

**AFFIDAVIT**  
**Federal Loss Mitigation Programs**

JD-CL-114 Rev. 3-12

STATE OF CONNECTICUT  
**SUPERIOR COURT**  
www.jud.ct.gov

**Instructions**

1. Prepare legibly.
2. Submit the original to the clerk of court.

Docket number (if available)

Name of case (Plaintiff v. Defendant)

Judicial District

Address of Court (Number, street and town)

Return date (if available)

Your name (Affiant)

Address of property at issue (Number, street, town, state, zip code)

The undersigned, being duly sworn, deposes and says:

1. I am over the age of eighteen years of age and believe in the obligations of an oath.

2. I am the \_\_\_\_\_ (job title) of \_\_\_\_\_

(Plaintiff or Plaintiff's servicer) and am authorized to sign on behalf of \_\_\_\_\_

\_\_\_\_\_ (Plaintiff or Plaintiff's servicer).

3. I am familiar with the business records and procedures of \_\_\_\_\_

(Plaintiff or Plaintiff's servicer) with respect to the mortgages that it owns and/or services.

4. Based on my review of the business records of \_\_\_\_\_

(Plaintiff or Plaintiff's servicer) and the account of the borrower (the word "borrower" includes any and all borrowers and mortgagors of the mortgage loan that is the subject of this case), I have specific knowledge of the loan secured by the mortgage executed by the Defendant(s) in this case.

5. The loan secured by the mortgage for which plaintiff seeks foreclosure is subject to the following (check all that apply):

- The loan is not owned or guaranteed by a Government Sponsored Enterprise (GSE), is not guaranteed or insured by any federal agency, and is not serviced by a lender participating in the federal Making Home Affordable Program. (If this box is checked, no further information regarding this paragraph 5, paragraph 6, or paragraph 7 is required. If this box is not checked, the appropriate boxes under subparagraphs 5a, 5b and 5c as well as paragraphs 6 and 7 (if applicable) must be checked.)

5. a. With respect to the following programs under the federal Making Home Affordable Program (MHA) — the Home Affordable Modification Program (HAMP), the Second Lien Modification Program (2MP), the Home Affordable Foreclosure Alternatives Program (HAFA), and the Home Affordable Unemployment Program (UP), including any of such programs adopted by Fannie Mae and Freddie Mac:

- The loan is eligible for review under the above programs and a review is pending at this time.**
- The loan is not eligible for review under the above programs because (check all that apply and, if any box is checked, proceed to subparagraph 5b):
- The loan's servicer does not participate in MHA.
  - The property is not owner-occupied, is vacant, is condemned, and/or has more than four units.

- The loan was originated on or after January 1, 2009.
- The unpaid principal balance of the loan prior to capitalization of any arrearages, fees, and other costs exceed the applicable limit:
  - \$729,750 for 1 unit;
  - \$934,200 for 2 units;
  - \$1,129,250 for 3 units; or
  - \$1,403,400 for 4 units.
- The loan's servicer does not have the contractual authority to modify the loan under MHA per investor guidelines.
- The loan is eligible for review under the above programs but the borrower does not qualify for the following reason(s) *(check all that apply)*:
  - Plaintiff or Plaintiff's servicer has made a "Reasonable Effort" to solicit the borrower (as defined under MHA Handbook Chapter II, Section 2.2.1, as amended from time to time) but:
    - was unable to establish "Right Party Contact" (as defined under MHA Handbook Chapter II, Section 2.2.2, as amended from time to time).
    - the borrower advised the Plaintiff or the Plaintiff's servicer that the borrower is not interested in participating in any of the above programs.
  - Plaintiff or Plaintiff's servicer has not timely received all documentation necessary to complete a review for loss mitigation, specifically *(check all that apply)*:
    - Proof of current income, specifically \_\_\_\_\_
    - Completed IRS Form 4506-T or 4506T-EZ
    - Dodd-Frank Certification
    - Request for Modification and Affidavit Form
    - Other: *(specify)* \_\_\_\_\_

**If none of the above reasons for disqualification are checked, please check all that apply under the following four sub-paragraphs:**

5. a. 1. Specific to HAMP:

- The subject loan is not a first mortgage loan. *(This denial reason applies to HAFA and UP as well).*
- The total payment on the first mortgage (principal, interest, taxes, insurance, and association fees, if any) is less than 31% of the borrower's monthly gross income. *(This denial reason applies to UP as well, unless the servicer has waived this requirement; with respect to Fannie Mae and Freddie Mac loans only, this denial reason applies to HAFA as well; for non-Fannie Mae and Freddie Mac loans, an additional denial reason must also be selected under HAFA.)*
- Payment cannot be feasibly reduced to make it equal to 31% of the borrower's monthly gross income without requiring excessive forbearance. *(If selected, denial reason must also be selected under HAFA).*
- Net Present Value Calculation does not favor modification. *(If selected, denial reason must also be selected under HAFA and UP).*
- The borrower received a previous modification under HAMP effective \_\_\_\_\_ *(date)* and failed to comply or defaulted. *(If selected, denial reason must also be selected under HAFA; but this denial reason applies to UP as well).*
- The borrower received a trial plan modification but failed to make each payment by the end of the month in which it was due. *(If selected, denial reason must also be selected under HAFA; but this denial reason applies to UP as well).*
- Other *(specify)* \_\_\_\_\_

5. a. 2. Specific to HAFA *(Complete only if instructed above in sub-paragraph 5.a.1.)*:

