

Sample Notice to be Given to Tenants by Successors in Interest including Realtors, Banks, LL's Lawyers and other agent.

Date:

**The property you live in has been sold, through foreclosure.
The new owner is:**

(name, address, telephone number, and e mail address)

We represent the new owner, and you can respond to this letter at:

(name, address, telephone number, name and e mail address)

Please contact us upon receipt of this letter to let us know if you are residing in the property as a tenant; and, if you have any documentation of your tenancy (a copy of a lease, a cancelled rent check, etc.) please send such verification. We also need to know if you have paid a security deposit. If we do not hear from you within twenty (20) days after the above date you will not lose any legal rights, but we will initiate legal action to seek permission from a court to order your removal from the property.

This Notice describes some of your rights in federal law. Under the "PROTECTING TENANTS AT FORECLOSURE ACT OF 2009" you may have the right to continue living in this housing for the remainder of your lease term or for at least 90 days from the date you are given notice to vacate the property, whichever is longer. The new owner can only terminate your tenancy and seek your eviction if you are served with a 90 day notice to vacate, **UNLESS you fail to timely pay rent or you violate other terms of the tenancy.**

You may be protected by this federal law if:

- The new owner became the owner on or after May 20, 2009; and
- You were a tenant on or before May 20, 2009; and
- You are not the child, parent or spouse of the former owner; and
- Your rent is equal to or is not substantially below fair market rent; or, you pay less because you have governmental rental assistance, such as a Section 8 Voucher.

If you have a SECTION 8 Voucher, you have additional rights:

- It doesn't matter when the foreclosure happened, so long as you were a tenant on May 20, 2009.
- The new owner must abide by your lease and by the Housing Assistance Payments contract that the old owner had with the Section 8 housing agency.
- The new owner cannot refuse to accept either your share of the rent or the housing agency's share, in order to attempt a quick non-payment eviction.

None of your rights as a tenant under federal, state or local laws which give you greater or additional protections are changed by the Protecting Tenants At Foreclosure Act of 2009.

You may have other options to explore:

If you want to move, the new owner may be willing to offer to pay moving expenses and any other costs or amounts you and the new owner settle on, in exchange for your agreement to leave the premises in less than 90 days, or before your lease expires. This is often referred to as "key money." We suggest you speak with a lawyer to fully understand your rights before making any decision regarding your tenancy. The Virginia State Bar operates a Lawyer Referral Service: (800) 552-7977; and, there are local referral services in Alexandria: (703) 548-1105; in Arlington: (703) 228-3390; in Fairfax: (703) 246-3780; and, in Prince William: (703) 393-2306. Free legal assistance for low and moderate income tenants is available from: Legal Services of Northern Virginia: (866) 534-5243.

*Law Offices
of
Shapiro & Burson, LLP*

December 28, 2009

TO: [REDACTED] & JOHN/JANE DOE,
OCCUPANTS &
All occupants residing at
[REDACTED] (“Premises”)

**NOTICE OF FORECLOSURE &
TENANT’S RIGHTS UNDER FEDERAL LAW**

NOTICE IS HEREBY GIVEN THAT U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR BY TRUSTEE TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS SUCCESSOR BY MERGER TO LASALLE BANK, N.A., AS TRUSTEE FOR THE MLMI TRUST SERIES 2006-HE6 or its predecessor in interest, acquired title to the Premises at a foreclosure sale.

NOTICE IS FURTHER GIVEN THAT the Federal “Protecting Tenants at Foreclosure Act of 2009” (“PTFA”) grants certain rights and protections to any occupant of the Premises who is a “bona fide” tenant, as defined by the PTFA. U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR BY TRUSTEE TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS SUCCESSOR BY MERGER TO LASALLE BANK, N.A., AS TRUSTEE FOR THE MLMI TRUST SERIES 2006-HE6 is informed and believes that no occupant of the Premises is a “bona fide” tenant as defined by the PTFA. This Notice is given, in part, to provide any occupant the opportunity, prior to the commencement of the eviction action for possession, to provide acceptable evidence to show that the occupant is entitled to the protection of the PTFA.

OCCUPANT ASSISTANCE NOTICE

U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR BY TRUSTEE TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS SUCCESSOR BY MERGER TO LASALLE BANK, N.A., AS TRUSTEE FOR THE MLMI TRUST SERIES 2006-HE6 provides relocation assistance programs to occupants of its foreclosed properties, for both former owners and tenants. It also provides a tenant information hotline, to allow you to claim tenant status as explained below. To discuss these programs, your options under them, or to claim tenant protections, please call (866) 612-3746. PARA ASISTENCIA EN ESPANOL LLAME AL (866) 612-3746.

TEN (10) DAY NOTICE TO VACATE.

THIS IS A COMMUNICATION FROM A DEBT COLLECTOR.

NO DEBT COLLECTION ATTEMPT WILL BE MADE IN VIOLATION OF THE AUTOMATIC STAY OF 11 U.S.C. SECTION 362(a), OR OF ANY BANKRUPTCY DISCHARGE OR BANKRUPTCY COURT ORDER

13135 Lee Jackson Highway, Suite 201, Fairfax, Virginia 22033
(703) 449-5800 Facsimile (703) 449-5850 »

If you are a former owner or a person who is not a "bona fide" tenant under the PTFA, U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR BY TRUSTEE TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS SUCCESSOR BY MERGER TO LASALLE BANK, N.A., AS TRUSTEE FOR THE MLMI TRUST SERIES 2006-HE6 terminates any and all rights to occupancy and instructs you to vacate the Premises no later than ten (10) days following delivery of this letter.

ALTERNATIVE NINETY (90) DAY NOTICE

In the event any occupant of the Premises is a bona fide tenant as defined by PTFA, this letter is the NINETY (90) DAY Notice to Vacate as required by PTFA.

Thus, all occupants are required within ten (10) days after receipt by you of this Notice EITHER to produce acceptable evidence to this law firm that the occupant is entitled to the protections of the PTFA OR to vacate and surrender possession of the Premises to U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR BY TRUSTEE TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS SUCCESSOR BY MERGER TO LASALLE BANK, N.A., AS TRUSTEE FOR THE MLMI TRUST SERIES 2006-HE6. Failure to supply the acceptable evidence or to vacate within that time will result in an eviction proceeding for possession of the Premises being filed. Please see the next paragraph for instructions on how to supply this evidence. THE EVICTION WILL BE FILED WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS LETTER UNLESS THIS FIRM AGREES IN WRITING NOT TO COMMENCE THE EVICTION.

BONA FIDE TENANT INFORMATION

IF YOU BELIEVE YOU QUALIFY AS A BONA FIDE TENANT UNDER PTFA of the prior owner, you must provide the following documents:

- A copy of your lease (or, if your lease is oral, proof of rent payment)
- A return phone number and the best time to reach you
- The receipt for the last six (6) payments made to the landlord for the residence (or the length of time you have resided in the property, if less than six (6) months)

To provide this information, please call (866) 612-3746. The fax number is (972) 829-7889.

PARA ASISTENCIA EN ESPANOL LLAME AL (866) 612-3746.

Very truly yours,

SHAPIRO & BURSON, LLP

By: Mildrid De Leon, Legal Assistant