

Index

ACCOUNTING

- Generally, **9:1 et seq.**
- Absence of effective control, **9:6**
- Assets. Transfers of financial assets as sales, below
- Available-for-sale securities, **9:14**
- Bankruptcy and insolvency, escrow and custodial accounts, **13:8**
- Changed circumstances, **9:12**
- Consolidation, disclosure of securities, **9:16**
- Constraints, **9:5**
- Debt investments, FASB ASC Topic 320, **9:2**
- Derivatives, FASB ASC Topic 815, **9:2**
- Disclosure
 - Generally, **9:9 to 9:16**
 - Available-for-sale securities, **9:14**
 - Changed circumstances, **9:12**
 - Consolidation, **9:16**
 - General applicability, requirements of, **9:15**
 - Held-to-maturity securities, **9:11, 9:12**
 - Investments, debt and equity, **9:10 to 9:15**
 - Recognition / derecognition, **9:7**
 - Trading securities, **9:13**
- Effective control, absence of, **9:6**
- Equity investments, FASB ASC Topic 320, **9:2**
- Financial Accounting Standards Board (FASB)
 - Generally, **9:2**
 - ASC Topic 320, accounting for debt and equity investments, **9:2**
 - ASC Topic 810, consolidation, **9:2**
 - ASC Topic 815, derivatives and hedge accounting, **9:2**
 - ASC Topic 860, financial asset transfers and servicing, **9:2**
- Financial asset transfers and servicing, FASB ASC Topic 860, **9:2**
- General applicability, requirements of, **9:15**
- Hedge accounts, FASB ASC Topic 815, **9:2**
- Held-to-maturity securities, **9:11, 9:12**
- IASB, **9:2**
- International Financial Reporting Standards, **9:2**
- Isolation of financial assets, **9:4**
- Maturity, **9:11, 9:12**
- Pledged collateral, deposit accounts, **8:11**
- Qualified special purpose entity (QSPE), **9:4**
- Recognition / derecognition, **9:7, 9:8**
- Regulatory developments, **14:8**
- Sales
 - Available-for-sale securities, **9:14**

ACCOUNTING—Cont'd

- Sales—Cont'd
 - Transfers of financial assets as sales, below
- Servicing rights, **9:17**
- Statements of Financial Accounting Standards (FAS), generally, **9:2 et seq.**
- Trading securities, **9:13**
- Transfer constraints, **9:5**
- Transfers of financial assets as sales
 - Generally, **9:3 to 9:8**
 - Absence of effective control, **9:6**
 - Disclosure documents, **9:8**
 - Isolation of financial assets, **9:4**
 - Recognition / derecognition, **9:7, 9:8**
 - Transfer constraints, **9:5**

ADJUSTABLE RATE MORTGAGES (ARMS)

- Ratings (this index)
- Restrictions on enforceability, **8:29**

ADVISERS

- Investment Advisers Act (1940) (this index)
- Latest Trends and Developments (1940) (this index)

AFFIRMATIVE COVERAGE

- Title insurance, **8:40**

AGENCY AND NON-AGENCY MORTGAGES

- Generally, **3:1 et seq.**
- Agency mortgages, conforming criteria, **3:4**
- “Alt-A” non-agency mortgages, **3:8**
- Buying and selling commercial mortgages on the secondary market, **3:3.50**
- Commercial mortgage transactions, **3:3**
- Conforming criteria for agency mortgages, **3:4**
- Jumbo non-agency mortgages, **3:6**
- Mortgages, generally, **3:1**
- Non-agency mortgages
 - Generally, **3:5 to 3:9**
 - “Alt-A” mortgages, **3:8**
 - Jumbo mortgages, **3:6**
 - Non-qualified, **3:8.50**
 - Securitizations, **3:9**
 - Subprime mortgages, **3:7**
- Residential mortgage transactions, **3:2**
- Securitizations, non-agency mortgages, **3:9**
- Subprime non-agency mortgages, **3:7**

AGENTS AND AGENCIES

- Pledged collateral, **8:13**

AGRICULTURE

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

ALL APPROPRIATE INQUIRIES

Hazardous substances laws, **8:43**

ALLOCATIONS

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

“ALT-A” MORTGAGES

Non-agency mortgages, **3:8**

ALTERNATIVE MORTGAGE

TRANSACTION PARITY ACT OF 1982 (AMT)

Generally, **8:28**

AMERICAN LAND TITLE ASSOCIATION (ALTA)

Generally, **8:37**

APPRAISAL

FIRREA, **8:55**

ASSET-BACKED SECURITIES (ABS)

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

Forms

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

Registration

Forms, **7:39**
Revisions to Regulation AB, **7:40**
Securities Act (1933) registration process, **7:39**
Regulation AB, revision, **7:40**
Regulation AB II, **7:41**
Revised ABS registration requirements, **7:40**
Securities Act (1933) registration process, **7:39**
Structured finance rules, revised, **7:40**

ASSETS

Accounting (this index)
FASB ASC Topic 860, financial asset transfers and servicing, **9:2**
Pension Fund Investments (this index)

ASSIGNMENT

Conditional assignment of collateral, **8:14**
Security agreement, assignment of mortgages without, **8:15**
Title insurance, **8:41**

AVAILABLE-FOR-SALE SECURITIES

Accounting disclosure, **9:14**

AVERAGES

Prepayments (this index)

BANK AND S&L MORTGAGE-BACKED SECURITIES AND ACTIVITIES

Generally, **12:1 et seq.**

Acting as counterparty, **12:11**

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

Capital requirements, **12:13, 12:14**

Counterparty, **12:11**

Credit / warehouse facilities, **12:5**

Derivatives, **12:11**

Examination of bank, **12:15**

Managing portfolios containing MBS, **12:12**

Mortgage origination, **12:4**

Mortgage servicing for Fannie Mae and Freddie Mac, **4:24, 50**

Portfolios containing MBS, **12:12**

Proprietary trading, **12:9**

Providing credit / warehouse facilities, **12:5**

Purchasing mortgages and MBS, **12:8**

Regulation of banking, **12:2**

Risk management, **12:13, 12:14**

Selling mortgages and MBS, **12:8**

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

Serving as trustee, **12:7**

Simplified supervisory formula approach, **12:14**

Sponsoring MBS structures, **12:10**

Structuring derivatives, **12:11**

Underwriting MBS structures, **12:10**

Volcker Rule, **12:9**

BANKRUPTCY AND INSOLVENCY

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

Adequate protection, avoiding the stay, **13:13**

Avoiding stay, **13:13**

Bankruptcy estate

Generally, **13:4**

“Bankruptcy remote” structures, **13:9**

Custodial accounts, **13:8**

Escrow accounts, **13:8**

Federal Bankruptcy Code, **13:3 to 13:16**

Interest in custodial and escrow accounts, **13:8**

Interest in servicing agreement, **13:7**

Servicing agreement, **13:7**

Special purpose vehicle, **13:5**

Structuring true sale, **13:6**

True sale, **13:5, 13:6**

“Bankruptcy remote” structures

Bankruptcy estate, **13:9**

Commercial mortgage financing arrangements, **4:15**

Commercial mortgage backed securities, “bankruptcy remote” structures, **4:15**

Custodial accounts, **13:8**

Escrow accounts, **13:8**

Executory contracts, **13:16**

BANKRUPTCY AND INSOLVENCY—Cont'd

- Federal Bankruptcy Code
 - Generally, **13:3 to 13:16**
 - Bankruptcy estate, **13:4 to 13:6**
 - Filing a case, **13:3**
 - Special purpose vehicle, **13:5**
 - Structuring true sale, **13:6**
 - True sale, bankruptcy estate, **13:5, 13:6**
- Filing a case, **13:3**
- Fraudulent transfers, **13:16**
- Interest in custodial and escrow accounts, **13:8**
- Interest in servicing agreement, **13:7**
- Liquidation of subsidiary, **13:12**
- Overview of bankruptcy law, **13:2**
- Piercing corporate veil, **13:11**
- Preferential transfers, **13:15**
- Secured claims, **13:14**
- Servicing agreement, **13:7**
- Special purpose vehicle, **13:5**
- Stay, avoidance, **13:13**
- Structuring true sale, **13:6**
- Subsidiaries, **13:12**
- Substantive consolidation
 - Generally, **13:10**
 - Liquidation of subsidiary, **13:12**
 - Piercing corporate veil, **13:11**
 - Subsidiary, liquidation, **13:12**
- Transfers, **13:15, 13:16**
- True sale, bankruptcy estate, **13:5, 13:6**

BANKRUPTCY REMOTE STRUCTURES

- Bankruptcy estate, **13:9**
- Commercial mortgage financing arrangements, **4:15**

BANKS

- Bank and S&L Mortgage-Backed Securities and Activities (this index)
- Exemption from SEC registration, **7:10**
- Securities Exchange Act of 1934, bank as broker / dealer, **7:71**
- 12 U.S.C.A. § 1701j-3, **App N**

BASIS

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

BEST EXECUTION

- Investment Advisers Act (1940), **7:80**
- Mortgage trading markets, **5:10**

BEST PRACTICES

- Mortgage trading markets, **5:12**

BLUE SKY LAWS

- Generally, **7:91**

BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM

- Interagency Advisory on Mortgage Banking, **App P**

BONDS

- Mortgage-backed bonds, **4:26**
- Mortgage securitization, **1:1**
- Ratings (this index)
- REMICs, **2:6**

BOOK-ENTRY

- Pledged Collateral (this index)
- UCC, Article 8, **8:5**

BROKERS

- Securities Exchange Act of 1934 (this index)

CASH COLLATERALIZED DEBT OBLIGATIONS

- Mortgage trading markets, **5:18**

CASH PAYMENTS

- Defined, **2:10**
- Recourse, **2:10**

CDOs

- Cash, **5:14**
- Synthetic, **5:15**

CERTIFICATES AND CERTIFICATION

- Pension fund investments, **10:21**

CHANGE

- Modification or Change (this index)

