Index

ACCOUNTING	ACCOUNTING—Cont'd
Generally, 9:1 et seq.	Sales—Cont'd
Absence of effective control, 9:6	Transfers of financial assets as sales, below
Assets. Transfers of financial assets as sales,	Servicing rights, 9:17
below	Statements of Financial Accounting Standards
Available-for-sale securities, 9:14	(FAS), generally, 9:2 et seq.
Bankruptcy and insolvency, escrow and custodial	Trading securities, 9:13
accounts, 13:8	Transfer constraints, 9:5
Changed circumstances, 9:12	Transfers of financial assets as sales
Consolidation, disclosure of securities, 9:16	Generally, 9:3 to 9:8
Constraints, 9:5	Absence of effective control, 9:6
Debt investments, FASB ASC Topic 320, 9:2	Disclosure documents, 9:8
Derivatives, FASB ASC Topic 815, 9:2	Isolation of financial assets, 9:4
Disclosure	Recognition / derecognition, 9:7, 9:8
Generally, 9:9 to 9:16	Transfer constraints, 9:5
Available-for-sale securities, 9:14	A D HIGHA DI E DAME MODUCA CEC (A DMC)
Changed circumstances, 9:12	ADJUSTABLE RATE MORTGAGES (ARMS)
Consolidation, 9:16	Ratings (this index)
General applicability, requirements of, 9:15	Restrictions on enforceability, 8:29
Held-to-maturity securities, 9:11, 9:12	ADVISERS
Investments, debt and equity, 9:10 to 9:15	Investment Advisers Act (1940) (this index)
Recognition / derecognition, 9:7	Latest Trends and Developments (1940) (this
Trading securities, 9:13	index)
Effective control, absence of, 9:6	macx)
Equity investments, FASB ASC Topic 320, 9:2	AFFIRMATIVE COVERAGE
Financial Accounting Standards Board (FASB)	Title insurance, 8:40
Generally, 9:2	A CENICAL AND NON A CENICAL MODERCA CEC
ASC Topic 320, accounting for debt and equity	AGENCY AND NON-AGENCY MORTGAGES
investments, 9:2	Generally, 3:1 et seq.
ASC Topic 810, consolidation, 9:2	Agency mortgages, conforming criteria, 3:4
ASC Topic 815, derivatives and hedge	"Alt-A" non-agency mortgages, 3:8
accounting, 9:2	Buying and selling commercial mortgages on the
ASC Topic 860, financial asset transfers and	secondary market, 3:3.50
servicing, 9:2	Commercial mortgage transactions, 3:3
Financial asset transfers and servicing, FASB	Conforming criteria for agency mortgages, 3:4
ASC Topic 860, 9:2	Jumbo non-agency mortgages, 3:6
General applicability, requirements of, 9:15	Mortgages, generally, 3:1
Hedge accounts, FASB ASC Topic 815, 9:2	Non-agency mortgages
Held-to-maturity securities, 9:11, 9:12	Generally, 3:5 to 3:9
IASB, 9:2	"Alt-A" mortgages, 3:8
International Financial Reporting Standards, 9:2	Jumbo mortgages, 3:6
Isolation of financial assets, 9:4	Securitizations, 3:9
Maturity, 9:11, 9:12	Subprime mortgages, 3:7
Pledged collateral, deposit accounts, 8:11	Residential mortgage transactions, 3:2
Qualified special purpose entity (QSPE), 9:4	Securitizations, non-agency mortgages, 3:9
Recognition / derecognition, 9:7, 9:8	Subprime non-agency mortgages, 3:7
Regulatory developments, 14:8	
Sales	AGENTS AND AGENCIES

Available-for-sale securities, 9:14

Pledged collateral, 8:13

AGRICULTURE

Federal Agricultural Mortgage Corporation (Farmer Mac), **7:9**

ALL APPROPRIATE INQUIRIES

Hazardous substances laws, 8:43

ALLOCATIONS

Expenses, real estate mortgage investment conduits (REMICs), **14:58 to 14:60** Investment Advisers Act (1940), **7:80**

"ALT-A" MORTGAGES

Non-agency mortgages, 3:8

ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT OF 1982 (AMT)

Generally, 8:28

AMERICAN LAND TITLE ASSOCIATION (ALTA)

Generally, 8:37

ANTI-MONEY LAUNDERING

Latest trends and developments Rules for investment advisers, 15:3

APPRAISAL

FIRREA, 8:55

ASSET-BACKED SECURITIES (ABS)

Certifications under Section 302 of Sarbanes-Oxley Act, **7:67**

Forms

Form S-1 registration, **7:39** Form S-3 shelf registration, **7:39**

Registration forms, 7:39

Registration

Forms, 7:39

Revisions to Regulation AB, 7:40

Securities Act (1933) registration process, 7:39

Regulation AB, revision, 7:40

Regulation AB II, 7:41

Revised ABS registration requirements, 7:40

Securities Act (1933) registration process, 7:39

Structured finance rules, revised, 7:40

ASSETS

Accounting (this index)

FASB ASC Topic 860, financial asset transfers and servicing, 9:2

Pension Fund Investments (this index)

ASSIGNMENT

Conditional assignment of collateral, **8:14**Security agreement, assignment of mortgages without, **8:15**

Title insurance, 8:41

AVAILABLE-FOR-SALE SECURITIES

Accounting disclosure, 9:14

AVERAGES

Prepayments (this index)

BANK AND S&L MORTGAGE-BACKED SECURITIES AND ACTIVITIES

Generally, 12:1 et seq.

Acting as counterparty, 12:11

Banking organizations, generally, 12:3 to 12:12

Capital requirements, 12:13, 12:14

Counterparty, 12:11

Credit / warehouse facilities, 12:5

Derivatives, 12:11

Examination of bank, 12:15

Managing portfolios containing MBS, 12:12

Mortgage origination, 12:4

Mortgage servicing for Fannie Mae and Freddie Mac, **4:24.50**

Portfolios containing MBS, 12:12

Proprietary trading, 12:9

Providing credit / warehouse facilities, 12:5

Purchasing mortgages and MBS, 12:8

Regulation of banking, 12:2

Risk management, 12:13, 12:14

Selling mortgages and MBS, 12:8

Servicing mortgage loans and MBS structures, 4:24, 12:6

Serving as trustee, 12:7

Simplified supervisory formula approach, 12:14

Sponsoring MBS structures, 12:10

Structuring derivatives, 12:11

Underwriting MBS structures, 12:10

Volcker Rule, 12:9

BANKRUPTCY AND INSOLVENCY

Generally, 13:1 et seq.

Adequate protection, avoiding the stay, 13:13

Avoiding stay, 13:13

Bankruptcy estate

Generally, 13:4

"Bankruptcy remote" structures, 13:9

Custodial accounts, 13:8

Escrow accounts, 13:8

Federal Bankruptcy Code, 13:3 to 13:16

Interest in custodial and escrow accounts, 13:8

Interest in servicing agreement, 13:7

Servicing agreement, 13:7

Special purpose vehicle, 13:5

Structuring true sale, 13:6

True sale, 13:5, 13:6

"Bankruptcy remote" structures

Bankruptcy estate, 13:9

Commercial mortgage financing arrangements, 4:15

BANKRUPTCY AND INSOLVENCY—Cont'd Commercial mortgage backed securities, "bank-	BLUE SKY LAWS Generally, 7:91
ruptcy remote" structures, 4:15 Custodial accounts, 13:8 Escrow accounts, 13:8	BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM
Executory contracts, 13:16	Interagency Advisory on Mortgage Banking, App P
Federal Bankruptcy Code Generally, 13:3 to 13:16 Bankruptcy estate, 13:4 to 13:6 Filing a case, 13:3 Special purpose vehicle, 13:5 Structuring true sale, 13:6 True sale, bankruptcy estate, 13:5, 13:6 Filing a case, 13:3 Fraudulent transfers, 13:16 Interest in custodial and escrow accounts, 13:8 Interest in servicing agreement, 13:7	BONDS Mortgage-backed bonds, 4:26 Mortgage securitization, 1:1 Ratings (this index) REMICs, 2:6 BOOK-ENTRY Pledged Collateral (this index) UCC, Article 8, 8:5 BROKERS
Liquidation of subsidiary, 13:12 Overview of bankruptcy law, 13:2	Securities Exchange Act of 1934 (this index)
Piercing corporate veil, 13:11 Preferential transfers, 13:15 Secured claims, 13:14	CASH COLLATERALIZED DEBT OBLIGATIONS Mortgage trading markets, 5:18
Servicing agreement, 13:7 Special purpose vehicle, 13:5 Stay, avoidance, 13:13	CASH PAYMENTS Defined, 2:10 Recourse, 2:10
Structuring true sale, 13:6 Subsidiaries, 13:12 Substantive consolidation Generally, 13:10	CDOs Cash, 5:14 Synthetic, 5:15
Liquidation of subsidiary, 13:12 Piercing corporate veil, 13:11 Subsidiary, liquidation, 13:12	CERTIFICATES AND CERTIFICATION Pension fund investments, 10:21 CHANGE
Transfers, 13:15 , 13:16 True sale, bankruptcy estate, 13:5 , 13:6	Modification or Change (this index) CHARACTERISTICS OF SECURITIES AND
BANKRUPTCY REMOTE STRUCTURES Bankruptcy estate, 13:9 Commercial mortgage financing arrangements, 4:15	STRUCTURES Generally, 4:1 to 4:26 "Bankruptcy remote" commercial mortgage financing arrangements, 4:15
BANKS Bank and S&L Mortgage-Backed Securities and Activities (this index) Exemption from SEC registration, 7:10 Securities Exchange Act of 1934, bank as broker / dealer, 7:71 12 U.S.C.A. § 1701j-3, App N	Collateralized mortgage obligations (CMOs), 4:17 to 4:23 Credit risk, 4:3 Liquidity, 4:7 Modified pass-through securities, 4:11 Mortgage-backed bonds, 4:26 Mortgage-backed securities, 4:8
BASIS Real estate mortgage investment conduits (REMICs), 14:16	Mortgage pass-through certificates, 4:10 Mortgage pay-through obligations, 4:12 Mortgage servicing for Fannie Mae and Freddie Mac, 4:24.50
BEST EXECUTION Investment Advisers Act (1940), 7:80 Mortgage trading markets, 5:10	Prepayment risk, 4:4 Reinvestment concerns, 4:6 Risks
BEST PRACTICES Mortgage trading markets, 5:12	Generally, 4:2 Credit risk, 4:3 Environmental risk, 4:7.50

