

# Index

## **ABILITY TO PAY**

high risk home loans, **2:28**

## **ACTIVE DUTY MILITARY PERSONNEL**

foreclosures, **2:19**

## **ADDRESS**

Division of Banking, **4:1**

## **ADJUSTABLE RATE MORTGAGES**

generally, **2:2**

## **ADVERSE INFORMATION**

servicing, **2:35**

## **ADVERTISEMENTS**

deceptive advertising, **2:1**

definition, **2:1**

lenders, **2:1**

Loan Advertising to Bankrupts Act, **2:1**

Mortgage License Act requirements, **2:1**

prohibited language, **2:1**

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

## **AFFIDAVIT OF PAYMENT DEFAULT**

loan servicer's business records, **3:12**

## **AGENCY**

broker relationship with borrower, **2:7**

## **ALTERNATIVE MORTGAGE TRANSACTIONS**

generally, **2:2**

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

reverse mortgages

see Reverse Mortgages

## **ANNUAL REPORT OF BROKERAGE ACTIVITY**

mortgage brokers, **2:7**

## **APPLICATIONS**

borrower information document, **2:3, 2:13**

copies to borrower, **2:3**

delays, **2:3**

disclosures, **2:13**

fees, **2:18**

licensing, **2:24**

licenses

fees, **2:24**

form, **5:1, 5:2**

NMLS (nationwide mortgage licensing system), generally, **2:24**

loan originator licensing, **5:2**

refunds, **2:3, 2:18**

## **APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT**

generally, **2:4**

**APPRAISALS**

generally, **2:4**  
Automated Valuation Model, **2:4**  
copies, **2:4**  
reliance, **3:11**  
Zestimates, **3:15**  
Zillow, **3:15**

**ASSIGNMENTS**

generally, **2:5**

**ASSUMPTION OF MORTGAGE**

generally, **2:6**  
fee, **2:18**

**ATTORNEYS**

Division of Banking statement regarding attorneys performing mortgage loan modifications, **5:3**  
lender's receipt of fees for preparation of loan documents, unauthorized practice of law, **3:9**

**AUDIT OF FINANCIAL STATEMENTS**

annual requirement, **2:24**

**AUTOMATED VALUATION MODEL**

appraisals, **2:4**

**BANKS**

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

**BONDS**

fidelity bond  
licensing, **2:24**  
mortgage loan officer, **3:10**  
forms  
licensing, **5:1**  
Residential Mortgage License Bond, **5:1**  
surety bond, **5:1**  
licensing requirements, **2:24**  
form, **5:1**  
mortgage loan officer, **3:10**  
surety bond, **5:1, 5:2**

**BORROWER INFORMATION DOCUMENT**

disclosures, **2:3, 2:13**

**BORROWER RIGHTS**

see also Consumer Protection; Disclosures; Notices  
acceleration, rescission, **2:19**  
borrower information document, **2:3, 2:13**  
brokerage agreements, **2:7**  
class actions pending, **3:6**  
closing, **2:9**  
copies  
applications, **2:3**  
appraisal report, **2:4**  
brokerage agreements, **2:7**  
real property taxes, **2:35**  
cosigners, **2:35**  
default, reinstatement, **2:19**  
escrows, **2:17**  
Fairness in Lending Act, **2:14**

**BORROWER RIGHTS—Cont'd**

- fees, **2:18**
- payment instructions, **2:35**
- payoff statements, **2:33**
- pledged time deposits, **2:17**
- redemption, **2:19**
- refunds, **2:18**
- reinstatement after default, **2:19**
- releases, **2:33**
- transfers of servicing, **2:37**

**BRANCH OFFICE**

- NMLS Form MU3, **5:1**

**BROKERS**

- see Mortgage Brokers

**BUSINESS ACTIVITY REPORT**

- annual requirement, **2:24**

**BUY-BACK AGREEMENT**

- fidelity bond coverage of mortgage loan officer, **3:10**

**CANCELLATION OR TERMINATION**

- applications, refund upon cancellation, **2:3**
- escrow account, termination, **2:17**
- private mortgage insurance, notice, **2:22**

**CERTIFICATES**

- appraisal certification and licensure, **2:4**
- registration, suspension or revocation, **2:24**

**CHANGE**

- control, **2:8**
- location, **2:8**
- management, **2:8**
- material change in loan terms, notification to applicants, **2:9**
- name, **2:8**

**CHARGES**

- see Fees and Charges

**CLASS ACTIONS**

- borrower rights, class actions pending, **3:6**
- consumer protection, **2:11**

**CLOSING**

- borrower rights, **2:9**
- disclosures, **2:13**
  - Mortgage Escrow Account Act, **2:9**
- document preparation, **2:15**
- escrow account disclosure agreement, **2:17**
- failure to close, refunds, **2:18**
- fees and charges, **2:18**
- insurance, **2:22**
- marital rights, **2:26**
- practices, **2:9**
- security instruments, **2:34**
- signature requirements, **2:26**

**CLOSING—Cont'd**

- usury, **2:39**
- federal preemption, **2:39, 3:7**
- Wet Settlement Act, **2:40**

**COMMITMENTS**

- approval notices, **2:10**
- credit agreements, **2:10**
- fees, **2:10**
- requirements, **2:18**
- Mortgage Rules, **2:10**
- rate-lock, **2:18**

**CONSUMER CREDIT COUNSELING**

- high risk home loans, **2:19, 2:28**

**CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT**

- see Consumer Protection

**CONSUMER PROTECTION**

- see also Borrower Rights; Notices
- advertisements, **2:1**
- applications, **2:3**
- borrower information document, **2:3, 2:13**
- brokerage agreements, rules, **2:7**
- class actions, **2:11**
- consumer complaints, **2:11**
- Consumer Fraud and Deceptive Business Practices Act
  - advertising, **2:1**
  - borrower protections, **2:11**
  - collection of debt from other spouse, **2:26**
  - enforcement, **2:11**
  - insurance tie-ins, **2:9, 2:22**
  - nondisclosure of assignment fees on good faith estimate, **3:5**
  - reliance, **3:3**
  - servicing practices, **2:35**
  - tie-ins, **2:9, 2:22**
- Consumer Fraud and Deceptive Business Practices Act, closing practices, **2:9**
- Credit Agreements Act, **2:10**
- deceptive advertising, **2:1**
- disclosures
  - borrower information document, **2:3, 2:13**
  - brokerage agreements, **2:7**
  - collateral protection insurance, **2:13, 2:22**
  - escrows, **2:9, 2:17, 3:8**
  - fees, **2:18**
  - predatory loans
    - see Predatory Lending Laws
- Fairness in Lending Act, **2:14**
- false advertising, **2:1**
- fraud
  - see Fraud or False Statements
- loan payment instructions, **2:35**
- predatory loans
  - see Predatory Lending Laws
- Uniform Deceptive Trade Practices Act, **2:1**

## ILLINOIS INDEX

### **CONTACT INFORMATION**

Division of Banking, **4:1**

### **CONTINUING EDUCATION**

licensing, **2:24**

### **CONTROL**

change, **2:8**

### **CREDIT AGREEMENTS**

commitments, **2:10**

### **CREDIT COUNSELING**

high risk home loans, counseling prior to foreclosure, **2:19, 2:28**

### **CREDIT UNIONS**

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

### **CRIMINAL CONVICTION OR ADVERSE JUDGMENT**

notice through NMLS, **2:8**

### **DECEASED MORTGAGOR**

foreclosure proceedings, **2:19**

### **DEFAULT**

affidavit of payment default based on loan servicer's business records, **3:12**

examination of default rate examination, **2:24**

high risk home loans, semi-annual report on default data, **2:28**

reinstatement, **2:19**

### **DEFICIENCY JUDGMENTS**

foreclosures, **2:12**

### **DEFINITIONS**

see Words and Phrases

### **DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT**

preemption by, **3:8**

### **DISCLOSURES**

see also Borrower Rights; Notices

application for loan, **2:13**

borrower information document, **2:3, 2:13**

brokerage agreements, **2:7**

collateral protection insurance, **2:13, 2:22**

escrows, **2:9, 2:13, 2:17, 3:8**

loan approval, **2:13**

loan originator's license application, **5:2**

plain English, **2:27**

predatory loans

see Predatory Lending Laws

prior to receipt of application fee, **2:13**

private mortgage insurance, **2:22**

sample content contained in Mortgage Rules, **2:13**

underwriting standards, **2:13**

### **DOCUMENTS**

applications, **2:3**

borrower information document, **2:3, 2:13**

commitments, **2:10**

escrow account disclosure agreement, **2:17**

lender's receipt of fees for preparation of loan documents, unauthorized practice of law, **3:9**

**DOCUMENTS—Cont'd**

plain English, **2:27**  
preparation, **2:15**  
prohibited loan terms, **2:30**  
record retention, **2:31**  
security instruments, **2:34**  
trustees, **2:38**

**DUE DILIGENCE**

foreclosure, **2:19**

**DUE-ON-SALE CLAUSES**

generally, **2:16**

**EDUCATION**

licensing, **2:24**

**ELECTRONIC OR DIGITAL RECORDS**

Mortgage Electronic Registration System (MERS), licensing, **3:13**  
record retention, **2:31**

**EQUAL CREDIT OPPORTUNITY ACT**

appraisal report, copy to borrower, **2:4**

**ESCROWS**

disclosures, **2:9, 2:17, 3:8**  
escrow account disclosure agreement, **2:17**  
interest, **3:1**  
Mortgage Escrow Account Act  
closing practices, **2:9**  
DIDMCA, preemption, **3:8**  
disclosures, **2:9, 2:13**  
preemption, **3:2, 3:8**  
savings and loan associations, **3:2**  
prohibited loan terms, **2:30**  
termination of account, **2:17**  
waiver fee, **3:8**

**EXAMINATION**

books and records, **2:24**  
default rate, **2:24**

**EXEMPT COMPANY**

registration, **5:1**

**EXEMPTIONS**

homestead exemption, **2:21, 2:26**  
licensing, **2:24**  
National Guard Reserves, temporary property tax exemption, **2:41**  
registration of exempt company, **5:1**

**FAIRNESS IN LENDING ACT**

generally, **2:14**

**FEES AND CHARGES**

assumption, **2:18**  
assumption of mortgage, **2:6**  
commitments, **2:18**  
escrow waiver fee, **3:8**  
Foreclosure Prevention Program Fund fee, **2:19**

**FEES AND CHARGES—Cont'd**

- good faith estimates
  - applications, **2:18**
  - nondisclosure, **3:5**
- late charges, **2:23**
- licensing, **2:24**
- limitation by state on points and fees, federal preemption and, **2:39, 3:7**
- loan originators, **5:2**
- mortgage assignment, **3:5**
- preparation of loan documents, accepting fees as practice of law, **3:9**
- prepayment, **2:29**
- rate-lock fee, **2:18**
- referral fees, **2:32**
- refunds, **2:18**
  - applications, cancellation, **2:3**

**FIDELITY BOND**

- mortgage loan officer, **3:10**

**FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF**

- see Regulatory Agencies

**FORBEARANCE**

- foreclosure, **2:19, 2:28**

**FORECLOSURES**

- active military personnel, **2:19**
- consent foreclosure, **2:19**
- deceased mortgagor, **2:19**
- deed in lieu of foreclosure, **2:19**
- deficiency judgments, **2:12**
- dual language notice, **2:19**
- due diligence to locate defendant, **2:19**
- forebearance, **2:19, 2:28**
- Foreclosure Law, **2:19**
- Foreclosure Prevention Program Fund, **2:19**
- high risk home loans, **2:19, 2:28**
- homeowner notice, **2:19**
- homestead exemption, **2:21**
- judicial foreclosure proceedings, **2:19**
- Making Home Affordable Program, **2:19**
- notice, **2:19**
- payoff demand statement, **2:19**
- power of sale, **2:19**
- redemption, **2:19**
- reinstatement rights, **2:19**
- short sale of home, **2:19**
- stay of proceedings, military service, **2:41**
- sustainable loan workout plan, **2:19**
- tenant's rights, **2:19**

**FOREIGN STATE OR COUNTRY**

- licensing, nonresident licensees, **2:24**

**FORMS**

- application for license, **5:1, 5:2**
- bonds
  - Residential Mortgage License Bond, **5:1**

**FORMS—Cont'd**

- bonds—Cont'd
  - surety bond, **5:1**
- change of name, **5:2**
- licensing
  - see Licensing
- mortgage loan originator registration, **5:2**
- NMLS
  - Form MU1, **5:1**
  - Form MU3, **5:1**
  - Form MU4, **5:2**
- registration of exempt companies, **5:1**
- surety bond, **5:1**

**FRAUD OR FALSE STATEMENTS**

- advertising, **2:1**
- Consumer Fraud and Deceptive Business Practices Act
  - see Consumer Protection
- fidelity bond coverage of mortgage loan officer, **3:10**
- predatory lending, **2:28**

**FULL SERVICE OFFICE**

- licensing, **2:24**

**FUTURE ADVANCES**

- generally, **2:20**

**HIGH RISK HOME LOAN**

- see also Predatory Lending Laws
- definition, **2:28**

**HIGH RISK HOME LOAN LOG**

- record retention, **2:31**

**HOMEOWNER NOTICE OF FORECLOSURE**

- dual language, **2:19**

**HOMESTEAD**

- homestead exemption, **2:21, 2:26**

**INSURANCE**

- cancellation of private mortgage insurance, notice, **2:22**
- collateral protection insurance, **2:13, 2:22**
- Consumer Fraud and Deceptive Business Practices Act, **2:22**
- hazard, **2:13**
- Homeowners Insurance Protection Act, **2:22**
- Mortgage Insurance Limitation and Notification Act, **3:6**
- private mortgage insurance, **2:22, 3:6**
- tie-ins, **2:9, 2:22, 2:36**
- title
  - rejection by lender, **2:22**
  - tie-ins, **2:9, 2:22, 2:36**

**INTEREST**

- escrows, **3:1**
- Illinois Interest Act, **2:23**
  - federal preemption, **2:39, 3:7**
- late charges, **2:23**
- lock-ins
  - see Lock-ins

## ILLINOIS INDEX

### **INTEREST—Cont'd**

- predatory loans
  - see Predatory Lending Laws
- prepayment penalty, **2:29**
- usury, **2:18, 2:39**
  - federal preemption, **2:39, 3:7**

