

Index

ACCELERATION

- Due-on-sale clauses, **2:16**
- Prepayment penalties, **2:29**

ADVERTISEMENTS

- Generally, **2:1**

ALASKA ALLOTMENT ACT

- Title to land, **2:41**

ALASKA HOUSING FINANCE CORPORATION

- Generally, **1:2**
- Transfers of servicing, **2:35, 2:37**

ALASKA HUMAN RIGHTS LAW

- Generally, **2:14**
- Private right of action, **3:1**

ALASKA MORTGAGE LENDING REGULATIONS

- Generally, **5:5**

ALTERNATIVE MORTGAGE TRANSACTIONS

- Generally, **2:2**

APPLICATIONS

- Change in control, **2:8**
- Licensing, **2:3**
- Mortgage broker license, **5:1**
- Mortgage lender license, **5:1**
- Nonprofit Organization Mortgage Exemption, **5:4**
- Registered Depository Institution, **5:3**

APPRAISERS AND APPRAISALS

- Generally, **2:4**
- Equal Credit Opportunity Act, copies of appraisals to borrowers, **2:4**

APPROVAL

- Closing of office, **2:8**

ASSIGNMENTS

- Generally, **2:5**

ASSUMPTION OF MORTGAGE

- Generally, **2:6**

ATTORNEY REPRESENTATION

- Closing practices, **2:9**
- Consumer protection, **2:11**

BANKRUPTCY

- Cramdown of mortgages, **3:4**

BRANCH OFFICE

- Approval prior to closing of office, **2:8**
- Home of mortgage loan originator, **2:7, 2:24**
- Registration, **2:24**

CERTIFICATE OF AUTHORITY/GOOD STANDING CERTIFICATE

Licensing, **5:1**

CHANGE

Control, location, management, and name, **2:8**

CHARGES

See Fees and Charges

CLOSING

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

Marital rights, **2:26**

Plain English, **2:27**

Practices, **2:9**

Prohibited loan terms, **2:30**

Security instruments, **2:34**

Signature requirements, **2:26**

Wet Settlement Act, **2:40**

CLOSING OF OFFICE

Business records, **2:31**

Written approval, **2:8**

COMMITMENTS

Generally, **2:10**

COMPLIANCE

Information source, **4:1**

CONDOMINIUM

Priority lien, **2:41**

CONSUMER COMPLAINTS

Consumer protection, **2:11**

CONSUMER PROTECTION

Advertisements, **2:1**

Attorney representation entitlement, **2:11**

Consumer complaints, **2:11**

Disclosures, **2:13**

Discrimination, **2:14**

Fair Debt Collection Practices Act, **3:3**

False advertising, **2:1**

Foreclosures

See Foreclosures

Fraud or false statements, **2:11**

Predatory loan laws, **2:28**

Servicing, transfers, **2:37**

Unfair Trade Practices and Consumer Protection Act

See Unfair Trade Practices and Consumer Protection Act

CONTROL

Change, **2:8**

CRAMDOWN

Bankruptcy, residential mortgage cramdown allowed in, **3:4**

DEEDS OF TRUST

Assignment, **2:5**

DEEDS OF TRUST—Cont'd

- Late payment of instalment, revival of time-barred debt, **3:5**
- Mortgagee may seek judgment on note without foreclosing, **3:2**
- Security instrument, **2:34**
- Trustees
 - Eligibility, **2:38**
 - Substitution, **2:38**

DEFICIENCY JUDGMENTS

- See Foreclosures

DEPOSITS

- Escrows, **2:17**

DISCLOSURES

- Generally, **2:13**

DISCRIMINATION

- Generally, **2:14**
- Private right of action, **2:14, 3:1**

DOCUMENTS

- Commitments, **2:10**
- Deeds of trust
 - See Deeds of Trust
- Plain English, **2:27**
- Preparation, **2:15**
- Prohibited loan terms, **2:30**
- Record retention, **2:31**
- Security instrument, **2:34**

DOMESTIC PARTNERS

- Municipal property tax exemption, **3:7**

DUE-ON-SALE CLAUSES

- Generally, **2:16**

EQUAL CREDIT OPPORTUNITY ACT

- Appraisals, **2:4**

EQUAL PROTECTION

- Municipal property taxes, **3:7**

ESCROWS

- Generally, **2:17**
- Administration by original and new servicer, **2:35**
- Servicing, generally, **2:35**
- Settlement agent disbursement of funds, **2:40**

EXEMPTIONS

- Homestead, **2:21**
- Licensing, **2:24**

FAIR DEBT COLLECTION PRACTICES ACT

- Mortgagor's action, **3:3**

FALSE ADVERTISING

- Consumer protection, **2:1**

FALSE OR MISLEADING STATEMENTS

- Commitments, **2:10**

FEES AND CHARGES

- Generally, **2:18**
- Application for change in control, **2:8**
- Insurance, **2:22**
- Late charges, **2:23**
- License application investigation fees, **2:24**
- Prepayment penalties, **2:29**
- Referral fees, **2:32**

FORECLOSURES

- Consumer protection, mortgagor's action, **3:3**
- Curing default, **2:19**
- Deficiency judgments
 - Nonjudicial foreclosures, **2:12**
 - Overview, **1:2**
 - Trustees' fees and costs, **1:2**
- Judicial foreclosure, **2:19**
- Late payment as reviving time-barred debt, **3:5**
- Nonjudicial
 - Deficiency judgments, **2:12**
 - Notice of default, **2:19**
 - Procedures, **2:19**
- Notes, suit without foreclosure
 - Lender rights, **3:2**
- Notice of default, **2:19**
- Power of sale, **2:19**
- Procedures, **2:19**
- Redemption, **2:19**

FRAUD OR FALSE STATEMENTS

- Deceptive acts, **2:11**

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

- Alternative mortgage transactions, **2:2**
- Due-on-sale clauses, **2:16**

HOMESTEAD

- Denial of exemption to incarcerated individual, **2:21**
- Exemption, **2:21**
- Principal residence defined, **2:21**
- Spouse, non-signing, **2:26**

HUMAN RIGHTS LAW

- Generally, **2:14**
- Private right of action, **3:1**

INSURANCE

- Borrower rights, **2:22**
- Cancellation, **2:22**
- Lender approval, **2:22**
- Lender disclosures, **2:13**
- PMI, **2:22**
- Reasonable right of selection by mortgagor, **2:22**
- Renewal, **2:22**
- Tie-ins, **2:22, 2:36**

ALASKA INDEX

INTEREST

- Garn-St Germain Depository Institutions Act, **2:2**
- Lock-ins, **2:25**
- Prepayment penalties, **2:29**
- Usury, generally, **2:39**

LATE CHARGES

- Generally, **2:23**

LATE PAYMENT

- Revival of time-barred debt, late payment by mortgagor as reviving right to foreclose, **3:5**

LEGISLATION

- Alaska Allotment Act, land titles, **2:41**
- Alaska Human Rights Law, **2:14, 3:1**
- Alaska Mortgage Lending Act
 - See Mortgage Licensing Act
- Alternative Mortgage Transaction Parity Act, **2:2**
- Disclosures in compliance with federal statutes, **2:13**
- Equal Credit Opportunity Act, copies of appraisals to borrowers, **2:4**
- Fair Debt Collection Practices Act, **3:3**
- Garn-St Germain Depository Institutions Act, **2:2**
- Human Rights Law, **2:14**
- Mortgage Licensing Act, **1:2**
- Unfair trade practices. See Unfair Trade Practices and Consumer Protection Act
- Wet Settlement Act, **2:40**

LICENSING

- Generally, **2:24**
- Application forms, **5:1, 5:2**
- Bonds, **2:24**
- Cease-and-desist orders, **2:24**
- Division of Banking and Securities, **2:24, 4:1**
- Education requirement, **2:24**
- Exemptions, **2:7, 2:24**
- Expiration, **2:24**
- Information source, **4:1**
- Mortgage Licensing Act licensing regulations website, **2:7, 2:24**
- NMLS
 - See Nationwide Mortgage Licensing System and Registry (NMLS)
- On-site manager designation, **2:24**
- Overview, **1:2**
- Regulatory agencies, **4:1, 4:2**
- Renewal, **2:24**
- Revocation of license, **2:24**
- Suspension or revocation, **2:24**

LIENS

- Marital rights, **2:26**

LIMITATION OF ACTIONS

- Revival of time-barred debt, late payment by mortgagor, **3:5**

LOAN PROCESSOR

- See Processing

LOAN SERVICING

- See Servicing

LOCATION

Change, **2:8**

LOCK-INS

Interest, **2:25**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MORTGAGE BROKERS

Applications for licensing to NMLS, **2:7**

Change in control, location, management, and name, **2:8**

Defined, **2:7**

Division of Banking and Securities

Administrative regulations for licensee, **2:24**

Fees and charges, **2:24**

Licensing of brokers, **2:7, 2:24**

Exemption from licensing, **2:7**

Licensing, **2:7, 2:24**

Mortgage broker defined, **2:24**

Nationwide Mortgage Lending System and Registry (NMLS), **2:7**

On-site manager designation, **2:24**

Record retention, **2:31**

Referral fees, **2:32**

Refinancing, **2:7**

Revocation of license, **2:24**

Unique identifier, NMLS, **2:7**

MORTGAGE LENDERS

Alaska Mortgage Lending Regulations, **5:5**

Applications for licensing to NMLS, **2:7**

Change in control, location, management, and name, **2:8**

Disclosures, **2:13**

Division of Banking and Securities, administrative regulations for licensee, **2:24**

Insurance approvals, **2:22**

Licensing, **2:24, 5:1**

Mortgage lender defined, **2:24**

On-site manager designation, **2:24**

Record retention, **2:31**

Referral fees, **2:32**

MORTGAGE LICENSING ACT

Generally, **1:2**

Commitments, **2:10**

Disclosures in compliance with federal statutes, **2:13**

Escrows, **2:17**

Licensing regulations website, **2:7, 2:24**

Licensing requirement, **2:24**

Record retention, **2:31**

Refinancing restrictions, **2:30**

Refusal to issue satisfaction of mortgage loan, **2:35**

Website for licensing regulations, **2:7, 2:24**

MORTGAGE LOAN ORIGINATORS

Applications for licensing to NMLS, **2:7**

MORTGAGE LOAN ORIGINATORS—Cont'd

- Change in control, location, management, and name, **2:8**
- Disclosures, **2:13**
- Division of Banking and Securities, administrative regulations for licensee, **2:24**
- Education and testing, **2:24**
- Exemption from licensing, **2:24**
- Licensing, **2:24, 5:2**
- Mortgage loan originator defined, **2:24**
- Record retention, **2:31**
- Referral fees, **2:32**
- Registered mortgage loan originator defined, **2:24**
- Removal from employment by licensee, **2:24**
- Revocation of license, **2:24**
- Tie-ins, **2:36**

MUNICIPAL TAXES

- Exemptions, **3:7**
- State v. Schmidt, **3:7**

NAME

- Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

- Generally, **4:2**
- Application for license, **2:7, 2:24, 5:1**
- Investigation fees, **2:24**
- Jurisdiction-specific requirements, **5:1**
- Licensing, generally, **2:24**
- Mortgage broker licensing, **2:24, 5:1**
- Mortgage lender licensing, **2:24, 5:1**
- Mortgage loan originator licensing, **2:24, 5:2**
- Notification of change in control, location, management, and name, **2:8**
- Renewal of license, **2:24**
- Resource Center, **4:2**
- Unique identifier, **2:1, 2:7**
- Update responsibility of licensee, **2:8**
- Website, **4:2**

NATIVE AMERICANS

- Land titles, Alaska Allotment Act, **2:41**

NMLS

- See Nationwide Mortgage Licensing System and Registry (NMLS)

NONPROFIT ORGANIZATIONS

- Nonprofit Organization Mortgage Exemption, application checklist, **5:4**

NOTARIZATION

- Document preparation, **2:15**

NOTICES

- Change in control, location, management, and name, **2:8**
- Transfers of servicing, **2:35, 2:37**

PAYOFF

- Generally, **2:33**

PLAIN ENGLISH

- Documents, **2:27**

PREDATORY LOAN LAWS

Generally, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

PRIORITY

Condominium priority lien, **2:41**

PRIVATE RIGHT OF ACTION

Discrimination in credit transactions, **2:14, 3:1**

Human Rights Law, **3:1**

PROCESSING

Loan processor licensing, **2:24**

Marital rights, **2:26**

Signature requirements, **2:26**

REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)

Settlement, violation of anti-rebating law, **3:6**

REBATES

Sham employment in violation of anti-rebating law, **3:6**

RECORDING

Assignments, **2:5**

Foreclosures, **2:19**

Notice of default, **2:19**

Record retention, **2:31**

Releases, **2:33**

REFERRAL FEES

Generally, **2:32**

REFINANCING

Mortgage brokers, **2:7**

Prohibited loan terms, **2:30**

REGISTERED DEPOSITORY INSTITUTION

Application for registration, **5:3**

REGISTRATION

Branch office, **2:24**

Registered Depository Institution, application for, **5:3**

REGULATORY AUTHORITIES

Department of Commerce, Community and Economic Development

Approval of change of control, **2:8**

Cease-and-desist orders, **2:24**

Contact information, **4:1**

Examination of office of non-resident licensee, **2:31**

Licensing, **2:24**

Division of Banking and Securities

Administrative regulations for licensees, **2:24**

Contact information, **4:1**

Licensing, **2:7, 2:24**

Division of Banking and Securities, final lending regulations, **1:2**

NMLS

See Nationwide Mortgage Licensing System and Registry (NMLS)

REGULATORY INFORMATION SOURCES

Division of Banking and Securities, **4:1**

REGULATORY INFORMATION SOURCES—Cont'd

Nationwide Mortgage Licensing System and Registry (NMLS), **4:2**

RELEASE

Generally, **2:33**

RENEWAL

Insurance, mortgagor's reasonable right of selection, **2:22**

REVIVAL OF TIME-BARRED DEBT

Late payment as affecting, **3:5**

SAFE ACT

Mortgage Licensing Act, **1:2**

SERVICING

Due-on-sale clauses, **2:16**

Escrow account

See Escrows

Federal preemption, **2:37**

Notice of transfers, **2:35, 2:37**

Payoff, **2:33**

Practices, **2:35**

Record retention, **2:31**

Releases, **2:33**

Transfers, **2:35, 2:37**

SETTLEMENT AGENT

Disbursement of funds, **2:40**

SIGNATURE REQUIREMENTS

Generally, **2:26**

SPOUSES

Municipal property tax exemption, **3:7**

STATE V. SCHMIDT

Municipal property tax exemption, **3:7**

TAXATION

Municipal property tax exemption, **3:7**

TIE-INS

Insurance, **2:22, 2:36**

TIME-BARRED DEBT

Revival, late payment acting as, **3:5**

TITLE INSURANCE COMPANY

Sham employment in violation of anti-rebating law, **3:6**

TRANSFER OF BUSINESS

Approval by Department, **2:8**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

Due-on-sale clauses, **2:16**

Notice of transfer, **2:35, 2:37**

Servicing, **2:35, 2:37**

TRUST DEED

See Deeds of Trust

TRUSTEES

See Deeds of Trust

UNDERWRITING

Insurance, **2:22**

Lock-ins, **2:25**

UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION ACT

Deceptive acts, **2:11**

False advertising, **2:1**

Mortgagor's action, **3:3**

Scope of UTPA, **2:11**

Unfair competition, **2:11**

USURY

Generally, **2:39**

WEBSITES

Department of Commerce, Community and Economic Development, **4:1**

Division of Banking and Securities, **4:1**

Mortgage Licensing Act licensing regulations, **2:7, 2:24**

Nationwide Mortgage Licensing System and Registry (NMLS), **4:2**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Clerical or support duties, **2:24**

Control, **2:8**

Loan processor or underwriter, **2:24**

Mortgage broker, **2:7, 2:24**

Mortgage lender, **2:24**

Mortgage loan originator, **2:24**

Principal residence, **2:21**

Registered mortgage loan originator, **2:24**

Index

ADJUSTABLE RATE MORTGAGE PRODUCTS

Record retention, **2:31**

ADVERTISEMENTS

Generally, **2:1**

Bureau of real estate advertising guidelines and RE 858, **5:5**

Department of Business Oversight, **2:1**

Department of Real Estate, **2:1**

False advertising, **2:1**

License Disclosure Requirements for Mortgage Advertising, **5:5**

Residential Mortgage Lending Act, **2:1**

Unfair Practices Act, **2:1**

ADVISORY

Integrated disclosure rule, **2:7, 5:6**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

APPLICATIONS

Generally, **2:3**

Licensing

Applicant instructions, **5:1**

NMLS forms, **5:2, 5:3**

Record retention, **2:31**

APPRAISALS

Generally, **2:4**

Fees, **2:18**

ASSIGNMENTS

Generally, **2:5**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

BALLOON LOANS OR PAYMENTS

Generally, **2:2**

Predatory lending, **2:28**

BROKERS

Advance fees, **2:18**

Disclosures

Generally, **2:7**

License number and license information telephone number, **2:1**

Mortgage loan disclosure statements, **2:7**

Endorsement by Department of Real Estate, **5:3**

Licensing, **2:24**

Mortgage lenders, **2:7**

Mortgage loan disclosure statements, **2:7**

Name, notification of change in, **2:8**

Nationwide Mortgage Licensing System and Registry (NMLS), **2:7**

Real estate broker defined, **2:24**

Record retention, **2:31**

BROKERS—Cont'd

Servicing practices, **2:35**

CALL PROVISIONS

Consumer protection, predatory lending, **2:28**

CHANGE

Control, location, management or name, **2:8**

CHARGES

See Fees and Charges

CLASS ACTIONS

Choice of law issues, certification process in multi-state class actions, **3:7**

CLOSING

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

Insurance, **2:22**

Marital rights, **2:26**

Plain English, **2:27**

Practices, **2:9**

Prohibited loan terms, **2:30**

Security instruments, **2:34**

Signature requirements, **2:26**

Usury, **2:39**

Wet Settlement Act, **2:40**

COMMITMENTS

Generally, **2:10**

COMMUNITY PROPERTY

Marital rights, **2:26**

Ownership of property, **1:2**

COMPLAINTS

Record retention, **2:31**

CONSULTANTS

Mortgage foreclosure consultants, **2:41**

CONSUMER PROTECTION

See also Notices

Balloon loans

Generally, **2:2**

Predatory lending, **2:28**

Deceptive practices, **2:11**

Deficiency judgments, **2:12**

Disclosures

Generally, **2:7**

Applications, **2:3**

Discrimination, **2:14**

Fair Lending Notice, **2:14, 5:4**

Hazard insurance, **2:22**

Late charges, **2:23**

Overview, **2:13**

Private mortgage insurance, **2:22**

Servicing transfers, **2:37**

Discrimination, generally, **2:14**

CONSUMER PROTECTION—Cont'd

- Escrow accounts, **2:17**
- Fair Employment Housing Act, **2:14**
- Fair Lending Notice, **2:14, 5:4**
- False advertising, **2:1**
- Fiduciary duties, **2:11**
- Hazard disclosure statement, **2:22**
- Holden Act, **2:14**
- Home Mortgage Disclosure Act, **2:14**
- Housing Financial Discrimination Act of 1977, **5:4**
- Late charges, **2:23**
- Military service, discrimination on basis of, **2:14**
- Predatory lending law, **2:28**
- Prepayment penalties
 - Generally, **2:29**
 - Predatory loans, **2:28**
- Private mortgage insurance, **2:22**
- Record retention, **2:31**
- Servicing transfers, **2:37**
- Tie-ins, **2:36**
- Unfair Practices Act, **2:1, 2:11, 3:3**

CONTROL

- Change, **2:8**

COVENANT OF GOOD FAITH AND FAIR DEALING

- Consumer protection, **2:11**

COVERED LOANS

- Predatory lending laws, **2:28**

CREDIT INSURANCE

- Predatory lending law, **2:28**

CREDIT SCORE

- Applications, **2:3**

DAMAGES

- Mortgage foreclosure consultants, liability, **2:41**

DEEDS OF TRUST

- Claim for failure to reconvey, time limit for bringing, **3:5**
- Future advance clause, **2:20**
- Security instruments
 - See Security Instruments
- Signature requirements, **2:26**