CHARACTERISTICS OF SECURITIES AND STRUCTURES—Cont'd

Risks—Cont'd

Interest rate and duration risk, 4:2.50

Liquidity, 4:7

Prepayment risk, **4:4**

Reinvestment concerns, 4:6

Security / risk, 4:5

Security / risk, 4:5

Servicing mortgage loans and MBS structures, 4:24

Stripped mortgage-backed securities (IOs and POs), **4:13**

CHARGES

Late payment charges, 8:26

CLASS EXEMPTIONS

Pension Fund Investments (this index)

CLEAN-UP CALL

Real estate mortgage investment conduits (REMICs), 14:42

CMOs

Collateralized Mortgage Obligations (CMOs) (this index)

COLLATERAL

Generally, 8:2

Conditional assignment of collateral, 8:14

Escrow agent considerations, 8:13

Ownership, collateralized mortgage obligations (CMOs), **14:5**, **14:6**

Perfection, 8:3 to 8:11

Pledged Collateral (this index)

Ratings (this index)

Uniform Commercial Code (UCC), Article 9, 8:8

COLLATERALIZED MORTGAGE OBLIGATIONS (CMOs)

Generally, 4:17 to 4:23

Characteristics of securities and structures, **4:17** to **4:23**

Floating-rate MBS, 4:22

Mortgage trading markets, 5:8, 5:18, 5:19

Other CMO innovations, 4:21

Ownership of collateral, 14:5

Phantom income, 14:6

Planned amortization classes (PACs), 4:18, 4:19

Putable CMOs, 4:21

Real estate mortgage investment conduits (REMICs), **4:23**

Structure, tax considerations, 14:4

Super PAC bonds, 4:21

Synthetic collateralized debt obligations, **5:19**

Targeted amortization classes (TACs), 4:18, 4:20

Tax considerations, 14:3 to 14:6

COLLECTIVE TRUST FUNDS

Investment strategies and funds, 6:5

COMMERCIAL LOANS

State usury laws, 8:23

COMMERCIAL MORTGAGE-BACKED SECURITIES

Ratings, 11:20

COMMERCIAL MORTGAGES

Agency and non-agency mortgages, **3:3** Credit considerations, disclosure regarding, **7:59** Secondary market, buying and selling, **3:3.50** Securitization, **1:1**

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)

Generally, 8:42 to 8:47

CONDITIONAL ASSIGNMENT

Collateral, 8:14

CONFLICT OF INTEREST

Securities exchange act of 1934, 7:66.50

CONSOLIDATION

Accounting (this index)

CONSTRAINTS ON TRANSFER

Accounting, control, 9:5

CONTINUING OBLIGATIONS

Hazardous substances laws, 8:43

CONTRACTS AND AGREEMENTS

Assignment of mortgages without security agreement, 8:15

Bankruptcy and insolvency, executory contracts, 13:16

Securities law, 7:7

CORPORATIONS

Tax considerations, 14:3

COST RECOVERY

Hazardous substances laws. 8:44

COSTS AND EXPENSES

Real estate mortgage investment conduits (REMICs), 14:57 to 14:60

COUNTERPARTY RISK

Mortgage trading markets, 5:7

COUPON RATE

Prepayments (this index)

CREDIT

Disclosure regarding credit considerations

Generally, 7:49 to 7:59

Commercial mortgages, 7:59

Contracts, servicing, 7:51

CREDIT—Cont'd

Disclosure regarding credit considerations

—Cont'd

Conventional mortgages, secured by, 7:50

Delinquency information regarding pools, 7:57

Foreclosure information regarding pools, 7:57

Geographic location, 7:55

Insurance, 7:58

Largest loan, 7:54

Loan-to-value ratios, 7:56

Number of loans, 7:53

Percentage of pool, 7:54

Pools, 7:54, 7:57

Private insurance policies, 7:58

Range of loan size, largest loan and largest loan as percentage of pool, **7:54**

Servicing contracts, mortgages, 7:51 to 7:59

Size of loan, 7:54

Terms of mortgages, 7:52

Value, loan-to-value ratios, 7:56

Secondary mortgage market, 1:3

CREDIT PROTECTION

Ratings (this index)

CREDIT RISK

Characteristics and risks of MBS, 4:3

CRT securities, 4:16

Ratings (this index)

Response to investor demands, 1:5, 1:6

Risk retention

Requirements, 7:66

Securities Exchange Act of 1934, retention

requirements, 7:66

CUSTODIAL ACCOUNTS

Bankruptcy and insolvency, 13:8

DEALERS

Securities Exchange Act of 1934 (this index)

DEBT

See also topics beginning Credit

FASB ASC Topic 320, accounting for debt and equity investments, 9:2

DEBT INSTRUMENTS

Latest trends and developments, 15:6

DEFAULT

Pledged collateral, 8:12

DEFEASANCE

Real estate mortgage investment conduits (REMICs), 14:28

DEFICIENCY STATUTES

Mortgage enforcement statutes, 8:33

DEFINITIONS

Glossary of terms, App A

DELIVERY OF ELECTRONIC DOCUMENTS

Electronic media securities offering process, 7:61

DEMANDS

Investor Demands (this index)

DEPARTMENT OF LABOR

Advisory Opinion 1999-03A, App M

ERISA issues, 10:1 to 10:21

Prohibited Transaction Class Exemption 83-1,

App K

Prohibited Transaction Class Exemption 88-59,

App L

DEPARTMENT OF TREASURY

Enhancing Disclosure in Mortgage-Backed Secu-

rities Markets, App E

Troubled Asset Relief Program, 2:16

DEPOSIT ACCOUNTS

Pledged collateral, 8:11

DEPOSITORY INSTITUTIONS

DEREGULATION AND MONETARY CONTROL ACT OF 1980 (DIDMCA)

Generally, 8:1, 8:16 to 8:21

DERIVATIVES

FASB ASC Topic 815, 9:2

Mortgage Trading Market (this index)

DISCLOSURE

Accounting (this index)

Credit considerations, disclosure regarding

Commercial mortgages, 7:59

Contracts, servicing, 7:51

Conventional mortgages, 7:50

Delinquency information regarding pools, 7:57

Foreclosure information regarding pools, 7:57

Geographic location, 7:55

Insurance, 7:58

Largest loan, 7:54

Loan-to-value ratios, 7:56

Location, 7:55

Mortgages, generally, 7:51 to 7:59

Number of loans, 7:53

Pools, 7:54, 7:57

Private insurance policies, 7:58

Range of loan size, largest loan and largest loan as percentage of pool, **7:54**

Servicing contracts, mortgages, 7:51 to 7:59

Size of loan, 7:54

Terms of mortgages, 7:52

Value, loan-to-value ratios, 7:56

Enhancing Disclosure in Mortgage-Backed Securities Markets, **App E**

Prepayments (this index)

Real estate settlement procedures act (RESPA), 8:49

DISCLOSURE—Cont'd

Securities Exchange Act of 1934 requirements, 7:67, 7:68

Selective disclosure. **Prepayments** (this index) Task Force on Mortgage-Backed Securities

Disclosure, Staff Report, App E

Truth in Lending Act provisions, App O

DODD-FRANK REFORM ACT

Title IV. Mortgage Reform and Anti-Predatory Lending Act (this index)

DOL FIDUCIARY RULE

Latest trends and developments, 15:4

"DOLLAR ROLLS"

Mortgage trading markets, 5:6

DUE DILIGENCE

Environmental issues, 8:47

DUE-ON-SALE CLAUSES

Generally, 8:27

EFFECTIVE CONTROL

Absence of, accounting, 9:6

ELECTION

Real estate mortgage investment conduits (REMICs), 14:12

ELECTRONIC INFORMATION

Generally, 2:17

ELECTRONIC MEDIA AND SECURITIES OFFERING PROCESS

Generally, **7:60** Delivery, **7:61**

ENDORSEMENT

Title insurance, 8:41

ENFORCEMENT ACTIVITIES

Pledged Collateral (this index)

Uniform Commercial Code (UCC) Article 9, 8:7 to 8:13

Validity of Underlying Mortgages (this index)

ENVIRONMENTAL LIABILITY

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 8:42 to 8:47

Hazardous Substances Laws (this index)

EQUITY

FASB ASC Topic 320, accounting for debt and equity investments, 9:2

ERISA

Pension Fund Investments (this index)

ESCROW ACCOUNTS

Bankruptcy and insolvency, 13:8

ESCROW ACCOUNTS—Cont'd

Real estate settlement procedures act (RESPA), 8:52

ESCROW AGENT

Pledged collateral, use of agent, 8:13

ESTATES

Bankruptcy and Insolvency (this index)

EXCEPTIONS, EXCLUSIONS, AND EXEMPTIONS

Pension Fund Investments (this index)

Registration

Securities Act of 1933 (this index)

Securities Exchange Act of 1934 (this index)

Title insurance, exclusions and exceptions, 8:38, 8:39

EXCESS SERVICING FEES

Recourse, 2:10

EXCHANGE TRADED FUNDS

Investment strategies and funds, 6:4

EXECUTION

Pledged collateral, 8:12

EXECUTORY CONTRACTS

Fraudulent transfers, 13:16

EXEMPTION FROM REGISTRATION

Securities Act of 1933 (this index)

Securities Exchange Act of 1934 (this index)

EXPENSES

Real estate mortgage investment conduits (REMICs), 14:57 to 14:60

FAILING ASSET TEST

Real estate mortgage investment conduits (REMICs), qualified investments, **14:38**

"FAILS" MARKET

Mortgage trading markets, 5:5

FALSE STATEMENTS

Registration statement, liability, 7:31

FANNIE MAE

Generally, 2:1 et seq.

