

Index

ACCELERATION

- Due-on-sale, **2:16**
- Mortgage lenders insecurity, **2:30**
- Prohibited terms, **2:30**

ACKNOWLEDGMENT

- Schedule of charges, receiving online, **2:13**

ADDRESS CHANGE

- Assignments, **2:5**
- Security instruments, **2:5**

ADJUSTABLE RATE MORTGAGES

- See Interest

ADVERTISEMENTS

- Deception, **2:1**
- False advertising, **2:1, 2:11**
- Foreclosures, **2:19**
- Fraud, **2:1**
- Unique NMLS identifier, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

- See Interest

APPLICATIONS

- Exemption from licensing, **2:24**
- Fees, **2:10, 2:18**
- Licensed lender license, **5:1**
- Licensing, **2:24**
- Practices, **2:3**
- Records, **2:3**
- Renewals, **2:24**

APPRAISALS

- Copies provided to borrowers, **2:4**
- Fees and charges, **2:4, 2:18**
- Independent appraisers discriminatory acts, absent agency relationship, **3:2**
- Reasonable fees, **2:4**

ASSETS REPORTING

- Delaware assets report, website, **5:3**
- Mortgage loan brokers, website, **5:3**

ASSIGNMENTS

- Address change, **2:5**
- Recordation, **2:5**
- Salary assignments, **2:30**
- Witnesses, attestation, **2:5**

ASSUMPTION OF MORTGAGE

- See Transfers

ATTORNEY GENERAL

- Registration of mortgage loan modification services provider, **2:24**

ATTORNEYS

- Closing, **2:9**
- Fees, **2:18**
- Payoff, attorney dealing with servicer as to, **2:33**
- Powers of attorney, **2:30**
- Private action based on unauthorized practice of law by title company, **3:3**
- Rules of Professional Conduct, trust fund account disbursements, **2:40, 5:4**

AUTOMATIC RESIDENTIAL MORTGAGE FORECLOSURE MEDIATION PROGRAM

- Foreclosure, **2:19**

BANK COMMISSIONER

- Address and telephone, **4:1**
- Administrative regulations website, **4:1**
- Alternative mortgage transactions, **2:2**
- Cease and desist orders, **2:24**
- Commitment fees, refund for unsafe and unsound operating practice, **2:10**
- Examination, **2:24, 4:1**
- Exemptions, **2:24**
- Licensing, **2:24**
- Limitation of points, **2:39**
- Mortgage broker licensing, **2:24**
- Mortgage lender licensing, **2:24**
- Non-Depository Institutions and Compliance Supervisor, **4:1**
- Nontraditional mortgage products guidance, **2:2**
- Office of the State Bank Commissioner, generally, **4:1**
- Overview, **1:2**
- Powers, **1:2**
- Record retention, **2:31**
- Subprime mortgage lending statement, **2:2**
- Supervisory powers, **1:2**
- Suspensions, **2:24**
- Updates from mortgage loan brokers, **2:7**
- Website, **4:1**

BOOKS AND RECORDS

- Minimum requirements, website, **5:3**
- Mortgage lenders, **2:24**
- Mortgage loan brokers, **2:7, 5:3**

BROKERAGE AGREEMENT

- Generally, **2:7**

BROKERS

- See Mortgage loan brokers

CEASE AND DESIST ORDERS

- Licensing violations, **2:24**

CERTIFICATION

- Appraisers, **2:4**

CHANGE

- Control, **2:8**
- Location, **2:8**
- Management, **2:8**
- Name, **2:8**

CHARGES

- See Fees and Charges

DELAWARE INDEX

CLOSING

- Attorneys, **2:9**
- Disclosures, **2:13**
- Document preparation, **2:15**
- Fees and charges, **2:18**
- Future advances, **2:20**
- Illustrative case law, **2:9**
- Licensed Lender Act, **2:9**
- Marital rights, **2:26**
- Mortgage loan brokers, **2:7**
- Plain English, **2:27**
- Practices, **2:9**
- Prohibited loan terms, **2:30**
- Regulations, **2:9**
- Security instruments, **2:34**
- Signature requirements, **2:26**
- Unauthorized practice of law, **2:9**
- Usury, **2:39**
- Wet Settlement Act, **2:40**

COLLECTION

- See Servicing

COMMITMENTS

- Fees, **2:10**
 - refund, **2:18**
- Unsafe or unsound operating practices, **2:10**

COMPENSATION

- Fees and charges, **2:18**
- Loan modification services, **2:7**

CONDUCT

- Mortgage loan brokers, **2:7**

CONFESSIONS OF JUDGMENT

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

CONSULTANTS

- Foreclosure, **2:19**

CONSUMER PROTECTION

- Commitment compliance, **2:10**
- Complaints, **2:11**
- Consumer Contracts Act as applicable to lenders, **2:11, 3:1**
- Consumer handbook on adjustable rate mortgages, Consumer Contracts Act, duty to provide, **3:1**
- Disclosures
 - see Disclosures
- Discrimination, **2:14**
- Fraud
 - see Fraud or Deceit
- Plain English, **2:27**
- Predatory lending activities, **2:28**
- Private actions, **3:1 to 3:4**
- Tie-ins, **2:36**

CONTINUING EDUCATION

- Licenses, **2:24**

CONTROL

Change, **2:8**

CREDIT REPORTS

See Processing

DEFICIENCY JUDGMENTS

Foreclosure, **2:12**

DEFINITIONS

See Words and Phrases

DELAWARE SAFE MORTGAGE LICENSING ACT OF 2009

See Secure and Fair Enforcement for Mortgage Licensing Act of 2009

DISCLOSURES

Appraisals, **2:4**

Brokerage agreement fees, **2:13**

Consumer Contracts Act as applicable to lenders, **2:11, 3:1**

Fees and charges, **2:13, 5:3**

Internet information screen, **2:13**

Mortgage loan brokers, website, **5:3**

Mortgage loan modification services provider, **2:24**

DISCRIMINATION

Generally, **2:14**

Independent appraiser's discriminatory acts, lender's liability, **3:2**

DOCUMENTS

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

Fees, **2:15**

Minimum requirements, website, **5:3**

Mortgage lenders, **2:24**

Mortgage loan brokers, **2:7**

Plain English, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Record retention

see Record Retention

Security instruments, **2:34**

Signature requirements, **2:26**

DUE-ON-SALE CLAUSES

Generally, **2:16**

Garn-St. Germain Depository Institutions Act, **2:16**

EDUCATION

Licenses, **2:24**

Pre-licensing, **2:24**

ESCROWS

See Servicing

EXAMINATION

Bank Commissioner, **4:1**

EXEMPTIONS

Homestead exemption, **2:21**

Licensing, **2:24**

FALSE ADVERTISING

Generally, **2:11**

FALSE ADVERTISING—Cont'd

Generally, **2:1**

FEES AND CHARGES

Applications, **2:7, 2:10, 2:18, 2:24**

Appraisals, **2:4, 2:7, 2:18**

Attorneys, **2:18**

Bad check charges, **2:23**

Certification fees, **2:18**

Collection, **2:18**

Commitments, **2:10, 2:18**

Compensation, **2:18**

Credit reports, **2:7, 2:18**

Disclosure, **2:13, 5:3**

Document preparation, **2:15, 2:18**

Examination fee, **2:24**

Exemption from licensing, investigation fee, **2:24**

Foreclosures, filing, **2:19**

Insurance premiums, **2:22**

title, **2:18**

Internet information screen, **2:13**

Investigation fees, **2:7, 2:24**

Itemized schedule, website, **5:3**

Late installments, **2:23**

Legal, loan preparation, **2:15**

Licensed lenders, **2:7, 2:18**

Licensee examination, **2:24**

Limitations, **2:18**

Maximum charges, disclosure, **2:13**

Mediation fee, **2:19**

Mortgage loan brokers, **2:7, 2:18, 5:3**

Mortgage loan origination, **2:18**

Mortgage loan originators, **2:7**

Pest fees, **2:18**

Points, generally, **2:18**

Prepayment, **2:18, 2:29**

Property appraisal, **2:7, 2:18**

Property survey, **2:18**

Rate lock-in

see Lock-Ins

Recording, **2:18, 2:33**

Referrals, **2:32**

Refund, **2:7, 2:10, 2:18**

Regulations, **2:7, 2:18**

Renewal of license, **2:7**

Surety bond, **2:24**

Survey, **2:18**

Tax certification and service, **2:18**

Third party fees, **2:18**

Title examination, **2:7, 2:18**

Title insurance, **2:18**

Written agreement as to, **2:7**

FINES AND PENALTIES

Licensed lenders, **2:13**

Licensing violations, **2:7**

FINES AND PENALTIES—Cont'd

- Mortgage loan brokers, **2:7**
- Prepayment penalties, **2:29**
- Satisfaction of mortgage, failure to record, **2:33**

FORECLOSURE

- Automatic Residential Mortgage Foreclosure Mediation Program, **2:19**
- Consultants, **2:19**
- Deficiency judgments, **2:12**
- Homeowners association, **3:4**
- Mortgage Rescue Fraud Protection Act, **2:19**
- Procedure, **2:19**
- Writ of scire facias, **2:19**

FORMS

- Licensed lender application, **5:1**
- Mortgage loan brokers license application, **5:2**

FRAUD OR DECEIT

- Consumer Contracts Act, **2:11, 3:1**
- Failure to provide consumer handbook on adjustable rate mortgages, **3:1**
- False advertising, **2:1, 2:11**
- Location of alleged fraudulent services, **3:3**
- Mortgage Rescue Fraud Protection Act, **2:19**
- Private action based on unauthorized practice of law by title company, **3:3**

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST. GERMAIN DEPOSITORY INSTITUTIONS ACT

- Generally, **2:16**

GOOD FUNDS

- Words and phrases, **2:40**

HOMEOWNERS ASSOCIATIONS

- Foreclosure liens, **3:4**

HOMESTEAD

- Homestead exemption, **2:21**

IMPRISONMENT

- Mortgage lenders, **2:13**

INSURANCE

- Binders, acceptance, **2:22**
- Cancellation, **2:22**
- Credit, **2:22**
- Fees and charges, **2:18, 2:22**
- Fire insurance, **2:22**
- Hazards, **2:22**
- Limits on amount of coverage, **2:22**
- Premiums, **2:22**
- Private mortgage insurance, **2:22**
- Refunds of unused premiums, **2:22**
- Tie-ins, **2:22, 2:36**
- Title, **2:18**

INTEREST

- Adjustable rates
 - consumer handbook on adjustable rate mortgages, duty to provide, **3:1**

INTEREST—Cont'd

- Adjustable rates—Cont'd
 - disclosures, **3:1**
- Alternative mortgage transactions, generally, **2:2**
- Escrow accounts, **2:17**
- Garn-St. Germain Depository Institutions Act, **2:39**
- Late charges, **2:23**
- Lock-ins
 - see Lock-Ins
- Point charges, **2:39**
- Prepayments, **2:29**
- Usury, generally, **2:39**
- Variable rates, **2:2**

INTERNET

- See also Websites
- Schedule of charges, receiving online, **2:13, 5:3**

JOURNAL OF RESIDENTIAL MORTGAGE LOAN APPLICATIONS

- Record retention, **2:31**

LATE CHARGES

- Generally, **2:23**

LEGISLATION

- See also Licensed Lender Act
- Consumer Contracts Act, **2:11, 3:1**
- Consumer Fraud Act, **2:11**
- Delaware SAFE Mortgage Licensing Act
 - see Secure and Fair Enforcement for Mortgage Licensing Act of 2009
- Fair Housing Act, **2:14**
- Foreclosure, **2:19**
- Garn-St. Germain Depository Institutions Act, **2:16**
- Licensed Lender Act
 - see Licensed Lender Act
 - discrimination, **2:14**
- Mortgage Loan Modification Services Act, **2:24**
- Mortgage Rescue Fraud Protection Act, **2:19**
- Satisfaction of mortgage, **2:33**
- Secure and Fair Enforcement for Mortgage Licensing Act
 - see Secure and Fair Enforcement for Mortgage Licensing Act of 2009
- Wet Settlement Act, **2:40**

LENDERS

- Examination by Non-Depository Institutions and Compliance Supervisor, **4:1**
- Independent appraiser's discriminatory acts, liability, **3:2**

LETTER OF CREDIT

- Licensed lenders, **2:24**

LICENSED LENDER ACT

- Alternative mortgage transactions, **2:2**
- Application, **5:1**
- Closing practices, **2:9**
- Discrimination, **2:14**
- Exemptions, **2:24**
- Forms, **5:1**
- Introduction, **1:1**
- Lender application, **5:1**

LICENSED LENDER ACT—Cont'd

- Licensing of mortgage lenders, **2:24**
- Maximum loan to one borrower, **2:41**
- Overview, **1:2**
- Tie-ins, **2:36**
- Variable interest rates, **2:2**

LICENSED LENDERS

- Books and records of activities, **2:24**
- Changes in management or partners, reporting, **2:24**
- Commitment deadlines, **2:3**
- Disclosures, **2:13**
- Exemptions from licensing, **2:24**
- False advertising, **2:1**
- Fees and charges, **2:18**
- Fines and penalties, **2:13**
- Licensing, generally, **2:24**
- Loan volume reporting, **2:24**
- Record retention, **2:31**
- Revocation of license, **2:24**
- Website for record content, **2:31**

LICENSING

- See also Licensed Lender Act
- Appraisers, **2:4**
- Continuing education, **2:24**
- Delaware SAFE Mortgage Licensing Act
 - see Secure and Fair Enforcement for Mortgage Licensing Act of 2009
- Display, **2:24**
- Education, **2:24**
- Examination fees, **2:24**
- Exemptions, **2:24**
- Expiration, **2:24**
- Foreign corporations, **2:41**
- Forms, **5:1, 5:2**
- Irrevocable letter of credit in lieu of surety bond, **2:24**
- Loan volume, reporting, **2:24**
- Loan volume reports, **2:24**
- Mortgage lenders, **1:2, 2:24**
- Mortgage loan brokers, **1:2, 2:24**
 - application, **5:2**
 - license application, **5:2**
 - record retention, **2:31, 5:3**
- Mortgage loan modification services provider, **2:24**
- Mortgage loan originators, **1:2**
- Nationwide Mortgage Licensing System and Registry (NMLS), **1:2, 2:24**
- Procedure, **2:24**
- Regulation, **2:24, 5:3**
- Renewal, **2:24**
- Revocation, **2:24**
- Secure and Fair Enforcement for Mortgage Licensing Act of 2009, **2:24**
- Surety bonds, **2:24**
- Unique NMLS identifier, **2:24**

LIENS

- See also Security Instruments

DELAWARE INDEX

LIENS—Cont'd

- Future advances, **2:20**
- Homeowners associations, foreclosure, **3:4**
- Security instruments, **2:34**
- Trustees, **2:38**

LOAN APPROVALS

- See Underwriting

LOAN COMMITMENTS

- See Commitments

LOAN DISCOUNT POINTS

- Fees and charges, **2:18**

LOAN MODIFICATION

- See also Mortgage loan modification services provider
- Definition of mortgage loan modification services, **2:18**
- Mortgage loan brokers, **2:7**

LOAN MODIFICATION SERVICES

- Defined, **2:7**

LOAN ORIGATION POINTS

- Fees and charges, **2:18**
- Limitation of points by Bank Commissioner, **2:39**

LOAN PROCESSING

- See Processing

LOAN SALES

- See Transfers

LOANS DENIED

- Record retention, **2:31**

LOAN SERVICING

- See Servicing

LOANS SOLD SERVICING-RELEASED

- Record retention, **2:31**

LOAN VOLUME REPORT

- Licensing, **2:24**
- Mortgage loan brokers, website, **5:3**
- Website, **5:3**

LOCATION

- Change, **2:8**

LOCK-INS

- Generally, **2:25**
- Fees and charges, **2:18**
- Refund of unpaid fee to borrower, **2:7, 2:18**

MANAGEMENT

- Change, **2:8**

MARITAL RIGHTS

- Generally, **2:26**

MARKET VALUE PERCENTAGE

- Deficiency judgments, **2:12**

MEDIATION

Automatic Residential Mortgage Foreclosure Mediation Program, **2:19**

MEDIATION FEE

Foreclosure action, **2:19**

MORTGAGE LENDERS

See also Licensed Lender Act

Assumption of mortgage, **2:6**

Fees and charges

referrals, **2:32**

Licensed Lender Act

see Licensed Lender Act

Licenses

see Licensing

Referral fees, **2:32**

MORTGAGE LOAN BROKERS

Agreement, generally, **2:7**

Assets, reporting, website, **5:3**

Books and documents, minimum requirements, website, **5:3**

Books and records, **2:7**

Brokerage agreement, **2:7, 2:13**

Conduct, **2:7**

Definitions, **2:7**

Delaware website, **5:3**

Disclosures, **5:3**

Fees, **2:7, 2:18, 5:3**

Fines or penalties, **2:7**

Itemized schedule of charges, **2:3**

Itemized schedule of charges, website, **5:3**

Licenses

see Licensing

Loan modification services, **2:7**

Record retention, **2:31**

Records and books, minimum requirements, website, **5:3**

Regulations, **5:3**

Surety bond

see Surety Bond

Third party fees, **2:7**

Updates to Commissioner, **2:7**

VA government loan, **2:7**

Violations, **2:7**

Website, **5:3**

Website for record content, **2:31**

MORTGAGE LOAN MODIFICATION SERVICES

Definition, **2:18**

Fees and charges, **2:18**

MORTGAGE LOAN MODIFICATION SERVICES PROVIDER

Definition, **2:24**

Disclosures, **2:24**

Identification, **2:24**

Registration, **2:24**

Surety bond, **2:24**

MORTGAGE LOAN ORIGINATORS

- Definition of mortgage loan originator, **2:7, 2:24**
- Disclosures, **2:13**
- Exemption, **2:24**
- Fees, **2:24**
- Fees and charges, **2:18**
- Licensing, generally, **1:2, 2:24, 5:3**
- Loan limitations, **2:41**
- Nationwide Mortgage Licensing System and Registry (NMLS), **1:2, 2:7, 2:24**
- Personally identifying information requirement for licensing, **2:24**
- Record retention, **2:31**
- Registration, **2:24**
- Secure and Fair Enforcement for Mortgage Licensing Act of 2009, **2:24**
- Tie-ins, **2:36**
- Unique NMLS identifier, **2:7**
- Website for journal maintenance, **2:31**

NAME

- Change, **2:8**
- Registration, **2:41**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

- Advertising, **2:1**
- Licensing, generally, **1:2, 2:24**
- Mortgage loan brokers, **2:7**
- Mortgage loan originator licensing, **2:24, 5:3**
- Resource Center, **4:2**
- Unique NMLS identifier
 - advertisements, **2:1**
 - licensing, **2:24**
 - mortgage loan brokers, **2:7**
 - mortgage loan originator, **2:7**
- Website, **1:2, 4:2**

NON-DEPOSITORY INSTITUTIONS AND COMPLIANCE SUPERVISOR

- Examination of lenders, **4:1**

NONTRADITIONAL MORTGAGE REGULATION

- Regulatory guidance, **2:2**

NOTICES

- See also Disclosures
- Change of location, control, management or name, **2:8**
- Foreclosure sale, **2:19**
- Right to rescind transfer of deed or title, **2:19**
- Transfer of deed or title, **2:19**
- Transfer of servicing, **2:37**