DEFICIENCY JUDGMENTS

- See Foreclosures

DEFINITIONS

- See Words and Phrases

DEPARTMENT OF BUSINESS OVERSIGHT (DBO)

- See Regulatory Authorities

DEPARTMENT OF REAL ESTATE (DRE)

- See Regulatory Authorities

DISCLOSURES

- See also Consumer Protection

DISCLOSURES—Cont'd

- Applications, **2:3**
- Brokers
 - Generally, **2:7**
- Discrimination, **2:14**
- Fair Lending Notice, **2:14, 5:4**
- Hazard disclosure statement, **2:41**
- Hazard insurance, **2:22**
- Holden Act, **2:14**
- Home Mortgage Disclosure Act, **2:14**
- Integrated disclosure rule, **2:7, 5:6**
- Late charges, **2:23**
- License number and license information telephone number, **2:1**
- Mortgage loan disclosure statement, **2:7**
- Nationwide Mortgage Licensing System and Registry (NMLS), **2:7**
- Overview, **2:13**
- Predatory lending, **2:28**
- Private mortgage insurance, **2:22**
- Record retention, **2:31**
- Referral fees, **2:32**
- Servicing transfers, **2:37**

DISCRIMINATION

- Generally, **2:14**

DOCUMENTS

- See also Security Instruments
- Disclosure, license number and license information telephone number, **2:1**
- Lock-ins, **2:25**
- Plain English, **2:27**
- Preparation, **2:15**
- Prohibited loan terms, **2:30**
- Record retention, **2:31**
- Releases, **2:33**

DOMESTIC PARTNERS

- Signature requirements, **2:26**

DUE-ON-SALE CLAUSES

- Generally, **2:16**

EDUCATION AND TESTING

- Mortgage loan originators, **5:2**

ELECTRONIC SERVICE

- Insurance, **2:22**

ENDORSEMENT

- License application, **5:3**

FAIR EMPLOYMENT HOUSING ACT

- Generally, **2:14**

FAIR LENDING NOTICE

- Form, **5:4**

FEES AND CHARGES

- Advance fees, **2:18**
- Appraisals, **2:18**
- Credit reports, **2:18**

FEES AND CHARGES—Cont'd

- Damages for misappropriation of advance fees, **2:18**
- Escrow accounts, **2:17**
- Late charges, **2:23**
- License fees, **2:24**
- Predatory lending, financing of points and fees, **2:28**
- Prepayment, **2:29**
- Rate-lock fee agreement, **2:25**
- Referral fees, **2:32**
- Releases, **2:33**
- Trustee fees, **3:3**

FIDUCIARY DUTIES

- Brokers, **2:11**
- Consumer protection, **2:11**

FINANCE LENDERS LAW

- Generally, **1:2**

FORECLOSURES

- California Foreclosure Prevention Act, **2:19**
- Deficiency judgments
 - Generally, **2:12**
- Delay by challenging beneficiary's standing to foreclose, **3:6**
- Fraud actions, **3:1, 3:3**
- Lien modification, **2:19**
- Mortgage foreclosure consultants, **2:41**
- Non-judicial foreclosure sale, contents of notice, **2:19**
- Notice, **2:19**
- Offsets against borrower accounts, **3:2**
- Transfer of servicing, **2:37**
- Trustees, **3:3**

FORMS

- Bureau of real estate advertising guidelines and RE 858, **5:5**
- Fair Lending Notice, **5:4**
- Licensing
 - Generally, **5:2, 5:3**
 - Applications, **5:1**

FRAUD AND FALSE STATEMENTS

- Deceptive practices, generally, **2:11**
- False advertising, **2:1**

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

- Due-on-sale clauses, **2:16**
- Usury, **2:39**

HAZARD DISCLOSURE STATEMENT

- Generally, **2:41**

HIGHER-PRICED MORTGAGE LOAN

- Definition, **2:28**

HOLDEN ACT

- Generally, **2:14**

HOMEOWNERS BILL OF RIGHTS

Procedural protections, **1:2**

HOME OWNERSHIP EQUITY PROTECTION ACT

Predatory lending laws, **2:28**

HOMESTEAD

Exemption, **2:21**

Marital rights, generally, **2:26**

IDENTIFIABLE BENEFIT TO BORROWER

Predatory lending laws, **2:28**

INSURANCE

Binders, **2:22**

Electronic service, **2:22**

Escrow accounts, **2:17**

Hazard insurance, **2:22**

Private mortgage insurance, **2:22**

Proceeds from nonrequired insurance, **3:4**

Servicing transfers, **2:37**

Tie-ins, **2:36**

Title, marital rights issues, **2:26**

INTEREST

Alternative mortgage transactions, generally, **2:2**

Balloon loans, **2:2**

Default, **3:10**

Escrow accounts, **2:17**

Late charges, **2:23**

Lock-ins, **2:25**

Negative amortization, **3:10**

Predatory lending law, **2:28**

Prepayment penalties, **2:29**

Reverse mortgage loans, preemption of state laws, **3:8**

Usury, generally, **2:39**

INTERNET

See also Websites

Advertising, **2:1**

Regulatory information sources, **4:1**

LANGUAGES

Notice of default, **2:19**

Plain English, **2:27**

LATE CHARGES

Generally, **2:23**

LEGISLATION

Alternative Mortgage Transaction Parity Act, **2:2**

California Foreclosure Prevention Act, **2:19**

Civil Code

Generally, **1:1**

Alternative mortgage transactions, **2:2**

Civil Procedure, Code of, **1:1**

Fair Employment Housing Act, **2:14**

Fair lending notice, Housing Financial Discrimination Act of 1977, **5:4**

Finance Lenders Law, **1:2**

LEGISLATION—Cont'd

Garn-St Germain Depository Institutions Act

Due-on-sale clauses, **2:16**

Usury, **2:39**

Holden Act, **2:14**

Home Mortgage Disclosure Act, **2:14**

Home Ownership Equity Protection Act (HOEPA), **2:28**

Housing Financial Discrimination Act, Fair Lending Notice, **5:4**

Mortgage foreclosure consultants law, **2:41**

Oakland's home lending ordinance, Supreme Court's voiding, **3:9**

Predatory lending law, **2:28**

Real Estate Law

History, **1:2**

Regulatory information sources, **4:1, 4:2**

Residential Mortgage Lending Act, **1:2, 2:1, 2:7, 2:24**

Reverse Mortgage Elder Protection Act, **2:2**

Unfair Practices Act, **2:11, 3:3**

Wet Settlement Act, **2:40**

LICENSING

Advisory, **5:6**

Application

See Applications

Broker licensing, generally, **2:24**

Brokers, **2:7, 2:24**

Commissioner of Business Oversight, NMLS information, **5:2**

Endorsement, **5:3**

Forms

Generally, **5:2, 5:3**

Applicant instructions, **5:1**

Applications, **5:1**

Integrated disclosure rule, **2:7, 5:6**

Mortgage lenders, **2:24**

Mortgage loan originators, **2:7**

NMLS

See Nationwide Mortgage Licensing System and Registry (NMLS)

Real Estate Law, **2:7**

Residential Mortgage Lending Act, **2:24**

Revocation or suspension, **2:28**

Salesperson licensing, generally, **2:24**

Servicers, **2:24**

LIENS

Future advances, **2:20**

Homestead, **2:21**

Marital rights, **2:21, 2:26**

LOAN MODIFICATION

Foreclosures, **2:19**

Servicing, **2:35**

LOAN SERVICING

See Servicing

LOCATION

Change, **2:8**

LOCK-INS

Interest, **2:25**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Homestead, **2:21**

Liens, **2:26**

Title insurance, **2:26**

MORTGAGE FRAUD

Consumer protection, **2:11**

MORTGAGE LENDERS

Applications, **2:3**

Brokering loans, **2:7**

Change in control, location, management, and name, **2:8**

Licensing

Generally, **2:24**

Applicant instructions, **5:1**

Applications, **5:1**

Forms, **5:1**

Loan sales

Lender/purchaser disclosure statement, **2:7**

Nonacceptance of deed, **2:41**

Servicing practices, **2:35**

MORTGAGE LOAN ORIGINATORS

Application practices, **2:3**

Brokers, **2:7**

Defined, **2:7, 2:24**

Disclosures, **2:13**

Endorsement by Department of Real Estate, **5:3**

Fees and charges, **2:18**

Licensing, **2:7, 2:24**

NMLS form, **5:2**

Tie-ins, **2:36**

NAME

Brokers, notification of change in name, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Advertisements, **2:1**

Brokers, **2:7**

Disclosures, **2:7**

Licensing, generally, **2:24**

Overview, **1:2**

Website, **4:2**

NOTICES

Assignments, **2:5**

Escrow accounts, **2:17**

Fair Lending Notice, form, **5:4**

Foreclosures, **2:19**

Private mortgage insurance, **2:22**

OAKLAND

Supreme Court voids Oakland's home lending ordinance, **3:9**

ONE FORM OF ACTION RULE

- Anti-deficiency law, **1:2**
- Security instruments, **3:2**

PAYOFF

- Generally, **2:33**

PENALTIES

- Criminal penalties
- Predatory lending law violations, **2:28**
- Prepayment penalties, **2:29**

PREDATORY LENDING LAW

- Generally, **2:28**

PREPAYMENT PENALTIES

- Generally, **2:29**
- Predatory loans, **2:28**

PROCESSING

- Marital rights, **2:26**
- Signature requirements, **2:26**

REAL ESTATE BROKERS

- Defined, **2:24**
- Licensing, **2:24**

REAL ESTATE CORPORATION

- Licensing
- Endorsement, **5:3**

REAL ESTATE LAW

- See Legislation

REAL ESTATE SALESPERSON

- Endorsement by Department of Real Estate, **5:3**

RECOMMENDATIONS

- Tie-ins, **2:36**

RECORDING

- Assignments, **2:5**
- Homestead declaration, **2:21**
- Releases, **2:33**

RECORD RETENTION

- Generally, **2:31**

REFERRAL FEES

- Generally, **2:32**

REFINANCING

- Predatory lending, unidentifiable benefit to borrower, **2:28**

REGISTRATION

- Appraisal management companies, **2:4**
- Exempt mortgage company, applicant instructions, **5:1**

REGULATORY AUTHORITIES

- Bureau of real estate advertising guidelines and RE 858
- License Disclosure Requirements for Mortgage Advertising, **5:5**
- Department of Business Oversight (DBO)
- Advertisements, requirements, **2:1**

REGULATORY AUTHORITIES—Cont'd

Department of Business Oversight (DBO)—Cont'd

Applicant instructions, **5:1**

Application forms, **5:1**

Change of control, location, management, or name, **2:8**

Contact information, **4:1**

Disclosures for nontraditional mortgage and adjustable rate mortgage products, **2:13**

Fee disclosures, **2:13**

Formerly Department of Corporations, **1:2**

Historical background, **1:2**

Licensing, **2:24**

Nationwide Mortgage Licensing System and Registry (NMLS), **2:24**

Department of Real Estate (DRE)

Advertisements, **2:1**

Contact information, **4:1**

Endorsement of license applicant, **5:3**

Formerly Department of Real Estate, **1:2**

Historical background, **1:2**

Licensing, **2:24**

Mortgage loan originator, endorsement, **5:3**

NMLS forms, **5:3**

Real estate corporation, endorsement, **5:3**

Real estate salesperson, endorsement, **5:3**

Record retention, **2:31**

NMLS

See Nationwide Mortgage Licensing System and Registry (NMLS)

Websites

NMLS, **4:2**

RELEASE

Generally, **2:33**

RENEWAL

License of broker, **2:24**

REPAYMENT ABILITY

Predatory lending, **2:28**

RESIDENTIAL MORTGAGE LENDING ACT

See Legislation

REVERSE MORTGAGE LOAN

Definition, **2:2**

Disclosures, **2:13**

Interest

See Interest

Marketing, **3:8**

REVOCATION OR SUSPENSION

Predatory lending, **2:28**

RULES AND REGULATIONS

See also Regulatory Authorities

California Code of Regulations, **1:1, 1:2**

SECURITY INSTRUMENTS

See also Documents

Generally, **2:34**

SECURITY INSTRUMENTS—Cont'd

- Deed of trust
 - Deficiency judgment, prohibition, **2:12, 3:1**
 - One action rule, **3:2**
 - Reconveyance, **3:5**
 - Signature requirements, **2:26**
 - Trustees, **2:38**
- Plain English, **2:27**
- Signature requirements, **2:26**

SERVICING

- Generally, **2:35**
- Assignments of mortgage, **2:5**
- Collection
 - Fraud, **3:1**
 - One action rule, **3:2**
- Due-on-sale clauses, **2:16**
- Escrows, **2:17**
- Licensing, **2:24**
- Mortgage servicer, definition, **2:24**
- Payoff, **2:33**
- Practices, generally, **2:35**
- Record retention, **2:31**
- Releases, **2:33**
- Transfers, **2:37**

SIGNATURE REQUIREMENTS

- Generally, **2:26**

STANDING TO FORECLOSE

- Delay of non-judicial foreclosure by challenging standing to foreclose, **3:6**

STEERING

- Predatory lending, **2:28**

TIE-INS

- Insurance, **2:22, 2:36**

TRANSFERS

- Assignments, **2:5**
- Assumption of mortgage, **2:6**
- Due-on-sale clauses, **2:16**
- Servicing, **2:37**

TRUSTEES

- Eligibility, **2:38**
- Foreclosures, **2:19, 3:3**

UNFAIR PRACTICES ACT

- Generally, **2:1, 2:11, 3:3**

USURY

- Generally, **2:39**

WAIVER

- Bank waives security interest in real property when it offsets sums due under promissory note against borrower's account, **3:2**

WEBSITES

- Department of Business Oversight, **4:1**
- NMLS, **4:2**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Advance fees, **2:18**

Appraisal management company, **2:4**

Beneficiary statement, **2:35**

Designated officer, **2:24**

Fair Lending Notice, **2:14**

Lender, **2:24**

Making residential mortgage loans, **2:24**

Mortgage loan disclosure statement, **2:7**

Mortgage loan originator, **2:7, 2:24**

Mortgage servicer, **2:24**

Real estate broker, **2:24**

Real estate salesperson, **2:24**

Residential mortgage loan, **2:24**

Reverse mortgage, **2:2**

Salesperson, **2:24**

Threshold broker, **2:7**

Index

ADVERTISEMENTS

False advertising, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

APPLICATIONS

Copy of loan application at closing, **3:4**

Discrimination, **2:14**

Hawaii exempt sponsoring mortgage loan originator company, **5:1**

Licensing

NMLS, **2:24**

Mortgage loan originator company, **5:1**

Mortgage servicer, **5:2**

Practices, **2:3**

Sole proprietor mortgage originator, **5:1**

APPRAISALS

Generally, **2:4**

ASSIGNMENTS

Recording, **2:5**

Servicing rights, **2:37**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

ATTORNEYS

Document preparation, **2:15**

BRANCH MANAGERS

Duties, **2:7**

BROKERS

See Mortgage Brokers

CHANGE

Control, location, management or name, **2:8**

NMLS information, **2:8**

CHARGES

See Fees and Charges

CLOSING

Copy of loan application, **3:4**

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

Insurance, **2:22**

Marital rights, **2:26**

Plain English, **2:27**

Practices, **2:9**

Prohibited loan terms, **2:30**

Security instruments, **2:34**

Signature requirements, **2:26**

CLOSING—Cont'd

Usury, **2:39**

Wet Settlement Act, **2:40**

CONDOMINIUM ASSOCIATION

General overview, **1:2**

Priority lien, **2:41**

CONDUCT

Extreme and outrageous conduct, **3:4**

CONSUMER PROTECTION

Generally, **2:11**

Consumer complaint form of Department of Financial Institutions, **5:4**

Correction of inaccurate information in consumer reports, settlement, **2:41**

Department of Commerce and Consumer Affairs

See Regulatory Authorities

Disclosures, **2:13**

Discrimination, generally, **2:14**

Discrimination in Real Property Transactions Act, **2:14**

Equal Credit Opportunity Act

See Legislation

Fair Credit Extension Act, **2:14**

Fair Debt Collection Act, **2:35**

False advertising, **2:1**

Mortgage servicers, **2:35**

NMLS misinformation or omission of material fact, **2:11**

Predatory loan laws, **2:28**

Real Estate Settlement Procedures Act violations, **2:35**

Uniform Deceptive Trade Practices Act, **2:1**

CONTINUING EDUCATION

Licensing, **2:24**

CONTRIBUTIONS

Mortgage loan recovery fund, **2:7**

CONTROL

Change, **2:8**

CONVERSION

Judicial foreclosure, **2:19**

COPY OF LOAN APPLICATION

Closing, **2:9, 3:4**

DAMAGES

Discrimination, **2:14**

Loss mitigation, foreclosure, **2:19**

DEBTS

Marital rights, **2:26**

DEEDS OF TRUST

Trustees, **2:38**

DEFAULT

Extreme and outrageous conduct, **3:4**

DEFICIENCY JUDGMENTS

See Foreclosures

HAWAII INDEX

DEFINITIONS

See Words and Phrases

DISCLOSURES

Generally, **2:13**

Insurance, **2:22**

DISCRIMINATION

See Consumer Protection

DISMISSAL OF CLAIMS

Refinancing, case law, **3:3**

DOCUMENTS

Commitments, **2:10**

Plain English, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Record retention, **2:31**

Signature requirements

Generally, **2:26**

DUE-ON-SALE CLAUSES

Generally, **2:16**

EDUCATION AND TESTING

Licensing, **2:24**

ENRIQUEZ V. COUNTRYWIDE HOME LOANS

Extreme and outrageous conduct, **3:4**

EQUAL CREDIT OPPORTUNITY ACT

See Legislation

ESCROWS

Mortgage brokers, **2:17**

EXEMPTIONS

Homestead, **2:21**

EXTREME AND OUTRAGEOUS CONDUCT

Enriquez v. Countrywide Home Loans, **3:4**

FAIR CREDIT EXTENSION ACT

Generally, **2:14**

FAIR DEBT COLLECTION ACT

Generally, **2:35**

FEES AND CHARGES

Change of information in NMLS, **2:8**

Insurance, **2:22**

Late charges, **2:23**

License applications, **2:24**

Mortgage loan originators, **2:24**

Prepayment penalties, **2:29**

Referral fees, **2:32**

FIDUCIARY DUTY

Mortgage lender to borrower, **3:4**

FORECLOSURE DISPUTE RESOLUTION PROGRAM

Overview, **1:2**

FORECLOSURES

- Generally, **2:19**
- Condominium priority liens, **2:41**
- Conversion to judicial foreclosure, **2:19**
- Deficiency judgments, **2:12**
- Extreme and outrageous conduct, **3:4**
- Judicial foreclosure, **2:19**
- Loss mitigation, **2:19**
- Neutral defined, **2:19**
- Notice requirements, **2:19**
- Prohibited practices, **2:19**
- Public notice, **2:19**

FORMS

- Consumer complaint form of Department of Financial Institutions, **5:4**
- License applications
 - Hawaii exempt sponsoring mortgage loan originator company, **5:1**
 - Mortgage loan originator, **5:1**
 - Mortgage servicer, **5:2**
 - Sole proprietor mortgage originator, **5:1**

FRAUD OR FALSE STATEMENTS

- Foreclosure, **2:19**
- License revocation, **2:11**

FREQUENTLY ASKED QUESTIONS

- Mortgage loan originators, **5:3**

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

- Alternative mortgage transactions, **2:2**
- Due-on-sale clauses, **2:16**
- Usury, **2:39**

HAWAII SAFE ACT

- Generally, **1:2**
- Disclosure requirements, **2:13**
- License revocation, **2:11**
- Licensing, **2:24**
- Mortgage recovery fund, **2:7**
- Penalties for violation of Act, **2:7**