CHARACTERISTICS OF SECURITIES AND STRUCTURES

- Generally, **4:1 to 4:26**
- Asset-backed securities and structured finance, **4:1**
- “Bankruptcy remote” commercial mortgage financing arrangements, **4:15**
- Collateralized mortgage obligations (CMOs), **4:17 to 4:23**
- Credit risk, **4:3**
- Liquidity, **4:7**
- Modified pass-through securities, **4:11**
- Mortgage-backed bonds, **4:26**
- Mortgage-backed securities, **4:1.50, 4:8**
- Mortgage pass-through certificates, **4:10**
- Mortgage pay-through obligations, **4:12**
- Mortgage servicing for Fannie Mae and Freddie Mac, **4:24.50**
- Prepayment risk, **4:4**
- Reinvestment concerns, **4:6**
- Risks
 - Generally, **4:2**
 - Credit risk, **4:3**
 - Environmental risk, **4:7.50**

CHARACTERISTICS OF SECURITIES AND STRUCTURES—Cont'd

Risks—Cont'd

- Interest rate and duration risk, **4:2.50**
- Liquidity, **4:7**
- Prepayment risk, **4:4**
- Reinvestment concerns, **4:6**
- Security / risk, **4:5**
- Security / risk, **4:5**
- Servicing mortgage loans and MBS structures, **4:24**
- Stripped mortgage-backed securities (IOs and POs), **4:13**

CHARGES

- Late payment charges, **8:26**

CLASS EXEMPTIONS

- Pension Fund Investments (this index)

CLEAN-UP CALL

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

CMOs

- Collateralized Mortgage Obligations (CMOs) (this index)

COLLATERAL

- Generally, **8:2**
- Conditional assignment of collateral, **8:14**
- Escrow agent considerations, **8:13**
- Ownership, collateralized mortgage obligations (CMOs), **14:5, 14:6**
- Perfection, **8:3 to 8:11**
- Pledged Collateral (this index)
- Ratings (this index)
- Uniform Commercial Code (UCC), Article 9, **8:8**

COLLATERALIZED MORTGAGE OBLIGATIONS (CMOs)

- Generally, **4:17 to 4:23**
- Characteristics of securities and structures, **4:17 to 4:23**
- Floating-rate MBS, **4:22**
- Mortgage trading markets, **5:8, 5:18, 5:19**
- Other CMO innovations, **4:21**
- Ownership of collateral, **14:5**
- Phantom income, **14:6**
- Planned amortization classes (PACs), **4:18, 4:19**
- Putable CMOs, **4:21**
- Real estate mortgage investment conduits (REMICs), **4:23**
- Structure, tax considerations, **14:4**
- Super PAC bonds, **4:21**
- Synthetic collateralized debt obligations, **5:19**
- Targeted amortization classes (TACs), **4:18, 4:20**
- Tax considerations, **14:3 to 14:6**

COLLECTIVE TRUST FUNDS

- Investment strategies and funds, **6:5**

COMMERCIAL LOANS

- State usury laws, **8:23**

COMMERCIAL MORTGAGE-BACKED SECURITIES

- Ratings, **11:20**

COMMERCIAL MORTGAGES

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

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

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

CONDITIONAL ASSIGNMENT

- Collateral, **8:14**

CONFLICT OF INTEREST

- Securities exchange act of 1934, **7:66.50**

CONSOLIDATION

- Accounting (this index)

CONSTRAINTS ON TRANSFER

- Accounting, control, **9:5**

CONTINUING OBLIGATIONS

- Hazardous substances laws, **8:43**

CONTRACTS AND AGREEMENTS

- Assignment of mortgages without security agreement, **8:15**
- Bankruptcy and insolvency, executory contracts, **13:16**
- Securities law, **7:7**

CORPORATIONS

- Tax considerations, **14:3**

COST RECOVERY

- Hazardous substances laws, **8:44**

COSTS AND EXPENSES

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

COUNTERPARTY RISK

- Mortgage trading markets, **5:7**

COUPON RATE

- Prepayments (this index)

CREDIT

- Disclosure regarding credit considerations
 - Generally, **7:49 to 7:59**
 - Commercial mortgages, **7:59**
 - Contracts, servicing, **7:51**

INDEX

CREDIT—Cont'd

- Disclosure regarding credit considerations—Cont'd
 - Conventional mortgages, secured by, **7:50**
 - Delinquency information regarding pools, **7:57**
 - Foreclosure information regarding pools, **7:57**
 - Geographic location, **7:55**
 - Insurance, **7:58**
 - Largest loan, **7:54**
 - Loan-to-value ratios, **7:56**
 - Number of loans, **7:53**
 - Percentage of pool, **7:54**
 - Pools, **7:54, 7:57**
 - Private insurance policies, **7:58**
 - Range of loan size, largest loan and largest loan as percentage of pool, **7:54**
 - Servicing contracts, mortgages, **7:51 to 7:59**
 - Size of loan, **7:54**
 - Terms of mortgages, **7:52**
 - Value, loan-to-value ratios, **7:56**
- Secondary mortgage market, **1:3**

CREDIT PROTECTION

- Ratings (this index)

CREDIT RISK

- Characteristics and risks of MBS, **4:3**
- CRT securities, **4:16**
- Ratings (this index)
- Response to investor demands, **1:5, 1:6**
- Risk retention
 - Requirements, **7:66**
- Securities Exchange Act of 1934, retention requirements, **7:66**

CUSTODIAL ACCOUNTS

- Bankruptcy and insolvency, **13:8**

DEALERS

- Securities Exchange Act of 1934 (this index)

DEBT

- See also topics beginning Credit
- FASB ASC Topic 320, accounting for debt and equity investments, **9:2**

DEFAULT

- Pledged collateral, **8:12**

DEFEASANCE

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

DEFICIENCY STATUTES

- Mortgage enforcement statutes, **8:33**

DEFINITIONS

- Glossary of terms, **App A**

DELIVERY OF ELECTRONIC DOCUMENTS

- Electronic media securities offering process, **7:61**

DEMANDS

- Investor Demands (this index)

DEPARTMENT OF LABOR

- Advisory Opinion 1999-03A, **App M**
- ERISA issues, **10:1 to 10:21**
- Prohibited Transaction Class Exemption 83-1, **App K**
- Prohibited Transaction Class Exemption 88-59, **App L**

DEPARTMENT OF TREASURY

- Enhancing Disclosure in Mortgage-Backed Securities Markets, **App E**
- Troubled Asset Relief Program, **2:16**

DEPOSIT ACCOUNTS

- Pledged collateral, **8:11**

DEPOSITORY INSTITUTIONS

DEREGULATION AND MONETARY CONTROL ACT OF 1980 (DIDMCA)

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

DERIVATIVES

- FASB ASC Topic 815, **9:2**
- Mortgage Trading Market (this index)

DISCLOSURE

- Accounting (this index)
- Credit considerations, disclosure regarding
 - Commercial mortgages, **7:59**
 - Contracts, servicing, **7:51**
 - Conventional mortgages, **7:50**
 - Delinquency information regarding pools, **7:57**
 - Foreclosure information regarding pools, **7:57**
 - Geographic location, **7:55**
 - Insurance, **7:58**
 - Largest loan, **7:54**
 - Loan-to-value ratios, **7:56**
 - Location, **7:55**
 - Mortgages, generally, **7:51 to 7:59**
 - Number of loans, **7:53**
 - Pools, **7:54, 7:57**
 - Private insurance policies, **7:58**
 - Range of loan size, largest loan and largest loan as percentage of pool, **7:54**
 - Servicing contracts, mortgages, **7:51 to 7:59**
 - Size of loan, **7:54**
 - Terms of mortgages, **7:52**
 - Value, loan-to-value ratios, **7:56**
- Enhancing Disclosure in Mortgage-Backed Securities Markets, **App E**
- Prepayments (this index)
- Real estate settlement procedures act (RESPA), **8:49**
- SEC RMBS requirements, concept release, **15:1**
- Securities Exchange Act of 1934 requirements, **7:67, 7:68**

DISCLOSURE—Cont’d

Selective disclosure. Prepayments (this index)
 Task Force on Mortgage-Backed Securities
 Disclosure, Staff Report, **App E**
 Truth in Lending Act provisions, **App O**

DODD-FRANK REFORM ACT

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

“DOLLAR ROLLS”

Mortgage trading markets, **5:6**

DUE DILIGENCE

Environmental issues, **8:47**

DUE-ON-SALE CLAUSES

Generally, **8:27**

EFFECTIVE CONTROL

Absence of, accounting, **9:6**

ELECTION

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

ELECTRONIC INFORMATION

Generally, **2:17**

**ELECTRONIC MEDIA AND SECURITIES
OFFERING PROCESS**

Generally, **7:60**

Delivery, **7:61**

ENDORSEMENT

Title insurance, **8:41**

ENFORCEMENT ACTIVITIES

Pledged Collateral (this index)
 Uniform Commercial Code (UCC) Article 9, **8:7
 to 8:13**
 Validity of Underlying Mortgages (this index)

ENVIRONMENTAL LIABILITY

Comprehensive Environmental Response,
 Compensation, and Liability Act
 (CERCLA), **8:42 to 8:47**
 Hazardous Substances Laws (this index)

EQUITY

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

ERISA

Pension Fund Investments (this index)

ESCROW ACCOUNTS

Bankruptcy and insolvency, **13:8**
 Real estate settlement procedures act (RESPA),
8:52

ESCROW AGENT

Pledged collateral, use of agent, **8:13**

ESTATES

Bankruptcy and Insolvency (this index)

**EXCEPTIONS, EXCLUSIONS, AND
EXEMPTIONS**

Pension Fund Investments (this index)
 Registration
 Securities Act of 1933 (this index)
 Securities Exchange Act of 1934 (this index)
 Title insurance, exclusions and exceptions, **8:38,
 8:39**