Due-on-sale clauses, 8:27

FIRREA, 2:9

GSE Act, 2:2

Mortgage servicing, 4:24.50

National Housing Act, Title III, generally, 2:3

Overview, 2:3

Pledged Collateral (this index)

Prepayment disclosures, pool numbers, 7:44

Private sector, 2:3

Recourse

Cash transaction, 2:11

FANNIE MAE—Cont'd

Recourse-Cont'd

Limited recourse, 2:11

Multi-family residential mortgages, 2:11

Negotiated commitment, 2:11

Purchase transactions, 2:13

Representations and warranties. 2:14

Single-family residential mortgages, 2:11

Standard commitment, 2:11

Swap transaction, 2:11

FASB

Accounting (this index)

FASITS (FINANCIAL ASSET SECURITIZATION INVESTMENT

TRUSTS)

Generally, 1:10

FDIC (FEDERAL DEPOSIT INSURANCE CORPORATION)

Interagency Advisory on Mortgage Banking, **App**

FEDERAL AGRICULTURAL MORTGAGE CORPORATION (FARMER MAC)

Generally, 7:9

FEDERAL BANKRUPTCY CODE

Bankruptcy and Insolvency (this index)

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

Interagency Advisory on Mortgage Banking, **App**

FEDERAL HOME LOAN BANKS

Generally, 2:8

FEDERAL HOME LOAN MORTGAGE CORPORATION

Freddie Mac (this index)

FEDERAL LAW

Generally, 8:1 et seq.

See also **Statutes** (this index)

Hazardous substances laws, 8:43

FEDERALLY-RELATED LOAN

Validity of underlying mortgages, 8:19

FEDERALLY-SPONSORED ENTERPRISES

Generally, 2:2

See also **Fannie Mae** (this index), **Freddie Mac** (this index), and Ginnie Mae (this index)

Dominance of, 1:7

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Generally, 2:3

Fannie Mae (this index)

FEDERAL PREEMPTION

Validity of underlying mortgages, 8:18 to 8:21

FEDERAL RESERVE BANK (FRB)

Perfection of security interest in book-entry certificates, **8:3**

FEDERAL RESERVE BOARD

SR Letter 10-14, implementation of registration requirements for federal mortgage loan originators, **App R**

FEES

Recourse, excess servicing fees defined, 2:12

FHLMC

Pledged Collateral (this index)

FIDUCIARIES

Pension Fund Investments (this index)

FINANCIAL ACCOUNTING STANDARDS BOARD (FASB)

Accounting (this index)

FINANCIAL ASSET SECURITIZATION INVESTMENT TRUSTS (FASITS)

Generally, 1:10

FINANCIAL CRISIS INQUIRY COMMISSION (FCIC)

Staff Report, Apr. 7, 2010, **App T** Staff Report, June 29, 2010, **App U**

FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA)

Generally, 7:72

FINANCIAL INSTITUTIONS REFORM, RECOVERY AND ENFORCEMENT ACT (FIRREA)

Generally, 2:9

Appraisal requirements of, 8:55

Fannie Mae, 2:9

FINRA

Generally, 7:72

FIRREA

Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) (this index)

FIRST LIEN

Validity of underlying mortgages, 8:20

FITCH RESIDENTIAL MORTGAGE RATINGS

Adjustable rate mortgages (ARMs), 11:18

Legal and legislative challenges, 1:13

Ratings structure, approach and regulation, 11:2 to 11:21

FLOATING-RATE MBS

Collateralized mortgage obligations (CMOs), **4:22**

FNMA

Fannie Mae (this index)

FORECLOSURE

Credit considerations, disclosure regarding loan-to-value ratios, 7:57

Ratings, 11:12

Validity of underlying mortgages, 8:31

FORMS

See also more specific topics

Asset-Backed Securities (ABS) (this index)

FRAUDULENT TRANSFERS

Bankruptcy and insolvency, 13:16

FREDDIE MAC

Generally, 2:7

Due-on-sale clauses, 8:27

Federal Home Loan Mortgage Corporation, 2:7

GSE Act, 2:2

Mortgage servicing, 4:24.50

Pledged Collateral (this index)

Prepayment disclosures, pool numbers, 7:44

Private sector, 1:8

Proposal to allow, buy secondary mortgages, 15:5

Recourse, 2:11 et seq.

Regulatory oversight, 2:12

FREQUENCY

Ratings, 11:12

FUTURES

Mortgage trading markets, derivatives, 5:17

GENERAL APPLICABILITY

Accounting disclosure, 9:15

GEOGRAPHIC LOCATION

Credit considerations, disclosure regarding, 7:55

GINNIE MAE

Generally, 2:4 to 2:6

Conditional assignment of collateral, 8:14

Contracts for sale, 7:7

Dominance of, 1:7

Ginnie Mae MBS, 2:5

Housing and Urban Development Act of 1968,

Title III, generally, 2:4 to 2:6

Pledged Collateral (this index)

Prepayment disclosures, pool numbers, 7:44

Private sector, 2:4 to 2:6

REMIC program, 2:6

GLOSSARY OF TERMS

Generally, App A

GNMA

Ginnie Mae (this index)

GOVERNMENTAL ENTITIES

Exempt security, 7:9

GOVERNMENTAL MORTGAGE POOL CERTIFICATES

Pension fund investments, 10:21

GOVERNMENT HOUSING ENTERPRISES

Generally, 2:2 et seq.

Fannie Mae (this index)

Federal home loan mortgage corporation. Fred-

die Mac (this index)

Federal National Mortgage Association. Fannie

Mae (this index)

Freddie Mac (this index)

Ginnie Mae (this index)

Government national mortgage association. Gin-

nie Mae (this index)

Recourse (this index)

REMICs program, 2:6

Sale or purchase, 2:11, 7:7

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Ginnie Mae (this index)

GOVERNMENT SPONSORED ENTERPRISES (GSEs)

Generally, 2:2

Dominance of, 1:7

See also Fannie Mae; Freddie Mac; Ginnie

Mae (this index)

GUARANTEED GOVERNMENTAL MORTGAGE POOL CERTIFICATES

Pension fund investments, 10:21

GUARANTEES

Ratings, U.S. government and governmentsponsored entity, **11:14**

HAZARDOUS SUBSTANCES LAWS

Generally, **8:42 to 8:47**

All appropriate inquiries, 8:43

Continuing obligations, **8:43**

Cost recovery, 8:44

Due diligence, increased, 8:47

Environmental issues, due diligence, 8:47

Environmental liability, generally, 8:42 to 8:47

Federal laws, **8:43**

Impact on MBS, 8:46

Property transfer statutes, 8:45

Safe harbor for secured creditors, 8:43

Secured creditor exemption, 8:44

State property transfer statutes, 8:45

State superfund statutes, 8:44

Superfund statutes, 8:44

HAZARDOUS SUBSTANCES LAWS-Cont'd

Title and ownership, generally, **8:42 to 8:47** Windfall lien, **8:43**

HEDGE ACCOUNTING

FASB ASC Topic 815, 9:2

HEDGE FUNDS

Investment strategies and funds, 6:6

HELD-TO-MATURITY SECURITIES

Accounting disclosure, **9:11**, **9:12** Changed circumstances, **9:12**

HOUSING AND URBAN DEVELOPMENT (HUD)

Frannie Mae (this index)
Freddie Mac (this index)
Ginnie Mae (this index)

HUD

Housing and Urban Development (HUD) (this index)

IMPACT

Real estate mortgage investment conduits (REMICs), 14:10

INADVERTENT TERMINATION

Real estate mortgage investment conduits (REMICs), 14:39

INFORMATION RESOURCES

Mortgages and MBS generally, 1:5

INSIGNIFICANT EQUITY PARTICIPATION

Plan asset exemption, 10:20

INSTALLMENT SALES CONTRACTS

Validity of underlying mortgages, 8:35

INSTITUTIONAL SEPARATE ACCOUNTS

Investment strategies and funds, 6:1

INSURANCE

Credit considerations, private insurance, **7:58** FDIC, Interagency Advisory on Mortgage Banking, **App P**

Pension fund investments, underwriters' exemption, 10:22

Ratings, credit protection, 11:16

Validity of Underlying Mortgages (this index)

INSURANCE COMPANY GENERAL ACCOUNTS

Investment strategies and funds, **6:8**

INTANGIBLES

Pledged collateral, 8:7, 8:8

INTERAGENCY ADVISORY ON MORTGAGE BANKING

Generally, App P

INTERESTS

Real Estate Mortgage Investment Conduits (REMICs) (this index)

INTERNAL REVENUE CODE (IRC)

Generally, 1:10

Pension fund investments, prohibitions, 10:8

INTERNATIONAL FINANCIAL REPORTING STANDARDS

Accounting, 9:2

INTERNATIONAL MARKET

Secondary mortgage market, private sector, 2:17

INVESTMENT ADVISERS ACT (1940)

Generally, 7:75 to 7:83

Advisers to pooled investment vehicles-Rule 206(4)-8, 7:77

Aggregation, 7:80

Allocation, 7:80

Best execution, 7:79

Cross trades, 7:83

Principal transactions, 7:82

Section 206: antifraud provisions, 7:76

Section 207: Filings, 7:78

INVESTMENT COMPANY ACT (1940)

Generally, 7:84 to 7:90

Definition of investment company (Section 3(a)(1)), **7:85**

Discounting (Section 3(c)(5)), 7:89

Exclusions

Definition of investment company, 7:84 to 7:87

Private investment company exclusion (Section 3(c)(1)), **7:87**

Qualified purchaser exclusion (Section 3(c)(7)), **7:88**

Section 3(c)(5)(C) exclusion, below

Inadvertent investment companies (Section 3(a)(1)(C)), **7:86**

Investment company defined, 7:85

Qualified purchaser exclusion (Section 3(c)(7)), 7:88

Real estate companies (Section 3(c)(5)), 7:89

Rule 2a51-1 text, **App I**

Rule 3a-7 text, App I1

Sales financing (Section 3(c)(5)), 7:89

Section 2(a)(51) text, App H

Section 3(a) text, App H1

Section 3(c)(1) text, **App H2**

Section 3(c)(5)(C) exclusion

Discounting, 7:89

Real estate companies, 7:89

Sales financing, 7:89

Section 3(c)(5) text, **App H3**

Section 3(c)(7) text, **App H4**

INVESTMENT COMPANY ACT (1940)

-Cont'd

Structured finance transactions (Rule 3a-7), 7:90

INVESTMENT GRADE RATINGS

Generally, 11:2

INVESTMENTS

Financial Asset Securitization Investment Trusts (FASITs). 1:10

Pension Fund Investments (this index)

Real Estate Mortgage Investment Conduits (REMICs) (this index)

Secondary Mortgage Markets (this index)

INVESTMENT STRATEGIES AND FUNDS

Generally, 6:1 et seq.

