



COVID-19 Mortgage Servicing Trends Report

***DISCLAIMER:** Bradley is proud to share the following information collected from the live polls presented at its weekly COVID-19 Compliance Roundtables. This report is intended to show industry trends, not facts, and does not necessarily reflect the opinions of Bradley attorneys. Bradley is not responsible for any inaccuracies and this report should not be considered legal advice.*

The polling results included in this report are the anonymous responses of Roundtable attendees. The results may be skewed based on the number of responses in relation to the group as a whole or if more than one person from a company responded to the question. The number of respondents varies by poll. Percentages are rounded to the nearest 0.5.

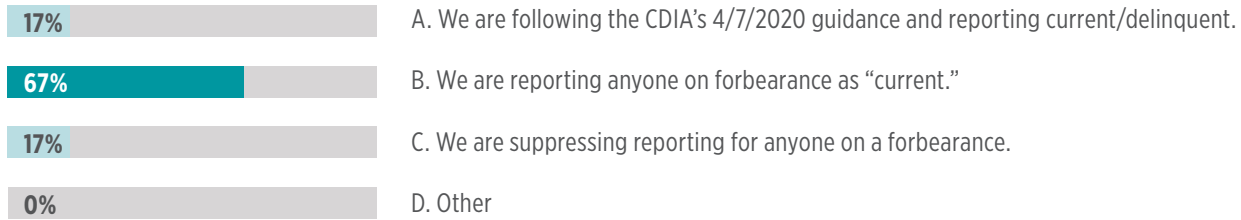
The date of the polls are important to understanding and interpreting them, as the approach to COVID-19 issues changes rapidly, and the industry has been nimble in responding to such changes over the last several months.

For questions related to this report or to seek formal legal advice on any of the topics herein, please contact your Bradley attorney or email COVID-FS@bradley.com.

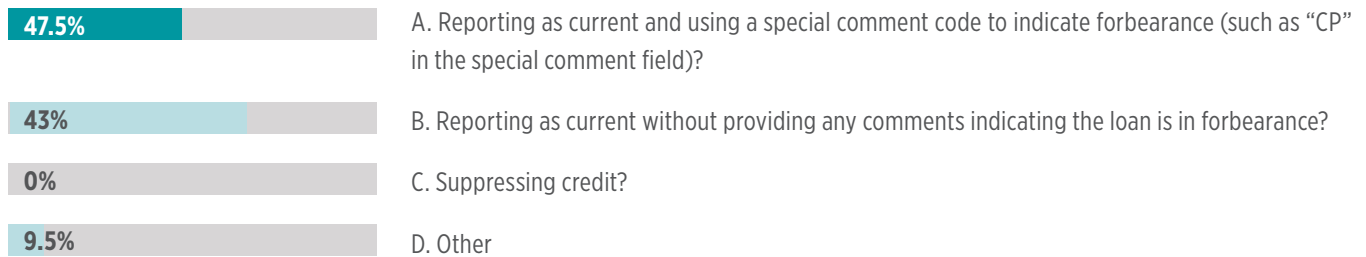
The polling results found in this trends report are sorted by topic, then by date of the poll.

Credit Reporting	3
Deferral	4
Forbearance	6
Litigation	9
Normal Servicing	11
Notary	12
State Specifics	13

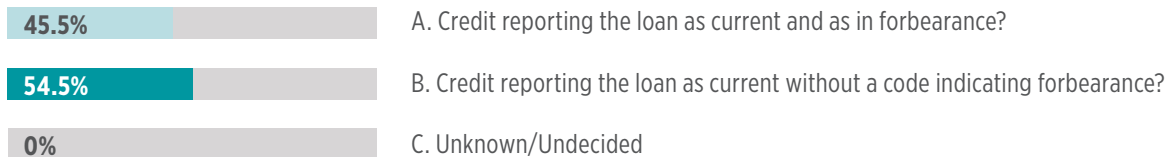
How is your company handling credit reporting forbearances? (04/22/2020)



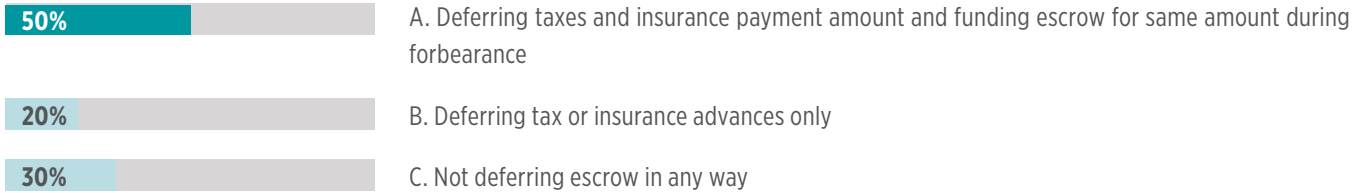
When credit reporting a loan in COVID-19 forbearance that was current when forbearance began, are you: (06/02/2020)



