

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE (district) DISTRICT OF (state)**

In Re:)		
)		
DEBTOR,)	Case No.	xx-xxxxx
)		
Plaintiffs,)	Chapter	xx
)		
vs.)		
)		
CREDITOR,)	Adv. No.	xxxxxxxxx
)		
Defendant.)		

**COMPLAINT FOR VIOLATION OF R.E.S.P.A. 12 USC § 2605(e) AND
COMPLAINT TO COMPEL ACCOUNTING**

COMES NOW the Plaintiff, Debtor, and for his/her Complaint for Violation of R.E.S.P.A 12 USC § 2605(e) and Complaint to Compel Accounting states as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. That on (filing date), Plaintiff filed for relief under Chapter 13 of the Bankruptcy Code. (Exhibit 1)
2. That the debt to (Creditor), and hereafter referred to as the Defendant was scheduled. (Exhibit 2)
3. That the Chapter 13 Plan filed by the Plaintiff stated both the regular monthly payments and the arrearages would be paid by the Chapter 13 Trustee. (Exhibit 3)
4. That the payments were scheduled in the Chapter 13 plan as \$xxx.xx beginning at filing. (Exhibit 3)
5. That the arrearages were scheduled in the Chapter 13 plan to be paid 100% by Trustee with 0% interest rate. (Exhibit 3)
6. That Defendant filed a Proof of Claim on (date), in the total amount of \$(amount) for arrearages. (Exhibit 4)
7. That the information contained in the Proof of Claim was insufficient to determine the accuracy of the arrearage amount indicated on the Proof of Claim.

COUNT I- R.E.S.P.A. 12 USC § 2605(e)

(Real Estate Settlement and Procedures Act)

8. That on (date) the Plaintiff sent a qualified R.E.S.P.A. letter to the Defendant.
(Exhibit 5)
9. That as of the date of this Complaint for Violation of R.E.S.P.A 12 USC § 2605 (e) and Complaint to Compel Accounting, no response has been received from the Defendant.
10. That the Defendant is in violation of R.E.S.P.A.

WHEREFORE Plaintiff respectfully requests the Court enter Judgment against Defendant, (Creditor), for violation of R.E.S.P.A, for actual damages, cost, attorney's fees and statutory damages, plus any further relief the Court sees fit.

COUNT II- COMPLAINT FOR ACCOUNTING

11. That on (date) the Plaintiff sent a qualified R.E.S.P.A. letter to the Defendant.
(Exhibit 5)
12. That as of the date of this Complaint for Violation of R.E.S.P.A 12 USC § 2605(e) and Complaint to Compel Accounting, no response has been received from the Defendant.
13. That the Defendant is in violation of R.E.S.P.A.
14. That the Plaintiff requests the Defendant be ordered to provide a strict and total explanation of the accounting of this loan.
15. That if the accounting is not readily understandable to someone that is not in the mortgage business, that the Defendant must provide clear and comprehensive instructions on how to read the accounting.

WHEREFORE the Plaintiff requests this Court to compel the Defendant to provide a strict and total explanation of the accounting of this loan and if the accounting is not readily understandable, that the Defendant must provide clear and comprehensive instructions on how to read the accounting, plus any further relief the Court sees fit.

DEBTOR