Collective trust funds, 6:5

Exchange traded funds, 6:4

Hedge funds, 6:6

Institutional separate accounts, 6:1

Insurance company general accounts, 6:8

Private equity funds and other private funds, 6:7

Real estate investment trusts (REITs), 6:10

Registered investment companies, 6:3

Structured investment funds, 6:9

Wrap fee programs, 6:2

ISOLATION OF FINANCIAL ASSETS

Accounting, 9:4

JUMBO MORTGAGES

Non-agency mortgages, 3:6

KICKBACKS

Real Estate Settlement Procedures Act (RESPA), 8:50

LATE PAYMENT CHARGES

State usury laws, 8:26

LATEST TRENDS AND DEVELOPMENTS

Generally, 15:1 et seq.

Adoption of new DOL fiduciary rule, 15:4

Court vacation of SEC rules for private fund advisers, 15:2

Debt instruments, 15:6

Final SEC rules on conflicts of interest, 15:1

New anti-money laundering rules for investment advisers, 15:3

Proposal to allow Freddie Mac to buy secondary mortgages, 15:5

Revised best practices for trading in agency MBS. **15:6**

Securitization transactions, final SEC rules on conflicts of interest, **15:1**

Subsequent vacation by court, 15:4

LEGAL REVIEW

Ratings, 11:10

LEGISLATIVE AND REGULATORY DEVELOPMENTS

Challenges and solutions, 1:9 to 1:14

LICENSES

Mortgage lending licensing statutes, 8:29

LIMITATIONS AND RESTRICTIONS

Prohibited transaction class exemption (PTCE). **Pension Fund Investments** (this index)

Real Estate Mortgage Investment Conduits (REMICs) (this index)

Securities Exchange Act of 1934 (this index)

Taxation, **1:10**

Validity of underlying mortgages, 8:17, 8:25, 8:28

LIMITED PARTNERSHIPS

Tax considerations, 14:2

LIQUIDITY AND LIQUIDATION

Bankruptcy and insolvency, liquidation of subsidiary, 13:12

Characteristics and risks of MBS, 4:7

Real estate mortgage investment conduits (REMICs), **14:14**, **14:48**

LOAN-TO-VALUE (LTV)

Credit considerations, disclosure regarding, 7:56

LOCAL LAW

Generally, 8:1 et seq.

LOCATION

Credit considerations, disclosure regarding, 7:55

LOW-INCOME HOUSING

Federally-Sponsored Enterprises (this index)

MANUFACTURED HOME

Validity of underlying mortgages, 8:20

MARGIN RISK

Mortgage trading markets, 5:7

MARKET

Background to secondary markets, 5:1

International market, 2:16

Mortgage Trading Markets (this index)

Secondary Mortgage Market (this index)

"To-be-announced" market, 5:3

MATURITY

Accounting disclosure, 9:11, 9:12

Secondary mortgage market, 2:14

MECHANICS

Trading markets, 5:2

MODIFICATION OR CHANGE

Accounting rules and requirements, 9:12

Real estate mortgage investment conduits

(REMICSs), qualified investments, 14:30

MODIFICATION OR CHANGE—Cont'd

Superfund Amendments and Reauthorization Act of 1986 (SARA), **8:42, 8:43**

MODIFIED PASS-THROUGH SECURITIES

Characteristics of securities and structures, 4:11

MOODY

Adjustable rate mortgages, 11:18 Ratings, generally, 1:13, 11:2

MORTGAGE ACT OF 2010

Mortgage Reform and Anti-Predatory Lending Act (this index)

MORTGAGE-BACKED BONDS

Generally, 4:26

Characteristics of securities and structures, 4:26

Collateralization types, 4:26

Ratings, 11:8

MORTGAGE-BACKED SECURITIES

Generally, **4:2**

"Bankruptcy remote" arrangements, 4:15

Characteristics of securities and structures, **4:8 to 4:14**

Common securitization platform, 4:14

Credit risk, 4:3

Credit Risk Transfer (CRT) securities, 4:16

Environmental risk, 4:7.50

Interest rate and duration risk, 4:2.50

Liquidity, 4:7

Modified pass-through certificates, 4:10

Mortgage pass-through certificates, 4:10

Mortgage pay-through obligations, 4:12

Prepayment risk, 4:4

Private label, 2:16

Reinvestment concerns, 4:6

Re-performing loan MBS, 4:25.50

Securitization and special purposes vehicles, 4:9

Security / risk, 4:5

Special purposes vehicles, 4:9

Stripped mortgage-backed securities, 4:13

Types and structures, 4:8 to 4:14

MORTGAGE DERIVATIVES

Generally, 5:11

Futures, options, and swaps, 5:13

MORTGAGE LENDING LICENSES

Statutes, 8:30

MORTGAGE LOANS

Bank and S&L mortgage-backed securities and activities, **4:24**

Mortgage servicing for Fannie Mae and Freddie Mac, **4:24.50**

Servicing, mortgage banking, 12:6

MORTGAGE NOTES

"Security" status, 7:4

MORTGAGE PASS-THROUGH CERTIFICATES

Characteristics of securities and structures, **4:10** Ratings, **11:7**

MORTGAGE PAY-THROUGH OBLIGATIONS

Characteristics of securities and structures, 4:12

MORTGAGE PURCHASE PROGRAMS

Federal Home Loan Banks, 2:8

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

Adjustable rate mortgage restrictions, 8:28

Characteristics and risks of mortgage-backed securities, **4:4**

Impact of federal laws, 8:1

Mortgage moratoria, 8:34

Real Estate Settlement Procedures Act (RESPA),

State usury laws, prepayment restrictions, 8:25

Validity of underlying mortgages, 8:25, 8:28, 8:34

MORTGAGE TRADING MARKETS

Generally, 5:1 to 5:19

Advantages and disadvantages of purchasing

TBAs, **5:6.50**

Background of secondary market, 5:1

Best execution, **5:10**

Best practices, **5:12**

Cash collateralized debt obligations, 5:18

CMO trading, 5:8

Counterparty risk, 5:7

Derivatives

Generally, 5:16

Futures, **5:17**

Options, 5:17

Swaps, 5:17

Disadvantages of purchasing TBAs, **5:6.70**

"Dollar rolls," 5:6

"Fails." 5:5

Futures, mortgage derivatives, 5:17

Margin and counterparty risk, 5:7

Mechanics, 5:2

Options, mortgage derivatives, 5:17

Others, **5:17.50**

Prepayment rates, 5:14

Pricing MBS, **5:13**, **5:15**

Purchasing TBAs, Advantages of, **5:6.60**

Quotations, 5:15

Secondary market background, 5:1

Settlement of TBA trades, 5:4

Soft dollar benefits from MBS transactions, 5:11

Swaps, mortgage derivatives, **5:17**

MORTGAGE TRADING MARKETS—Cont'd

Synthetic collateralized debt obligations, **5:16** "To-be-announced" (TBA) market, **5:3**, **5:4** Valuing MBS, **5:13** Whole loans, **5:9**

MORTGAGE TRANSACTION RULES

Truth in Lending (Regulation Z), App O1

MULTI-FAMILY RESIDENTIAL MORTGAGES

Recourse by Fannie Mae and Freddie Mac, 2:11

MUNICIPALITIES

Securities Exchange Act of 1934, App F2

NATIONAL HOUSING ACT, TITLE III

Fannie Mae (this index)

NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS (NRSROS)

Generally, 1:14
Regulatory changes, 11:5
SEC regulation, 11:4

NON-AGENCY MORTGAGES

Agency and Non-Agency Mortgages (this index)

NOTES

Pledged collateral, **8:7**, **8:8**, **8:10**, **8:11** Securities law. **7:4**

NRSROs

Nationally Recognized Statistical Rating Organizations (NRSROs) (this index)

NUMBER OF LOANS

Credit considerations, disclosure regarding, 7:53

OFFICE OF COMPTROLLER OF CURRENCY (OCC)

Interagency Advisory on Mortgage Banking, App
P

Letter to Senator D'Amato from Robert L. Clarke, **App Q**

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT (OFHEO)

Enhancing Disclosure in Mortgage-Backed Securities Markets, $\mbox{\bf App}~\mbox{\bf E}$

Mortgage Market Note 08-3, App S

OFFICE OF THRIFT SUPERVISION

Interagency Advisory on Mortgage Banking, **App**

OPTIONS

Mortgage trading markets, derivatives, 5:17

OWNERSHIP

Title and Ownership (this index)

PACs (PLANNED AMORTIZATION CLASSES)

Collateralized mortgage obligations (CMOs), 4:18, 4:19

PARTICIPATION

Exempt security, **7:13**Pension fund investments, **10:20**Securities law, **7:5**

PASS-THROUGH

Modified pass-through securities, **4:11**Mortgage pass-through certificates, **4:10**Ratings, **11:7**Real estate mortgage investment conduits (REMICs), taxation of pass-thru entity, **14:47**, **14:60**

PASS-THROUGH CERTIFICATES

Characteristics of securities and structures, **4:10** Ratings, mortgage pass-through certificates, **11:7**

PAYMENTS

Pledged collateral, **8:7, 8:8 Prepayments** (this index)

Validity of underlying mortgages, **8:26**

PAY-THROUGH

Bonds, 11:9

PENDING

Regulative development. **Mortgage Reform and Anti-Predatory Lending Act** (this index)

PENSION FUND INVESTMENTS

Generally, 10:1 et seq.

