

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION**

ROBERT M. MOORE, individually, and  
on behalf of all others similarly situated,

Plaintiff,

v.

PHH MORTGAGE SERVICES  
CORPORATION,

Defendant.

Case No. 1:19-cv-00129

**CLASS ACTION COMPLAINT**

NOW COMES Plaintiff, ROBERT M. MOORE, individually, and on behalf of all others similarly situated, through counsel, of SULAIMAN LAW GROUP, LTD., pursuant to Fed. R. Civ. P. 23 asserting the following class action claims against Defendant, PHH MORTGAGE SERVICES CORPORATION:

**NATURE OF THE ACTION**

1. This action is seeking damages for Defendant's violation(s) of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.
3. Venue in this district is proper under 28 U.S.C. § 1391(b)(2) as a civil action may be brought in a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is situated.

**PARTIES**

4. ROBERT M. MOORE (“Plaintiff”) is a natural person, over 18-years-of-age, who formerly resided at 2227 Blue Harbor Drive, Fort Wayne, Indiana 46804 and now resides at 484 Manchester Trail, Clayton, North Carolina 27527.

5. Plaintiff is a “consumer” as defined by 15 U.S.C. § 1692a(3).

6. PHH MORTGAGE SERVICES CORPORATION (“Defendant”) provides private label mortgage services in the United States. It focuses on originating retail residential mortgages. The company offers fixed-and adjustable-rate mortgages, home equity lines of credit, and construction-to-permanent financing. It provides mortgage services to financial institutions, real estate brokers, affinity groups, credit unions, corporations, and government agencies. PHH Mortgage Services Corporation was formerly known as PHH U.S. Mortgage Corporation. The company was incorporated in 1977 and is based in Mount Laurel, New Jersey with facilities in Mount Laurel/Moorestown, New Jersey; and Jacksonville, Florida. PHH Mortgage Services Corporation operates as a subsidiary of PHH Corporation.

7. Defendant is a “debt collector” as defined by 15 U.S.C. § 1692a(6).

8. Defendant uses instrumentalities of interstate commerce and the mail in its business – the principal purpose of which is the collection of debt owed or due or asserted to be owed or due another.

**GENERAL ALLEGATIONS**

9. On December 14, 2006, Plaintiff executed a mortgage in favor of American Brokers Conduit.

10. The Mortgage secured the purchase of Plaintiff’s personal residence located at 2227 Harbor Drive, Fort Wayne, Indiana 46804.

11. The Mortgage secured the repayment of the indebtedness evidenced by a promissory note in the amount of \$176,000.00 (the “mortgage loan”).

12. This indebtedness is a “debt” as defined by 15 U.S.C. § 1692a(5) as it arises out of a transaction primarily for personal, family, or household purposes.

13. On May 1, 2009, Plaintiff defaulted on the mortgage loan by failing to make monthly payments.

14. On March 11, 2010, Plaintiff filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code.

15. Simultaneously with the voluntary petition, Plaintiff filed his Chapter 13 plan. Plaintiff’s plan provided:

9. Property to Be Surrendered to Secured Creditor

Name	Description of Property
BAC Home Loans Servic	Real estate located at 2227 Blue Harbor Dr., Fort Wayne, IN

16. Plaintiff’s Chapter 13 Plan was confirmed on December 28, 2010 (the “Confirmed Plan”).

17. On November 19, 2015, the Bankruptcy Court entered an Order of Discharge for the benefit of Plaintiff under 11 U.S.C. § 1328(a).

18. Plaintiff’s discharge by operation released Plaintiff’s personal liability on indebtedness owed on Plaintiff’s mortgage loan.

19. On February 16, 2019, Defendant became the new servicer of Plaintiff’s mortgage loan.

20. On February 21, 2019, Defendant mailed Plaintiff a “Payment Reminder Notice.”  
*See Exhibit A.*

21. The Payment Reminder Notice stated:

Your mortgage payments are past due, which puts you in default of your loan agreement. If you have recently mailed your payments, please disregard this letter. As of the date of this letter, *you owe* the following:

- Number of months past due: 117
- Total monthly payments due: \$180,895.59
- Accumulated late charges: \$1,500.75
- Total amount due: \$182,396.34

(emphasis added).

22. Defendant's post-discharge collection practice(s) have caused Plaintiff emotional distress consistent with believing he remained liable to Defendant on this mortgage loan.