OFFICE OF THE STATE BANK COMMISSIONER

- See Bank Commissioner

ORIGINATORS

- See Mortgage loan originators

PAYOFF

- Requirements, **2:33**

PENALTIES

- Licensed lenders, **2:13**
- Mortgage loan brokers, **2:7**

PENALTIES—Cont'd

Prepayment penalties, **2:29**

Satisfaction of mortgage, failure to record, **2:33**

POWER OF ATTORNEY

Prohibited loan terms, **2:30**

PRAECIPE AND COMPLAINT

Foreclosure procedure, **2:19**

PREDATORY LENDING ACTIVITIES

Generally, **2:28**

PREPAYMENT PENALTIES

Fees and charges, **2:29**

PRIORITY

Future advances, **2:20**

Homeowners associations, **3:4**

PRIVATE ACTIONS

See Consumer Protection

PROCESSING

Credit reports, fees and charges, **2:18**

Discrimination, **2:14**

Loan processor or underwriter defined, **2:7**

Marital rights, **2:26**

Signature requirements, **2:26**

RECONVEYANCE

Foreclosure reconveyance, **2:19**

RECORDING

See also Books and Records

Fees, **2:18, 2:33**

Future advances, **2:20**

Satisfaction of mortgage, **2:33**

RECORD RETENTION

Broker records, **2:31**

Examination, **2:31**

Licensed lender records, **2:31**

Mortgage loan broker records
regulations, **5:3**

Mortgage loan originators, **2:31**

REFERRAL FEES

Generally, **2:32**

REFUND

Fees and charges, **2:10**

Prepayment, **2:29**

REGISTRATION

Doing business as corporation, **2:41**

Mortgage loan modification services provider, **2:24**

Mortgage loan originators, **2:24**

REGULATIONS

Closing practices, **2:9**

Exemption regulation, **2:24**

REGULATIONS—Cont'd

- Fees and charges
 - appraisals, **2:4**
 - document preparation, **2:15**
- Mortgage loan brokers, **5:3**
- Proposed, **2:33**
- Satisfaction of mortgage, **2:33**
- Website
 - mortgage loan brokers, **5:3**

REGULATORS AND REGULATORY AGENCIES

- Attorney General, **2:24**
- Bank Commissioner
 - see Bank Commissioner
- NMLS
 - see Nationwide Mortgage Licensing System and Registry (NMLS)
- Non-Depository Institutions and Compliance Supervisor, **4:1**

RELEASE

- Requirements, **2:33**

RENEWAL

- Licensing, **2:24**

RESCISSION

- Notice of right to rescind transfer of deed or title, **2:19**

RULES OF PROFESSIONAL CONDUCT FOR LAWYERS

- Safekeeping property, **5:4**
- Trust fund account disbursements, **2:40**

SALARY ASSIGNMENTS

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

SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2009

- Legislation overview, **1:2**
- Mortgage loan originators, **2:24**
- Overview, **1:2**

SECURITY INSTRUMENTS

- See also Liens
- Address change, **2:5**
- Format, **2:34**
- Salary assignments, **2:30**

SERVICING

- Acceleration, **2:16**
- Assumption of mortgage, **2:6**
- Deficiency judgments, **2:12**
- Due-on-sale clauses, **2:16**
- Escrows, **2:17**
 - attorney Rules of Professional Conduct, funds disbursements, **5:4**
- Fees, **2:18, 2:23**
- Foreclosures, **2:19**
- Insurance, **2:22**
- Late charges, **2:23**
- Payoff, **2:33**
- Practices, **2:35**
- Prepayment, **2:29**
- Record retention, regulation, **2:31**

SERVICING—Cont'd

Release, **2:33**

Tie-ins, **2:36**

Transfer, **2:37**

SETTLEMENT AGENT

Unauthorized practice of law, **2:9**

SIGNATURE REQUIREMENTS

Generally, **2:26**

SURETY BOND

Generally, **2:24**

TIE-INS

Insurance, **2:36**

TITLE INSURANCE

Fees and charges, **2:7, 2:18**

TRANSFERS

Assignments, witnesses, **2:5**

Assumption of mortgage, generally, **2:6**

Due-on-sale clauses

see Due-On-Sale Clauses

Notice, **2:37**

Recording, **2:5**

Servicing, **2:37**

TRUSTEES

Liens, **2:38**

TRUST FUNDS

Attorney Rules of Professional Conduct, funds disbursements, **5:4**

UNDERWRITING

Appraisals, **2:4**

Definition of underwriter, **2:7**

Discrimination, **2:14**

Insurance, **2:22**

title, **2:18**

Loan maximums, **2:41**

UNIQUE NMLS IDENTIFIER

Advertisements, **2:1**

Licensing, **2:24**

Mortgage loan brokers, **2:7**

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

UPDATES TO COMMISSIONER

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

USURY

See Interest

VA GOVERNMENT LOAN

Mortgage loan brokers, **2:7**

VIOLATIONS

Generally, **2:24**

Mortgage loan brokers, **2:7**

WAGE ASSIGNMENTS

Security, **2:30**

WEBSITES

Assets, reporting, **5:3**

Bank commissioner, **4:1**

Disclosure requirements, mortgage loan brokers, **5:3**

Loan volume, reporting, **5:3**

Mortgage loan brokers' operating regulations, **5:3**

NMLS, **1:2, 4:2**

Record retention, **2:31**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Broker, **2:7**

Foreclosure consultant, **2:19**

Good funds, **2:40**

Loan modification services, **2:7**

Loan processor or underwriter, **2:7**

Mortgage loan modification services, **2:7, 2:18, 2:24**

Mortgage loan modification services provider, **2:24**

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

WRIT OF SCIRE FACIAS

Foreclosure procedure, **2:19**

Index

ACCELERATION

- Due-on-sale clauses, **2:16**
- Prohibited loan terms, **2:30**

ADJUSTABLE RATE MORTGAGES

- See Interest

ADVERTISEMENTS

- generally, **2:1, 2:11**

AGENCY

- Notice of intent to foreclose, use of agent, **3:3**

ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT

- generally, **2:2**

ALTERNATIVE MORTGAGE TRANSACTIONS

- See Interest

APPLICATIONS

- Fees, **2:3**
- License
 - generally, **2:3**
 - form, **5:1**
- Loss mitigation, **2:19**

APPRAISALS

- generally, **2:4**
- Equal Credit Opportunity Act, copies of appraisal report to borrowers, **2:4**
- Real Estate Appraisers Act, **2:4**

ASSIGNMENTS

- See Transfers

ASSUMPTION OF MORTGAGE

- generally, **2:6**

ATTORNEY FEES

- Deed of trust, failure to release, **2:33**

BALLOON PAYMENTS

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

BRANCH OFFICES

- Licensing, **2:24**

BREACH OF DATA SECURITY

- Notification, **2:41**

BULLETINS

- DISB Bulletin 08-BB-01-2/28 on disclosure requirements for nonconventional residential mortgage, **5:8**
- DISB Bulletin 11-BB-02-06-11 on foreclosure mediation, **5:10**
- DISB Bulletin 22-BB-002-11/22/2022, **5:11**

BUSINESS NECESSITY

- Discrimination, **2:14**

CERTIFICATE OF SATISFACTION

Release of deed of trust, **2:33**

CERTIFICATION

Appraisers, **2:4**

CHANGE

Control, **2:8**

Location, **2:5, 2:8**

Name, **2:5, 2:8**

CHARGES

See Fees and Charges

CLEAN HANDS CERTIFICATION FORM

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

CLOSING

Disclosures, **2:9**

Document preparation, **2:15**

Marital rights, **2:26**

Plain English, **2:27**

Prepaid interest, **2:18**

Prohibited loan terms, **2:30**

Security instrument, **2:34**

Settlement statement, **2:9**

Trustees, **2:38**

Usury, **2:39**

Wet Settlement Act

see Wet Settlement Act

COLLATERAL-DEPENDENT LOANS

Alternative mortgage transactions, **2:2**

COMMITMENTS

generally, **2:10**

CONDOMINIUM ASSOCIATIONS LIENS

Foreclosure, **2:41, 3:4 to 3:6**

CONSUMER COMPLAINTS

Department of Insurance, Securities, and Banking, **2:11**

CONSUMER PROTECTION

Advertising, **2:1, 2:11**

Blank spaces, documents, **2:30**

Breach of data security, notification, **2:41**

Consumer Protection Procedures Act, **2:11**

Disclosures

see Disclosures

Escrow accounts

disclosures, **2:13**

federal preemption, **2:17, 5:5**

Fraud or false statements

see Fraud or Deceit

Mortgage Lender and Broker Act, **2:1**

Nontraditional mortgage guidance, **5:9**

Plain English, **2:27**

Predatory lending laws

see Home Loan Protection Act of 2002

CONSUMER PROTECTION—Cont'd

- Prepaid interest
 - corporation council opinion, **5:6**
 - odd-day, **5:6**
 - prohibition, **2:18**
 - Wet Settlement Act, **5:6**
- Private right of action, **2:11**
- Prohibited loan terms, **2:30**
- Subprime lending, **5:9**
- Tenants, right to possession, **3:1, 5:7**
- Truth in Lending Act, **2:13**
- Unfair trade practices, **2:11**
- Usury, **2:39**
- Wet Settlement Act, **5:6**

CONTROL

- Change, **2:8**

COVERED LOANS

- Predatory lending, **2:28**

CRIMINAL BACKGROUND CHECK

- Licensing, **2:7**

DAMAGES

- Wet Settlement Act, **2:40**

DATA SECURITY

- Notification of breach, **2:41**

DEEDS OF TRUST

- Power of sale clause, **2:19**
- Security instrument, **2:34**
- Trustee's duties, **2:38**

DEEMED PAYMENT

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

DEFAULT

- Curing default, **3:2**

DEFICIENCY JUDGMENTS

- See Foreclosure

DEFINITIONS

- See Words and Phrases

DEPARTMENT OF INSURANCE, SECURITIES, AND BANKING

- See Regulators and Regulatory Agencies

DISCLOSURES

- Adjustable rates, **2:13**
- Closing, **2:9**
- DISB Bulletin 08-BB-01-2/28, disclosure requirements for nonconventional residential mortgage, **5:8**
- DISB Bulletin 08-BB-01-5/08 on yield spread premiums, **2:13**
- Dual capacity of mortgage broker, **2:7**
- Escrows, **2:13**
- Financing statement, **2:13**
- Good faith estimate, **2:13**
- HUD-1 Settlement Statement, **2:13**
- Mortgage Lender and Broker Act, **2:24**

DISCLOSURES—Cont'd

Nonconventional mortgages, **1:2**
Nontraditional mortgage, **1:2, 5:8**
Payments, **2:13**
Predatory lending laws, **2:28**
Servicing, **2:35**
Servicing loans, **2:13**
Yield spread premium, **2:13**

DISCRIMINATION

generally, **2:14**

DOCUMENTS

Blank spaces, **2:30**
Deed of trust
 see Deeds of Trust
Disclosures, **2:13**
Marital rights, **2:26**
Plain English, **2:27**
Preparation, **2:15**
Prohibited loan terms, **2:30**
Record retention
 see Record Retention
Security instrument, **2:34**
Signature requirements, **2:26**
Trustees, **2:38**
Wet Settlement Act, **2:40**

DOMESTIC PARTNERSHIP EQUALITY AMENDMENT ACT OF 2006

Marital rights, **2:26, 2:34**
Security interests, **2:34**

DUAL CAPACITY

Referral fees, **2:32**

DUE-ON-SALE CLAUSES

generally
 see Transfers
Garn-St. Germain Depository Institutions Act, **2:16**

EQUAL CREDIT OPPORTUNITY ACT

Appraisal report, copies to borrowers, **2:4**

ESCROWS

Disclosures, **2:13**
Federal preemption, **2:17, 5:5**
Fees and charges, **2:18**
Mortgage Lender and Broker Act, **2:17**
Preemption of law
 court opinion, **5:5**
 Goudreau v. Standard Federal Savings and Loan Association, **5:5**
 HUD correspondence, **5:5**
Prohibited acts, **2:17**
Savings and loan associations, federal, **5:5**

EVICITION PROCEEDINGS

Valentine case, **3:1, 5:7**

EXCLUSIONS

Mortgage brokers, **2:7**

EXEMPTIONS

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

FALSE ADVERTISING

generally, **2:1, 2:11**

FANNIE MAE

Valentine case, **5:7**

FEDERAL SAFE ACT

Overview, **1:2**

FEES AND CHARGES

Applications, **2:3**
Attorney fees, **2:33**
Broker compensation restrictions, **2:7**
Broker fee restrictions, **2:7**
Classification, **2:18**
Commitment fees, **2:10**
Due-on-sale clauses, **2:16**
Escrow accounts, **2:18**
Interest Rate and Modification Act, **2:18**
Late charges, **2:23**
Licensing, **2:24**
Mortgage Lender and Broker Act, **2:18**
Mortgage Lenders, Mortgage Brokers and Mortgage Loan Originators Regulations, **2:17**
Origination fees, **2:18**
Prepayment penalties, **2:28, 2:29**
Referrals, **2:32**
Service charges, **2:18**
Surety bond, **2:24**
Usury, **2:18, 2:39**

FHA

Valentine case, **3:1, 5:7**

FINANCING AGREEMENTS

generally, **2:10**
Disclosures, **2:13**
Lock-ins, **2:25**

FORECLOSURE

Abusive servicing practices as defense, **2:19, 2:35**
Condominium associations liens, **2:41, 3:4 to 3:6**
Deficiency judgments, **2:12**
Discrimination, **2:14**
Home Equity Protection Act of 2007, **2:19**
Loss mitigation options, **2:19**
Mediation
Administrator, **2:19**
DISB Bulletin 11-BB-02-06-11, **5:10**
DISB Foreclosure Mediation Program FAQs, **5:10**
DISB Foreclosure Mediation Regulations, **5:10**
mediation program, general overview, **1:2**
websites, **2:19, 5:10**
Nonjudicial, **2:19**
Notice of default, **2:19**

FORECLOSURE—Cont'd

- Notice of intent to foreclose, address of noteholder, **3:3**
- Power of sale clauses, **2:19**
- Redemption, **2:19**
- Tenant's right of possession after foreclosure, **3:1, 5:7**
- Valentine case
 - see Veterans Administration

FORMS

- License application, **5:1**
- Mortgage disclosure form, **2:13**
- Mortgage Lender Annual Report Form, **5:3**
- Nationwide Mortgage Licensing System and Registry (NMLS), **5:1**
- Real estate broker, notice by mortgage broker acting as, **2:7**

FRAUD OR DECEIT

- False advertising, **2:1, 2:11**
- Material fact, misrepresentation, **2:11**

FREQUENCY

- Curing default, **3:2**

FREQUENTLY ASKED QUESTIONS

- DISB Foreclosure Mediation Program FAQs, **5:10**

FUTURE ADVANCES

- Presumption of validity, **2:20**

GARN-ST. GERMAIN DEPOSITORY INSTITUTIONS ACT

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

GOOD FAITH ESTIMATE

- Disclosures, **2:13**

GUIDANCE FOR EMPLOYEES WORKING REMOTELY

- DISB Bulletin 22-BB-002-11/22/2022, **5:11**

HEIGHTENED RISK MORTGAGES

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

HIGH-COST HOME LOANS

- See Home Loan Protection Act of 2002

HOME EQUITY PROTECTION ACT OF 2007

- Foreclosure, **2:19**

HOME LOAN PROTECTION ACT OF 2002

- generally, **1:2, 2:28**
- Covered loans, **2:28**
- Definitions, **2:28**
- Disclosures, **2:28**
- Discount points, **2:28**
- High-cost home loans, generally, **2:28**
- Investigation of ability to repay covered loan, **2:28**
- Origination points, **2:28**
- “Red Flag” disclosure requirements, **2:28**
- Repayment ability, **2:28**
- Single premium credit insurance, **2:28**
- Steering practices, **2:28**

HOME LOAN PROTECTION REGULATIONS

- Web site, **5:4**

HOMESTEAD

Homestead exemption, **2:21**

HUD-1 SETTLEMENT STATEMENT

Disclosures, **2:13**

INSURANCE

Department of Insurance, Securities, and Banking
see Regulators and Regulatory Agencies

Disclosures, **2:13**

Premiums, designation as interest, **2:18**

Private mortgage insurance, **2:22**

Single premium credit insurance, **2:28**

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

INTEREST

Adjustable rates, **2:2**

Alternative mortgage transactions, **2:2**

Discount points, **2:28**

Interest-only mortgages, **2:2**

Interest Rate and Modification Act, **2:18**

Late charges, **2:23**

Limitation, **2:39**

Lock-ins, **2:25**

Odd-day interest, collection, **5:6**

Origination fees, **2:18**

Payment-option adjustable rate mortgages, **2:2**

Points, **2:18, 2:28**

Predatory lending laws

see Home Loan Protection Act of 2002

Prepaid

odd-day, **5:6**

Wet Settlement Act, **5:6**

Prepayment penalties

see Prepayment Penalties

Usury

generally, **2:39**

fees, **2:18**

Variable rates, **2:2**

Waiver of rights, **2:30**

Wet Settlement Act

odd-day, **5:6**

prepaid interest, **5:6**

INTEREST RATE AND MODIFICATION ACT

Fees and charges, **2:18**

INTRODUCTORY (TEASER) INTEREST RATES

Alternative mortgage transactions, **2:2**

LATE CHARGES

generally, **2:23**

LEGISLATION

Alternative Mortgage Transactions Parity Act, **2:13**

Consumer Protection Procedures Act, **2:11**

Domestic Partnership Equality Amendment Act of 2006

see Domestic Partnership Equality Amendment Act of 2006

LEGISLATION—Cont'd

- Equal Credit Opportunity Act, **2:4**
- Federal SAFE Act, **1:2**
- Garn-St. Germain Depository Institutions Act, **2:16**
- Home Equity Protection Act of 2007, **2:19**
- Home Loan Protection Act
 - see Home Loan Protection Act of 2002
- Interest Rate and Modification Act, **2:18**
- Mortgage Lender and Broker Act
 - see Mortgage Lender and Broker Act
- Mortgage Lenders, Mortgage Brokers and Mortgage Loan Originators Regulations
 - see Mortgage Lenders, Mortgage Brokers and Mortgage Loan Originators Regulations
- Predatory lending laws
 - see Home Loan Protection Act of 2002
- Real Estate Appraisers Act, **2:4**
- Truth in Lending Act, **2:13**
- Wet Settlement Act
 - see Wet Settlement Act

LICENSING

- Annual report, **2:24**
 - form, **5:3**
- Application
 - see Applications
- Appraisers, **2:4**
- Background check, **2:24**
- Branch offices, **2:24**
- Capital requirements, **2:24**
- Dual authority, **2:24, 5:1**
- Education, **2:24**
- Examinations, **2:24**
- Exemptions, **2:24**
 - general discussion, **2:24**
- Expiration, **2:24**
- Fees, **2:24**
- Financing agreements, **2:13**
- Independent credit report, **2:24**
- Liquidity requirements, **2:24**
- Mortgage brokers
 - licensing under NMLS, **2:24**
- Mortgage Lender and Broker Act, **2:24**
- Mortgage lenders
 - licensing under NMLS, **2:24**
- Mortgage loan originators
 - clean hands certification form, **2:24**
 - licensing under NMLS, **2:24**
 - online licensing under NMLS, **2:24**
- Nationwide Mortgage Licensing System and Registry (NMLS), generally, **2:24**
- Net worth, **2:24**
- Renewal, **2:24**
- Resident agent, **2:24**
- Surety bond, **2:24**