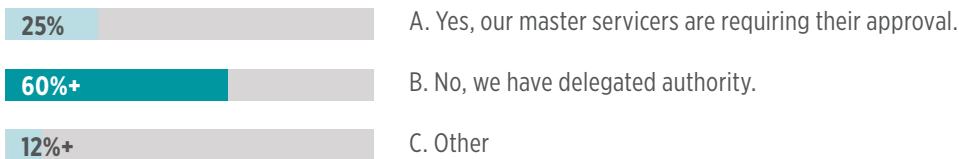
For a borrower who receives a CARES Act forbearance and continues to make the regularly scheduled monthly payments, are you: (06/02/2020)



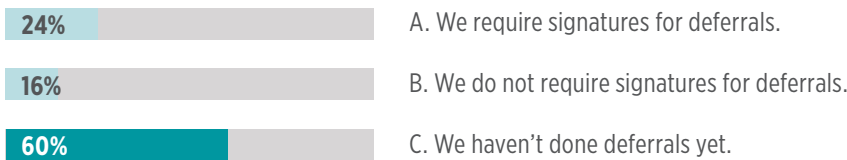
How are you handling escrow issues and deferral? (04/29/2020)



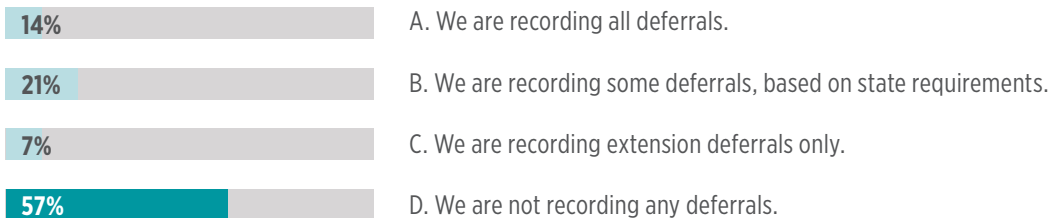
Are your master servicers, or other interested parties, requiring approval of modifications, deferrals, or other servicer programs? (04/29/2020)



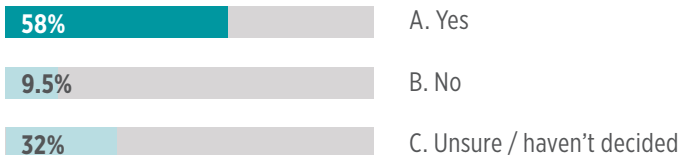
Signatures on deferrals: (05/06/2020)



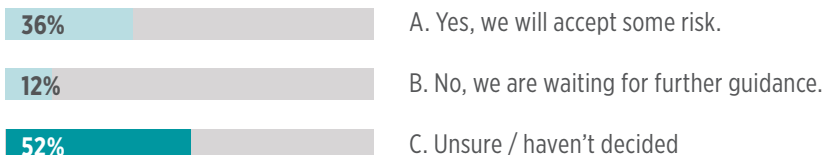
Recording deferrals: (05/13/2020)



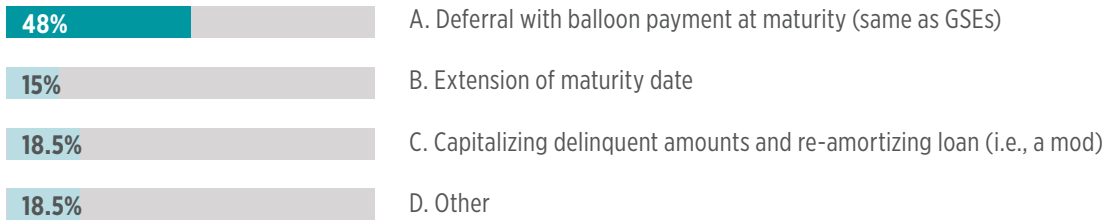
Are you planning on implementing a similar GSE-like deferral program for non-GSE loans? (5/20/2020)



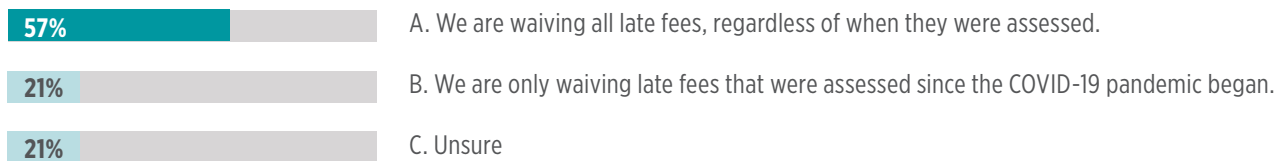
Are you planning on implementing the GSE deferral program by July 1? (5/20/2020)



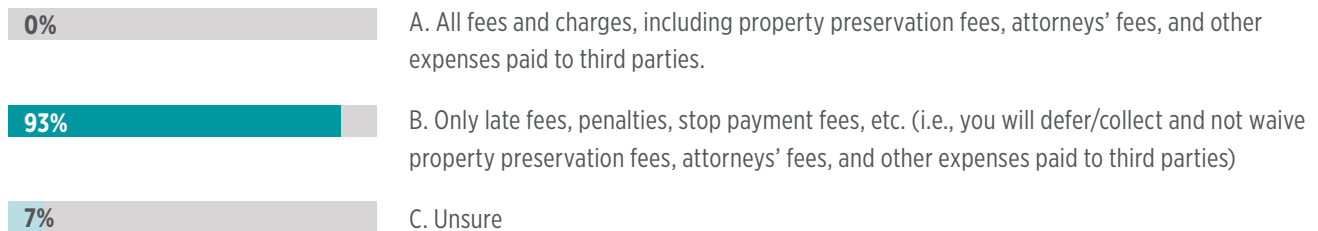
For portfolio loans, what post-forbearance deferral/extension/modification are you envisioning? (06/17/2020)



