

United State Bankruptcy Court for Southern District of New York

In re: ^{JG}
DITECH HOLDING CORPORATION, et al.
Wind Down Estates.



Chapter 11
Case No. 19-10412 (JLG)
(Jointly Administered)

Consumer Claim Trustee's Sixteenth Omnibus Objection to Proofs of Claim

Karen L. Frisbie
Opposing the disallowance of my Administrative Expense Claim in DITECH'S AND RMS'S
bankruptcy.

DITECH took over/bought my mortgage with a clean slate, all accounts up to date. Ten months later I was sent notice that I had an overage in my Escrow; \$845.02. Twelve months from that notice I was sent notice that I had a shortage in my Escrow; \$4276.11, due to an admitted "mistake" on their part. DITECH then raised my mortgage payment to cover said "mistake"(DITECH's word not mine), which I paid to them monthly to reduce the balance.

I contacted DITECH several times and I was never given a clear explanation as representatives could not understand it themselves. I asked for a complete and comprehensive report and explanation from DITECH, did not receive it, called again several times but to no avail. DITECH then sold my mortgage so any more requests were futile.

In continuance of their admitted "mistake" DITECH forwarded incorrect information to my new mortgage company for which I am still paying financially for their "mistake".

In my review of records, I paid exactly what I was invoiced monthly for my mortgage and Escrow. All payments made to DITECH were always prior to due date and paid in full. By the end of DITECH's contract I was billed and paid an approximate amount of over \$5000 in unexplained charges to fix their mistake. This is an estimate because their records were never complete and notices failed to be consistent therefore exact tracking was nearly impossible. And as stated previously, DITECH did not provide definitive answers. In continuance of their "mistake" DITECH forwarded incorrect information; Escrow shortage of \$1193.84 to my new mortgage company for which I am paying to reduce/pay in full...still.

This has been a tremendous financial and emotional burden. The time and effort spent over a 5+ year span has been exhausting! The continual requests for accurate information fell on deaf ears. All while I stayed diligent in making payments as a responsible mortgage owner. The monthly reminder I received with every statement was nauseating and at times debilitating. As I tried to recover and pay the finances, it tore me down.

At best DITECH is incompetent, and at worst they perpetrated a fraud. I feel I am entitled to recover \$6193.84 at the very least because of their "mistake", not mentioning the toll it took on me.

Karen L. Frisbie

Karen L. Frisbie

1537 Stonehaven Drive

Holt, MI 48842

klfrisbie@comcast.net

enclosed attachments (5)



a Walter company

PO Box 6172
Rapid City, SD 57709-6172
1(877) 624-8026

**Annual Escrow Account
Disclosure Statement**

Statement Date: 08/04/2016
Account Number: ~~XXXXXXXXXX~~

4-776-04692-0007979-002-1-000-000-000-000

Customer Service: 1-877-624-8026
Hours: Mon. - Fri. 7:00AM to 8:00PM CST
Sat. 7:00AM to 4:00PM CST

Website: www.ditech.com
Payment Due Date: 08/01/2016
Principal and Interest: \$780.16
Escrow: \$423.65
Total Current Payment \$1,203.81

New Payment Effective: 10/01/2016
Principal and Interest: \$780.16
Escrow: \$254.44
Escrow Overage/Shortage: \$0.00
Total New Payment \$1,034.60



KAREN L FRISBIE
1537 STONEHAVEN DR
HOLT MI 48842-1994

Ditech Financial LLC reviews your escrow account each year to determine if the current monthly payment amounts are sufficient to cover your projected property taxes and/or insurance premiums. Increases or decreases in your annual tax and/or insurance amounts may cause your monthly mortgage payment to change. Your monthly mortgage payment may also change if your loan totals include an adjustable rate feature or buy down assistance.

The section below sets forth your anticipated escrow activity for the next 12 months. Projected figures are based on information provided by sources which may include: The last tax or insurance payments disbursed, and figures provided to Ditech Financial LLC by your prior servicer. See the reverse side for recent escrow history.

ESCROW DISBURSEMENT

Current Anticipated Disbursements
This year, we anticipate that payments from your account will equal 3,053.28

HAZARD INS	\$860.00
CITY TAX	\$2,193.28
Total Disbursements	\$3,053.28

PROJECTED ESCROW ACTIVITY FOR THE NEXT 12 MONTH ESCROW CYCLE

Your projected starting escrow balance is \$2,547.22. Based on your projected escrow activity, your required starting escrow balance is \$1,702.20. Accordingly, you have a coverage of \$845.02.