EXCESS SERVICING FEES

Recourse, **2:10**

EXCHANGE TRADED FUNDS

Investment strategies and funds, **6:4**

EXECUTION

Pledged collateral, **8:12**

EXECUTORY CONTRACTS

Fraudulent transfers, **13:16**

EXEMPTION FROM REGISTRATION

Securities Act of 1933 (this index)
 Securities Exchange Act of 1934 (this index)

EXPENSES

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

FAILING ASSET TEST

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

“FAILS” MARKET

Mortgage trading markets, **5:5**

FALSE STATEMENTS

Registration statement, liability, **7:31**

FANNIE MAE

Generally, **2:1 et seq.**
 Due-on-sale clauses, **8:27**
 FIRREA, **2:9**
 GSE Act, **2:2**
 Mortgage servicing, **4:24.50**
 National Housing Act, Title III, generally, **2:3**
 Overview, **2:3**
 Pledged Collateral (this index)
 Prepayment disclosures, pool numbers, **7:44**
 Private sector, **2:3**
 Recourse
 Cash transaction, **2:11**
 Limited recourse, **2:11**
 Multi-family residential mortgages, **2:11**
 Negotiated commitment, **2:11**
 Purchase transactions, **2:13**
 Representations and warranties, **2:14**
 Single-family residential mortgages, **2:11**

INDEX

FANNIE MAE—Cont'd

- Recourse—Cont'd
- Standard commitment, **2:11**
- Swap transaction, **2:11**

FASB

- Accounting (this index)

FASITs (FINANCIAL ASSET SECURITIZATION INVESTMENT TRUSTS)

- Generally, **1:10**

FDIC (FEDERAL DEPOSIT INSURANCE CORPORATION)

- Interagency Advisory on Mortgage Banking, **App P**

FEDERAL AGRICULTURAL MORTGAGE CORPORATION (FARMER MAC)

- Generally, **7:9**

FEDERAL BANKRUPTCY CODE

- Bankruptcy and Insolvency (this index)

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC)

- Interagency Advisory on Mortgage Banking, **App P**

FEDERAL HOME LOAN BANKS

- Generally, **2:8**

FEDERAL HOME LOAN MORTGAGE CORPORATION

- Freddie Mac (this index)

FEDERAL LAW

- Generally, **8:1 et seq.**
- See also Statutes (this index)
- Hazardous substances laws, **8:43**

FEDERALLY-RELATED LOAN

- Validity of underlying mortgages, **8:19**

FEDERALLY-SPONSORED ENTERPRISES

- Generally, **2:2**
- See also Fannie Mae (this index), Freddie Mac (this index), and Ginnie Mae (this index)
- Dominance of, **1:7**

FEDERAL NATIONAL MORTGAGE ASSOCIATION

- Generally, **2:3**
- Fannie Mae (this index)

FEDERAL PREEMPTION

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

FEDERAL RESERVE BANK (FRB)

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

FEDERAL RESERVE BOARD

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

FEES

- Recourse, excess servicing fees defined, **2:12**

FHLMC

- Pledged Collateral (this index)

FIDUCIARIES

- Pension Fund Investments (this index)

FINANCIAL ACCOUNTING STANDARDS BOARD (FASB)

- Accounting (this index)

FINANCIAL ASSET SECURITIZATION INVESTMENT TRUSTS (FASITs)

- Generally, **1:10**

FINANCIAL CRISIS INQUIRY COMMISSION (FCIC)

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

FINANCIAL INDUSTRY REGULATORY AUTHORITY (FINRA)

- Generally, **7:72**

FINANCIAL INSTITUTIONS REFORM, RECOVERY AND ENFORCEMENT ACT (FIRREA)

- Generally, **2:9**
- Appraisal requirements of, **8:55**
- Fannie Mae, **2:9**

FINRA

- Generally, **7:72**

FIRREA

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

FIRST LIEN

- Validity of underlying mortgages, **8:20**

FITCH RESIDENTIAL MORTGAGE RATINGS

- Adjustable rate mortgages (ARMs), **11:18**
- Legal and legislative challenges, **1:13**
- Ratings structure, approach and regulation, **11:2 to 11:21**

FLOATING-RATE MBS

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

FNMA

- Fannie Mae (this index)

FORECLOSURE

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

Ratings, **11:12**

Validity of underlying mortgages, **8:31**

FORMS

See also more specific topics

Asset-Backed Securities (ABS) (this index)

FRAUDULENT TRANSFERS

Bankruptcy and insolvency, **13:16**

FREDDIE MAC

Generally, **2:7**

Due-on-sale clauses, **8:27**

Federal Home Loan Mortgage Corporation, **2:7**

GSE Act, **2:2**

Mortgage servicing, **4:24.50**

Pledged Collateral (this index)

Prepayment disclosures, pool numbers, **7:44**

Private sector, **1:8**

Recourse, **2:11 et seq.**

Regulatory oversight, **2:12**

FREQUENCY

Ratings, **11:12**

FUTURES

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

GENERAL APPLICABILITY

Accounting disclosure, **9:15**

GEOGRAPHIC LOCATION

Credit considerations, disclosure regarding, **7:55**

GINNIE MAE

Generally, **2:4 to 2:6**

Conditional assignment of collateral, **8:14**

Contracts for sale, **7:7**

Dominance of, **1:7**

Ginnie Mae MBS, **2:5**

Housing and Urban Development Act of 1968,
Title III, generally, **2:4 to 2:6**

Pledged Collateral (this index)

Prepayment disclosures, pool numbers, **7:44**

Private sector, **2:4 to 2:6**

REMIC program, **2:6**

GLOSSARY OF TERMS

Generally, **App A**

GNMA

Ginnie Mae (this index)

GOVERNMENTAL ENTITIES

Exempt security, **7:9**

GOVERNMENTAL MORTGAGE POOL

CERTIFICATES

Pension fund investments, **10:21**

GOVERNMENT HOUSING ENTERPRISES

Generally, **2:2 et seq.**

Fannie Mae (this index)

Federal home loan mortgage corporation. Freddie
Mac (this index)

Federal National Mortgage Association. Fannie
Mae (this index)

Freddie Mac (this index)

Ginnie Mae (this index)

Government national mortgage association. Gin-
nie Mae (this index)

Recourse (this index)

REMICs program, **2:6**

Sale or purchase, **2:11, 7:7**

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Ginnie Mae (this index)

GOVERNMENT SPONSORED ENTERPRISES (GSEs)

Generally, **2:2**

Dominance of, **1:7**

See also Fannie Mae; Freddie Mac; Ginnie Mae
(this index)

GUARANTEED GOVERNMENTAL MORTGAGE POOL CERTIFICATES

Pension fund investments, **10:21**

GUARANTEES

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

HAZARDOUS SUBSTANCES LAWS

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

All appropriate inquiries, **8:43**

Continuing obligations, **8:43**

Cost recovery, **8:44**

Due diligence, increased, **8:47**

Environmental issues, due diligence, **8:47**

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

Federal laws, **8:43**

Impact on MBS, **8:46**

Property transfer statutes, **8:45**

Safe harbor for secured creditors, **8:43**

Secured creditor exemption, **8:44**

State property transfer statutes, **8:45**

State superfund statutes, **8:44**

Superfund statutes, **8:44**

Title and ownership, generally, **8:42 to 8:47**

Windfall lien, **8:43**

HEDGE ACCOUNTING

FASB ASC Topic 815, **9:2**

HEDGE FUNDS

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

HELD-TO-MATURITY SECURITIES

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

Changed circumstances, **9:12**

HOUSING AND URBAN DEVELOPMENT (HUD)

Fannie Mae (this index)

Freddie Mac (this index)

Ginnie Mae (this index)

HUD

Housing and Urban Development (HUD) (this index)

IMPACT

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

INADVERTENT TERMINATION

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

INFORMATION RESOURCES

Mortgages and MBS generally, **1:5**

INSIGNIFICANT EQUITY PARTICIPATION

Plan asset exemption, **10:20**

INSTALLMENT SALES CONTRACTS

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

INSTITUTIONAL SEPARATE ACCOUNTS

Investment strategies and funds, **6:1**

INSURANCE

Credit considerations, private insurance, **7:58**

FDIC, Interagency Advisory on Mortgage Banking, **App P**

Pension fund investments, underwriters' exemption, **10:22**

Ratings, credit protection, **11:16**

Validity of Underlying Mortgages (this index)

INSURANCE COMPANY GENERAL ACCOUNTS

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

INTANGIBLES

Pledged collateral, **8:7, 8:8**

INTERAGENCY ADVISORY ON MORTGAGE BANKING

Generally, **App P**

INTERESTS

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

INTERNAL REVENUE CODE (IRC)

Generally, **1:10**

INTERNAL REVENUE CODE (IRC)—Cont'd

Pension fund investments, prohibitions, **10:8**

INTERNATIONAL FINANCIAL REPORTING STANDARDS

Accounting, **9:2**

INTERNATIONAL MARKET

Secondary mortgage market, private sector, **2:17**

INVESTMENT ADVISERS ACT (1940)

Generally, **7:75 to 7:83**

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

Aggregation, **7:80**

Allocation, **7:80**

Best execution, **7:79**

Cross trades, **7:83**

Principal transactions, **7:82**

Section 206: antifraud provisions, **7:76**

Section 207: Filings, **7:78**

INVESTMENT COMPANY ACT (1940)

Generally, **7:84 to 7:90**

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

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

Exclusions

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

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

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

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

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

Investment company defined, **7:85**

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

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

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

Rule 3a-7 text, **App II**

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

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

Section 3(a) text, **App H1**

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

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

Discounting, **7:89**

Real estate companies, **7:89**

Sales financing, **7:89**

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

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

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

INVESTMENT GRADE RATINGS

Generally, **11:2**

INVESTMENTS

- Financial Asset Securitization Investment Trusts (FASITs), **1:10**
- Pension Fund Investments (this index)
- Real Estate Mortgage Investment Conduits (REMICs) (this index)
- Secondary Mortgage Markets (this index)