LIENS

- Condominium associations liens, **2:41, 3:4 to 3:6**
- Future advances, **2:20**

LIENS—Cont'd

Marital rights, **2:26**

Tenant right to possession, **3:1**

LIQUIDITY AND CAPITAL REQUIREMENTS

Licensing, **2:24**

LOAN OFFICER

Definition, **2:7**

Unique NMLS identifier, **2:7**

LOAN ORIGINATION

See Mortgage loan originators

LOAN PROCESSING

See Processing

LOAN SALES

See Transfers

LOAN SERVICING

See Servicing

LOCATION

Change, **2:5, 2:8**

LOCK-INS

Interest rate, **2:25**

LOSS MITIGATION OPTIONS

Foreclosure, **2:19**

LOST NOTE AFFIDAVIT

Release of deed of trust, **2:33**

MANAGEMENT

Change, **2:8**

MEDIATION

See Foreclosure

MORTGAGE BROKERS

Application form, **5:1**

Appraisers and appraisals, **2:4**

Bonds

blanket bond, **2:24**

surety

see Surety Bond

Compensation restrictions, **2:7**

Conflict of interest, disclosure, **2:7**

Definition of mortgage broker, **2:7, 2:24**

Disclosures

see Disclosures

Dual capacity, disclosure, **2:7**

Exclusions, **2:7**

Fees

see Fees and Charges

Financing agreement, **2:13**

Licenses

see Licensing

Liquidity and capital requirements, **2:24**

Mortgage broker definition, **2:24**

MORTGAGE BROKERS—Cont'd

- Mortgage Lender and Broker Act, **2:7, 2:24**
- Mortgage Lenders, Mortgage Brokers and Mortgage Loan Originators regulations
 - generally, **2:7**
- Real estate broker, notice by mortgage broker acting as, **2:7**
- Record retention, **2:31**
- Referral fees, **2:32**
- Regulations
 - see Mortgage Lenders, Mortgage Brokers and Mortgage Loan Originators Regulations
- Surety bond
 - see Surety Bond
- Unique NMLS identifier, **2:7**

MORTGAGE LENDER AND BROKER ACT

- Advertisements, **2:1**
- Applications, **2:3**
- Closing practices, **2:9**
- Commitment requirements, **2:10**
- Consumer protection, **2:1**
- Disclosures, **2:13**
- Entities exempt from licensing and other requirements, **2:24**
- Escrows, **2:17**
- Fees and charges, **2:18**
- General overview, **1:2**
- HUD-1 Settlement Statements, **2:13**
- Licensing, **2:24**
- Overview, **1:2**
- Ownership restrictions, **2:8**
- Prohibited loan terms, **2:30**

MORTGAGE LENDERS

- Annual report, **2:24**
 - form, **5:3**
- Application form, **5:1**
- Application practices, **2:3**
- Appraisers and appraisals, **2:4**
- Bonds, **2:24**
- Definition of mortgage lender, **2:24**
- Financing agreements, **2:13, 2:25**
- Licenses
 - see Licensing
- Liquidity and capital requirements, **2:24**
- Lock-ins, **2:25**
- Mortgage Lender and Broker Act, **2:24**
- Mortgage lender definition, **2:24**
- Record retention, **2:31**
- Regulations
 - see Mortgage Lenders, Mortgage Brokers and Mortgage Loan Originators Regulations
- Surety bond, **2:24**
- Wet Settlement Act, obligations, **2:40**

MORTGAGE LENDERS, MORTGAGE BROKERS AND MORTGAGE LOAN ORIGINATORS REGULATIONS

- Generally, **2:7, 5:2**
- Fees and charges, **2:17, 2:18**
- Forms and regulatory material, **5:2**
- Text of regulations, **5:2**

**MORTGAGE LENDERS, MORTGAGE BROKERS AND MORTGAGE LOAN ORIGINATORS
REGULATIONS—Cont'd**

Website, **5:2**

MORTGAGE LOAN

Definition, **2:24**

MORTGAGE LOAN ORIGINATORS

Advertisements, **2:1**

Application form, **5:1**

Application practices, **2:3**

Appraisers and appraisals, **2:4**

Definition of mortgage loan originator, **2:24**

Disclosures, **2:13**

Discrimination, **2:14**

Fees and charges, **2:18, 2:28**

guidance for, DISB Bulletin 22-BB-002-11/22/2022, **5:11**

Home Loan Protection Act of 2002, origination fees, **2:28**

Licensing

see Licensing

Liquidity and capital requirements, **2:24**

Loan officer defined, **2:7**

Mortgage Lenders, Mortgage Brokers and Mortgage Loan Originators regulations
generally, **2:7**

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

Regulations

see Mortgage Lenders, Mortgage Brokers and Mortgage Loan Originators Regulations

Unique NMLS identifier, **2:7**

MORTGAGE LOAN SERVICING

See Servicing

NAME

Notification of change, **2:5, 2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Fees, **2:24**

Forms, **4:2, 5:1**

Licensing, generally, **2:24, 4:2**

Overview, **1:2**

Resource Center, **4:2**

Website, **2:7, 2:24, 4:2**

NONOWNER OCCUPIED INVESTOR LOANS

Alternative mortgage transactions, **2:2**

NONTRADITIONAL MORTGAGE GUIDANCE

Consumer protection, **5:9**

Department of Insurance, Securities, and Banking adoption of regulatory guidance, **2:2**

DISB Bulletin 08-BB-01-2/28, disclosure requirements for nonconventional residential mortgage, **5:8**

Disclosure of nonconventional mortgage, **1:2, 2:3, 5:8**

Subprime lending, **5:9**

NOTICES

Breach of data security, **2:41**

Change of name or address, **2:5, 2:8**

Dual capacity, mortgage broker, real estate broker or agent working as, **2:7**

Foreclosure, **2:19**

Transfer of loan, **2:37**

OFFICE OF HUMAN RIGHTS

Discrimination, **2:14**

OWNERSHIP

Mortgage Lender and Brokers Act, **2:8**

Wet Settlement Act, obligations, **2:40**

PAYMENT

Electronic transfer of funds, confirmation of receipt, **2:33**

PAYOFF

Electronic transfer of funds, confirmation of receipt, **2:33**

Requirements, **2:33**

PENALTIES

Deed of trust, failure to release, **2:33**

Fees and charges, violation of provisions, **2:18**

Prepayment penalties

see Prepayment Penalties

Usury, **2:39**

Wet Settlement Act, failure to comply with, **2:40**

POINTS

Fees and charges, **2:18**

POWER OF SALE

Foreclosures, **2:19**

PREDATORY LENDING LAWS

See Home Loan Protection Act of 2002

PREEMPTION

Escrow accounts, **5:5**

PREPAID INTEREST

See Interest

PREPAYMENT PENALTIES

generally, **2:29**

Home Loan Protection Act of 2002, **2:28**

PRIORITY

Condominium associations liens, **2:41**

PRIVATE ACTIONS

Consumer protection, **2:11**

Discrimination, **2:14**

Origination fees, **2:18**

Wet Settlement Act, **2:40**

PROCESSING

Definition of loan processor or underwriter, **2:7**

Discrimination, **2:14**

Marital rights, **2:26**

Redlining, **2:14**

Signature requirements, **2:26**

REAL ESTATE AGENT OR BROKER

Dual capacity of mortgage broker, disclosure, **2:7**

RECORDER OF DEEDS

Notice of name or address change, **2:5**

RECORDING

- Acknowledgment, **2:34**
- Assignment of mortgage, **2:5**
- Assignment of mortgage or deed of trust, **2:5**
- Deed of trust, **2:34**
- Mortgage assignments, **2:5**
- Name and address of transferee, change, **2:5**
- Payoff, **2:33**
- Release, **2:33**
- Security instrument, **2:34**
- Settlement agents, **2:40**
- Wet Settlement Act, **2:40**

RECORD RETENTION

- Licensee's loan records, **2:24**
- Location other than place of business, **2:31**
- Servicing, **2:31**

REDEMPTION RIGHT

- Foreclosure, **2:19**

“RED FLAG”

- Home Loan Protection Act, disclosure requirements, **2:28**

REDLINING

- Discrimination, **2:14**

REFERRAL FEES

- generally, **2:32**

REGULATORS AND REGULATORY AGENCIES

- Commissioner of Department of Insurance, Securities, and Banking
 - website, **4:1**
- Commission on Human Rights, **2:14**
- Department of Insurance, Securities, and Banking
 - address, **4:1**
 - administration of licensing, **1:2**
 - Commissioner, generally, **4:1**
 - consumer complaints, **2:11**
 - DISB Bulletin 08-BB-01-2/28 on disclosure requirements for nonconventional residential mortgage, **2:13, 5:8**
 - DISB Bulletin 08-BB-01-5/08 on yield spread premiums, **2:13**
 - DISB Bulletin 11-BB-02-06-11 on foreclosure mediation, **5:10**
 - DISB Bulletin 22-BB-002-11/22/2022, **5:11**
 - DISB Foreclosure Mediation Program FAQs, **5:10**
 - DISB Foreclosure Mediation Regulations, **5:10**
 - disclosure requirements for nonconventional residential mortgage, **5:8**
 - licensing, **2:24**
 - nontraditional mortgage guidance, **5:9**
 - subprime lending statement, **5:9**
 - telephone number, **4:1**
 - updating changed information, **2:8**
 - websites, **2:25, 4:1, 5:2**
- Licensing under NMLS
 - see Nationwide Mortgage Licensing System and Registry (NMLS)
- Office of Human Rights, **2:14**
- Regulations
 - see Mortgage Lenders, Mortgage Brokers and Mortgage Loan Originators Regulations

RELEASE

Requirements, **2:33**

RENEWAL

generally, **2:24**

RESIDENT AGENT

Licensing, **2:24**

RISK LAYERING

Alternative mortgage transactions, **2:2**

SECURITY INSTRUMENT

Generally, **2:34**

SECURITY OF DATA

Notification of breach, **2:41**

SERVICING

Disclosures, **2:13, 2:35**

Federal law, **2:37**

Fees and charges, **2:18**

Foreclosure, **2:19**

Licensing, **2:24**

Record retention, **2:31**

Redemption, **2:19**

Release, **2:33**

Transfers, **2:37**

SETTLEMENT AGENTS

Wet Settlement Act, obligations, **2:40**

SIGNATURE REQUIREMENTS

Generally, **2:26**

SIGNATURES REQUIREMENTS

Document preparation, **2:15**

SIMULTANEOUS SECOND LIEN LOANS

Alternative mortgage transactions, **2:2**

STATUTES

See Legislation

STEERING PRACTICES

Home Loan Protection Act, disclosure requirements, **2:28**

SUBPRIME LENDING

Nontraditional mortgage guidance, **5:9**

SURETY BOND

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

Licensing, **2:24**

SURVIVORSHIP

Trustees, **2:38**

TENANCY IN COMMON

Domestic Partnership Equality Amendment Act of 2006, **2:26**

TENANTS

Foreclosure, right of possession after, **3:1, 5:7**

TIE-INS

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

TRANSFERS

Assumption of mortgage, **2:6**

Deed of trust assignment, **2:5**

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

Federal law, **2:37**

Home Loan Protection Act of 2002, assignee liability, **2:28**

Mortgage assignments, **2:5**

Home Loan Protection Act of 2002, assignee liability, **2:28**

Notice, **2:37**

Notice of name or address change, **2:5**

Recording, **2:5**

Servicing, **2:37**

TRUST DEEDS

See Deeds of Trust

TRUSTEES

Duties, **2:38**

TRUTH IN LENDING ACT

Disclosures, **2:13**

UNDERWRITING

Commitments, **2:10**

Definition of loan processor or underwriter, **2:7**

Mortgage Lender and Broker Act, **2:10**

UPDATING CHANGED INFORMATION

Department of Insurance, Securities, and Banking, **2:8**

USURY

generally, **2:39**

fees, **2:18**

VETERANS ADMINISTRATION

Valentine case, rights of tenants against foreclosing lenders

generally, **3:1**

text of opinion, **5:7**

WAIVER

Acceleration clause, **2:30**

Interest and usury rights, **2:30**

WEBSITES

Department of Insurance, Securities, and Banking, **2:25, 4:1, 5:2**

Foreclosure mediation process, **2:19, 5:10**

Home loan protection regulations, **5:4**

Nationwide Mortgage Licensing System and Registry (NMLS), **2:7, 2:24, 4:2**

WET SETTLEMENT ACT

Closing, **2:9**

Lenders, **2:40**

Odd-day, **5:6**

Owners, **2:40**

Penalties, **2:40**

Prepaid interest, **5:6**

Settlement agents, **2:40**

Transactions covered, **2:40**

WORDS AND PHRASES

Commitment, **2:10**
Covered loan, **2:28**
Domestic partner, **2:26**
Financing agreement, **2:25**
Loan officer defined, **2:7**
Loan processor or underwriter, **2:7**
Mortgage broker, **2:7, 2:24**
Mortgage lender, **2:24**
Mortgage loan, **2:24**
Mortgage loan originator, **2:7, 2:24**
Point, **2:18**
Registered loan officer, **2:7**

YIELD SPREAD PREMIUMS

Disclosures, **2:13**

Index

ACCELERATION

Generally, **2:16**

ADJUSTABLE RATE MORTGAGES

Generally, **2:2**

ADVERTISEMENTS

Generally, **2:1**

AFFIDAVIT

Date of default, **2:19**

Release of mortgage, **2:33**

AFFILIATED BUSINESS ARRANGEMENTS

Commissioner of Financial Institutions Advisory Notice, **2:32**

AFFILIATED INSURANCE PRODUCER-MORTGAGE LOAN ORIGINATOR

Licensing, **5:1**

AGENT

Designation of insurance agent, **2:22**

ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT

Generally, **2:2**

ALTERNATIVE MORTGAGE TRANSACTIONS

See Interest

APPLICATIONS

Disclosures, **2:3**

Duty of reasonable care, **3:1**

Financing agreement, **2:3**

Lock-ins, **2:25**

Mortgage lenders, **2:3**

Originators

see Mortgage loan originators

APPRAISALS

See also Underwriting

Copy to borrower, **2:4**

ASSIGNMENT OF MORTGAGE

Recording, **2:5**

Transfers, **2:5**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

ATTORNEY GENERAL

See Regulators and Regulatory Agencies

ATTORNEYS FEES

Limitations, **2:18**

AUTOMATIC TERMINATION

Liens, **2:33**

BRANCH OFFICES

Licensing, **2:24**

CALL REPORTS

Record retention, **2:31**

CERTIFICATE OF SATISFACTION

Release of mortgage, **2:33**

CERTIFIED CHECK

Servicer's right to require, **3:2**

CERTIFIED MAIL DELIVERY

Foreclosure notice, **3:3**

CHANGE

Control, **2:8**

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

Location, **2:8**

Management, **2:8**

Name, **2:8**

CHARGES

See Fees and Charges

CLOSING

Deductions, **2:40**

Disbursements, **2:40**

Document preparation, **2:15**

Fees, **2:18**

Referral fees, **2:32**

RESPA preemption, **5:2**

Settlement

disclosures, **2:13**

fees, **2:13**

services, **2:9**

Wet Settlement Act, **2:40**

COMMISSIONER OF FINANCIAL REGULATION

See Regulators and Regulatory Agencies

COMMITMENTS

Generally, **2:10**

Disclosures, **2:10**

Financing agreements, **2:10**

Requirements, **2:25**

CONSUMER FINANCIAL PROTECTION BUREAU

Mortgage assistance relief providers, **1:2**

CONSUMER PROTECTION

See also Private Actions

Attorney General, **2:11**

Consumer Protection Act, **2:11**

Deceptive trade practices, **2:11**

Designation of contact for consumer complaints, **2:11**

Disclosures, **2:13**

application processing, **2:3**

lock-ins, **2:25**

predatory loan laws, **2:28**

residential property disclosure statement, **2:41**

CONSUMER PROTECTION—Cont'd

- Disclosures, **2:13**—Cont'd
 - servicer notice obligations, **2:35**
- Discrimination, **2:14**
- Division of Office of Consumer Protection, enforcement, **2:11**
- Escrows, **2:17**
- Fraud or deceit
 - see Fraud or Deceit
- Insurance, **2:22**
- Lock-in agreements, **2:25**
- Mortgage Fraud Protection Act, **2:11**
- Net tangible benefits worksheet, **2:11**
- Office of Consumer Protection, **2:11**
- Predatory loans
 - see Predatory Lending Laws
- Prohibited loan terms, **2:30**
- Unfair or deceptive trade practice, **2:11**
- Wet Settlement Act, **2:40**

CONTINUING EDUCATION

- Licensing, generally, **2:24**

CONTROL

- Change, **2:8**

COVERED EMPLOYEE

- Definition, **2:24**
- Licensing, **2:24**

COVERED LOANS

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

DEEDS OF TRUST

- Certificate of preparation, **2:15**
- Recordation, **2:15**
- Release methods, **2:33**
- Release of deed of trust, fee, **2:18**
- Security instrument, **2:34**
- Trustee's duties
 - see Trustees

DEFICIENCY JUDGMENTS

- See Foreclosure

DEFINITIONS

- See Words and Phrases

DISCLOSURES

- Generally, **2:13**
- Application processing, **2:3**
- Foreclosure, **2:19**
- Insurance, **2:22**
- Lock-ins, **2:25**
- Predatory loan laws, **2:28**
- Preforeclosure, **1:2**
- Residential property disclosure statement, **2:41**
- Servicer notice obligations, **2:35**

DISCRIMINATION

- Protection against, **2:14**

DOCUMENTS

- Blanks after execution, **2:9**
- Deeds of trust
 - see Deeds of Trust
- Document review fee, **2:18**
- Plain English, **2:27**
- Preparation, **2:15, 5:4**
- Recordation requirements
 - see Recording
- Record retention, **2:31**
- Release of mortgage, **2:33**
- Reporting requirements of servicer, **2:35**
- Return, **2:9**
- Security instruments, **2:34**
- Signature requirements of spouses, **2:26**
- Trustees, identification, **2:38**

DOWER AND CURTESY

- Abolishment, **2:26**

DUE-ON-SALE CLAUSES

- Generally, **2:16**

DUE PROCESS

- Mail delivery of foreclosure notice, **3:3**

DUTY OF GOOD FAITH AND FAIR DEALING

- Mortgage loan originators, **2:11**

EDUCATION

- Continuing education, **2:24, 5:1**
- Licensing
 - continuing education requirement, **2:24, 5:1**

ENDORSEMENT

- Release of mortgage, **2:33**

EQUAL CREDIT OPPORTUNITY ACT

- Generally, **2:14**

ESCROWS

- Fees and charges, **2:17, 2:18**
- Insurance, timely payment, **2:17**
- Interest calculation, **2:17**
- Segregation of funds, **2:17**
- Servicing, **2:17**
- Taxes, timely payment, **2:17**