Affiliated broker-dealers, transactions with, PTCE 86-128, **10:14**

Assets

Generally, **10:1** Plan assets, below

Broker-dealers, securities transactions with, PTCE 75-1, **10:15**

Class exemptions. Prohibited transaction class exemptions, below

Definition of fiduciary, 10:2

Department of Labor

Prohibited Transaction Class Exemption 83-1, **App K**

Prohibited Transaction Class Exemption 88-59, **App L**

ERISA

Generally, 10:1

Section 3 (definitions) text, App J

Section 404 text, App J1

Section 406 text, App J2

Section 408 text, App J3

Exceptions and exemptions

Insignificant plan participation, 10:20

PENSION FUND INVESTMENTS—Cont'd	PENSION FUND INVESTMENTS—Cont'd
Exceptions and exemptions—Cont'd Prohibited transaction class exemptions, below	Prohibited transaction class exemption (PTCE) —Cont'd
Statutory exemptions, 10:9	Qualified professional asset managers
Trust, tax exempt status of, 10:24	(QPAMs), PTCE 84-14, 10:12
Underwriter's exemptions, 10:22	Residential mortgage financing arrangements,
Fiduciaries	PTCE 88-59, 10:17, App L
Definition, 10:2	Prohibited transactions
Prohibited transactions, 10:5 to 10:7	Generally, 10:5 to 10:8
Responsibility, 10:3, 10:4	Basic prohibited transactions, 10:6
Standards, 10:3	Internal Revenue Code, 10:8
Financial institutions, securities transactions with, PTCE 75-1, 10:15	Self-dealing prohibitions, 10:7 Qualified professional asset managers (QPAMs),
Governmental mortgage pool certificates, 10:21	PTCE 84-14, 10:12 Residential mortgage financing arrangements,
Guaranteed governmental mortgage pool certificates, plan assets, 10:21	PTCE 88-59, 10:17 Sanctions, 10:4
Insignificant equity participation, plan assets,	Self-dealing prohibitions, 9:7
10:20	Standards, 10:3
Insurance company general accounts, PTCE	Statutory exemptions, 10:9
95-60, 10:13	Taxation, 10:23 , 10:24
Internal Revenue Code, prohibited transactions,	Trust, tax status, 10:24
10:8	Underwriter's exemptions, 10:22
Investment advice arrangements, PTCE 2020-2, 10:17.50	Unrelated business taxable income, 10:23
Plan assets	PERCENTAGE OF POOL
Generally, 10:18 to 10:21	Credit considerations, disclosure regarding, 7:54
DOL Advisory Op. 1999-03A, App M	PERFECTION
Equity participation, insignificant, 10:20 General rule, 10:19	Pledged Collateral (this index)
Guaranteed governmental mortgage pool cer-	Uniform Commercial Code (UCC), Article 9, 8:7
tificates, 10:21	to 8:13
Insignificant equity participation, exception,	PHANTOM INCOME
10:20	Collateralized mortgage obligations (CMOs), tax
Plan fiduciary, definition, 10:2	considerations, 14:6
Prohibited transaction class exemption (PTCE)	Real estate mortgage investment conduits (REMICs), 14:53
Generally, 10:10 to 10:17	(REMICS), 14.33
Affiliated broker-dealers, transactions with,	PIERCING CORPORATE VEIL
PTCE 86-128, 10:14	Bankruptcy and insolvency, 13:11
Broker-dealers, securities transactions with, PTCE 75-1, 10:15	PLAN ASSETS Pension Fund Investments (this index)
Financial institutions, securities transactions with, PTCE 75-1, 10:15	PLAN FIDUCIARIES
Insurance company general accounts, PTCE 95-60, 10:13	Pension fund investments, 10:2
Investment advice arrangements, PTCE 2020-2, 10:17.50	PLANNED AMORTIZATION CLASSES (PACs)
Mortgage pool investments, PTCE 83-1, 10:11 , App K	Collateralized mortgage obligations (CMOs), 4:18, 4:19
PTCE 75-1, 10:15	PLATFORMS
PTCE 83-1, 10:11, App K	Common securitization platform, 4:14
PTCE 84-14, 10:12	•
PTCE 86-128, 10:14	PLEDGED COLLATERAL
PTCE 88-59, 10:17 , App L	Generally, 8:2 to 8:13
PTCE 95-60, 10:13	Book-entry FNMA, GNMA and FHLMC
PTCV 2020-2. 10:17.50	Generally, 8:3 to 8:6

PLEDGED COLLATERAL—Cont'd Book-entry FNMA, GNMA and FHLMC —Cont'd Definition of "securities entitlement," 8:5 Registration, 8:3 "Securities entitlement" defined, 8:5 Treasury and FNMA book-entry regulations, 8:6 Default, executing on collateral, 8:12 Definition of "securities entitlement," 8:5 Deposit accounts, 8:11 Enforcement of security interests. See entries throughout this heading Escrow agent, special considerations, 8:13 Executing on collateral in event of default, 8:12 Fannie Mae Generally, 8:10 Book-entry FNMA, GNMA and FHLMC, above Freddie Mac. Book-entry FNMA, GNMA and FHLMC, above Ginnie Mae. Book-entry FNMA, GNMA and FHLMC, above Intangibles, sale of, 8:7, 8:8 Notes, 8:7, 8:8, 8:10, 8:11 Perfection of security interests. See entries throughout this heading Promissory notes and payment intangibles, sale of, **8:7, 8:8** Registration of book-entry securities, 8:3 Sale of promissory notes and payment intangibles, 8:7, 8:8 "Securities entitlement" defined, 8:5 Supporting obligations, 8:9 Transfers and pledges of book-entry securities. Book-entry FNMA, GNMA and FHLMC, above Treasury and FNMA book-entry regulations, 8:6 Uniform Commercial Code (UCC) Article 8 "Securities entitlement" defined. 8:5 Treasury and FNMA book-entry regulations, 8:6 Article 9 Generally, 8:7 to 8:13 Collateral other than notes and mortgages, 8:10 Default, execution in event of, 8:12

PLEDGES OF SECURITIES

Deposit accounts, 8:11

Supporting obligations, 8:9

Uniform Commercial Code, Article 8, 8:4 to 8:6

POOLS

Credit considerations, disclosure regarding, **7:54**, **7:57**

POOLS-Cont'd

Mortgage pool investments (PTCE 83-1), **10:11** Pension fund investments, **10:21** Ratings, **11:13**

POST CLOSING

Real Estate Settlement Procedures Act (RESPA), disclosure, **8:49**

PREEMPTION

Due-on-sale prohibitions, 12 U.S.C.A. § 1701j-3, App N
Federal laws, 8:18

State laws, 8:21

PREFERENTIAL TRANSFERS

Bankruptcy and insolvency, 13:15

PREPAYMENTS

Disclosures

Generally, 7:42

Aggregate unpaid principal balance of certificates and loans, **7:43**

Average unpaid principal balance of certificates and loans, 7:43

Certificates and loans, unpaid principal balance, 7:43

Fannie Mae pool numbers, 7:44

Freddie Mac pool numbers, 7:44

Ginnie Mae pool numbers, 7:44

Loans and certificates, unpaid principal balance, 7:43

Unpaid principal balance of certificates and loans, **7:43**

Ranges of and weighted average coupon rate

Certificates, 7:45

Last maturity, 7:47

Mortgages, 7:46 to 7:48

Weighted average life, 7:48

Rates, mortgage trading markets, valuing MBS, 5:14

Ratings. Ranges of and weighted average coupon rate, above

Response to investor demands, 1:6

Risk, characteristics of securities and structures, **4:4**

Validity of underlying mortgages, 8:25

Weighted average. Ranges of and weighted average coupon rate, above

PRICES AND PRICING

Mortgage trading markets, pricing MBS, **5:13**, **5:15**

Response to investor demands, 1:4

PRIVATE FUNDS

Court vacation of SEC rules, advisers, **15:2** Investment strategies and funds, **6:7**

PRIVATE INSURANCE POLICIES

Credit considerations, disclosure regarding, 7:58

PRIVATE LABEL MORTGAGE-BACKED **SECURITIES**

Generally, 2:16

PRIVATE OFFERINGS

Exempt transactions, 7:14

PRIVATE SECTOR

International market, 2:17

Overview, 2:16

Role of. 1:8

Secondary mortgage market, 2:16 to 2:18

Technological innovation, 2:18

PROHIBITED TRANSACTIONS

Pension Fund Investments (this index)

PROMISSORY NOTES

Pledged collateral, 8:7, 8:8

PROPERTY, BASIS IN

Real estate mortgage investment conduits (REMICs), 14:16

PROPOSALS

Latest trends and developments

Freddie Mac to buy secondary mortgages, 15:5

PROPRIETARY TRADING

Volcker Rule, 12:9

PROSPECTUS

Registration, 7:30

PURCHASE

Sale or Purchase (this index)

PUTABLE CMOs

Collateralized mortgage obligations (CMOs), 4:21

OUALIFIED INVESTMENTS

Real Estate Mortgage Investment Conduits (**REMICs**) (this index)

QUALIFIED LIQUIDATION

Real estate mortgage investment conduits (REMICs), **14:41**

QUALIFIED SPECIAL PURPOSE ENTITY (OSPE)

Accounting, 9:4

OUOTATIONS

Mortgage trading markets, 5:15

RATINGS

Generally, 1:13, 11:1 et seq.