INVESTMENT STRATEGIES AND FUNDS

- Generally, **6:1 et seq.**
- Collective trust funds, **6:5**
- Exchange traded funds, **6:4**
- Hedge funds, **6:6**
- Institutional separate accounts, **6:1**
- Insurance company general accounts, **6:8**
- Private equity funds and other private funds, **6:7**
- Real estate investment trusts (REITs), **6:10**
- Registered investment companies, **6:3**
- Structured investment funds, **6:9**
- Wrap fee programs, **6:2**

ISOLATION OF FINANCIAL ASSETS

- Accounting, **9:4**

JUMBO MORTGAGES

- Non-agency mortgages, **3:6**

KICKBACKS

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

LATE PAYMENT CHARGES

- State usury laws, **8:26**

LATEST TRENDS AND DEVELOPMENTS

- SEC RMBS disclosure requirements, concept release, **15:1**

LEGAL REVIEW

- Ratings, **11:10**

LEGISLATIVE AND REGULATORY DEVELOPMENTS

- Challenges and solutions, **1:9 to 1:14**

LICENSES

- Mortgage lending licensing statutes, **8:29**

LIMITATIONS AND RESTRICTIONS

- Prohibited transaction class exemption (PTCE).
Pension Fund Investments (this index)
- Real Estate Mortgage Investment Conduits (REMICs) (this index)
- Securities Exchange Act of 1934 (this index)
- Taxation, **1:10**
- Validity of underlying mortgages, **8:17, 8:25, 8:28**

LIMITED PARTNERSHIPS

- Tax considerations, **14:2**

LIQUIDITY AND LIQUIDATION

- Bankruptcy and insolvency, liquidation of subsidiary, **13:12**
- Characteristics and risks of MBS, **4:7**
- Real estate mortgage investment conduits (REMICs), **14:14, 14:48**

LOAN-TO-VALUE (LTV)

- Credit considerations, disclosure regarding, **7:56**

LOCAL LAW

- Generally, **8:1 et seq.**

LOCATION

- Credit considerations, disclosure regarding, **7:55**

LOW-INCOME HOUSING

- Federally-Sponsored Enterprises (this index)

MANUFACTURED HOME

- Validity of underlying mortgages, **8:20**

MARGIN RISK

- Mortgage trading markets, **5:7**

MARKET

- Background to secondary markets, **5:1**
- International market, **2:16**
- Mortgage Trading Markets (this index)
- Secondary Mortgage Market (this index)
- “To-be-announced” market, **5:3**

MATURITY

- Accounting disclosure, **9:11, 9:12**
- Secondary mortgage market, **2:14**

MECHANICS

- Trading markets, **5:2**

MODIFICATION OR CHANGE

- Accounting rules and requirements, **9:12**
- Real estate mortgage investment conduits (REMICs), qualified investments, **14:30**
- Superfund Amendments and Reauthorization Act of 1986 (SARA), **8:42, 8:43**

MODIFIED PASS-THROUGH SECURITIES

- Characteristics of securities and structures, **4:11**

MOODY

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

MORTGAGE ACT OF 2010

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

MORTGAGE-BACKED BONDS

- Generally, **4:26**
- Characteristics of securities and structures, **4:26**
- Collateralization types, **4:26**
- Ratings, **11:8**

MORTGAGE-BACKED SECURITIES

- Generally, **4:1.50, 4:2**
- Asset-backed securities and structured finance, **4:1**
- “Bankruptcy remote” arrangements, **4:15**
- Characteristics of securities and structures, **4:8 to 4:14**
- Common securitization platform, **4:14**
- Credit risk, **4:3**
- Credit Risk Transfer (CRT) securities, **4:16**
- Environmental risk, **4:7.50**
- Interest rate and duration risk, **4:2.50**
- Liquidity, **4:7**
- Modified pass-through certificates, **4:10**
- Mortgage pass-through certificates, **4:10**
- Mortgage pay-through obligations, **4:12**
- Prepayment risk, **4:4**
- Private label, **2:16**
- Reinvestment concerns, **4:6**
- Re-performing loan MBS, **4:25.50**
- Securitization and special purposes vehicles, **4:9**
- Security / risk, **4:5**
- Special purposes vehicles, **4:9**
- Stripped mortgage-backed securities, **4:13**
- Types and structures, **4:8 to 4:14**

MORTGAGE DERIVATIVES

- Generally, **5:11**
- Futures, options, and swaps, **5:13**

MORTGAGE LENDING LICENSES

- Statutes, **8:30**

MORTGAGE LOANS

- Bank and S&L mortgage-backed securities and activities, **4:24**
- Mortgage servicing for Fannie Mae and Freddie Mac, **4:24.50**
- Servicing, mortgage banking, **12:6**

MORTGAGE NOTES

- “Security” status, **7:4**

MORTGAGE PASS-THROUGH CERTIFICATES

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

MORTGAGE PAY-THROUGH OBLIGATIONS

- Characteristics of securities and structures, **4:12**

MORTGAGE PURCHASE PROGRAMS

- Federal Home Loan Banks, **2:8**

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

- Adjustable rate mortgage restrictions, **8:28**
- Characteristics and risks of mortgage-backed securities, **4:4**
- Impact of federal laws, **8:1**

MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT —Cont’d

- Mortgage moratoria, **8:34**
- Real Estate Settlement Procedures Act (RESPA), **8:48**
- State usury laws, prepayment restrictions, **8:25**
- Validity of underlying mortgages, **8:25, 8:28, 8:34**

MORTGAGE TRADING MARKETS

- Generally, **5:1 to 5:19**
- Advantages and disadvantages of purchasing TBAs, **5:6.50**
- Background of secondary market, **5:1**
- Best execution, **5:10**
- Best practices, **5:12**
- Cash collateralized debt obligations, **5:18**
- CMO trading, **5:8**
- Counterparty risk, **5:7**
- Derivatives
 - Generally, **5:16**
 - Futures, **5:17**
 - Options, **5:17**
 - Swaps, **5:17**
- Disadvantages of purchasing TBAs, **5:6.70**
- “Dollar rolls,” **5:6**
- “Fails,” **5:5**
- Futures, mortgage derivatives, **5:17**
- Margin and counterparty risk, **5:7**
- Mechanics, **5:2**
- Options, mortgage derivatives, **5:17**
- Others, **5:17.50**
- Prepayment rates, **5:14**
- Pricing MBS, **5:13, 5:15**
- Purchasing TBAs, Advantages of, **5:6.60**
- Quotations, **5:15**
- Secondary market background, **5:1**
- Settlement of TBA trades, **5:4**
- Soft dollar benefits from MBS transactions, **5:11**
- Swaps, mortgage derivatives, **5:17**
- Synthetic collateralized debt obligations, **5:16**
- “To-be-announced” (TBA) market, **5:3, 5:4**
- Valuing MBS, **5:13**
- Whole loans, **5:9**

MORTGAGE TRANSACTION RULES

- Truth in Lending (Regulation Z), **App O1**

MULTI-FAMILY RESIDENTIAL MORTGAGES

- Recourse by Fannie Mae and Freddie Mac, **2:11**

MUNICIPALITIES

- Securities Exchange Act of 1934, **App F2**

NATIONAL HOUSING ACT, TITLE III

- Fannie Mae (this index)

NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS (NRSROs)

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

NON-AGENCY MORTGAGES

Agency and Non-Agency Mortgages (this index)

NON-QUALIFIED MORTGAGES

Non-agency mortgages
 Agency and non-agency mortgages, **3:8.50**

NOTES

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

NRSROs

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

NUMBER OF LOANS

Credit considerations, disclosure regarding, **7:53**

OFFICE OF COMPTROLLER OF CURRENCY (OCC)

Interagency Advisory on Mortgage Banking, **App P**
 Letter to Senator D'Amato from Robert L. Clarke, **App Q**

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT (OFHEO)

Enhancing Disclosure in Mortgage-Backed Securities Markets, **App E**
 Mortgage Market Note 08-3, **App S**

OFFICE OF THRIFT SUPERVISION

Interagency Advisory on Mortgage Banking, **App P**

OPTIONS

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

OWNERSHIP

Title and Ownership (this index)

PACs (PLANNED AMORTIZATION CLASSES)

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

PARTICIPATION

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

PASS-THROUGH

Modified pass-through securities, **4:11**
 Mortgage pass-through certificates, **4:10**
 Ratings, **11:7**

PASS-THROUGH—Cont'd

Real estate mortgage investment conduits (REMICs), taxation of pass-thru entity, **14:47, 14:60**

PASS-THROUGH CERTIFICATES

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

PAYMENTS

Pledged collateral, **8:7, 8:8**
 Prepayments (this index)
 Validity of underlying mortgages, **8:26**

PAY-THROUGH

Bonds, **11:9**

PENDING

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

PENSION FUND INVESTMENTS

Generally, **10:1 et seq.**
 Affiliated broker-dealers, transactions with, PTCE 86-128, **10:14**
 Assets
 Generally, **10:1**
 Plan assets, below
 Broker-dealers, securities transactions with, PTCE 75-1, **10:15**
 Class exemptions. Prohibited transaction class exemptions, below
 Definition of fiduciary, **10:2**
 Department of Labor
 Prohibited Transaction Class Exemption 83-1, **App K**
 Prohibited Transaction Class Exemption 88-59, **App L**

ERISA

Generally, **10:1**
 Section 3 (definitions) text, **App J**
 Section 404 text, **App J1**
 Section 406 text, **App J2**
 Section 408 text, **App J3**
 Exceptions and exemptions
 Insignificant plan participation, **10:20**
 Prohibited transaction class exemptions, below
 Statutory exemptions, **10:9**
 Trust, tax exempt status of, **10:24**
 Underwriter's exemptions, **10:22**
 Fiduciaries
 Definition, **10:2**
 Prohibited transactions, **10:5 to 10:7**
 Responsibility, **10:3, 10:4**
 Standards, **10:3**
 Financial institutions, securities transactions with, PTCE 75-1, **10:15**
 Governmental mortgage pool certificates, **10:21**