### **INDIVIDUAL CLAIMS FOR RELIEF**

#### **Count I: Violation of 15 U.S.C. § 1692**

23. All paragraphs of this Complaint are expressly adopted and incorporated herein as though fully set forth herein.

24. Section 1692e provides:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section.

(2) The false representation of –

(A) the character, amount, or legal status of any debt.

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

25. “A demand for immediate payment while a debtor is in bankruptcy is ‘false’ in the sense that it asserts that money is due, although, because of the automatic stay (11 U.S.C. § 362)

or the discharge injunction (11 U.S.C. § 524), it is not.” *Randolph v. IMBS, Inc.*, 368 F.3d 726, 728 (7<sup>th</sup> Cir. 2004).

26. Defendant’s communication is objectively false and misleading in that it misrepresents the legal status of Plaintiff’s account by, *inter alia*, stating “**you owe**” – falsely representing that money is due, although because of the discharge injunction, it is not; violating 15 U.S.C. §§ 1692e(2), and e(10).

27. Plaintiff may enforce the provisions of 15 U.S.C. §§ 1692e(2) and e(10) pursuant to section k of the Fair Debt Collection Practices Act (15 U.S.C. § 1692k) which provides "any debt collector who fails to comply with any provision of [the Fair Debt Collection Practices Act] with respect to any person is liable to such person in an amount equal to the sum of -

- (1) any actual damage sustained by such person as a result of such failure;
  - (2)
    - (A) in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1,000; or
- \*\*\*
- (3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with reasonable attorney's fees as determined by the court.

**WHEREFORE**, Plaintiff request the following relief:

- A. find that Defendant violated 15 U.S.C. §§ 1692e(2) and e(10);
- B. award any actual damage sustained by Plaintiff as a result of Defendant’s violation pursuant to 15 U.S.C. § 1692k(a)(1);
- C. award such additional damages, as the Court may allow, but not exceeding \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A);

- D. award costs of this action including expenses together with reasonable attorneys' fees as determined by this Court pursuant to 15 U.S.C. § 1692k(a)(3); and
- E. award such other relief as this Court deems just and proper.

**CLASS ALLEGATIONS**

28. All paragraphs of this Complaint are expressly adopted and incorporated herein as though fully set forth herein.

29. Plaintiff brings this action pursuant to Fed. R. Civ. P. 23(b)(2) and 23(b)(3) individually, and on behalf of all others similarly situated ("Putative Class").

**A. Numerosity.**

30. On information and belief, Defendant mailed letters in an identical format as the Payment Reminder Notice to Indiana consumers on no less than 40 occasions.

31. The exact number of members of the Putative Class are unknown and not available to Plaintiff at this time, but it is clear that individual joinder is impracticable.

**B. Typicality.**

32. Plaintiff's claims are typical of the claims of the other members of the Putative Class.

33. On information and belief, Defendant's business records will show that they mailed letters in an identical format as the Payment Reminder Notice to Indiana consumers.

34. Plaintiff's claims are typical of the members of the Putative Class because Plaintiff and the members of the Putative Class are entitled to damages as result of Defendant's conduct.

**C. Commonality and Predominance.**

35. There are common questions of fact and law with the claims of Plaintiff and the Putative Class.

36. These common questions of fact and law are whether Defendant sought to collect discharged mortgage debt.

37. These common questions of fact and law are subject to common proof through review of Defendant's business records.

38. These common questions of fact and law are answerable for the entirety of the Putative Class.

39. These common questions of fact and law predominate over any questions that may affect individual members of the Putative Class.

**D. Superiority and Manageability.**

40. This case is also appropriate for class certification as class proceedings are superior to all other available methods for the efficient and fair adjudication of this controversy.

41. Joinder of all parties is impracticable.

42. The damages suffered by the individual members of the Putative Class will likely be relatively small, especially given the burden and expense required for individual prosecution of Defendant's post-discharge collection practices.

43. Even if individual members of the Putative Class could sustain such individual litigation, it would still not be preferable to a class action because individual litigation would increase the delay and expense to all parties and courts.

44. By contrast, a class action provides the benefits of single adjudication, economies of scale and comprehensive supervision by a single court.

45. Economies of effort, expense, and time will be fostered and uniformity of decisions ensured.

**E. Adequate Representation.**

46. Plaintiff will adequately and fairly represent and protect the interests of the Putative Class.

47. Plaintiff has retained competent and experienced counsel in consumer class action litigation.

48. Plaintiff has no interests antagonistic to those of the Putative Class, and Defendant has no defenses unique to Plaintiff.

**CLASS CLAIMS FOR RELIEF**

**Count II:  
Violation of 15 U.S.C. § 1692**

49. All paragraphs of this Complaint are expressly adopted and incorporated herein as though fully set forth herein.

50. Section 1692e provides:

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section.