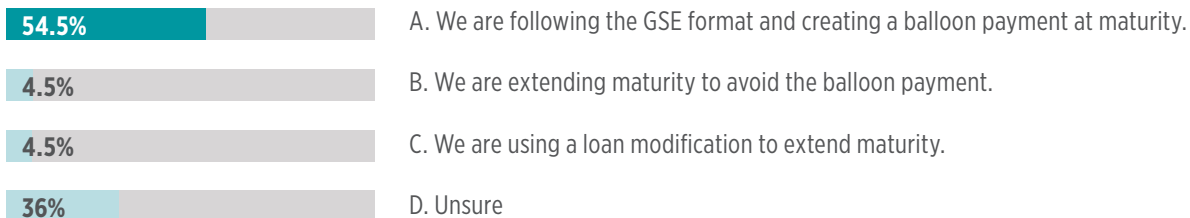
In connection with a payment deferral program issued under the CFPB's Interim Final Rule, how are you handling fees that were outstanding prior to (and are arguably unrelated to) COVID-19? (07/08/2020)



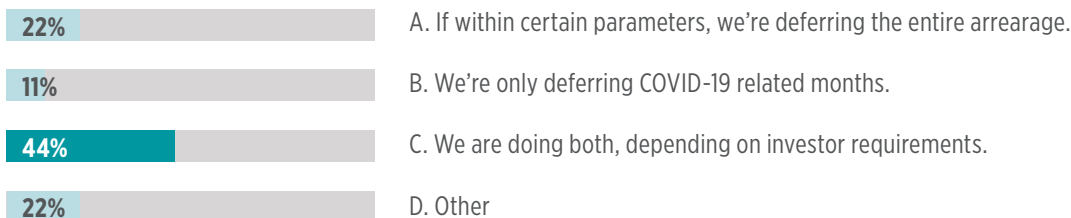
As a part of a deferral offer made pursuant to the CFPB's new Interim Final Rule, are you waiving: (07/08/2020)



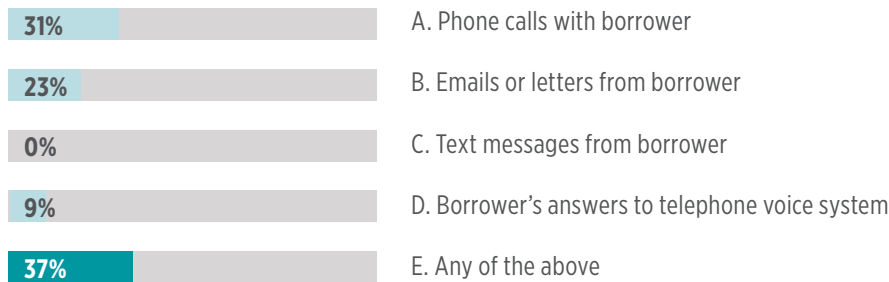
How are you handling deferrals on Texas 50(a)(6) loans (non-GSE)? (07/22/2020)



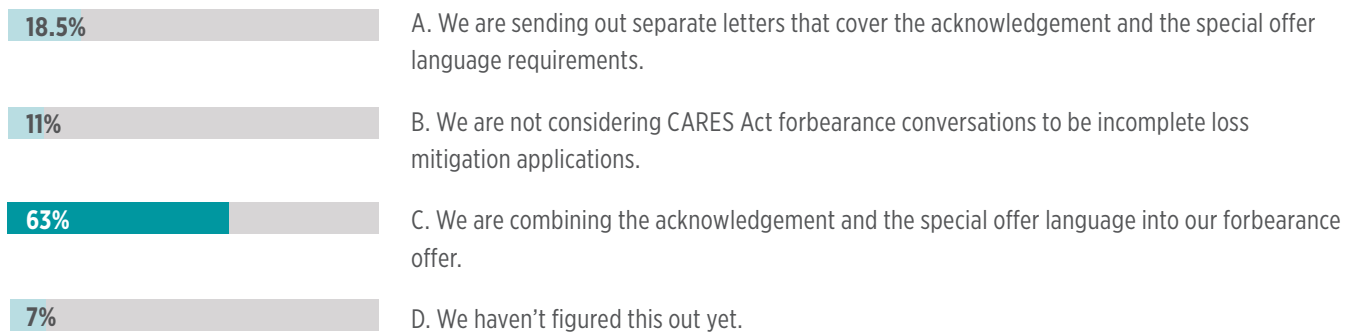
For a borrower who was delinquent before COVID-19, are you curing the entire arrearage with a deferral or only the COVID-19 related arrearage (non-gov loans)? (08/19/2020)