EXEMPT COMPANY

- Registration, **2:24**

EXEMPTIONS

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

FEDERAL SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008

- Legislation overview, **1:2**
- Licensing, **1:2**

FEES AND CHARGES

- Agreements, **2:18**

FEES AND CHARGES—Cont'd

- Applications, broker fees, **2:7**
- Appraisal management company registration, **2:4**
- Assumption of mortgage, **2:6**
- Attorneys fees, **2:18**
- Disclosures, **2:13**
- Document preparation and review, **2:15**
- Document review services, **2:18**
- Escrows, **2:17, 2:18**
- Finders fees, **2:18**
- Inspection fees, **2:18**
- Late charges, **2:23**
- Lender's inspection fee, **2:18**
- License fees, **2:24**
- Mortgage brokers, **2:7**
- Prepayment, **2:29**
- Referral fees
 - see Referral Fees
- Release of deed of trust, **2:18**
- Settlement, **2:9, 2:18**

FINANCIAL INSTITUTIONS CODE

- Amendment of licensing provisions, **1:2**

FINANCIAL REGULATION COMMISSIONER

- See Regulators and Regulatory Agencies

FINANCIAL STATEMENTS

- License renewal requirement, **5:1**

FINANCING AGREEMENT

- Application practices, **2:3**
- Disclosures, **2:13**

FLIPPING

- Civil fraud, **2:4**

FORECLOSED PROPERTY REGISTRY

- Internet-based registry, **2:19**

FORECLOSURE

- Challenge to foreclosure sale, **2:19**
- Deficiency judgments, **2:12**
- Disclosures, **2:19**
- Foreclosed property registry of Department of Labor, Licensing, and Regulation, **2:19**
- Fraud or deceit, **2:19**
- Loss mitigation, **1:2**
 - consumer protection, **2:11**
 - deficiency judgments, **2:12**
- Mail delivery of notice, **3:3**
- Mediation processes, **1:2**
- Mortgage Assistance Relief Service, **2:19**
- Notice of intent, **2:19, 3:3**
- Occupants, notice to, **2:19**
- Power of sale, **2:19**
- Preforeclosure disclosures, **1:2**
- Procedure, **2:19**
- Registry of Foreclosed Property, **2:19**
- Service of complaint, **2:19**

FORMAT

Recording instruments, **2:15**

FORMS

Affiliated insurance producer-mortgage loan originator license, **5:1**

Exempt mortgage lender company registration, **5:1**

Lender license, **5:1**

Loan documents prepared by lender, opinion of Attorney General regarding, **5:4**

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

Originator license, **5:1**

FRAUD OR DECEIT

Advertising, **2:1**

Commercial loan, false characterization, **2:3, 2:41**

Deceptive trade practices, **2:11**

Flipping, civil fraud, **2:4**

Foreclosure, **2:19**

Mortgage fraud, **1:2, 2:11**

Mortgage Fraud Protection Act, **1:2, 2:11**

FUTURE ADVANCES

Generally, **2:20**

GEOGRAPHIC AREA OR NEIGHBORHOOD

Discrimination, **2:14**

GUIDANCE

Nontraditional mortgage products, **2:2**

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

HIGH-COST LOANS

See Predatory Lending Laws

HOME OWNERS EQUAL PROTECTION ACT

Generally, **2:28**

HOMESTEAD

Homestead exemption, **2:21**

HOUSING

Discrimination, **2:14**

INDEPENDENT CONTRACTORS

Licensing, **2:24**

INSURANCE

Binders, **2:22**

Disclosures, **2:10, 2:22**

Escrow accounts, **2:17**

Excess, **2:22**

Mortgage insurance, **2:22**

Predatory lending practices, prohibition of financing single premium coverages in conjunction with, **2:28**

Replacement value, **2:22**

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

Title insurance, referrals, **2:9**

INTEREST

Adjustable rate mortgages, **2:2**

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

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

Disbursement violations, **2:40**

MARYLAND INDEX

INTEREST—Cont'd

- Escrow accounts, **2:17**
- Late charges, **2:23**
- Lock-ins
 - see Lock-Ins
- Prepayment penalties, **2:29**
- Stated rate, **2:25**
- Usury
 - see Usury
- Variable rate mortgages, **2:2**

INTERNET

- See also Websites
- Foreclosure property registry, **2:19**
- Online NMLS forms, **4:2, 5:1**

INVESTIGATION

- Consumer complaints, **2:11**

KICKBACKS

- Prohibited activities, **2:32, 5:2**

LATE CHARGES

- Generally, **2:23**

LEGISLATION

- Alternative Mortgage Transaction Parity Act, **2:2**
- Consumer Protection Act, **2:11**
- Credit Regulations (Title 12), **1:2**
- Disclosure of Condition of Property Law, **2:13**
- Discrimination in Housing Law, **2:14**
- Equal Credit Opportunity Act, **2:14**
- Federal Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, **1:2**
- Financial Institutions Code, **1:2**
- Home Owners Equal Protection Act, **2:28**
- Mini-RESPA anti-kickback statute, referral fees, **2:32**
- Mortgage Assistance Relief Services Act, **1:2, 2:19**
- Mortgage Fraud Protection Act, **1:2, 2:11**
- Mortgage Lender Law, **1:2, 2:24**
 - record retention, **2:31**
- Mortgage Loan Originators Act, **2:24**
- Mortgage Originators Act, **1:2, 2:24**
- National Bank Act, preemption of Maryland law restricting prepayment fees, **2:29**
- Predatory lending
 - see Predatory Lending Laws
- Protection of Homeowners in Foreclosure Act, **2:19**
- Real Estate Appraisers Act, **2:4**
- Reverse Mortgage Loan Act, **2:2**
- Truth in Lending Act, **2:13**
- Wet Settlement Act, **2:40**

LICENSING

- Advisory notice, Commissioner of Financial Regulation, **5:3**
- Branch offices, **2:24**
- Continuing education requirement, **2:24**
- Covered employee, **2:24**
- Division of Financial Regulation, **2:24**

LICENSING—Cont'd

- Education, **2:24**
- Eligibility, **2:24**
- Examinations, **2:24**
- Exemptions, **2:24**
- Expedited licensing, waiver of state criminal history records check, **1:2**
- Experience, **2:24**
- Federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, **1:2**
- Fees, **2:24**
- Forms, **4:2, 5:1**
- History, **1:2**
- Independent contractors, **2:24**
- Lender license renewal requirements, **5:1**
- Loan servicers, **2:24**
- Mortgage Lender Law, **2:24**
- Mortgage loan originators, **2:24**
- Mortgage Loan Originators Act, **2:24**
- Mortgage Originators Act, **2:24**
- NMLS
 - see Nationwide Mortgage Licensing System and Registry (NMLS)
- Penalties for violations, **2:24**
- Qualifications, **2:24**
- Record retention by licensee, **2:31**
- Regulators and regulatory agencies
 - see Regulators and Regulatory Agencies
- Renewal, **2:24, 5:1**
- Requirements, **2:24**
- Revocation, **2:24**
- Security instrument to contain license number of lender or originator, **2:34**
- Servicers, **2:24**
- Surety bond, **2:24**
- Unlicensed brokers, **2:7**
- Unlicensed lenders, **2:7**
- Violations, **2:24**

LIENS

- Automatic termination, **2:33**
- Escrow advances, **2:20**
- Future advances, **2:20**
- Payoff, **2:33**
- Release, **2:33**
- Termination, **2:33**

LOAN APPROVALS

- See Underwriting

LOAN COMMITMENTS

- Generally, **2:10**

LOAN ORIGINATION

- See Mortgage loan originators

LOAN PROCESSING

- See Processing

LOAN SALES

- See Transfers

MARYLAND INDEX

LOAN SERVICING

See Servicing

LOCATION

Change, **2:8**

LOCK-INS

Disclosures, **2:25**

LOSS MITIGATION

See Foreclosure

MAIL DELIVERY

Foreclosure notice, **3:3**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

Enforcement, security instrument, tenants by the entirety, **3:4**

MEDIATION

Preforeclosure, **2:19**

MORTGAGE ASSISTANCE RELIEF PROVIDERS

Consumer financial protection, **1:2**

MORTGAGE ASSISTANCE RELIEF SERVICES

Enforcement, **2:19**

MORTGAGE BANKERS

Advertisements, **2:1**

MORTGAGE BROKERS

Advertising, **2:1**

Commissions, **2:7**

Definition of mortgage broker, **2:7**

Disclosures, **2:7**

Exclusive agencies, **2:7**

Fees, **2:7**

Licensing

see Nationwide Mortgage Licensing System and Registry (NMLS)

Minimum net worth, **2:24**

Penalties for violation of licensing laws, **2:24**

Record retention, **2:31**

Responsibility for its loan originators, **2:7**

Restrictions on brokerage activity, **2:7**

Surety bond, **2:24**

MORTGAGE FRAUD PROTECTION ACT

Generally, **2:11**

MORTGAGE LENDER LAW

Licensing, **2:24**

Overview, **1:2**

MORTGAGE LENDERS

Applications, **2:3**

Branch office licensing, **2:24**

Broker fees, **2:7**

Definition, **2:24**

MORTGAGE LENDERS—Cont'd

- Discrimination, **2:14**
- Examinations, **2:24**
- Exemptions, **2:24**
- Insurance binders, **2:22**
- Licensing
 - see Nationwide Mortgage Licensing System and Registry (NMLS)
- Minimum net worth, **2:24**
- Mortgage lender, defined, **2:24**
- Net tangible benefits worksheet, **2:11**
- NMLS
 - see Nationwide Mortgage Licensing System and Registry (NMLS)
- Preparation of mortgage loan document by lender, opinion of Attorney General regarding, **5:4**
- Record retention, **2:31**
- Registration of exempt lender company, **5:1**
- Security instrument to contain name and license number of lender, **2:34**
- Surety bond, **2:24**
- Unlicensed, **2:7**

MORTGAGE LOAN ORIGINATORS

- Adjustable rate mortgages, **2:2**
- Applications, negligence, **3:1**
- Appraiser's independent judgment, attempt to influence, **2:4**
- Commercial loan, false characterization, **2:3, 2:41**
- Definition of mortgage loan originator, **2:7, 2:24**
- Duty of good faith and fair dealing, **2:11**
- Duty of reasonable care in handling applications, **3:1**
- Education, **2:24**
- Licensing
 - see Nationwide Mortgage Licensing System and Registry (NMLS)
- Lock-in agreements, disclosures, **2:25**
- Mortgage loan originator defined, **2:7**
- Security instrument to contain name and license number of originator, **2:34**
- Surety bond, **2:24**
- Unique NMLS identifier, **2:24**

MORTGAGE REGULATIONS

- Prohibited loan terms, **2:30**
- Records content and retention, **2:31**

NAME

- Change, **2:8**
- Security instrument to contain name of lender or originator, **2:34**

NATIONAL BANK ACT

- Prepayment provisions, preemption, **2:29**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

- Forms, **4:2, 5:1**
- Licensing, generally
 - affiliated insurance producer-mortgage loan originator, **5:1**
 - form, **5:1**
 - loan servicers, **2:24**
 - mortgage brokers, **1:2, 2:24, 4:2**
 - mortgage company, **4:2**
 - mortgage lenders, **1:2**
 - lender license renewal requirements, **5:1**
 - Mortgage Lender Law, **2:24**

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

- Licensing, generally—Cont'd
 - mortgage lenders, **1:2**—Cont'd
 - security instrument to contain license number of lender or originator, **2:34**
 - mortgage loan originators, **1:2, 2:24, 4:2, 5:1**
 - affiliated insurance producer-mortgage loan originator, **5:1**
 - requirements, **2:24**
 - requirements, **4:2**
 - servicers, **2:24**
 - unique identifier for licensee, **2:24**
- Online mortgage licensing, generally, **1:2**
- Quarterly call reports, **2:31**
- Resource Center, **4:2**
- Website, **4:2**

NEIGHBORHOOD OR GEOGRAPHIC AREA

- Discrimination, **2:14**

NET TANGIBLE BENEFITS WORKSHEET

- Consumer protection, **2:11**
- Form, Commissioner's website, **2:11**
- Mortgage lenders, **2:11**

NONTRADITIONAL MORTGAGE PRODUCTS

- Adoption of guidance, **2:2**
- Commissioner of Financial Regulation, adoption of Guidance, **2:2**

NOTICES

- See also Disclosures
- Advisory notices by Commissioner of Financial Regulation
 - see Regulators and Regulatory Agencies
- Foreclosure, **3:3**
- Intent to foreclose, **2:19**
- Licensee/business advisory notices, **5:3**
- Servicing, annual notice to consumers of payments and balance, **2:35**
- Transfer of servicing, **2:37**

ORIGINATORS

- See Mortgage loan originators

PAYOFF

- Requirements, **2:33**

PLAIN ENGLISH

- Documents, **2:27**

POWER OF SALE

- See Foreclosure

PREDATORY LENDING LAWS

- Generally, **2:28**
- Commissioner of Financial Regulation, regulatory guidance, **2:28**
- Covered loans, **2:28**
- High-cost home loans, overview, **1:2**
- Home Owners Equal Protection Act, **2:28**
- Income level, **2:28**
- Insurance, prohibition of offering single premium, **2:28**
- Repayment ability standards, **2:28**

PREEMPTION

Prepayment provisions, National Bank Act, **2:29**

PREPAYMENT PENALTIES

Generally, **2:29**

PRIORITY OF LIEN

Future advances, **2:20**

PRIVATE ACTIONS

See also Consumer Protection

Deceptive trade practices, **2:11**

Lock-in agreements, failure to honor, **3:1**

Negligent loan processing, **3:1**

Unfair trade practices, **2:11**

PROCESSING

Discrimination, **2:14**

Marital rights, **2:26**

Mortgage loan processor or underwriter defined, **2:24**

REAL ESTATE APPRAISAL MANAGEMENT COMPANIES

Registration, **2:4**

REAL ESTATE APPRAISERS ACT

Generally, **2:4**

RECORDING

Assignment of mortgages, **2:5**

Deeds of trust, **2:15**

Formatting of instruments, **2:15**

Recordation requirements, **2:15**

Release of mortgage, **2:33**

Requirements, **2:15**

Transfers, **2:5**

RECORD RETENTION

Generally, **2:31**

Place or location, **2:31**

Quarterly call reports filed with NMLS, **2:31**

REFERRAL FEES

Generally, **2:32**

RESPA preemption, **5:2**

REFINANCING

Mortgage loan originator duty to recommend, **2:11**

REGISTRATION

Exempt lender company, **2:24, 5:1**

Nonresident corporations, **2:24**

Nonresident corporations, registration with Department of Assessments and Taxation, **2:24**

Real estate appraisal management companies, **2:4**

REGULATIONS

Code of Maryland Regulations, **4:1**

Fees and charges, **2:18**

REGULATORS AND REGULATORY AGENCIES

See also Licensing

Attorney General

consumer protection, **2:11**

REGULATORS AND REGULATORY AGENCIES—Cont'd

Attorney General—Cont'd

Division of Office of Consumer Protection of Office of Attorney General, **2:11**

enforcement of Mortgage Assistance Relief Services Act, **2:19**

opinions

preparation of mortgage loan documents by lender, **5:4**

RESPA preemption of anti-kickback law, **2:32, 5:2**

Authority, **2:24**

Code of Maryland Regulations (COMAR), **4:1**

Commissioner of Financial Regulation

address and telephone, **4:1**

Advisory Notice on affiliated business arrangements, **2:32**

appointment, **4:1**

covered loans, regulatory guidance, **2:28**

enforcement of Mortgage Assistance Relief Services Act, **2:19**

foreclosure of residential property, rules, **2:19**

investigation of consumer complaints, **2:11**

licensee/business advisory notices, **5:3**

licensing, **1:2, 2:24**

nontraditional mortgage products guidance, adoption, **2:2**

overview, **1:2**

statement on subprime mortgage lending, adoption, **2:2**

website, **4:1**

Commission of Real Estate Appraisers, **2:4**

Department of Assessments and Taxation, registration of foreign corporations, **2:24**

Department of Consumer Credit, **2:13**

Department of Labor, Licensing and Regulation

generally, **4:1**

foreclosed property registry, **2:19**

licensee/business advisory notices, **5:3**

Division of Financial Regulation, licensing, **2:24**

Division of Office of Consumer Protection of Office of Attorney General, **2:11**

Maryland Human Relations Commission, **2:14**

NMLS

forms, **4:2**

licensing requirements, **4:2**

website, **4:2**

Office of Administrative Hearings, preforeclosure mediation, **2:19**

Office of Consumer Protection, **2:11**

RELEASE

Requirements, **2:33**

RENEWAL

Generally, **2:24**

REPAYMENT ABILITY STANDARDS

Predatory lending laws, **2:28**

REPLACEMENT VALUE

Insurance, **2:22**

REPORTING

Servicer reporting requirements, **2:35**

SECURITY INSTRUMENTS

Generally, **2:34**

SERVICING

- Acceleration, **2:16**
- Annual notices to consumers of payments and balance, **2:35**
- Assumption of mortgage, **2:6**
- Certified checks requirement, **2:35, 3:2**
- Commercial loan, false characterization, **2:3, 2:41**
- Disclosures, **2:35**
- Due-on-sale clauses, **2:16**
- Escrows, **2:17**
- Fees and charges, **2:18**
- Foreclosures, **2:12**
- Individual loan servicer defined, **2:24**
- License requirements, **2:24**
- Mortgage servicer defined, **2:24**
- Notice obligations, **2:35**
- Notice of transfers, **2:37**
- Payoff, **2:33**
- Record retention, **2:31**
- Reporting requirements, **2:35**
- Transfers, **2:37**

SHORT SALE NEGOTIATION SERVICES

- Mortgage assistance relief, **2:19**

SIGNATURES

- Generally, **2:26**
- Enforcement, security instrument, tenants by the entirety, **3:4**

SPOUSES

- Enforcement, security instrument, tenants by the entirety, **3:4**
- Marital rights, **2:26**

SUBPRIME MORTGAGE LENDING

- Adoption of Statement by Commissioner of Financial Regulation, **2:2**
- Commissioner of Financial Regulation, adoption of Statement, **2:2**

SURETY BOND

- Generally, **2:24**

TAXES

- Escrows, **2:17**

TENANTS BY THE ENTIRETY

- Enforcement, security instrument, **3:4**

TIE-INS

- Attorneys, **2:9, 2:36**
- Insurance, **2:22, 2:36**
- Title insurance, **2:9, 2:36**

TITLE INSURANCE

- Referrals, **2:9**

TOLL-FREE TELEPHONE NUMBER

- Servicers, **2:35**

TRANSFERS

- Assignment of mortgages, **2:5**
- Assumption of mortgage, **2:6**
- Disclosures, **2:37**
- Due-on-sale clauses, **2:16**

MARYLAND INDEX

TRANSFERS—Cont'd

- Escrow accounts, right to interest, **2:17**
- Marital rights, **2:26**
- Recordation requirements, **2:5**
- Servicing, **2:37**

TRUST DEEDS

- See Deeds of Trust

TRUSTEES

- Corporations, **2:38**
- Foreclosure by, **2:38**
- Identification, **2:38**
- Natural person requirement, **2:38**
- Residence, **2:38**

TRUTH IN LENDING ACT

- Disclosures, **2:13**

UNAUTHORIZED PRACTICE OF LAW

- Loan documents prepared by lender, opinion of Attorney General regarding, **5:4**