Adjustable rate mortgages (ARMs)

Generally, 11:19

Collateral, ARMS as, generally, 11:19

RATINGS—Cont'd

Adjustable rate mortgages (ARMs)—Cont'd Validity of underlying mortgages, restrictions,

Appeal and review, legal risk, 11:10

Bonds

Mortgage-backed bonds, 11:8

Mortgage pass-through certificates, 11:7

Pay-through bonds, 11:9

Certificates, mortgage pass-through certificates, 11:7

Collateral

Adjustable rate mortgage-based securities (ARMS), above

Adjustable rate mortgages (ARMs), 11:18 to 11:20

Commercial mortgage-backed securities, 11:20

Commercial property, 11:18 to 11:20

Commercial property as MBS collateral, 11:18 to 11:20

Credit protection

Credit risks, generally, 11:15 to 11:17

Insurance companies, 11:16

Loss coverage, 11:16, 11:17

Primary risks, 11:15

Servicers, 11:17

Credit risk evaluation Generally, 11:11 to 11:14

Foreclosure frequency and loss severity, 11:12

Guarantees, U.S. government and governmentsponsored entity, 11:14

Mortgage insurance, effect of, 11:16

Prime pool characteristics, generally, 11:13

U.S. government and government-sponsored entity guarantees, 11:14

Credit risks. Credit protection, above

Eligible collateral, ARMs, 11:18 to 11:20

Foreclosure, 11:12

Frequency, 11:12

Guarantees, U.S. government and governmentsponsored entity, 11:14

Insurance, 11:16

Insurance companies, 11:16

Investment grade ratings for mortgage-backed securities, 11:2

Legal review, 11:10

Loss coverage, 11:16, 11:17

Loss severity, 11:12

Maturity considerations, 11:21

Moody (this index)

Mortgage-backed bonds, 11:8

Mortgage insurance, effect of, 11:16

Mortgage pass-through certificates, 11:7

Pass-through certificates, mortgage pass-through certificates, 11:7

Pay-through bonds, 11:9

REAL ESTATE MORTGAGE INVESTMENT RATINGS—Cont'd CONDUITS (REMICs)—Cont'd Pools, credit risk, 11:13 Primary risks, credit protection, 11:15 **Expenses** Allocation of expenses by REMIC, 14:58 to Regulatory changes from Dodd-Frank Reform Act, 11:5 Organizational expenses, 14:57 Servicers, 11:17 Failing asset test, 14:38 Structure, approach, and regulation Federal housing enterprises, 2:6 Generally, 11:2 Foreclosure property, qualified investment, 14:36 Dodd-Frank Reform Act, 11:5 Funds, reserve Ratings approach, 11:3 Qualified reserve asset, 14:36 Regulatory changes from Dodd-Frank Reform Reserve asset, 14:35 Act, 11:5 Gain on disposition, regular interests, 14:50 SEC regulation of NRSROs, 11:4 Ginnie Mae REMIC program, 2:6 Securities Exchange Act (1934) Rules 17g-1 to Government National Mortgage Association, 2:6 17g-7, **11:4** Impact of failing asset test, 14:38 Types of securities, generally, 11:6 to 11:9 Impact of REMIC, 14:10 U.S. government and government-sponsored Inadvertent termination, 14:39 entity guarantees, 11:14 Yield considerations, 11:21 Interests Permitted interests, 14:21 REAL ESTATE INVESTMENT TRUSTS Prepayment interest shortfalls, 14:37 (REITs) Regular interests, below Generally, 7:32, 7:35 Residual interests, below Investment strategies and funds, 6:10 Retained interest in transfer, 14:17 REAL ESTATE MORTGAGE INVESTMENT Special holders, 14:22 Special rules for regular interests, 14:19 **CONDUITS (REMICs)** Specified portion, 14:18 Generally, 2:6, 4:23, 14:7 to 14:60 Allocation of expenses by REMIC Tax considerations, 14:17 to 14:22 IRC section 212 deduction, 14:56 Generally, **14:58** Limitations Pass-thru entity, 14:60 Qualified investments, 14:26 to 14:30 Pass-thru interest holder, 14:59 Taxable income deductions, 14:57 Assumptions and modifications as to qualified investments, 14:29, 14:30 Liquidation Basis, 14:16 Generally, 14:48 Calculation of tax liability, residual interests, Prohibited transactions, 14:41 14:52 Qualified liquidation, 14:41 Cash flow investments, 14:33 Self-liquidating pool, 14:14 Clean-up call, 14:42 Organizational expenses, tax considerations, Convertible mortgage, 14:25 14:57 Credit enhancement, qualified investment, 14:27 Original issue discount rules, generally, 14:51 Outside reserve funds, 14:35 Debt treatment of regular interest holder, 14:49 Pass-through certificates, 14:30 Deductions, taxable income, 14:56, 14:57 Defeasance, 14:28 Pass-thru entity Allocation of expenses by REMIC, 14:60 Defective obligations, qualified replacement mortgages, 14:31 Tax on, generally, 14:47 Pass-thru interest holder, allocation of expenses Description of excess inclusions, 14:53 by REMIC, 14:59 Disposition gain, taxation of regular interests, Permitted interests, 14:21 14:50 Permitted investments, 14:32 to 14:36 Disqualified organizations, transfers to, 14:43 to Phantom income Election of REMIC structure. 14:12 Residual interests taxation, 14:53 Taxation of residual interests, 14:53 Examples of structures, 14:9 Prepayment interest shortfalls, 14:37 Excess inclusions, taxation of residual interests, 14:53 Principally secured by real property, 14:26

REAL ESTATE MORTGAGE INVESTMENT CONDUITS (REMICs)—Cont'd	REAL ESTATE MORTGAGE INVESTMENT CONDUITS (REMICs)—Cont'd
Prohibited transactions	Retained interest in transfer, taxation, 14:17
Generally, 14:40	Sales of residual interests, taxation, 14:54
Clean-up call, 14:42	Secured by real property, 14:26
Qualified liquidation, 14:41	Self-liquidating pool, 14:14
Property, basis in, 14:16	Special holders' interests, 14:22
Purchase agreement, 14:25	Special rules for regular interests, 14:19
Qualified investments	Specified portion, regular interests, 14:18
Generally, 14:23	Startup day, 14:11
Assumptions and modifications, 14:29, 14:30	Structure
Cash flow investments, 14:33	Generally, 14:8
Convertible mortgage, 14:25	Collateralized mortgage obligations (CMSs),
Credit enhancement, 14:27	tax considerations, 14:4
Defeasance, 14:28	Election of REMIC, 14:12
Defective obligations, qualified replacement	Examples of structures, 14:9
mortgages, 14:31	Impact of REMIC, 14:10
Failing asset test, 14:38	Requirements of REMIC, 14:11
Foreclosure property, 14:36	Self-liquidating pool, 14:14
Funds, reserve, 14:35 , 14:36	Startup day, 14:11
Impact of failing asset test, 14:38	Termination, 14:13
Limitations, 14:26 to 14:30	Taxable income
Outside reserve funds, 14:35	Generally, 14:55
Pass-through certificates, 14:30	Deductions, 14:56, 14:57
Permitted investments, 14:32 to 14:36	IRC section 212 deduction, 14:56
Prepayment interest shortfalls, 14:37	Limitations on deductions, 14:57
Principally secured by real property, 14:26	Organizational expenses, 14:57
Purchase agreement, 14:25	Taxation of regular interests
Qualified mortgages, 14:24 to 14:30	Debt treatment of regular interest holder, 14:49
Qualified reserve asset, reserve funds, 14:36	Gain on disposition, 14:50
Real property qualified mortgage, 14:24	Original issue discount rules, generally, 14:51
Replacement mortgages, 14:31	Taxation of residual interests
Reserve asset, reserve funds, 14:35, 14:36	Calculation of tax liability, 14:52
Qualified liquidation, 14:41	Description of excess inclusions, 14:53
Qualified mortgages, 14:24 to 14:30 Qualified replacement mortgages, defective	Excess inclusions, 14:53
obligations, 14:31	Liability calculation, 14:52
Qualified reserve asset, reserve funds, 14:36	Phantom income, 14:53
Real property qualified mortgage, 14:24	Sales of residual interests, 14:54
Reasonable arrangements, transfers to disquali-	Tax considerations
fied organizations, 14:44	Generally, 14:7 to 14:60
Regular interests	Interests, 14:17 to 14:22
Debt treatment of regular interest holder, 14:49	Regular interests. Taxation of regular interests,
Gain on disposition, 14:50	above
Special rules, 14:19	Residual interests. Taxation of residual interests, above
Specified portion, 14:18	Taxable income, above
Taxation, 14:49 to 14:51	Transfers to disqualified organizations, 14:45 ,
REMIC program, 2:6	14:46
Replacement mortgages, 14:31	Tax Reform Act of 1986, 1:10
Requirements, 14:11	Termination, 14:13, 14:39
Re-REMICs, 4:23	Transfers
Reserve asset, reserve funds, 14:35, 14:36	Generally, 14:15 to 14:17
Residual interests	Disqualified organizations, transfers to
Interests in REMIC, generally, 14:20	Generally, 14:43
Taxation, 14:52 to 14:54	Reasonable arrangements, 14:44
14X4UUII, 14.34 W 14.34	Reasonable all aligements, 14:44

REAL ESTATE MORTGAGE INVESTMENT CONDUITS (REMICs)—Cont'd

Transfers—Cont'd

Disqualified organizations, transfers to —Cont'd

Tax payable, 14:45

Waiver of tax, 14:46

REMIC basis in property, 14:16

Taxation of retained interest, 14:17

Transfers to disqualified organizations

Generally, 14:43

Reasonable arrangements, 14:44

Tax payable, 14:45

Waiver of tax, 14:46

Transfers to REMIC, 14:15 to 14:17

Waiver of tax, transfers to disqualified organizations, 14:46

REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)

Generally, 8:48 to 8:53

Application settlement, disclosure at, 8:49

Disclosure, 8:49

Escrow accounts, 8:52

Kickbacks, 8:50

MBS concerns. 8:53

Post closing, disclosure at, 8:49

Title company restraints, 8:51

Truth-in-Lending Act, 8:54

RECOGNITION

Accounting, 9:7, 9:8

RECOURSE

Generally, 2:9 et seq.