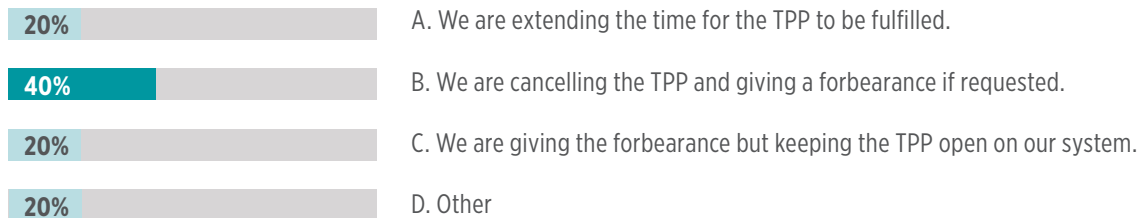
What are you using to document borrower’s “attestation” of financial distress? (04/22/2020)



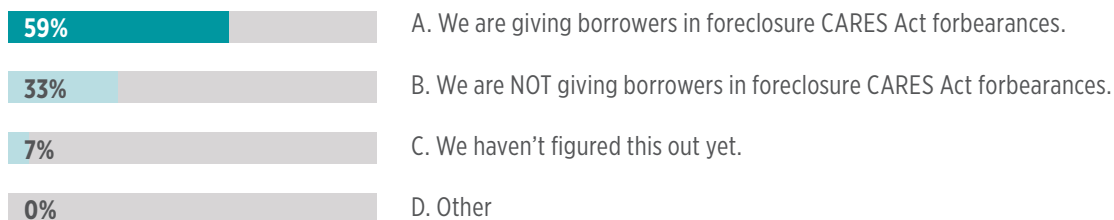
Incomplete package notices: (04/22/2020)



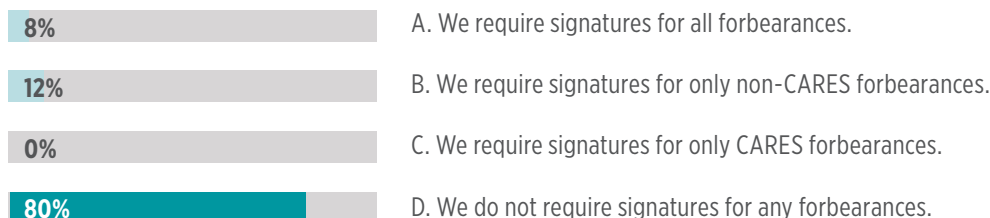
How are you handling TPP in place before CARES? (04/22/2020)



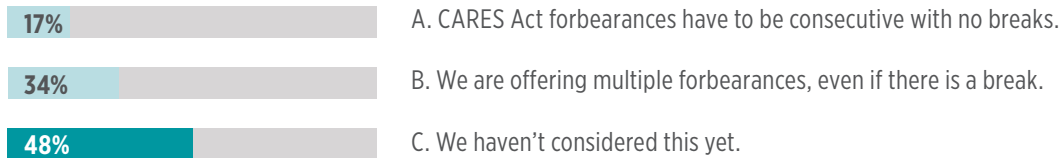
Forbearances and foreclosures: (04/22/2020)



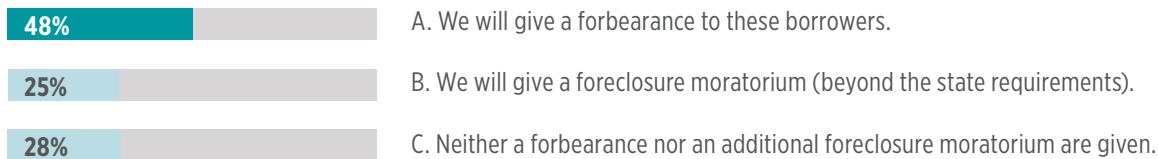
Signatures on forbearances: (05/06/2020)



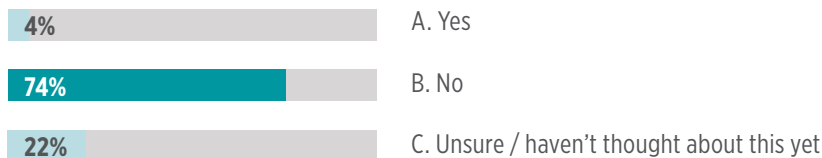
Consecutive forbearances: (05/13/2020)



Loans in foreclosure (non-CARES): (05/13/2020)



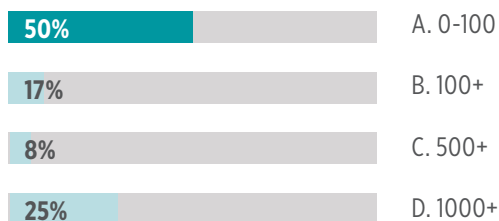
If a borrower makes a payment during a forbearance period, are you extending the term of the plan by a month? (5/20/2020)



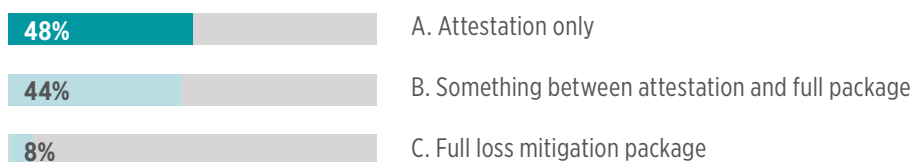
As a part of your disclosures/FAQs/disclaimers to consumers regarding COVID-19 forbearance plans, are you disclosing that obtaining the forbearance plan might impact their ability to obtain a new mortgage loan or refinance? (06/02/2020)



