



All of **us** serving you™

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MAR 23 2011

March 18, 2011

The Honorable Elijah E. Cummings
House Committee on Oversight and
Government Reform
2471 Rayburn House Office Building
Washington, DC 20515-6143

Re: February 25, 2011, Request for Information

Dear Congressman Cummings:

I am writing in response to your February 25, 2011, letter requesting certain information related to mortgage loan servicing at U.S. Bank National Association ("U.S. Bank").

Improper Execution of Foreclosure or Charging of Fees

You have asked for documents relating to instances in which U.S. Bank determined that foreclosures were not properly executed or in which U.S. Bank determined that improper fees were charged to homeowners in excess of \$5,000 per household. U.S. Bank, in connection with its recent OCC examination and in response to your letter, has reviewed records back to January 1, 2006, and has not identified any instances in which a borrower was wrongfully evicted from their home or was charged improper fees as described in your letter. Accordingly, U.S. Bank does not have documents responsive to your requests in this regard.

Complaints

You have also asked for the total number of complaints U.S. Bank has received alleging either that a foreclosure was not properly executed or that U.S. Bank charged improper fees in excess of \$5,000 per household. A search of our records indicates that we have received approximately 50 customer complaints relating to alleged wrongful foreclosure of some kind and two customer complaints that U.S. Bank charged improper fees in an amount of \$5,000 or more.

Notwithstanding the relatively small number of complaints on these topics, none of these was found to have merit.

In addition to the usual customer complaint process, litigation claims challenging the propriety of a foreclosure or fee are asserted in court filings from time to time in the context of foreclosure-related lawsuits. Although the total number of times such litigation positions have been taken against the Bank is not known to us, none of these claims have been found to have merit.

Response

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Internal Investigations and Audits

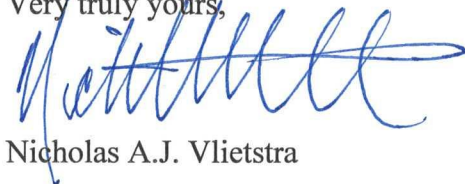
Finally, with respect to internal investigations and audits, U.S. Bank has conducted a thorough review of its foreclosure policies, procedures and practices, both on its own behalf and as necessary to meet the requirements of its regulator. These reviews were performed by U.S. Bank's Corporate Compliance, Audit, and Legal staff, with the assistance of several outside law firms. The actual documents supporting these investigations and audits are privileged and/or confidential. However, these assessments have confirmed the positive information disclosed to above; neither U.S. Bank nor its regulator has identified a single instance where a borrower was wrongfully evicted from their home or was charged improper fees as described in your letter.

To understand the Bank's responses above, it is important to know that a key difference between U.S. Bank and some other large mortgage servicers is the manageable size and high quality of its mortgage portfolio, which enables the Bank to control its foreclosure process internally and employ long-standing and well-established safeguards. In the years leading up to this mortgage crisis, U.S. Bank did not pursue the exotic loan structures (option-ARMs, *etc.*) that others did. U.S. Bank did not push packages of loans into large securitization pools, and it did not purchase large organizations that had pursued these types of policies. Moreover, when U.S. Bank did purchase an organization, it quickly began applying its own policies and approach to their lending and servicing activities, and also worked closely with the FDIC and others as appropriate.

U.S. Bank takes its compliance obligations very seriously and recognizes the significant effect a foreclosure can have on a borrower's finances and well-being. U.S. Bank has in place, and is even improving, strong processes and controls designed to ensure that no one is wrongfully evicted from their home or charged improper fees. The Bank's primary goal is to keep borrowers in their homes. U.S. Bank participates in a number of loan modification programs, including HAMP, which established affordable payment options for its customers. In addition, U.S. Bank has developed and implemented other foreclosure prevention methods that include early contact with delinquent borrowers, outreach programs, and foreclosure prevention workshops.

I hope that this information is helpful. Please do not hesitate to contact me concerning additional information, questions about the contents of this letter, or any other matter.

Very truly yours,



Nicholas A.J. Vlietstra

cc: The Honorable Darrell E. Issa, Chairman
Mr. Christopher Staszak
Mr. Christopher Hixon