### **INTERNET**

- see Web sites

### **LANGUAGE**

- foreclosure homeowner notice, **2:19**

### **LATE CHARGES**

- generally, **2:23**

### **LEGISLATION**

- Alternative Mortgage Transaction Parity Act, **2:2**
- Appraisal Management Company Registration Act, **2:4**
- Appraiser Licensing Act, **2:4**
- Collateral Protection Act, **2:22**
- Consumer Fraud and Deceptive Business Practices Act
  - see Consumer Protection
- Conveyances Act, **2:20**
- Credit Agreements Act, **2:10**
- Depository Institutions Deregulation and Monetary Control Act, **3:8**
- Equal Credit Opportunity Act, **2:4**
- Fairness in Lending Act, **2:14**
- Federal Homeowners Insurance Protection Act, **2:22**
- Foreclosure Law, **2:19**
- High Risk Home Loan Act
  - predatory lending, **2:28**
- Illinois Interest Act, **2:23, 2:39, 3:7**
- License Act
  - see Mortgage License Act and Mortgage Rules
- Loan Advertising to Bankrupts Act, **2:1**
- Mortgage Certificate Release Act, **2:33**
- Mortgage Escrow Account Act
  - see Escrows
- Mortgage Insurance Limitation and Notification Act, **2:22, 3:6**
- Mortgage License Act and Mortgage Rules
  - see Mortgage License Act and Mortgage Rules
- predatory lending
  - see Predatory Lending Laws
- Residential Mortgage License Act
  - see Mortgage License Act and Mortgage Rules
- Truth in Lending Act, disclosures, **2:13**
- Uniform Deceptive Trade Practices Act, **2:1**
- Wet Settlement Act, **2:40**

### **LENDERS**

- see also Licensing
- advertisements, **2:1**
- application practices, **2:3**
- assumption fee, **2:6**
- default claim rates, **2:24**
- record retention, **2:31**
- tie-ins, **2:36**

**LICENSE ACT**

see Mortgage License Act and Mortgage Rules

**LICENSING**

annual audit report, **2:24**

annual business activity report, **2:24**

applications, **2:24**

form, **5:1, 5:2**

military mortgage loan originator license, temporary, **5:2**

bond requirements, **2:24**

form, **5:1, 5:2**

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

continuing education requirements, **2:24**

default rate examinations, **2:24**

Director's role, **2:24**

education, **2:24**

examination by Director, **2:24**

exemptions, **2:24**

fees, **2:24, 5:1**

fidelity bond, **2:24**

fines, **2:24**

foreign state or country, nonresident licensees, **2:24**

forms

application for mortgage license, **5:1**

loan originators, **5:2**

Nationwide mortgage licensing system (NMLS), **5:1, 5:2**

Residential Mortgage License Bond, **5:1**

full service office, **2:24**

License Act

see Mortgage License Act and Mortgage Rules

loan originators, **5:2**

mortgage brokers, **2:7**

Mortgage Electronic Registration System (MERS), **3:13**

Mortgage License Act and Mortgage Rules

see Mortgage License Act and Mortgage Rules

mortgage loan originator license to military personnel, temporary, **2:24, 5:2**

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

net worth requirements, **2:24**

NMLS

see Nationwide Mortgage Licensing System & Registry (NMLS)

nonresident licensees, **2:24**

notice of repurchase of loan, **2:24**

punishment by state for violations, **1:2**

Real Estate License Act, **2:24**

record retention requirements, **2:31**

renewals, **2:24**

reports, **2:24**

repurchase of loan, **2:24**

requirements, **2:24**

revocation, notice through NMLS, **2:8**

revocation or suspension, **2:24**

sanctions, **2:24**

surety bond requirements, **2:24**

suspension or revocation, **2:24**

transfers of servicing, restrictions, **2:37**

ILLINOIS INDEX

**LICENSING—Cont'd**

use of NMLS, **2:24**  
violations, **1:2**

**LIENS**

future advances, **2:20**  
homestead exemption, **2:21, 2:26**  
marital rights, **2:26**  
reverse mortgages, **2:20**

**LOAN LOG**

record retention, **2:31**

**LOAN OFFICER**

fidelity bond, **3:10**

**LOAN SERVICING**

see Servicing

**LOCATION**

change, **2:8**

**LOCK-INS**

mortgagee options, **2:25**

**MANAGEMENT**

change, **2:8**

**MARITAL RIGHTS**

generally, **2:26**

**MILITARY MORTGAGE LOAN**

originator license, temporary, **2:24, 5:2**

**MILITARY PERSONNEL**

foreclosures, **2:19**  
mortgage loan originator license, temporary, **2:24, 5:2**  
National Guard Reserves, temporary property tax exemption, **2:41**  
stay of foreclosure proceedings, **2:41**

**MORTGAGE BANKERS**

see Lenders

**MORTGAGE BROKERS**

agreements, **2:7**  
annual report of brokerage activity, **2:7**  
application practices, **2:3**  
application practices of mortgage loan brokers, **2:3**  
applications, **2:3**  
disclosures, **2:7**  
exemptions from licensing, **2:24**  
licensing, **2:7, 2:24**  
loan log, **2:31**  
misrepresentation, **3:3**  
Mortgage License Act, **2:7**  
revocation of license, **2:24**

**MORTGAGE ELECTRONIC REGISTRATION SYSTEM (MERS)**

licensing, **3:13**  
qui tam action by private attorney, **3:14**

**MORTGAGE ESCROW ACCOUNT ACT**

see Escrows

**MORTGAGE FORECLOSURE LAW**

see also Foreclosures  
generally, **2:19**

**MORTGAGE INSURANCE LIMITATION AND NOTIFICATION ACT**

private mortgage insurance, **3:6**

**MORTGAGE LICENSE ACT AND MORTGAGE RULES**

generally, **1:2, 2:7, 2:24**  
advertisements, **2:1**  
applications, **2:3**  
assessment of fines per violation and per day, **2:24**  
borrower protections, **2:11**  
commitments, **2:10**  
disclosures, **2:13**  
failure to issue satisfaction of mortgage, **2:33**  
Mortgage Community Reinvestment Rules, **5:4**  
Mortgage Electronic Registration System (MERS), **3:13**  
reverse mortgage transactions, **2:2**  
transfer servicing, **2:37**

**MORTGAGE LOAN ORIGINATORS**

applications, **2:3, 5:2**  
brokerage agreement, **2:7**  
community reinvestment rules, **5:4**  
definitions, **2:24**  
disclosures, **2:13**  
document preparation, **2:15**  
exemptions, **2:24**  
Federal SAFE Act licensing and registration provisions, **1:2**  
fees and charges, **5:2**  
fines and penalties, **2:24**  
forms, NMLS registration, **5:2**  
licensing, **2:7, 2:24, 5:2**  
military mortgage loan originator license, temporary, **5:2**  
NMLS registration, **2:24, 5:2**  
registered mortgage loan originator, definition, **2:24**  
registration, NMLS, **5:2**  
registration requirements, Interpretative Letter, **2:24**  
revocation of registration, **2:24**  
surety bond, **2:24**  
tie-ins, **2:36**  
unique NMLS identifier, **2:24**

**NAME**

change of name, **2:8**  
form, **5:2**

**NATIONAL GUARD RESERVES**

property tax exemption, temporary, **2:41**

**NATIONWIDE MORTGAGE LICENSING SYSTEM & REGISTRY (NMLS)**

branch office licensing, **5:1**  
criminal conviction or adverse judgment, notice, **2:8**  
Form MU1, **5:1**

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

- Form MU3, **5:1**
- Form MU4, **5:2**
- licensing, generally, **1:2, 2:24, 5:1, 5:2**
- mortgage loan originators, **2:24, 5:2**
- registration for exempt companies, **5:1**
- Resource Center, **4:2**
- revocation of license, notice, **2:8**
- unique identifiers, **2:24**
- web site, **2:24, 4:2**

**NMLS MORTGAGE CALL REPORT**

- annual reports of brokerage activity and mortgage activity, **2:7**

**NOTICES**

- see also Borrower Rights; Disclosures
- borrower information document, **2:3**
- cancellation of private mortgage insurance, **2:22**
- change in name or address of licensee, **2:8**
- change in ownership, Office of Banks and Real Estate regulatory memorandum, **5:3**
- change in ownership or control, **2:8**
- closing, **2:9**
- collateral protection insurance, **2:13, 2:22**
- commitments, **2:10**
- cosigners, obligor's default, **2:35**
- escrows
  - closing, **2:9**
- foreclosure, **2:19**
- high risk home loans, **2:19, 2:28**
- homeowner notice, **2:19**
- loan approvals, **2:3, 2:10**
- loan repurchases, **2:24**
- material change in loan terms, notification to applicants, **2:9, 2:13**
- Mortgage Escrow Account Act, **2:13**
- private mortgage insurance cancellation, **2:22**
- transfers of servicing, **2:37**

**ORIGINATORS**

- see Mortgage loan originators

**PAYMENT**

- prepayment penalties
  - generally, **2:29**
  - predatory lending laws, **2:28**
- servicing, **2:35**

**PAYOFF STATEMENTS**

- generally, **2:33**
- foreclosures, **2:19**

**PENALTIES**

- advertising violations, **2:1**
- license violators, punishment by state, **1:2**
- Mortgage Electronic Registration System (MERS), **3:14**
- prepayment
  - generally, **2:29**
  - predatory lending laws, **2:28**
- qui tam actions by private attorneys, **3:14**

**PENALTIES—Cont'd**

revocation or suspension of license, **2:24**

**PREDATORY LENDING LAWS**

generally, **2:28**

consumer credit counseling, **2:19, 2:28**

high risk home loans, **2:19, 2:28**

prepayment penalty, **2:29**

**PREEMPTION**

Consumer Fraud and Deceptive Business Practices Act, **2:29**

Illinois Interest Act, **2:29, 2:39, 3:7**

Mortgage Escrow Account Act, **3:2, 3:8**

**PRELICENSING EDUCATION**

licensing, **2:24**

**PROBATION**

licensee, **2:24**

**PROCESSING**

appraisals, **2:4**

approval notices, **2:3**

delays, **2:3**

loan approvals, notices, **2:10**

marital rights, **2:26**

notifications to applicants, **2:3**

signature requirements, **2:26**

**QUI TAM ACTIONS**

Mortgage Electronic Registration System (MERS), **3:14**

**RATES AND CHARGES**

lock-ins, **2:25**

rate-lock fees, **2:18**

**REAL ESTATE LICENSE ACT**

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

**REAL PROPERTY TAX**

National Guard Reserves, temporary property tax exemption, **2:41**

servicing, **2:35**

**RECORDER OF DEEDS**

release and payoff, **2:33**

**RECORDING**

assignments, **2:5**

electronic records

see Electronic or Digital Records

loan servicer's business records, **3:12**

prohibition in instrument relating to title, **2:22**

releases, **2:33**

Torrens system, **2:34**

**RECORD RETENTION**

generally, **2:31**

**REDEMPTION**

foreclosures, **2:19**

**REFERRAL FEES**

generally, **2:32**

**REFUNDS**

fees, **2:18**

**REGISTRATION**

certificate of registration, suspension or revocation, **2:24**

exempt company, **5:1**

loan originators

see Mortgage loan originators

NMLS forms, **5:1**

**REGULATORY AGENCIES**

Department of Financial and Professional Regulation

Division of Banking

see Division of Banking, below

Director of Division of Banking

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

examination by, **2:24**

foreclosure rates, **2:24**

licensing, **2:24**

loan repurchase notice, **2:24**

memorandum of understanding with HUD, **2:24**

powers, **2:24**

registration of originators, Interpretative Letter, **2:24**

termination of employment of loan originator, **2:8**

Division of Banking

address, **4:1**

contact information, **4:1**

Department of Financial and Professional Regulation, **1:1**

Director

see Director of Division of Banking, above

telephone number, **4:1**

web site, **4:1**

Division of Banks and Real Estate

appraisal certification and licensure, **2:4**

Office of Banks and Real Estate

attorneys performing mortgage loan modifications, statement by Division of Banks, **5:3**

**REINSTATEMENT**

foreclosures, **2:19**

**RELEASE**

generally, **2:33**

**RELIANCE**

appraisal, **3:11**

broker's misrepresentation as lender, **3:3**

**REPAYMENT ABILITY STANDARDS**

application practices, **2:3**

**REPORTS**

annual audit report by licensee, **2:24**

annual business activity report by licensee, **2:24**

annual report of brokerage activity, **2:7**

appraisal report, copy to borrower, **2:4**

high risk home loans, semi-annual report on default and foreclosure data, **2:28**

**REPURCHASE OF LOAN**

notice to Director of Banking, **2:24**

**RESIDENTIAL MORTGAGE LICENSE ACT**

see Mortgage License Act and Mortgage Rules

**RESOURCE CENTER**

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

**REVERSE MORTGAGES**

generally, **2:2**

liens, **2:20**

**RULES**

see Mortgage License Act and Mortgage Rules

Mortgage Community Reinvestment Rules, **5:4**

**SANCTIONS**

licensing, **2:24**

**SAVINGS AND LOAN ASSOCIATIONS**

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

licensing, **2:24**

Mortgage Escrow Account Act

applicability, case opinion summary, **3:4**

preemption, **3:2**

**SERVICING**

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

escrow accounts, **2:17**

interest, **3:1**

notices, **2:37**

obligations, **2:35**

payment instructions, **2:35**

payoff statements, **2:33**

practices, **2:35**

record retention, **2:31**

releases, **2:33**

transfers, **2:35, 2:37**

**SIGNATURE**

rate-lock fees, **2:25**

**SIGNATURE REQUIREMENTS**

generally, **2:26**

document preparation, **2:15**

security instrument, **2:34**

written rate-lock agreement, **2:25**

**SURETY BOND**

see Bonds

**SUSPENSION OR REVOCATION**

license or certificate of registration, **2:24**

**TAXATION**

National Guard Reserves, temporary property tax exemption, **2:41**

servicing, **2:35**

tax on property

see Real Property Tax

ILLINOIS INDEX

**TENANT**

foreclosures, **2:19**

**TIE-INS**

insurance, **2:36**

title insurance, **2:22**

**TITLE**

insurance

see Insurance

**TRANSFERS**

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

loan originator licensing, **5:2**

servicing, **2:35, 2:37**

**TRUSTEES**

generally, **2:38**

**UNDERWRITING**

commitments, **2:10**

loan approvals, notification, **2:3, 2:10**

**UNIFORM DECEPTIVE TRADE PRACTICES ACT**

generally, **2:1**

**VARIABLE RATE MORTGAGES**

generally, **2:2**

**WAIVER**

homestead exemption, **2:21**

**WEB SITES**

Division of Banking, **4:1**

nationwide mortgage licensing system, **2:24**

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

**WET SETTLEMENT ACT**

closing, **2:40**

**WORDS AND PHRASES**

advertisements, **2:1**

appraisal, **2:4**

high risk home loan, **2:28**

material change, **2:9**

mortgage loan originator, **2:24**

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

**WRITTEN INSTRUMENTS**

commitment, written loan approval, **2:10**

loan brokerage agreements, **2:7**

rate-lock agreement, signature requirements, **2:25**

**YIELD SPREAD PREMIUM**

predatory lending rules, **2:28**

**ZESTIMATES**

appraisals, **3:15**

**ZILLOW**

appraisals, **3:15**

# Index

## **ACCESS**

records retention, **2:31**

## **ADVERTISEMENTS**

consumer protection, **2:1**

foreclosures, **2:19**

## **ALTERNATIVE MORTGAGE TRANSACTIONS**

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

home equity conversion mortgage, **2:2**

nontraditional mortgage guidance, **2:2**

reverse mortgage, **2:2**

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

## **APPLICATIONS**

forms

see Forms

licensing

see Licensing

loan brokers, **2:3**

practices, **2:3**

## **APPRAISALS**

generally, **2:4**

companies

certificate of registration of appraisal management companies, **2:4**

definition of appraisal management company, **2:4**

ownership or control limitations, **2:4**

fees, **2:18**

influencing, **2:4**

## **ASSIGNMENTS**

procedures, **2:5**

## **ASSUMPTION OF MORTGAGE**

generally, **2:6**

## **ATTORNEY GENERAL**

see Regulatory Agencies

## **ATTORNEYS**

preparation fee charged by national bank, unauthorized practice of law, **3:3**

## **AUCTIONS**

foreclosures, **2:19**

## **BROKERS**

see Loan Brokers

## **CHANGE**

control, **2:8**

location, **2:8**

management, **2:8**

name, **2:8**

**CHARGES**

see Fees and Charges

**CLOSING**

disclosures, **2:13**  
document preparation, **2:15**  
fees and charges, **2:18**  
insurance, **2:22**  
marital rights, **2:26**  
plain English, **2:27**  
practices, **2:9**  
prohibited loan terms, **2:30**  
security instruments, **2:34**  
signature requirements, **2:26**  
usury, **2:39**  
Wet Settlement Act, **2:40**