PENSION FUND INVESTMENTS—Cont'd

- Guaranteed governmental mortgage pool certificates, plan assets, **10:21**
- Insignificant equity participation, plan assets, **10:20**
- Insurance company general accounts, PTCE 95-60, **10:13**
- Internal Revenue Code, prohibited transactions, **10:8**
- Investment advice arrangements, PTCE 2020-2, **10:17.50**
- Plan assets
 - Generally, **10:18 to 10:21**
 - DOL Advisory Op. 1999-03A, **App M**
 - Equity participation, insignificant, **10:20**
 - General rule, **10:19**
 - Guaranteed governmental mortgage pool certificates, **10:21**
 - Insignificant equity participation, exception, **10:20**
- Plan fiduciary, definition, **10:2**
- Prohibited transaction class exemption (PTCE)
 - Generally, **10:10 to 10:17**
 - Affiliated broker-dealers, transactions with, PTCE 86-128, **10:14**
 - Broker-dealers, securities transactions with, PTCE 75-1, **10:15**
 - Financial institutions, securities transactions with, PTCE 75-1, **10:15**
 - Insurance company general accounts, PTCE 95-60, **10:13**
 - Investment advice arrangements, PTCE 2020-2, **10:17.50**
 - Mortgage pool investments, PTCE 83-1, **10:11, App K**
 - PTCE 75-1, **10:15**
 - PTCE 83-1, **10:11, App K**
 - PTCE 84-14, **10:12**
 - PTCE 86-128, **10:14**
 - PTCE 88-59, **10:17, App L**
 - PTCE 95-60, **10:13**
 - PTCV 2020-2, **10:17.50**
 - Qualified professional asset managers (QPAMs), PTCE 84-14, **10:12**
 - Residential mortgage financing arrangements, PTCE 88-59, **10:17, App L**
- Prohibited transactions
 - Generally, **10:5 to 10:8**
 - Basic prohibited transactions, **10:6**
 - Internal Revenue Code, **10:8**
 - Self-dealing prohibitions, **10:7**
- Qualified professional asset managers (QPAMs), PTCE 84-14, **10:12**
- Residential mortgage financing arrangements, PTCE 88-59, **10:17**
- Sanctions, **10:4**

PENSION FUND INVESTMENTS—Cont'd

- Self-dealing prohibitions, **9:7**
- Standards, **10:3**
- Statutory exemptions, **10:9**
- Taxation, **10:23, 10:24**
- Trust, tax status, **10:24**
- Underwriter's exemptions, **10:22**
- Unrelated business taxable income, **10:23**

PERCENTAGE OF POOL

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

PERFECTION

- Pledged Collateral (this index)
- Uniform Commercial Code (UCC), Article 9, **8:7 to 8:13**

PHANTOM INCOME

- Collateralized mortgage obligations (CMOs), tax considerations, **14:6**
- Real estate mortgage investment conduits (REMICs), **14:53**

PIERCING CORPORATE VEIL

- Bankruptcy and insolvency, **13:11**

PLAN ASSETS

- Pension Fund Investments (this index)

PLAN FIDUCIARIES

- Pension fund investments, **10:2**

PLANNED AMORTIZATION CLASSES (PACs)

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

PLATFORMS

- Common securitization platform, **4:14**

PLEDGED COLLATERAL

- Generally, **8:2 to 8:13**
- Book-entry FNMA, GNMA and FHLMC
 - Generally, **8:3 to 8:6**
 - Definition of "securities entitlement," **8:5**
 - Registration, **8:3**
 - "Securities entitlement" defined, **8:5**
 - Treasury and FNMA book-entry regulations, **8:6**
- Default, executing on collateral, **8:12**
- Definition of "securities entitlement," **8:5**
- Deposit accounts, **8:11**
- Enforcement of security interests. See entries throughout this heading
- Escrow agent, special considerations, **8:13**
- Executing on collateral in event of default, **8:12**
- Fannie Mae
 - Generally, **8:10**
 - Book-entry FNMA, GNMA and FHLMC, above

PLEDGED COLLATERAL—Cont'd

- Freddie Mac. Book-entry FNMA, GNMA and FHLMC, above
- Ginnie Mae. Book-entry FNMA, GNMA and FHLMC, above
- Intangibles, sale of, **8:7, 8:8**
- Notes, **8:7, 8:8, 8:10, 8:11**
- Perfection of security interests. See entries throughout this heading
- Promissory notes and payment intangibles, sale of, **8:7, 8:8**
- Registration of book-entry securities, **8:3**
- Sale of promissory notes and payment intangibles, **8:7, 8:8**
- “Securities entitlement” defined, **8:5**
- Supporting obligations, **8:9**
- Transfers and pledges of book-entry securities. Book-entry FNMA, GNMA and FHLMC, above
- Treasury and FNMA book-entry regulations, **8:6**
- Uniform Commercial Code (UCC)
 - Article 8
 - “Securities entitlement” defined, **8:5**
 - Treasury and FNMA book-entry regulations, **8:6**
 - Article 9
 - Generally, **8:7 to 8:13**
 - Collateral other than notes and mortgages, **8:10**
 - Default, execution in event of, **8:12**
 - Deposit accounts, **8:11**
 - Supporting obligations, **8:9**

PLEDGES OF SECURITIES

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

POOLS

- Credit considerations, disclosure regarding, **7:54, 7:57**
- Mortgage pool investments (PTCE 83-1), **10:11**
- Pension fund investments, **10:21**
- Ratings, **11:13**

POST CLOSING

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

PREEMPTION

- Due-on-sale prohibitions, 12 U.S.C.A. § 1701j-3, **App N**
- Federal laws, **8:18**
- State laws, **8:21**

PREFERENTIAL TRANSFERS

- Bankruptcy and insolvency, **13:15**

PREPAYMENTS

- Disclosures
 - Generally, **7:42**

PREPAYMENTS—Cont'd

- Disclosures—Cont'd
 - Aggregate unpaid principal balance of certificates and loans, **7:43**
 - Average unpaid principal balance of certificates and loans, **7:43**
 - Certificates and loans, unpaid principal balance, **7:43**
 - Fannie Mae pool numbers, **7:44**
 - Freddie Mac pool numbers, **7:44**
 - Ginnie Mae pool numbers, **7:44**
 - Loans and certificates, unpaid principal balance, **7:43**
 - Unpaid principal balance of certificates and loans, **7:43**
- Ranges of and weighted average coupon rate
 - Certificates, **7:45**
 - Last maturity, **7:47**
 - Mortgages, **7:46 to 7:48**
 - Weighted average life, **7:48**
- Rates, mortgage trading markets, valuing MBS, **5:14**
- Ratings. Ranges of and weighted average coupon rate, above
- Response to investor demands, **1:6**
- Risk, characteristics of securities and structures, **4:4**
- Validity of underlying mortgages, **8:25**
- Weighted average. Ranges of and weighted average coupon rate, above

PRICES AND PRICING

- Mortgage trading markets, pricing MBS, **5:13, 5:15**
- Response to investor demands, **1:4**

PRIVATE FUNDS

- Investment strategies and funds, **6:7**

PRIVATE INSURANCE POLICIES

- Credit considerations, disclosure regarding, **7:58**

PRIVATE LABEL MORTGAGE-BACKED SECURITIES

- Generally, **2:16**

PRIVATE OFFERINGS

- Exempt transactions, **7:14**

PRIVATE SECTOR

- International market, **2:17**
- Overview, **2:16**
- Role of, **1:8**
- Secondary mortgage market, **2:16 to 2:18**
- Technological innovation, **2:18**

PROHIBITED TRANSACTIONS

- Pension Fund Investments (this index)

PROMISSORY NOTES

Pledged collateral, **8:7, 8:8**

PROPERTY, BASIS IN

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

PROPRIETARY TRADING

Volcker Rule, **12:9**

PROSPECTUS

Registration, **7:30**

PURCHASE

Sale or Purchase (this index)

PUTABLE CMOs

Collateralized mortgage obligations (CMOs), **4:21**

QUALIFIED INVESTMENTS

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

QUALIFIED LIQUIDATION

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

QUALIFIED SPECIAL PURPOSE ENTITY (QSPE)

Accounting, **9:4**

QUOTATIONS

Mortgage trading markets, **5:15**

RATINGS

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

Adjustable rate mortgages (ARMs)

Generally, **11:19**

Collateral, ARMs as, generally, **11:19**

Validity of underlying mortgages, restrictions, **8:28**

Appeal and review, legal risk, **11:10**

Bonds

Mortgage-backed bonds, **11:8**

Mortgage pass-through certificates, **11:7**

Pay-through bonds, **11:9**

Certificates, mortgage pass-through certificates, **11:7**

Collateral

Adjustable rate mortgage-based securities (ARMS), above

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

Commercial mortgage-backed securities, **11:20**

Commercial property, **11:18 to 11:20**

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

Credit protection

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

Insurance companies, **11:16**

RATINGS—Cont'd

Credit protection—Cont'd

Loss coverage, **11:16, 11:17**

Primary risks, **11:15**

Servicers, **11:17**

Credit risk evaluation

Generally, **11:11 to 11:14**

Foreclosure frequency and loss severity, **11:12**

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

Mortgage insurance, effect of, **11:16**

Prime pool characteristics, generally, **11:13**

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

Credit risks. Credit protection, above

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

Foreclosure, **11:12**

Frequency, **11:12**

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

Insurance, **11:16**

Insurance companies, **11:16**

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

Legal review, **11:10**

Loss coverage, **11:16, 11:17**

Loss severity, **11:12**

Maturity considerations, **11:21**

Moody (this index)