- The borrower did not respond to HAFA solicitations.
- The borrower communicated that the borrower was not interested in pursuing HAFA.
- The borrower did not return the signed Short Sale Agreement.
- The borrower did not obtain a contract for sale within the time permitted under the program.
- Other *(specify)* \_\_\_\_\_

5. a. 3. Specific to 2MP *(Complete only if this is a second lien)*:

- Corresponding first lien has not been modified under HAMP.
- 2nd lien has an unpaid balance of less than \$5,000.
- 2nd lien has a pre-modification scheduled monthly payment of less than \$100.
- 2nd lien has already been modified under 2MP.
- 2nd lien does not require payments until the first lien is paid in full.
- Insured, guaranteed or held by FHA/VA/Rural Development.
- Other *(specify)* \_\_\_\_\_

5. a. 4. Specific to UP:

- No borrower was unemployed on the date UP was requested.
- No borrower will receive unemployment benefits in the month of the UP Forebearance Period Effective Date.
- The borrower's delinquency exceeds 12 months of the borrower's scheduled monthly mortgage payment, and the servicer has not waived this requirement.
- Other (specify) \_\_\_\_\_

5. b. With respect to the Federal Housing Administration (FHA), the United States Department of Veterans Affairs (VA), or the United States Department of Agriculture (USDA):

- The loan is subject to one of the above-listed entities' loss mitigation programs and a review is pending at this time.**
- The loan is not subject to the above-listed entities' loss mitigation programs because the loan is not guaranteed, owned, or insured by any of the entities. (If checked, proceed to subparagraph 5.c.)
- The loan is subject to one of the above-listed entities' loss mitigation programs but does not qualify for the following reason(s) (check all that apply):
  - Plaintiff or Plaintiff's servicer has not received any response to solicitations for loss mitigation. (If this box is checked, no other box under 5.b. needs to be checked.)

- Plaintiff or Plaintiff's servicer has not timely received all documentation necessary to complete a review for loss mitigation, specifically: (If this box is checked, no other box under 5b needs to be checked.)

(List all documentation not timely received) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- The borrower is showing a deficiency when comparing monthly debt to income. (If this box is checked, the applicable boxes under FHA-HAMP, or VA-HAMP need to be checked as well.)
- Property is non-owner occupied. (If this box is checked, no other box under 5.b. needs to be checked.)
- Other (specify) \_\_\_\_\_

**Also check all that apply under the following two sub-paragraphs (unless otherwise instructed above):**

5. b. 1. Specific to FHA-HAMP:

- Payment on the first mortgage is less than 31% of the current gross income.
- Payment cannot be feasibly reduced to make it equal to 31% of the borrower's current gross income without exceeding the partial claim limit.
- The borrower received a previous modification under FHA-HAMP and failed to comply or defaulted.
- Four full payments have not been made on the subject loan.
- The first payment due date from loan origination is less than 12 months ago.
- Back-end ratio is greater than 55%.
- The borrower qualified for a traditional home retention loss mitigation option but failed to sign and return the agreement or defaulted on the same.
- Other \_\_\_\_\_

5. b. 2. Specific to VA-HAMP:

- Payment on the first mortgage is less than 31% of the current gross income.
- Payment cannot be feasibly reduced to make it equal to 31% of the borrower's current gross income requiring excessive forbearance.
- Servicer has determined that foreclosure would be more advantageous to the VA than modification under VA-HAMP because: (Specify) \_\_\_\_\_
- The borrower qualified for a traditional home retention loss mitigation option but failed to sign and return the agreement or defaulted on the same.
- Other \_\_\_\_\_

5. c. With respect to the Federal National Mortgage Association (Fannie Mae) or the Federal Home Loan Mortgage Corporation (Freddie Mac):

- The loan is subject to review under one of the above entities' loss mitigation programs and a review is pending at this time.**
- The loan is not subject to review under one of the above entities' loss mitigation programs because the loan is not owned or guaranteed by Fannie Mae or Freddie Mac. *(if checked, proceed to paragraph 6)*
- The loan is subject to review under one of the above entities' loss mitigation programs but does not qualify for the following reason(s) *(check all that apply)*:

**Note: all applicable information pertaining to HAMP and/or HAFA is set forth above in sub-paragraphs 5.a.1. and 5.a.2. and is incorporated by reference into this sub-paragraph as well.**

- Plaintiff or Plaintiff's servicer has not received any response to solicitations for loss mitigation.
- Plaintiff or Plaintiff's servicer has not timely received all documentation necessary to complete a review for loss mitigation, specifically:

*(List all documentation not timely received)*

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Other reasons for non-owner occupied property \_\_\_\_\_

Other reasons for owner occupied property \_\_\_\_\_

6. *(Complete if only written denial letter was sent)*. If the borrower has been denied assistance under any of the above referenced foreclosure avoidance programs, the borrower has been notified separately in writing of any denial as detailed above by way of a letter dated \_\_\_\_\_ *(insert date of letter)*.

**Check Only If Applicable:**

7.  The borrower's time for seeking review of the decision to deny participation in any applicable loss mitigation program has expired; the borrower has no pending applications pursuant to any loss mitigation program listed above; and the borrower is not currently participating in a trial or other temporary period of a loss mitigation program.

Signature of Affiant  ▶	Address where signed <i>(Number, street, town, state, zip code)</i>
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Subscribed and sworn to before me on:	Date signed	Signed <i>(Notary Public)</i>
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