(2) The false representation of –

(A) the character, amount, or legal status of any debt.

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

51. “A demand for immediate payment while a debtor is in bankruptcy is ‘false’ in the sense that it asserts that money is due, although, because of the automatic stay (11 U.S.C. § 362) or the discharge injunction (11 U.S.C. § 524), it is not.” *Randolph v. IMBS, Inc.*, 368 F.3d 726, 728 (7<sup>th</sup> Cir. 2004).



52. Defendant's communication is objectively false and misleading in that it misrepresents the legal status of the members of the Putative Class' mortgage loans by, *inter alia*, stating "**you owe**" – falsely representing that money is due, although because of the discharge injunction, it is not; violating 15 U.S.C. §§ 1692e(2), and e(10).

53. As set forth above, Plaintiff can satisfy the elements of Fed. R. Civ. P. 23, including numerosity.

54. The Putative Class is defined as follows:

All natural persons residing in the State of Indiana who (a) within the one (1) year prior to the filing of the original complaint and during its pendency (b) received the same or a substantially similar letter as the letter attached hereto as Exhibit A (c) for purposes of collection upon a consumer debt (d) that was discharged in Chapter 7 or Chapter 13 bankruptcy pursuant to 11 U.S.C. §§ 727 or 1328(a).

55. Excluded from the Putative Class are: (1) Defendant, its agents, parents, predecessors, subsidiaries, successors and any entity in which Defendant, or its agents, parents, predecessors, subsidiaries, successors have a controlling interest, and those entities' current and former directors, employees and officers; (2) the Judge or Magistrate Judge to whom this case is assigned, as well as the Judge or Magistrate Judge's immediate family; (3) persons who execute and timely file a request for exclusion; (4) persons whose claim(s) in this matter have been finally adjudicated and/or otherwise released; (5) the assigns, legal representatives and/or successors of any such excluded person(s); and (6) Counsel for Plaintiff and Counsel for Defendant.

56. Members of the Putative Class will be identified through discovery of Defendant's business records.

57. Members of the Putative Class may enforce the provisions of 15 U.S.C. §§ 1692e and e(10) pursuant to section k of the FDCPA (15 U.S.C. § 1692k) which provides "any debt

collector who fails to comply with any provision of [the FDCPA] with respect to any person is liable to such person in an amount equal to the sum of –

- (1) any actual damage sustained by such person as a result of such failure;
- (2)
  - (B) in the case of a class action, (i) such amount for each named plaintiff as could be recovered under subparagraph (A), and (ii) such amount as the court may allow for all other class members, without regard to a minimum individual recovery, not to exceed the lesser of \$500,000 or 1 per centum of the net worth of the debt collector; and
- (3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with reasonable attorney's fees as determined by the court.

**WHEREFORE**, Plaintiff, on behalf of members of the Putative Class requests the following relief:

- A. grant certification of the proposed class, including the designation of Plaintiff as the named representatives, the appointment of the undersigned as Class Counsel, under the applicable provisions of Fed. R. Civ. P. 23;
- B. find that Defendant violated 15 U.S.C. §§ 1692e and e(10);
- C. enjoin Defendant from further violations of 15 U.S.C. §§ 1692e and e(10);
- D. an award of such amount as the Court may allow for all other class members, not to exceed the lesser of \$500,000 or 1 per centum of the net worth of Defendant;
- E. an award of costs of this action, together with reasonable attorneys' fees as determined by this Court; and
- F. an award of such other relief as this Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury of any and all issues in this action so triable of right.

DATED: March 29, 2019

Respectfully submitted,

**ROBERT M. MOORE**

/s/ Joseph S. Davidson

Joseph S. Davidson  
Mohammed O. Badwan  
**SULAIMAN LAW GROUP, LTD.**  
2500 South Highland Avenue  
Suite 200  
Lombard, Illinois 60148  
+1 630-575-8181  
j davidson@sulaimanlaw.com  
m badwan@sulaimanlaw.com

CIVIL COVER SHEET

USDC IN/ND case 1:19-cv-00129 document 1-1 filed 03/29/19 page 1 of 2

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ROBERT M. MOORE, individually, and on behalf of all others similarly situated

(b) County of Residence of First Listed Plaintiff Johnston County (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Joseph S. Davidson Sulaiman Law Group, Ltd. 2500 S. Highland Avenue, Suite 200, Lombard, IL 60148

DEFENDANTS

PHH MORTGAGE SERVICES CORPORATION

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 et seq. Brief description of cause: Unlawful Collection Practices

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 03/29/2019 SIGNATURE OF ATTORNEY OF RECORD s:/ Joseph S. Davidson

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

USDC IN/ND case 1:19-cv-00129 document 1-1 filed 03/29/19 page 2 of 2  
**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

ROBERT M. MOORE, individually, and on behalf of  
all others similarly situated

Plaintiff(s)

v.

