

RESCINDED

Service members Civil Relief Act of 2003

Questionnaire

This document and any attachments are superseded by Comptroller's Handbook - Consumer Compliance - Servicemembers Civil Relief Act.

Section 518 – Exercise of Rights Under ACT NOT TO AFFECT Certain Future Financial Transactions

1. Does the creditor refrain from taking adverse action against a servicemember solely because the servicemember exercised rights under the Act (50 USC App. § 518)?

If No, cite a violation of Section 518.

Section 527 – Maximum Rate of Interest on Debts Incurred Before Military Service

1. Did the creditor reduce the interest rate on obligations of a servicemember, or of a servicemember jointly with the servicemember's spouse, incurred prior to military service, to no more than six percent during the period of military service upon receipt of written notice and a copy of the servicemember's military orders (527(a)(1))? Note that in the case of a mortgage, the six percent cap extends to one year following the end of military service. Interest under the SCRA includes all service, renewal or other charges and fees with the exception of bona fide insurance charges.

If No, cite a violation of Section 527(a)(1).

2. Did the creditor forgive interest in excess of six percent (527(a)(2))?

If No, cite a violation of Section 527(a)(2).

3. Did the creditor reduce any periodic payment due by the servicemember by the amount of the interest forgiven (527(a)(3))?

If No, cite a violation of Section 527(a)(3).

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Yes No NA

4. Upon receipt of the written notice from the servicemember and a copy of the military orders, did the creditor apply the interest rate reduction retroactively to the date on which the servicemember is called to military service (527(b)(2))?
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If No, cite a violation of Section 527(b)(2).

Section 532 – Protection Under Installment Contracts For Purchase or Lease

1. Did the creditor obtain a court order before rescinding or terminating contracts by a servicemember for the purchase, lease or bailment of real or personal property (including a motor vehicle) for any breach of terms occurring before or during military service, provided a deposit or installment had been paid prior to entry into military service? Similarly, did the creditor obtain a court order before repossessing property due to breach of terms (532(a))?
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If No, cite a violation of Section 532(a).

Section 533 – Mortgages and Trust Deeds

1. Did the creditor obtain a court order before selling, foreclosing or seizing real or personal property due to a breach of an obligation by a servicemember during the period of military service or within nine months after without a court order (533(c))? Note that HERA sunsets the nine months extension on December 31, 2010, and the SCRA reverts to the original statutory provision of 90 days.
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If No, cite a violation of Section 533(c).

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Yes No NA

Section 535 – Termination of Residential or Motor Vehicle Lease

1. Did the creditor terminate the lease within the stipulated timeframe once the requirements for termination were met by the servicemember lessee (535(d))?

If No, cite a violation of Section 535(d).

2. Did the creditor refund the lease amounts paid in advance for a period after the effective date of termination within 30 days of the effective date of the termination of the lease (535(e))?

If No, cite a violation of Section 535(e).

Section 536 – Protection of Life Insurance Policy

1. Did the creditor obtain a court order before exercising any right or option obtained under an assignment of the servicemember's life insurance policy made before the servicemember's military service during the period of military service or within one year thereafter (536(a))?

If No, cite a violation of Section 536(a).

COMMENTS

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