Month	Payments To Escrow	Payments From Escrow	Description	Required Balance	Projected Balance
OCT 16	\$254.44		STARTING BALANCE	\$1,702.20	\$2,547.22
NOV 16	\$254.44			\$1,956.64	\$2,801.66
DEC 16	\$254.44		HAZARD INS	\$1,351.08	\$2,196.10
JAN 17	\$254.44		CITY/TOWN PA	\$508.88	\$1,353.90
FEB 17	\$254.44			\$763.32	\$1,608.34
MAR 17	\$254.44			\$1,017.76	\$1,862.78
APR 17	\$254.44			\$1,272.20	\$2,117.22
MAY 17	\$254.44			\$1,526.64	\$2,371.66
JUN 17	\$254.44			\$1,781.08	\$2,626.10
JUL 17	\$254.44			\$2,035.52	\$2,880.54
AUG 17	\$254.44		CITY/TOWN PA	\$2,289.96	\$3,134.98
SEP 17	\$254.44			\$1,447.76	\$2,292.78
				\$1,702.20	\$2,547.22
TOTAL	\$3,053.28	-\$3,053.28			

Escrow Payment Calculation
\$3,053.28 / 12 months = \$254.44

Calculation of Escrow Adjustment

Beginning Required Balance	\$1,702.20
Beginning Projected Balance	\$2,547.22
Escrow Overage	\$845.02
Monthly Escrow Adjustment	\$0.00

CUSHION SELECTED BY SERVICER:
\$508.88

These calculations indicate the projected escrow balance will exceed the allowable low point. The resulting coverage is \$845.02. If you are currently in bankruptcy proceedings this amount may not include the amount in the Proof of Claim. Please contact us for additional details.

Notice: Ditech Financial LLC is a licensed mortgage servicer and debt collector.

Notwithstanding anything herein to the contrary, if you have filed a bankruptcy petition and there is either an "automatic stay" in effect in your bankruptcy case or you have received in that case a discharge of your personal liability for the obligation identified in this letter, we may not and do not intend to pursue collection of that obligation from you personally. If these circumstances apply, this notice is not and should not be construed to be a demand for payment from you personally. Unless the Bankruptcy Court has ordered otherwise, however, please also note that despite any such bankruptcy filing, whatever rights we hold in the property that secures the obligation remain unimpaired.

Your account history may answer your questions. If not, please call our toll free number for further assistance at 1-877-624-8026.

IMPORTANT MESSAGES


Our website has new content. Visit www.ditech.com to learn about new Topics of Interest and view our expanded FAQ section. You can also click on the Borrower Services tab to register for GT Portal where you can make a payment, view your payment history, activate online statements and much more.

Statement Date: 10/19/2017

Your Loan Account Number: ~~0000012400~~

6-776-10564-0000217-001-1-100-010-000-000



 KAREN L FRISBIE
 1537 STONEHAVEN DR
 HOLT MI 48842-1994

Questions?

View your detailed, up-to-date escrow transactions online at myaccount.ditech.com

Call Customer Service at **1-800-643-0202**
 Mon. – Fri. 7 am to 8 pm CST
 Sat. 7 am to 1 pm CST

SECTION 1 WHY AM I RECEIVING THIS STATEMENT?

We review your escrow account every year to ensure it is properly funded, based on your upcoming taxes and/or insurance premiums. This statement provides details of any changes in your escrow account and resulting changes to your mortgage payment.

Our review shows your escrow account has a **shortage of \$4,276.11**. Once we pay your upcoming insurance and/or tax payments, your escrow account will fall below the required minimum balance. See Section 4 for details. Your monthly mortgage payment is also changing **November 01, 2017**. Your new payment amount depends on which option below you choose:

OPTION 1: Pay Shortage Now

- Pay in full by check or money order by **Oct. 25, 2017**.
- Your new monthly mortgage payment will be \$1,247.33.

**OPTION 2: Spread Shortage Over 36 months
 (No action required)**

- Add \$118.78 per month for 36 months to mortgage payment.
- Your new monthly mortgage payment will be \$1,366.11.

SECTION 2 WHY ARE MY PAYMENTS CHANGING?

Changes to monthly escrow amounts are common. They're often caused by a change in your taxes and/or insurance premiums. This table shows how your escrow and mortgage payments are changing.

	Current Payment	Changes	OPTION 1 New Payment	OPTION 2 New Payment
Due Date	11/01/2017		11/01/2017	11/01/2017
Principal and Interest	\$787.38		\$787.38	\$787.38
Escrow Payment	\$835.64	↓ \$375.69	\$459.95	\$459.95
Escrow Shortage				\$118.78
TOTAL	\$1,623.02	↓ \$375.69	\$1,247.33	\$1,366.11

We use anticipated payments from your escrow account to determine your monthly escrow payment:

Combined Taxes	\$4,425.37
TOTAL OUTGOING PAYMENTS	<u>\$4,425.37</u> ÷ 12 months = \$459.95 Monthly Escrow

SECTION 3 WHAT DO I NEED TO DO?

TO PAY YOUR SHORTAGE NOW

- Send a check or money order in the amount of \$4,276.11, payable to Ditech Financial LLC by **Oct. 25, 2017**.
- Please write your Loan Account Number and "Escrow Shortage" on the check.
- Send the coupon at the bottom of this statement along with your check in the enclosed envelope.
- Unfortunately, you cannot make your escrow shortage payment online or over the phone.

TO SPREAD YOUR SHORTAGE OUT

No action is needed to spread your shortage payments out. If we don't receive a shortage check or money order from you, we'll automatically add shortage payments of \$118.78 to your monthly payment.