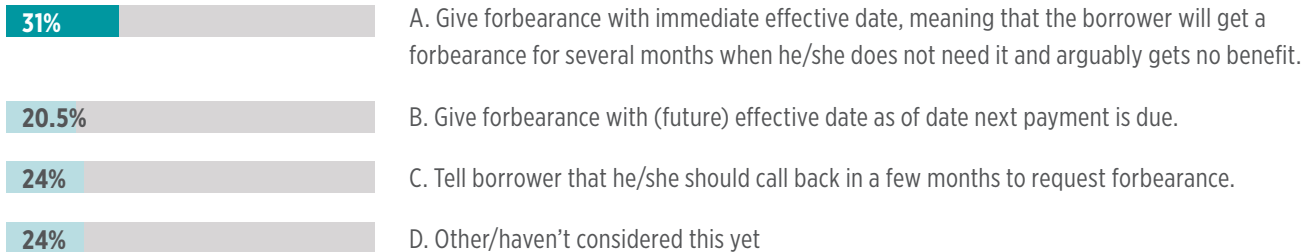
How many loans in foreclosure have you given CARES forbearances? (06/10/2020)



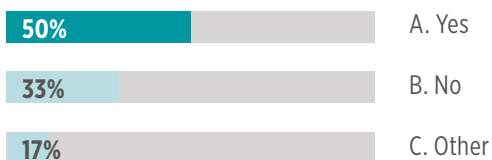
When a non-government loan borrower requests another forbearance, what documentation are you requiring? (Not NY/MA/D.C.) (06/17/2020)



When a borrower requests a CARES Act COVID-19 forbearance but his/her loan is paid ahead by several months (i.e., borrower request is made in mid-July but account is due for the October payment), do you or would you: (07/15/2020)



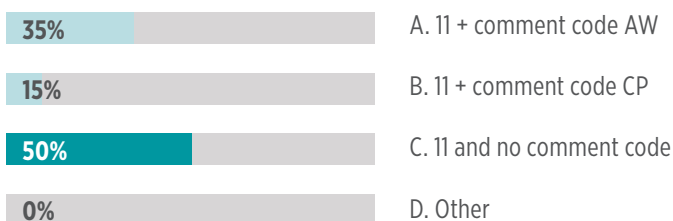
Are you always auto extending the borrower on a 90-day forbearance to a 180-day forbearance if you have lost contact with them? (07/22/2020)



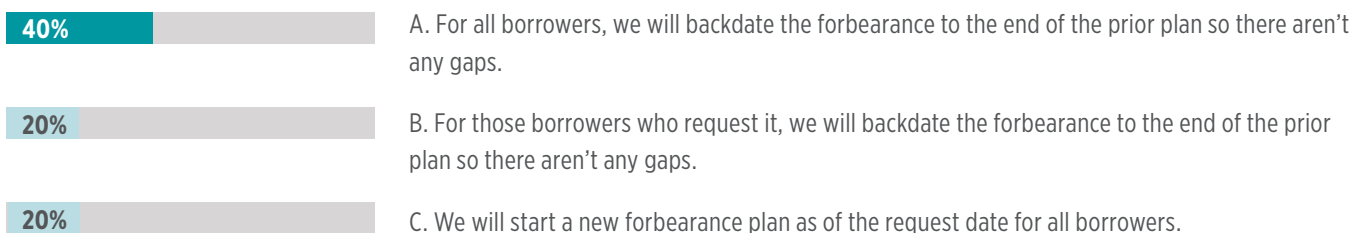
Are you turning late fees and convenience fees back on for loans not in forbearance?



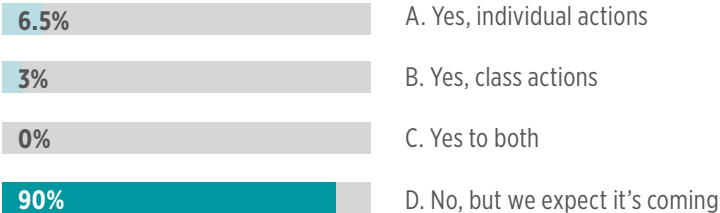
How are you using comment codes for credit reporting during forbearance?