**CLOSING AGENT**

compliance documentation, **2:9**

**COMMITMENTS**

generally, **2:10**

**CONSULTANTS**

foreclosure consultants, **1:2, 2:11, 2:19**  
reverse mortgage counseling services, **2:13**

**CONSUMER PROTECTION**

advertisements, **2:1**  
civil actions, **2:11, 2:35**  
complaints  
    generally, **2:11**  
    form, **2:13**  
Deceptive Consumer Sales Act  
    see Legislation  
disclosures  
    brokers, **2:13**  
    consumer complaint form, **2:13**  
    lenders, **2:13**  
    loan brokers, **2:7**  
    predatory lending laws, **2:28**  
discrimination, **2:14**  
fraud  
    see Fraud or False Statements  
homeowner education program, **2:28**  
loan brokers  
    form disclosures, **2:13**  
    misrepresentations, **2:11**  
predatory lending laws, **2:28**  
private actions  
    assignee liability, **2:13**  
    Deceptive Consumer Sales Act, **2:11**  
servicing practices, **2:35**  
Uniform Consumer Credit Code  
    see Legislation

**CONTINUING EDUCATION**

mortgage loan originators, **2:24**

## INDIANA INDEX

### **CONTROL**

change, **2:8**

### **COPIES**

brokerage agreements, **2:7**

### **COUNSELING SERVICES**

reverse mortgages, **2:2, 2:13**

### **CREDIT INSURANCE**

Home Loan Practices Act, **2:22**

### **DAMAGES**

discrimination, **2:14**

loan brokers violations, **2:7**

### **DECEPTIVE CONSUMER SALES ACT**

advertisements, **2:1**

private actions, **2:11**

### **DEFICIENCY JUDGMENTS**

foreclosures, **2:12**

### **DEFINITIONS**

see Words and Phrases

### **DEPARTMENT OF COMMERCE**

Home Loan Practices Act, establishment of homeowner education program, **2:28**

### **DEPARTMENT OF FINANCIAL INSTITUTIONS**

see Regulatory Agencies

### **DISCLOSURES**

Attorney General's Homeowner Protection Unit, **2:13**

brokerage agreements, **2:7**

consumer protection

see Consumer Protection

high-cost home loans, additional disclosures, **2:13**

lenders, **2:13**

loan brokers, **2:13**

predatory lending laws, **2:28**

### **DISCRIMINATION**

generally, **2:14**

### **DOCUMENTS**

commitments, **2:10**

deficiency judgments, **2:12**

identification of document preparer, **2:34**

lock-ins, **2:25**

plain English, **2:27**

preparation, **2:15**

preparation fee charged by national bank, unauthorized practice of law, **3:3**

prohibited loan terms, **2:30**

record retention, **2:31**

releases, **2:33**

security instruments, **2:34**

### **DUE DILIGENCE**

predatory lending practices, **2:28**

**DUE-ON-SALE CLAUSES**

generally, **2:16**

**EDUCATION**

Home Loan Practices Act, homeowners education program, **2:28**

loan brokers, **2:7**

mortgage loan originators, **2:24**

period of instruction required for license or registration, **2:7**

**EQUAL CREDIT OPPORTUNITY ACT**

see Legislation

**ESCROWS**

generally, **2:17**

**EXAMINATION**

loan brokers, **1:2, 2:7**

**EXEMPTIONS**

homestead exemption, **2:21**

licensing requirements, **2:7**

predatory lending laws, **2:28**

registration of exempt company, **5:1**

**FEDERAL SAFE ACT**

see Legislation

**FEDERAL SAVINGS BANK**

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

**FEES AND CHARGES**

applications, **2:7**

appraisals, **2:18**

bona fide third party fees, **2:18**

credit reports, **2:18**

foreclosure consultants, **1:2, 2:11**

identification of fees to be collected, **2:18**

late charges, **2:23**

license, loan brokers, **2:7**

loan brokers, **2:18**

payoff statement, **2:18, 2:33**

preparation fee charged by national bank, unauthorized practice of law, **3:3**

prepayment penalties, **2:29**

referral fees, **2:32**

regulations, **2:18**

third party fees, **2:18**

title examination/insurance, **2:18**

**FORECLOSURES**

advertisements, **2:19**

auctions, **2:19**

consultants, **1:2, 2:11, 2:19**

deficiencies, **2:41**

deficiency judgments, **2:12**

Foreclosure Prevention Network, **2:19**

judicial proceedings, **2:19**

Mortgage Rescue Protection Fraud Act, **1:2, 2:11, 2:19**

notices, **2:19**

power of sale, **2:19**

preforeclosure notice information, **2:19**

**FORECLOSURES—Cont'd**

- reconveyance agreement, **1:2, 2:19**
- redemption, **2:19**
- settlement conference, **2:19**
- short sales, **2:41**

**FORMS**

- application
  - first lien mortgage lender, **5:1**
  - NMLS licensing forms, **5:1**
- closing, **2:9**
- consumer complaint form, **2:13**
- first lien mortgage lender license application, **5:1**
- NMLS license application, **5:1**

**FRAUD OR FALSE STATEMENTS**

- generally, **2:11**
- advertisements, **2:1**
- collection of debts arising from loans, fraudulent conduct, **2:11, 2:35**
- Deceptive Consumer Sales Act, **2:1, 2:11**
- loan brokers, **2:7**
- material fact, misstatement or failure to state, **2:1**
- Mortgage Rescue Protection Fraud Act, **2:11**
  - foreclosures, **2:19**

**FUTURE ADVANCES**

- generally, **2:20**

**GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT**

- due-on-sales clauses, **2:16**

**HIGH-COST HOME LOANS**

- additional disclosures, **2:13**
- disclosures, **2:13**
- restrictions, **1:2**

**HOME LOAN PRACTICES ACT**

- see Legislation

**HOMEOWNER PROTECTION UNIT**

- disclosures, **2:13**

**HOMEOWNERS EDUCATION PROGRAM**

- Home Loan Practices Act, **2:28**

**HOMESTEAD**

- exemption, **2:21**

**HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY**

- foreclosures, web site, **2:19**

**HUD-1 SETTLEMENT STATEMENTS**

- inspection right, **2:13**

**INSURANCE**

- credit insurance, **2:22**
- exemption of insurance companies from licensing requirements, **2:7**
- hazard insurance, **2:22**
- mortgage insurance, lender rights, **3:2**
- private mortgage insurance, **2:22**
- risk-rate, **2:22**

**INSURANCE—Cont'd**

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

title insurance company, certificate of release, **2:33**

**INTEREST**

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

disclosures, loan brokers, **2:13**

late charges, **2:23**

loan broker disclosures, **2:13**

lock-ins, **2:25**

predatory lending laws, **2:28**

prepayment penalties, **2:29**

usury, generally, **2:39**

**INTERNET**

see Web sites

**INVESTIGATION**

discrimination, Civil Rights Commission, **2:14**

loan brokers, Securities Commissioner, **2:7**

**LATE CHARGES**

generally, **2:23**

**LEGISLATION**

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

Deceptive Consumer Sales Act

advertisements, **2:1**

private actions, **2:11**

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

Equal Credit Opportunity Act

generally, **2:4, 2:11**

copies of appraisal report, borrower's right to, **2:4**

Federal SAFE Act, **1:2**

First Lien Mortgage Lending Act

see Mortgage Lending Act, below

Garn-St Germain Depository Institutions Act, due-on-sales clauses, **2:16**

Home Loan Practices Act

credit insurance, **2:22**

homeowners education program, **2:28**

predatory lending, **2:28**

prepayment provisions, **2:29**

Loan Broker Act

generally, **1:2**

appraisals, **2:4**

Mortgage Lending Act

advertisements, **2:1**

application practices, **2:3**

control of any creditor, prohibition, **2:8**

disclosures, **2:13**

due diligence standards, **2:28**

foreclosures, **2:19**

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

predatory lending, **2:28**

record retention, **2:31**

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

foreclosure consultants, **1:2**

foreclosures, **2:19**

**LEGISLATION—Cont'd**

- predatory lending laws, **2:28**
- Real Estate Settlement Procedures Act, **2:11**
- Truth in Lending Act
  - consumer protection, **2:11**
  - disclosures, loan brokers, **2:13**
  - penalties for violation, **2:13**
- Uniform Consumer Credit Code
  - Administrator, Department of Financial Institutions, **2:11**
  - licensing, **3:1**
  - servicing practices, **2:35**
- Wet Settlement Act, **2:40**

**LENDERS**

- advertisements, **2:1**
- change of location, control, management and name, notice, **2:8**
- disclosures, **2:13**
- first-lien mortgage lenders
  - application for license, form, **5:1**
  - consumer protection, **2:11**
  - deficiencies, **2:41**
  - delinquencies to, **2:41**
  - Department of Financial Institutions, jurisdiction, **4:1**
  - forms
    - license application, **5:1**
  - licensing, **1:2, 2:24, 5:1**
  - Mortgage Lending Act
    - see Legislation
  - NMLS license application, **5:1**
  - referral fees, **2:32**
  - short sales, **2:41**
- insurance
  - mortgage insurance, rights, **3:2**
  - tie-ins, **2:22, 2:36**
- licensing
  - see Licensing
- mortgage insurance, rights, **3:2**
- record retention, **2:31**
- tie-ins, **2:22, 2:36**
- Uniform Commercial Code
  - generally, **2:24**
- Uniform Consumer Credit Code
  - case opinion, **3:1**
  - licensing, **3:1**

**LICENSING**

- see also Registration
- applications
  - fee, **2:7**
  - first lien mortgage lender license, **5:1**
  - form, **5:1, 5:2**
  - lenders, **5:1**
  - loan brokers, **2:7**
- Department of Financial Institutions, **1:2, 2:24**
- education, **2:7**
- enforcement and remedies, **2:7**

**LICENSING—Cont'd**

- exemption, **2:7**
- first-lien mortgage lenders, **1:2, 2:24, 5:1**
- First Lien Mortgage Lending Act
  - see Mortgage Lending Act
- forms, **5:1**
  - loan broker, **5:2**
  - mortgage loan originator, **5:2**
  - principal manager, **5:2**
- loan brokers
  - generally, **1:2, 2:7, 2:24**
  - forms, **5:2**
  - Securities Commissioner, **4:1**
- mortgage lenders
  - generally, **2:24**
  - applicability, **3:1**
  - application, **5:1**
  - forms, **5:1**
- Mortgage Lending Act, **1:2, 2:24**
- mortgage loan originators, **1:2, 2:7, 2:24, 5:2**
- NMLS
  - see Nationwide Mortgage Licensing System & Registry (NMLS)
- principal manager, **5:2**
- renewal, **2:7**
- Securities Commissioner, **1:2**
- surety bond, **2:24**

**LIENS**

- first-lien mortgage lenders
  - see Lenders
- future advances, **2:20**
- marital rights, **2:26**

**LOAN BROKER ACT**

- see Legislation

**LOAN BROKERS**

- advertisements, **2:1**
- applications, **2:3**
- commitments, **2:10**
- consumer protection, **2:11**
- definition, **2:7**
- disclosures, **2:7, 2:13**
- educational requirements, **2:7**
- examinations, **1:2**
- fees and charges, **2:18**
- fingerprints, **2:7**
- fraud or false statements, **2:7**
- jurisdiction of Securities Commissioner, **4:1**
- license
  - see Licensing
- licensing by Securities Commissioner, **2:7**
- Loan Broker Act, **1:2**
- lock-ins, **2:25**
- NMLS licensing, **2:7**
- principal manager of brokerage office, **1:2**

## INDIANA INDEX

### **LOAN BROKERS—Cont'd**

- referral fees, **2:32**
- registration, Securities Commissioner, **4:1**
- regulations, Securities Division, **5:4**
- rescission of loan, return of fees, **2:7**
- Securities Commissioner, **1:2, 4:1**
- surety bond, **2:7**

### **LOAN ORIGINATOR**

- see Mortgage Loan Originators

### **LOAN SERVICING**

- see Servicing

### **LOCATION**

- change, **2:8**

### **LOCK-INS**

- interest rate, **2:25**

### **MANAGEMENT**

- change, **2:8**
- principal
  - licensing, **5:2**
  - requirement, **1:2**

### **MARITAL RIGHTS**

- generally, **2:26**

### **MORTGAGE LOAN BROKERS**

- see Loan Brokers

### **MORTGAGE LOAN ORIGINATORS**

- application practices, **2:3**
- continuing education, **2:24**
- definition, **2:24**
- Department of Financial Institutions regulations, **5:3**
- disclosures, **2:13**
- education, **2:24**
- FAQs, **5:2**
- federal savings bank sponsorship, **2:24**
- licensing, **2:7, 2:24**
  - generally, **1:2**
  - forms, **5:1, 5:2**
- loan brokers, **2:7**
- mortgage loan originator defined, **2:24**
- Nationwide Mortgage Licensing System & Registry (NMLS), **2:7, 2:24**
  - forms, **5:1, 5:2**
- referral fees, **2:32**
- registration for origination activities, **1:2**
- registration number on documents, **2:7**
- sponsorship, **2:24**
- surety bond, **2:24**
- tie-ins, **2:36**