HOMESTEAD

- Exemption, **2:21**

INFLECTION OF EMOTIONAL DISTRESS

- Foreclosure proceedings, **3:4**

INSURANCE

- Generally, **2:22**
- Commitments, **2:10**
- Hawaii Insurance Code
 - See Legislation
- PMI (private mortgage insurance), **2:22**
- Private mortgage insurance (PMI), **2:22**
- Prohibited fees, **2:18**
- Tie-ins, **2:36**

HAWAII INDEX

INTEREST

- Alternative mortgage transactions, **2:2**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Garn-St Germain Depository Institutions Act
 - Alternative mortgage transactions, **2:2**
 - Usury, **2:39**
- Late charges, **2:23**
- Lock-ins, **2:25**
- Predatory loans, **2:28**
- Prepayment penalties, **2:29**
- Usury, generally, **2:39**

LATE CHARGES

- Generally, **2:23**

LEGISLATION

- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Discrimination in Real Property Transactions Act, **2:14**
- Equal Credit Opportunity Act
 - Appraisals, copy to borrowers, **2:4**
 - Discrimination, **2:14**
- Fair Credit Extension Act, **2:14, 2:26**
- Fair Debt Collection Act, **2:35**
- Garn-St Germain Depository Institutions Act
 - Alternative mortgage transactions, **2:2**
 - Due-on-sale clauses, **2:16**
 - Usury, **2:39**
- Hawaii Insurance Code
 - Generally, **2:22**
 - Commitments, **2:10**
 - Disclosure requirements, **2:13**
 - Fees and charges, **2:18**
 - Tie-ins, **2:36**
- Hawaii SAFE Act
 - See Hawaii SAFE Act
- Predatory loan laws, **2:28**
- Real Estate Settlement Procedures Act
 - Generally, **2:35**
 - Disclosure requirements, **2:13**
- Uniform Deceptive Trade Practices Act, **2:1**
- Wet Settlement Act, **2:40**

LICENSING

- Generally, **2:24**
- Application
 - See Applications
- Commissioner of Financial Institutions
 - Mortgage servicer licensing, **2:35**
- Definitions, **2:24**
- Division of Financial Institutions, **1:2**
- Exemptions, **2:24**
- Forms
 - Mortgage loan originator company, application, **5:1**
 - Mortgage loan originators, application, **5:1**
 - Mortgage servicer, **5:2**
 - Sole proprietor mortgage originator, application, **5:1**

LICENSING—Cont'd

Mortgage brokers, **2:7**

Mortgage loan originator company defined, **2:24**

Mortgage loan originators, **2:24**

Mortgage originator companies, **2:7**

Mortgage servicers, **2:35**

NMLS

See Nationwide Mortgage Licensing System and Registry (NMLS)

Revocation

Escrows, **2:17**

Misrepresentations, **2:11**

Unlicensed broker, loan enforceable where lender is licensed but broker is not, **3:2**

LIENS

Condominium liens, **2:41**

Future advances, **2:20**

Marital rights, **2:26**

LIMITATION OF ACTIONS

Discrimination claims, **2:14**

LOAN ORIGINATORS

See Mortgage Loan Originators

LOAN SERVICING

See Mortgage Servicers

LOCATION

Change, **2:8**

LOCK-INS

Interest, **2:25**

LOSS MITIGATION

Foreclosure, **2:19**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MARITAL STATUS

Discrimination, **2:14**

MORTGAGE BROKERS

Application practices, **2:3**

Commitments, **2:10**

Definition, **2:24**

Escrows, **2:17**

Licensing

Generally, **1:2, 2:24**

Fees, **2:18**

Loan enforceable where lender is licensed but broker is not, **3:2**

Table-funding mortgage broker not licensed, void mortgage, **3:1**

Mortgage loan recovery fund, **2:7**

Nationwide Mortgage Licensing System and Registry (NMLS), **2:7**

Referral fees, **2:32**

Registration, **1:2**

Table-funding mortgage broker not licensed, void mortgage, **3:1**

Unlicensed broker, loan enforceable where lender is licensed but broker is not, **3:2**

MORTGAGE COMPANIES

Consumer complaint form, Department of Financial Institutions, **5:4**

MORTGAGE LENDERS

Application practices, **2:3**
Change of control, location, management, and name, **2:8**
Fiduciary duty to borrower, **3:4**
Insurance solicitation, **2:22**
Licensing, **2:24**
Registration, **1:2**
Tie-ins, **2:36**

MORTGAGE LOAN ORIGINATOR COMPANY

Defined, **2:24**
Definition, **2:24**
Exemptions, **2:24**
Licensing, **2:7, 2:24**
Nationwide Mortgage Licensing System (NMLS), **2:7**

MORTGAGE LOAN ORIGINATORS

Application practices, **2:3**
Consumer complaint form of Department of Financial Institutions, **5:4**
Defined, **2:24**
Definition, **2:24**
Exemptions, **2:24**
FAQs, **5:3**
Fees and charges, **2:18**
Licensing
 Generally, **2:7, 2:24**
 Application, form, **5:1**
Mortgage loan originator company defined, **2:7, 2:24**
Mortgage loan originator defined, **2:7, 2:24**
Nationwide Mortgage Licensing System and Registry (NMLS), **2:7, 2:24**
Referral fees, **2:32**
Registration, **1:2**
Tie-ins, **2:36**

MORTGAGE SERVICER COMPANIES

Licensing, **2:24**

MORTGAGE SERVICERS

Generally, **2:24**
Assignments of mortgage, **2:5**
Commissioner of Financial Institutions, licensing mortgage servicer, **2:35**
Communication from borrower to nonservicer, **2:35**
Consumer complaint form of Department of Financial Institutions, **5:4**
Due-on-sale clauses, **2:16**
Escrows, **2:17**
Exemptions, **2:24**
Fair Debt Collection Act, **2:35**
FAQs, **5:3**
Licensing
 Generally, **2:24, 2:35**
 Application, **5:2**
 Hawaii exempt sponsoring mortgage loan originator company, **5:1**
Notice requirements of servicing transfers, **2:37**
Payoff, **2:33**

MORTGAGE SERVICERS—Cont'd

Record retention, **2:31**

Registration, **1:2**

Releases, **2:33**

Transfers, **2:37**

NAME

Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Generally, **1:2**

Licensing, **2:24**

Misrepresentation or omission of material fact in filing, **2:11**

Mortgage brokers, **2:7**

Mortgage loan originator companies, **2:7**

Mortgage loan originators, **2:7**

Registration, **1:2**

Resource Center, **4:2**

Unique identifier on applications, **2:3**

Updating information, **2:8**

NONTRADITIONAL MORTGAGE PRODUCTS

Adoption of guidance, **2:2**

NOTICES

Foreclosure requirements, **2:19**

Servicing transfers, **2:37**

PAYOFF

Generally, **2:33**

PENALTIES

Hawaii SAFE Act violations, **2:7**

Prepayment penalty, **2:29**

Revocation of license

See Licensing

PLAIN ENGLISH

Documents, **2:27**

PREDATORY LOAN LAWS

Generally, **2:28**

PREPAYMENT PENALTY

Generally, **2:29**

PRIORITY

Condominium unit priority lien, **2:41**

Future advances, **2:20**

PROCESSING

Appraisals, **2:4**

Discrimination, **2:14**

Marital rights, **2:26**

Signature requirements, **2:26**

REAL ESTATE SETTLEMENT PROCEDURES ACT

See Legislation

RECORDING

Assignments, **2:5**

RECORD RETENTION

Generally, **2:31**

REFERRAL FEES

Generally, **2:32**

REFINANCING

Dismissal of claims, case law, **3:3**

REGISTRATION

Mortgage brokers, **1:2**

Mortgage lenders, **1:2**

Nationwide Mortgage Licensing System (NMLS), **1:2**

REGULATORY AUTHORITIES

Commissioner of Financial Institutions

Application practices, **2:3**

Closing practices, **2:9**

Licensing, **2:7**

Licensing of mortgage servicers, **2:24**

Mortgage servicer licensing, **2:35**

Penalties for violation of Hawaii SAFE Act, **2:7**

Department of Commerce and Consumer Affairs

Consumer complaint webpage, **2:11**

Consumer protection, generally, **2:11**

Contact information, **4:1**

Correction of inaccurate information in consumer reports, **2:41**

Fees and charges, rulemaking authority, **2:18**

Foreclosure, **2:19**

Registration of mortgage loan originator company as business, **2:24**

Registration of mortgage loan originators, **2:24**

Division of Financial Institutions

Generally, **1:2**

Application for change of control, location, management or name, **2:8**

Consumer complaint form, **5:4**

Contact information, **4:1**

Licensing, **2:24**

Nationwide Mortgage Licensing System and Registry (NMLS), **4:2**

REGULATORY INFORMATION SOURCES

Department of Commerce and Consumer Affairs, **4:1**

Division of Financial Institutions, **4:1**

Nationwide Mortgage Licensing System and Registry (NMLS), **4:2**

RELEASE

Generally, **2:33**

REVOCATION OR SUSPENSION OF LICENSE

See Licensing

SECURITY INSTRUMENTS

Generally, **2:34**

SETTLEMENT

Correction of inaccurate information in consumer reports, settlement, **2:41**

SIGNATURES

Fair Credit Extension Act, **2:26**

Processing, **2:26**

SOLICITATION

Insurance, solicitation by mortgage lender, **2:22**
Referral fees, **2:32**

STATUTE OF LIMITATIONS

Discrimination claims, **2:14**

TABLE-FUNDING

Unlicensed mortgage broker, **3:1**

TIE-INS

Insurance, **2:22, 2:36**

TRANSFERS

Assignment
Recording, **2:5**
Servicing rights, **2:37**
Assumption of mortgage, **2:6**
Due-on-sale clauses, **2:16**
Notices, **2:37**
Servicing, **2:37**

TRUST DEEDS

See Deeds of Trust

TRUSTEES

Eligibility, **2:38**

UNIFORM DECEPTIVE TRADE PRACTICES ACT

Generally, **2:1**

USURY

Generally, **2:39**

WEBSITES

Department of Commerce and Consumer Affairs, **4:1**
Department of Consumer Affairs consumer complaint webpage, **2:11**
Nationwide Mortgage Licensing System and Registry (NMLS), **4:2**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Exempt registered mortgage loan originator, **2:24**
Exempt sponsoring mortgage loan originator company, **2:24**
Mortgage loan originator, **2:7, 2:24**
Mortgage loan originator company, **2:7, 2:24**
Neutral, **2:19**

Index

ADVERTISEMENTS

Generally, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

ANNUAL STATEMENTS

Escrow account, **2:17**

APPLICATIONS

Disclosures, **2:13**

Forms, loan originators, **5:2**

Licensing, loan originators, form, **5:2**

Mortgage lenders, **2:3**

Registration of mortgage brokers and lenders, form, **5:1**

APPRAISALS

Idaho Appraisal Management Company Registration and Regulation Act, **2:4**

Real Estate Appraisers Act and Board, **2:4**

ASSIGNMENTS

Generally, **2:5**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

ATTORNEYS

Document preparation, **2:15**

BRANCH OFFICES

Licensing, **2:24, 5:5**

CHANGE

Control, location, management or name, **2:8**

CHARGES

See Fees and Charges

CLOSING

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

Insurance, **2:22**

Marital rights, **2:26**

Plain English, **2:27**

Practices, **2:9**

Prohibited loan terms, **2:30**

Security instruments, **2:34**

Signature requirements, **2:26**

Usury, **2:39**

Wet Settlement Act, **2:40**

COMMITMENTS

Generally, **2:10**

COMMUNITY PROPERTY

See also Liens
Generally, **2:41**
Homestead, **2:21**
Marital rights, **2:26**
Signature requirements, **2:26**

CONSUMER FINANCE DIVISION

See Regulatory Authorities

CONSUMER PROTECTION

Administrative and private enforcement, **2:11**
Advertisements
 Generally, **2:1**
 Deceptive advertising, **2:1**
 False advertising, **2:1**
Complaints, **2:11**
Consumer Foreclosure Protection Act, **2:19**
Consumer Protection Act
 See Legislation
Director of Consumer Finance
 See Regulatory Authorities
Disclosures
 Generally, **2:13**
 Escrows, **2:17**
Discrimination, **2:14**
Escrows, disclosures, **2:17**
Fraud or false statements
 Advertising, **2:1**
Predatory loan laws, **2:28**
Residential Mortgage Practices Act, **2:11**
Servicers, transfers, **2:37**

CONSUMER PROTECTION ACT

See Legislation

CONTINUING PROFESSIONAL EDUCATION

Record retention, **2:31**

CONTROL

Change, **2:8**

CONTROL PERSON

Definition, **2:8**

DECEPTIVE PRACTICES

Advertising, **2:1**

DEEDS OF TRUST

Generally, **2:34**
Deficiency judgments, **2:12**
Demand for simultaneous reconveyance of trust deed as affecting borrower's tender of payment, **3:2**
Document preparation, **2:15**
Trustees, **2:38**

DEFICIENCY JUDGMENTS

See Foreclosures

DEFINITIONS

See Words and Phrases

IDAHO INDEX

DEPARTMENT OF FINANCE

See Regulatory Authorities

DEPARTMENT OF INSURANCE

See Regulatory Authorities

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

Usury, **2:39**

DIRECTOR OF CONSUMER FINANCE

See Regulatory Authorities

DISCLOSURES

Generally, **2:13**

Escrows, **2:17**

Lock-ins, **2:25**

Prepayment penalties, **2:29**

Private mortgage insurance, **2:22**

DISCRIMINATION

Generally, **2:14**

DOCUMENTS

Commitments, **2:10**

Deed of trust

See Deeds of Trust

Homestead exemption, **2:21**

Lock-in agreement, **2:25**

Marital rights, **2:26**

Plain English, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Record retention, **2:31**

Releases, **2:33**

Security instrument, generally, **2:34**

Signature requirements, **2:26**

DUE-ON-SALE CLAUSES

Generally, **2:16**

EMOTIONAL DISTRESS

Title insurance payoff, **3:3**

EQUAL CREDIT OPPORTUNITY ACT

Appraisal copy, borrower's right to, **2:4**

ESCROWS

Closing practices, **2:9**

Disclosure, **2:17**

Servicing

See Servicing

EXPERIENCE

Licensing requirements, **2:24**

FALSE STATEMENTS

Advertising, **2:1**

FEES AND CHARGES

Generally, **2:18**

Late charges, **2:23**

License application, **2:24**

FEES AND CHARGES—Cont'd

Prepayment penalties, **2:29**

Referral fees, **2:32**

Servicing, insurance, **2:22**

FINANCIAL RESPONSIBILITY/FITNESS

Frequently-asked questions, Dept. of Finance, **5:4**

FORECLOSURES

Generally, **2:19**

Deficiency judgments, **2:12, 3:1**

Fair market value, **3:1**

Loan modification, **2:19**

Power of sale

Deficiency judgments, **2:12**

Reasonable value, **3:1**

Trustees, **2:38**

FORMS

Generally, **5:1 et seq.**

License applications

Mortgage brokers, **5:2**

Mortgage lenders, **5:2**

Lock-ins, **2:25**

FRAUD OR FALSE STATEMENTS

False advertising, **2:1**

FUTURE ADVANCES

Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

Alternative mortgage transactions, **2:2**

Due-on-sale clauses, **2:16**

HOMESTEAD

Generally, **2:21**

Marital rights, generally, **2:26**

IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

Generally, **1:2**

IMPROVED REAL PROPERTY

Deeds of trust, **2:34**

INSURANCE

Disclosures, **2:13**

Private mortgage insurance, **2:22**

Tie-ins, **2:36**

Title insurance payoff, intentional infliction of emotional distress, **3:3**

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Title insurance payoff, **2:22, 3:3**

INTEREST

Alternative mortgage transactions, **2:2**

Garn-St Germain Depository Institutions Act

Alternative mortgage transactions, **2:2**

Usury, **2:39**

Late charges, **2:23**

Lock-ins, **2:25**

INTEREST—Cont'd

- Predatory loan laws, **2:28**
- Prepayment penalties, **2:29**
- Usury, generally, **2:39**

INTERNET

- See Websites

LATE CHARGES

- Generally, **2:23**

LEGISLATION

- Alternative Mortgage Transaction Parity Act, **2:2**
- Appraisal Management Company Registration and Regulation Act, **2:4**
- Consumer Foreclosure Protection Act, **2:19**
- Consumer Protection Act
 - Complaints, **2:11**
 - False advertising, **2:1**
 - Foreclosure, **2:19**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Equal Credit Opportunity Act, borrower's right to appraisal copy, **2:4**
- Garn-St Germain Depository Institutions Act
 - Alternative mortgage transactions, **2:2**
 - Due-on-sale clauses, **2:16**
 - Usury, **2:39**
- Loan Broker Act, **2:7**
- Mortgage Company Act, repeal of, **1:2**
- Predatory loan laws, **2:28**
- Real Estate Appraisers Act, **2:4**
- Residential Mortgage Practices Act
 - Generally, **1:2**
 - Appraisals, **2:4**
 - Closing practices, **2:9**
 - Consumer protection, **2:11**
 - Disclosures, **2:13**
 - Foreclosure, **2:19**
 - Licensing, **2:24**
 - Mortgage brokers, **2:7**
 - Servicing, **2:35**
- Trust Deed Enabling Law, **2:34**
- Wet Settlement Act, **2:40**

LICENSING

- Generally, **2:24**
- Applications
 - See Applications
- Branch offices, **5:5**
- Department of Finance Memorandum to Licensees regarding Loan Modifications, **5:6**
- Mortgage bankers, **2:24**
- Mortgage brokers, **2:24**
- NMLS
 - See Nationwide Mortgage Licensing System and Registry (NMLS)
- Record retention, **2:31**
- Residential Mortgage Practices Act, **2:24**

LIENS

- Future advances, **2:20**
- Homestead exemption, **2:21**

LIENS—Cont'd

Marital rights, **2:26**

LOAN BROKER

Definition, **2:7**

LOAN BROKER ACT

Brokering loans, **2:7**

LOAN MODIFICATION

Department of Finance Memorandum to Licensees regarding Loan Modifications, **5:6**

Fees and charges, **2:18**

Licensing, **2:24**

Mortgage brokers, **2:7**

LOAN ORIGINATORS

See Mortgage Loan Originators

LOAN SERVICING

See Servicing

LOCATION

Change, **2:8**

LOCK-INS

Interest, generally, **2:25**

LOSS MITIGATION PROGRAMS

Foreclosures, **2:19**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MORTGAGE ASSISTANCE RELIEF SERVICES

Foreclosure, **2:19**

MORTGAGE BROKERS

Generally, **2:7**

Application, **5:1**

Definitions, **2:7**

Fees and charges, **2:18**

Insurance, **2:22**

Licensing, **2:24**

Residential Mortgage Practices Act

See Legislation

MORTGAGE COMPANY ACT

See Legislation

MORTGAGE LENDERS

Application

Form, **5:1**

Practices, **2:3**

Definition, **2:24**

Fees and charges, **2:18**

Insurance, **2:22**

Licensing, **2:24**

Referral fees, **2:32**

MORTGAGE LENDERS—Cont'd

Residential Mortgage Practices Act
See Legislation

MORTGAGE LOAN ORIGINATORS

Applications
Licensing, **2:24**
Licensing forms, **5:2**
Definition, **2:24**
Fees and charges, **2:18**
Insurance, **2:22**
License application, **5:2**
Licensing, **2:24**
Mortgage loan originator defined, **2:24**
NMLS licensing, **2:24**
Tie-ins, **2:36**

MORTGAGE PRACTICES ACT

Rules Pursuant to the Idaho Residential, **5:8**

MORTGAGE RECOVERY FUND

Licensing, **2:24**

MULTIPLE LEGAL PARCELS

Homestead, **2:21**

NAME

Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Generally, **1:2, 2:24**
Licensing, generally, **2:24**
Resource Center, **4:2**
Unique identifier in advertising, **2:1**
Website, **4:2**

