

STATE OF NEW HAMPSHIRE

BANKING DEPARTMENT

In re Seterus, Inc.

Case No. 14-098

Consent Order

The New Hampshire Banking Department (the “Department”) acting in agreement with the Respondent, Seterus, Inc. (“Seterus”), finds and orders as follows:

Background

From December 2013 through May 2014, Seterus sent a form letter to 140 New Hampshire consumers in response to each consumer’s request for assistance to modify a mortgage loan. The letter stated that the consumer’s loan modification application was incomplete and gave the consumer approximately 60 days to send in the outstanding documents. However, some of these consumers were in default on their mortgage loan and Seterus had scheduled a foreclosure auction on the consumer’s home to occur during the 60-day timeframe. The letter failed to explain that the auction would occur regardless of the 60-day timeframe.

Upon discovery of the failure of the letter to explain that the foreclosure auction would occur regardless of the 60-day timeframe, Seterus moved forward with making updates to Seterus’s processes so that future letters would include appropriate language. Additionally, Seterus took steps to ensure that all consumers with foreclosure auctions scheduled during the 60-day timeframe: (1) had their foreclosure auction rescinded; (2) had their foreclosure auction postponed; or (3) were provided with an updated letter with a corrected time frame. Subsequently, the Department and Seterus entered into negotiations to resolve this matter with the full cooperation of both parties.

Acknowledgments

1. The Department acknowledges and agrees that this Consent Order resolves any and all matters related to and involving the letters sent from December 2013 to May 2014 to 140 New Hampshire consumers as identified above in the Background section of this order.
2. The Respondent has voluntarily entered into this Consent Order without reliance upon any discussions between the Department and the Respondent, without the promise of a benefit of any kind (other than the concessions contained in this Consent Order), and without threats, force, intimidation, or coercion of any kind.
3. The Respondent acknowledges its understanding of the nature of the allegations set forth in this Consent Order, including the potential penalties provided by law.
4. The Respondent acknowledges, understands, and agrees that it has the right to notice, hearing, civil action, and/or appeal related to this Consent Order, and hereby waives those rights.
5. The Respondent represents and warrants that it has all the necessary rights, powers, and abilities to carry out the terms of this Consent Order that are applicable to it.
6. The Respondent acknowledges that the Department is relying upon the Respondent's representations and warranties stated herein in making its determinations in this matter.
7. The Respondent understands that this Consent Order may be revoked and the Department may pursue any and all remedies available under the law against the Respondent if the Department later finds that the Respondent knowingly or willfully withheld information from the Department.
8. This Consent Order is binding on all heirs, assigns, and/or successors in interest.