UNDERWRITING

- Application processing, **2:3**
- Appraisals
 - broker fees, **2:7**
 - Real Estate Appraisers Act, **2:4**
- Broker fees, **2:7**
- Commitments, **2:10**
- High-cost home loans, **1:2**
- Inspection fees, **2:18**
- Mortgage loan processor or underwriter defined, **2:24**
- Negligence, **3:1**
- Overview, **1:2**

USURY

- Federal Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Federal preemption, generally, **2:39**
- Government loans, **2:39**
- Late charges, **2:23**

VALUE

- Insurance, replacement value, **2:22**

WAIVER

- Homestead exemption, **2:21**
- Prohibited loan terms, **2:30**

WEBSITES

- Commissioner of Financial Regulation, **4:1**
- Department of Labor, Licensing and Regulations
 - licensee/business advisory notices, **5:3**
- License application and surety bond, instruction and on-line completion, **5:1**
- NMLS, **4:2**

WET SETTLEMENT ACT

- Closing, **2:40**
- Disclosures, **2:40**

WORDS AND PHRASES

- Advertisement, **2:1**

WORDS AND PHRASES—Cont'd

Change of control, **2:8**
Clerical or support duties, **2:24**
Covered employee, **2:24**
Covered loan, **2:28**
Individual loan servicer, **2:24**
Interest, **2:39**
Lending institution, **2:17**
Mortgage Assistance Relief Services, **2:19**
Mortgage broker, **2:7**
Mortgage lender, **2:24**
Mortgage loan, **2:24**
Mortgage loan originator, **2:7, 2:24**
Mortgage loan processor or underwriter, **2:24**
Mortgage servicer, **2:24**
Practice of law, **5:4**
Residential real estate transaction, **2:14**
Unfair or deceptive trade practice, **2:11**

Index

ACCELERATION

See Servicing

ADJUSTABLE RATE MORTGAGES

See Interest

ADVERTISEMENTS

Deceptive practices, **2:1, 2:11**

NMLS unique identifier, **2:1**

Restrictions and prohibitions, **2:1**

ADVISORY OPINIONS

Social media, Department of Banking and Insurance, **5:8**

AFFIDAVIT

Discharge of mortgage, **2:33**

AGGRIEVED TAXPAYERS

Contract purchaser, tax assessment appeal, **3:11**

ALTERNATIVE MORTGAGE TRANSACTION

Graduated payment mortgage, **2:2**

Reverse annuity mortgages, **2:2**

ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT

Generally, **2:2**

ALTERNATIVE MORTGAGE TRANSACTIONS

See Interest

ANNUAL ASSESSMENT

Annual report of business activity, **1:2**

ANNUAL REPORTS

Business activity, determination of annual assessment, **1:2**

ANTI-EVICTION ACT

Generally, **3:8**

APPEAL

Tax assessment, **3:11**

APPLICATIONS

Commitment fees, refund, **2:10**

Disclosures, **2:3, 2:13**

Fee, **2:3, 2:18, 5:1, 5:2**

Licenses

correspondent mortgage lenders, **5:1**

loan originators, **5:2**

loan servicers, **5:3**

mortgage brokers, **5:1**

mortgage lenders, **5:1**

qualified individuals, **5:2**

Licensing, **2:24**

Mortgage brokers

disclosures, **2:7**

APPLICATIONS—Cont'd

- Mortgage brokers—Cont'd
fees, **2:7**
- Mortgage loan servicers, **5:3**
- Real estate brokers duties, **3:4**
- Record retention, **2:31**
- Regulations, text of provisions, **5:4**

APPRAISALS

- Certified appraiser, **2:4**
- Copies to borrowers, **2:4**
- Fees, **2:4, 2:18**
- Licensed appraiser, **2:4**
- Usual, customary, and reasonable appraisal fee, **2:4**

ARBITRATION

- Cost-shifting provisions, **3:15**

ASSIGNMENT OF MORTGAGE

- See Transfers

ASSUMPTION OF MORTGAGE

- Generally, **2:6**

ATTORNEY GENERAL

- See Regulators and Regulatory Agencies

ATTORNEYS' FEES

- Fees and charges, **2:18**
- Foreclosure, **3:2**
- Predatory lending, **2:28**

BALLOON PAYMENTS

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

BANKRUPTCY OR INSOLVENCY

- Foreclosure, borrower bankruptcy, **3:9**

BLANK CHECK

- Closing practices, **2:9**

BRANCH OFFICE LICENSING

- Generally, **2:24**

BROKERS

- Mortgage brokers
see Mortgage brokers
- Real estate brokers
see Real estate brokers

BULLETINS OF DEPARTMENT OF BANKING AND INSURANCE

- 03-15, Home Owners Security Act, **5:6, 5:7**
- 03-30, Home Owners Security Act, **5:6, 5:7**
- 04-22, Home Owners Security Act, **5:6**
- 07-12, commitment process issues, **2:10**
- 11-29, Home Owners Security Act, **5:6**

CANCELLATION OF MORTGAGE

- Release, **2:33**

CERTIFICATES

- Occupancy and inspection, use by mortgage lender, **3:3**

CHANGE

- Control, **2:8**
- Location, **2:8**
- Management, **2:8**
- Name, **2:8**
- Records location, **2:31**

CHARGES

- See Fees and Charges

CLOSING

- Closing agents, **2:40**
- Disclosures, **2:13**
- Document preparation, **2:9, 2:15**
- Future advances, **2:20**
- High-cost home loans, credit counseling requirement, **2:41**
- Layman
 - see Unauthorized Practice of Law
- Marital rights, **2:26**
- Mortgage brokers
 - conflict of interest notice, **2:41, 3:10**
 - disclosures, **2:13**
- Name of mortgage licensee, **2:9**
- Negotiable instruments, **2:9**
- Plain English, **2:27**
- Real estate broker disclosures, **2:13**
- Security instrument, **2:34**
- Trustees, **2:38**
- Usury
 - federal preemption, **2:39**
 - prepayment penalties, **2:29**
- Variation in practices within state, **2:9**
- Wet Settlement Act, **2:40**

COMMITMENTS

- Application terms, **2:3**
- Conditional, **3:5**
- Definition of loan commitment, **2:10**
- Department of Banking and Insurance Bulletin 07-12, commitment process issues, **2:10**
- Disclosures, **2:10**
- Fees and charges, **2:10, 2:18, 3:7**
- Firm, **3:5**

CONDOMINIUM ASSESSMENTS

- Liens, **2:41**

CONFLICT OF INTEREST

- Unauthorized practice of law by broker, **3:10**

CONSUMER AFFAIRS DIVISION

- Plain Language Law, **2:27**

CONSUMER PROTECTION

- Advertising
 - see Advertisements
- Applications, **2:3**
- Conflict of interest, notice by broker, **2:41, 3:10**
- Consumer Fraud Act, **2:11**

CONSUMER PROTECTION—Cont'd

- Credit report
 - see Credit Reports
- Cure of unpaid taxes, **2:41**
- Deceptive advertising, **2:11**
- Disclosures
 - attorney, advise to employ, **2:13**
 - commitments, **2:10**
 - mortgage broker fees, **2:7**
 - title insurers, **2:13**
- Discrimination, generally, **2:14**
- Division of Consumer Affairs, Plain Language Law, **2:27**
- Escrow payments, **2:17**
- False advertising, **2:1, 2:11**
- Fees and charges
 - credit report, **2:18**
 - refunds
 - see Refunds
- Fraud
 - see Fraud or Deceit
- High-cost home loans
 - see Predatory Lending Laws
- Insurance substitution fees, **2:35**
- Marital status, **2:14**
- Notice
 - dual capacity of broker, **2:41**
 - tax sale, **2:17**
 - title insurance of lender, **2:41**
- Predatory lending practices
 - see Predatory Lending Laws
- Prohibited loan terms, **2:30**
- Redlining, **2:14**
- Refunds
 - see Refunds
- Rescission, **3:7**
- Title insurance
 - disclosures, **2:13**
 - notice to borrower, **2:41**
- Wet settlement, **2:40**

CONTROL

- Change, **2:8**

CONTROLLING INTEREST

- Sale or transfer, approval of Commissioner of Banking, **2:8**

CORRESPONDENT MORTGAGE LENDERS

- Licensing, **2:24**
 - form, **5:1**
- Net worth, **2:24**
- Regulations, **5:4**

COST-SHIFTING

- Arbitration agreements, **3:15**

CREDIT COUNSELING

- High-cost home loans, **2:28**
- High-cost home loans, closing, **2:41**

CREDIT REPORTS

- Consumer protection, **2:41**
- Fees, **2:18**
- Processing, **2:41**
- Written instruments, **2:41**

DEFICIENCY JUDGMENTS

- See Foreclosure

DEFINITIONS

- See Words and Phrases

DEPARTMENT OF BANKING AND INSURANCE

- See Regulators and Regulatory Agencies

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

- Generally, **2:39**

DISCLOSURES

- Applications, **2:3**
- Closings, **2:13**
- Commitments, **2:10**
- High-cost home loans, **2:28**
- Mortgage brokers
 - closings, **2:13**
 - conflict of interest notice, **3:10**
 - fees, **2:7**
- Real estate brokers
 - closings, **2:13**
 - conflict of interest notice, **2:41**
- Refunds, **2:7**
- Right to counsel, **2:13**
- Title insurers, **2:13**

DISCRIMINATION

- See Consumer Protection; Processing
- Generally, **2:14**

DOCUMENTS

- Assignments of mortgage, **2:5**
- Lock-ins, formal requirements, **2:25**
- Marital rights, **2:26**
- Nonuniform covenants, **2:34**
- Plain English, **2:27**
- Preparation, **2:15**
- Preparers, **2:15**
- Retention of records
 - see Record Retention
- Review fees, **2:15**
- Security instrument, **2:34**
- Signature requirements, **2:26**
- Trustees, **2:38**

DOWER AND CURTESY

- Abolishment, **2:26**

DUE-ON-SALE CLAUSES

- Generally, **2:16**

EDUCATION

Loan originators, **2:24**

ENVIRONMENTAL LIENS

Clean-up of property, **2:41**

EQUAL CREDIT OPPORTUNITY ACT

Appraisals, **2:4**

ESCROWS

See Servicing

EXEMPTIONS

Homestead, **2:21**

EXPENSES

Reimbursement, **2:32**

FAIR FORECLOSURE ACT

Generally, **2:19**

FEES AND CHARGES

Applications, **2:3, 2:7, 2:18, 5:1, 5:2**

Appraisals, **2:4, 2:7, 2:18**

Arbitration cost-shifting, **3:15**

Assignment of mortgages, **2:35**

Assumption fees, **2:6**

Attorneys

foreclosure, **3:2**

mortgage lender's costs, **2:15, 2:18, 2:36, 3:12**

"right to cure" period, **3:14**

submission of loan documents for review, **3:12**

Commitments, **2:10, 2:18, 3:7**

Credit reports, **2:18**

Disclosures

fees, **2:13**

Discount points, brokers, **2:7, 2:18**

Document review, **2:15**

Duplicate copy of tax bill, **2:17**

Finder's fees, brokers, **3:1**

Foreclosure, **3:2**

Good faith estimate, **2:18**

Inspection fees, **3:3**

Insurance, substitution, **2:35**

Late charges, **2:23, 2:28**

License application, **2:24, 5:1**

Loan origination, **2:18**

Lock-ins, **2:25**

Mortgage brokers

applications, **2:18**

collectable, **2:18**

disclosures, **2:13**

finders, **3:1**

loan fees, **2:7**

referral, **3:1**

Overhead, **2:18**

Payoff amount, prohibition of charging fee for providing, **2:33**

Permissible, **2:18**

FEES AND CHARGES—Cont'd

- Prepayment penalties, **2:29**
- Referral fees, **2:32, 3:1**
- Refunds
 - see Refunds
- Reimbursement, **2:18**
- Release of mortgage, **2:33**
- Residential Mortgage Lenders Act, **2:18**
- Third-party charges, **2:7, 2:18**
- Warehouse fees, **2:18**

FINDER'S FEES

- Generally, **3:1**

FORECLOSURE

- Anti-Eviction Act, **3:8**
- Attorneys fees, **3:2**
- Borrower bankruptcy, **3:9**
- Defenses, **3:13**
- Deficiency judgments, **2:12**
- Fair Foreclosure Act
 - see Fair Foreclosure Act
- Mediation, **2:19**
- Prima facie right of mortgagee, **3:13**
- Procedure, **2:19**
- Quarterly report by creditors, **2:31**
- “Right to cure” period, **3:14**
- Tax payments, **2:41**

FORECLOSURE CONSULTANTS

- Licensing by Department of Banking and Insurance, **2:19**

FORECLOSURE RESCUE COMPANY

- False promises, **2:11**

FORECLOSURE RESCUE FRAUD PREVENTION ACT

- Generally, **2:19**

FORMS

- Applications for licenses, **5:1, 5:2**
- High-cost home loan, notice to borrower, **2:28**
- Nationwide Mortgage Licensing System and Registry (NMLS), **5:1, 5:2**

FRAUD OR DECEIT

- Consumer Fraud Act, **2:11**
- False or deceptive advertising, **2:1, 2:11**
- Foreclosure Rescue Fraud Prevention Act, **2:19**
- Foreclosure rescue scams, **2:19**
- Licensing violations, **2:24**

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST. GERMAIN DEPOSITORY INSTITUTIONS ACT

- Transfers, **2:16**

GOOD FAITH ESTIMATE

- Fees and charges, **2:18**

GRADUATED PAYMENT MORTGAGE

- Alternative mortgage transaction, **2:2**

HIGH-COST HOME LOANS

Credit counseling requirement prior to closing, **2:41**

HOME LOAN

Credit counseling, high-cost home loan, **2:28**

Predatory lending, **2:28**

HOME OWNERS SECURITY ACT

Generally, **2:28**

Department of Banking and Insurance bulletins, **5:6**

Late charges, **2:23**

Overview, **1:2**

Prohibited loan terms, **2:30**

HOMESTEAD

Homestead exemption, **2:21**

IMMEDIATE APPROVAL

False or deceptive advertising, **2:1**

INDEXING DELAY

Loss of mortgage priorities, **3:6**

INSURANCE

Credit insurance, **2:22**

Mortgage guaranty insurers, rebates, **2:36**

Notice to borrower, **2:22, 2:41**

Private mortgage insurance, **2:22**

Substitution fees, **2:35**

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

Title insurance

see Title Insurance

INTEREST

Adjustable rate mortgages, generally, **2:2**

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

Commitments, **2:10**

Conflict of interest, notice by broker, **2:41**

Graduated payments mortgages, **2:2**

High-cost home loans

see Predatory Lending Laws

Late charges, **2:23, 2:28**

Lock-ins

see Lock-Ins

Negative amortization, **2:2**

Predatory lending practices

see Predatory Lending Laws

Prepayment penalties

see Prepayment Penalties

Reverse annuity mortgages, **2:2**

Usury

see Usury

INTERNET

See also Websites

Access of outside mortgage solicitors to offices of brokers with in-house mortgage services, **2:41**

KICKBACKS

Prohibition, **2:32**

LATE CHARGES

Generally, **2:23, 2:28**

LEGISLATION

Alternative Mortgage Transaction Parity Act, **2:2**
Anti-Eviction Act, **3:8**
Consumer Fraud Act, **2:11**
Depository Institutions Deregulation and Monetary Control Act, **2:39**
Equal Credit Opportunity Act, **2:4**
Fair Foreclosure Act, **1:2, 2:19**
Garn-St. Germain Depository Institutions Act, **2:16**
Home Owners Security Act
 see Home Owners Security Act
Law Against Discrimination, **2:14**
Money Transmitter Law, **2:41**
New Jersey Attachment For Tax Sale Law, **2:17**
Plain Language Law, **2:27**
Predatory lending practices
 see Predatory Lending Laws
Real Estate Appraisers Act, **2:4**
Residential Mortgage Lenders Act
 see Residential Mortgage Lenders Act
Statutory citations, explanation, **1:1**
Truth in Lending Act, **3:7**
Wet Settlement Act, **2:40**

LICENSING

See also Regulators and Regulatory Agencies
Applications
 see Applications
Assignees, **2:5**
Attorneys, **2:24**
Banks, **2:24**
Branch offices, **2:24**
Commercial banks, **2:24**
Correspondent mortgage lender, **2:24**
Credit unions, **2:24**
Department of Banking and Insurance, licensing of mortgage lenders, **1:2**
Examinations, **2:24**
Exemptions, **2:24**
Fees, **5:1, 5:2**
Foreclosure consultants, **2:19**
Forms, **5:1, 5:2**
Loan originators, **1:2, 2:24**
Loan purchasers, **2:5**
Money transmitter license, **2:41**
Mortgage brokers, **1:2, 2:24**
 form, **5:1**
Mortgage lenders, **1:2, 2:24**
Mortgage loan servicers, **1:2, 5:3**
Names and naming, **2:24**
Net worth requirement, **2:24**
NMLS
 see Nationwide Mortgage Licensing System and Registry (NMLS)
Posting of license, **2:24**
Procedure, **2:24**

LICENSING—Cont'd

Requirements, **2:24**

Revocation, **2:24**

Servicers, **1:2, 5:3**

LIENS

Condominium assessments, **2:41**

Deficiency judgments, **2:12**

Environmental, **2:41**

Future advances, **2:20**

Marital rights, **2:26**

Priority, **2:20**

Superliens, **2:41**

LOAN COMMITMENTS

See Commitments

LOAN ORIGINATORS

Advertisements, **2:11**

Applications, **2:3, 5:2**

Appraisals, **2:4**

Assignment, **2:5**

Definition of mortgage loan originator, **2:24**

Fees and charges, **2:18**

Licensing, NMLS, **1:2, 2:24, 4:2**

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

NMLS processing, **2:24**

Real estate brokers duties, **3:4**

Record retention, **2:31**

Referral fees, **2:32**

Surety bond, **2:24**

Transitional licenses, **2:24, 5:2**

LOAN PROCESSING

See Processing

LOAN SALES

See Transfers

LOAN SERVICING

See Servicing

LOCATION

Change, **2:8**

LOCK-INS

Agreements, **2:25**

Expiration of agreement, **2:25**

Formal requirements, **2:25**

Refund, **2:25**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MEDIATION

Foreclosure, **2:19**

MORTGAGE BANKERS

See Mortgage Lenders

MORTGAGE BROKERS

Access to in-house mortgage services, **2:41**

Application form, **5:1**

Branch office licensing, **2:24**

Closing

see Closing

Conflict of interest notice, **2:41, 3:10**

Definition, **2:24**

Department of Banking and Insurance

annual assessment of business activity, **1:2**

licensing requirement, **1:2**

social media opinion, **5:8**

Disclosures

see Disclosures

closings, **2:13**

conflict of interest notice, **3:10**

fees, **2:7**

Fees

see Fees and Charges

Licenses

see Licensing

Mortgage solicitors, access to in-house mortgage services, **2:41**

Record retention, **2:31**

Referral fees, **2:32, 3:1**

Regulations, **5:4**

Surety bond, **2:24**

Tangible net worth, **2:24**

Unauthorized practice of law, **2:41, 3:10**

MORTGAGE LENDERS

Application form, **5:1**

Branch office licensing, **2:24**

Correspondent mortgage lenders, **2:24, 5:4**

Department of Banking and Insurance, licensing, **1:2**

Licensed residential mortgage lender, **2:24**

Licensing

see Licensing

Regulations, **5:4**

Residential mortgage lender defined, **2:24**

Surety bond, **2:24**

Tangible net worth, **2:24**

NAMES AND NAMING

Change, **2:8**

Licensing, **2:24**

Trade names, **2:9**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Advertisements, NMLS unique identifier, **2:1**