NONTRADITIONAL MORTGAGES

Recommended practices, **2:2**

NOTICES

Changes, **2:8**
Commitments, **2:10**
Foreclosure, **2:19**
Servicing, **2:35**
Servicing transfers, **2:37**

ORIGINATORS

See Mortgage Loan Originators

PAYOFF

Generally, **2:33**

PENALTIES

Disclosure of prepayment penalty, **2:13**
Prepayment penalties, **2:29**

PLAIN ENGLISH

Documents, **2:27**

POWER OF SALE

See Foreclosures

PREDATORY LOAN LAWS

Generally, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

PRESUMPTIONS

Community property, **2:41**

PROCESSING

Appraisals, **2:4**

Discrimination, **2:14**

Marital rights, **2:26**

Signature requirements

Marital rights, **2:26**

REAL ESTATE APPRAISER BOARD

Investigation of state-certified appraisers, **2:4**

RECONVEYANCE

Tender of payment, **3:2**

RECORDING

Assignments, **2:5**

Future advances, **2:20**

Releases, **2:33**

RECORD RETENTION

Generally, **2:31**

REFERRAL FEES

Generally, **2:32**

REGISTRATION

Application, **5:1**

Appraisal Management Company Registration and Regulation Act, **2:4**

REGULATORY AUTHORITIES

Consumer Finance Bureau

Contact information, **4:1**

Department of Finance

Generally, **1:2**

Contact information, **4:1**

Financial Analysis review, guidance statement, **5:3**

Financial responsibility/fitness FAQs, **5:4**

Guidance Statement 2020-05-CFB, Activities That Constitute Mortgage Lending Under the Idaho Residential Mortgage Practices Act (July 2020), **5:9**

Licensing, **2:24**

Memorandum to Licensees regarding Loan Modifications, **5:6**

Mortgage brokers, **2:7**

Nontraditional mortgages guidance, **2:2**

Notification of changes, **2:8**

Policy Statement 2021-01, telecommuting and branch licensure requirements, **5:5**

Short sale negotiations guidance, **5:7**

Director of Consumer Finance

Notification of changes, **2:8**

Predatory lending provisions, **2:28**

Joint departmental short sale guidance, **5:7**

Real Estate Commission, joint guidance on short sale negotiations, **2:19, 5:7**

IDAHO INDEX

RELEASE

Generally, **2:33**

RESIDENTIAL MORTGAGE PRACTICES ACT

See Legislation

RULES

Pursuant to the Idaho Residential Mortgage Practices Act, **5:8**

RULES AND REGULATIONS

See also Regulatory Authorities

SECURITY INSTRUMENTS

Generally, **2:34**

SERVICING

Assignments of mortgage, **2:5**

Disclosures, **2:13**

Due-on-sale clauses, **2:16**

Escrows

Disclosures, **2:13, 2:17**

Insurance, **2:22**

Notice of transfer, **2:37**

Payoff, **2:33, 3:2**

Practices, **2:35**

Record retention, **2:31**

Releases, **2:33**

Transfers, **2:37**

SHORT SALES

Joint departmental guidance, **5:7**

SIGNATURE REQUIREMENTS

See Processing

TITLE INSURANCE

Liability for intentional infliction of emotional distress by payoff, **2:22, 3:3**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

Due-on-sale clauses, **2:16**

Servicing, **2:37**

TRUSTEES

Eligibility, **2:38**

TRUTH IN LENDING ACT

Disclosures required, **2:13**

USURY

Generally, **2:39**

WEBSITES

Consumer Finance Bureau, **4:1**

Department of Finance, **4:1**

Nationwide Mortgage Licensing System and Registry (NMLS), **4:2, 5:1**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Collected funds, **2:40**

WORDS AND PHRASES—Cont'd

Control person, **2:8**
Deceptive advertising, **2:1**
Funds, **2:40**
Loan broker, **2:7**
Loan modification activities, **2:24**
Mortgage broker, **2:7, 2:24**
Mortgage lender, **2:24**
Mortgage loan originator, **2:24**

Index

ADVERTISEMENTS

- Generally, **2:1**
- Definitions, **2:1**
- False advertising, **2:1**
- Montana Mortgage Act, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

- Generally, **2:2**
- Garn-St Germain Depository Institutions Act, **2:2**
- Reverse annuity mortgage loans, **2:41**

APPLICATIONS

- Exempt company, **5:1**
- Independent contractor, **5:1**
- Licenses, form, **5:1**
- Mortgage brokers, **5:1**
- Mortgage lenders, **5:1**
- Mortgage loan originators, **5:1**
- Mortgage servicers, **5:1**
- Practices, generally, **2:3**

APPRAISALS

- Generally, **2:4**
- Fees, **2:18**

ASSIGNMENTS

- See Transfers

ASSUMPTION OF MORTGAGE

- Generally, **2:6**

BANKING AND FINANCIAL INSTITUTIONS DIVISION

- See Regulatory Authorities

BROKERS

- See Mortgage Brokers

CHANGE

- Control, location, management, and name, **2:8**

CHARGES

- See Fees and Charges

CLOSING

- Disclosures, **2:13**
- Document preparation, **2:15**
- Escrow, **2:9**
- Fees and charges, **2:18**
- Insurance, **2:22**
- Marital rights, **2:26**
- Plain Language in Contract Act, **2:27**
- Practices, **2:9**
- Security instruments, **2:34**
- Signature requirements, **2:26**

CLOSING—Cont'd

Usury, **2:39**

Wet settlement funds, **2:40**

COMMISSIONER OF BANKING AND FINANCIAL INSTITUTIONS

See Regulatory Authorities

COMMITMENTS

Generally, **2:10**

CONSUMER PROTECTION

Consumer Protection Act, **2:11**

Credit reports

Generally, **2:41**

Collection of fee, **2:18**

Deceptive practices, **2:11**

Disclosures

Generally, **2:13**

Advertisements, name and number of licensee, **2:1**

Application practices, **2:3**

Insurance, **2:13, 2:22**

Mortgage loan origination disclosure, **5:3**

Discrimination, generally, **2:14**

Fair Credit Reporting Act, **2:41**

False advertising, **2:1**

Fraud or false statements

See Fraud or False Statements

Homestead, disclosures, **2:13**

Homestead declaration, **2:21**

Insurance

Generally, **2:22**

Disclosures, mortgage lenders, **2:13**

Tie-ins, **2:36**

Predatory loan laws, **2:28**

Unfair competition, **2:11**

Unfair Trade Practices Act, **2:11**

CONTROL

Change, **2:8**

COUNSELING

Reverse annuity mortgage loans, **2:41**

CREDIT REPORTS

See Consumer Protection

DEEDS OF TRUST

Document preparation, **2:15**

Foreclosure, **2:19**

Security instruments, **2:34**

Single-family residence, **3:2**

Small Tract Financing Act, **2:34, 3:1**

Trustees, **2:38**

DEFICIENCY JUDGMENTS

See Foreclosures

DEFINITIONS

See Words and Phrases

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

Generally, **2:39**

DISCLOSURES

See Consumer Protection

DISCRIMINATION

Generally, **2:14**

DOCUMENTS

Assignments, recording requirements, **2:5**

Commitments, **2:10**

Deeds of trust

See Deeds of Trust

Escrow accounts, **2:17**

Homesteads

See Homestead

Mortgage loan origination disclosure, **5:3**

Plain English, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Security instrument, **2:34**

DUE-ON-SALE CLAUSES

Generally, **2:16**

EDUCATION AND TESTING

Licensing requirement, **2:24, 5:2**

EQUAL CREDIT OPPORTUNITY ACT

Appraisal copy, borrower's right to, **2:4**

ESCROWS

Generally, see Mortgage Servicing

EXAMINATION

Licensing requirement, **2:24**

Questionnaires, **1:2**

EXEMPTIONS

Generally, **2:24**

FAIR CREDIT REPORTING ACT

Generally, **2:41**

FEES AND CHARGES

Generally, **2:18**

Late charges, **2:23**

License renewal and fees, **5:2**

Licensing, **2:24**

Lock-ins, **2:25**

Nationwide Mortgage Licensing System and Registry (NMLS), **2:24**

Prepayment penalties, **2:29**

Referral fees, **2:32**

FIDUCIARY DUTY

Mortgage lender, **3:3**

FINANCIAL INSTITUTIONS, DIVISION OF BANKING AND

See Regulatory Authorities

FORECLOSURES

- Generally, **2:19**
- Deficiency judgments
 - Generally, **2:12, 3:1**
 - Small Tract Financing Act, **3:1**
- Nonjudicial
 - Deficiency judgments, **2:12**
 - Small Tract Financing Act, **3:1**
- Redemptions
 - Single-family residence, **3:2**
 - Small Tract Financing Act, **3:1**
- Small Tract Financing Act
 - Generally, **2:19**
 - Deficiency judgments, **3:1**
 - Redemption, **3:1**

FORMS

- Insurance, **2:22**
- License application, **5:1**

FRAUD OR FALSE STATEMENTS

- Generally, **2:11**
- Advertising, **2:1**
- Fraudulent or dishonest dealings, defined, **5:2**

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

- Alternative mortgage transactions, **2:2**
- Due-on-sale clauses, **2:16**
- Usury, **2:39**

HOMESTEAD

- Documents
 - Disclosures, **2:13**
 - Homestead declaration, **2:21**
- Liens
 - Disclosures, **2:13**
 - Marital rights, **2:26**

IMPROVEMENTS TO REAL PROPERTY

- Insurance, **2:22**

INDEPENDENT CONTRACTORS

- Checklist for new application, **5:1**
- Licensing, **2:24, 5:1**

INSURANCE

- Generally, **2:22**
- Disclosures, **2:13**
- Tie-ins, **2:36**

INTEREST

- Alternative mortgage transactions, **2:2**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Garn-St Germain Depository Institutions Act
 - Alternative mortgage transactions, **2:2**
 - Usury, **2:39**
- Late charges, **2:23**

INTEREST—Cont'd

- Lock-ins, **2:25**
- Predatory loans, **2:28**
- Prepayment penalties, **2:29**
- Usury, generally, **2:39**

INTERNET

- See also Websites
- Advertisements, licensee's name and number to appear on, **2:1**

LATE CHARGES

- Generally, **2:23**

LEGISLATION

- Alternative Mortgage Transaction Parity Act, **2:2**
- Consumer Protection Act, **2:1, 2:11**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Equal Credit Opportunity Act, borrower's right to appraisal copy, **2:4**
- Fair Credit Reporting Act, **2:41**
- Garn-St Germain Depository Institutions Act
 - See Garn-St Germain Depository Institutions Act
- Montana Mortgage Act
 - Advertising, **2:1**
 - Brokering loans, **2:7**
 - Change of control, location, management, or name, **2:8**
 - Disclosures, transfer of servicing, **2:37**
 - Escrow fund account, **2:17**
 - Fees and charges, **2:18**
 - History, **1:2**
 - Licensing, **2:24**
 - Record retention, **2:31**
 - Servicing practices, **2:35**
 - 2015 amendment, **1:2**
 - Wet settlement funds, **2:40**
- Mortgage Broker and Loan Originator Licensing Act, **1:2, 5:2**
- Plain Language In Contract Act, **2:27**
- Predatory loan laws, **2:28**
- Real Estate Settlement Procedures Act (RESPA)
 - Application practices, **2:3**
 - Disclosures, **2:13**
 - Escrows, **2:17**
 - Licensing, **2:24**
 - Servicing practices, **2:35**
- Reverse annuity mortgage loans, **2:41**
- Small Tract Financing Act
 - Deficiency judgments, **3:1**
 - Document preparation, **2:15**
 - Duties of trustees, **2:38**
 - Foreclosures, **2:19, 3:1**
 - Redemption, **3:1**
 - Single-family residence, **3:2**
 - Trust indenture, **1:2**
 - Trust indenture rather than mortgage, **1:2**
 - Trust indentures, **2:34**
- Truth-in-Lending Act
 - Disclosures, **2:13**

LEGISLATION—Cont'd

Unfair Trade Practices Act, **2:1, 2:11**

Wet Settlement Act, **2:40**

LENDERS

See Mortgage Lenders

LETTER OF CREDIT

Licensing, **5:2**

LICENSING

Generally, **2:24**

Application, form, **5:1**

Continuing education requirement, **5:2**

Independent contractors, **2:24, 5:1**

Letter of credit, **5:2**

Montana Mortgage Act, **1:2, 2:7**

Mortgage Broker and Loan Originator Licensing Act, **1:2, 5:2**

Mortgage brokers, generally, **2:24, 5:1, 5:2**

Mortgage lenders, generally, **2:24, 5:2**

Mortgage loan originators, **2:24, 5:1**

Mortgage servicers, **2:24**

Net worth, **2:24**

NMLS

See Nationwide Mortgage Licensing System and Registry (NMLS)

Overview, **1:2**

Renewal and renewal fees, **5:2**

Revocation, suspension or surrender, **5:2**

Surety bond, **2:24**

Table funding, **5:2**

Transfer, **5:2**

LIENS

Future advances, **2:20**

Homestead

See Homestead

Marital rights, **2:26**

LOAN MODIFICATION SERVICE

Fiduciary duty of creditor, **3:3**

LOAN ORIGINATORS

See Mortgage Loan Originators

LOAN SERVICING

See Mortgage Servicing

LOCATION

Change, **2:8**

LOCK-INS

Generally, **2:25**

Rate lock fees, **2:18**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MONTANA INDEX

MORTGAGE BROKERS

- Applications, **5:1**
- Definition, **2:7**
- Education requirement, **5:2**
- Fees and charges, **2:18**
- Licensing
 - See Licensing
- Referral fees, **2:32**
- Regulations, **5:2**

MORTGAGE COMPANY

- Licensing, **5:1**

MORTGAGE LENDERS

- Advertisements, **2:1**
- Applications, **5:1**
- Commitments, **2:10**
- Defined, **2:24**
- Disclosures, **2:13**
- Fees and charges, **2:18**
- Fiduciary duty, **3:3**
- Insurance
 - Generally, **2:22**
 - Disclosures, **2:13**
 - Tie-ins, **2:36**
- Licensing, **2:24, 5:2**
- Loan modification service, **3:3**
- Net worth, **2:24**
- Referral fees, **2:32**
- Regulations, **5:2**
- Surety bonds, **2:24**

MORTGAGE LOAN ORIGINATORS

- Application for loan
 - Disclosure, **2:13**
- Applications, **5:1**
- Defined, **2:24**
- Definition, **2:7**
- Disclosures, **2:13**
- Fees and charges, **2:18**
- Licensing, **2:24, 5:1**
- Referral fees, **2:32**
- Regulations, **5:2**
- Tie-ins, **2:36**

MORTGAGE SERVICING

- Generally, **2:35**
- Applications, **5:1**
- Assignments of mortgage, **2:5**
- Definition of mortgage servicer, **2:24**
- Due-on-sale clauses, **2:16**
- Escrows
 - Generally, **2:17**
 - Closing, **2:9**
- Licensing, **2:24, 5:1**
- Payoff, **2:33**
- Practices, **2:35**

MORTGAGE SERVICING—Cont'd

Record retention, **2:31**

Releases, **2:33**

Surety bond, **2:24**

Transfers, **2:37**

NAME

Advertisements, licensee's name and number to appear on, **2:1**

Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Education and testing, **2:24**

Exempt company application, **5:1**

Fees, **2:24**

Independent contractor licensing, **5:1**

Licensing, generally, **2:24**

Mortgage company licensing, **5:1**

Mortgage loan originator licensing, **5:1**

Mortgage servicer licensing, **5:1**

Reporting change of control, location, management, and name, **2:8**

Resource Center, **4:2**

Website, **4:2**

NET WORTH

Generally, **2:24**

NMLS

See Nationwide Mortgage Licensing System and Registry (NMLS)

NOTICE

Insurance, **2:22**

ORIGINATORS

See Mortgage Loan Originators

PAYOFF

Generally, **2:33**

PENALTIES

Prepayment penalties, **2:29**

PLAIN LANGUAGE IN CONTRACT ACT

Generally, **2:27**

PREDATORY LOAN LAWS

Generally, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

PROCESSING

Appraisals, **2:4**

Discrimination, **2:14**

Marital rights, **2:26**

Signature requirements, **2:26**

RATE-LOCK FEES

Generally, **2:18, 2:25**

REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)

Application practices, **2:3**

Disclosures, **2:13**

REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)—Cont'd

Escrows, **2:17**

Licensing, **2:24**

Servicing practices, **2:35**

RECORDING

Assignments, **2:5**

Recordkeeping requirements, **2:31**

Releases, **2:33**

RECORD RETENTION

Generally, **2:31**

REFERRAL FEES

Generally, **2:32**

REGULATORY AUTHORITIES

Department of Administration

Generally, **4:1**

Contact information, **4:1**

Mortgage servicing, **2:35**

Division of Banking and Financial Institutions

Generally, **1:2**

Approval of change of control, location, management or name, **2:8**

Brokering mortgage loans, **2:7**

Contact information, **4:1**

Licensing, **2:24**

Notification of change of control, location, management or name, **2:8**

Predatory loan laws, **2:28**

REGULATORY INFORMATION SOURCES

Division of Banking and Financial Institutions, **4:1**

Nationwide Mortgage Licensing System and Registry (NMLS), **4:2**

RELEASE

Generally, **2:33**

RENEWAL

License renewal and fees, **5:2**

RESPA

See Real Estate Settlement Procedures Act (RESPA)

REVOCATION OR SUSPENSION

License, **5:2**

RULES AND REGULATIONS

Brokers, lenders, and loan originators administrative rules, **5:2**

SECURED PARTIES

Release of mortgage, **2:33**

SIGNATURE REQUIREMENTS

Generally, **2:26**

SINGLE-FAMILY RESIDENCE

Deeds of trust, **3:2**

SMALL TRACT FINANCING ACT

See Legislation

SURETY BOND

Generally, **2:24**

SURETY BOND—Cont'd

Mortgage brokers, **2:24**

Mortgage lenders, **2:24**

SURRENDER

License, **5:2**

TABLE FUNDING

Licensing, **5:2**

TEMPORARY LICENSE

Application, **5:2**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

Due-on-sale clauses, **2:16**

Loan originator's license, **5:2**

Mortgage servicing, **2:37**

Releases, **2:33**

TRUST DEEDS

See Deeds of Trust

TRUSTEES

Generally, **2:38**

TRUST INDENTURE

Small Tract Financing Act, **1:2**

UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION ACT

Generally, **2:11**

USURY

See Interest

WEBSITES

Division of Banking and Financial Institutions, **4:1**

Nationwide Mortgage Licensing System and Registry (NMLS), **4:2**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Advertising, **2:1**

Attempting or assisting in obtaining a mortgage loan, **2:7**

Fraudulent or dishonest dealings, **5:2**

Initiation of an investigation, **5:2**

Loan commitment, **2:10**

Material change, **5:2**

Mortgage broker, **2:7**

Mortgage lender, **2:24**

Mortgage loan originator, **2:7, 2:24**

Mortgage servicer, **2:24**

Table funding, **5:2**

Unsolicited advertisement, **2:1**

Work in a related field, **5:2**

Index

ADVANCE FEES

Disclosures, **2:18**
Escrows, **2:17**

ADVANCE PAYMENTS

Disclosures, **2:13**

ADVERTISEMENTS

False advertising, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

APPLICATIONS

Practices, **2:3**
Disclosures, **2:13**
Licensing form, **5:1, 5:3**
Mortgage loan originator, **2:24**
Mortgage servicer license, **5:2**
Mortgage servicers, **2:24**
Supplemental mortgage servicer license, **5:2**

APPRAISAL MANAGEMENT COMPANY

Registration with Real Estate Division of Department of Business and Industry, **2:4**

