UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

Janine Fraser v. Select Portfolio Services Inc.

2026 DNH 023 · No. 23-cv-446-LM-AJ · Decided March 16, 2026

SUMMARY

The United States District Court for the District of New Hampshire considers Select Portfolio Services Inc.'s motion for summary judgment in a lawsuit alleging violations of RESPA and Regulation X. The court concludes that the plaintiff, who obtained title to the mortgaged property through a divorce decree, may qualify as a confirmed successor in interest and therefore may have statutory standing under RESPA. The court grants summary judgment in part and denies it in part, including denying several grounds advanced by SPS while concluding that injunctive relief is unavailable under RESPA.

CASE DETAILS

COURT	United States District Court for the District of New Hampshire
WRITING FOR THE COURT	Landya B. McCafferty
JURISDICTION	United States District Court for the District of New Hampshire
DECIDED	March 16, 2026
DOCKET	23-cv-446-LM-AJ
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a RESPA and Regulation X action after removal from New Hampshire Superior Court. Defendant moved for summary judgment, and plaintiff objected.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that no genuine dispute as to any material fact exists and that the movant is entitled to judgment as a matter of law. The court views the facts and reasonable inferences in the light most favorable to the nonmovant.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Janine Fraser v. Select Portfolio Services Inc.

TOPICS

consumer protection · mortgages · foreclosure · summary judgment · statutory interpretation

PRACTICE AREAS

consumer protection · mortgages · foreclosure · real estate · civil procedure

QUESTIONS PRESENTED

1. Whether Fraser had statutory standing to sue under RESPA despite not signing the promissory note.
2. Whether the undisputed facts established that SPS complied with RESPA and Regulation X requirements governing requests for information and notices of error.
3. Whether the undisputed facts established that SPS complied with Regulation X requirements governing loss-mitigation applications and reasonable diligence.
4. Whether Fraser adequately alleged actual damages causally related to SPS's alleged RESPA violations.
5. Whether equitable or injunctive relief is available under RESPA.

HOLDINGS

1. A person who acquires ownership of mortgaged property through a divorce decree may qualify as a successor in interest and, once confirmed, is treated as a borrower for purposes of Regulation X and may sue under RESPA. Confirmation depends on whether the servicer has confirmed the person's identity and ownership interest; the regulation does not require a formal confirmation letter or other official pronouncement.
2. SPS was not entitled to summary judgment because material factual disputes remained concerning whether its communications adequately responded to Fraser's requests for information and notices of error.
3. SPS was not entitled to summary judgment because a reasonable jury could find that SPS failed to exercise reasonable diligence in obtaining the documents and information needed to complete Fraser's applications.
4. Fraser adequately alleged damages because a reasonable jury could find that SPS's alleged violations caused her to incur costs and attorney fees in state-court proceedings undertaken to obtain access to loan information and prevent foreclosure.
5. Equitable relief, including an order requiring SPS to review Fraser's loss-mitigation application, is not available under RESPA.

KEY QUOTATIONS

> *"Were SPS correct about its interpretation of the word "confirmed" in the regulation, servicers could avoid liability under RESPA by willfully refusing to consider a plaintiff's ownership interest despite clear and uncontradicted evidence thereof."* (2026 DNH 023, at 16)

> *"It cannot be the case, however, that RESPA enables a servicer to ignore this section of the regulation so that the servicer can thereby prevent a potential successor in interest from gaining standing to sue under RESPA."* (2026 DNH 023, at 18)

> *"Although the court finds Fraser's request for SPS to review her loss mitigation application eminently reasonable, the case law does not support Fraser's assertion that this court can order SPS to do so under the statute."* (2026 DNH 023, at 30)

FACTUAL BACKGROUND

Fraser and her former husband purchased a New Hampshire home in 2006; Martin signed the note, while both spouses signed the mortgage. After their divorce proceedings, the New Hampshire Circuit Court awarded Fraser title to the property in May 2022, and Fraser provided SPS with the divorce decree while repeatedly seeking information about the loan, foreclosure, and loss-mitigation options. SPS allegedly sent unclear or misdirected communications, continued directing document requests to Martin, and did not clearly identify what Fraser needed to provide to establish successor-in-interest status or complete mortgage-assistance applications. SPS formally notified Fraser on May 2, 2024, that it had confirmed her identity and ownership interest, while Fraser claimed damages consisting of costs and attorney fees incurred in state-court efforts to obtain Martin's cooperation.