Mortgage-backed bonds, **11:8**

Mortgage insurance, effect of, **11:16**

Mortgage pass-through certificates, **11:7**

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

Pay-through bonds, **11:9**

Pools, credit risk, **11:13**

Primary risks, credit protection, **11:15**

Regulatory changes from Dodd-Frank Reform Act, **11:5**

Servicers, **11:17**

Structure, approach, and regulation

Generally, **11:2**

Dodd-Frank Reform Act, **11:5**

Ratings approach, **11:3**

Regulatory changes from Dodd-Frank Reform Act, **11:5**

SEC regulation of NRSROs, **11:4**

Securities Exchange Act (1934) Rules 17g-1 to 17g-7, **11:4**

Types of securities, generally, **11:6 to 11:9**

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

Yield considerations, **11:21**

REAL ESTATE INVESTMENT TRUSTS (REITs)Generally, **7:32, 7:35**Investment strategies and funds, **6:10****REAL ESTATE MORTGAGE INVESTMENT CONDUITS (REMICs)**Generally, **2:6, 4:23, 14:7 to 14:60**

Allocation of expenses by REMIC

Generally, **14:58**Pass-thru entity, **14:60**Pass-thru interest holder, **14:59**Assumptions and modifications as to qualified investments, **14:29, 14:30**Basis, **14:16**Calculation of tax liability, residual interests, **14:52**Cash flow investments, **14:33**Clean-up call, **14:42**Convertible mortgage, **14:25**Credit enhancement, qualified investment, **14:27**Debt treatment of regular interest holder, **14:49**Deductions, taxable income, **14:56, 14:57**Defeasance, **14:28**Defective obligations, qualified replacement mortgages, **14:31**Description of excess inclusions, **14:53**Disposition gain, taxation of regular interests, **14:50**Disqualified organizations, transfers to, **14:43 to 14:46**Election of REMIC structure, **14:12**Examples of structures, **14:9**Excess inclusions, taxation of residual interests, **14:53**

Expenses

Allocation of expenses by REMIC, **14:58 to 14:60**Organizational expenses, **14:57**Failing asset test, **14:38**Federal housing enterprises, **2:6**Foreclosure property, qualified investment, **14:36**

Funds, reserve

Qualified reserve asset, **14:36**Reserve asset, **14:35**Gain on disposition, regular interests, **14:50**Ginnie Mae REMIC program, **2:6**Government National Mortgage Association, **2:6**Impact of failing asset test, **14:38**Impact of REMIC, **14:10**Inadvertent termination, **14:39**

Interests

Permitted interests, **14:21**Prepayment interest shortfalls, **14:37**

Regular interests, below

Residual interests, below

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

Interests—Cont'd

Retained interest in transfer, **14:17**Special holders, **14:22**Special rules for regular interests, **14:19**Specified portion, **14:18**Tax considerations, **14:17 to 14:22**IRC section 212 deduction, **14:56**

Limitations

Qualified investments, **14:26 to 14:30**Taxable income deductions, **14:57**

Liquidation

Generally, **14:48**Prohibited transactions, **14:41**Qualified liquidation, **14:41**Self-liquidating pool, **14:14**Organizational expenses, tax considerations, **14:57**Original issue discount rules, generally, **14:51**Outside reserve funds, **14:35**Pass-through certificates, **14:30**

Pass-thru entity

Allocation of expenses by REMIC, **14:60**Tax on, generally, **14:47**Pass-thru interest holder, allocation of expenses by REMIC, **14:59**Permitted interests, **14:21**Permitted investments, **14:32 to 14:36**

Phantom income

Residual interests taxation, **14:53**Taxation of residual interests, **14:53**Prepayment interest shortfalls, **14:37**Principally secured by real property, **14:26**

Prohibited transactions

Generally, **14:40**Clean-up call, **14:42**Qualified liquidation, **14:41**Property, basis in, **14:16**Purchase agreement, **14:25**

Qualified investments

Generally, **14:23**Assumptions and modifications, **14:29, 14:30**Cash flow investments, **14:33**Convertible mortgage, **14:25**Credit enhancement, **14:27**Defeasance, **14:28**Defective obligations, qualified replacement mortgages, **14:31**Failing asset test, **14:38**Foreclosure property, **14:36**Funds, reserve, **14:35, 14:36**Impact of failing asset test, **14:38**Limitations, **14:26 to 14:30**Outside reserve funds, **14:35**

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

- Qualified investments—Cont'd
 - Pass-through certificates, **14:30**
 - Permitted investments, **14:32 to 14:36**
 - Prepayment interest shortfalls, **14:37**
 - Principally secured by real property, **14:26**
 - Purchase agreement, **14:25**
 - Qualified mortgages, **14:24 to 14:30**
 - Qualified reserve asset, reserve funds, **14:36**
 - Real property qualified mortgage, **14:24**
 - Replacement mortgages, **14:31**
 - Reserve asset, reserve funds, **14:35, 14:36**
- Qualified liquidation, **14:41**
- Qualified mortgages, **14:24 to 14:30**
- Qualified replacement mortgages, defective obligations, **14:31**
- Qualified reserve asset, reserve funds, **14:36**
- Real property qualified mortgage, **14:24**
- Reasonable arrangements, transfers to disqualified organizations, **14:44**
- Regular interests
 - Debt treatment of regular interest holder, **14:49**
 - Gain on disposition, **14:50**
 - Special rules, **14:19**
 - Specified portion, **14:18**
 - Taxation, **14:49 to 14:51**
- REMIC program, **2:6**
- Replacement mortgages, **14:31**
- Requirements, **14:11**
- Re-REMICs, **4:23**
- Reserve asset, reserve funds, **14:35, 14:36**
- Residual interests
 - Interests in REMIC, generally, **14:20**
 - Taxation, **14:52 to 14:54**
- Retained interest in transfer, taxation, **14:17**
- Sales of residual interests, taxation, **14:54**
- Secured by real property, **14:26**
- Self-liquidating pool, **14:14**
- Special holders' interests, **14:22**
- Special rules for regular interests, **14:19**
- Specified portion, regular interests, **14:18**
- Startup day, **14:11**
- Structure
 - Generally, **14:8**
 - Collateralized mortgage obligations (CMSs), tax considerations, **14:4**
 - Election of REMIC, **14:12**
 - Examples of structures, **14:9**
 - Impact of REMIC, **14:10**
 - Requirements of REMIC, **14:11**
 - Self-liquidating pool, **14:14**
 - Startup day, **14:11**
 - Termination, **14:13**

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

- Taxable income
 - Generally, **14:55**
 - Deductions, **14:56, 14:57**
 - IRC section 212 deduction, **14:56**
 - Limitations on deductions, **14:57**
 - Organizational expenses, **14:57**
- Taxation of regular interests
 - Debt treatment of regular interest holder, **14:49**
 - Gain on disposition, **14:50**
 - Original issue discount rules, generally, **14:51**
- Taxation of residual interests
 - Calculation of tax liability, **14:52**
 - Description of excess inclusions, **14:53**
 - Excess inclusions, **14:53**
 - Liability calculation, **14:52**
 - Phantom income, **14:53**
 - Sales of residual interests, **14:54**
- Tax considerations
 - Generally, **14:7 to 14:60**
 - Interests, **14:17 to 14:22**
 - Regular interests. Taxation of regular interests, above
 - Residual interests. Taxation of residual interests, above
 - Taxable income, above
 - Transfers to disqualified organizations, **14:45, 14:46**
- Tax Reform Act of 1986, **1:10**
- Termination, **14:13, 14:39**
- Transfers
 - Generally, **14:15 to 14:17**
 - Disqualified organizations, transfers to
 - Generally, **14:43**
 - Reasonable arrangements, **14:44**
 - Tax payable, **14:45**
 - Waiver of tax, **14:46**
 - REMIC basis in property, **14:16**
 - Taxation of retained interest, **14:17**
- Transfers to disqualified organizations
 - Generally, **14:43**
 - Reasonable arrangements, **14:44**
 - Tax payable, **14:45**
 - Waiver of tax, **14:46**
- Transfers to REMIC, **14:15 to 14:17**
- Waiver of tax, transfers to disqualified organizations, **14:46**

REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)

- Generally, **8:48 to 8:53**
- Application settlement, disclosure at, **8:49**
- Disclosure, **8:49**
- Escrow accounts, **8:52**
- Kickbacks, **8:50**

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

MBS concerns, **8:53**
 Post closing, disclosure at, **8:49**
 Title company restraints, **8:51**
 Truth-in-Lending Act, **8:54**

RECOGNITION

Accounting, **9:7, 9:8**

RECOURSE

Generally, **2:9 et seq.**
 Cash payments defined, **2:10**
 Definitions
 Cash payments, **2:10**
 Excess servicing fees, **2:10**
 Repurchase agreements, **2:10**
 Reserve accounts, **2:10**
 Excess servicing fees, **2:10**
 Fannie Mae (this index)
 Fees, **2:10**
 FIRREA, **2:9**
 Freddie Mac, **2:11, 2:13**
 Privatization, **2:11**
 Regulatory reporting treatment of asset sales with recourse under risk-based capital guidelines, **2:12**
 Regulatory treatment of asset sales with recourse under risk-based capital guidelines, **2:12**
 Representations and warranties, **2:13**
 Repurchase agreements, **2:10**
 Reserve accounts, **2:10**
 Risk-based capital guidelines, **2:9, 2:12**
 Risk mitigation or transfer, **2:15**
 Senior / subordinated participation, **2:10**
 Servicing fees, **2:10**

REDEMPTION RIGHTS

Validity of underlying mortgages, **8:32**

REGISTERED INVESTMENT COMPANIES

Investment strategies and funds, **6:3**

REGISTRATION

FRB SR Letter 10-14, implementation of registration requirements for federal mortgage loan originators, **App R**
 Pledged collateral, **8:3**
 SEC rules for asset-backed securities Asset-Backed Securities (this index)
 Securities Act of 1933 (this index)
 Securities Exchange Act of 1934 (this index)