APPRAISALS

Generally, **2:4**

ASSIGNMENTS

Generally, **2:5**

ASSUMPTION OF MORTGAGE

Fee, **2:6**

BANKS

See Mortgage Bankers

BROKERS

See Mortgage Brokers

CANCELLATION

Private mortgage insurance, **2:22**

CERTIFICATE OF EXEMPTION

Application fee, **2:24**
Renewal, **2:24**

CHANGE

Control, location, management, or name, **2:8**

CHARGES

See Fees and Charges

CLOSING

Disclosures, **2:13**
Document preparation, **2:15**
Fees and charges, **2:18**

CLOSING—Cont'd

- Insurance, **2:22**
- Marital rights, **2:26**
- Plain English, **2:27**
- Practices, **2:9**
- Prohibited loan terms, **2:30**
- Security instruments, **2:34**
- Signature requirements, **2:26**
- Usury, **2:39**
- Wet Settlement Act, **2:40**

COMMITMENTS

- Generally, **2:10**

COMMUNITY PROPERTY

- Generally, **1:2**

CONSUMER PROTECTION

- Deceptive Trade Practices Act, **2:1, 2:11**
- Disclosures, generally, **2:13**
- Discrimination, **2:14**
- Equal Credit Opportunity Act, **2:14**
- Escrows, **2:17**
- False advertising, **2:1**
- Fraud or false statements
 - See Fraud or False Statements
- Mortgage servicers
 - Disclosures, **2:13**
 - Escrows, **2:17**
- Predatory lending laws, **2:28**
- Unfair lending practices, **2:28**
- Unfair Trade Practices Act, **2:1, 2:11**

CONTACT INFORMATION

- Division of Mortgage Lending, **4:1**
- Nationwide Mortgage Licensing System and Registry (NMLS), **4:2**

CONTROL

- Change, **2:8**

DAMAGES

- Predatory lending laws, **2:28**

DECEPTIVE TRADE PRACTICES ACT

- Generally, **2:1, 2:11**

DEEDS OF TRUST

- Generally, **2:34**
- Assumption fees, clause required, **2:6**
- Discharge or release, **2:33**
- Security instruments, **2:34**
- Trustees, **2:38**

DEFICIENCY JUDGMENTS

- Generally, **2:12**

DEFINITIONS

- See Words and Phrases

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

- Generally, **2:39**

DISCLOSURES

- Generally, **1:2, 2:13**
- Nontraditional mortgage products, risks, **2:2**
- Predatory lending laws, **2:28**

DISCRIMINATION

- Generally, **2:14**

DOCUMENTS

- Assumption fees, requirements, **2:6**
- Deed of trust
 - See Deeds of Trust
- Forms
 - Licensing application, **5:1, 5:3**
 - Mortgage agent license application, **5:3**
- Payoff statement, **2:33**
- Plain English, **2:27**
- Preparation, **2:15**
- Prohibited loan terms, **2:30**
- Record retention, **2:31**
- Security instrument, **2:34**
- Trust deeds
 - See Deeds of Trust

DUE-ON-SALE CLAUSES

- Generally, **2:16**

EDUCATION AND TESTING

- Licensing, **2:24**

ELECTRONIC RECORDING

- Option for county recorder, **2:41**

EMPLOYEE

- Generally, **2:7**
- Definition, **2:7**
- Mortgage agent, **2:7**

EQUAL CREDIT OPPORTUNITY ACT

- Appraisals, borrower's right to copy, **2:4**
- Discrimination, **2:14**

ESCROWS

- Generally, **2:17**
- Application fees, **2:3**
- Closing practices, **2:9**
- Insurance accounts, **2:17**
- Servicing practices, **2:35**
- Taxes, **2:17**

EXTINGUISHMENT OF FIRST MORTGAGE

- Foreclosure of homeowners association assessment lien, **3:2**

FAQS

- Content and website, **5:4**

FEES AND CHARGES

- Generally, **2:18**
- Advances
 - Disclosures, **2:18**
 - Fees, **2:17**

FEES AND CHARGES—Cont'd

- Applications, **2:3, 2:24**
- Assumption of mortgage, **2:6**
- Certificate of exemption, application fee, **2:24**
- Insurance, lender charges, **2:22**
- Late charges, **2:23**
- Licensing, **2:24**
- Mortgage servicer license application, **5:2**
- Referral fees, **2:32**

FINANCIAL STATEMENTS

- Licensing, **2:24**

FORECLOSURE CONSULTANT

- Licensing, **2:19**

FORECLOSURES

- Generally, **2:19**
- Consultants, **2:19**
- Deficiency judgments, **2:12**

FOREIGN BANKS

- Trustees, **2:38**

FORMS

- Licensing application, **5:1, 5:3**
- Mortgage agent license application, **5:3**

FRAUD OR FALSE STATEMENTS

- Deceptive and unfair practices, **2:11**
- False advertising, **2:1**
- Obtaining credit by false written statements, **2:41**

FUTURE ADVANCES

- Generally, **2:20**
- Security instrument to secure, **2:34**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

- Alternative mortgage transactions, **2:2**
- Due-on-sale clauses, **2:16**
- Usury, **2:39**

HOMEOWNERS ASSOCIATION

- Lien enforcement, notice of delinquent assessment, **3:3**
- Notice of delinquent assessment, enforcement of lien, **3:3**
- Priority of lien, **1:2, 2:41, 3:2**

HOMESTEAD

- Generally, **2:21**
- Waiver of exemption, **2:26**

IMPOUND ACCOUNTS

- See Escrows

INDUSTRIAL LOAN COMPANIES

- Exemption from licensing regulations, **2:24**

INSIDER LOANS

- Restrictions, **2:41**

INSURANCE

- Escrow accounts, **2:17**

INSURANCE—Cont'd

Lenders

See Mortgage Bankers

Private mortgage insurance, **2:22**

Servicers

See Mortgage Servicers

Tie-ins, **2:36**

Title, secondary market transactions, **2:41**

INTEREST

Alternative mortgage transactions, **2:2**

Assumption fees, **2:6**

Depository Institutions Deregulation and Monetary Control Act, **2:39**

Garn-St Germain Depository Institutions Act

Alternative mortgage transactions, **2:2**

Usury, **2:39**

Late charges, **2:23**

Lock-ins, **2:25**

Predatory lending laws, **2:28**

Usury, generally, **2:39**

INTERNET

See also Websites

INVESTORS

See Secondary Market Transactions

LATE CHARGES

Generally, **2:23**

LEGISLATION

Alternative Mortgage Transaction Parity Act, **2:2**

Deceptive Trade Practices Act, **2:1, 2:11**

Depository Institutions Deregulation and Monetary Control Act, **2:39**

Equal credit opportunity

See Equal Credit Opportunity Act

Garn-St Germain Depository Institutions Act

See Garn-St Germain Depository Institutions Act

Mortgage Bankers Act

See Mortgage Bankers Act

Mortgage Brokers Act

See Mortgage Brokers and Mortgage Agents Act

Mortgage Companies Act

See Mortgage Companies Act

Predatory lending laws, **2:28**

Secondary market transactions, **2:41**

State SAFE Act implementation, **2:24**

Unfair Trade Practices Act, **2:1, 2:11**

Wet Settlement Act, **2:40**

LENDERS

See Mortgage Bankers

LICENSING

Generally, **2:24**

Application, **5:1, 5:3**

Exemptions, **2:24**

Financial statements

Exemption, application for certificate of, **2:24**

LICENSING—Cont'd

Forms

See Forms

Mortgage agents

Generally, **2:24, 5:3**

Form, **5:3**

Mortgage bankers

Generally, **2:24**

Form, **5:1**

Mortgage brokers

Form, **5:1**

Mortgage loan originators, **2:24**

Mortgage servicers

Application checklist, **5:2**

Registration requirement, **2:24**

NMLS

See Nationwide Licensing Mortgage System and Registry (NMLS)

Procedure, **2:24**

Record retention, **2:31**

Renewal

Certificate of exemption, **2:24**

LIENS

Document preparation, **2:15**

Enforcement, HOA notice of delinquent assessment, **3:3**

Future advances, **2:20**

Home owners association, notice of delinquent assessment, **3:3**

Homeowners association priority liens, **1:2, 2:41, 3:2**

Homestead, **2:26**

Marital rights, **2:26**

Priority

Future advances, **2:20**

Homeowners association lien, **1:2, 2:41, 3:2**

Saticoy Bay LLC v. JP Morgan Chase Bank, **3:3**

Superlien law, homeowners association priority liens, **1:2**

LOAN MODIFICATION

Commitments, **2:10**

LOAN ORIGINATORS

See Mortgage Loan Originators

LOAN SERVICING

See Mortgage Servicers

LOCATION

Change, **2:8**

LOCK-INS

Interest, **2:25**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MORTGAGE AGENTS

Generally, **2:7**

Definition, **2:7**

MORTGAGE AGENTS—Cont'd

Disclosure, **2:13**

FAQs, **5:4**

Licensing

Generally, **2:24**

Form, **5:3**

NMLS form, **5:2**

MORTGAGE ASSISTANCE RELIEF SERVICES

See Covered Services

MORTGAGE BANKERS

Advance fees, **2:17**

Application for licensing form, **5:1**

Appraisals, mortgage broker provision, **2:4**

Change of control, location, management or name, **2:8**

Definition, **2:24**

FAQs, **5:4**

Forms, licensing application, **5:1**

Insurance

Generally, **2:22**

Escrow handling, **2:17**

Fees and charges, **2:18**

Title, secondary market transactions, **2:41**

Licensing

Application, form, **5:1**

Mortgage Bankers Act, **2:24**

Referral fees, **2:32**

Secondary market transactions

See also Secondary Market Transactions

Supervision by Division of Mortgage Lending, **4:1**

MORTGAGE BANKERS ACT

Repeal of, **1:2**

MORTGAGE BROKERS

See also Secondary Market Transactions

Generally, **2:7**

Application for licensing form, **5:1**

Appraisals, individual lenders, **2:4**

Change of control, location, management or name, **2:8**

Definition, **2:7**

Disclosures, **2:13**

Dual licensing as banker and broker, **2:24**

FAQs, **5:4**

Licensing, **2:7, 2:24**

NMLS, **2:7**

Referral fees, **2:32**

Supervision by Division of Mortgage Lending, **4:1**

MORTGAGE COMPANIES AND MORTGAGE LOAN ORIGINATORS ACT

Assignment of mortgage, **2:5**

Brokering mortgage loans, **2:7**

Fiduciary obligation of broker to client, **2:7**

Licensing, **2:24**

Servicing practices, **2:24**

MORTGAGE COMPANY

Definition, **2:7**

Regulations for mortgage companies, loan originators and mortgage loan servicers, **5:5**

MORTGAGE LENDING DIVISION

See Regulatory Authorities

MORTGAGE LENDING FRAUD

Crime, **1:2**

MORTGAGE LOAN ORIGINATORS

Generally, **2:7**

Disclosures, **2:13**

Fees and charges, **2:18**

Licensing by Division of Mortgage Lending, **2:24**

Regulations for mortgage companies, loan originators and mortgage loan servicers, **5:5**

Supervision by Division of Mortgage Lending, **4:1**

Tie-ins, **2:36**

MORTGAGE SERVICERS

Generally, **1:2**

Assignments of mortgage, **2:5**

Definition, **2:24**

Disclosures, **2:13**

Due-on-sale clauses, **2:16**

Escrows, **2:17**

Fees and charges, **2:18**

Insurance

Generally, **2:22**

Escrow payments, **2:17**

Licensing

Generally, **2:24**

Application checklist, **5:2**

Fees, **5:2**

Payoff, **2:33**

Registration, **2:24**

Releases, **2:33**

Servicing practices, **2:35**

Transfers, **2:37**

NAME

Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Annual financial statements, **2:24**

Fees for change of control, location, management, or name, **2:8**

Licensing, generally, **2:24**

Mortgage agent license, **5:3**

Mortgage banker license, **5:2**

Mortgage broker license, **5:2**

Mortgage brokers, **2:7**

Mortgage loan originators, **2:7**

Mortgage servicer license, **5:2**

Resource Center, **4:2**

Supplemental mortgage servicer license, **5:2**

Website, **4:2**

NONTRADITIONAL MORTGAGE PRODUCTS

Risk guidance, **2:2**

NOTICES

Change of address of licensed business, **2:8**

Foreclosure, **2:19**

ORIGINATORS

See Mortgage Loan Originators

PAYOFF

Generally, **2:33**

PENALTIES

Predatory lending laws, **2:28**

PERSONAL HISTORY RECORD

Form, **5:1**

PREDATORY LENDING LAWS

Generally, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

PRIORITY

Homeowners association priority liens, **1:2, 2:41, 3:2**

PROCESSING

Discrimination, **2:14**

FAQs, **5:4**

Marital rights, **2:26**

Signature requirements, **2:26**

RECONVEYANCE

Mortgage broker as substitute trustee, **2:38**

RECORDING

Assignments, **2:5**

Electronic recording, **2:41**

Future advances, **2:20**

Releases, **2:33**

Secondary market transactions, **2:41**

Social Security Numbers prohibition, **2:41**

RECORD RETENTION

Generally, **2:31**

REFERRAL FEES

Generally, **2:32**

REGISTRATION

See also Licensing

Appraisal management company, **2:4**

Mortgage servicers, **2:24**

Mortgage servicers, registration requirement, **2:24**

REGULATIONS

See Licensing; Regulatory Authorities

REGULATORY AUTHORITIES

Commissioner of Division of Mortgage Lending

Generally, **1:2**

REGULATORY AUTHORITIES—Cont'd

Commissioner of Division of Mortgage Lending—Cont'd

Annual financial statements, **2:24**

Foreclosure consultants licensing, **2:19**

Commissioner of Financial Institutions

Consumer protection, discrimination, **2:14**

Fiduciary duty, **3:1**

Notification of change of address notification and approval, **2:8**

Supervisory duty of Commissioner, **3:1**

Division of Mortgage Lending

Generally, **1:2**

Administrative Rules to implement state's SAFE Act, **2:24**

Advertisements, approval, **2:1**

Commissioner

Division of Mortgage Lending

See Commissioner of Division of Mortgage Lending, above

Financial Institutions

See Commissioner of Financial Institutions, above

Contact information, **4:1**

Negligence liability, **3:1**

Reports, **2:24**

Website, **1:2**

Real Estate Division of Department of Business and Industry, appraisal management company registration, **2:4**

RELEASE

Generally, **2:33**

RENEWAL

Certificate of exemption, **2:24**

License

See Licensing

RESIDENTIAL MORTGAGE LOAN ORIGINATORS

FAQs, **5:4**

SALES OF LOANS

See Secondary market transactions

SATICOY BAY LLC V. JP MORGAN CHASE BANK

Notice of delinquent assessment, **3:3**

SECONDARY MARKET TRANSACTIONS

Mortgage Brokers Act, **2:41**

Recording requirements, **2:41**

Title insurance requirements, **2:41**

SIGNATURE REQUIREMENTS

Generally, **2:26**

SOLICITATION

Disclosure statement, **2:13**

STATUTE OF FRAUDS

Commitments, **2:10**

STATUTE OF LIMITATIONS

Predatory lending laws, **2:28**

SUPERLIEN LAW

Homeowners association priority liens, **1:2**

NEVADA INDEX

SUPPLEMENTAL MORTGAGE SERVICER

Licensing, **2:24**

SURETY BOND

Licensing, form, **5:1**

TIE-INS

Insurance, **2:22, 2:36**

TITLE INSURANCE

Secondary market transactions, **2:41**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

Due-on-sale clauses, **2:16**

Servicing, **2:37**

TRUST DEEDS

See Deeds of Trust

TRUSTEES

Eligibility, **2:38**

UNDERWRITING

FAQs, **5:4**

UNFAIR LENDING PRACTICES

Predatory loans, **2:28**

UNFAIR TRADE PRACTICES ACT

Generally, **2:1, 2:11**

USURY

Generally, **2:39**

WAIVER

Homestead exemption, **2:26**

WEBSITES

Division of Mortgage Lending, **1:2**

FAQs, **5:4**

Las Vegas Office Information, **4:1**

Mortgage Lending Division, Department of Business and Industry, **4:1**

Nationwide Mortgage Licensing System and Registry (NMLS), **4:2**

Regulatory information sources, **4:1, 4:2**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Change of control, **2:8**

Employee, **2:7**

Fiduciary obligation, **2:7**

Home loan, **2:28**

Loan originator, **2:24**

Mortgage agent, **2:7**

Mortgage broker, **2:7**

Mortgage company, **2:7**

Mortgage servicer, **2:24**

WRITTEN STATEMENTS

Commitments to loan money, **2:41**

WRITTEN STATEMENTS—Cont'd

Investors in secondary market transactions, **2:41**

Obtaining credit by false written statements, **2:41**

Index

ADJUSTMENT

Security instruments, **2:34**

ADMINISTRATIVE RULES

Department of Consumer and Business Services, **1:1**

ADVERTISEMENTS

False advertising, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

Garn-St Germain Depository Institutions Act, **2:2**

Nontraditional mortgage risk guidance, **2:2**

APPLICATIONS

Escrows, **2:17**

Licensing

Generally, **2:24**

Forms, **5:1, 5:2**

Mortgage loan originator, **5:2**

Mortgage loan servicer, **5:1**

Practices, **2:3**

APPRAISAL MANAGEMENT COMPANY

Defined, **2:4**

APPRAISALS

Generally, **2:4**

APPS

Advertising, **2:1**

ASSIGNMENTS

Generally, **2:5**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

ATTORNEYS

Trustees, **2:38**

AVOIDANCE MEASURES

Foreclosure, **2:19**

CHANGE

Control, location, management, and name, **2:8**

CHARGES

See Fees and Charges

CHILD SUPPORT OBLIGATION

Discrimination, **2:14**

CLOSING

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

CLOSING—Cont'd

- Insurance, **2:22**
- Marital rights, **2:26**
- Plain English, **2:27**
- Practices, **2:9**
- Prohibited loan terms, **2:30**
- Security instruments, **2:34**
- Signature requirements, **2:26**
- Usury, **2:39**
- Wet Settlement Act, **2:40**

CONDOMINIUM UNITS

- Priority of lien, **2:41**

CONSULTANTS

- Foreclosures, **2:19**

CONSUMER AND BUSINESS SERVICES DEPARTMENT

- See Regulatory Authorities

CONSUMER PROTECTION

- Disclosures
 - Late charges, **2:23**
 - Overview, **2:13**
 - Prepayment penalties, **2:29**
- Discrimination, **2:14**
- Escrows, **2:17**
- Online complaint form, **2:11**
- Predatory loan laws, **2:28**
- Prohibited practices, **2:11**
- Tie-ins, **2:36**
- Unlawful Trade Practices Act, **2:11**

CONTROL

- Change, **2:8**

DAMAGES

- Escrow violations, **2:17**

DEEDS OF TRUST

- Generally, **2:34**
- Assignments of trust deed, foreclosure, recording, **2:5**
- Deficiency judgment, foreclosure, **2:12**
- Foreclosure, deed in lieu of, **2:12**
- Oregon Division of Financial Regulation policy statement, **5:4**
- Policy statement, **5:4**
- Trustees, **2:38**

DEFICIENCY JUDGMENTS

- See Foreclosures

DEFINITIONS

- See Words and Phrases

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

- See Regulatory Authorities

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

- Generally, **2:39**

OREGON INDEX

DEPOSITS

Escrow violations, **2:17**

DISCLOSURES

Escrows, **2:17**

Overview, **2:13**

Prepayment penalties, **2:29**

DISCRIMINATION

Generally, **2:14**

DIVISION OF FINANCE AND CORPORATE SECURITIES

See Regulatory Authorities

DIVISION OF FINANCIAL REGULATION

See Regulatory Authorities

DOCUMENTS

Commitments, **2:10**

Deeds of trust

See Deeds of Trust

Licensing forms

See Forms

Notice of default, **2:19**

Plain Language Law, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Record retention, **2:31**