PHH MORTGAGE SERVICES CORPORATION

Defendant(s)

Civil Action No. 1:19-cv-00129

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) PHH MORTGAGE SERVICES CORPORATION  
C/O REGISTERED AGENTS  
CORPORATION SERVICE COMPANY  
135 NORTH PENNSYLVANIA STREET, SUITE 1610  
INDIANAPOLIS, IN, 46204

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Joseph S. Davidson  
Sulaiman Law Group, Ltd.  
2500 S. Highland Avenue, Suite 200  
Lombard, IL 60148

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

Civil Action No. 1:19-cv-00129

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# **EXHIBIT A**



001026 02 SP 0.650 \*\*SNGLP T5 0 1291 27527-332284 -C01 -CR -P01027-I



ROBERT M MOORE  
484 MANCHESTOR TRL  
CLAYTON, NC 27527-3322

**MORTGAGE**

PHH Mortgage Services  
1 Mortgage Way  
Mt. Laurel NJ 08054

Tel 877-744-2506  
Fax 856-917-8300

February 21, 2019

Loan Number: [REDACTED]  
Property Address:  
2227 Blue Harbor Dr  
Fort Wayne IN 46804

Robert M Moore  
484 Manchester Trl  
Clayton NC 27527

**PAYMENT REMINDER NOTICE**

Dear Customer(s) :

As your Case Manager I, ARGOJEET GANGULY remain committed to working with you. Please contact me with any questions that you have regarding your account or the information contained within this letter. My direct contact number is 877-744-2506, extension 80202. If you cannot reach me and do not wish to leave a message, you may press 0 and another Case Manager will assist you.

**PLEASE NOTE THE FOLLOWING IMPORTANT COMMUNICATION REGARDING YOUR ACCOUNT.**

Your mortgage payments are past due, which puts you in default of your loan agreement. If you have recently mailed your payments, please disregard this letter. As of the date of this letter, you owe the following:

- \* Number of months past due: 117
- \* Total monthly payments due: \$ 180,895.59
- \* Accumulated late charges: \$ 1,500.75
- \* Total amount due: \$ 182,396.34

It is possible that in addition to the amounts detailed above there may be other fees still due and owing, including but not limited to other fees, escrow advances or corporate advances that were paid on your behalf or advanced to your account. You may contact the Collection department to obtain updated payment information at 800-330-0423.

For the easiest and most convenient way to make your payment, take advantage of our online payment service on our website or our pay by phone service at 877-PAY-EASE. Otherwise, please take a moment and mail it today.

In addition, the Department of Housing and Urban Development (HUD) has established the Housing Counseling Clearinghouse (HCC) for financially distressed borrowers to call for information concerning HUD approved housing counseling agencies. The HCC operates a toll free 24-hour number that provides homeowner referrals to local housing counseling agencies. The phone number is 1-800-569-4287 or TDD 1-800-877-8339. Information is also available on HUD's website that can be found on the internet at [www.hud.gov/offices/hsg/sfh/hcc/hcc\\_home.cfm](http://www.hud.gov/offices/hsg/sfh/hcc/hcc_home.cfm).

**MORTGAGE**

PHH Mortgage Services  
1 Mortgage Way  
Mt. Laurel NJ 08054

Tel 877-744-2506  
Fax 856-917-8300

As always, we value your business and would appreciate your attention to this matter.

Sincerely,

ARGOJEET GANGULY  
Case Manager

If you have any questions, please contact our office at the number provided above between the hours of 8:00am - 8:00pm EST Monday through Friday.

