lost my phone. Yes, Las Vegas assistance, but yet, I can't

00:05

Speaker 4

get that. Yeah, do you want to send it in and writing I sent do, you

00:05

Speaker 2

know how many letters that I have sent in writing that aren't

00:05

Speaker 4

answered. Well, unfortunately, Miss Sinclair you and I cannot discuss this account.

00:05

Speaker 2

What is it? Somebody on the phone that can discuss the account with me?

00:05

Speaker 4

Ma'am. The point is you need to send in any inquiries in writing bottom line,. Goodbye. Have a great day. Yeah, you too. Thank you, ma'am.

**EXHIBIT B**





Traci S. <tracistclaire@gmail.com>

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**Traci St. Claire Loan No. 0579400397**

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**LM\_Chapman, William (David)** <wchapman@shellpointmtg.com>  
To: Traci <tracistclaire@gmail.com>

Fri, Mar 27, 2020 at 11:40 AM

Good morning,

I apologize but I am unable to discuss the loan because it is in litigation. I will send a message to the Legal Department with your name and contact information and you will get a call back within 3-5 business days.

Thanks

**David Chapman**

Loss Mitigation Specialist II

Shellpoint Mortgage Servicing

Hours of Operation: Monday-Friday (8am-5pm MST)

NMLS ID 1137882

832-775-7753 (Direct)

866-825-2174 (toll free)



This message, and any attachments, is for the intended recipient(s) only, may contain information that is privileged, confidential and/or proprietary and subject to important terms and conditions available at <https://www.shellpointmtg.com/email-policy>. If you are not the intended recipient, please notify the sender by replying to this message and then delete this message from your system.

This is an attempt to collect a debt and any information obtained will be used for that purpose. This communication is from a debt collector.

If you are a customer in bankruptcy or a customer who has received a bankruptcy discharge of this debt: please be advised that this notice is to advise you of the status of your mortgage loan. This notice constitutes neither a demand for payment nor a notice of personal liability to any recipient hereof, who might have received a discharge of such debt in accordance with applicable bankruptcy laws or who might be subject to the automatic stay of Section 362 of the United States Bankruptcy Code. However, it may be a notice of possible enforcement of the lien against the collateral property, which has not been discharged in your bankruptcy.

New Penn Financial (dba Shellpoint Mortgage Servicing) Inc. is a licensed mortgage lender and debt collector. The following states require disclosure of licensing information that can be found by clicking here.  
<https://www.shellpointmtg.com/legal-disclosures>

<b>DATE</b>	<b>SERVICER</b>	<b>FEE</b>	<b>AMOUNT</b>
04/08/19	Ditech	Inspection Fee	15.00
04/08/19	Ditech	Inspection Fee	15.00
05/17/19	Ditech	Inspection Fee	15.00
05/20/19	Ditech	Inspection Fee	15.00
06/10/19	Ditech	Inspection Fee	15.00
06/25/19	Ditech	Inspection Fee	15.00
07/19/19	Ditech	Inspection Fee	15.00
08/15/19	Ditech	Inspection Fee	15.00
09/23/19	Ditech	Inspection Fee	15.00
11/13/19	Ditech	Inspection Fee	15.00
11/14/19	Ditech	Inspection Fee	15.00
12/17/19	Shellpoint	Inspection Fee	15.00
01/13/20	Shellpoint	Inspection Fee	15.00
02/17/21	Shellpoint	Inspection Fee	15.00
03/19/20	Shellpoint	Inspection Fee	15.00
04/15/20	Shellpoint	Inspection Fee	15.00
04/17/20	Shellpoint	Late Fee	38.03
05/14/20	Shellpoint	Inspection Fee	15.00
06/10/20	Shellpoint	Inspection Fee	15.00
07/13/20	Shellpoint	Inspection Fee	15.00
09/09/20	Shellpoint	Inspection Fee	15.00
10/14/20	Shellpoint	Inspection Fee	15.00
12/17/20	Shellpoint	Late Fee	38.03
12/31/21	Shellpoint	Inspection Fee	15.00
01/17/21	Shellpoint	Late Fee	38.03
01/28/21	Shellpoint	Inspection Fee	15.00
02/08/21	Shellpoint	Inspection Fee	15.00
02/17/21	Shellpoint	Late Fee	38.03
03/10/21	Shellpoint	Inspection Fee	15.00
03/17/21	Shellpoint	Late Fee	38.03
04/17/21	Shellpoint	Late Fee	38.03
04/26/21	Shellpoint	Inspection Fee	15.00
05/17/21	Shellpoint	Late Fee	38.03
06/08/21	Shellpoint	Inspection Fee	15.00

06/17/21	Shellpoint	Late Fee	38.03
07/13/21	Shellpoint	Inspection Fee	15.00
07/17/21	Shellpoint	Late Fee	38.03
08/17/21	Shellpoint	Late Fee	38.03
08/24/21	Shellpoint	Inspection Fee	15.00
09/10/21	Shellpoint	Attorney Costs	510.00
09/13/21	Shellpoint	Inspection Fee	15.00
09/20/21	Shellpoint	Title Cost	175.00
09/20/21	Shellpoint	Foreclosure Costs	595.00
09/21/21	Shellpoint	Foreclosure Costs	170.00
09/20/21	Shellpoint	Foreclosure Costs	300.00
09/20/21	Shellpoint	Certified Mail	7.86
10/08/21	Shellpoint	Inspection Fee	15.00
11/01/21	Shellpoint	Inspection Fee	15.00
11/02/21	Shellpoint	Foreclosure Costs	170.00
11/03/21	Shellpoint	Foreclosure Costs	170.00
11/03/21	Shellpoint	Attorney Costs	510.00
11/12/21	Shellpoint	Certified Mail	7.86
	<b>TOTAL</b>		<b>3,476.02</b>