Security instrument, **2:34**

DUE-ON-SALE CLAUSES

Generally, **2:16**

EDUCATION AND TESTING

Mortgage loan originators, **5:2**

ELDERLY PERSONS

Homestead tax deferment, **2:21**

ELECTRONIC RECORDS

Record retention, **2:31**

EQUAL CREDIT OPPORTUNITY ACT

Appraisals, copies, **2:4**

ESCROWS

Generally, **2:17**

Penalties, **2:17**

Servicing practices, **2:35**

EXEMPT PERSONS AND ENTITIES

Homestead, **2:21**

FEES AND CHARGES

Generally, **2:18**

Escrow accounts, **2:17**

Late charges, **2:23**

Licenses, generally, **2:24**

Prepayment penalties, **2:29**

Referral fees, **2:32**

FINANCE AND CORPORATE SECURITIES DIVISION

See Regulatory Authorities

FORECLOSURE CONSULTANTS

Generally, **2:19**

FORECLOSURES

Generally, **2:19**

Assignments of trust deed, recording, **2:5**

Avoidance measures required, **2:19**

Consultants, regulation, **2:19**

Cure of default, **2:19**

Deed of trust, **2:34**

Deficiency judgments, **2:12**

Loan modification, **2:19**

Notice of default, **2:19, 5:3**

Notice to Residential Tenants, **2:19**

Power of sale, **2:19**

FORMS

Applications, licensing, **5:1, 5:2**

Foreclosures, notice of default, **2:19**

Foreclosures, pre-foreclosure notice, **5:3**

Licensing, generally, **5:1**

Mortgage loan originator licensing application, **5:2**

NMLS forms

See Nationwide Mortgage Licensing System and Registry (NMLS)

Notice to Residential Tenants, **2:19**

Prepayment restriction notices, **2:29**

FRAUD OR FALSE STATEMENTS

False advertising, **2:1**

FUTURE ADVANCES

Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

Alternative mortgage transactions, **2:2**

Due-on-sale clauses, **2:16**

HOMESTEAD

Exemption, **2:21**

Tax deferment, **2:21**

INCREASED SCRUTINY

Alternative mortgage transactions, **2:2**

INSURANCE

Generally, **2:22**

Escrow accounts, **2:17**

Tie-ins, **2:36**

INTEREST

Alternative mortgage transactions, **2:2**

Depository Institutions Deregulation and Monetary Control Act, **2:39**

Escrow accounts, **2:17**

Garn-St Germain Depository Institutions Act

Alternative mortgage transactions, **2:2**

Late charges, **2:23**

Lock-ins, **2:25**

INTEREST—Cont'd

- Predatory loans, **2:28**
- Prepayment penalties, **2:29**
- Usury, generally, **2:39**

LAND SALE CONTRACTS

- Closing practices, **2:9**

LATE CHARGES

- Generally, **2:23**

LEGISLATION

- Alternative Mortgage Transaction Parity Act, **2:2**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Equal Credit Opportunity Act, appraisals, **2:4**
- Garn-St Germain Depository Institutions Act
 - See Garn-St Germain Depository Institutions Act
- Mortgage Lender Law, servicing practices, **2:35**
- Plain Language Law, **2:27**
- Predatory loan laws, **2:28**
- Real Estate Settlement Practices Act, escrows, **2:17**
- Unfair Debt Collection Practices
 - Debt collection liability, **2:11**
 - Servicing practices, **2:35**
- Unlawful Trade Practices Act, **2:11**
- Wet Settlement Act, **2:40**

LENDERS

- See Mortgage Bankers

LICENSING

- Generally, **2:24**
- Application
 - See Applications
- Fees
 - See Fees and charges
- Forms, licensing application, **5:1**
- Lenders
 - See Mortgage Bankers
- Mortgage bankers, **2:24, 5:1**
- Mortgage brokers, **2:7, 2:24**
- Mortgage loan originators, **2:24**
- Mortgage loan originators, requirements, **5:2**
- NMLS licensing
 - See Nationwide Mortgage Licensing System and Registry (NMLS)
- Oregon Department of Consumer and Business Services Rule for Licensing of Mortgage Bankers,
Mortgage Brokers and Mortgage Services, **5:5**
- Requirements, **2:24**
- Servicers, **2:35**

LIENS

- Condominium priority lien, **2:41**
- Future advances, **2:20**
- Marital rights, **2:26**

LOAN MODIFICATION

- Foreclosures, **2:19**
- Unlawful Trade Practices Act (UPTA), **2:35**

LOAN SERVICING

See Mortgage Servicers

LOCATION

Change, **2:8**

LOCK-INS

Generally, **2:25**

MAIL

Advertisement restrictions, **2:1**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MEDIATION

Pre-foreclosure, **2:19**

MOBILE APPS

Advertising, **2:1**

MORTGAGE BANKERS

Definition, **2:24**

Disclosures, **2:13**

Division of Financial Regulation, **1:2**

Form, licensing application, **5:1**

Licensing

Generally, **1:2, 2:24**

Division of Finance and Corporate Securities, **2:24**

Form, application, **5:1**

Lock-ins, **2:25**

Mortgage banking loan, definition, **2:24**

Record retention, **2:31**

Referral fees, **2:32**

Servicing practices, **2:35**

Supervision of mortgage loan originators, **1:2**

MORTGAGE BANKING LOAN

Definition, **2:24**

MORTGAGE BROKERS

Generally, **2:7**

Application practices, **2:3**

Definition, **2:24**

Disclosures, **2:13**

Division of Financial Regulation, **1:2**

Licensing

Generally, **1:2, 2:7, 2:24**

Division of Finance and Corporate Securities, **2:24**

Form, **5:1**

List of mortgage loan originator employees to Division of Finance and Corporate Securities, **2:24**

Record retention, **2:31**

Referral fees, **2:32**

Servicing practices, **2:35**

MORTGAGE LOAN ORIGINATORS

Generally, **2:24**

Application practices, **2:3**

MORTGAGE LOAN ORIGINATORS—Cont'd

- Definition, **2:24**
- Disclosures, **2:13**
- Forms, license application, **5:2**
- Licensing, **1:2, 5:2**
- Licensing requirements, **2:24**
- NMLS license application, **5:2**
- Referral fees, **2:32**
- Tie-ins, **2:36**
- Unique NMLS identifier, **2:13**

MORTGAGE SERVICERS

- Application, **5:1**
- Assignments of mortgage, **2:5**
- Deed in lieu of foreclosure, **3:1**
- Disclosures, **2:13**
- Due-on-sale clauses, **2:16**
- Payoff, **2:33**
- Practices, **2:35**
- Record retention, **2:31**
- Releases, **2:33**
- Transfers, **2:37**

NAME

- Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

- Licensing
 - Generally, **1:2, 2:7, 2:24**
 - Mortgage loan originator, **5:2**
- Mortgage loan originators, **2:24**
- Registration
 - Generally, **2:7**
- Resource Center, **4:2**
- Website, **4:2**

NEGATIVE AMORTIZATION LOAN

- Prepayment penalty limitation, **2:29**
- Prohibited loan terms, **2:30**

NONPROFIT AND COMMUNITY DEVELOPMENT ORGANIZATIONS

- Exemption from licensing, **2:24**

NONTRADITIONAL MORTGAGES

- Risk guidance, **2:2**

NOTICE

- Change of name, location, management or control, **2:8**
- Foreclosures, notice of default, **2:19**
- Foreclosures, pre-foreclosure notice form, **5:3**
- Prepayment restriction notice, form, **2:29**

ORIGINATORS

- See Mortgage Loan Originators

PAYOFF

- Generally, **2:33**

PENALTIES

- Prepayment penalties, **2:29**

PERSONNEL RECORDS

Record retention, **2:31**

PLAIN LANGUAGE LAW

Generally, **2:27**

PREDATORY LOAN LAWS

Generally, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

PRIORITY

Future advances, **2:20**

PROCESSING

Appraisals, **2:4**

Discrimination, **2:14**

Marital rights, **2:26**

Signature requirements, **2:26**

PROMISSORY NOTES

Oregon Division of Financial Regulation policy statement, **5:4**

Policy statement, **5:4**

RECORDING

Assignments, **2:5**

Notice of default, **2:19**

Releases, **2:33**

Security instrument, **2:34**

RECORD RETENTION

Generally, **2:31**

Licensee lock-in agreement with borrower, **2:25**

REFERRAL FEES

Generally, **2:32**

REGISTRATION

Generally. See Licensing

Appraisal management company, **2:4**

Mortgage brokers, registration with NMLS, **2:7**

REGULATIONS

See Rules and Regulations

REGULATORY AUTHORITIES

Department of Consumer and Business Services

Administrative rules, **1:1**

Appraisal management company registration, **2:4**

Contact information, **4:1**

Division of Finance and Corporate Securities, change of name to Division of Financial Regulation, **1:2**

Division of Finance and Securities

Licensing of mortgage bankers and mortgage brokers, **2:24**

Division of Financial Regulation

Advertising rules, **2:1**

Closing practices, **2:9**

Contact information, **4:1**

Former Division of Finance and Corporate Securities, **1:2**

Forms, licensing application, **5:1**

Licensing, **2:7**

REGULATORY AUTHORITIES—Cont'd

Division of Financial Regulation—Cont'd

Licensing application form, **5:1**

Licensing requirement, **2:24**

Notification of changes, **2:8**

Online access to enforcement actions, **1:2**

Supervisory capacity, **1:2**

Mortgage Brokers and Mortgage Service

Oregon Department of Consumer and Business Services Rule for Licensing of Mortgage Bankers, **5:5**

RELEASE

Generally, **2:33**

RESIDENTIAL MORTGAGE PRACTICES ACT

Entity licensing information, **5:1**

REVOCATION OR SUSPENSION OF LICENSES

See Licensing

RULES AND REGULATIONS

Department of Consumer and Business Services, administrative rules, **1:1**

Depository Institutions Deregulation and Monetary Control Act, **2:39**

Division of Financial Regulation advertising rules, **2:1**

SAVINGS ASSOCIATIONS

Exemption from licensing requirements, **2:24**

SERVICING

See Mortgage Servicers

SIGNATURE REQUIREMENTS

Generally, **2:26**

TAXATION

Tax service fee, **2:18**

TIE-INS

Insurance, **2:36**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

Due-on-sale clauses, **2:16**

Servicing, **2:37**

TRUST DEEDS

See Deeds of Trust

TRUSTEES

Eligibility, **2:38**

UNLAWFUL TRADE PRACTICES ACT (UPTA)

Generally, **2:11**

Servicing practices, **2:35**

USURY

Generally, **2:39**

WARNING

Forced insurance, **2:22**

WEBSITE

Department of Consumer and Business Services, **4:1**

WEBSITE—Cont'd

Division of Finance and Corporate Securities, **4:1**

Division of Financial Regulation, **4:1**

Nationwide Mortgage Licensing System and Registry (NMLS), **4:2**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Appraisal management company, **2:4**

Change in control, **2:8**

Client trust accounts, **2:24**

Foreclosure avoidance measure, **2:19**

Foreclosure consultant, **2:19**

Lock agreement, **2:25**

Mortgage banker, **2:24**

Mortgage banking loan, **2:24**

Mortgage broker, **2:7, 2:24**

Mortgage loan, **2:24**

Mortgage loan originator, **2:24**

Neutral escrow depository, **2:24**

Trust funds, **2:24**

Index

ADVERTISEMENTS

False advertising, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

AMORTIZATION, NEGATIVE

Predatory lending laws, **2:28**

APPLICATIONS

Forms

Lending manager application, **5:3**

Mortgage loan originator licensing, **5:2**

NMLS forms, **5:1**

Residential first mortgage notification, **5:5**

Utah DFI, mortgage loan originator, **5:4**

Lending manager form, **5:3**

Practices, **2:3**

APPRAISAL MANAGEMENT COMPANY

Appraisal Management Company Regulation and Registration Act, **2:4**

Definition, **2:4**

APPRAISERS AND APPRAISALS

Generally, **2:4**

Independent statutory duty to public, **3:3**

Negligence, **3:3**

Residential Mortgage Practices Act, **2:4**

ARBITRATION

Predatory lending laws, **2:28**

ASSIGNMENTS

Generally, **2:5**

Notice of Assignment of Beneficiary Interest form, **2:5**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

BREACH OF FIDUCIARY DUTY

Mortgage broker's failure to disclose fees received from lender, **3:4**

BUSINESS OF RESIDENTIAL MORTGAGE LOANS

Definition, **2:7**

CERTIFICATION

Appraisers, **2:4**

CHANGE

Bylaws of condominium or cooperative association, notice, **2:41**

Control, location, management or name, **2:8**

CHARGES

See Fees and Charges

CLOSING

- Generally, **2:9**
- Disclosures, **2:13**
- Document preparation, **2:15**
- Fees and charges, **2:18**
- Insurance, **2:22**
- Marital rights, **2:26**
- Mortgage Lending and Servicing Act, **2:8**
- Plain English, **2:27**
- Practices, **2:9**
- Prohibited loan terms, **2:30**
- Security instruments, **2:34**
- Signature requirements, **2:26**
- Usury, **2:39**
- Wet Settlement Act, **2:40**

COMMERCE DEPARTMENT

- See Regulatory Authorities

COMMITMENTS

- Generally, **2:10**

CONDOMINIUM

- Notice of bylaw changes, **2:41**

CONDOMINIUM ASSOCIATION

- Trustees for assessment lien, **2:38**

CONSUMER PROTECTION

- Advertisements, false, **2:1**
- Applications, **2:3**
- Consumer Sales Practices Act, **2:1**
- Deceptive practices, **2:11**
- Disclosures
 - Escrow accounts, **2:13**
 - Failure of mortgage broker to disclose fees received from lender, **3:4**
 - High-cost home loans, **2:28**
 - Likelihood of transfer, **2:7**
 - Mortgage Lending and Servicing Act, **2:13**
 - Predatory lending laws, **2:28**
 - Servicing transfers, **2:37**
- Discrimination, generally, **2:14**
- Equal Credit Opportunity Act, copies of appraisals, **2:4**
- Escrow accounts, **2:17**
- False advertising, **2:1**
- Foreclosures, **3:1**
- Fraud or false statements
 - See Fraud or False Statements
- High Cost Home Loan Act, **2:28**
- Insurance, tie-ins, **2:36**
- Mortgage Fraud Act, **2:11**
- Predatory loan laws, **2:28**
- Residential Mortgage Practices Act, **2:11**
- Truth-in-Advertising Act, **2:1**
- Unfair Practices Act, **2:11**

CONSUMER SALES PRACTICES ACT

- Generally, **2:1**

UTAH INDEX

CONTROL

Change, **2:8**

COOPERATIVE ASSOCIATIONS

Notice of bylaw changes, **2:41**

DEBT CANCELLATION

Predatory lending laws, **2:28**

DEEDS OF TRUST

Reconveyance, reliance on inaccurate title report, **3:2**

Trustees, **2:38**

DEFAULT, ENCOURAGING

Predatory lending laws, **2:28**

DEFICIENCY JUDGMENTS

See Foreclosures

DEFINITIONS

See Words and Phrases

DEPARTMENT OF COMMERCE

See Regulatory Authorities

DEPARTMENT OF FINANCIAL INSTITUTIONS

See Regulatory Authorities

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

Generally, **2:39**

DEPOSITS

Escrow account, **2:17**

DISCLOSURES

See Consumer Protection

DISCRIMINATION

Generally, **2:14**

DIVISION OF REAL ESTATE

See Regulatory Authorities

DOCUMENTS

Commitments, **2:10**

Deed of trust

See Deeds of Trust

Foreclosure, **2:19**

Plain English, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Record retention, **2:31**

Security instrument, **2:34**

DUE-ON-SALE CLAUSES

Generally, **2:16**

ECONOMIC LOSS RULE

Appraiser negligence, **3:3**

EQUAL CREDIT OPPORTUNITY ACT

Appraisals, **2:4**

ESCROW

- Generally, **2:17**
- Disclosures, consumer protection, **2:13**

FAIR HOUSING ACT

- Generally, **2:14**

FEES AND CHARGES

- Generally, **2:18**
- Applications, **2:3**
- Escrow accounts, **2:17**
- Financing points and fees, high cost loans, **2:28**
- Late charges, **2:23**
- Licensing, **2:7**
- Predatory lending laws, **2:28**
- Prepayment penalties, **2:29**
- Referral fees, **2:32**
- Refunds, **2:7, 2:13**
- Residential Mortgage Practices Act, **2:24**
- Service charge prohibition, reserve account, **2:17**

FINANCIAL INSTITUTION LOAN ORIGINATOR LICENSING ACT

- Generally, **1:2**
- Overview, **1:2**

FINANCIAL INSTITUTIONS, DEPARTMENT OF

- See Regulatory Authorities

FORECLOSURES

- Generally, **2:19**
- Deficiency judgments
 - Generally, **2:12**
 - Multi-family environmentally impaired property, **2:41**
- Procedural irregularities, **3:1**
- Setting aside sale, **3:1**

FORMS

- Department of Financial Institutions, notification form, **5:5**
- High-cost home loans, blank lines, **2:28**
- Mortgage loan originators
 - Licensing, **5:2**
 - Utah DFI, mortgage loan originator form, **5:4**
- NMLS licensing forms, **5:1**
- Notice of Assignment of Beneficiary Interest, **2:5**
- Residential first mortgage notification form, **5:5**
- Residential Mortgage Practices Act, lending manager form, **5:3**
- Utah DFI, mortgage loan originator form, **5:4**
- UT-DRE licensing checklist, **5:1, 5:2**

FRAUD OR FALSE STATEMENTS

- False advertising, **2:1**
- Mortgage Fraud Act, **2:11**
- Unfair or deceptive practices, **2:11**

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

- Alternative mortgage transactions, **2:2**
- Due-on-sale clauses, **2:16**

UTAH INDEX

HIGH COST HOME LOAN ACT

- Generally, **2:28**
- Disclosures, **2:28**
- Prepayment, **2:29**

HIGH-COST MORTGAGES

- Regulation by Commissioner of Financial Institutions, **1:2**

HOME OWNERSHIP EQUITY PROTECTION ACT (HOEPA)

- Predatory loan laws, **2:28**

HOMESTEADS

- Exemption, **2:21**

INCREASED SCRUTINY

- Alternative mortgage transactions, **2:2**

INSURANCE

- Generally, **2:22**
- Escrow accounts, **2:17**
- Private mortgage insurance, **2:22**
- Tie-ins, **2:36**

INTEREST

- Alternative mortgage transactions, **2:2**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Escrow accounts, **2:17**
- Garn-St Germain Depository Institutions Act
 - Alternative mortgage transactions, **2:2**
- Late charges, **2:23**
- Lock-ins, **2:25**
- Predatory lending laws, **2:28**
- Prepayment penalties, **2:29**
- Usury, generally, **2:39**

INTEREST ON MORTGAGE LOAN RESERVE ACCOUNTS ACT

- Generally, **2:17**

INTERNET

- See Websites

LATE CHARGES

- Generally, **2:23**

LEGISLATION

- Alternative Mortgage Transaction Parity Act, **2:2**
- Appraisal Management Company Regulation and Registration Act, **2:4**
- Consumer Sales Practices Act, **2:1**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Equal Credit Opportunity Act, appraisals, **2:4**
- Fair Housing Act, **2:14**
- Financial Institution Loan Originator Licensing Act, **1:2, 2:24**
- Garn-St Germain Depository Institutions Act
 - See Garn-St Germain Depository Institutions Act
- High Cost Home Loan Act, **1:2, 2:28**
- Home Ownership Equity Protection Act (HOEPA), **2:28**
- Interest on Mortgage Loan Reserve Accounts Act, **2:17**
- Mortgage Fraud Act, **2:11**
- Mortgage Lending and Servicing Act
 - See Mortgage Lending and Servicing Act

LEGISLATION—Cont'd

Multi-family environmentally impaired property, **2:41**
Predatory lending laws, **2:28**
Real Estate Appraiser Registration and Certification Act, **2:4**
Reserve Accounts Act, **2:17**
Residential Mortgage Practices Act
 See Residential Mortgage Practices Act
Truth-in-Advertising Act, **2:1**
Wet Settlement Act, **2:40**