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

Internet licensing, generally, **4:2**

Licensing, **2:24**

forms, **5:1**

NEGATIVE AMORTIZATION

Graduated payment mortgage, **2:2**

NEW JERSEY ATTACHMENT FOR TAX SALE LAW

Notice to borrower, **2:17**

NOTICES

See also Disclosures

Commissioner of Banking, notice of change of name or address, **2:8**

Dual capacity of broker, **2:41**

Foreclosure notice, **2:19**

Insurance purchase as condition of loan, **2:22**

Mortgage broker's conflict of interest, **3:10**

Tax sale, **2:17**

Title insurance of lender, **2:41**

Transfer of loan servicing, **2:37**

ORIGINATORS

See Loan originators

PAYOFF

See Release and Payoff

PENALTIES

Conflict of interest notice, failure to give, **2:41**

Prepayment penalties, **2:29**

Release of mortgage, failure as to, **2:33**

Residential Mortgage Lenders Act, violations, **2:24**

Unauthorized practice of law, **2:41**

POSTING

Foreclosure information, Department of Banking website, **2:19**

License, **2:24**

Payments, **2:23**

PREDATORY LENDING LAWS

Generally, **2:28**

Acceleration provisions, **2:28, 2:30**

Assignment of mortgage, **2:28**

Balloon payments, **2:28**

Definitions, **2:28**

Disclosures, **2:28**

Enforcement, **2:28**

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

Home Owners Security Act

see Home Owners Security Act

Late charges, restriction on, **2:23, 2:28**

Notice to borrower, form, **2:28**

Penalty for violations, **2:28**

Preemption of local laws, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

PROCESSING

Credit reports, **2:41**

Discrimination, **2:14**

Marital rights, **2:26**

Signature requirements, **2:26**

PUBLICATIONS

Foreclosure notice, **2:19**
New Jersey Register, **1:1**

QUALIFIED INDIVIDUAL LICENSEE

Brokering mortgage loans, **2:7**
Change of location, control, management or name, **2:8**
Definition, **2:7**

REAL ESTATE BROKERS

Access to in-house mortgage services, **2:41**
Disclosures
 closings, **2:13**
 conflict of interest notice, **2:41**
Duties to applicant, **3:4**
Fees and charges
 finders, **3:1**
 referral, **2:32, 3:1**
In-house mortgage services, **2:41**
Real Estate Commission rules, **2:36**
Referral fees, **2:32, 3:1**
Referral to unfamiliar lender, duties, **3:4**
Regulation by Department of Banking and Insurance, **2:32**
Servicing, acting as mortgage brokers, **2:32**
Unauthorized practice of law, **2:41**

RECORDING

Assignment of mortgage, **2:5**
Credit counseling agency, name of high-cost loan applicants, **2:41**
“Race notice,” **2:20**

RECORD RETENTION

Generally, **2:31**
Foreclosures, quarterly report, **2:19**

REDLINING

Consumer protection, **2:14**

REFERRAL FEES

Generally, **2:32, 3:1**

REFUNDS

Commitment fee, **2:10, 3:7**
Lock-in fees, **2:25**
Release fee, **2:33**

REGULATIONS

Correspondent mortgage lenders, **5:4**
Mortgage brokers, **5:4**
Mortgage lender, **5:4**
New Jersey mini-RESPA rule, referral fees, **2:32**

REGULATORS AND REGULATORY AGENCIES

See also Licensing
Addresses
 Attorney General, **4:1**
 Department of Banking and Insurance, **4:1**
Attorney General
 addresses, **4:1**

REGULATORS AND REGULATORY AGENCIES—Cont'd

Attorney General—Cont'd

Home Owners Security Act

enforcement, **2:28**

telephone number, **4:1**

Commissioner of Banking

change of name or address, notice to Commissioner, **2:8**

controlling interest sale or transfer, request for approval, **2:8**

foreclosures, quarterly report, **2:19**

Department of Banking and Insurance

addresses and telephones, **4:1**

application practices, **2:3**

appraisal fees, **2:4**

brokers

annual assessment of business activity, **1:2**

licensing requirement, **1:2**

bulletins

see Bulletins of Department of Banking and Insurance

consumer protection, **2:11**

deference to Banking Department Bulletins, **2:28**

enforcement of Home Owners Security Act, **2:28**

fees and charges, **2:18**

license revocation, **2:24**

licensing foreclosure consultants, **2:19**

licensing requirement for lenders and brokers, **1:2**

real estate brokers, regulation, **2:32**

website, **4:1**

Division of Consumer Affairs, Plain Language Law, **2:27**

NMLS

originator licensing, **4:2**

Resource Center, **4:2**

website, **4:2**

Public Advocate, enforcement of Home Owners Security Act, **2:28**

Real Estate Commission

referral fees, **2:32**

rules, real estate brokers, **2:36**

RELEASE AND PAYOFF

Cancellation of mortgage, **2:33**

Delivery of cancellation or discharge after reasonable time, **2:35**

Failure to release, recording of discharge and affidavit, **2:33**

Fee for providing payoff amount, prohibition, **2:33**

REPORTS

Credit reports

see Credit Reports

RESIDENTIAL MORTGAGE LENDERS ACT

Generally, **1:2**

Brokering mortgage loans, **2:7**

Closing practices, **2:9**

Fees and charges, **2:18**

Insurance, **2:22**

Licensing, generally, **2:24**

Overview, **1:2**

Record retention, **2:31**

Settlement practices, **2:40**

REVERSE ANNUITY MORTGAGES

Alternative mortgage transactions, **2:2**

“RIGHT TO CURE” PERIOD

Attorney fees, **3:14**

SECURITY INSTRUMENTS

Generally, **2:34**

SERVICING

Acceleration

generally, **2:16**

Home Owners Security Act, **2:28, 2:30**

prohibited loan terms, **2:30**

Assignment fees, **2:35**

Assumption of mortgage, **2:6**

Cancellation of mortgage, **2:35**

Correspondent mortgage lenders, **2:35**

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

Escrow accounts

generally, **2:17**

notice, transfer of loan servicing, **2:37**

payments, **2:35**

transfer of loan servicing, **2:37**

Licensing, **1:2**

“Lock outs,” **2:36**

Payoff, **2:33**

Practices, **2:35**

Record retention, **2:31**

Release or discharge of mortgage

see Release or Payoff

Substitution of insurance policy, **2:22**

Transfers, **2:37**

SOCIAL MEDIA

Department of Banking and Insurance advisory opinion, **5:8**

SOLICITORS

Real estate brokers with in-house mortgage services, **2:41**

STATUTES

See Legislation

SUBPRIME LENDING PRACTICES

Statement, **2:41**

SURETY BOND

Form, **5:1**

Licensing, **2:24**

TANGIBLE NET WORTH

Licensing, **2:24**

TAX ASSESSMENT

Appeal, **3:11**

TAXATION

Cure of unpaid taxes, **2:41**

TAX SALE LAW

Generally, **2:17**

TELLER'S CHECK

Closing practices, **2:9**

THIRD-PARTIES

Fees and charges, **2:18**

THRESHOLD AMOUNT

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

TIE-INS

Attorneys, **2:36**

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

TITLE INSURANCE

Discharge and affidavit, recording of, failure to release within 30 days, **2:33**

Disclosures, **2:13**

Notice to borrower, **2:41**

Tie-ins, **2:36**

TOXIC CLEANUP

Superliens, cost of state cleanup of toxic waste sites, **2:41**

TRADE NAMES

Mortgage licensee, **2:9**

TRANSFERS

Assignment of mortgage, **2:5**

fees, **2:35**

predatory lending, **2:28**

Assumptions of mortgages, **2:6**

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

Garn-St. Germain Depository Institutions Act, **2:16**

Indexing delay, mortgage priorities, **3:6**

Recording, **2:5**

Servicing, **2:37**

TRUSTEES

Powers and duties, **2:38**

UNAUTHORIZED PRACTICE OF LAW

Mortgage brokers, **3:10, 5:5**

Real estate brokers, **2:41**

UNDERWRITING

Inspection certificates, **3:3**

USURY

Generally, **2:39**

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

Federal preemption, **2:39**

Prepayment penalties, **2:29**

WEBSITES

Department of Banking and Insurance, Division of Banking, **4:1**

NMLS, **4:2**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Correspondent mortgage lender, **2:24**

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

WORDS AND PHRASES—Cont'd

Home loan, **2:28**
Loan commitment, **2:10**
Mortgage broker, **2:24**
Mortgage loan originator, **2:7, 2:24**
“Primary market” activities, **2:5**
Qualified individual licensee, **2:7, 2:24**
Residential mortgage lender, **2:24**
Residential mortgage loan, **2:24**

WRITTEN INSTRUMENTS

Assignment of mortgage, **2:5**
Credit reports, **2:41**

Index

ABANDONED PROPERTY

Attorneys fees, **2:18**

ACCELERATION

generally, **2:16**

ACCELERATION OF MORTGAGE

Homeowners emergency mortgage assistance program, **2:19**

ACCOUNTING

Escrow accounts, **2:17**

ACT 91 LETTER

Foreclosure, **2:19**

ADJUSTABLE RATE LOANS

Notice of interest, **2:13**

ADJUSTABLE RATE MORTGAGES

See Interest

ADVERTISEMENTS

generally, **2:1**

Unique NMLS identifier, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Interest, generally, **2:2**

APPLICATIONS

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

Loan Interest and Protection Law, **2:3**

Mortgage originators

fees, **2:3**

Requirements, **2:7, 2:24**

APPRAISAL MANAGEMENT COMPANIES

Recordkeeping, **2:4**

APPRAISALS

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

Copies to borrower, **2:4**

Fees, **2:18**

Real Estate Appraisers Certification Act, **2:4**

ASSIGNMENT

Derivative liability of assignee of mortgage violating consumer protection law, **3:10**

Mortgage deed, **2:5**

Wages, **2:30**

ASSUMPTION OF MORTGAGE

generally, **2:6**

ATTORNEY GENERAL

See Regulators and Regulatory Agencies

ATTORNEYS FEES

Abandoned property, **2:18**

ATTORNEYS FEES—Cont'd

Charges to borrower, **2:18**

BONDS

Surety bonds
see Surety Bonds

BRANCH OFFICE MANAGERS

Continuing education requirements, **2:24**

BROKERS

See Mortgage brokers

CEASE-AND-DESIST ORDERS

Department of Banking and Securities, **2:24**

CERTIFICATION

Appraisers, **2:4**
Assignment of mortgage, **2:5**

CHANGE

Address, **2:8**
Control, **2:8**
Management, **2:8**
Name, **2:8**

CHARGES

See Fees and Charges

CLOSING

Disbursements, **2:9**
Document preparation, **2:15**
Fees and charges, **2:18**
Future advances, **2:20**
Insurance, **2:22**
Marital rights, **2:26**
Mortgage lenders, **2:9**
Plain English, **2:27**
Prohibited loan terms, **2:30**
Security instrument, **2:34**
Trustees, **2:38**
Usury, **2:39**
Wet Settlement Act, **2:40**

COMMERCIAL PURPOSE

Exemptions, **2:24**

COMMITMENTS

Interest rate increases, **2:10**
Loan Interest and Protection Law, **2:10**
Terms, **2:10**

CONSTRUCTIVE NOTICE

Mortgage defectively indexed, **3:7**

CONSUMER COMPLAINTS

Consumer Compliance Division, **2:11**
Department of Banking and Securities toll-free number, **1:2**

CONSUMER FINANCIAL PROTECTION BUREAU

Mortgage disclosure forms, **2:13**

CONSUMER PROTECTION

- Bureau of Consumer Protection, **4:1**
- Complaints, **2:11**
- Credit reports
 - see Credit Reports
- Deceptive advertising, **2:1**
- Department of Banking and Securities Statement of Policy, **2:11**
- Department of Banking toll-free telephone number, **1:2**
- Derivative liability of assignee of mortgage violating consumer protection law, **3:10**
- Disclosures
 - see Disclosures
- Discrimination, **2:14**
- Escrow accounts, accounting, **2:17**
- Fees and charges, **2:3**
- Fraud or deceit
 - see Fraud or Deceit
- Inspection by lender, **3:3**
- Mortgage Bankers and Brokers and Consumer Equity Protection Act, **2:28**
- Plain Language Consumer Contract Act, **2:27**
- Predatory loans
 - see Predatory Lending Practices
- Prepayment penalties, **2:29**
- Prohibited loan terms, **2:30**
- Referral fees, **2:32**
- Refunds, **2:3**
- Toll-free telephone number for consumer complaints, **1:2**
- Unfair trade practices
 - see Unfair Trade Practices
- Wet Settlement Act, **2:40**

CONTROL

- Change, **2:8**

COUNSELORS

- Reverse mortgages, counseling requirement, **2:2**

COVERED LOANS

- Insurance, **2:22**
- Overview, **1:2**

CREDIT REPORTS

- Fees, **2:18**
- Predatory lending practices, quarterly reports to consumer credit reporting agency, **2:28**

CREDIT SERVICES ORGANIZATION

- Broker or originator providing mortgage modifications, **2:35**

DEFECTS

- Mortgage defectively indexed, constructive notice, **3:7**

DEFICIENCY JUDGMENTS

- Litigation on promissory note, **2:12**
- Petition and service of petition, **2:12**

DEFINITIONS

- See Words and Phrases

DEPARTMENT OF BANKING

- See Regulators and Regulatory Agencies

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

generally, **2:39**

DISCLOSURES

Consumer Financial Protection Bureau mortgage disclosure forms, **2:13**

Inspection by lender, results, **3:3**

Title companies, **2:13**

Title insurance, **2:22**

Variable rate loans, **2:13**

DISCRIMINATION

generally, **2:14**

DOCUMENTS

Assignment of mortgages, **2:5**

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

Fees, **2:15, 2:18**

Marital rights, **2:26**

Plain English, **2:27**

Preparation, **2:15, 2:18**

Prohibited loan terms, **2:30**

Retention of records

see Record Retention

Security instrument, **2:34**

Signature requirements, **2:26**

Trustees, **2:38**

EDUCATION

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

ENFORCEMENT

Bureau of Consumer Protection, **4:1**

ESCROWS

Accounting, **2:17**

Disclosures, **2:17**

Refunds, **2:17**

Restrictions, **2:17**

EXEMPTIONS

Commercial purposes, **2:24**

Licensing, **2:24**

Registration of partially exempt mortgage company, **5:4**

FAIR MARKET VALUE

Deficiency judgments, **2:12**

FEDERAL PREEMPTION

Usury, **3:2**

FEES AND CHARGES

Actual settlement costs, **2:18**

Application fees, **2:3**

Appraisal fees, **2:18**

Attorneys fees, **2:18**

Broker commissions, **2:18**

Credit reports, **2:18**

Disclosures, **2:13**

Dishonored check fees, **2:18**

Document preparation fees, **2:15, 2:18**

FEES AND CHARGES—Cont'd

- Insurance premiums, **2:18**
- Late charges, **2:23**
- Nationwide Mortgage Licensing System (NMLS), **2:24**
- Prepayment penalties, **2:29**
- Property certification fees, **2:18**
- Realty transfer tax, **2:18**
- Referral fees, **2:32**
- Refunds, **2:3, 2:18**
- Service charge limitations, usury, **3:2**
- Survey fees, **2:18**
- Third-party fees, **2:18**
- Title examination, **2:18**
- Transfer fees, **2:18**

FORECLOSURE

- Act 91 letter, **2:19**
- Equitable defense of deviation from HUD forbearance provisions, **3:6**
- First mortgage loans, **2:19**
- Homeowners emergency mortgage assistance program, **2:19**
- Housing Finance Agency Law, **2:19**
- Procedure, **2:19**
- Redemption rights, **2:19**

FORMS

- Notice to satisfy, **2:33**

FRAUD OR DECEIT

- Advertising, **2:1**
- Department of Banking Statement of Policy as to examples of practices, **2:11**

FUTURE ADVANCES

- Priority of liens, **2:20**

GARN-ST. GERMAIN DEPOSITORY INSTITUTIONS ACT

- Transfers, **2:16**

GUIDANCE

- Nontraditional mortgage products, regulatory guidance, **2:2**
- Reverse mortgages, **2:2**

HIGH-COST HOME LOANS

- See Predatory Lending Practices

HOMEOWNERS EMERGENCY MORTGAGE ASSISTANCE PROGRAM

- Financial assistance, **2:19**

HOMESTEAD

- Homestead exemption, **2:21**

HOUSING FINANCE AGENCY LAW

- Foreclosure, **2:19**

HUMAN RELATIONS ACT

- Discrimination, **2:14**

INDEXING

- Mortgage defectively indexed, constructive notice, **3:7**
- Requirement of recording and indexing in office of recorder of deeds, **2:41**

INFLATION ADJUSTMENT

- Base figure under Loan Interest and Protection Law, **2:10**

INSURANCE

- Covered loans, **2:22**
- Mortgage Property Insurance Coverage Act, **2:22**
- Private mortgage insurance, **2:22**
- Tie-ins, **2:36**
- Title
 - disclosures, **2:13, 2:22**
 - liability, **3:4**

INTEREST

- Adjustable rate mortgages, **2:2**
- Alternative mortgage transactions, **2:2**
- Commitment, increase in interest rate, **2:10**
- Escrows, **2:17**
- Late charges, **2:23**
- Loan Interest and Protection Law
 - see Loan Interest and Protection Law
- Lock-ins, **2:25**
- Predatory loans
 - see Predatory Lending Practices
- Prepayment penalties, **2:29**
- Usury
 - see Usury
- Variable rate mortgages, **2:2**
 - disclosures, **2:13**

INTERNET

- See Websites

LATE CHARGES

- See Fees and Charges

LEGISLATION

- Alternative Mortgage Transaction Parity Act, **2:2**
- Appraisal Management Company Registration Act, **2:4**
- Citation explanations, **1:1**
- Credit Services Act, **2:7**
- Deficiency Judgment Act, **2:12**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Equal Credit Opportunity Act, **2:4**
- Garn-St. Germain Depository Institutions Act, **2:16**
- Housing Finance Agency Law, **2:19**
- Human Relations Act, discriminatory processing, **2:14**
- Loan Interest and Protection Law
 - see Loan Interest and Protection Law
- Mortgage Bankers and Brokers and Consumer Equity Protection Act
 - see Predatory Lending Practices
- Mortgage Licensing Act
 - see Mortgage Licensing Act
- Mortgage Loan Industry Licensing and Consumer Protection Act, **4:1**
 - see Mortgage Licensing Act
- Mortgage Property Insurance Coverage Act, **2:22**
- Mortgage Satisfaction Act, **2:33**
- Plain Language Consumer Contract Act, **2:27**
- Real Estate Appraisers Certification Act, **2:4**
- Unfair Practices and Consumer Protection Law, **2:11**

LEGISLATION—Cont'd

- Unfair Trade Practices and Consumer Protection Law, **4:1**
 - advertisements, **2:1**
- Wet Settlement Act, **2:40**

