

# EXHIBIT N

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December 15, 2010

Heather L. Bennett, Esquire  
Nelson, Mullins, Riley & Scarborough LLP  
30<sup>th</sup> Floor  
One Post Office Square  
Boston, Massachusetts 02109-2127  
*Via Fax: 617-573-4710*

Re: *Karen Michele Sala Michaels v.  
Wells Fargo Home Mortgage, a division of  
Wells Fargo Bank, N.A.*  
United States District Court for the District of Massachusetts  
Docket No. 1:10-cv-11471

Dear Ms. Bennett:

I am writing to respond to your letter of December 10, 2010. Thank you for taking the time and making the effort to outline your client's position. In the long path that Ms. Michaels has trod in this matter, your letter is one of the very few meaningful attempts to offer an explanation of Wells Fargo Mortgage Company's position. However, in an effort to follow Judge Ponsor's advice that the attorneys "work carefully together to insure an accurate and complete exchange of documents," it is my purpose to offer my corrections to certain statements or implications that found their way into your letter.

First, when you and I spoke on December 7, four days after I had sent you additional financial documents that I had received from my client, I believe that I asked if you knew of any other documents that Wells Fargo required from Ms. Michaels. My memory is that you told me that you did not know of anything else that Wells Fargo Home Mortgage needed from Ms. Michaels. You did say that you would be speaking with your client later in the week, and if there were some additional documentation, you would let me know.

When you and I spoke on December 7, I believed you when you told me that you did not know of anything else that my client ought to submit to you. I still held that belief when I wrote to you on December 9 because if you had known of anything else you would have told me on December 7. Moreover, if you had known that Ms. Michaels would be required to provide anything more than her most recent financial information, I believe that either you or Mr. Clendenen would have informed Judge Ponsor of that requirement, but you did not.

Because none of the attorneys for Wells Fargo Home Mortgage expressed that requirement before you wrote your letter of December 10, I must conclude that your client has only recently come to that position. If Judge Ponsor were told of Wells Fargo Home Mortgage's new requirement at the hearing, then he may very well have drafted his order differently.

Second, you wrote that "there is currently no HAMP application pending form [my] client." I had not been aware of that contention before I received your letter. To the contrary, it has been the plaintiff's position from the outset that she submitted a proper, complete mortgage loan modification under the HAMP guidelines. In addition, after submitting her application, she had provided to Wells Fargo Home Mortgage all of the documentation that it had requested. In that regard, based on Ms. Michaels' application for a mortgage loan modification, Wells Fargo Home Mortgage, your client wrote to Ms. Michaels more than a year ago, offering its congratulations to her for qualifying for a Temporary Period Plan "based on the income information that [she had] previously provided to [Wells Fargo Home Mortgage]." Implicit in the offer of a temporary loan modification is the homeowner's underlying application for a modification. There is no question that Wells Fargo Home Mortgage unilaterally terminated that temporary loan modification process, but it is equally clear that Wells Fargo . . . has confirmed that the issue appears to be that the self employment income was not factored into [Ms. Michaels'] gross income for the purposes of HAMP calculations."

Again, when we were all before Judge Ponsor on November 19, neither you nor Mr. Clendenen asserted that there is no HAMP application pending. Moreover, you did not mention that contention to me when you and I spoke on December 7. I can only conclude that sometime after that date did Wells Fargo Home Mortgage decide that the application process that Ms. Michaels has undergone for more than a year was all for naught.

Third, your client has determined that "some of [her] income has not been documented." Such a position is at odds with the fact that Ms. Michaels has submitted to Wells Fargo Home Mortgage financial documentation more than 20 times during the past 15 months. Your client's position is at odds with my submitting Ms. Michaels' financial documentation to Mr. Patterson on October 19, and his forwarding that paperwork to Wells Fargo Home Mortgage. Also, that position is inconsistent with both my sending to you my client's most recent financial documentation on December 3 and my telephone conversation with you on December 7.

The colloquy in court, among Judge Ponsor and counsel revolved around the plaintiff *supplementing* her earlier financial documents and Wells Fargo Home Mortgage providing me with relevant documents necessary to resolve the issue of a permanent mortgage loan modification. Those exchanges in open court seem, without question, to be the basis for Judge Ponsor's advice to us "to work carefully together to insure an accurate and complete exchange of documents on both sides." In that spirit, and attempting to heed Judge Ponsor's advice, I wrote requesting a limited number of documents from your client. Wells Fargo Home Mortgage has now taken the position that it may ignore Judge Ponsor's advice and that it need not provide the plaintiff with any documents related to her HAMP application.

I am writing to ask that you confer again with your client to see if it will reconsider its position and provide me with the documents that I requested. Please be assured that I stand ready to "work with vigor and resourcefulness to frame an arrangement that will, if at all possible, permit [my client] and her daughter to continue to live in her house." My hope is that you client will allow you to work with me.

After you have had the opportunity to speak with Wells Fargo Home Mortgage, please contact me t your earliest opportunity so that you and I can move this process forward. Thank you for your attention to this matter.

Very truly yours,

Francis K. Morris  
Attorney

cc: Ms. Karen Michele Sala Michaels