### **MORTGAGE RESCUE PROTECTION FRAUD ACT**

- see Legislation

### **NAME**

- change, **2:8**

**NAME—Cont'd**

identification of document preparer, **2:34**

**NATIONWIDE MORTGAGE LICENSING SYSTEM & REGISTRY (NMLS)**

brokers, license information, **5:1**

first lien mortgage lender license application, **5:1**

Information on licensing for loan brokers and mortgage loan originators, **5:2**

licensing, generally, **2:24**

mortgage loan originators, **2:7, 5:2**

NMLS license application, **5:1**

principal managers, license information, **5:1**

Resource Center, **4:2**

web site, **2:7, 2:24, 4:2**

**NOTICE**

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

Housing and Community Development Authority, preforeclosure notice, **2:19**

preforeclosure notice information, **2:19**

right to inspect HUD-1 settlement statements, **2:13**

**PAYOFF**

generally, **2:33**

revolving line of credit, **3:4**

**PAYOFF STATEMENT**

fees and charges, **2:18**

**PENALTIES**

loan brokers violations, **2:7**

prepayment penalties, **2:29**

**PERSONAL INFORMATION**

consumer protection, **2:11**

**PREDATORY LENDING LAWS**

generally, **2:28**

**PRELICENSING EDUCATION**

loan brokers, **2:7**

mortgage loan originators, **2:24**

**PRIORITY**

future advances, **2:20**

revolving line of credit, **3:4**

**PRIVATE ACTIONS**

see Consumer Protection

**PROCESSING**

marital rights, **2:26**

signatures

see Signature Requirements

**PYRAMIDING OF FEES**

late charges, **2:23**

**RECONVEYANCE AGREEMENTS**

foreclosures, **2:19**

**RECORDING**

assignments, **2:5**

loan brokers, **2:7**

**RECORDING—Cont'd**

record retention, **2:31**  
releases, **2:33**

**REDEMPTION**

foreclosures, **2:19**

**REFERRAL FEES**

generally, **2:32**

**REFINANCING**

generally, **2:20**  
release and payoff, **2:33**

**REGISTRATION**

application form, **5:1**  
appraisal management companies, certificate of registration, **2:4**  
exempt company, **5:1**  
NMLS license application, **5:1**  
origination activities, **1:2**

**REGULATORY AGENCIES**

Attorney General

Home Loan Practices Act, establishment of homeowner protection unit, **2:28**  
Homeowner Protection Unit, disclosures, **2:13**

Civil Rights Commission, discrimination, **2:14**

Department of Commerce, Home Loan Practices Act, establishment of homeowner education program, **2:28**

Department of Financial Institutions

address, **4:1**  
civil actions, **2:11**  
consumer protection, **2:11**  
deceptive advertising, **2:1**  
enforcement, **2:13**  
jurisdiction over first-lien residential mortgage lenders, **4:1**  
lenders, jurisdiction over, **4:1**  
licensing, **1:2, 2:24**  
mortgage lenders and originators regulations, **5:3**  
notice of changes, **2:8**  
registration of federal savings bank to sponsors mortgage loan originator, **2:24**  
servicing practices, authority, **2:35**  
subprime mortgage lending statement, adoption, **2:2**  
telephone number, **4:1**  
web site, **4:1**

Department of Local Government Finance, compliance verification, **2:9**

Securities Commissioner

address, **4:1**  
brokers, licensing or registration, **4:1**  
enforcement powers, **2:7**  
jurisdiction over mortgage loan brokers, **4:1**  
licensing, **1:2**  
licensing of loan brokers, **2:7**  
telephone number, **4:1**  
web site, **4:1**

Securities Division

consumer complaint form, **2:13**  
enforcement, **2:11**  
loan broker regulations, **5:4**

**REGULATORY AGENCIES—Cont'd**

Uniform Commercial Code, residential mortgage lenders, **2:24**

**RELEASE**

generally, **2:33**

**RESCISSION OF LOAN**

broker's return of fee charged, **2:7**

closing practices, **2:9**

**REVERSE MORTGAGES**

alternative mortgage transactions, **2:2**

counseling services, **2:13**

**REVOCAION OR SUSPENSION**

registration, **2:7**

**REVOLVING LINE OF CREDIT**

priority, **3:4**

**RISK-RATE**

insurance premiums, **2:22**

**SECURITIES COMMISSIONER OR DIVISION**

see Regulatory Agencies

**SERVICING**

assignments of mortgage, **2:5**

consumer protection, **2:35**

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

escrows, **2:17**

fees and charges, **2:18**

payoff, **2:33**

practices, **2:35**

record retention, **2:31**

releases, **2:33**

transfers, **2:37**

unconscionable conduct, **2:35**

Uniform Consumer Credit Code, **2:35**

**SETTLEMENT CONFERENCE**

preforeclosure notice information, **2:19**

**SHORT SALES**

first-lien mortgages, **2:41**

foreclosures, **2:19**

**SIGNATURE REQUIREMENTS**

commitments, **2:10**

customer's signature of closing agent's compliance, **2:9**

loan broker contracts, **2:7**

lock-ins, **2:25**

marital rights, **2:26**

**SOCIAL SECURITY NUMBERS**

removal from security instruments, **2:34**

**SPONSORSHIP**

federal savings bank's sponsorship of mortgage loan originator, **2:24**

**STATEMENTS**

loan broker contracts, **2:7**

INDIANA INDEX

**STATEMENTS—Cont'd**

payoff statement, **2:33**

**SUBPRIME MORTGAGE LENDING**

statement, **2:2**

**SURETY BOND**

licensing, **2:24**

loan brokers, **2:7**

mortgage loan originators, **2:24**

**TIE-INS**

insurance, **2:22, 2:36**

**TIMESHARE PLANS**

mortgage loan originators, **2:24**

**TRANSFERS**

assignments, **2:5**

assumption of mortgage, **2:6**

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

servicing, **2:37**

**TRUSTEES**

generally, **2:38**

**TRUTH IN LENDING ACT**

see Legislation

**UNIFORM CONSUMER CREDIT CODE**

see Legislation

**USURY**

interest, generally, **2:39**

**WEB SITES**

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

Housing and Community Development Authority, **2:19**

Internet loan brokering sites, **2:7**

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

Securities Commissioner, **4:1**

**WET SETTLEMENT ACT**

closing, **2:40**

**WORDS AND PHRASES**

appraisal management company, **2:4**

consumer loan, **2:24, 2:35**

control, **2:8**

creditor, **2:24**

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

home loan, **2:28**

loan broker, **2:7**

mortgage loan originator, **2:24**

regularly engaged, **2:24**

**WRITTEN INSTRUMENTS**

loan broker agreements, **2:7**

lock-ins, **2:25**

# Index

## **ADDRESS**

Division of Banking, **4:1**

## **ADVERSE INFORMATION**

servicing, **2:35**

## **ADVERTISEMENTS**

false advertising, **2:1**

## **AGENTS**

closing practices, **2:9**

licensing, **2:24, 5:1**

real estate closing, **2:24**

## **AGRICULTURAL LAND**

non-agricultural land distinguished, **1:2**

## **ALTERNATIVE AND REVERSE ANNUITY MORTGAGE LOAN ACT**

generally, **2:2**

## **ALTERNATIVE MORTGAGE TRANSACTIONS**

Alternative and Reverse Mortgage Annuity Loan Act, **2:2**

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

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

## **ALTERNATIVE SECURITY**

licensing, **2:24**

## **ANTI-REDLINING STATUTE**

discrimination, **2:14**

## **APPLICATIONS**

confidentiality, **2:3**

fees, **2:3**

licenses

form, **5:1**

mortgage loan originator, **5:2**

practices, **2:3**

surety bond, **5:1**

written credit agreements, **2:3**

## **APPRAISALS**

generally, **2:4**

copies, **2:4**

fees, **2:4, 2:18**

tie-ins, **2:4**

## **ASSIGNMENTS**

generally, **2:5**

## **ASSUMPTION OF MORTGAGE**

generally, **2:6**

## **ATTORNEY GENERAL**

see Regulatory Agencies

**ATTORNEYS' FEES**

- appraisal violations, **2:4**
- private right of action to recover unlawful fees, **2:18**

**BACKGROUND CHECK**

- licensing, **5:1**

**BANKERS**

- lenders. see Lenders
- mortgage bankers. see Mortgage Bankers

**BANKRUPTCY**

- foreclosure, waiver of right of redemption, **2:19**

**BANKS**

- licensing requirements, **2:24**

**BONDS**

- surety bond, **2:24, 5:1**

**BROKERS**

- see Mortgage Loan Brokers
- real estate, marketing program, ethics, **3:4**

**BURDEN OF PROOF**

- common law marriage, **2:26**

**CHANGE**

- control, **2:8**
- location, **2:8**
- management, **2:8**
- name, **2:8**

**CHARGES**

- see Fees and Charges

**CLIMATIC CONDITIONS**

- continuance of foreclosure, **2:19**

**CLOSING**

- agents
  - fees and charges, **2:9**
  - licensing, **2:24, 5:1**
  - practices, **2:9**
  - settlement company, **2:9**
  - surety bond, **2:9**
- disclosures, **2:13**
- document preparation, **2:15**
- fees, **2:9, 2:18, 2:24**
- insurance, **2:22**
- marital rights, **2:26**
- practices, **2:9**
- prohibited loan terms, **2:30**
- real estate closing services
  - generally, **2:9**
  - defined, **2:24**
- signature requirements, **2:26**
- surety bond, **2:24**
- usury, **2:39**
- Wet Settlement Act, **2:40**

IOWA INDEX

**COMMITMENTS**

credit agreements, **2:10**  
fees, **2:18**

**COMMON LAW MARRIAGE**

generally, **2:26**

**CONFIDENTIAL INFORMATION**

credit information, **2:3**

**CONSULTANTS**

foreclosures, **2:19**

**CONSUMER FRAUD ACT**

generally, **2:11**  
advertising, **2:1**  
licensing, **2:24**

**CONSUMER PROTECTION**

abstracts of title, **2:33**  
attorney General, **2:11**  
Consumer Fraud Act, **2:1, 2:11, 2:24**  
credit  
information, **2:3**  
reports, **2:18, 2:41**  
defaults, right to cure, **2:19**  
disclosures  
generally, **2:13**  
payment reduction fee, **2:18**  
plain English, **2:27**  
predatory lending laws, **2:28**  
discrimination, **2:14**  
escrow, **2:17**  
false advertising, **2:1**  
fraud  
see Fraud or False Statements  
marketing, ethics, real estate brokers, **3:4**  
predatory lending laws, **2:28**  
reasonable care, duty of lender, **3:5**  
redlining, **2:14**

**CONTACT INFORMATION**

Division of Banking, **4:1**

**CONTINUANCES**

foreclosures, **2:19**

**CONTINUING EDUCATION**

licensing, **2:24**

**CONTROL**

change, **2:8**

**COPIES OF DOCUMENTS**

loan servicing, **2:35**

**CREDIT AGREEMENTS**

lock-ins, **2:35**  
written agreement, **2:3**

**CRIMINAL HISTORY RECORDS CHECK**

waiver agreement and statement, **5:1**

**DAMAGES**

appraisal violations, **2:4**

**DEFAULT**

protections, **1:2**

**DEFICIENCY JUDGMENTS**

see Foreclosures

**DEFINITIONS**

see Words and Phrases

**DISCLOSURES**

see also Consumer Protection

generally, **2:14**

credit agreement notification, **2:10**

payment reduction fee, **2:18**

**DOCUMENTS**

commitments, **2:10**

federal preemption, **2:16**

“insecurity,” **2:15**

plain English, **2:27**

preparation, **2:15**

prohibited loan terms, **2:30**

record retention, **2:31**

security instruments, **2:34**

speculative injury, **2:15**

trustees, **2:38**

**DUE-ON-SALE CLAUSES**

generally, **2:16**

prohibited loan terms, **2:30**

**EDUCATION**

licensing, **2:24**

**ENFORCEMENT**

licensing, **2:24**

**EQUAL CREDIT OPPORTUNITY ACT**

appraisal report, copy to borrower, **2:4**

**ESCROWS**

see also Loan Servicing

accounts, **2:17**

interest, **2:17**

**EXAMINATION**

licensing, **2:24**

**EXEMPT COMPANY**

registration, **5:1**

**EXEMPTIONS**

homestead exemption, **2:21, 2:26**

licensing, **2:24, 5:1**

registration of exempt company, **5:1**

**FAIR MARKET VALUE**

foreclosure, **3:1**  
homestead, **2:19**

**FEES AND CHARGES**

see also Attorneys' Fees  
appraisals, **2:4, 2:18**  
assumption of mortgage, **2:6**  
best effort to obtain loan, **2:24**  
closing, **2:9, 2:18, 2:24**  
commitments, **2:18**  
credit report, **2:18**  
Finance Bureau fee schedule, **5:4**  
flood zone, **2:18**  
inspection, **2:18**  
insurance, **2:22**  
late charges, **2:23**  
lenders, **2:18**  
licensing, **2:24**  
loan processing, **2:18**  
payment reduction, **2:18**  
permissible, **1:2**  
plain English, **2:27**  
private right of action to recover unlawful fees, **2:18**  
prohibitions, **2:7, 2:18**  
recording, **2:18**  
referral fees, **2:32**  
registration, **2:24**  
reimbursement, **2:18**  
vicarious liability, **3:3**

**FIDUCIARY DUTIES**

mortgage bankers, **1:2**

**FINANCE BUREAU FEE SCHEDULE**

web site, **5:4**

**FINANCIAL AUTHORITY**

see Regulatory Agencies

**FINANCIAL STATEMENTS**

licensing, **2:24**

**FORECLOSURES**

agricultural property, **2:19**  
consultants, **2:19**  
continuances, **2:19**  
cure of default, **2:19**  
default, cure of, **2:19**  
deficiency judgments, **2:12, 2:19**  
delay of sale, **2:12, 2:19**  
due-on-sale, **2:16**  
failure to sell, **3:6**  
fair market value, **3:1**  
judicial foreclosure, **2:19**  
military service, **2:41**  
nonjudicial foreclosure, **2:19**  
overage, **2:19**

**FORECLOSURES—Cont'd**

- reconveyances, **2:19**
- rescission, **2:19**
- right of redemption, **2:16, 3:2**
- stay of proceedings, military service, **2:41**

**FORMS**

- see also Licensing
- activities require licensure, **5:6**
- application for license, **5:1, 5:2**
- credit agreement notification, **2:10**
- criminal history records check, **5:1**
- homestead exemption waiver, **2:21**
- Nationwide Mortgage Licensing System and Registry (NMLS), **5:1, 5:2**
- request for certificate of release, **2:33**
- surety bond, **5:1**

**FRAUD OR FALSE STATEMENTS**

- advertising, **2:1**
- Consumer Fraud Act, **2:1, 2:11**

**FUTURE ADVANCES**

- generally, **2:20**

**GARN-ST. GERMAIN DEPOSITORY INSTITUTIONS ACT**

- see Legislation

**HOMESTEAD**

- homestead exemption, **2:21, 2:26**

**IMPROPER INFLUENCE**

- appraisals, **2:4**

**IMPROVEMENTS**

- insurance, **2:22**
- usury, **2:29**

**INSURANCE**

- hazard, **2:22**
- improvements, **2:22**
- lender disapproval, **2:22**
- private mortgage insurance, **2:22**
- tie-ins, **2:22, 2:36**