LICENSING

See also Regulators and Regulatory Agencies

Applications

see Applications

Disclosure failure, penalty, **3:8**

Education requirements, **2:24**

Examination or investigation, **2:24, 2:31**

Exemptions, **2:24**

Information, **5:1, 5:2**

Loan correspondents, **2:24**

bond, **2:24**

Mortgage brokers

generally, **2:24**

application, **5:2**

exemptions, **2:24**

Mortgage lenders

generally, **2:24**

application, **5:1**

Mortgage Licensing Act, generally, **1:2**

Mortgage originators

generally, **2:24**

application form, **5:5**

sole proprietor loan originator, **5:5**

Mortgage servicers, **5:6**

Mortgage Servicing Regulation, **5:3**

NMLS

see Nationwide Mortgage Licensing System (NMLS)

Out-of-state offices

licensing, **2:24**

recordkeeping requirements, **2:31**

Requirements, **2:24**

Revocation or refusal to renew, **2:24**

Sole proprietor loan originator, **5:5**

LIENS

Future advances, **2:20**

Marital rights, **2:26**

Satisfaction of mortgage, recording, **3:9**

LOAN BROKERS

Registration, **2:7**

LOAN COMMITMENTS

See Commitments

LOAN CORRESPONDENTS

Disclosure, **2:13**

LOAN INTEREST AND PROTECTION LAW

generally, **1:1, 1:2**

Application practices, **2:3**

Collection of actual settlement costs, **2:18**

Commitments, **2:10**

LOAN INTEREST AND PROTECTION LAW—Cont'd

Disclosures, **2:13**
Fees and charges, **2:18**
Foreclosure, **2:19**
Overview, **1:1**
Prohibited loan terms, **2:29**
Single service charge provision, federal preemption, **3:2**
Usury, **2:39**

LOAN ORIGINATION

See Mortgage originators

LOAN PROCESSING

See Processing

LOAN SERVICING

See Servicing

LOCATION

Change, **2:8**

LOCK-IN AGREEMENTS

generally, **2:25**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MORTGAGE BROKERS

Advertising, **2:1**
Bond requirement, **2:7, 5:2**
Definitions
 loan broker, **2:7**
 mortgage broker, **2:7**
Disclosure, **2:13**
Fees
 see Fees and Charges
Licenses
 see Licensing
Loan broker defined, **2:7**
Referral fees, **2:32**

MORTGAGE LENDERS

Advertisements, **2:1**
Applications, **5:1**
Applications, fees, **2:3**
Closing, **2:9**
Definition, **2:24**
Disclosure, **2:13**
Fees and charges, power and authority as to, **2:18**
Inspections, **3:3**
Licenses
 see Licensing
Lock-in agreements, failure to honor as unfair trade practice, **2:25**
Net worth, **2:24**
Real Estate Settlement Procedures Act, referral fees, **2:32**
Recordkeeping requirements, **2:31**
Surety bond, **2:24**

MORTGAGE LENDERS AND BROKERS AND CONSUMER EQUITY PROTECTION ACT

Insurance, **2:22**

Predatory lending practices, **2:28**

MORTGAGE LICENSING ACT

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

Alternative site recordkeeping, agreement permitting, **2:31**

Application fees, refund, **2:3**

Closing practices, **2:9**

Consumer protection, **2:11**

Escrow accounts, **2:17**

Escrow analysis, **2:35**

Fees and charges, power and authority of lenders, **2:18**

Licensing, generally, **2:24**

Record retention, **2:31**

Refund of fees, failure to honor lock-in agreements, **2:25**

Release and payoff, **2:33**

Unique NMLS identifier in advertisements, **2:1**

MORTGAGE LOAN INDUSTRY AND CONSUMER PROTECTION ACT

Mortgage Licensing Act

see Mortgage Licensing Act

MORTGAGE LOAN MODIFICATION

Servicing practices, **2:35**

MORTGAGE ORIGINATORS

Alternative mortgage transactions, **2:2**

Application

fees, **2:3**

requirements, **2:24**

Commitments, **2:10**

Definition of mortgage originator, **2:7**

Disclosure, **2:13**

Licensing

see Licensing

Mortgage loan modification, **2:35**

Mortgage originator defined, **2:24**

Sponsorship, **2:24**

Supervision, **2:24**

Unfair practices, **2:7**

Unique NMLS identifier, **2:24**

MORTGAGE PROPERTY INSURANCE COVERAGE ACT

Amount of property insurance, **2:22**

MORTGAGE SATISFACTION ACT

generally, **2:33**

Release and payoff, **2:32**

MORTGAGE SERVICERS

licensing, **5:6**

MORTGAGE SERVICING REGULATION

Generally, **5:3**

NAME

Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

- Advertisements, **2:24**
- Applications, **2:7, 2:24**
- Education and training, **2:24**
- Fees, **2:7, 2:24**
- Forms, **5:1, 5:2**
- Licensing, generally, **2:24**
- Online registration, overview, **1:2**
- Overview, **1:2**
- Resource Center, **4:2**
- Unique identifier, **2:1, 2:24**
- Website, **2:24**

NOTICES

- Adjustable rate loans, notice of interest, **2:13**
- Change of address, management or name, **2:8**
- Foreclosure, **2:19**
- Mortgage defectively indexed, **3:7**
- Payoff, Notice to Satisfy, **2:33**
- Recording, office of recorder of deeds, **2:41**
- Servicing practices, **2:35**
- Transfer of servicing, **2:37**

ORIGINATORS

- Mortgage originator
 - see Mortgage originators
- Sole proprietor loan originator, **5:5**

PAYOFF

- See Release and Payoff

PENALTIES

- Consumer protection violations, **2:11**
- Disclosure, mortgage broker license, **3:8**
- Licensing violations, **2:24**
- Predatory lending activities, **2:28**
- Prepayment penalties, **2:29**
- Satisfaction of mortgage, failure to record, **2:33, 3:9**
- Secretary of Banking, regulatory authority and penalties, **2:24**

PLAIN LANGUAGE CONSUMER CONTRACT ACT

- Consumer protection, **2:27**

PREDATORY LENDING PRACTICES

- Definitions, **2:28**
- Mortgage Bankers and Brokers and Consumer Equity Protection Act
 - generally, **2:28**
- Prepayment penalties, **2:28**
- Prohibited loan terms, **2:28**

PREPAYMENT PENALTIES

- generally, **2:29**
- Loan Interest and Protection Law, **2:29**
- Mortgage Bankers and Brokers and Consumer Equity Protection Act, **2:28**

PRIORITY

- Liens, **2:20**

PROCESSING

- Discrimination, **2:14**

PROCESSING—Cont'd

Marital rights, **2:26**

REAL ESTATE APPRAISERS CERTIFICATION ACT

generally, **2:4**

RECORDING

generally. See Transfers

Appraisal management companies, **2:4**

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

Mortgage defectively indexed, **3:7**

Office of recorder of deeds, requirement of recording and indexing deed or mortgage in, **2:41**

RECORD RETENTION

generally, **2:31**

Distinguishable and easily separated, **2:31**

REFERRAL FEES

generally, **2:32**

REFUNDS

See Fees and Charges

REGISTRATION

Appraisal management companies, **2:4**

Loan brokers, **2:7**

Partially exempt mortgage company, **5:4**

REGULATIONS

See Licensing; Regulators and Regulatory Agencies

REGULATORS AND REGULATORY AGENCIES

Addresses and phone numbers, **4:1**

Attorney General

generally, **1:2**

Bureau of Consumer Protection, **4:1**

Chief Deputy Attorney General website, **4:1**

Bureau of Consumer Protection, enforcement, **4:1**

Consumer Compliance Division, telephone number, **2:11**

Department of Banking and Securities

address and telephone, **4:1**

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

closing practices, refusal to fund closed mortgage loans, **2:9**

Consumer Compliance Division, **2:11**

Credit Services Act, registration of loan brokers with Department, **2:7**

denial of license application, **2:24**

enforcement of Mortgage Bankers and Brokers and Consumer Equity Protection Act, **2:28**

investigations or examinations by, **2:24, 2:28**

jurisdiction, **4:1**

mortgage loan modifications, Statement of Policy, **2:35**

newsletter, The Quarter, **1:2**

nontraditional mortgage products, regulatory guidance, **2:2**

restriction of licensee, **2:24**

reverse mortgages, Statement of Policy, **2:2**

Statement of Policy, **2:11**

suspend, revoke or refuse to renew license, **2:24**

toll-free telephone number, **1:2**

website, **4:1**

Housing Finance Agency, foreclosures, **2:19**

REGULATORS AND REGULATORY AGENCIES—Cont'd

NMLS, **2:24, 4:2**

Real Estate Commission

address and phone number, **4:1**

jurisdiction, **4:1**

Regulations, brokers, **2:7**

Secretary of Banking, regulatory authority and penalties, **2:24**

State Board of Certified Real Estate Appraisers, registration of appraisal management companies, **2:4**

Website

Chief Deputy Attorney General, **4:1**

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

NMLS, **2:24, 4:2**

RELEASE AND PAYOFF

generally, **2:33**

Mortgage Satisfaction Act, **2:33**

Penalty, satisfaction not recorded, **3:9**

Satisfaction piece, form, **2:33**

Servicer's duty following satisfaction of mortgage, **2:33**

RENEWAL

License, grounds for refusing to renew, **2:24**

REPORTS

Credit reports

see Credit Reports

REVERSE MORTGAGE LOANS

Alternative mortgage transactions, **2:2**

Counseling, **2:2**

Statement of policy, **2:2**

SATISFACTION OF MORTGAGE

See Release and Payoff

SERVICING

Acceleration, **2:16**

Assumption of mortgages, **2:6**

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

Escrow accounts, **2:17, 2:35**

Mortgage assumptions, **2:6**

Payoff, **2:33**

Recording satisfaction of mortgage, **2:35**

Recordkeeping requirements

see Record Retention

Release, **2:33**

Reverse mortgage loans, **2:2**

Transfers, **2:37**

SIGNATURE REQUIREMENTS

Generally, **2:26**

SOLE PROPRIETOR LOAN ORIGINATOR

Licensing, **5:5**

STATUTES

See Legislation

SURETY BONDS

Amount determination, **2:7**

PENNSYLVANIA INDEX

SURETY BONDS—Cont'd

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

SURVIVING SPOUSE RIGHTS

Generally, **2:26**

TIE-INS

Insurance, **2:36**

TITLE INSURANCE

See Insurance

TOLL-FREE TELEPHONE NUMBER

Department of Banking, **1:2**

TRANSFERS

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

Assumption of mortgage, **2:6**

Mortgage license, written consent of Department of Banking, **2:8**

Servicing, **2:37**

TRUSTEES

Duties, **2:38**

UNDERWRITING

Inspection by lender, **3:3**

Marital rights, **2:26**

Signature requirements, **2:26**

UNFAIR TRADE PRACTICES

Advertisements, **2:1**

Commitments with increased interest rates at closing, **2:10**

Consumer protection/complaints, **2:11**

Failure to honor lock-in agreements, **2:25**

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

USURY

Application to real estate mortgage transaction, **3:1**

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

Federal preemption, **2:39, 3:2, 3:5**

Loan Interest and Protection Law, **1:2, 2:39**

Recent cases, **3:2**

Service charges, **3:2**

WEBSITES

Chief Deputy Attorney General, **4:1**

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

Nationwide Mortgage Licensing System (NMLS), **2:24, 4:2**

NMLS, **2:24, 4:2**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Covered loan, **2:28**

Habitually and repeatedly, **2:24**

High-cost, **2:28**

Loan broker, **2:7**

Mortgage broker, **2:7**

Mortgage lender, **2:24**

Mortgage loan correspondent, **2:7**

WORDS AND PHRASES—Cont'd

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

WRITTEN INSTRUMENTS

Assignment of mortgages, **2:5**

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

Payoff statement, **2:33**

Index

ACCELERATION

- Due-on-sale clauses, **2:16**
- Foreclosure, **2:19**
- Notice to borrower, **2:16**
- Prohibited loan terms, **2:30**
- Restrictions, **2:3**

ACQUISITIONS

- Bureau of Financial Institutions approval, **2:8**

ADJUSTABLE RATE MORTGAGES

- See Interest

ADVERTISEMENTS

- Definition, **2:1**
- Fraudulent or misleading, **2:1**
- Unique NMLS identifier, **2:1**

ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT

- generally, **2:2**

ANNUAL LICENSE FEES

- generally, **2:24**

APPLICATIONS

- Acquisition of lender, **2:8**
- Blanks, **2:3**
- Disclosures, **2:3**
- Fees and charges, **2:3, 2:18**
- Forms
 - license, **5:1**
- Licenses
 - see Licensing
- NMLS unique identifier, **2:3**
- Notice of fee, **2:3**
- Practices, **2:3**

APPRAISAL MANAGEMENT COMPANY

- Licensing, **2:4**
- Regulation by Real Estate Appraiser Board, **2:4**

APPRAISALS

- generally, **2:4**
- Fees, **2:4**

ASSIGNMENTS

- Deeds of trust, **2:5**

ASSUMPTION OF MORTGAGE

- Disclosures, **2:6, 2:35**
- Fees, **2:6**

ATTORNEY GENERAL

- See Regulators and Regulatory Agencies

ATTORNEYS

Tie-ins, **2:36**

Unauthorized practice of law, fee charges or document preparation, **2:15**

BONA FIDE EMPLOYEES

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

BRANCH OFFICES

Approval of new offices by Bureau of Financial Institutions, **2:8**

Licensing, **2:24**

BROKERS

See Mortgage brokers

BUREAU OF FINANCIAL INSTITUTIONS

See Regulators and Regulatory Agencies

CEASE AND DESIST ORDERS

Brokering mortgage loans, **2:7**

CERTIFICATE OF SATISFACTION

Delivery requirements, **2:33**

CERTIFICATE OF TRANSFER

generally, **2:5**

CERTIFICATION

Appraisers, **2:4**

CHANGE

Location, name or control, **2:8**

CHARGES

See Fees and Charges

CLERK OF COURT

Action to enforce collection of real estate transfer taxes, **3:1**

CLOSING

Attorneys, **2:9**

Consumer Real Estate Settlement Protection Act, **2:9**

Delay, **2:3, 2:9**

Disbursements, **2:9, 2:40**

Disclosures, **2:9, 2:13**

Fees and charges, **2:9, 2:18**

Future advances, **2:20**

Insurance, **2:22**

Interest, **2:9**

Plain English, **2:27**

Prohibited loan terms, **2:30**

Real Estate Settlement Procedures Act, **2:9**

Security instrument, **2:34**

Settlement agents, **2:9**

Signature requirements, **2:26**

Title insurance, **2:9**

Trustees, **2:38**

Wet Settlement Act, **2:40**

COMMITMENTS

Broker compensation, **2:3**

Contents required, **2:10**

Disclosures, **2:10**

COMMITMENTS—Cont'd

Fees, **2:18**

Signature, **2:10**

Written and signed, **2:10**

CONSTRUCTION LOANS

Future advances, **2:20**

CONSUMER PROTECTION

Acceleration, **2:16**

Acceleration clause, **2:3**

Advertisements, **2:1**

Consumer Protection Act, **2:19**

Disclosures

 see Disclosures

Discrimination, **2:14**

Equal Credit Opportunity Act, **2:14**

False advertising, **2:1**

Fraud

 see Fraud or Deceit

Lock-ins, **2:25**

Misrepresentations, **2:11**

Penalties, **2:11**

Plain English, **2:27**

Predatory lending practices, **2:28**

Prepayment rights

 see Prepayment Penalties

Private right of action, **2:11**

Prohibited loan terms, **2:30**

CONSUMER REAL ESTATE SETTLEMENT PROTECTION ACT

Closing, **2:9**

Private action against surety or surety bond, **3:3**

CONTEMPORANEOUS DEBT

Condition to equitable mortgage, **3:2**

CONTINUING EDUCATION

Licensing, **2:24**

CONTROL

Change, **2:8**

CORPORATION COMMISSION

See Regulators and Regulatory Agencies

COVER SHEET

Document preparation, **2:15**

CREDIT LINE DEEDS OF TRUST

Future advances, **2:20**

CREDIT REPORTS

generally, **2:18**

CRIMINAL HISTORY RECORDS CHECK

Licensing, **2:24**

CRIMINAL PENALTIES

Licensing violations, **2:11**

CURTESY

Liens, **2:26**

DEBT

Condition to equitable mortgage, **3:2**

DEEDS OF TRUST

generally, **2:34**

Assignments, **2:5**

Credit line deeds of trust, **2:20**

Document preparation fee, **2:15, 2:18**

Duties of trustee, **2:38**

Future advances, priority, **2:20**

DEFICIENCY JUDGMENTS

foreclosure, **2:12**

DEFINITIONS

See Words and Phrases

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

generally, **2:39**

DISABILITY DISCRIMINATION

Early termination of lease, **2:14, 3:4**

DISCLOSURES

See also Notices

Advertisements, **2:1**

Applications, **2:3**

Appraisal fees, **2:4**

Assumption of mortgage, **2:6, 2:35**

Closings, **2:9, 2:13**

Commitments, **2:10**

Lock-in agreements, **2:11, 2:25**

Preapproval, **2:3**

Predatory lending activities, **2:28**

Title insurance, availability, **2:9**

DISCRIMINATION

generally, **2:14**

Early termination of lease, **2:14, 3:4**

DOCUMENTS

Affidavit of debt satisfaction, **2:33**

Blanks, **2:3**

Certificate of satisfaction, **2:33**

Contract preparation by licensees, **2:15**

Cover sheet, **2:15**

Deed of trust

see Deeds of Trust

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

Extension, **2:34**

Notes, cancellation, **2:33**

Plain English, **2:27**

Preparation

fees, **2:15, 2:18**

names, **2:15**

Real Estate Board licensee, **2:15**

social security number, **2:15**

DOCUMENTS—Cont'd

- Preparation—Cont'd
 - unauthorized practice of law, **2:15**
- Preparation statement, **2:15**
- Prohibited loan terms, **2:30**
- Record retention, **2:31**
- Security instrument, **2:34**
- Signature requirements, **2:26**
- Substitute trustees, **2:38**
- Trustees, **2:38**

DOWER

- Liens, **2:26**

DUE-ON-SALE CLAUSES

- See Transfers

EDUCATION

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

EMPLOYEES

- Licensing, **2:7, 2:8, 2:24**

EQUAL CREDIT OPPORTUNITY ACT

- generally, **2:14**

ESCROWS

- Commingling, **2:17**
- Lien priority, **2:20**
- Servicer duties, **2:17**
- Timely payments, **2:17**

EXAMINATIONS

- Division of Consumer Finance, **4:1**

EXEMPT COMPANIES

- Application registration, **5:1**

EXEMPTIONS

- Acquisition of certain licensed entity, application for ownership change, **2:8**
- Application registration, exempt companies, **5:1**
- Licensing, **2:24**

EXTENSION

- Enforcement of lien, time for, **2:34**

FAIR HOUSING

- generally, **2:14**
- Discrimination, early termination of lease, **3:4**

FALSE ADVERTISING

- generally, **2:1**

FEDERAL SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008

- Licensing, **1:2**
- Mortgage loan originators, generally, **1:2**

FEES AND CHARGES

- Applications, **2:3, 2:18, 2:35**
- Appraisals, **2:4**
- Assignment of loan, **2:4**
- Assumption of mortgage, **2:6**