REGULATION AB

Asset-backed securities (ABS), revision, **7:40**
 Regulation AB II, **7:41**
 Text, **App C1**

REGULATION D

Exemption from registration, **7:15**
 Text, **App C**

REGULATION Z

Generally, **8:54**
 Definitions and disclosure provisions, **App O**
 Text, **App O1**

REGULATORY OVERSIGHT

Federal housing enterprises, **2:12**

REINVESTMENT

Characteristics of securities and structures, **4:6**

REITs

Real Estate Investment Trusts (REITs) (this index)

REMICs

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

REPRESENTATIONS AND WARRANTIES

Federal housing enterprises, **2:13**

REPURCHASES

Recourse, **2:10**

RE-REMICs

Generally, **4:25**
 Re-performing loan MBS, **4:25.50**

RESERVE ACCOUNTS

Recourse, **2:10**

RESIDENTIAL COOPERATIVE

Validity of underlying mortgages, **8:20**

RESIDENTIAL MORTGAGES

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

RESIDENTIAL PROPERTY

Single-family residential mortgage-backed securities, **1:13**
 Validity of underlying mortgages, **8:20**

RESPA

Real Estate Settlement Procedures Act (this index)

RESPONSE

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), **8:42 to 8:47**
 Internal revenue code, **1:10**
 Investor Demands (this index)
 Securities law, **1:11**

RESTRICTIONS

Limitations and Restrictions (this index)

REVISIONS

Regulation AB and structured finance rules, **7:40**

RISK-BASED CAPITAL

Federal housing enterprises, **2:12**

Guidelines, recourse, **2:9, 2:12**

RISKS

Generally, **4:2**

Credit Risk (this index)

Environmental risk, **4:7.50**

Interest rate and duration risk, **4:2.50**

Mitigation or transfer, **2:15**

Mortgage trading markets, margin risk, **5:7**

Prepayment risk, **4:4**

Reinvestment concerns, **4:6**

Security / risk, **4:5**

RULE 3a-7

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

SAFE HARBOR

Hazardous substances laws, secured creditors, **8:43**

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

SALE OR PURCHASE

Accounting (this index)

Federal housing enterprises, **2:12, 7:7**

Ginnie Mae, **7:7**

Pledged collateral, **8:7, 8:8**

Secondary Mortgage Market (this index)

Securities law, **7:7**

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

SANCTIONS

Pension fund investments, **9:4**

SARBANES-OXLEY ACT

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

Disclosure, certification in periodic reports, **7:67, 7:68**

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

Section 302, **7:67**

Section 906, **7:68**

SAVINGS AND LOAN ASSOCIATIONS

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

Exemption from registration, **7:11**

SEC

Securities and Exchange Commission (SEC) (this index)

SECONDARY MARKET

Agency and non-agency mortgages, **3:3.50**

SECONDARY MARKETS

Generally, **1:2**

Background, **5:1**

SECONDARY MORTGAGE MARKET

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

Advantages, **1:14**

Credit, **1:3**

Fannie Mae (this index)

Federal Housing Enterprises (this index)

Freddie Mac (this index)

Ginnie Mae (this index)

International market, **2:17**

Private sector, **2:16 to 2:18**

Securitization of commercial mortgages, **1:1**

Technological innovation, growth of, **2:18**

SECONDARY MORTGAGE MARKET ENHANCEMENT ACT 1984

Requirements, **7:74**

SECONDARY MORTGAGE MARKET ENHANCEMENT ACT OF 1984 (SMMEA)

Generally, **1:12, 7:71**

SECOND MORTGAGE LOANS

Validity of underlying mortgages, **8:24**

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

Definition of investment company, **7:73**

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

Text, **App A1**

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

Text, **App F**

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

Text, **App F1**

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

Text, **App F2**

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

Text, **App F3**

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

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

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

Discounting, **7:86**

Real estate companies, **7:86**

Sales financing, **7:86**

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

Qualified purchaser exclusion, **7:85**

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

Text, **App A2**

SECTION 5 OF SECURITIES ACT OF 1933

Text, **App A3**

**SECTION 15E OF SECURITIES EXCHANGE
ACT OF 1934**

Text, **App F4**

**SECTION 15Ga-1 OF SECURITIES
EXCHANGE ACT OF 1934**

Text, **App F5**

SECTION 302 OF SARBANES-OXLEY ACT

Generally, **7:67**

SECTION 906 OF SARBANES-OXLEY ACT

Generally, **7:68**

SECURED CLAIMS

Bankruptcy and insolvency, **13:14**

SECURITIES ACT OF 1933

Generally, **7:2**

Administrative interpretation of mortgage notes,
7:4

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

Contracts for sale of MBS, **7:7**

Definition of a security, **7:3**

Exemption from registration

Generally, **7:8 to 7:27**

Accredited investors, sales to, **7:16**

Advertising, **7:18 to 7:21**

Disqualification provisions, **7:22**

Exempt security

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

Banks, **7:10**

No solicitations, **7:18 to 7:32**

Participation interests in exempt securities,
7:13

Savings and loan associations, **7:11**

Exempt transactions

Generally, **7:12, 7:14**

Private offerings, **7:14**

Real estate, securities secured by, **7:12**

Filings, **7:17**

Form D filing, **7:17**

General solicitations, **7:18 to 7:21**

Information provided to investors, **7:23**

Integration factors, **7:26**

Integration of offerings, **7:24 to 7:27**

Internet offerings, **7:21**

SECURITIES ACT OF 1933—Cont'd

Exemption from registration—Cont'd

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

Number of offerees, **7:20**

Pre-existing relationship requirement, **7:19**

Regulation D, **7:15**

Rule 144A securities, **7:27**

Solicitations, **7:18 to 7:21**

State filings, **7:17**

Mortgage-backed securities, **7:6**

Mortgage notes, **7:4**

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

Participation interests, **7:5**

Registration

Generally, **7:28 to 7:38**

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

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

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

Exemption from registration, above

False registration statement, liability for, **7:31**

Financial statements and information, **7:37**

Form S-11

Custody of investments, **7:36**

Description of real estate, **7:34**

Investment policies, **7:33**

Management of investments, **7:36**

Material tax consequences, **7:35**

REITs and other real estate companies, **7:32**

REMIC election, **7:35**

Selection of investments, **7:36**

Forms in registration statement, **7:29**

Investment policies, Form S-11, **7:33**

Management of investments, Form S-11, **7:36**

Material tax consequences, Form S-11, **7:35**

Prospectus, **7:30**

REITs and other real estate companies, Form
S-11, **7:32**

REMIC election, Form S-11, **7:35**

Requirements, **7:28**

Rule 415, shelf registration, **7:38**

Selection of investments, Form S-11, **7:36**

Shelf registration, **7:38**

Statement, **7:29**

Regulation AB

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

Text, **App C1**

Regulation D

Exemption from registration, **7:15**

Text, **App C**

Rule 144A

Exemption from registration, **7:27**

Text, **App B**

SECURITIES ACT OF 1933—Cont’d

- Rule 193 text, **App B1**
- Rule 415
 - Shelf registration, **7:38**
 - Text, **App B2**
- Section 3(a)(2), text, **App A1**
- Section 4(a)(2), text, **App A2**
- Section 5, text, **App A3**
- Security defined under 1933 Act, **7:3**

SECURITIES AND EXCHANGE COMMISSION (SEC)

- Disclosure (this index)
- Enhancing Disclosure in Mortgage-Backed Securities Markets, **App E**
- Ratings, SEC regulation of NRSROs, **11:4**
- Release 3892, **App D**
- RMBS disclosure requirements, concept release, **15:1**

SECURITIES ENTITLEMENT

- Pledged collateral, **8:5**

SECURITIES EXCHANGE ACT OF 1934

- Generally, **7:62 to 7:71**
- Bank as broker / dealer, **7:71**
- Brokers and dealers, regulation of
 - Generally, **7:69 to 7:71**
 - Bank as broker / dealer, **7:71**
 - Limited exemptions from registration, **7:70, 7:71**
 - Mortgage securities, **7:70**
 - Registration, **7:69**
- Conflict of interest rule for securitizations, Rule 192, **7:66.50**
- Credit risk retention requirements, **7:66**
- Dealers. Brokers and dealers, regulation of, above
- Definition of a security, **7:63**
- Exemptions from registration
 - Generally, **7:64**
 - Brokers and dealers, regulation of, above
- Limitations and restrictions. Brokers and dealers, regulation of, above
- Municipal securities, **App F2**
- Registration
 - Generally, **7:65**
 - Brokers and dealers, regulation of, above
 - Exemption from registration, **7:64**
- Rule 17g-1 text, **App G**
- Rule 17g-2 text, **App G1**
- Rule 17g-3 text, **App G2**
- Rule 17g-4 text, **App G3**
- Rule 17g-5 text, **App G4**
- Rule 17g-6 text, **App G5**
- Rule 17g-7 text, **App G6**
- Sarbanes-Oxley Act (this index)

SECURITIES EXCHANGE ACT OF 1934—Cont’d

- Section 3(a)(4) text, **App F**
- Section 3(a)(5) text, **App F1**
- Section 3(a)(12) text, **App F2**
- Section 3(a)(41) text, **App F3**
- Section 15E text, **App F4**
- Section 15G, credit risk retention requirements, **7:66**
- Section 15Ga-1 text, **App F5**
- Section 15Ga-2 text, **App F6**
- Truth in Lending (Regulation Z), **App O1**
- United States obligations, **7:64**

SECURITIES LAW

- Generally, **1:11, 7:1, 8:1 et seq.**
- See also Statutes (this index)
- Administrative interpretation, **7:4**
- Blue sky laws, **7:91**
- Construction and interpretation, **7:4**
- Contracts for sale, **7:7**
- Definition of security, **7:3**
- Disclosure (this index)
- Exemption from Registration (this index)
- Investment Company Act of 1940 (this index)
- Mortgage notes, status as “securities,” **7:4**
- Notes, **7:4**
- Participation interest in mortgages, **7:5**
- Registration (this index)
- Sale, contracts for, **7:7**
- Secondary Mortgage Market Enhancement Act of 1984 (this index)
- Securities Act of 1933 (this index)
- Securities Exchange Act of 1934 (this index)
- Trust Indenture Act of 1939, **7:73**