REMINDER

If you use automatic bill pay, please contact your bank to adjust your mortgage payment amount, due November 01, 2017.

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Please detach this escrow shortage coupon, write your loan number and "Escrow Shortage" on a check or money order made payable to **Ditech Financial LLC**, and mail both in the enclosed envelope with the mailing address visible in the window.



ESCROW SHORTAGE COUPON

This coupon and mailing address are for your escrow shortage payment only. **DO NOT** use for your regular monthly mortgage payment.

Escrow Shortage Amount Due and Enclosed: \$4,276.11

LOAN ACCOUNT NUMBER: 0038912408

KAREN L FRISBIE
1537 STONEHAVEN DR
HOLT MI 48842-1994

DITECH FINANCIAL LLC
PO BOX 7153
PASADENA, CA 91109-7153

03891240 8 00427611



P.O. Box 8068 | Virginia Beach, VA 23450

Statement Date: 09/03/2019

+ 0339514 000003262 9LCEP 077226 095

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HOLT MI 48842-1994



Annual Escrow Account Disclosure Statement

Loan Number: ██████████
Review Period: 06/2019 to 08/2019
Escrow Surplus/Shortage: \$-1,193.84

Current Mortgage Payment

Principal and/or Interest: \$787.38
Escrow (Taxes and/or Insurance): \$706.17
Total Monthly Payment: \$1,493.55

New Mortgage Payment

Principal and/or Interest: \$787.38
Escrow (Taxes and/or Insurance): \$513.99
Prorated Shortage: \$99.49
Total New Monthly Payment: \$1,400.86
Effective Due Date: 09/01/2019

KODAK

Contact Us

Customer Service/Pay-by-Phone
1.800.410.1091*
**Calls are randomly monitored and recorded to ensure quality service.*

Hours
Monday - Friday: 8 a.m. to 10 p.m. EST
Saturday: 8 a.m. to 3 p.m. EST

Website: www.newrez.myloancare.com

Autodraft Customers: If your mortgage payment amount has changed, we'll adjust your payment for you.

Online Bill Payment Customers: If your mortgage payment amount has changed, you will need to contact your financial services provider to adjust your payment.

Account History

The following statement of activity in your escrow account from 06/2019 through 08/2019 displays actual activity as it occurred in your escrow account during that period. If your loan was transferred by another mortgage servicer, the prior projection information may not be included below.

Month	Activity	Projected Amount	Actual Amount	Projected Escrow Balance	Actual Escrow Balance
	Starting Balance			\$0.00	\$1,313.60
June	Deposit		\$706.17*	\$0.00	\$2,019.77
July	Deposit		\$706.17*	\$0.00	\$2,725.94
August	Deposit		\$706.17*	\$0.00	\$3,432.11
August	Disbursement - CITY/TOWN TA		\$1,195.68*	\$0.00	\$2,236.43
	Total Deposits	\$0.00	\$2,118.51		
	Total Disbursements	\$0.00	\$1,195.68		
	Account Balance as of 08/31/2019				\$2,236.43

An asterisk (*) appearing next to the amount indicates a difference from projected activity either in the amount or the date. The letter "E" next to an amount indicates that the payment or disbursement has not yet occurred, but is estimated to occur on the date shown.

Last year we anticipated that Disbursements would be made from your Escrow Account during the period equaling \$0.00. Your lowest monthly mortgage loan balance should not have exceeded \$0.00, which is either 1/6 (also equal to no more than two months) of the total projected payments from the account as required by federal law or the reasonable amount required by state law or the amount required by the mortgage contract. Your actual lowest monthly balance was equal to or greater than \$2,019.77. The items with an asterisk on your Account History may explain this. For further explanation, call our toll-free number shown under the Contact Us section on this statement.

See reverse side for additional important information.

KAREN L FRISBIE
1537 STONEHAVEN DR
HOLT MI 48842-1994

Please return this portion with your payment.
Loan Number: 0039339007

Shortage Amount	
Due by 09/01/2019	\$-1,193.84

Shortage Payment Submitted - Payment Will Be	Shortage Payment Not Submitted - Payment Will Be
\$1,301.37	\$1,400.86

Please make checks payable to:

LOANCARE
PO BOX 37628
PHILADELPHIA, PA 19101-0628



If you prefer to pay your escrow shortage of \$-1,193.84 in lump sum, please make your check payable to LoanCare and return this coupon. Your new mortgage payment would then be \$1,301.37. Please include your loan number on your check, and send to: LoanCare, P.O. Box 37628, Philadelphia, PA 19101-0628.

Notes with
Ditech Contracts

CALLS STATED
RECORDED BY DITECH

DATE 800-643-0202 PAGE #

\$1623.02 Oct \$581.20
\$1041.82 Sept.

Kaleena Oct. 2016
Sept. 2017
\$1360

\$1041.82 June 2017 \$835.64
\$1034.60 Oct 2016 \$10,027.68
\$1203.81 Sept. 2016 \$4400

Samantha 9CD Jenville \$1000
Florida \$5400.00

taxes \$200 \$381.93
\$

\$845.00 overage
\$2300.00