FEES AND CHARGES—Cont'd

- Credit reports, **2:18**
- Document preparation, **2:15, 2:18**
- Insurance, **2:22**
 - premium refund, **2:18**
- Late charges, **2:23**
- License application fees, **2:24**
- Loan fees, **2:18**
- Lock-ins, **2:25**
- Mortgage broker fees, **2:3**
- Payoff information request, **2:29, 2:35**
- Prepayment penalties, **2:29**
- Referral fees, **2:32**
- Refunds, **2:18**
- Release of deed of trust, **2:18, 2:33**
- Third party fees, **2:18**
- Trustees, **2:38**

FIRE INSURANCE

- Replacement value, **2:22**

FLIPPING

- Prohibition of mortgage flipping, **2:28**

FORECLOSURE

- Acceleration, **2:19**
- Deficiency judgments, **2:12**
- Homestead exemption, **2:21**
- Notice, **2:19**
- Rescue companies, **2:19**
- Sale, **2:38**

FORECLOSURE RESCUE COMPANIES

- Prohibition of certain practices, **2:19**

FORMS

- Applications, **5:1**
- Licensing, **5:1, 5:2**
- Nationwide Mortgage Licensing System (NMLS), **5:1, 5:2**

FRAUD OR DECEIT

- Consumer protection, generally, **2:11**
- False advertising, **2:1**
- Predatory lending practices, **2:28**

FUTURE ADVANCES

- Priority of liens, **2:20**

GARN-ST. GERMAIN DEPOSITORY INSTITUTIONS ACT

- Transfers, **2:16**

GUIDELINES

- Virginia State Bar's Unauthorized Practice of Law Guidelines, **2:15**

HOMESTEAD

- Homestead exemption, **2:21**

INSURANCE

- Binder acceptance, **2:22**
- Cancellation upon refinancing, **2:22**
- Fire coverage limitation, **2:22**

INSURANCE—Cont'd

- Mortgage guaranty insurance, **2:22**
- Premiums, reimbursements, **2:18**
- Private mortgage insurance, **2:22**
- Refinancing, **2:22**
- Refund of insurance premiums, **2:18**
- Settlement agents, **2:22**
- Solicitation, **2:22**
- Tie-ins, **2:22, 2:36**
- Title
 - availability, **2:9**
 - commissions, **2:22, 2:32**
 - release by title insurance company, **2:33**

INTEREST

- Adjustable rates, compounding of interest, **2:2**
- Alternative Mortgage Transaction Parity Act, **2:2**
- Alternative mortgage transactions
 - generally, **2:2**
- Assumption of mortgage, **2:6**
- Commitment agreement, **2:10**
- Compounding, **2:2**
- Late charges, **2:23**
- Lien priority, **2:20**
- Lock-ins
 - see Lock-Ins
- Preclosing, **2:40**
- Predatory lending activities, **2:28**
- Prepayment penalties
 - see Prepayment Penalties
- Usury, **2:39**

INTERMEDIATE MORTGAGE ACTIVITIES

- Definition, **2:7**

INTERNET

- See also Websites
- NMLS online licensing, **2:7, 2:24, 4:2**
- Record retention for web pages, **2:31**

LATE CHARGES

- generally, **2:23**

LEAD GENERATOR

- Licensings, **2:7**

LEGISLATION

- Alternative Mortgage Transaction Parity Act, **2:2**
- Anti-flipping law, **2:28**
- Consumer Protection Act, foreclosure rescue companies, **2:19**
- Consumer Real Estate Settlement Protection Act
 - see Consumer Real Estate Settlement Protection Act
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Equal Credit Opportunity Act, **2:14**
- Fair Housing Act and disability discrimination, **3:4**
- Federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, **1:2**
- Garn-St. Germain Depository Institutions Act, **2:16**

LEGISLATION—Cont'd

- Mortgage Lender and Broker Act
 - see Mortgage Lender and Broker Act
- Mortgage Loan Originator Act, **2:24**
- Real Estate Appraisers Law, **2:4**
- Real Estate Settlement Procedures Act, **2:9**
- Wet Settlement Act, **2:40**

LENDERS

- See Mortgage lenders

LICENSING

- See also Regulators and Regulatory Agencies
- Applications
 - forms, **5:1**
 - net worth, **2:24**
 - relocation, **2:24**
 - requirements, **2:24**
- Appraisal management company, **2:4**
- Appraisers, **2:4**
- Bona fide employees, **2:7, 2:24**
- Branch offices, **2:24**
- Clerical or support duties, **2:24**
- Continuing education, **2:24**
- Criminal history records check, **2:24**
- Criminal penalties, **2:11**
- Document preparation by Real Estate Board licensee, **2:15**
- Education, **2:24**
- Employee of licensee, **2:24**
- Exemptions, **2:24**
- Federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, **1:2**
- Fees and charges, **1:2, 2:24**
- Fingerprinting, **2:24**
- Forms
 - application, **5:1**
 - brokers, **5:1**
 - lenders, **5:1**
 - mortgage loan originators, **5:2**
 - Nationwide Mortgage Licensing System (NMLS), **5:1, 5:2**
- Mortgage brokers
 - license fees, **2:24**
- Mortgage Lender and Broker Act, **2:24**
- Mortgage lenders, **2:24**
- Mortgage loan originators, **2:24, 5:2**
- New office or relocation, **2:24**
- NMLS
 - see Nationwide Mortgage Licensing System (NMLS)
- Private actions, **2:11**
- Record retention, **2:31**
- Relocation, **2:24**
- Renewal, **2:24**
- Reports, **2:24**
- Revocation, **2:11**
- Surety bond, **2:24**
- Suspension, **2:11**
- Unlicensed mortgage lender or broker, penalties, **2:11**

LICENSING—Cont'd

Violations, **2:24**

LIENS

Escrow items, **2:20**

Future advances, **2:20**

Homestead exemption, **2:21**

Material and labor, notice of possibility of lien for, **2:41**

Notice, **2:41**

Personal property, **2:30**

Priority

 escrow items, **2:20**

 future advances, **2:20**

 interest, **2:20**

Release of lien by settlement agent, **2:33**

Subordinate mortgages, **2:11**

LOAN COMMITMENT AGREEMENTS

Disclosures, **2:10**

LOAN COMMITMENTS

See Commitments

LOAN FLIPPING

Prohibition of mortgage flipping, **2:28**

LOAN ORIGINATION

See Mortgage loan originators

LOAN PROCESSING

See Processing

LOAN SERVICING

See Servicing

LOCATION

Change, **2:8**

LOCK-INS

Application practices, **2:3**

Definition, **2:25**

Disclosures, **2:25**

Fees and charges, **2:18**

Misrepresentation, **2:11**

Record retention, **2:25, 2:31**

Writing, agreement to be in, **2:25**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MORTGAGE BROKERS

Application for license, **5:1**

Branch offices, **2:7**

Commitment fees, **2:18**

Compensation, **2:3**

Definition of mortgage broker, **2:24**

Exclusive dealing, **2:3**

Fees, **2:3, 2:24**

MORTGAGE BROKERS—Cont'd

- Kickbacks, **2:22, 2:32**
- Licensing procedure
 - see Licensing
- Notice to borrower, **2:3**
- Predatory lending practices, **2:28**
- Prohibited acts, **2:7**
- Quarterly report, **2:24**
- Record retention, **2:31**
- Referral fees, **2:32**
- Relocation, **2:24**
- Surety bond, **2:24**
- Table funded loans, **2:7**
- Unique NMLS identifier, **2:3**

MORTGAGE LENDER AND BROKER ACT

- Advertising, **2:1**
- Application practices, **2:3**
- Consumer protection, **2:11**
- Disclosures, **2:14**
- Escrow account, **2:17**
- Licensing, **2:24**
- Lien not to attach to collateral other than real property, **2:30**
- Loan commitment agreements, **2:10**
- Mortgage broker prohibitions, **2:7**
- Overview, **1:2**
- Penalties, **2:7**
- Penalties for licensing violations, **2:24**
- Predatory lending practices, **2:28**
- Record retention, **2:31**
- Refund of fees, **2:18**

MORTGAGE LENDERS

- See also Licensing
- Advertising, **2:1**
- Application for license, **5:1**
- Criminal prosecution for compensating unlicensed mortgage brokers, **2:7**
- Definition of mortgage lender, **2:24**
- Fees, **2:18, 2:24**
- Insurance, **2:22**
- Kickbacks, **2:22**
- Mortgage Call Reports (MCRs), **1:2**
- Net worth, **2:24**
- Predatory lending practices, **2:28**
- Quarterly report, **2:24**
- Relocation, **2:24**
- Table funding, licensing of mortgage broker as mortgage lender, **2:7**

MORTGAGE LOAN ORIGINATOR ACT

- Licensing, **2:24**

MORTGAGE LOAN ORIGINATORS

- Alternative mortgage transactions, **2:2**
- Brokering, **2:7**
- Change in employment status, notice to Bureau, **2:8**
- Education, **1:2**
- Exemption from licensing, **2:24**

MORTGAGE LOAN ORIGINATORS—Cont'd

- Federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, **1:2**
- Fees and charges, **2:18**
- Licensing, **1:2, 2:24, 5:2**
- Lock-in agreements
 - see Lock-In Agreements
- Mortgage loan originator defined, **2:24**
- NMLS
 - forms, **5:2**
 - unique identifier, use in applications, **2:3**
- Quarterly report, **2:24**
- Registration with NMLS, **1:2**
- Transitional mortgage loan originator license, **2:24**
- Unique identifier, **2:24**

NAME

- Advertising to include name of lender or broker, **2:1**
- Change, **2:8**
- Document preparation, **2:15**
- Fictitious, **2:24**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

- Advertisements to contain unique NMLS identifier, **2:1**
- Consumer Access website in advertisements, **2:1**
- Filing Mortgage Call Reports (MCRs), **1:2**
- Licensing
 - generally, **1:2, 2:24**
 - forms, **5:1, 5:2**
 - mortgage loan originators, **5:2**
- Mortgage brokers, **2:7**
- NMLS, **4:2**
- Registration, **1:2**
- Resource Center, **4:2**
- Unique NMLS identifier
 - advertisements to contain, **2:1**
 - application practices, **2:3**
 - licensing, **2:24**

NET WORTH

- Mortgage lenders, **2:24**

NEW OFFICES OR RELOCATIONS

- Licensing, **2:24**

NONTRADITIONAL MORTGAGE PRODUCTS

- Bureau of Financial Institutions guidance, Administrative Letter BFI-AL-1611, **2:2**

NOTICES

- See also Disclosures
- Adverse actions, duty to notify borrowers, **2:14**
- Change in location, name or control, **2:8**
- Contractor's liens for materials and labor, possibility of, **2:41**
- Due-on-sale clauses, **2:16**
- Fees for services, **2:28**
- Foreclosure, **2:19**
- Intent to release, **2:33**
- Mortgage brokerage services, **2:3**
- New offices or relocations, **2:7, 2:24**

NOTICES—Cont'd

Transfer of servicing, **2:37**

OFFICES

Approval by regulators, **2:7, 2:8, 2:24**

ORIGINATORS

See Mortgage loan originators

PAYOFF

See Servicing

PENALTIES

Consumer protection violations, **2:11**

Licensing violations, **2:24**

Mortgage brokering activities, **2:7**

Prepayment penalties

see Prepayment Penalties

Satisfaction of mortgage, failure to record, **2:33**

Summary of penalties against mortgage licensees, **2:33**

PERSONAL PROPERTY

Lien not to attach to collateral other than real property, **2:30**

PREAPPROVAL

Consumer protection, **2:11**

PREDATORY LENDING

generally, **2:28**

PRE-EXISTING DEBT

Condition to equitable mortgage, **3:2**

PREFORECLOSURE NOTICE

Predatory lending activities, **2:28**

PREPAYMENT PENALTIES

generally, **2:29**

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

PRIORITY

Curtesy, **2:26**

Dower, **2:26**

Marital rights, **2:26**

PRIVATE ACTIONS

Consumer protection, **2:11, 3:3**

Consumer Real Estate Settlement Protection Act, action against surety or surety bond, **3:3**

Damages, **2:11**

Disbursements, closing, **2:40**

Discrimination, **2:14**

Failure to release, **2:33**

Foreclosure rescue companies, **2:19**

Misrepresentation, **2:11**

Restitution, **2:11**

Settlement agents, **2:40**

Wet Settlement Act, **2:40**

PROCESSING

Discrimination, **2:14**

Fees and charges, **2:18**

Good faith estimates, **2:25**

PROCESSING—Cont'd

- Intermediate mortgage activity, **2:7**
- Marital rights, **2:26**
- Signature requirements, **2:26**

PROMISSORY NOTES

- Cancellation, **2:33**

PUBLIC ASSISTANCE

- Discrimination, **2:14**

PUBLICATIONS

- Bureau of Financial Institutions newsletters, **1:2**
- Newsletter “Compliance Connection,” **1:2, 4:1**
- Regulations, **4:1**

QUARTERLY REPORT

- Licensee, **2:24**

REAL ESTATE APPRAISERS LAW

- generally, **2:4**

REAL ESTATE BROKERS

- Mortgage brokerage activities, **2:7**
- Ownership interest in mortgage lender or broker, **2:24**
- Referral fees, **2:32**

REAL ESTATE SETTLEMENT PROCEDURES ACT

- generally, **2:9**

REAL ESTATE TRANSFER TAXES

- Action to enforce collection, **3:1**

RECORDING

- Assignment of deeds of trust, **2:5**
- Certificates of transfers, **2:5**
- Disbursements, **2:40**
- Licensing, criminal history records check, **2:7**
- Release of mortgage, **2:33**
- Satisfaction, **2:33**

RECORD RETENTION

- generally, **2:31**
- Loan transaction journal, **2:31**
- Lock-in agreements, **2:25**

REFERRAL FEES

- generally, **2:32**

REFINANCING

- Flipping, predatory lending practices, **2:28**
- Insurance, cancellation, **2:22**

REFUNDS

- Fees and charges, **2:18**

REGISTRATION

- Exempt companies, **5:1**
- Mortgage loan originators, **1:2**

REGULATIONS

- See also Licensing; Regulators and Regulatory Agencies
- Consumer Real Estate Settlement Protection Act, implementing, **2:9**

REGULATIONS—Cont'd

Real Estate Appraiser Board, **2:4**

Unauthorized Practice Rules of Supreme Court of Virginia, **2:18**

REGULATORS AND REGULATORY AGENCIES

See also Licensing

Attorney General

anti-flipping law, enforcement, **2:28**

consumer complaints, investigation, **2:11**

consumer protection, **2:11**

foreclosure rescue companies, **2:19**

Bureau of Financial Institutions

address and telephone, **4:1**

Administrative Letter, fee for assignment of loan documents, **2:5**

Administrative Letter BFI-AL-1611, nontraditional mortgage products guidance, **2:2**

branch office licensing requirements, **2:24**

branch offices, prior approval of new openings, **2:8**

compliance examination of licensees, **2:11, 2:31**

consumer protection, **2:11**

employment status of origination, notification of change in, **2:8**

fees, failure to maintain adequate documentation, **2:18**

foreclosure rescue companies, **2:19**

licensing requirements, **2:7, 2:24**

newsletter, "Compliance Connection," **1:2, 4:1**

overview, **1:2**

penalties, **2:24**

referral fees, **2:32**

revocation of license, **2:11**

revocation or suspension of license, **2:11**

suspension of license, **2:11**

website, **4:1**

Division of Consumer Finance

conduct of examinations, **4:1**

Real Estate Appraiser Board, **2:4**

Regulation publication, **4:1**

State Corporation Commission

address and telephone, **4:1**

enforcement of closing practices, **2:9**

website, **4:1**

RELEASE

Servicing, **2:33**

RELOCATION OF OFFICE

Licensing, **2:24**

REPORTS

Quarterly report by licensees, **2:24**

SECURITY

Collateral restrictions, **2:3**

Nonowner spouses, **2:26**

SERVICING

Acceleration

see Acceleration

Assumption of mortgage

disclosures, **2:6, 2:35**

SERVICING—Cont'd

- Assumption of mortgage—Cont'd
 - fees, **2:6**
- Due-on-sale clauses, **2:16**
- Duties, **2:29**
- Escrows
 - commingling, **2:17**
 - lien priority, **2:20**
 - servicer duties, **2:17**
 - timely payments, **2:17**
- Fees
 - late payment, **2:23**
 - payoff information, **2:35**
- Late charges, **2:23**
- Notice of transfers, **2:37**
- Payoff, **2:33**
 - information, **2:29**
- Practices, **2:35**
- Prepayment, **2:29**
- Record retention, **2:31**
- Release, **2:33**
- Servicer duties, **2:29**
- Transfers, **2:37**

SETTLEMENT AGENTS

- Closing practices, **2:9**
- Insurance, **2:22**
- Release by, **2:33**

SIGNATURES

- Commitment, **2:10**
- Requirements, **2:26**

SMALL BUSINESS INVESTMENT COMPANIES

- Licensing exemption, **2:7**

SOCIAL SECURITY NUMBER

- Documents, limitation on inclusion in, **2:15**

SOLICITATION

- Insurance, **2:22**

STATEMENT

- Document preparation, **2:15**

STATUTES

- See Legislation; Licensing

SURETY BOND

- Appraisal management company, **2:4**
- Licensing, **2:24**
- Private right of action against, **3:3**
- Settlement agents, **2:9**

TABLE FUNDING

- Licensing of mortgage broker as mortgage lender, **2:7**

TAXATION

- Escrows, **2:17**
- Real estate transfer taxes, collection, **3:1**

TIE-INS

Attorneys, **2:36**
Insurance, **2:22, 2:36**
Surveyor, **2:36**

TIME

Transitional mortgage loan originator license, **2:24**

TITLE INSURANCE

See Insurance

TRANSFERS

Assignment of deeds of trust, **2:5**
Assumption of mortgages
 see Assumption of Mortgage
Certificates of transfers, **2:5**
Due-on-sale clauses, **2:16**
Garn-St. Germain Depository Institutions Act, **2:16**
Servicing, **2:37**

TRANSITIONAL MORTGAGE LOAN ORIGINATOR LICENSE

Duration, **2:24**

TRUST DEEDS

See Deeds of Trust

TRUSTEES

Conflict of interest, **2:38**
Duties of, **2:38**
Fees, **2:38**
Number of trustees, **2:38**
Substitute, **2:38**

UNAUTHORIZED PRACTICE OF LAW

Fees and charges, **2:18**

UNDERWRITING

Commitments
 see Commitments
Insurance
 binder acceptance, **2:22**
 escrows, **2:17**
 fire coverage limitation, **2:22**
 refinancing, **2:22**
 tie-ins, **2:22, 2:36**
 title, commissions, **2:32**

USURY

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

WAIVER

Homestead exemption, **2:21**

WEBSITES

Bureau of Financial Institutions, **4:1**
NMLS, **4:2**
NMLS Consumer Access website in advertisements, **2:1**
State Corporation Commission, **2:9, 4:1**

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Advertisement, **2:1**

Intermediate mortgage activities, **2:7**

Loan processing, **2:7**

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

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

Mortgage lender, **2:24**

Mortgage loan originator, **2:24**

Settlement agent, **2:9**

WRITING OR WRITTEN INSTRUMENTS

See also Documents

Commitments, written and signed, **2:10**

Lock-agreement, **2:25**