SECURITIZATION

- Commercial mortgages, **1:1**
- Non-agency mortgages, **3:9**

SECURITY / RISK

- Characteristics of securities and structures, **4:5**

SELECTIVE DISCLOSURE

- Prepayments (this index)

SELF-DEALING

- Pension fund investments, ERISA prohibited transactions, **9:7**

SELF-LIQUIDATING POOL

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

SENIOR / SUBORDINATED INTERESTS AND PARTICIPATION

- Recourse, **2:10**

SERVICERS

- Ratings, credit protection, **11:17**

SERVICING ACCOUNTS

- Accounting, FASB ASC Topic 860, financial asset transfers and servicing, **9:2**
- Bank and S&L mortgage-backed securities and activities, **4:24, 12:6**
- Mortgage servicing for Fannie Mae and Freddie Mac, **4:24.50**

SERVICING CONTRACTS AND AGREEMENTS

- Bankruptcy and insolvency, **13:7**
- Credit considerations, disclosure regarding, **7:51**
- Disclosures regarding credit considerations, **7:51**

SERVICING FEES

- Excess servicing fees defined, **2:10**

SERVICING RIGHTS

- Accounting, **9:17**

SETTLEMENT

- Mortgage trading markets, **5:4**
- Real Estate Settlement Procedures Act (RESPA) (this index)

SHELF REGISTRATION

- Rule 415, **7:38**

SINGLE-FAMILY RESIDENTIAL MORTGAGES

- Rating issues, **1:13**
- Recourse by Fannie Mae and Freddie Mac, **2:11**

SINGLE MORTGAGE

- Response to investor demands, **1:6**

SMMEA

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

SOFT DOLLAR TRADING

- Mortgage trading markets, MBS transactions, **5:11**

SPECIAL PURPOSE VEHICLE

- Bankruptcy and insolvency, **13:5**
- Mortgage-backed securities, **4:9**

STARTUP DAY

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

STATE COST RECOVERY STATUTES

- Hazardous substances laws, **8:44**

STATE LAWS

- Generally, **8:1 et seq.**
- Blue sky law requirements, **7:91**
- Hazardous substances, **8:45**
- Property transfer, **8:46**
- Superfund statutes, **8:44**
- Validity of Underlying Mortgages (this index)

STATE PROPERTY TRANSFER STATUTES

- Hazardous substances laws, **8:45**

STATE USURY LAWS

- Commercial loans, **8:24**
- Late payment charges, **8:27**
- Prepayment restrictions, **8:26**
- Second mortgage loans, **8:25**

STATUTES

- See also Securities Law (this index)
- Alternative Mortgage Transaction Parity Act of 1982 (AMT), **8:28**
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), **8:42 to 8:47**
- Disclosures (this index)
- Pension fund investments, **10:9**
- Prepayments (this index)
- Real Estate Settlement Procedures Act (RESPA) (this index)
- Secondary Mortgage Market Enhancement Act of 1984, **1:12**
- Superfund Amendments and Reauthorization Act of 1986 (SARA), **8:42, 8:43**
- Truth-in-Lending Act, **8:54**
- Validity of underlying mortgages, **8:17**

STAY

- Bankruptcy and insolvency, avoiding stay, **13:13**

STRIPPED MORTGAGE-BACKED SECURITIES (IOs AND POs)

- Characteristics of securities and structures, **4:13**

STRUCTURE

- Collateralized mortgage obligations (CMOs), tax considerations, **14:4**
- Real Estate Mortgage Investment Conduits (REMICs) (this index)

STRUCTURED INVESTMENT FUNDS

- Investment strategies and funds, **6:9**

SUBPRIME MORTGAGES

- Non-agency mortgages, **3:7**

SUBSIDIARIES

- Bankruptcy and insolvency, **13:12**

SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986 (SARA)

- Generally, **8:42, 8:43**

SUPERFUND STATUTES

- Generally, **8:44**

SUPER PAC BONDS

- Collateralized mortgage obligations (CMOs), **4:21**

SUPPORTING OBLIGATIONS

Pledged collateral, **8:9**

SWAPS

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

SYNTHETIC COLLATERALIZED DEBT OBLIGATIONS

Mortgage trading markets, **5:16**

TACS

Targeted Amortization Classes (TACs) (this index)

TARGETED AMORTIZATION CLASSES (TACs)

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

TARP

Troubled Assets Relief Program (this index)

TAX CONSIDERATIONS

Generally, **14:1 et seq.**

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

Corporations, **14:3**

Limited partnerships, **14:2**

Pension fund investments, **10:23, 10:24**

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

Trust, tax exempt status, **10:24**

UBTI, **10:23**

TAX REFORM ACT OF 1986

REMICs, **4:23**

TERMINATION

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

TERMS

Glossary of, **App A**

TIME

Validity of underlying mortgages, **8:31**

TITLE AND OWNERSHIP

American Land Title Association (ALTA), **8:37**

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

Hazardous Substances Laws (this index)

TITLE COMPANY

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

TITLE INSURANCE

Generally, **8:37 to 8:42**

Affirmative coverage, **8:41**

Validity of Underlying Mortgages (this index)

“TO - BE - ANNOUNCED” (TBA) MARKET

Mortgage trading markets, **5:3, 5:4**

TRADING SECURITIES

Accounting disclosure, **9:13**

TRANSFER CONSTRAINTS

Accounting, **9:5**

TRANSFERS

Accounting (this index)

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

Bankruptcy and insolvency, **13:15, 13:16**

Pledged Collateral (this index)

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

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

TREASURY REGULATIONS

Pledged collateral, **8:6**

Taxable mortgage pools, **10:11**

TRUE SALE

Bankruptcy estate, **13:5, 13:6**

TRUST INDENTURE ACT OF 1939

Generally, **7:73**

TRUSTS AND TRUSTEES

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

Pension fund investments, **10:24**

TRUTH IN LENDING ACT

Generally, **8:54**

Definitions and disclosure provisions, **App O**

Mortgage transaction rules, **App O1**

Text, **App O1**

12 U.S.C. § 3801

Alternative mortgage transactions, **App N1**

12 U.S.C.A. § 1701J-3

Preemption of due-on-sale prohibitions, **App N**

2010 MORTGAGE ACT

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

UCC (UNIFORM COMMERCIAL CODE)

Pledged Collateral (this index)

UNDERLYING MORTGAGES

Validity of Underlying Mortgages (this index)

UNDERWRITER’S EXEMPTIONS

Pension fund investments, **10:22**

UNIFORM COMMERCIAL CODE (UCC)

Pledged Collateral (this index)

UNRELATED BUSINESS TAXABLE INCOME

Pension fund investments, tax issues, **10:23**

USURY LAW

Validity of Underlying Mortgages (this index)

VALIDITY OF UNDERLYING MORTGAGES

Generally, **8:16 to 8:41**

Adjustable rate mortgage restrictions, **8:28**

Affirmative coverage, **8:40**

Assignment, obtaining endorsements upon, **8:41**

Charges, **8:26**

Commercial loans, **8:23**

Contracts and agreements, **8:35**

Deficiency statutes, **8:33**

Due-on-sale clauses, **8:27**

Endorsements upon assignment, obtaining, **8:41**

Enforcement statutes

Generally, **8:30 to 8:36**

Deficiency statutes, **8:33**

Mortgage moratoria, **8:34**

Redemption rights, **8:32**

Time required to foreclose, **8:31**

Exceptions, **8:39**

Exclusions of coverage, **8:38**

Federally-related loan, **8:19**

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

Federal statutes, **8:17**

First lien, **8:20**

Foreclosure, **8:31**

Installment sales contracts, **8:35**

Insurance. Title insurance, below

Late payment charges, **8:26**

Licensing statutes, **8:29**

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

Manufactured home, **8:20**

Moratoria on mortgages, **8:34**

Mortgage enforcement statutes, **8:30 to 8:36**

Mortgage lending licensing statutes, **8:29**

Overriding federal preemption, **8:21**

Payment, **8:26**

Preemption, **8:18 to 8:21**

Prepayment restrictions, **8:25**

Rates, **8:28**

Redemption rights, **8:32**

Residential cooperative, **8:20**

Residential real property, **8:20**

Sales, **8:27, 8:35**

Second mortgage loans, **8:24**

VALIDITY OF UNDERLYING MORTGAGES**—Cont'd**

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

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

Stock in residential cooperative, **8:20**

Time required to foreclose, **8:31**

Title insurance

Generally, **8:36 to 8:41**

Affirmative coverage, **8:40**

Endorsements upon assignment, obtaining, **8:41**

Exceptions, **8:39**

Exclusions of coverage, **8:38**

Insurance coverage, **8:37**

Usury law

Generally, **8:16 to 8:26**

Commercial loans, **8:23**

Federally-related loan, **8:19**

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

Late payment charges, **8:26**

Overriding federal preemption, **8:21**

Prepayment restrictions, **8:25**

Restrictions governed by federal statute, **8:17**

Second mortgage loans, **8:24**

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

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

VALUE AND VALUATION

Credit considerations, disclosure regarding, loan-to-value ratios, **7:56**

Loan-to-value, **7:56**

Mortgage trading markets, valuing MBS, **5:13**

VOLCKER RULE

Proprietary trading, **12:9**

WARRANTIES

Recourse, **2:13**

WEIGHTED AVERAGES

Prepayments (this index)

WHOLE LOANS

Mortgage trading markets, **5:9**

WINDFALL LIEN

Hazardous substances laws, **8:43**

WRAP FEE PROGRAMS

Investment strategies and funds, **6:2**