

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

In re:

Rose M. Williams
Debtors

Case No. 18-12940-BFK
Chapter 13

Rose M. Williams
Plaintiffs

v.

AP No.

Selene Finance LP,
U.S. Bank Trust, National Association, and
RCF 2 Acquisition Trust
Defendant

Complaint

The Plaintiff, Rose M. Williams, by counsel, hereby requests that this Court sanction and enjoin Defendant creditor, Selene Finance LP. Selene is ignoring their statutory duty under Truth in Lending, 15 USC §1638(f) to send Ms. Williams monthly mortgage statements and is thus interfering with her ability to carry out a successful reorganization under Chapter 13.

1. Debtor filed for relief under Chapter 13 on August 28, 2018. Debtor's plan was confirmed on March 28, 2019.
2. Included in the Chapter 13 estate of this case is Debtor's real property identified as 4121 Hemingway Drive, Woodbridge, VA 22193.
3. This court has jurisdiction in this complaint under 28 USC § 1334(b) as this is a matter related to the pending bankruptcy case.

4. At the time of filing, Seterus, Inc as the authorized subservicer for Federal National Mortgage Association, held a lien against said real property and filed proof of claim #7 in this Court's record on October 25, 2018, in the amount of \$296,559.67.
5. On April 26, 2019, a Transfer of Claim Other Than for Security (Docket #38) was filed, transferring the claim from Seterus, Inc to Nationstar Mortgage LLC d/b/a Mr. Cooper.
6. On March 21, 2022, a Transfer of Claim Other Than for Security (Docket #61) was filed, transferring the claim from Nationstar Mortgage LLC d/b/a Mr. Cooper to U.S. Bank Trust National Association, not in its individual capacity but solely as owner trustee for RCF 2 Acquisition Trust c/o U.S. Bank Trust National Association. The name and address where notices to transferee should be sent is listed as:

Selene Finance, LP
9990 Richmond Ave, Suite 400 South
Attn: BK Dept
Houston, TX 77042

7. After that transfer to Selene, Rose Williams stopped receiving monthly mortgage statements.
8. The Truth in Lending Act, 15 USC §1638(f), requires servicers such as Selene to send the borrower periodic statements.
9. Regulation Z, 12 CFR §1026.41(e)(5), expressly tells Selene and others that bankruptcy does NOT relieve them of the obligation to send periodic statements—unless requested by the debtor, unless

the plan or statement of intention provides for surrender, or the lien is avoided, or the stay lifted AND the debtor has ceased payments.

10. Each month, Rose Williams calls Selene to confirm the amount due, makes a payment, and requests that they begin sending monthly statements.
11. Counsel also contacted Selene in writing twice; once to their Loan Resolution email; once to their Customer Service email, warning Selene they are in violation of federal law and regulation, for failing to send Rose Williams her monthly statement.
12. It is necessary appropriate for this court, under 11 USC §105, to order Selene to send monthly mortgage statements to Rose Williams.

Therefore, Debtor requests that this Court: **Award** damages and attorney fees as provided by 15 USC §1640(a)(2)(A)(i) and §1640(a)(3); **Order** Selene to send Rose Williams monthly statements on her mortgage; **Grant** such additional relief as deemed necessary and proper.

/s/ Robert R. Weed

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Parties to be Served:

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Selene Finance, LP
Corporation Service Company, Registered Agent
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Richmond, VA 23219

President and Chairman of the Board
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US Bank Trust National Association
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