LENDING MANAGERS

Application, **5:3**
Licensing application form, **5:1**

LICENSING

Generally, **2:24**
Financial Institutional Loan Originator Licensing Act, **2:24**
Forms, **5:1, 5:2**
Mortgage brokers
 Generally, **2:24**
 Mortgage Lending and Servicing Act, **2:7**
 Residential Mortgage Practices Act, **2:7**
Mortgage lenders, **2:24**
Mortgage Lending and Servicing Act, **2:24**
Mortgage loan brokers, **2:24**
Mortgage loan originators, **2:24**
Nationwide Mortgage Licensing System and Registry (NMLS), **2:24, 5:1, 5:2**
Residential first mortgage notification, form, **5:5**
Residential Mortgage Loan Education, Research, and Recovery Fund, **2:24**
Residential Mortgage Practices Act, **2:24**
Revocation, **2:11**

LIENS

Conflicting claims of priority, **3:2**
Future advances, **2:20**
Marital rights, **2:26**

LOAN MODIFICATION

Licensing, **2:24**
Servicing, **2:35**

LOAN ORIGINATORS

See Mortgage Loan Originators

LOAN SERVICING

See Servicing

LOCATION

Change, **2:8**

LOCK-INS

Generally, **2:25**

MANAGERS AND MANAGEMENT

Change, **2:8**
Lending manager application form, **5:3**

MARITAL RIGHTS

Generally, **2:26**

UTAH INDEX

MINERAL RIGHTS

Reservation, **2:41**

MORTGAGE BROKERS

Breach of fiduciary duty, **3:4**

Disclosures, **2:13**

Division of Real Estate, **4:1**

Licensing

See Licensing

Mortgage loan broker, **2:24**

MORTGAGE FRAUD

Definition, **2:11**

MORTGAGE LENDERS

Change of control, location, management, and name, **2:8**

Definition of lender, **2:24**

Department of Financial Institutions contact information, **4:1**

Disclosures, **2:13**

Division of Real Estate, **4:1**

High-cost home loans, **2:28**

Insurance, **2:22**

Lender, definition, **2:24**

Lending manager application form, **5:3**

Licensing, **2:24**

Multi-family environmentally impaired property, rights and remedies, **2:41**

Payoff, **2:33**

Predatory lending laws, **2:28**

Releases, **2:33**

Tie-ins, **2:36**

MORTGAGE LENDING AND SERVICING ACT

Generally, **1:2**

Application practices, **2:3**

Closing practices, **2:8**

Department of Financial Institutions, **4:1**

Disclosures, **2:13**

Licensing, **2:7, 2:24**

Overview, **1:2**

Record retention, **2:31**

Servicing escrow account, **2:17**

Servicing transfers, **2:37**

MORTGAGE LOAN BROKERS

Definition, **2:7**

Licensing

Mortgage Lending and Servicing Act, **2:7**

Residential Mortgage Practices Act, **2:7**

MORTGAGE LOAN ORIGINATORS

Definition, **2:7, 2:24**

Disclosures, **2:13**

Fees and charges, **2:18**

Financial Institutional Loan Originator Licensing Act, **2:24**

Forms

Licensing, **5:2**

Utah DFI, mortgage loan originator form, **5:4**

MORTGAGE LOAN ORIGINATORS—Cont'd

Licensing

Generally, **2:7, 2:24**

Mortgage Lending and Servicing Act, **2:7**

UT-DRE Mortgage Loan Originator License New Application Checklist, **5:2**

Record retention, **2:31**

NAME

Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Amendment of database due to changes, **2:8**

Fees, **2:24**

Licensing, generally, **2:24**

Licensing forms, **5:1**

Record retention, **2:31**

Resource Center, **4:2**

Website, **4:2**

NEGATIVE AMORTIZATION

Predatory lending laws, **2:28**

NEGLIGENCE

Appraiser, **3:3**

NONTRADITIONAL MORTGAGES

Risk guidance, **2:2**

NOTICE

Bylaw changes, condominium or cooperative association, **2:41**

File, failure to, **1:2**

High-cost home loans, **2:28**

Licensing, **2:24**

Likelihood of transfer, **2:7**

OFFICE

Trustee, requirements, **2:38**

OIL AND GAS

Reservation of rights, **2:41**

PAYMENTS

Timeliness under Reserve Accounts Act, **2:17**

PAYOFF

Generally, **2:33**

PENALTIES

Prepayment penalties

See Prepayment Penalties

POINTS

Disclosures, **2:28**

PREDATORY LENDING LAWS

Generally, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

High-cost home loans, **2:28**

PRICE

Foreclosure procedural irregularities, **3:1**

PRINCIPAL LENDING MANAGER

Application form, **5:3**

PROCESSING

Discrimination, **2:14**

Marital rights, **2:26**

Signature requirements, **2:26**

REAL ESTATE APPRAISER REGISTRATION AND CERTIFICATION ACT

Generally, **2:4**

RECONVEYANCE

Reliance on inaccurate title report, **3:2**

Trust deed, **3:2**

RECORDING

Assignments, **2:5**

Division of Real Estate, inspection of records, **2:31**

Foreclosure, **2:19**

Releases, **2:33**

RECORD RETENTION

Generally, **2:31**

REFERRAL FEES

Generally, **2:32**

REGISTRATION

Appraisal management company, **2:4**

Financial Institution Loan Originator Act, **2:24**

Mortgage Lending Act, **2:24**

Residential Mortgage Practices Act, **2:24**

REGULATIONS

See Rules and Regulations

REGULATORY AUTHORITIES

Commissioner of Financial Institutions, high-cost mortgage regulation, **1:2**

Commissioner of Insurance, **2:22**

Department of Financial Institutions

Administration of Reserve Accounts Act, **2:17**

Contact information, **4:1**

Lending Act, **2:24**

Licensing notification, **2:24**

Mortgage loan originator form, **5:4**

Residential first mortgage notification form, **5:5**

Division of Real Estate

Administrative rules, **1:1**

Contact information, **4:1**

Licensing under Residential Mortgage Practices Act, **2:24**

Mortgage entity licensing, form, **5:1**

Mortgage loan originator licensing, form, **5:2**

Residential Mortgage Practices Act administration, **1:2**

Residential Mortgage Regulatory Commission, approval of licensing examination, **2:24**

RELEASE

Generally, **2:33**

RESERVE ACCOUNTS ACT

Generally, **2:17**

Damages, escrow accounts, **2:17**

RESIDENTIAL MORTGAGE LOAN EDUCATION, RESEARCH, AND RECOVERY FUND

Licensing fees, **2:24**

RESIDENTIAL MORTGAGE PRACTICES ACT

Generally, **1:2**

Appraisals, **2:4**

Division of Real Estate, **4:1**

Fraud or misrepresentation, **2:11**

Insurance, tie-ins, **2:36**

Lending manager application, **5:3**

Licensing, **2:7, 2:24**

Loan modification, certain activities, **2:35**

Overview, **1:2**

Record retention, **2:31**

Registration, **2:24**

Website, **4:1**

RESIDENTIAL MORTGAGE PRACTICES LICENSING ACT

See Residential Mortgage Practices Act

RULES AND REGULATIONS

Administrative Rules, list of records to be maintained, **2:31**

Deficiency judgments, **2:12**

Depository Institutions Deregulation and Monetary Control Act, **2:39**

Foreclosure, **2:19**

Utah Administrative Code website, **4:1**

SECURITY INSTRUMENT

Deeds of trust, **2:34**

SERVICING

Generally, **2:35**

Annual statements, **2:17**

Assignments of mortgage, **2:5**

Department of Financial Institutions contact information, **4:1**

Disclosures, **2:13**

Discrimination, **2:14**

Due-on-sale clauses, **2:16**

Escrow accounts, **2:17**

Mortgage loan servicer, definition, **2:24**

Payoff, **2:17, 2:33**

Record retention, **2:31**

Releases, **2:33**

Transfers

Generally, **2:37**

Likelihood of transfer, notice, **2:7**

SHORT SALES

Insurance, **2:22**

SIGNATURE REQUIREMENTS

Generally, **2:26**

SINGLE PREMIUM CREDIT LIFE INSURANCE

Predatory lending laws, **2:28**

TAXES

Payments, **2:17**

UTAH INDEX

TIE-INS

Insurance, **2:36**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

Due-on-sale clauses, **2:16**

Servicing, **2:37**

TRUST DEED

See Deeds of Trust

TRUSTEES

Generally, **2:38**

TRUTH-IN-ADVERTISING ACT

Generally, **2:1**

USURY

See Interest

WEBSITES

Department of Administrative Services, **4:1**

Department of Financial Institutions, **4:1**

Division of Real Estate, **4:1**

Legislative/regulatory references and information sources, **4:1, 4:2**

Nationwide Mortgage Licensing System & Registry (NMLS), **4:2**

Utah Administrative Code, **4:1**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Appraisal management company, **2:4**

Business of residential mortgage loans, **2:7, 2:24**

High-cost mortgages, **2:28**

Lender, **2:24**

Loan originator, **2:24**

Mortgage fraud, **2:11**

Mortgage lender, **2:24**

Mortgage loan broker, **2:24**

Mortgage loan originator, **2:7, 2:24**

WRITTEN STATEMENTS

Fee refund, **2:7**

Homestead declaration, **2:21**

Likelihood of transfer, notice, **2:7**

Index

ADJUSTABLE RATE MORTGAGES

Nontraditional mortgage products guidance, **2:2**

ADVERTISEMENTS

Generally, **2:1**

False advertising, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

APPLICATIONS

Generally, **2:3**

Consumer loan company, **5:1**

Licensing

Generally, **2:24**

Consumer Loan Act forms, **5:1**

Forms, **5:1**

NMLS, **2:24, 5:1**

APPRAISAL MANAGEMENT COMPANY

Licensing, **2:4**

APPRAISALS

Generally, **2:4**

ASSIGNMENTS

Generally, **2:5**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

ATTORNEYS

Foreclosure, **2:19**

Non-attorney preparing legal documents, **3:4**

CERTIFICATE OF COMPLIANCE

Mortgage broker licensing, **5:4**

CHANGE

Control, location, management, and name, **2:8**

CHARGES

See Fees and Charges

CLOSING

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

Insurance, **2:22**

Limited practice officers

Admission and certification rules, **5:3**

Marital rights, **2:26**

Plain English, **2:27**

Practices, **2:9**

Prohibited loan terms, **2:30**

CLOSING—Cont'd

- Security instruments, **2:34**
- Signature requirements, **2:26**
- Usury, **2:39**
- Wet Settlement Act, **2:40**

COMMITMENTS

- Generally, **2:10**

CONDOMINIUM UNIT

- Priority lien, **2:41**

CONSTRUCTION LIENS

- Information provision by mortgage lenders, **2:41**

CONSUMER LOAN ACT

- Generally, **1:2, 2:11**
- Disclosures, **2:13**
- False advertising, **2:1**
- Fees and charges, **2:18**
- General lender disclosures, **2:13**
- Late charges, **2:23**
- Licensing
 - Generally, **2:24**
 - Forms, **5:1**
 - Servicing practices, **2:35**
- Overview, **1:2**
- Prepayment penalty, **2:29**
- Record retention, **2:31**

CONSUMER LOAN COMPANY

- Licensing
 - Generally, **5:1**
 - Application, **5:1**
 - Forms, **5:1**

CONSUMER PROTECTION

- Advertisements, **2:1**
- Applications, **2:3**
- Appraisals, **2:4**
- Consumer Loan Act
 - See Consumer Loan Act
- Consumer Protection Act, **2:11**
- Disclosures
 - Generally, **2:13**
 - Applications, **2:3**
 - Construction liens, **2:41**
 - Fees and charges, **2:7**
 - Lender-broker dual role fees, **3:3**
 - Loan originators, **5:2**
 - Lock-in agreements, **2:25**
 - Mortgage brokers, **2:7, 2:13, 5:4**
 - Transfer of servicing, **2:37**
- Discrimination, **2:14**
- False advertising, **2:1**
- Insurance, **2:22**
- Mortgage brokers
 - Disclosures, **2:7, 2:13**

CONSUMER PROTECTION—Cont'd

- Mortgage brokers—Cont'd
 - Fee limitations, **2:7, 2:18**
 - Prohibited practices, **2:7**
- Predatory loan laws, **2:28**
- Prohibited loan terms, **2:30**
- Tie-ins, **2:36**
- Usury, **3:2**

CONSUMER PROTECTION ACT

- Generally, **2:11**

CONTACT INFORMATION

- Department of Financial Institutions, **4:1**

CONTROL

- Change, **2:8**

CORRECTION OF ERRORS

- Servicing practices, **2:35**

DAMAGES

- Economic loss rule, **3:8**
- Violations of Mortgage Broker Practices Act, **2:7**

DEEDS OF TRUST

- Generally, **2:34**
- Assignment, **2:5**
- Deficiency judgments, **2:12**
- Foreclosures, **2:19**
- Trustees, **2:38**

DEFAULT

- Foreclosures, **2:19**

DEFICIENCY JUDGMENTS

- Generally, **2:12**

DEFINITIONS

- See Words and Phrases

DEPARTMENT OF FINANCIAL INSTITUTIONS

- See Regulatory Authorities

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

- Legislation, **2:39**

DISCLOSURES

- See Consumer Protection

DISCRIMINATION

- Generally, **2:14**

DOCUMENTS

- See also Forms
- Commitments, **2:10**
- Deeds of trust
 - See Deeds of Trust
- Notice of foreclosure, **2:19**
- Plain English, **2:27**
- Preparation
 - Generally, **2:15**

DOCUMENTS—Cont'd

Preparation—Cont'd

Nonattorneys, **3:4**

Prohibited loan terms, **2:30**

Record retention, **2:31**

Security instrument, **2:34**

DUE-ON-SALE CLAUSES

Generally, **2:16**

ECONOMIC LOSS RULE

Emotional distress, losses from contractual relationship, **3:8**

ELECTRONIC RECORDS

Record retention, **2:31**

EMOTIONAL DISTRESS

Economic loss rule, **3:8**

ESCROW

Generally, **2:17**

Wet settlement funds, **2:40**

ESCROW AGENT REGISTRATION ACT

Generally, **2:17**

Referral fees, **2:32**

EXEMPTIONS

Homestead, **2:21**

FEES AND CHARGES

Generally, **2:18**

Application practices, **2:3**

Deposit of fees payable to third parties, **2:18**

Lender-broker dual role disclosure, **3:3**

Licensing, generally, **2:24**

Limitations on mortgage brokers' fee, **2:18**

Lock-in fees, **2:25**

Mortgage broker, generally, **2:7**

Mortgage brokers, generally, **2:18**

Prepayment penalties, **2:29**

Private mortgage insurance, **2:22**

Referral fees, **2:32**

Third-party fees, **2:18**

FIDUCIARY RELATIONSHIP

Generally, **1:2**

Mortgage brokers, relationship with, **2:7, 3:5**

FINANCIAL INSTITUTIONS DEPARTMENT

See Regulatory Authorities

FORECLOSURE FAIRNESS ACCOUNT

Generally, **2:19**

FORECLOSURES

Generally, **2:19**

Deficiency judgments, **2:12**

Foreclosure Fairness Act, **2:19**

Tenants in common, separate notices, **3:7**

WASHINGTON INDEX

FORMS

See also Documents

Application for license, **5:1**

Foreclosure, **2:19**

Model Disclosure Form and Model Rate Lock Agreement/Disclosure Form, **2:25**

NMLS, **5:1**

FRAUD OR FALSE STATEMENTS

Consumer Protection Act, **2:11**

False advertising, **2:1**

Usury defense, fraudulently obtained loan, **3:2**

FUTURE ADVANCES

Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

Due-on-sale clause, **2:16**

GOOD FAITH MEDIATION

Foreclosures, **2:19**

HOMESTEAD

Generally, **2:21**

Marital rights, **2:26**

INDEPENDENT CONTRACTOR

Licensing, **2:24**

Loan processing, **2:24**

Surety bond, **5:4**

INSURANCE

Generally, **2:22**

Private mortgage insurance, **2:22**

Tie-ins, **2:36**

Title insurer liability, **3:1**

INTEREST

Alternative mortgage transactions, **2:2**

Borrower fraud, **3:2**

Depository Institutions Deregulation and Monetary Control Act, **2:39**

Escrows, **2:17**

Garn-St Germain Depository Institutions Act, alternative mortgage transactions, **2:2**

Late charges, **2:23**

Lock-ins, **2:25**

Predatory loans, **2:28**

Prepayment penalties

Generally, **2:29**

Usury, **2:39**

INTERNET

See Websites

INVESTIGATIONS

Department of Financial Institutions, enforcement authority, **3:6**

LATE CHARGES

Generally, **2:23**

LEGISLATION

Consumer Loan Act

See Consumer Loan Act

LEGISLATION—Cont'd

- Consumer Protection Act, **2:11**
- Escrow Agent Registration Act
 - See Escrow Agent Registration Act
- Foreclosure Fairness Act, **2:19**
- Garn-St Germain Depository Institutions Act
 - Alternative mortgage transactions, **2:2**
 - Due-on-sale, **2:16**
- Homeowners Insurance Protection Act of 1997, **2:22**
- Mortgage Broker Practices Act
 - See Mortgage Broker Practices Act
- Predatory loan laws, **2:28**
- Reverse Mortgage Act, **2:2**
- Wet Settlement Act, **2:40**

LICENSING

- Generally, **1:2, 2:24**
- Applications
 - See Applications
- Appraisal management company, **2:4**
- Consumer Loan Act, **2:24**
- Escrow agents
 - Generally, **2:17**
 - Referral fees, **2:32, 2:41**
- Fees and charges
 - See Fees and Charges
- Forms
 - See Nationwide Mortgage Licensing System and Registry (NMLS)
- Independent contractor, **2:24**
- Loan originators, **2:24, 5:2**
- Mortgage brokers
 - Generally, **5:4**
 - Application
 - See Applications
 - Certificate of compliance, **5:4**
 - Disclosure, **5:4**
 - Surety bond, **5:4**
 - Trust accounts, examination, **5:4**
- NMLS
 - See Nationwide Mortgage Licensing System and Registry (NMLS)
- Servicing practices, **2:35**

LIENS

- Condominium priority lien, **2:41**
- Construction liens, disclosures, **2:41**
- Fixtures, removal, **2:41**
- Future advances, **2:20**
- Marital rights, **2:26**
- Preexisting liens, title company's liability, **3:1**
- Title insurance company's liability as affected by lender's knowledge of preexisting liens, **3:1**

LIMITED PRACTICE OFFICERS

- Admission and certification rules, **5:3**
- Document preparation, **2:15**

LOAN MODIFICATION SERVICES

- Brokering mortgage loans, **2:7**

LOAN MODIFICATION SERVICES—Cont'd

- Definitions, **2:24**
- Fees and charges, **2:18**
- Licensing of providers, **2:24**
- Residential mortgage loan modification services defined, **2:24**
- Servicing practices, **2:35**

LOAN ORIGINATORS

- Generally, **1:2, 2:7**
- Disclosures, **2:13**
- Fees and charges, **2:18**
- Fingerprint card with instructions, **5:4**
- Licensing, **2:7, 2:24, 5:2**
- Referral fees, **2:32**

LOAN SERVICING

- See Servicing

LOCATION

- Change, **2:8**

LOCK-INS

- Generally, **2:25**

MANAGEMENT

- Change, **2:8**

MARITAL RIGHTS

- Generally, **2:26**
- Community property state, **1:2, 2:26**

MATERIALMENS' LIENS

- Homestead rights, **2:21**

MECHANICS LIENS

- Homestead rights, **2:21**

MEDIATION

- Foreclosure, **2:19**

MISTAKE OR ERROR

- Emotional distress, economic loss rule, **3:8**

MORTGAGE BROKER PRACTICES ACT

- Generally, **1:2, 2:7**
- Consumer protection, **2:11**
- Lock-ins, **2:25**
- Notice of change in control, location, management, and name, **2:8**
- Overview, **1:2**
- Responsible corporate officer doctrine, **3:6**
- Segregation of records, felony violation, **2:7**
- Violation, **2:7**