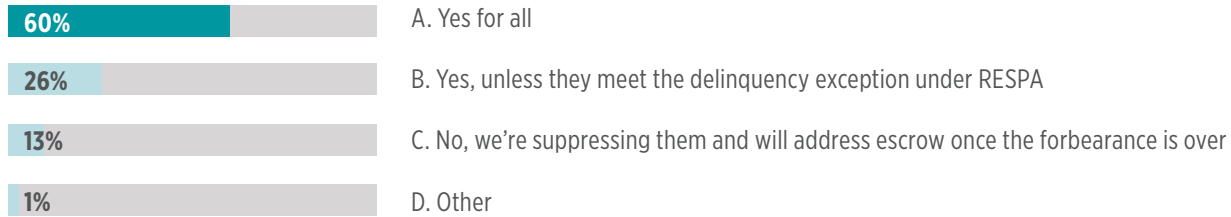
For a loan covered by the CARES Act, if a borrower requests forbearance after the initial six-month forbearance plan has already concluded (e.g., six weeks later), will you (1) backdate the new forbearance plan to the end of the prior plan so there isn't a gap or (2) start a new plan as of the request date? (08/26/2020)



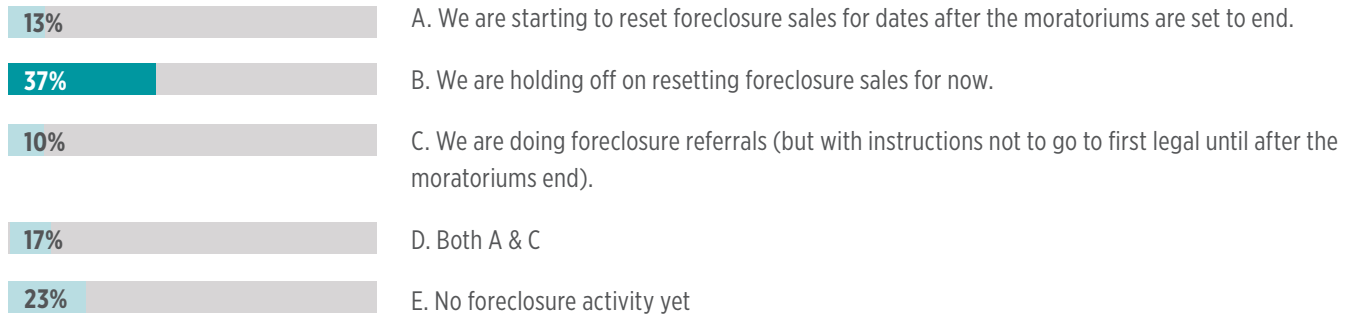
Have you started to receive CARES or forbearance-related litigation? (5/20/2020)



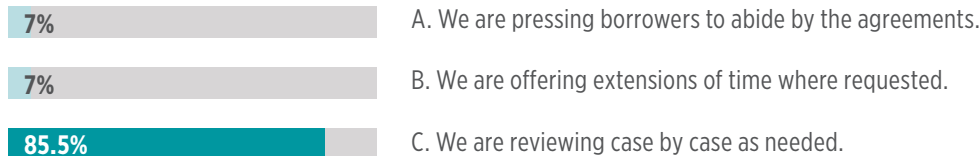
Are you sending escrow statements out while borrowers are in forbearance? (05/06/2020)



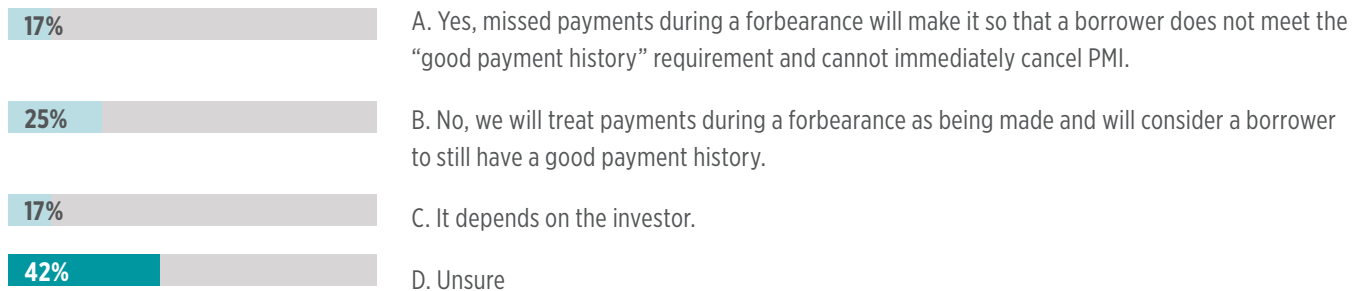
Foreclosures: (05/13/2020)



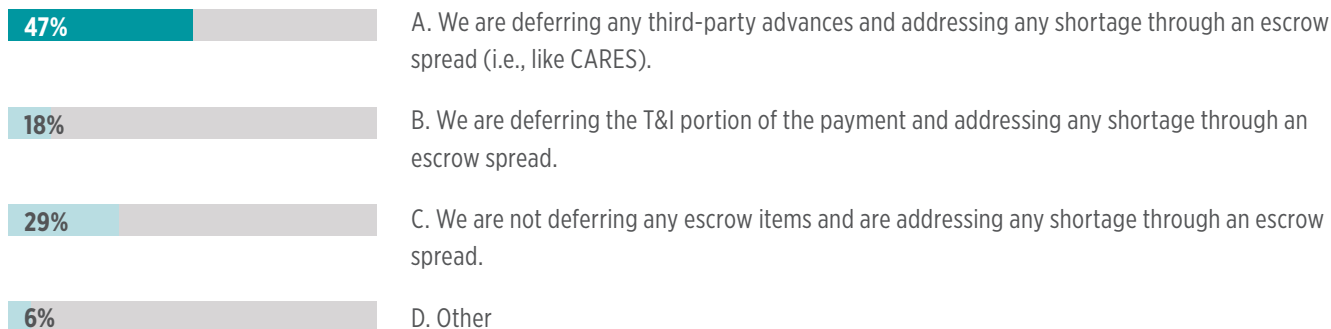
How are you handling previously agreed CFK or consent-to-foreclosure agreements? (06/02/2020)