**INSURANCE COMPANIES**

- exemption from licensing requirement, **2:24**

**INTEREST**

- Alternative and Reverse Annuity Mortgage Loan Act, **2:2**
- alternative mortgage transactions, **2:2**
- escrows, **2:17**
- Garn-St. Germain Depository Institutions Act, **2:2**
- lock-ins, **2:25**
- military service, **2:41**
- predatory lending laws, **2:28**
- prepayment penalty, **2:29**
- usury, **2:39**

**INTERNET**

- see Web sites

## IOWA INDEX

### INVESTIGATION

licensing, **2:24**

### LATE CHARGES

generally, **2:23**

### LEGISLATION

Alternative and Reverse Annuity Mortgage Loan Act, **2:2**

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

Consumer Fraud Act, **2:1, 2:11, 2:24**

Equal Credit Opportunity Act, **2:4**

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

Loan Broker Act, **2:7**

Mortgage Bankers and Mortgage Brokers Act

closing practices, **2:9**

licensing, **2:24**

servicing transfer, **2:37**

predatory lending laws, **2:28**

Wet Settlement Act, **2:40**

### LENDERS

alternative mortgage transactions, **2:2**

application practices, **2:3**

disclosures, **2:13**

fees and charges, **2:18**

financial institution, definition, **2:36**

mortgage banker, definition, **2:24**

reasonable care, duty of, **3:5**

reimbursement, **2:18**

tie-ins, **2:36**

vicarious liability, **3:3**

### LICENSING

generally, **2:24**

activities in IOWA, **5:6**

advertisements, **2:1**

applications, **2:24**

closing agents, **2:9, 2:24, 5:1**

criminal history records check, **5:1**

education, **2:24**

examinations, **2:24**

exemptions, **2:24**

fees, **2:24**

financial statement, **2:24**

forms, **5:2**

mortgage

bankers, **1:2, 2:24**

brokers, **1:2, 2:7, 2:24**

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

loan servicers, **1:2, 2:24**

processors, **2:7**

real estate

closing agent, **2:24, 5:1**

closing services, **2:24**

License Act, **2:24**

record retention requirements, **2:31**

renewals, **2:24**

**LICENSING—Cont'd**

surety bond requirements, 2:24

**LIENS**

future advances, 2:20  
homestead exemption, 2:21, 2:26  
marital rights, 2:26  
priorities, 2:41

**LIMITATION OF ACTIONS**

failure to sell in two years, 2:19, 3:6

**LOAN BROKER ACT**

generally, 2:7

**LOAN PROCESSING**

see Processing

**LOAN SERVICERS**

abstracts of title, 2:33  
assignments, 2:5  
copies, 2:35  
due-on-sale clauses, 2:16  
escrows, 2:17, 2:35  
late charges, 2:23, 2:35  
licensing, 1:2, 2:24  
payoffs, 2:33, 2:35  
practices, 2:35  
preemption, 2:37  
records, 2:31  
releases, 2:33  
transfers, 2:35, 2:37

**LOCATION**

change, 2:8

**LOCK-INS**

interest rate, 2:25

**MARITAL RIGHTS**

generally, 2:26

**MILITARY SERVICE**

generally, 2:41

**MORTGAGE BANKERS**

advertisements, 2:1  
applications, 5:1  
definition, 2:7, 2:24  
duties, 1:2  
licensing, 1:2, 2:24  
records, 2:31  
referral fees, 2:32  
rules, 5:5

**MORTGAGE BROKERS**

advertisements, 2:1  
applications, 5:1  
definition, 2:7, 2:24  
licensing, 2:24  
marketing, ethics, 3:4

**MORTGAGE BROKERS—Cont'd**

- records, **2:31**
- referral fees, **2:32**
- rules, **5:5**

**MORTGAGE LOAN ORIGINATORS**

- advertisements, **2:1**
- brokering mortgage loans, **2:7**
- definitions, **2:7**
- education, **2:24**
- licensing, **2:24, 5:2**
- registered mortgage loan originator, definition, **2:24**

**NAME**

- change of name, **2:8**

**NATIONWIDE MORTGAGE LICENSING SYSTEM & REGISTRY (NMLS)**

- generally, **4:1**
- agents, **2:9, 2:24, 5:1**
- exemptions, **5:1**
- forms
  - Form MU1, **5:1**
  - Form MU3, **5:1**
  - Form MU4, **5:1, 5:2**
- licensing, generally, **2:24**
- mortgage
  - banker, **5:1**
  - broker, **5:1**
  - originator license application, **5:2**
- registration, **5:1**
- Resource Center, **4:2**
- unique identifier, **2:1, 2:24**
- web site, **4:2, 5:1**

**NONJUDICIAL FORECLOSURE**

- consent, **2:19**

**NOTICE**

- change of location, ownership, control or name, **2:8**
- credit agreements, **2:10**
- future advances, **2:20**
- transfers of servicing, **2:37**

**PAYMENT REDUCTION FEE**

- disclosures, **2:18**

**PENALTIES**

- prepayment penalties, **2:29**

**PREDATORY LENDING LAWS**

- generally, **2:28**

**PREEMPTION**

- federal, prohibited loan terms, **2:16**
- mortgage loan servicing, **2:37**

**PRELICENSING EDUCATION**

- licensing, **2:24**

**PREPAYMENT**

- penalties, **2:29**

**PRIORITY**

future advances, **2:20**  
liens, **2:41**

**PRISONER**

discrimination, **2:14**

**PROCESSING**

appraisals, **2:4**  
discrimination, **2:14**  
exemption from licensing, **2:7**  
fees and charges, **2:18**  
independent contractor, **2:7**  
marital rights, **2:26**  
signature requirements, **2:26**

**REAL ESTATE BROKERS**

marketing program, ethics, **3:4**

**REAL ESTATE CLOSING SERVICES**

generally, **2:9**  
definition, **2:24**

**REASONABLE CARE**

lender's duty, **3:5**

**RECORDING**

assignments, **2:5**  
fees, **2:18**  
releases, **2:33**  
retention, **2:31**

**REDEMPTION**

foreclosures, **2:19**

**REFERRAL FEES**

generally, **2:32**

**REGISTRATION**

exempt company, **5:1**  
exemptions, **2:24**  
fee, **2:24**  
forms, **5:1**  
mortgage loan originator, **2:24**

**REGULATIONS**

Iowa Administrative Code, **1:1**  
release and payoff, **2:33**

**REGULATORY AGENCIES**

Attorney General  
consumer protection, **2:11**  
enforcement, **2:24**  
prohibited loan terms, **2:24**  
Division of Banking  
generally, **1:2, 4:1**  
advertising, **2:1**  
fees and costs, loans, chart, **5:3**  
licensing, **2:1, 2:7, 2:24, 5:1**  
record retention, **2:23**  
Finance Authority, **2:33**

**REGULATORY AGENCIES—Cont'd**

Superintendent of Banking  
generally, **2:24**  
contact information, **4:1**

**RESCISSION**

foreclosure judgment, **2:19, 3:6**

**RESOURCE CENTER**

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

**REVERSE MORTGAGES**

generally, **2:2**

**SERVICING**

see Loan Servicerss, **2:16**

**SETTLEMENT COMPANY**

closing agent, **2:9**

**SIGNATURE REQUIREMENTS**

generally, **2:26**

**STATUTE OF LIMITATIONS**

failure to sell in two years, **2:19**

**SUBPRIME MORTGAGE LENDING STATEMENT**

alternative mortgage transactions, **2:2**

**SUPERINTENDENT OF BANKING**

see Regulatory Agencies

**SURETY BOND**

closing agents, **2:9**  
licensing, **2:24, 5:1**

**TIE-INS**

appraisals, **2:4**  
deposit accounts, **2:17, 2:36**  
escrow, **2:17**  
insurance, **2:22, 2:36**  
lenders, **2:36**

**TRANSFERS**

assignments, **2:5**  
assumption of mortgage, **2:6**  
due-on-sale clauses, **2:16**  
servicing, **2:37**

**TRUSTEES**

generally, **2:38**

**UNDERWRITING**

appraisals, **2:4**  
commitments, **2:10**  
discrimination, **2:14**  
insurance, **2:22**

**USURY**

interest, **2:39**

**WAIVER**

criminal history, **5:1**

**WAIVER—Cont'd**

homestead exemption, **2:21**  
right of redemption, **2:19**

**WEB SITES**

Division of Banking, **4:1**  
Finance Authority, **2:33**  
Finance Bureau fee schedule, **5:4**  
nationwide mortgage licensing system, **2:24**  
Nationwide Mortgage Licensing System & Registry (NMLS), **4:2**  
NMLS, **4:2, 5:1**

**WET SETTLEMENT ACT**

closing, **2:40**

**WORDS AND PHRASES**

banker, **2:24**  
broker, **2:24**  
closing services, **2:24**  
financial institution, **2:2, 2:36**  
loan originator, **2:24**  
merchandise, **2:11**  
redlining, **2:14**  
registered mortgage loan originator, **2:24**

**WRITTEN INSTRUMENTS**

credit agreement, **2:3**  
disclosures, **2:13**  
fee and charges agreements, **2:18**

# Index

## **ADVERTISEMENTS**

- generally, **2:1**
- case law, foreclosure by advertisement, **2:19**

## **AGE OF STRUCTURE**

- discrimination, **2:41**

## **ALTERNATIVE MORTGAGE TRANSACTIONS**

- generally, **2:2**
- Alternative Mortgage Transactions Parity Act, **2:2**
- nontraditional mortgage guidance, **2:2**
- subprime mortgage lending statement, **2:2**

## **AMORTIZATION**

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

## **ANTI-REDLINING PROVISIONS**

- consumer protection, **2:14, 2:41**

## **APPLICATIONS**

- approval criteria, public access, **2:3**
- broker/lender/servicer, **5:1**
- checklist, **5:1**
- company application process, **2:24**
- criminal acts, **2:3**
- denials, **2:3**
- disclosures, **2:13**
- discrimination, **2:14**
- Equal Credit Opportunity Act, **2:3**
- exclusive dealings, **2:3**
- fees, **2:3**
  - loan applications, **2:18**
- fines and penalties, **2:3**
- forms
  - licensing, **5:1, 5:2**
- licensing, **2:24**
  - broker/lender/servicer, **5:1**
  - forms, **5:1, 5:2**
  - NMLS, **2:24**
  - requirements, **5:1**
- minimum loan amounts, **2:41**
- Mortgage Lending Practices Act, requirements, **2:3**
- NMLS, **2:7**
- notice of applicant's rights, **2:3**
- notice of rights, **2:13**
- penalty for unauthorized name use, **2:3**
- practices, **2:3**
- predatory loan laws, **2:28**
- record retention, **2:31**
- registration, **2:24**
- surety bond, **5:2**

**APPRAISALS**

Equal Credit Opportunity Act, copy to borrower, **2:4**  
errors or omissions, liability, **2:4**  
loan applications, **2:4**  
predatory loan laws, **2:28**  
water test report, liability of appraiser for defects, **3:7**

**ASSIGNMENTS**

generally, **2:5**  
Mortgage Licensing Act, **2:5**

**ASSUMPTION OF MORTGAGE**

see Transfers

**BANKRUPTCY**

release and payoff, **2:33**

**BILL OF RIGHTS**

Borrowers Bill of Rights, **2:13, 2:28**

**BORROWERS' BILL OF RIGHTS**

Consumer Mortgage Protection Act, **2:13**  
predatory lending laws, **2:28**

**BRANCH OFFICES**

generally, **2:24**

**BROKERS**

see Lenders  
see Mortgage Brokers  
real estate  
exemption from licensing requirement, **2:24**

**CHANGE**

control, **2:8**  
Department of Insurance and Financial Services, notification, **2:8**  
location, **2:8**  
management, **2:8**  
name, **2:8**

**CHARGES**

see Fees and Charges

**CHECKLIST**

applications, **5:1**

**CLOSING**

commitments, **2:9**  
costs, **2:9**  
disclosures, **2:13**  
document preparation, **2:15**  
fees, **2:18**  
Attorney General opinion, **3:1**  
loan settlement statement, **2:9**  
marital rights, **2:26**  
plain English, **2:27**  
practices, **2:9**  
prohibited loan terms, **2:30**  
security instruments, **2:34**  
Wet Settlement Act, **2:40**

**COLLECTION AGENCIES**

- Collection Agency Practices Board, **2:24**
- Collection Practices Act, **2:24**
- licensing by Department of Consumer and Industry Services, **2:24**

**COMMITMENTS**

- generally, **2:10**
- written and signed requirement, **2:10**

**COMPANY APPLICATION PROCESS**

- NMLS, **2:24**

**CONDOMINIUM ASSESSMENTS**

- liability of purchaser at foreclosure sale, **3:10**

**CONSUMER CAUTION AND SHOP AROUND**

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

**CONSUMER MORTGAGE PROTECTION ACT**

- see Legislation

**CONSUMER PROTECTION**

- advertisements, **2:1**
- application practices, **2:3**
- appraisals, **2:4**
- Borrowers Bill of Rights, **2:28**
- Consumer Caution and Shop Around Disclosure, **2:28**
- consumer complaints, **2:11**
- Consumer Mortgage Protection Act
  - see Legislation
- disclosures, **2:13**
  - marital status, **2:26**
  - predatory lending laws, **2:28**
  - settlement statements, failure to provide, effect, **3:3**
- discrimination, **2:14**
  - age of structure, **2:41**
  - redlining, **2:41**
- flipping of loans, **2:11**
- fraud
  - see Fraud or False Statements
- Home Ownership Counseling Notice, **2:28**
- investigation, **2:11**
- loan servicing, **2:11**
- Mortgage Lending Practices Act
  - see Legislation
- predatory lending
  - see Predatory Lending Laws
- redlining, **2:41**
- release, **2:33**
- residential mortgage fraud, **2:11**
- usury statute violation can form basis of claim of Consumer Protection Act violation, **3:6**

**CONTINUING EDUCATION**

- mortgage loan originators, **2:24**

**CONTRACTOR AND CONSTRUCTION LIENS**

- future advances, **2:20**

**CONTROL**

- change, **2:8**

**CREDIT COUNSELING**

disclosures, notice of value of counseling to consumer, **2:13**

**CRIMINAL ACTS**

application practices, **2:3**

**DAMAGES**

banks prohibited from collecting liquidated damages upon borrower's failure to close, **3:1**