Cash payments defined, 2:10

Definitions

Cash payments, 2:10

Excess servicing fees, 2:10

Repurchase agreements, 2:10

Reserve accounts, 2:10

Excess servicing fees, 2:10

Fannie Mae (this index)

Fees. 2:10

FIRREA, 2:9

Freddie Mac. 2:11, 2:13

Privatization, 2:11

Regulatory reporting treatment of asset sales with recourse under risk-based capital guidelines, 2:12

Regulatory treatment of asset sales with recourse under risk-based capital guidelines, 2:12

Representations and warranties, 2:13

Repurchase agreements, 2:10

Reserve accounts, 2:10

Risk-based capital guidelines, 2:9, 2:12

Risk mitigation or transfer, 2:15

RECOURSE-Cont'd

Senior / subordinated participation, 2:10 Servicing fees, 2:10

REDEMPTION RIGHTS

Validity of underlying mortgages, 8:32

REGISTERED INVESTMENT COMPANIES

Investment strategies and funds, 6:3

REGISTRATION

FRB SR Letter 10-14, implementation of registration requirements for federal mortgage loan originators, App R

Pledged collateral, 8:3

SEC rules for asset-backed securities Asset-**Backed Securities** (this index)

Securities Act of 1933 (this index)

Securities Exchange Act of 1934 (this index)

REGULATION AB

Asset-backed securities (ABS), revision, 7:40

Regulation AB II, 7:41

Text, App C1

REGULATION D

Exemption from registration, 7:15

Text, App C

REGULATION Z

Generally, 8:54

Definitions and disclosure provisions, App O

Text, App O1

REGULATORY OVERSIGHT

Federal housing enterprises, 2:12

REINVESTMENT

Characteristics of securities and structures, 4:6

REITs

Real Estate Investment Trusts (REITs) (this index)

REMICs

Real Estate Mortgage Investment Conduits (**REMICs**) (this index)

REPRESENTATIONS AND WARRANTIES

Federal housing enterprises, 2:13

REPURCHASES

Recourse, 2:10

RE-REMICs

Generally, 4:25

Re-performing loan MBS, 4:25.50

RESERVE ACCOUNTS

Recourse, 2:10

RESIDENTIAL COOPERATIVE

Validity of underlying mortgages, 8:20

RESIDENTIAL MORTGAGES

Agency and non-agency mortgages, **3:2** Multi-family, **2:11**

Single-family, 2:11

RESIDENTIAL PROPERTY

Single-family residential mortgage-backed securities, 1:13

Validity of underlying mortgages, 8:20

RESPA

Real Estate Settlement Procedures Act (this index)

RESPONSE

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 8:42 to 8:47

Internal revenue code, 1:10

Investor Demands (this index)

Securities law, 1:11

RESTRICTIONS

Limitations and Restrictions (this index)

REVISIONS

Regulation AB and structured finance rules, 7:40

RISK-BASED CAPITAL

Federal housing enterprises, **2:12** Guidelines, recourse, **2:9**, **2:12**

RISKS

Generally, 4:2

Credit Risk (this index)

Environmental risk, 4:7.50

Interest rate and duration risk, 4:2.50

Mitigation or transfer, 2:15

Mortgage trading markets, margin risk, 5:7

Prepayment risk, 4:4

Reinvestment concerns, 4:6

Security / risk, 4:5

RULE 3a-7

Investment Company Act of 1940, structured finance transactions, **7:90**

SAFE HARBOR

Hazardous substances laws, secured creditors, 8:43

Rule 502(a), non-integration, 7:25

SALE OR PURCHASE

Accounting (this index)

Federal housing enterprises, 2:12, 7:7

Ginnie Mae, 7:7

Pledged collateral, 8:7, 8:8

Secondary Mortgage Market (this index)

Securities law, 7:7

Validity of underlying mortgages, 8:27, 8:35

SANCTIONS

Pension fund investments, 9:4

SARBANES-OXLEY ACT

Certification of disclosure in periodic reports, 7:67, 7:68

Disclosure, certification in periodic reports, 7:67,

Periodic reports, certification of disclosure, **7:67**, **7:68**

Section 302, 7:67

Section 906, 7:68

SAVINGS AND LOAN ASSOCIATIONS

Bank and S&L Mortgage-Backed Securities and Activities (this index)

Exemption from registration, 7:11

SEC

Securities and Exchange Commission (SEC) (this index)

SECONDARY MARKET

Agency and non-agency mortgages, 3:3.50

SECONDARY MARKETS

Generally, **1:2** Background, **5:1**

SECONDARY MORTGAGE MARKET

Generally, 1:1 et seq., 2:1 et seq.

Advantages, 1:14

Credit. 1:3

Fannie Mae (this index)

Federal Housing Enterprises (this index)

Freddie Mac (this index)

Ginnie Mae (this index)

International market, 2:17

Private sector, 2:16 to 2:18

Securitization of commercial mortgages, 1:1 Technological innovation, growth of, 2:18

SECONDARY MORTGAGE MARKET ENHANCEMENT ACT 1984

Requirements, 7:74

SECONDARY MORTGAGE MARKET ENHANCEMENT ACT OF 1984 (SMMEA)

Generally, 1:12, 7:71

SECOND MORTGAGE LOANS

Validity of underlying mortgages, 8:24

SECTION 3(a)(1) OF INVESTMENT COMPANY ACT OF 1940

Definition of investment company, 7:73

SECTION 3(a)(2) OF SECURITIES ACT OF 1933

Text, App A1

SECTION 3(a)(4) OF SECURITIES EXCHANGE ACT OF 1934

Text, App F

SECTION 3(a)(5) OF SECURITIES EXCHANGE ACT OF 1934

Text, App F1

SECTION 3(a)(12) OF SECURITIES EXCHANGE ACT OF 1934

Text, App F2

SECTION 3(a)(41) OF SECURITIES EXCHANGE ACT OF 1934

Text, App F3

SECTION 3(c)(1) OF INVESTMENT COMPANY ACT OF 1940

Private investment company exclusion, Section 3(c)(1), **7:84**

SECTION 3(c)(5) OF INVESTMENT COMPANY ACT OF 1940

Discounting, 7:86

Real estate companies, 7:86

Sales financing, 7:86

SECTION 3(c)(7) OF INVESTMENT COMPANY ACT OF 1940

Qualified purchaser exclusion, 7:85

SECTION 4(a)(2) OF SECURITIES ACT OF 1933

Text, App A2

SECTION 5 OF SECURITIES ACT OF 1933

Text, App A3

SECTION 15E OF SECURITIES EXCHANGE ACT OF 1934

Text, App F4

SECTION 15Ga-1 OF SECURITIES EXCHANGE ACT OF 1934

Text, App F5

SECTION 302 OF SARBANES-OXLEY ACT

Generally, 7:67

SECTION 906 OF SARBANES-OXLEY ACT

Generally, 7:68

SECURED CLAIMS

Bankruptcy and insolvency, 13:14

SECURITIES ACT OF 1933

Generally, 7:2

Administrative interpretation of mortgage notes, 7.4

Asset-backed securities (ABS) registration, **7:39**, **7:40**

Contracts for sale of MBS, 7:7

Definition of a security, 7:3

SECURITIES ACT OF 1933—Cont'd

Exemption from registration

Generally, 7:8 to 7:27

Accredited investors, sales to, 7:16

Advertising, 7:18 to 7:21

Disqualification provisions, 7:22

Exempt security

Generally, **7:8 to 7:11**

Banks, 7:10

No solicitations, 7:18 to 7:32

Participation interests in exempt securities, 7:13

Savings and loan associations, 7:11

Exempt transactions

Generally, 7:12, 7:14

Private offerings, 7:14

Real estate, securities secured by, 7:12

Filings, 7:17

Form D filing, 7:17

General solicitations, 7:18 to 7:21

Information provided to investors, 7:23

Integration factors, 7:26

Integration of offerings, 7:24 to 7:27

Internet offerings, 7:21

Non-integration safe harbor (Rule 502(a)), 7:25

Number of offerees, 7:20

Pre-existing relationship requirement, 7:19

Regulation D, 7:15

Rule 144A securities, 7:27

Solicitations, 7:18 to 7:21

State filings, 7:17

Mortgage-backed securities, 7:6

Mortgage notes, 7:4

Notes, administrative interpretation of mortgage notes, **7:4**

Participation interests, 7:5

Registration

Generally, 7:28 to 7:38

Asset-backed securities (ABS) registration, 7:39

Custody of investments, Form S-11, 7:36

Description of real estate, Form S-11, 7:34

Exemption from registration, above

False registration statement, liability for, 7:31

Financial statements and information, 7:37

Form S-11

Custody of investments, 7:36

Description of real estate, 7:34

Investment policies, 7:33

Management of investments, 7:36

Material tax consequences, 7:35

REITs and other real estate companies, 7:32

REMIC election, 7:35

Selection of investments, 7:36

SECURITIES EXCHANGE ACT OF 1934 —Cont'd
Conflict of interest rule for securitizations, Rule
192, 7:66.50
Credit risk retention requirements, 7:66
Dealers. Brokers and dealers, regulation of,
above
Definition of a security, 7:63
Exemptions from registration
Generally, 7:64
Brokers and dealers, regulation of, above
Limitations and restrictions. Brokers and dealers,
regulation of, above
Municipal securities, App F2 Registration
Generally, 7:65
Brokers and dealers, regulation of, above
Exemption from registration, 7:64
Rule 17g-1 text, App G
Rule 17g-2 text, App G1
Rule 17g-3 text, App G2
Rule 17g-4 text, App G3
Rule 17g-5 text, App G4
Rule 17g-6 text, App G5
Rule 17g-7 text, App G6
Sarbanes-Oxley Act (this index)
Section 3(a)(4) text, App F
Section 3(a)(5) text, App F1
Section 3(a)(12) text, App F2
Section 3(a)(41) text, App F3
Section 15E text, App F4
Section 15G, credit risk retention requirements, 7:66
Section 15Ga-1 text, App F5
Section 15Ga-1 text, App F6
Truth in Lending (Regulation Z), App O1
United States obligations, 7:64
•
SECURITIES LAW
Generally, 1:11, 7:1, 8:1 et seq.
See also Statutes (this index)
Administrative interpretation, 7:4
Blue sky laws, 7:91 Construction and interpretation, 7:4
Contracts for sale, 7:7
Definition of security, 7:3
Disclosure (this index)
Exemption from Registration (this index)
Investment Company Act of 1940 (this index)
Mortgage notes, status as "securities," 7:4
Notes, 7:4
Notes, 7:4 Participation interest in mortgages, 7:5
Notes, 7:4 Participation interest in mortgages, 7:5 Registration (this index)
Notes, 7:4 Participation interest in mortgages, 7:5

SECURITIES LAW—Cont'd

Securities Act of 1933 (this index)

Securities Exchange Act of 1934 (this index)

Trust Indenture Act of 1939, 7:73

SECURITIZATION

Commercial mortgages, 1:1

Non-agency mortgages, 3:9

SECURITY / RISK

Characteristics of securities and structures, 4:5

SELECTIVE DISCLOSURE

Prepayments (this index)