PROCEDURAL HISTORY

Fraser filed an action in New Hampshire Superior Court seeking to enjoin a scheduled foreclosure sale. The Superior Court granted an ex parte injunction, and SPS removed the action to federal court on September 26, 2023. SPS later moved for judgment on the pleadings; Fraser filed an amended complaint on October 30, 2024 asserting a one-count RESPA claim. SPS then moved for summary judgment. The district court granted the motion in part as to equitable relief and denied it in all other material respects, leaving the RESPA damages claim for trial.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The parties were directed to meet and confer and file proposed trial dates within thirty days.

CASES CITED

- Quintana-Dieppa v. Dep't of Army, 130 F.4th 1, 7 (1st Cir. 2025)
- Doe v. Trs. of Bos. Coll., 892 F.3d 67, 79 (1st Cir. 2018)
- Cherkaoui v. City of Quincy, 877 F.3d 14, 23 (1st Cir. 2017)
- Minturn v. Monrad, 64 F.4th 9, 14 (1st Cir. 2023)
- In re Fraser, No. 2022-0504, 2023 WL 5662450, at *1-*4 (N.H. Aug. 21, 2023)
- Benner v. Wells Fargo Bank, N.A., 2018 WL 1548683, at *7, *9, *11-*12 (D. Me. Mar. 29, 2018)
- Hardy v. Regions Mortg., Inc., 449 F.3d 1357, 1359 (11th Cir. 2006)
- Bowen v. Select Portfolio Servicing, Inc., 2024 WL 3552620, at *1 (D. Mass. July 26, 2024)

- Faria v. Citizens Bank, N.A., 569 F. Supp. 3d 92, 97-98 (D.R.I. 2021)
- Sharp v. Deutsche Bank Nat. Tr. Co., 2015 WL 4771291, at *5 (D.N.H. Aug. 11, 2015)
- Foisie v. Worcester Polytechnic Inst., 967 F.3d 27, 44 (1st Cir. 2020)
- Barzelis v. Flagstar Bank, 784 F.3d 971, 977-78 (5th Cir. 2015)
- Shiflett v. Lakeview Loan Servicing, LLC, 2025 WL 603616, at *7-*9 (E.D. Cal. Feb. 25, 2025)
- Nolan v. U.S. Bank Nat'l Ass'n, 2024 WL 1838602, at *4 (D.S.C. Apr. 10, 2024), report and recommendation adopted, 2024 WL 1836574 (D.S.C. Apr. 26, 2024)
- Weber v. Wells Fargo Bank, N.A., 2021 WL 833949, at *7 (N.D. W. Va. 2021)
- Mauk v. Nationstar Mortg., LLC, 2025 WL 3041845, at *6-*7 (N.D. Ohio Oct. 31, 2025)
- Dionne v. Fed. Nat'l Mortg. Ass'n, 2016 WL 6892465, at *6 (D.N.H. Nov. 21, 2016)
- DeCotis v. Specialized Loan Servicing LLC, 642 F. Supp. 3d 181, 186-87 (D. Mass. 2022)
- Schoen v. Bank of Am., N.A., 2019 WL 590882, at *7 (S.D. Ohio Feb. 13, 2019)
- Lage v. Ocwen Loan Servicing LLC, 839 F.3d 1003, 1011 (11th Cir. 2016)
- McGahey v. Fed. Nat'l Mortg. Ass'n, 266 F. Supp. 3d 421, 441 (D. Me. 2017)
- Carilus v. United Wholesale Mortg., LLC, 2025 WL 2917135, at *5 (M.D. Fla. Oct. 14, 2025)
- Gonzalez v. Real Time Resols., Inc., 2019 WL 7596277, at *6 (D.N.H. Aug. 29, 2019)
- Bulpitt v. Carrington Mortg. Servs., LLC, 2017 WL 2937576, at *4 (D.N.H. July 10, 2017)