**DECLARATORY JUDGMENT**

enforcement of Consumer Mortgage Protection Act, **2:28**

**DEFECTS**

water test report, liability, **3:7**

**DEFICIENCY JUDGMENTS**

foreclosures, **2:12**

**DEFINITIONS**

see Words and Phrases

**DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

see Regulatory Agencies

**DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT OF 1980**

usury, **2:39**

**DISCLOSURES**

Borrowers Bill of Rights, **2:13, 2:28**

Consumer Caution and Shop Around, **2:28**

Consumer Mortgage Protection Act, **2:28**

consumer protection, **2:13**

marital status, **2:26**

predatory lending

see Predatory Lending Laws

predatory lending laws, **2:28**

Real Estate Settlement Procedures Act (RESPA) information booklet, **2:28**

settlement statements, failure to provide, effect, **3:3**

**DISCOUNT FEE**

"discounted rate," loan discount fee must be for, **3:5**

**DISCRIMINATION**

see Consumer Protection

**DOCUMENTS**

see also Forms

applications, **2:3**

appraisals, **2:4**

Borrowers Bill of Rights, **2:28**

commitments, **2:10**

Consumer Caution and Shop Around Disclosure, **2:28**

failure to read, **3:9**

Home Ownership Counseling notice, **2:28**

lenders, unauthorized law practice, **2:15**

plain English, **2:27**

preparation, **2:15**

prohibited loan terms, **2:30**

record retention, **2:31**

security instruments, **2:34**

## MICHIGAN INDEX

### **DOCUMENTS—Cont'd**

- settlement statements, **2:9**
  - failure to provide, effect, **3:3**
- trustees, **2:38**

### **DUE-ON-SALE CLAUSES**

- transfers, **2:6, 2:16**
- window period loans, **2:16**

### **EDUCATION**

- licensing, **2:24**

### **ENFORCEMENT**

- Consumer Mortgage Protection Act, **2:28**

### **ENVIRONMENTAL CONCERNS**

- loan application consideration, **2:3**

### **EQUAL CREDIT OPPORTUNITY ACT**

- see Legislation

### **ESCROWS**

- annual statements, **2:17, 2:35**
- calculation, **2:17**
- interest, **2:17**
- loan servicing, **2:17, 2:35**
- servicing practices, **2:35**
- statements, **2:17**
- taxes, **2:17**

### **EXCLUSIVE DEALINGS**

- applications, **2:3**
- prohibited loan terms, **2:30**
- tie-ins, **2:36**

### **EXEMPTION**

- homestead exemption, **2:21, 2:26**
- impoverished person principle residence, property tax exemption, **3:11**
- licensing requirements, **2:24, 2:35, 5:1**
- Mortgage Licensing Act, **2:7**
- registration requirements, **2:24**

### **FEES AND CHARGES**

- applications, **2:3**
  - loan, **2:18**
- appraisals, **2:4**
- assumption of mortgage, **2:6, 2:18**
- Attorney General opinions
  - closings, **3:1**
- closing, Attorney General opinion, **3:1**
- closing costs, **2:9**
- commitments, **2:10**
- “discounted rate,” loan discount fee must be for, **3:5**
- due-on-sale clauses, **2:16**
- investigation fees, **2:24**
- late charges, **2:23**
- licensing, **2:24**
- loan applications, **2:18**
- Mortgage Brokers, Lenders and Servicers Licensing Act (calendar year 2025), schedule of, **5:3**
- NMLS, **2:24**

**FEES AND CHARGES—Cont'd**

- prepayment penalties, **2:29**
- referral fees, **2:32**
- release and payoff, **2:33**
- renewal fees, **2:24**
- trust account for refundable fees, **2:18**

**FINANCIAL INSTITUTIONS**

- commitments, **2:10**

**FINANCIAL RESPONSIBILITY**

- license application, **5:1**
- licensing, **2:24**
- mortgage brokers, **2:7**

**FORECLOSURES**

- affidavit, **2:19**
- case law, Mortgage Electronic Registration System, **2:19**
- condominium assessments, liability of purchaser, **3:10**
- deficiency judgments, **2:12**
- HUD guidelines, effect, **3:2**
- low bid, deficiency judgment, **2:12**
- Military Service Member Mortgage Protection Act, **2:41**
- mortgage servicing defense, **3:2**
- power of sale, **2:12, 2:19**
- publication, **2:19**
- redemption, **2:19**

**FORMS**

- applications
  - checklist, **5:1**
  - licensing, **5:1, 5:2**
- financial statements, **5:1**
- Mortgage Brokers, Lenders and Servicers Licensing Act (calendar year 2025), schedule of fees, **5:3**
- notice to applicants, **2:13**

**FRAUD OR FALSE STATEMENTS**

- advertisements, **2:1**
- loan applications, **2:3**
- predatory loan laws, **2:28**
- reliance on misrepresentation, **3:9**
- residential mortgage fraud, **2:11**

**FREQUENTLY ASKED QUESTIONS**

- loan modification, **5:2**
- mortgage loan originators, **5:2**

**FUTURE ADVANCES**

- generally, **2:20**

**GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT**

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

**HOME OWNERSHIP COUNSELING NOTICE**

- disclosures, **2:13**
- predatory lending laws, **2:28**

**HOMESTEAD EXEMPTION**

- generally, **2:21, 2:26**

## MICHIGAN INDEX

### **IMPOVERISHED PERSONS**

property tax exemption for principle residence, **3:11**

### **IMPROVEMENTS**

priority of liens, **2:20**

### **INSURANCE**

disclosure required, **2:22**

escrows, **2:17**

private mortgage insurance, **2:22**

prohibitions on lender, **2:22**

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

withholding procedures, **2:22**

### **INSURANCE AND FINANCIAL SERVICES DEPARTMENT**

see Regulatory Agencies

### **INTEREST**

alternative mortgage transactions, **2:2**

closing practices, effect, **2:9**

escrows, **2:17**

late charges, **2:23**

loan discount fee must be for “discounted rate,” **3:5**

lock-ins, **2:25**

predatory lending

see Predatory Lending Laws

prepayment penalties

see Prepayment

settlement statements, effect of failure to provide, **3:3**

usury

generally, **2:39**

violation of usury statute can form basis of claim of Consumer Protection Act violation, **3:6**

### **INTERNET**

see also Web Sites

### **INVESTIGATION FEE**

licensing, **2:24, 5:1**

### **LAND CONTRACTS**

security instruments, **2:34**

### **LEGISLATION**

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

Collection Practices Act, **2:24**

Consumer Mortgage Protection Act

see also Consumer Protection

generally, **1:2, 2:11, 2:28**

applications, **2:3**

consumer protection, **1:2**

disclosures, **2:13**

fees and charges, **2:18**

legislation, **1:2**

predatory lending laws, **2:28**

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

Equal Credit Opportunity Act

applications, **2:3**

appraisal report, copy to borrower, **2:4**

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

**LEGISLATION—Cont'd**

- Home Ownership Equity Protection Act, predatory lending, **2:28**
- Military Service Member Mortgage Protection Act, **2:41**
- Mortgage Brokers, Lenders, and Servicers Licensing Act
  - see Mortgage Licensing Act
- Mortgage Lending Practices Act, **1:2**
  - application evaluation, **2:3**
  - discrimination, **2:14**
  - due-on-sale clauses, **2:16**
- Mortgage Licensing Act
  - generally, **1:2**
  - administration using licensing fees, **2:24**
  - advertisements, **2:1**
  - application practices, **2:3**
  - assignments, **2:5**
  - commitments, **2:10**
  - licensing, **2:24**
  - licensing of mortgage brokers, **2:7**
  - prohibited loan terms, **2:30**
  - record retention requirements, **2:31**
  - servicing practices, **2:35**
  - tie-ins and exclusive dealings, **2:36**
  - usury preemption, **2:39**
  - written interest rate lock-in agreement, **2:25**
- Mortgage Loan Originator Licensing Act, **1:2, 2:7, 2:24**
- predatory loans
  - see Predatory Lending Laws
- Wet Settlement Act, **2:40**

**LENDERS**

- advertisements, **2:1**
- change of location, control, management and name, **2:8**
- fee schedule, **5:3**
- financial statements, forms, **5:1**
- insurance, financing, **2:22**
- licensing
  - application form, **5:1**
  - bond, **5:1**
  - financial statement, **5:1**
  - requirements, **5:1**
- Mortgage Lending Practices Act
  - see Legislation
- record retention, **2:31**
- registration
  - application form, **5:1**
- release, **2:33**
- reporting, **2:31**
- servicing loans
  - see Loan Servicing
- surety bond, licensing application, **5:1**
- tie-ins, **2:22, 2:36**

**LICENSING**

- see also Registration
- annual examination, **2:24**

**LICENSING—Cont'd**

- applications
  - see Applications
- collection agencies, **2:24**
- commitments, **2:10**
- education, **2:24**
- exemptions, **2:7, 2:24, 2:35**
- expiration, **2:7**
- fees, **2:24**
- financial responsibility, **2:24**
- financial statements, **5:1**
- lenders
  - see Lenders
- mortgage brokers, **2:7, 2:24, 5:1**
  - application form, **5:1**
- Mortgage Loan Originator Licensing Act, **2:7**
- net branching, **2:24**
- NMLS
  - see Nationwide Mortgage Licensing System & Registry (NMLS)
- Office of Financial and Insurance Services, **5:1**
- originators
  - see Mortgage Loan Originators
- record retention, **2:31**
- renewal, **2:7, 2:24**
- requirements, **5:1**
- servicers
  - see Loan Servicing
- surety bond, **5:2**

**LIENS**

- condominium assessments, liability of purchaser at foreclosure sale, **3:10**
- construction lien, **2:20**
- foreclosures, **2:19**
- future advances, **2:20**
- homestead exemption, **2:21, 2:26**
- marital rights, **2:26**

**LIMITATIONS**

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

**LOAN MODIFICATION**

- frequently asked questions, **5:2**

**LOAN OFFICER**

- advertisements, **2:1**
- definition, **2:7**

**LOAN SERVICING**

- see Escrows
- abusive collection practices, tort liability, **3:4**
- annual statement of escrow account balance, **2:35**
- assignments of mortgage, **2:5**
- consumer complaints, **2:11**
- consumer protection, **2:11**
- debt collector status, **2:24**
- definition, **2:24**
- due-on-sale clauses, **2:16**
- exemption from licensing, **2:24**

**LOAN SERVICING—Cont'd**

- fee schedules, **5:3**
- foreclosure, effect of HUD guidelines, **3:2**
- intentional infliction of emotional distress, **3:4**
- late charges, **2:23**
- ledger history of account provision upon request, **2:35**
- licensing
  - application form, **5:1**
  - exemptions, **2:24, 2:35**
  - NMLS, **5:1**
  - requirements, **5:1**
- minimum net worth, **2:24**
- Mortgage Brokers, Lenders, and Servicers Act
  - see Mortgage Licensing Act
- practices, **2:35**
- preemption, **2:37**
- record retention, **2:31**
- registration
  - application, form, **5:1**
  - exemptions, **2:24**
  - procedures, **5:1**
  - requirements, **5:1**
- release and payoff, **2:33**
- taxes, **2:17**
- transfers, **2:37**

**LOCATION**

- change, **2:8**

**LOCK-INS**

- interest rate, **2:25**

**MANAGEMENT**

- change, **2:8**

**MARITAL RIGHTS**

- generally, **2:26**

**MILITARY SERVICE MEMBER MORTGAGE PROTECTION ACT**

- foreclosure protection, **2:41**

**MINIMUM MORTGAGE AMOUNTS**

- applications, **2:41**

**MORTGAGE BANKER**

- advertisements, **2:1**

**MORTGAGE BROKERS**

- see Lenders
- see Licensing
- advertisements, **2:1**
- definition, **2:7, 2:24**
- exemptions, **2:7**
- fee schedule, **5:3**
- irrevocable letter of credit, **2:7**
- minimum net worth, **2:7**
- Mortgage Brokers, Lenders, and Servicers Licensing Act
  - see Legislation
- NMLS, **2:7, 5:1**

MICHIGAN INDEX

**MORTGAGE BROKERS—Cont'd**

- registration
  - application form, **5:1**
  - surety bond, **2:7**

**MORTGAGE BROKERS, LENDERS AND SERVICERS LICENSING ACT**

- see Legislation

**MORTGAGE LENDERS**

- commitments, **2:10**
- definition, **2:24**
- document preparation, **2:15**
- licensing
  - generally, **2:24**
  - exemptions, **2:24**
- registration
  - exemptions, **2:24**

**MORTGAGE LENDING PRACTICES ACT**

- see Legislation

**MORTGAGE LOAN ORIGINATOR LICENSING ACT**

- see Legislation

**MORTGAGE LOAN ORIGINATORS**

- advertisements, **2:1**
- application practices, **2:3**
- definition, **2:24**
- disclosures, **2:13**
- discrimination, **2:14**
- fees and charges, **2:18**
- frequently asked questions, **5:2**
- licensing, **2:7**
  - form, **5:2**
  - Mortgage Loan Originator Licensing Act, **1:2, 2:24**
  - NMLS, **2:24, 5:2**
  - prelicensing education, **2:24**
  - surety bond, **2:24**
- loan officer defined, **2:7**
- mortgage brokers, **2:7**
- mortgage loan originator defined, **2:7**
- Mortgage Loan Originator Licensing Act, **1:2, 2:7, 2:24**
- prelicensing education, **2:24**
- redlining, **2:41**
- tie-ins, **2:36**
- unique identifier, **2:7**

**MORTGAGE LOAN SERVICING**

- see Loan Servicing

**NAME**

- change, **2:8**

**NATIONWIDE MORTGAGE LICENSING SYSTEM & REGISTRY (NMLS)**

- company application process, **2:24**
- exempt company registration, **5:1**
- fees and charges, **2:24**
- lenders, **5:1**
- licensing, generally, **2:7, 2:24**

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

- loan servicers, **5:1**
- mortgage brokers, **2:7, 5:1**
- mortgage loan originators, **2:7, 5:2**
- registration
  - applications, **2:7**
  - registered loan originator, **2:24**
- Resource Center, **4:2**
- unique identifier, **2:24**
  - advertisements, **2:1**
  - mortgage loan originators, **2:7**
- web site, **2:24, 4:2**

**NET BRANCHING**

- licensing, **2:24**

**NONPROFIT CORPORATIONS**

- exemption from licensing requirement, **2:24**

**NONTRADITIONAL MORTGAGE PRODUCTS**

- guidance, **2:2**

**NOTICE**

- change of location, control, management and name, **2:8**
- Consumer Caution and Shop Around Disclosure, **2:28**
- foreclosures, publication in newspaper, **2:19**
- Home Ownership Counseling Notice, **2:28**
- loan applicant's rights, **2:3**

**ORIGINATORS**

- See Mortgage Loan Originators

**PENALTIES**

- application procedure, violations, **2:3**
- enforcement of Consumer Mortgage Protection Act, **2:28**
- predatory loan laws, **2:28**
- prepayment penalties, **2:29**