Esta carta contiene informacion importante sobre su cuenta y podria requerir su atencion. Si tiene alguna pregunta y desea hablar en espanol con un empleado, sirvase comunicarse con nosotros al 877-744-2506 durante nuestras horas de oficina normales. Nosotros tenemos representantes cuales hablan en Espanol. Estos representantes estan disponibles las horas de la Lunes a Viernes 8:00am a 8:00pm EST.  
XC132 CPI

**MORTGAGE**

PHH Mortgage Services  
1 Mortgage Way  
Mt. Laurel NJ 08054

Tel 877-744-2506  
Fax 856-917-8300

\*\*\*\*\*  
\* Servicemember Civil \* U.S. Department Of Housing \* OMB Approval \*  
\* Relief Act Notice \* and Urban Development \* 2502-0584 \*  
\* Disclosure \* Office of Housing \* Exp: 03/31/2021 \*  
\*\*\*\*\*

LEGAL RIGHTS AND PROTECTIONS UNDER THE SCRA

Servicemembers on "active duty" or "active service," or a spouse or dependent of such a servicemember may be entitled to certain legal protections and debt relief pursuant to the Servicemembers Civil Relief Act (50 USC App. Sec. 501-597b) (SCRA).

WHO MAY BE ENTITLED TO LEGAL PROTECTIONS UNDER THE SCRA?

\* Regular members of the U.S. Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard)

\* Reserve and National Guard personnel who have been activated and or on Federal active duty

\* National Guard personnel under a call or order to active duty for more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.

\* Active service members of the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration.

\* Certain United States citizens serving with the armed forces of a nation with which the United States is allied in the prosecution of a war or military action.

WHAT LEGAL PROTECTIONS ARE SERVICEMEMBERS ENTITLED TO UNDER THE SCRA?

\* The SCRA states that a debt incurred by a servicemember, or servicemember and spouse jointly, prior to entering military service shall not bear interest at a rate above 6 % during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage, or during the period of military service in the case of any other obligation or liability.

\* The SCRA states that in a legal action to enforce a debt against real estate that is filed during, or within one year after the servicemember's military service, a court may stop the proceedings for a period of time, or adjust the debt. In addition, the sale, foreclosure, or seizure of real estate shall not be valid if it occurs during, or within one year after the servicemember's military service unless the creditor has obtained a valid court order approving the sale, foreclosure, or seizure of the real estate.

\* The SCRA contains many other protections besides those applicable to home loans.

HOW DOES A SERVICEMEMBER OR DEPENDENT REQUEST RELIEF UNDER THE SCRA?

\* In order to request relief under the SCRA from loans with interest rates above 6% a servicemember or spouse must provide a written request to the lender, together with a copy of the servicemember's military orders. PHH

**MORTGAGE**

PHH Mortgage Services  
1 Mortgage Way  
Mt. Laurel NJ 08054

Tel 877-744-2506  
Fax 856-917-8300

Mortgage Services, 1 Mortgage Way, Mt. Laurel, NJ 08054, ATTN: mailstop: SV13.

\* There is no requirement under the SCRA, however, for a servicemember to provide a written notice or a copy of a servicemember's military orders to the lender in connection with a foreclosure or other debt enforcement action against real estate. Under these circumstances, lenders should inquire about the military status of a person by searching the Department of Defense's Defense Manpower Data Center's website, contacting the servicemember, and examining their files for indicia of military service. Although there is no requirement for servicemembers to alert the lender of their military status in these situations, it still is a good idea for the servicemember to do so.

**HOW DOES A SERVICEMEMBER OR DEPENDENT OBTAIN INFORMATION ABOUT THE SCRA?**

\* Servicemembers and dependents with questions about the SCRA should contact their unit's Judge Advocate, or their installation's Legal Assistance Officer. A military legal assistance office locator for all branches of the Armed Forces is available at <http://legalassistance.law.af.mil/content/locator.php>

\* "Military OneSource" is the U. S. Department of Defense's information resource. If you are listed as entitled to legal protections under the SCRA (see above), please go to [www.militaryonesource.com/scra](http://www.militaryonesource.com/scra) or call 1-800-342-9647 (toll free from the United States) to find out more information. Dialing instructions for areas outside the United States are provided on the website.

**Important Messages**

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

For Borrowers in Active Bankruptcy or Who Have Received Discharge: To the extent your original obligation has been discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this notice is for compliance and/or informational purposes only and/or is notice of the creditor's intent to enforce a lien against the property and does not constitute a demand for payment or an attempt to impose personal liability for such obligation.

We may report information about your account to credit bureaus. Late payments, missed payments, or other defaults on your account may be reflected in your credit report.

**Requests for Information and Notices of Error, including Qualified Written Requests**

If you wish to request information or assert an error relating to the servicing of your mortgage loan, including any Qualified Written Requests, you must use the address below and include your name, your mortgage loan account number, property address and a statement of either the information you are requesting or the error you believe has occurred:

PHH Mortgage Services  
Post Office Box 66002  
Lawrenceville, NJ 08648

# ClassAction.org

This complaint is part of ClassAction.org's searchable [class action lawsuit database](#)

---