MORTGAGE BROKERS

- Consumer protection, liability, **2:11**
- Designated broker
 - Change in, **2:8**
- Disclosures
 - See Consumer Protection
- Enforcement authority of Department of Financial Institutions, **3:6**
- Exemptions, **2:7**

MORTGAGE BROKERS—Cont'd

Fees

See Fees and Charges

Fees and charges, **2:18**

Fiduciary duties, **2:7**

Fiduciary relationship with, **3:5**

Independent contractors, surety bond, **5:4**

License requirements, **2:7**

Licensing

See Licensing

Lock-ins, **2:25**

Mortgage Broker Practices Act

See Mortgage Broker Practices Act

Mortgage Broker Practices Act, violations of, **2:7**

Mortgage loans, brokering, **2:7**

Offices, **2:7**

Real estate brokers

See Real Estate Brokers

Record retention requirements, **2:31**

Referral fees, **2:32**

Segregation of funds, felony violation, **2:7**

Surety bond, **5:4**

Third-party fees, **2:18**

Trust accounts

See Trusts and Trust Accounts

Usury, liability, **3:2**

MORTGAGE FRAUD

Consumer protection, **2:11**

MORTGAGE LENDERS

Change in control, location, management, and name, **2:8**

Construction liens, disclosures, **2:41**

Consumer Loan Act, **2:24**

Consumer protection, **2:11**

Disclosures

Generally, **2:13**

Consumer Loan Act, **2:13**

Fees and charges, **2:18**

Insurance, **2:22**

Licensing, **1:2, 2:24**

Prohibited practices, **2:7**

Referral fees, **2:32**

Tie-ins, **2:36**

MORTGAGE LENDING AND HOME OWNERSHIP ACT

Consumer protection, **2:11**

NAME

Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Forms

Consumer loan company licensing, **5:1**

Mortgage broker license, **5:4**

Licensing, generally, **2:7, 2:24**

Loan originators, **5:2**

Mortgage brokers, **2:7**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)—Cont'd

Resource Center, **4:2**

Website, **4:2, 5:1**

NONTRADITIONAL MORTGAGES

Risk guidance, **2:2**

NOTICES

Change in control, location, management, and name, **2:8**

Foreclosure, **2:19, 3:7**

Separate notices to tenants in common, **3:7**

OFFICES

Mortgage brokers, **2:7**

PAYOFF

Generally, **2:33**

PENALTIES

Prepayment penalties, **2:29**

Violations of Mortgage Broker Practices Act, **2:7**

PREDATORY LOAN LAWS

Generally, **2:28**

PREEXISTING LIENS

Title company's liability, case law, **3:1**

PREPAYMENT PENALTY

Generally, **2:29**

PRIORITY OF LIEN

Condominium assessment priority lien, **2:41**

PROCESSING

Appraisals, **2:4**

Discrimination, **2:14**

Marital rights, **2:26**

Signature requirements, **2:26**

REAL ESTATE BROKERS

Disclosures, **2:13**

RECORDING

Assignments, **2:5**

Foreclosures, **2:19**

Releases, **2:33**

RECORDS RETENTION

Generally, **2:31**

Referral fees, **2:32**

REFERRAL FEES

Generally, **2:32**

Escrow agents, **2:41**

REFUNDS

Lock-ins, **2:25**

REGISTRATION

See also Licensing

Escrow agent

See Escrow Agent Registration Act

REGULATORY AUTHORITIES

Department of Financial Institutions

Generally, **1:2**

Consumer loan company licensing, **5:1**

Contact information, **4:1**

Disclosures, **2:13**

Enforcement powers, **3:6**

Interim Regulatory Guidance, trust accounts, **5:6**

Model Disclosure Form and Model Rate Lock Agreement/Disclosure Form, **2:25**

Notification of changes of licensing information, **2:8**

Record retention, **2:31**

Short sale guidance, **2:41, 5:5**

Department of Licensing, appraisal management company, **2:4**

Director of Financial Institutions

Licensing, **2:24**

Licensing of mortgage loan originators, **2:24**

RELEASE

Generally, **2:33**

REMOVAL OF PROPERTY

Mortgaged premises, prohibition of removal of property from, **2:41**

REPORTS

See also Recording

RESIDENTIAL MORTGAGE LOAN MODIFICATION

Defined, **2:24**

RESIDENTIAL MORTGAGE LOAN MODIFICATION SERVICES

Defined, **2:24**

RESPONSIBLE CORPORATE OFFICER DOCTRINE

Generally, **1:2**

Department of Financial Institutions enforcement authority, **3:6**

Licensing, **2:24**

REVERSE MORTGAGE ACT

Alternative mortgage transactions, **2:2**

RULES AND REGULATIONS

See also Regulatory Authorities

Depository Institutions Deregulation and Monetary Control Act, **2:39**

Mortgage brokers, **5:4**

SEGREGATION OF RECORDS

Felony violation of Mortgage Broker Practices Act, **2:7**

SENTENCE AND PUNISHMENT

Removal of property from mortgaged premises, **2:41**

SERVICING

Generally, **2:35**

Assignments of mortgage, **2:5**

Defined, **2:24**

Due-on-sale clauses, **2:16**

Errors causing emotional distress, **3:8**

Escrows, **2:17**

Payoff, **2:33**

Practices, **2:35**

Record retention, **2:31**

SERVICING—Cont'd

Releases, **2:33**

Transfers, **2:37**

SHORT SALES

Guidance, **2:41, 5:5**

SIGNATURE REQUIREMENTS

Generally, **2:26**

SUBPRIME MORTGAGE LENDING GUIDANCE

Predatory lending, **2:28**

SURETY BOND

Mortgage brokers, **5:4**

TENANTS IN COMMON

Separate notices of foreclosure, **3:7**

THIRD-PARTY FEES

Deposit into trust account, **2:18**

THIRD-PARTY MORTGAGE MODIFICATION SERVICES

See Loan Modification Services

TORT ACTION

Servicing errors causing emotional distress, **3:8**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

Due-on-sale clauses, **2:16**

Servicing, **2:37**

TRUSTEES

Generally, **2:38**

TRUSTS AND TRUST ACCOUNTS

Deposit of fees payable to third parties, **2:18**

DFI Interim Regulatory Guidance, trust accounts, **5:6**

Record retention, **2:31**

UNCONSCIONABILITY

Predatory lending, **2:28**

UNDERWRITING

Appraisals, **2:4**

Commitments, **2:10**

Discrimination, **2:14**

USURY

Generally, **2:39**

WEBSITES

Department of Financial Institutions, **4:1**

Nationwide Mortgage Licensing System & Registry (NMLS), **4:2**

NMLS, **5:1**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Books and records, **2:31**

Loan originator, **2:7**

WORDS AND PHRASES—Cont'd

Lock-in agreements, **2:25**

Mortgage broker, **2:7**

Mortgage loan originator, **2:7, 2:24**

Residential mortgage loan modification, **2:24**

Residential mortgage loan modification services, **2:7, 2:24**

Servicing, **2:24**

WRITING

Assignment of mortgage or deed of trust, **2:5**

Index

ADMINISTRATIVE ACTIONS

Banking Commissioner, **1:2**

ADVERTISEMENT

Generally, **2:1**

Foreclosure by advertisement and sale, **2:19**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

Garn-St Germain Depository Institutions Act, **2:2**

APPLICATIONS

Generally, **2:3**

Forms, **5:2**

Mortgage broker/lender license, **5:1**

Mortgage loan originator license, **5:2**

APPRAISAL MANAGEMENT COMPANY

Registration, **2:4**

APPRAISALS

Generally, **2:4**

ASSIGNMENTS

Generally, **2:5**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

ATTORNEY FEES

Foreclosure, **3:2**

Prohibited consumer loan terms, **2:30**

BLANKS IN INSTRUMENTS

Application practices, **2:3**

BREACH OF SECURITY

Consumer protection, **2:41**

BROCK V. STATE EX REL. WYOMING WORKFORCE SERVICES

Lien, property tax sale, **3:4**

CHANGE

Control, location, management or name, **2:8**

CHARGES

See Fees and Charges

CLOSING

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

Insurance, **2:22**

Marital rights, **2:26**

Plain English, **2:27**

Practices, **2:9**

CLOSING—Cont'd

Prohibited loan terms, **2:30**
Security instruments, **2:34**
Signature requirements, **2:26**
Usury, **2:39**
Wet Settlement Act, **2:40**

COMMITMENTS

Generally, **2:10**

COMPUTERIZED PERSONAL INFORMATION

Notice of breach of security, **2:41**

CONDOMINIUM ASSOCIATION

Lien, **2:41, 3:2, 3:3**

CONSUMER PROTECTION

Breach of security, **2:41**
Consumer loan defined, **2:24**
Consumer Protection Act, **2:1, 2:11**
Deceptive practices, **2:11**
Disclosures, generally, **2:13**
Discrimination, **2:14**
False advertising, **2:1**
Fraud or deceptive practices
 Generally, **2:11**
 False advertising, **2:1**
Predatory loan laws, **2:28**
Prepayment penalties, **2:29**
Supervised loan defined, **2:24**
Uniform Consumer Credit Code, **2:13**

CONSUMER PROTECTION ACT

Generally, **2:1, 2:11**

CONTROL

Change, **2:8**

CREDIT REPORT

Security freeze, **2:41**

DAMAGES

Release and payoff violation, **2:33**

DEED OF TRUST

Generally, **2:34**
Trustees, **2:38**

DEFICIENCY JUDGMENTS

See Foreclosures
Generally, **2:12**

DEFINITIONS

See Words and Phrases

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

Generally, **2:39**

DISCLOSURES

Consumer protection, generally, **2:13**
Prepayment penalties, **2:29**

WYOMING INDEX

DISCRIMINATION

Generally, **2:14**

DIVISION OF BANKING

See Regulatory Authorities

DOCUMENTS

Commitments, **2:10**

Deed of trust

See Deed of Trust

Forms

See Forms

Plain English, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Record retention, **2:31**

Security instrument, **2:34**

DUE-ON-SALE CLAUSES

Generally, **2:16**

EQUAL CREDIT OPPORTUNITY ACT

Appraisals, **2:4**

ESCROWS

Generally, **2:17**

EXEMPTIONS

Exempt company registration, **5:3**

FEES AND CHARGES

Generally, **2:18**

Disclosures, **2:13**

Late charges, **2:23**

Licensing, **2:24**

Prepayment penalties, **2:29**

Referral fees, **2:32**

FORECLOSURES

Generally, **2:19**

Assessment lien, **3:2**

Assignments, recording requirement, **2:5**

Attorney fees, **3:2**

Condominium association, assessment lien, **3:2, 3:3**

Deficiency judgments, **2:12, 3:1**

Homeowners association, assessment lien, **3:2**

FORMS

Authority for release of information, **5:1**

Foreclosure, **2:19**

Homestead waiver, **2:21**

Mortgage broker/lender license application, **5:1**

Mortgage loan originator license, **5:2**

Prepayment penalty disclosure, **2:29**

Trust account review authorization, **5:1**

FRAUD OR FALSE STATEMENTS

See Consumer Protection

FUTURE ADVANCES

Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

Alternative mortgage transactions, **2:2**
Due-on-sale clauses, **2:16**

HOMEOWNERS ASSOCIATION

Foreclosure on assessment lien, **3:2**

HOMESTEAD

Generally, **2:21**

INCREASED SCRUTINY

Alternative mortgage transactions, **2:2**

INSURANCE

Generally, **2:22**
Tie-ins, **2:36**

INTEREST

Alternative Mortgage Transaction Parity Act, **2:2**
Alternative mortgage transactions, **2:2**
Depository Institutions Deregulation and Monetary Control Act, **2:39**
Garn-St Germain Depository Institutions Act
 Alternative mortgage transactions, **2:2**
Late charges, **2:23**
Lock-ins, **2:25**
Predatory loans, **2:28**
Prepayment penalties, **2:29**
Usury, generally, **2:39**

LATE CHARGES

Generally, **2:23**

LEGISLATION

Alternative Mortgage Transaction Parity Act, **2:2**
Appraisal Management Company Registration and Regulation, **2:4**
Certified Real Estate Appraisers Act, **2:4**
Consumer Credit Protection Act, **2:1**
Consumer Protection Act, **2:1, 2:11**
Credit Freeze Reports Act, **2:41**
Depository Institutions Deregulation and Monetary Control Act, **2:39**
Equal Credit Opportunity Act, appraisals, **2:4**
Garn-St Germain Depository Institutions Act
 See Garn-St Germain Depository Institutions Act
Predatory loan laws, **2:28**
Residential Mortgage Practices Act
 Generally, **1:2**
 Advertisements, **2:1**
 Applications, **2:3**
 Brokering mortgage loans, **2:7**
 Closing practices, **2:9**
 Consumer protections, **2:11**
 Disclosures, **2:13**
 Licensing, **2:7, 2:24**
 Rate lock-ins prohibited, **2:25**
 Record retention, **2:31**
Truth-in-Lending Act disclosures, **2:13**
Uniform Consumer Credit Code
 Disclosures, **2:13**

LEGISLATION—Cont'd

- Uniform Consumer Credit Code—Cont'd
 - Licensing of mortgage loan originators, **2:24**
 - Mortgage loan originators, licensing requirement, **2:24**
 - Prohibited consumer loan terms, **2:30**
- Uniform Real Property Electronic Recording Act, **2:41**
- Wet Settlement Act, **2:40**

LICENSING

- Generally, **2:24**
- Applications, **2:3, 5:1, 5:2**
- Exempt companies, **5:3**
- Forms, **5:1**
- Mortgage brokers, **1:2, 2:24, 5:1**
- Mortgage lenders, **1:2, 2:24, 5:1**
- Mortgage loan originators, **2:24**
- NMLS
 - See Nationwide Mortgage Licensing System (NMLS)
- Regulatory agencies, **4:1**
- Residential Mortgage Practices Act, **2:7, 2:24**
- Uniform Consumer Credit Code, **2:24**

LIENS

- Condominium association, **2:41, 3:2, 3:3**
- Foreclosure, **2:19**
- Foreclosure, assessment liens
 - Condominium association, **2:41, 3:2, 3:3**
 - Homeowners association, **3:2**
- Future advances, **2:20**
- Homeowners association, **3:2**
- Priority, **3:2-3:4**

LOAN SERVICING

- See Servicing

LOCATION

- Change, **2:8**

LOCK-INS

- Interest, **2:25**

MAIL

- Foreclosure, **2:19**

MANAGEMENT

- Change, **2:8**

MARITAL RIGHTS

- Generally, **2:26**

MILITARY RELIEF

- Practice in another jurisdiction, **2:41**

MINERAL RIGHTS

- Reservation, **2:41**

MORTGAGE BROKERAGE AGREEMENT

- Disclosures, **2:13**

MORTGAGE BROKERS

- Agreement to be furnished to borrower, **2:13**

MORTGAGE BROKERS—Cont'd

- Application for licensing, **5:1**
- Appraisers, **2:4**
- Commitments, **2:10**
- Definitions, **2:7**
- Disclosures, **2:13**
- Fees and charges, **2:18**
- License application, **5:1**
- Licensing, **1:2, 2:7, 2:24**
- Lock-ins, **2:25**
- Mortgage brokering activities defined, **2:7**
- Prepayment disclosures, **2:29**
- Referral fees, **2:32**

MORTGAGE LENDERS

- Advertisements, **2:1**
- Application for licensing, **5:1**
- Appraisers, **2:4**
- Change in control, location, management, and name, **2:8**
- Disclosures, **2:13**
- Fees and charges, **2:18**
- Forms, **2:29, 5:1**
- Insurance approval, **2:22**
- Licensing
 - Generally, **1:2, 2:7, 2:24**
 - Forms, **5:1**
- Prepayment penalty disclosure form, **2:29**
- Tie-ins, **2:36**

MORTGAGE LOAN ORIGINATORS

- Alternative mortgage transactions, **2:2**
- Applications, **2:3, 5:2**
- Disclosures, **2:13**
- Forms, **5:2**
- Licensing, **2:24, 5:2**
- Mortgage loan originator defined, **2:24**
- NMLS, **5:2**
- Referral fees, **2:32**

MORTGAGE PRACTICES ACT

- Rules and Regulations
 - Wyoming Division of Banking Residential, **5:4**

NAME

- Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

- Licensing
 - Generally, **2:24**
 - Forms, **5:1, 5:2**
- Mortgage loan originator licensing, **5:2**
- Processing of licenses issued under Residential Mortgage Practices Act, **2:24**
- Resource Center, **4:2**
- Website, **4:2**
- Wyoming Division of Banking Residential Mortgage Practices Act Rules and Regulations, **5:4**

NEGLIGENCE

- Mortgage lender liability, **1:2**

WYOMING INDEX

NOTICE

- Breach of security of personal information, **2:41**
- Foreclosure sale, **2:19**

OIL AND GAS

- Reservation of rights, **2:41**

PAYOFF

- Generally, **2:33**

PENALTIES

- Disclosures, **2:13**
- Prepayment penalties, **2:29**

PREDATORY LOAN LAWS

- Generally, **2:28**

PREPAYMENT PENALTIES

- Generally, **2:29**
- Disclosure, **2:13**

PRIORITY

- Condominium association liens, **2:41**
- Liens, **3:2-3:4**
- Tax sale property purchase, **3:4**

PROCESSING

- Discrimination, **2:14**
- Marital rights, **2:26**
- Signature requirements, **2:26**

PROMISSORY NOTE

- Deficiency judgment after foreclosure, **3:1**

PUBLICATION

- Notice of foreclosure sale, **2:19**

RECORDING

- Assignments, **2:5**
- Releases, **2:33**
- Uniform Real Property Electronic Recording Act, **2:41**

RECORD RETENTION

- Generally, **2:31**

REFERRAL FEES

- Generally, **2:32**

REFINANCE

- Prepayment penalty, **2:29**

REGISTRATION

- Appraisal management company, **2:4**

REGULATORY AUTHORITIES

- Commissioner of Banking
 - Administrative actions by, **1:2**
 - Fees for licensing, **2:24**
 - Licensing of mortgage lender or broker, **2:7**
- Division of Banking
 - Administrative rules, **1:2**
 - Alternative mortgage transactions, regulatory guidance, **2:2**
 - Contact information, **4:1**

REGULATORY AUTHORITIES—Cont'd

Division of Banking—Cont'd

Licensing of mortgage loan originators, **2:24**

Mortgage broker/lender license application, **5:1**

Predatory lending regulatory guidance, **2:28**

Reimbursement of fees, **2:4**

RELEASE

Generally, **2:33**

RESIDENTIAL MORTGAGE PRACTICES ACT

See Legislation

SERVICING

Assignments of mortgage, **2:5**

Due-on-sale clauses, **2:16**

Escrows, **2:17**

Payoff, **2:33**

Practices, **2:35**

Record retention, **2:31**

Releases, **2:33**

Transfers, **2:37**

SIGNATURE REQUIREMENTS

Generally, **2:26**

TAX SALES

Brock v. State ex rel. Wyoming Workforce Services, **3:4**

Lien priority, **3:4**

THIRD PARTIES

Fees and charges, **2:18**

TIE-INS

Insurance, **2:22, 2:36**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

Due-on-sale clauses, **2:16**

Servicing, **2:37**

TRUST DEED

See Deed of Trust

TRUSTEES

Powers and duties, **2:38**

UNDERWRITING

Discrimination, **2:14**

UNIFORM CONSUMER CREDIT CODE

See Legislation

UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

Authorization and validation of electronic recordings, **2:41**

USURY

See Interest

WAIVER

Homestead rights, **2:21**

WYOMING INDEX

WEBSITES

Division of Banking, **4:1**

Legislative/regulatory references and information sources, **4:2**

Nationwide Mortgage Licensing System & Registry (NMLS), **4:2**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Consumer loan, **2:24**

Loan primarily secured by interest in land, **2:24**

Mortgage broker, **2:7, 2:24**

Mortgage brokering activities, **2:7, 2:24**

Mortgage lender, **2:24**

Mortgage lending activities, **2:24**

Mortgage loan originator, **2:24**

Supervised loan, **2:24**