**PLAIN ENGLISH**

- documents, **2:27**

**POWER OF SALE**

- foreclosures, **2:12, 2:19**

**PREDATORY LENDING LAWS**

- generally, **2:28**
- Borrowers Bill of Rights, **2:28**
- Consumer Caution and Shop Around Disclosure, **2:28**
- disclosures, **2:28**
- Home Ownership Counseling notice, **2:28**
- practice limitations, **2:28**

**PREEMPTION**

- mortgage loan servicing, **2:37**
- predatory loan laws, state as preempting municipality or political subdivision regulation, **2:28**
- usury, federal preemption, **2:39**

**PREPAYMENT**

- penalty, generally, **2:29**

**PREPAYMENT PENALTY**

usury statute violation as basis of claim of Consumer Protection Act violation, **3:6**

**PRIORITY**

future advances, **2:20**

**PROCESSING**

appraisals, **2:4**

marital rights, **2:26**

minimum loan amount, **2:41**

signature requirements, **2:26**

**PROPERTY TAX EXEMPTION**

impoverished person principle residence, **3:11**

**PUBLICATION**

foreclosures, notice in newspaper, **2:19**

**REAL ESTATE BROKERS**

exemption from licensing requirement, **2:24**

**REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)**

booklet, special information, **2:28**

**RECORDING**

assignments, **2:5**

releases, **2:33**

retention of records, **2:31**

**REDEMPTION**

foreclosures, **2:19**

**REDLINING**

discrimination, **2:41**

**REFERRAL FEES**

generally, **2:32**

**REGISTERED LOAN ORIGINATOR**

definition, **2:24**

**REGISTRATION**

generally, **2:24**

Department of Insurance and Financial Services, **2:7**

exempt company, **5:1**

exemption from licensing procedures and requirements, **2:7, 2:24**

expiration, **2:7**

form, application by broker/lender/servicer, **5:1**

Mortgage Electronic Registration System, **2:19**

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

**REGULATORY AGENCIES**

addresses, **4:1**

Collection Agency Practices Board, **2:24**

Consumer Finance and Mortgage Section, **4:1**

address, **4:1**

telephone, **4:1**

web site, **4:1**

Department of Consumer and Industry Services

regulation of collection agents, **2:24**

Department of Insurance and Financial Services

generally, **1:2**

**REGULATORY AGENCIES—Cont'd**

Department of Insurance and Financial Services—Cont'd  
address, **4:1**

alternative mortgage transactions, **2:2**

annual examination of licensees, **2:24**

consumer complaint investigation, **2:11**

Consumer Mortgage Protection Act enforcement, **2:28**

disclosures, **2:13**

discrimination, **2:14**

licensing, generally, **5:1**

Mortgage Bulletin No. 2003-09-CF on net branching, **2:24**

prohibited loan terms, **2:30**

record retention requirements, **2:31**

registration of certain mortgage brokers, **2:7**

registration of mortgage brokers, lenders and servicers, **5:1**

telephone number, **4:1**

tie-ins, **2:36**

web site, **4:1**

filing requirements, loan approval criteria, **2:3**

loan approval criteria, filing, **2:3**

Michigan Office of Regulatory Reinvention, **4:1**

Michigan Register, **4:1**

**REIMBURSEMENT**

service release premium, **3:8**

**RELEASE AND PAYOFF**

generally, **2:33**

**RELIANCE**

failure to read loan documents, **3:9**

**REPORTS**

appraisal report copies, **2:4**

water test report defects, liability, **3:7**

**RESIDENTIAL MORTGAGE FRAUD**

consumer protection, **2:11**

**RESIDENTIAL NEIGHBORHOOD**

underwriting, **2:41**

**SERVICE RELEASE PREMIUM**

reimbursement, **3:8**

**SERVICING**

see Loan Servicing

**SIGNATURE REQUIREMENTS**

generally, **2:26**

**SUBPRIME MORTGAGE LENDING**

statement, **2:2**

**SURETY BOND**

licensing, **5:2**

**THIRD PARTIES**

predatory lending, payments to third party, **2:28**

**TIE-INS**

insurance, **2:22, 2:36**

## MICHIGAN INDEX

### **TRANSFERS**

- assignments, **2:5**
- assumption of mortgage
  - generally, **2:6**
  - fees, **2:18**
  - fees, **2:6**
- due-on-sale clauses, **2:6, 2:16**
- Garn-St Germain Depository Institutions Act, **2:16**
- loan servicing, **2:37**

### **TRUSTEES**

- generally, **2:38**

### **UNDERWRITING**

- age of structure, **2:41**
- redlining, **2:41**

### **UNIQUE IDENTIFIER**

- see Nationwide Mortgage Licensing System & Registry (NMLS)

### **USURY**

- see Interest

### **WATER TEST REPORT**

- liability for defects, **3:7**

### **WEB SITE**

- Consumer Finance and Mortgage Section, **4:1**
- Department of Insurance and Financial Services, **4:1**
- Michigan Office of Regulatory Reinvention, **4:1**
- Nationwide Mortgage Licensing System & Registry (NMLS), **2:24, 4:2**

### **WET SETTLEMENT ACT**

- closing, **2:40**

### **WINDOW PERIOD LOANS**

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

### **WORDS AND PHRASES**

- loan officer, **2:7, 2:24**
- mortgage broker, **2:7, 2:24**
- mortgage lender, **2:24**
- mortgage loan originator, **2:7, 2:24**
- mortgage servicer, **2:24**
- registered loan originator, **2:24**
- residential future advance mortgage, **2:20**
- window period, **2:16**

# Index

## **ABSTRACTS OF TITLE**

- location, **2:35**
- servicing
  - see Mortgage Loan Servicers
- transfers, **2:35**

## **ACCELERATED MORTGAGE PAYMENT PROVIDERS**

- bonding by Department of Commerce, **1:2**
- mortgage loan servicing, **2:41**

## **ACCOUNTING**

- trust account disbursements, **2:13, 2:18**

## **ADVANCE FEE**

- fiduciary relationship, **2:7**
- identification of trust account, **2:13**

## **ADVERTISEMENTS**

- copies, retention, **2:1, 2:31**
- deceptive practices, **2:1**
- foreclosures, **2:19**
- Internet advertising, **2:1**
- lock-ins, **2:1**
- prohibitions, **2:1**
- record retention, **2:1, 2:31**
- unique identifier, **2:1**

## **AGENCY**

- application, disclosure of status, **2:3**

## **ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT**

- generally, **2:2**

## **ALTERNATIVE MORTGAGE TRANSACTIONS**

- general discussion, **2:2**
- Alternative Mortgage Transaction Parity Act, **2:2**
- graduated payment mortgages, **2:2**
- nontraditional mortgage products, Department of Commerce guidance, **2:2**
- reverse mortgages, **2:2**
- shared appreciation mortgages, **2:2**

## **APPLICATIONS**

- borrower's reasonable ability to repay, **2:3**
- churning, **2:3**
- credit application, mortgage trigger leads, **2:41**
- disclosure as to agent status, **2:3**
- electronic submission
  - see Internet
- exempt loan originator barred from employment after falsifying loan applications, **3:5**
- licensing, NMLS, **2:24, 5:1, 5:2**
- mortgage loan originators
  - see Mortgage Originators
- mortgage loan servicer certificate of exemption, **5:2**

**APPLICATIONS—Cont'd**

practices, **2:3**

**APPRAISALS**

see Processing

**ARBITRATION**

Attorney General's Office, consumer protection proceedings, **2:11**

**ASSIGNMENTS**

generally, **2:5**

secured promissory note, **2:5**

**ASSUMPTION OF MORTGAGE**

generally, **2:6**

**ATTORNEY GENERAL**

see Regulatory Agencies

**ATTORNEYS**

real estate brokers collection of drafting fee, not unauthorized law practice, **3:2**

**BANKERS**

See Mortgage Originators

**BANKS**

licensing, **2:24**

**BORROWER'S REASONABLE ABILITY TO REPAY**

applications, **2:3**

brokering mortgage loan, **2:3**

credit score, **2:3**

**BROKERS**

definition, **2:7**

mortgage brokers

See Mortgage Originators

real estate brokers

see Real Estate Brokers

**CANCELLATION**

requirements, private mortgage insurance, **2:22**

**CERTIFICATE OF EXEMPTION**

exemption from licensing, **2:24**

**CERTIFICATE OF SATISFACTION**

release and payoff, **2:33**

**CHANGE**

control, **2:8**

location, **2:8**

management, **2:8**

name, **2:8**

**CHARGES**

see Fees and Charges

**CHURNING**

applications, **2:3**

defined, **2:3, 2:28**

**CLOSING**

disclosures, **2:9, 2:13**

**CLOSING—Cont'd**

- document preparation, **2:15**
- fees and charges, **2:15, 2:18**
- insurance, **2:22**
- marital rights, **2:26**
- persons authorized, **2:15**
- practices, **2:9**
- prohibited loan terms, **2:30**
- security instruments, **2:34**
- signature requirements, **2:26**
- usury, **2:39**
- Wet Settlement Act
  - collected funds, **2:40**
  - “good funds” law, **2:40**
  - qualified loan funds, **2:40**

**CLOSING AGENTS**

- practices, **2:9**

**COMMITMENTS**

- generally, **2:10**
- disclosures, **2:13**

**CONDOMINIUMS**

- assessments, priority, **2:41**
- common interest community liens, priority, **1:2**

**CONSULTANTS**

- foreclosures, **2:19**

**CONSUMER PROTECTION**

- advertisements, **2:1**
- consumer complaints, **2:11**
- credit insurance, **2:22**
- disclosures
  - see Disclosures
- discrimination, **2:14**
- fraud
  - see Fraud or False Statements
- mortgage trigger lead, **2:28, 2:41**
- predatory lending laws, **2:28**

**CONTROL**

- change, **2:8**

**CONVENTIONAL LOANS**

- plain English, **2:27**

**CONVERSION**

- graduated payment mortgage conversion to conventional loan, **2:2**

**COPIES**

- advertisements, **2:1, 2:31**
- appraisals, **2:4**

**COUNSELING**

- alternative mortgage transactions, **2:2**

**CREDIT AGREEMENT**

- mortgage modification agreement as credit agreement and subject to statute of frauds, **3:11**

**CREDIT APPLICATION**

mortgage trigger leads, **2:41**

**DAMAGES**

lock-in violations, **2:25**

**DECEPTIVE PRACTICES**

see Fraud or False Statements

**DEFICIENCY JUDGMENTS**

see Foreclosures

**DEFINITIONS**

see Words and Phrases

**DELAY**

applications, **2:3**

unreasonable delay, lock-ins, **2:3, 2:25**

**DISCLAIMER**

non-agency disclosure by mortgage loan originator, **3:7**

**DISCLOSURES**

agent status, **2:3**

borrower's agent, form, **2:13**

cancellation of private mortgage insurance, **2:22**

closing practices, **2:9**

commitments, **2:10**

consumer protection, generally, **2:13**

electronic disclosures, **2:13**

escrow account discontinuance, **2:17**

fax fee, **3:6**

foreclosures, **2:19**

good faith estimate of settlement charges, **2:13**

mortgage loan servicing, transfers, **2:37**

mortgage originators, **2:13, 3:7**

non-agency disclosure, **3:7**

predatory lending laws, **2:28**

prepayment

notice, **2:29**

tax consequences, **3:4**

private mortgage insurance, **2:13**

private mortgage insurance cancellation, **2:22**

tax consequences of debt prepayment, **3:4**

**DISCOUNT POINT AGREEMENTS**

generally, **2:25**

**DISCRIMINATION**

generally, **2:14**

**DOCUMENTS**

commitments, **2:10**

discount point agreements, **2:25**

good faith estimate of settlement charges, **2:13**

interest rate agreements, **2:25**

lock-ins, **2:1, 2:25**

marital rights, **2:26**

plain English, **2:27**

**DOCUMENTS—Cont'd**

- preparation, **2:15**
  - unauthorized law practice, **3:2**
- preparer statement, **2:15**
- prohibited loan terms, **2:30**
- recording requirements, **2:15**
- record retention, **2:31**
- security instruments
  - graduated payment mortgages, **2:2**
  - lien theory, **2:34**
  - required terms, **2:41**
  - reverse mortgages, **2:2**
  - shared appreciation mortgages, **2:2**
  - trustees, **2:38**
  - type size, **2:27**
  - uniform short form mortgage, **2:34**
- signature requirements, **2:26**
- title abstracts
  - storage, **2:35**
  - transfers, **2:9**
- type size, **2:27**

**EDUCATION**

- licensing, **2:24**
- mortgage originators, **2:24**

**ELECTRONICALLY GENERATED APPLICATION**

- see Internet

**ELECTRONIC DISCLOSURES**

- acknowledgment by borrower required, **2:13**

**ESCROWS**

- mortgage loan servicer, **2:13, 2:17, 2:30**
- right to discontinue escrow accounts, **2:17**

**EXEMPTIONS**

- homestead exemption, **2:21, 2:26**
- licensing, **2:24**

**EXEMPT PERSONS**

- record retention, **2:31**

**EXPIRATION DATE**

- delay in processing application, expiration of interest rate or discount point agreement, **2:3, 2:25**
- lock-in agreement, **3:8**

**FAX FEES**

- release and payoff, **2:33, 3:6**
- servicing, **2:35**

**FEES AND CHARGES**

- advance fee, **2:13, 2:18**
- appraisals, **2:4, 2:22**
- assumption of mortgage, **2:6**
- cancellation of private mortgage insurance, appraisal for, **2:22**
- closing fees, **2:9, 2:15, 2:18**
- conventional loans, **2:18**
- escrow account, **2:17**
- fax fees, **2:33, 2:35, 3:6**

**FEES AND CHARGES—Cont'd**

- good faith estimate of settlement charges, **2:13**
- insurance premiums, **2:18**
- late charges, **2:23**
- lender fee, **2:18**
- licenses, **2:24, 5:1**
- limitations, **2:18**
- prepayment penalties, **2:29**
- processing, **2:18**
- record retention, **2:31**
- referral fees, **2:32**
- single service charge, **2:18**

**FIDUCIARY RELATIONSHIP**

- acceptance of advance fee, **2:7**

**FORECLOSURES**

- advertisements, **2:19**
- attorney fees, **2:19**
- challenge, **2:19**
- consultants, **2:19**
- deficiency judgments, **2:12**
  - mortgage insurance, **3:3**
- disclosure, **2:19**
- hazard insurance issues, **3:1**
- insurance issues, **3:1, 3:3**
- lender's promise to postpone, enforceability, **3:9**
- loss mitigation options, **2:35**
- Minnesota Homeowner Bill of Rights, **2:35**
- multiple families, rights, **2:19**
- notices
  - default, notice of, **2:19**
  - loss mitigation options, **2:19**
  - redemption rights, **2:19**
  - separate notices for tenants, **2:19**
  - Statutory Notice of Default and Acceleration, **2:19**
  - written notice upon intending to foreclose, **2:13**
- redemption, **2:12, 2:19**
- reinstatement, **2:19**
- tenants, rights, **2:19**
- Torrens system registration, **2:19**
- transaction agent, **2:19**
- voluntary foreclosures, **2:19**