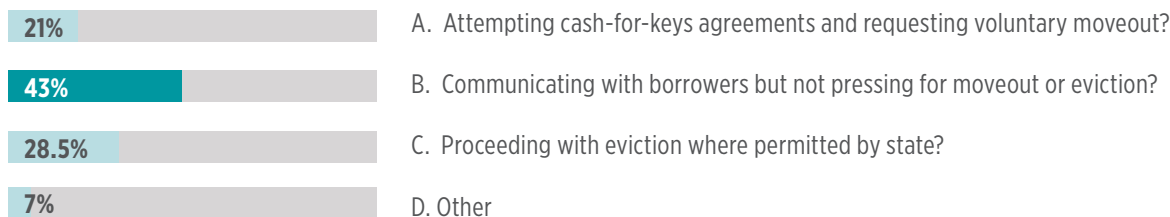
For borrowers with private mortgage insurance (PMI), will being on a forbearance and not making payments impact whether you will cancel PMI upon request? (07/22/2020)



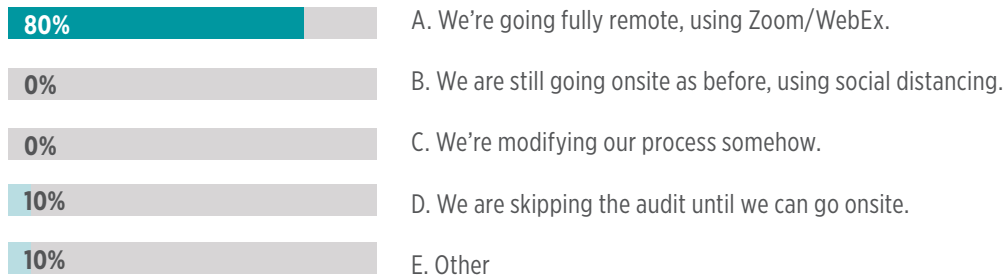
For non-CARES loans, how are you handling escrow after forbearance? (07/29/2020)



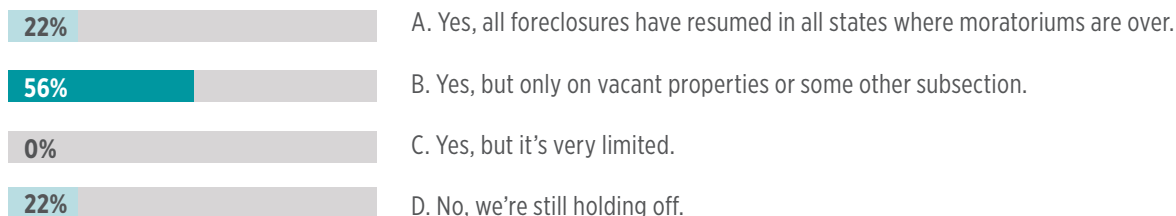
If foreclosure was already completed and the borrower is still in the home, are you: (08/12/2020)



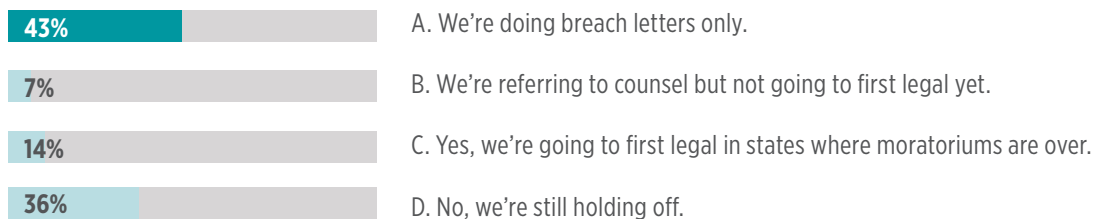
What is your plan for modifying on-site review of vendors in 2020? (08/12/2020)



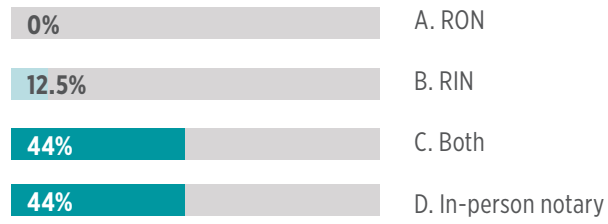
Are you resuming pre-COVID-19 foreclosures for loans not on forbearance? (08/26/2020)