SELF-DEALING

Pension fund investments, ERISA prohibited transactions, 9:7

SELF-LIQUIDATING POOL

Real estate mortgage investment conduits (REMICs), **14:14**

SENIOR / SUBORDINATED INTERESTS AND PARTICIPATION

Recourse, 2:10

SERVICERS

Ratings, credit protection, 11:17

SERVICING ACCOUNTS

Accounting, FASB ASC Topic 860, financial asset transfers and servicing, **9:2**

Bank and S&L mortgage-backed securities and activities, **4:24**, **12:6**

Mortgage servicing for Fannie Mae and Freddie Mac, **4:24.50**

SERVICING CONTRACTS AND AGREEMENTS

Bankruptcy and insolvency, 13:7

Credit considerations, disclosure regarding, 7:51

Disclosures regarding credit considerations, 7:51

SERVICING FEES

Excess servicing fees defined, 2:10

SERVICING RIGHTS

Accounting, 9:17

SETTLEMENT

Mortgage trading markets, 5:4

Real Estate Settlement Procedures Act (RESPA) (this index)

SHELF REGISTRATION

Rule 415, 7:38

SINGLE-FAMILY RESIDENTIAL MORTGAGES

Rating issues, 1:13

Recourse by Fannie Mae and Freddie Mac, 2:11

SINGLE MORTGAGE

Response to investor demands, 1:6

SMMEA

Secondary Mortgage Market Enhancement Act of 1984 (SMMEA) (this index)

SOFT DOLLAR TRADING

Mortgage trading markets, MBS transactions, 5:11

SPECIAL PURPOSE VEHICLE

Bankruptcy and insolvency, 13:5

Mortgage-backed securities, 4:9

STARTUP DAY

Real estate mortgage investment conduits (REMICs), 14:11

STATE COST RECOVERY STATUTES

Hazardous substances laws, 8:44

STATE LAWS

Generally, 8:1 et seq.

Blue sky law requirements, 7:91

Hazardous substances, 8:45

Property transfer, 8:46

Superfund statutes, 8:44

Validity of Underlying Mortgages (this index)

STATE PROPERTY TRANSFER STATUTES

Hazardous substances laws, 8:45

STATE USURY LAWS

Commercial loans, 8:24

Late payment charges, 8:27

Prepayment restrictions, 8:26

Second mortgage loans, 8:25

STATUTES

See also**Securities Law** (this index)

Alternative Mortgage Transaction Parity Act of 1982 (AMT), **8:28**

Comprehensive Environmental Response, Compensation, and Liability Act

(CERCLA), 8:42 to 8:47

Disclosures (this index)

Pension fund investments, 10:9

Prepayments (this index)

Real Estate Settlement Procedures Act (RESPA) (this index)

Secondary Mortgage Market Enhancement Act of 1984, 1:12

Superfund Amendments and Reauthorization Act of 1986 (SARA), 8:42, 8:43

Truth-in-Lending Act, 8:54

Validity of underlying mortgages, 8:17

STAY

Bankruptcy and insolvency, avoiding stay, 13:13

STRIPPED MORTGAGE-BACKED SECURITIES (IOs AND POs)

Characteristics of securities and structures, 4:13

STRUCTURE

Collateralized mortgage obligations (CMOs), tax considerations, 14:4

Real Estate Mortgage Investment Conduits (REMICs) (this index)

STRUCTURED INVESTMENT FUNDS

Investment strategies and funds, 6:9

SUBPRIME MORTGAGES

Non-agency mortgages, 3:7

SUBSIDIARIES

Bankruptcy and insolvency, 13:12

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986 (SARA)

Generally, 8:42, 8:43

SUPERFUND STATUTES

Generally, 8:44

SUPER PAC BONDS

Collateralized mortgage obligations (CMOs), 4:21

SUPPORTING OBLIGATIONS

Pledged collateral, 8:9

SWAPS

Mortgage trading markets, derivatives, **5:17**

SYNTHETIC COLLATERALIZED DEBT OBLIGATIONS

Mortgage trading markets, 5:16

TACS

Targeted Amortization Classes (TACs) (this index)

TARGETED AMORTIZATION CLASSES (TACs)

Collateralized mortgage obligations (CMOs), 4:18, 4:20

TARP

Troubled Assets Relief Program (this index)

TAX CONSIDERATIONS

Generally, 14:1 et seq.

Collateralized mortgage obligations (CMOs), **14:3** to **14:6**

Corporations, 14:3

Limited partnerships, 14:2

Pension fund investments, 10:23, 10:24

Real Estate Mortgage Investment Conduits (REMICs) (this index)

Trust, tax exempt status, 10:24

TAX CONSIDERATIONS—Cont'd UBTI, 10:23

TAX REFORM ACT OF 1986

REMICs. 4:23

TERMINATION

Real estate mortgage investment conduits (REMICs), 14:13, 14:39

TERMS

Glossary of, App A

TIME

Validity of underlying mortgages, 8:31

TITLE AND OWNERSHIP

American Land Title Association (ALTA), **8:37** Collateralized mortgage obligations (CMOs), **14:6**

Hazardous Substances Laws (this index)

TITLE COMPANY

Real Estate Settlement Procedures Act (RESPA), 8:51

TITLE INSURANCE

Generally, 8:37 to 8:42

Affirmative coverage, 8:41

Validity of Underlying Mortgages (this index)

"TO - BE - ANNOUNCED" (TBA) MARKET

Mortgage trading markets, 5:3, 5:4

TRADING SECURITIES

Accounting disclosure, 9:13

TRANSFER CONSTRAINTS

Accounting, 9:5

TRANSFERS

Accounting, FASB ASC Topic 860, financial asset transfers and servicing, **9:2**

Accounting (this index)

Bankruptcy and insolvency, 13:15, 13:16

Pledged Collateral (this index)

Real Estate Mortgage Investment Conduits (REMICs) (this index)

Uniform Commercial Code (UCC), Article 8, 8:4 to 8:6

TREASURY REGULATIONS

Pledged collateral, 8:6

Taxable mortgage pools, 10:11

TRUE SALE

Bankruptcy estate, 13:5, 13:6

TRUST INDENTURE ACT OF 1939

Generally, 7:73

TRUSTS AND TRUSTEES

Bank and S&L mortgage-backed securities and activities, 12:7

Pension fund investments, 10:24

TRUTH IN LENDING ACT

Generally, 8:54

Definitions and disclosure provisions, App O

Mortgage transaction rules, App O1

Text, App O1

12 U.S.C. § 3801

Alternative mortgage transactions, App N1

12 U.S.C.A. § 1701J-3

Preemption of due-on-sale prohibitions, App N

2010 MORTGAGE ACT

Mortgage Reform and Anti-Predatory Lending Act (this index)

UCC (UNIFORM COMMERCIAL CODE)

Pledged Collateral (this index)

UNDERLYING MORTGAGES

Validity of Underlying Mortgages (this index)

UNDERWRITER'S EXEMPTIONS

Pension fund investments, 10:22

UNIFORM COMMERCIAL CODE (UCC)

Pledged Collateral (this index)

UNRELATED BUSINESS TAXABLE INCOME

Pension fund investments, tax issues, 10:23

USURY LAW

Validity of Underlying Mortgages (this index)

VALIDITY OF UNDERLYING MORTGAGES

Generally, 8:16 to 8:41

Adjustable rate mortgage restrictions, 8:28

Affirmative coverage, 8:40

Assignment, obtaining endorsements upon, 8:41

Charges, **8:26**

Commercial loans, 8:23

Contracts and agreements, 8:35

Deficiency statutes, 8:33

Due-on-sale clauses, 8:27

Endorsements upon assignment, obtaining, 8:41

Enforcement statutes

Generally, 8:30 to 8:36

Deficiency statutes, 8:33

Mortgage moratoria, 8:34

Redemption rights, 8:32

Time required to foreclose, 8:31

Exceptions, 8:39

Exclusions of coverage, 8:38

Federally-related loan, 8:19

Federal preemption under DIDMCA Section 501, loans subject to, **8:18 to 8:21**

VALIDITY OF UNDERLYING MORTGAGES

—Cont'd

Federal statutes, 8:17

First lien, 8:20

Foreclosure, 8:31

Installment sales contracts, 8:35

Insurance. Title insurance, below

Late payment charges, 8:26

Licensing statutes, 8:29

Limitations and restrictions, 8:17, 8:25, 8:28

Manufactured home, 8:20

Moratoria on mortgages, 8:34

Mortgage enforcement statutes, 8:30 to 8:36

Mortgage lending licensing statutes, 8:29

Overriding federal preemption, 8:21

Payment, 8:26

Preemption, 8:18 to 8:21

Prepayment restrictions, 8:25

Rates, 8:28

Redemption rights, 8:32

Residential cooperative, 8:20

Residential real property, 8:20

Sales, 8:27, 8:35

Second mortgage loans, 8:24

Secured by first lien on residential real property,

stock in residential cooperative, or manufactured home, **8:20**

State and federal laws, generally, 8:16 to 8:41

Stock in residential cooperative, 8:20

Time required to foreclose, 8:31

Title insurance

Generally, 8:36 to 8:41

Affirmative coverage, 8:40

Endorsements upon assignment, obtaining,

8:41

Exceptions, 8:39

Exclusions of coverage, 8:38

Insurance coverage, 8:37

Usury law

Generally, 8:16 to 8:26

Commercial loans, 8:23

Federally-related loan, 8:19

Federal preemption under DIDMCA Section 501, loans subject to, **8:18 to 8:21**

Late payment charges, 8:26

Overriding federal preemption, 8:21

Prepayment restrictions, 8:25

Restrictions governed by federal statute, 8:17

Second mortgage loans, 8:24

Secured by first lien on residential real property, stock in residential cooperative, or manufactured home, 8:20

manufactured nome, 0.20

State usury laws, generally, 8:22 to 8:26

VALUE AND VALUATION

 $\begin{array}{c} \text{Credit considerations, disclosure regarding, loan-} \\ \text{to-value ratios, } \textbf{7:56} \end{array}$

Loan-to-value, 7:56

Mortgage trading markets, valuing MBS, 5:13

VOLCKER RULE

Proprietary trading, 12:9

WARRANTIES

Recourse, 2:13

WEIGHTED AVERAGES

Prepayments (this index)

WHOLE LOANS

Mortgage trading markets, **5:9**

WINDFALL LIEN

Hazardous substances laws, 8:43

WRAP FEE PROGRAMS

Investment strategies and funds, 6:2