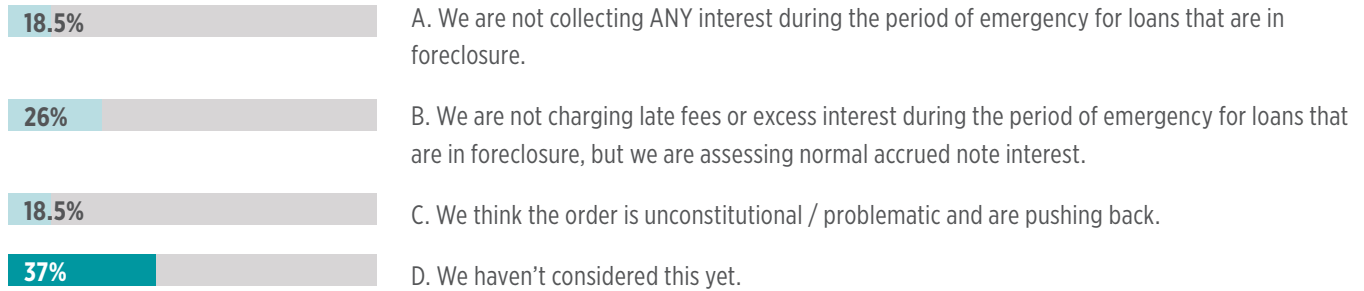
Are you starting new foreclosures for loans not on forbearance? (08/26/2020)



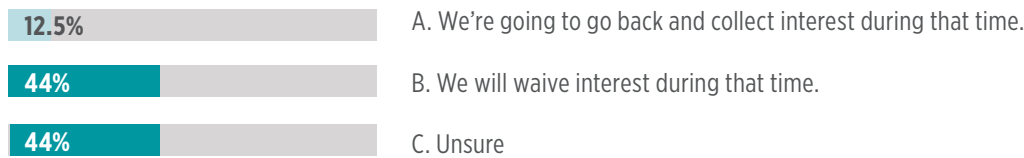
How are you handling notary issues? (04/22/2020)



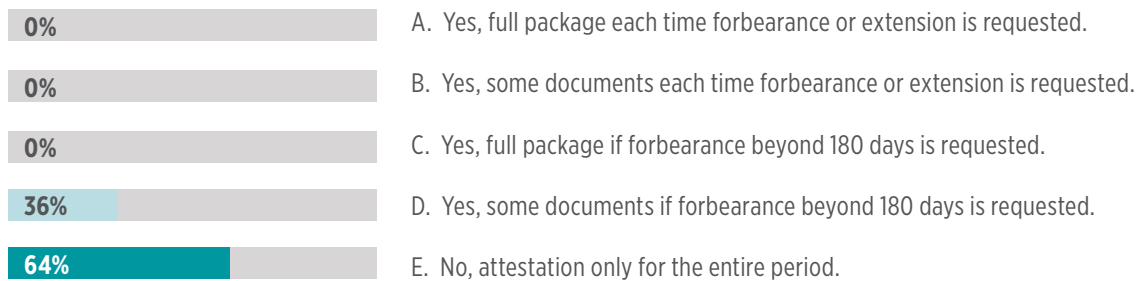
How are you handling Delaware's order? (06/02/2020)



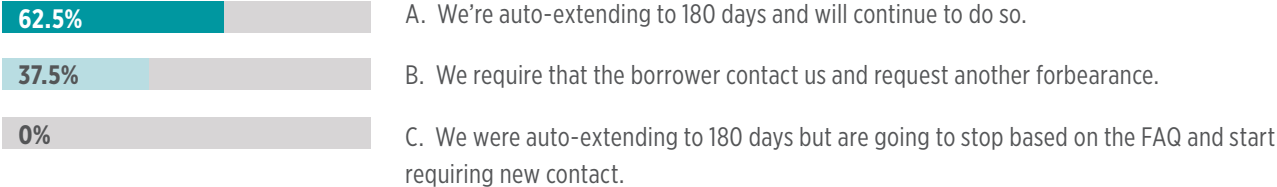
How do you interpret Delaware's 23rd modification regarding collection of interest from March 24, 2020 through June 30, 2020? (07/08/2020)



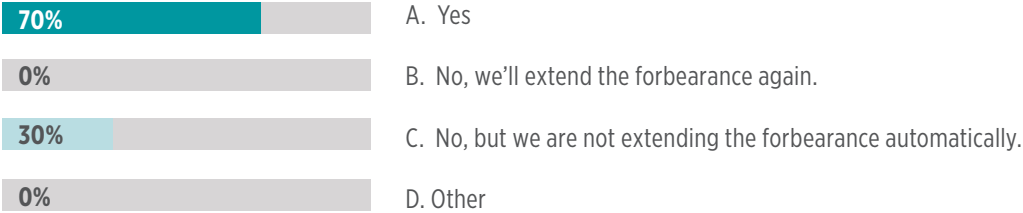
Are you asking for a package to "demonstrate financial hardship" in New York? (08/12/2020)



How are you handling the expiration of a borrower’s 90-day forbearance under the New York Executive Order if you are unable to make contact with the borrower? (08/12/2020)



If borrower has received 180 days forbearance in New York and won’t make contact, will you defer to maturity at that point? (08/12/2020)



COVID-19 Mortgage Servicing Roundtable Team



Robert Maddox
Partner
Birmingham
rmaddox@bradley.com
205.521.8454



Christian W. Hancock
Partner
Charlotte
chancock@bradley.com
704.338.6005



Jason R. Bushby
Partner
Birmingham
jbushby@bradley.com
205.521.8086



Jonathan R. Kolodziej
Partner
Birmingham
jkolodziej@bradley.com
205.521.8235