**FORGERY**

- void mortgage resulting from forged power of attorney, **3:10**

**FORGIVENESS OF DEBT**

- disclosure of tax consequences, **3:4**

**FORMS**

- application
  - accelerated mortgage payment providers, **5:1**
  - individual mortgage loan originators, **5:1**
  - mortgage originator certificate of exemption, **5:2**
  - mortgage originator license, **5:1**
  - mortgage servicer certificate of exemption, **5:2**
  - mortgage servicer license, **5:1**

**FORMS—Cont'd**

- application—Cont'd
  - surety bond, **5:1**
- borrower's agent, disclosure as to, **2:13**
- criminal background check, **5:1**
- document preparer, statement, **2:15**
- escrow, notice of right to discontinue, **2:17**
- NMLS, **5:1, 5:2**
- private mortgage insurance cancellation disclosures, **2:22**
- surety bond, **5:1**

**FRAUD OR FALSE STATEMENTS**

- advertising, **2:1**
- Deceptive Trade Practices Act, **2:11**
- exempt loan originator barred from employment after falsifying loan applications, **3:5**
- Prevention of Consumer Fraud Act, **2:1**
- Uniform Deceptive Practices Act, **2:1**

**FUTURE ADVANCES**

- generally, **2:20**

**GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982**

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

**GOOD FUNDS LAW**

- closing, **1:2, 2:40**

**GRADUATED PAYMENT MORTGAGES**

- generally, **2:2**
- alternative mortgage transactions, **2:2**
- conversion to conventional loan, **2:2**
- disclosures, **2:13**

**HOMESTEAD**

- exemption, **2:21, 2:26**
- signature requirement, **2:21**
- void mortgage of homestead resulting from forged power of attorney, **3:10**

**INSURANCE**

- binder as evidence of insurance, **2:22**
- credit, deficiency judgments, **3:3**
- fees for premiums, **2:18**
- foreclosure, entitlement to hazard insurance proceeds, **3:1**
- foreclosures, mortgagee rights, **3:1**
- private mortgage insurance, **2:22**
  - cancellation disclosures, **2:22**
  - disclosures, **2:13**
  - preemption, **1:2**
- prohibited acts, **2:22**
- tie-ins, **2:36**

**INTEREST**

- alternative mortgage transactions, generally, **2:2**
- commitments, **2:10**
- discount point agreements, **2:25**
- escrows, **2:17, 2:30**
- graduated payment mortgages, **2:2**
- interest rate agreements, **2:25**
- lock-ins, **2:1, 2:25**

**INTEREST—Cont'd**

- predatory lending laws, **2:28**
- prepayment penalties, **2:29**
- reverse mortgages, **2:2**
- shared appreciation mortgages, **2:2**
- usury, generally, **2:39**

**INTERNET**

- see also Web sites
- application electronically generated, **2:3**
- disclosure, **2:13**

**LATE CHARGES**

- generally, **2:23**

**LEGISLATION**

- Alternative Mortgage Transaction Parity Act, **2:2**
- Debt Proration Law, **1:2, 2:41**
- Deceptive Trade Practices Act, **2:11**
- Federal Homeowners Insurance Protection Act, **1:2**
- fiduciary as matter of law, **3:7**
- Garn-St Germain Depository Institutions Act of 1982, **2:16**
- Little FTC Act, **2:11**
- Minnesota Human Rights Act, **2:14**
- Minnesota SAFE Mortgage Licensing Act, **1:2, 2:24**
- predatory lending laws, **2:28**
- Prevention of Consumer Fraud Act, **2:1**
- Real Property Electronic Recording Act, **2:41**
- Residential Mortgage Fraud Act, **2:11**
- Residential Mortgage Originator and Servicer Licensing Act
  - see Residential Mortgage Originator and Servicer Licensing Act
- Uniform Deceptive Practices Act, **2:1**
- Wet Settlement Act
  - see Closing

**LENDERS**

- see also Mortgage Originators
- alternative mortgage transactions, **2:2**
- change of location, control, management and name, **2:8**
- licensing, **2:24**
  - form of application, **5:1**
- prohibited loan terms, **2:30**
- promise to postpone foreclosure, enforceability, **3:9**

**LICENSING**

- application, **2:24**
- application for mortgage originator or servicer license, **5:1**
- conviction of crime, **5:1**
- criminal background check, form, **5:1**
- education, **2:24**
- exemption from licensing requirements, **2:24**
  - application for mortgage originator certificate of exemption, **5:2**
- fees and charges, **2:24, 5:1**
- mortgage lenders, **2:24**
- mortgage originators, **2:24**
- NMLS, **2:24**
- Residential Mortgage Originator and Servicer Licensing Act, **1:2, 2:7**

**LICENSING—Cont'd**

- servicer license
  - see Mortgage Loan Servicer
- surety bond, **2:24, 5:1**

**LIENS**

- condominium assessments, priority, **2:41**
- foreclosure notice to lienholders, **2:19**
- future advances, **2:20**
- homestead, **2:21, 2:26**
- mortgage theory, **2:34**
- priority, condominium assessments, **2:41**
- security instruments, **2:34**

**LITTLE FTC ACT**

- generally, **2:11**

**LOAN SERVICING**

- see Mortgage Loan Servicer

**LOCATION**

- change, **2:8**

**LOCK-INS**

- enforcement of agreement, **3:8**
- interest rate, **2:1, 2:25**

**LOSS MITIGATION**

- foreclosure, options, **2:35**
- foreclosures, options, **2:19**

**MANAGEMENT**

- change, **2:8**

**MARITAL RIGHTS**

- generally, **2:26**
- void mortgage of homestead resulting from forged signature on power of attorney, **3:10**

**MINNESOTA HOMEOWNER BILL OF RIGHTS**

- loan servicing, **2:35**

**MODIFICATION AGREEMENT**

- written instrument subject to statute of frauds, **3:11**

**MORTGAGE LOAN SERVICER**

- abstract of title. Title abstracts, below
- accelerated mortgage payment providers, **2:41**
- assignments of mortgage, **2:5**
- cancellation of private mortgage insurance, **2:22**
- Department of Commerce
  - summary of prudential standards for nonbank mortgage servicers, **5:4**
- Department of Commerce as regulator, **4:1**
- due-on-sale clauses, **2:16**
- escrow requirements
  - see Escrows
- fax fees, **2:35**
- license
  - application, form, **5:1**
  - application for certificate of exemption, **5:2**
  - criminal background check, form, **5:1**
  - renewal, **5:1**

**MORTGAGE LOAN SERVICER—Cont'd**

- payoff, **2:33**
- practices, **2:35**
- record retention, **2:31**
- releases, **2:33**
- servicing residential mortgage loans, defined, **2:24**
- surety bond, **5:1**
- title abstracts
  - storage, **2:35**
  - transfers, **2:9**
- transfers
  - servicing, **2:37**
  - title abstracts, **2:9**
- transfers of servicing, **2:37**

**MORTGAGE ORIGINATORS**

- advertisements, **2:1**
- alternative mortgage transactions, **2:2**
- application
  - originator certificate of exemption, **5:2**
  - practices, **2:3**
  - renewal of residential mortgage originator license, **5:1**
  - residential mortgage originator license, **5:1**
- appraisals, **2:4**
- changes, notification to Commissioner, **2:8**
- collection of drafting fee not unauthorized law practice, **3:2**
- Department of Commerce as regulator, **4:1**
- disclosures, **2:13, 3:7**
- education, **2:24**
- exempt loan originator barred from employment after falsifying loan applications, **3:5**
- experience, **2:24**
- lenders, generally, **2:7**
- licensing
  - generally, **2:24**
  - form of application, **5:1**
  - mortgage brokers, **2:7**
- NMLS
  - see Nationwide Mortgage Licensing System & Registry (NMLS)
  - requirement, **2:7**
- mortgage bankers, generally, **1:2**
- mortgage brokers, generally, **1:2, 2:7**
- mortgage loan originator defined, **2:7**
- record retention, **2:31**
- referral fees, **2:32**
  - mortgage brokers, **2:32**
- renewal, residential mortgage originator license, **5:1**
- Residential Mortgage Originator and Servicer Licensing Act, **1:2, 2:1, 2:3, 2:7, 2:24, 3:5**
- residential mortgage originator defined, **2:7**
- soliciting, placing, or negotiating a residential mortgage loan, **2:7**
- surety bond, **2:24, 5:1**
- tie-ins, **2:36**

**MORTGAGES**

- see Security Instruments
- Minnesota department of commerce summary of prudential standards for nonbank mortgage servicers, **5:4**

**MULTIPLE MORTGAGEES**

releases, **2:33**

**NAME**

change, **2:8**

**NATIONWIDE MORTGAGE LICENSING SYSTEM & REGISTRY (NMLS)**

advertisements, unique identifier, **2:1**

forms, **5:1**

certificates of exemption, **5:2**

licensing, generally, **2:24**

Resource Center, **4:2**

unique identifier

advertisements, **2:1**

web site, **4:2**

**NEIGHBORHOOD**

discrimination, **2:14**

**NOTICE**

borrower's agent, disclosure as to, **2:13**

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

escrow, right to discontinue, **2:17**

foreclosure

see Foreclosures

insurance, annual written notice of right to cancel PMI, **2:22**

prepayment, **2:29**

**PAYOFF**

generally, **2:33, 3:6**

**PENALTIES**

lock-in law violations, **2:25**

prepayment penalties, **2:29**

**POWER OF ATTORNEY**

forgery, void mortgage, **3:10**

**PREDATORY LENDING LAWS**

generally, **2:28**

Attorney General's Predatory Lending Task Force, **2:28**

**PREEMPTION**

private mortgage insurance, **1:2**

servicing transfers, **2:37**

**PREPAYMENT PENALTIES**

generally, **2:29**

**PREVENTION OF CONSUMER FRAUD ACT**

generally, **2:1**

**PRIORITY**

common interest community liens, **1:2**

condominium assessments, **2:41**

**PRIVATE MORTGAGE INSURANCE**

cancellation disclosures, **2:22**

disclosures, **2:13**

preemption, **1:2**

**PROCESSING**

- appraisals, **2:4**
- copies, **2:4**
- fees for cancellation of private mortgage insurance, **2:22**
- influencing judgment of appraiser, **2:4**
- discrimination, **2:14**
- exemption of loan processor from licensing, **2:24**
- fees and charges, **2:18**
- marital rights, **2:26**
- signature requirements, **2:26**

**PUBLICATION**

- notice of foreclosure, **2:19**

**PURCHASE MONEY MORTGAGE**

- marital rights, **2:26**

**REAL ESTATE BROKERS**

- closing, **2:9**
- collection of drafting fee not unauthorized law practice, **3:2**
- document preparation, **2:15**
- licensing, **2:24**

**REAL PROPERTY ELECTRONIC RECORDING ACT**

- land records, **2:41**

**REASONABLE ABILITY TO PAY**

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

**RECORDING**

- assignments, **2:5**
- foreclosures, **2:19**
- preparer statement, **2:15**
- Real Property Electronic Recording Act, **2:41**
- release, **2:33**

**RECORD RETENTION**

- generally, **2:31**
- advertisements, **2:1**

**REDEMPTION**

- see Foreclosures

**REFERRAL FEES**

- generally, **2:32**

**REGISTRATION OF LAND**

- Torrens system and traditional abstract system, **2:5**

**REGULATORY AGENCIES**

- Attorney General
  - consumer complaint procedures, **2:11**
  - Predatory Lending Task Force, **2:28**
- Commissioner of Commerce
  - closing disclosure, approval, **2:9**
  - licensing, **1:2, 2:24**
  - report of change of location, control, management, and name, **2:8**
- Department of Commerce
  - accelerated mortgage payment providers, bonding, **1:2**
  - address and web site, **4:1**
  - Commissioner of Commerce, above

**REGULATORY AGENCIES—Cont'd**

- Department of Commerce—Cont'd
  - consumer complaints, **2:11**
  - nontraditional mortgage products guidance, **2:2**
  - supervisory guidance, **5:3**
  - telephone number, **4:1**
  - web site, **4:1**

**REINSTATEMENT**

- foreclosures, mortgage reinstatement right, **2:19**

**RELEASE**

- generally, **2:33**

**RESIDENTIAL MORTGAGE ORIGINATOR AND SERVICER LICENSING ACT**

- advertising, **2:1**
- applications, **2:3**
- brokering loans, **2:7**
- change of location, control, management, or name, **2:8**
- changes, notification to Commissioner, **2:8**
- escrows, **2:17**
- exemptions, **2:24, 3:5**
- fees and charges, **2:18**
- legislation, **1:2**
- licensing, generally, **1:2, 2:24**
- predatory lending laws, **2:28**
- private right of action, **2:24, 2:35**

**RESOURCE CENTER**

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

**REVERSE MORTGAGES**

- generally, **2:2**
- disclosures, **2:13**

**SECURITY INSTRUMENTS**

- assignment of secured promissory note, **2:5**
- graduated payment mortgages, **2:2**
- lien theory, **2:34**
- required terms, **2:41**
- reverse mortgages, **2:2**
- shared appreciation mortgages, **2:2**
- trustees, **2:38**
- type size, **2:27**
- uniform short form mortgage, **2:34**

**SHARED APPRECIATION MORTGAGES**

- generally, **2:2**
- alternative mortgage transactions, **2:2**

**SIGNATURE REQUIREMENTS**

- generally, **2:26**
- void mortgage resulting from forged signature on power of attorney, **3:10**

**STATUTE OF FRAUDS**

- mortgage modification agreement, **3:11**

**SUBPRIME LOAN**

- defined by use of APR triggers, **2:28**

**SUPERVISORY GUIDANCE**

Department of Commerce, **5:3**

**SURETY BOND**

licensing, **2:24, 5:1**

**TAX MATTERS**

prepayment, disclosure of tax consequences, **3:4**

**THIRD PARTY**

mortgage trigger leads, **2:41**

**TIE-INS**

insurance, **2:36**

**TITLE**

see Abstract of Title

**TRANSFERS**

assignments, **2:5**

assumption of mortgage, **2:6**

closing, **2:9**

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

mortgage loan servicer, **2:37**

title abstracts, **2:9**

**TRUST ACCOUNTS**

advance fees, **2:13**

depository regulations, **2:18**

monthly written accounting of funds, **2:13, 2:18**

**TRUSTEES**

powers and duties, **2:38**

**TRUST FUNDS**

defined, **2:18**

**UNDERWRITER**

exemption from licensing, **2:24**

**UNDERWRITING**

discrimination, **2:14**

insurance, **2:22**

**UNIFORM DECEPTIVE PRACTICES ACT**

generally, **2:1**

**UNIFORM SHORT FORM MORTGAGE**

security instrument, **2:34**

**USURY**

see Interest

**VERIFICATION**

borrower's reasonable ability to repay, **2:7, 2:28**

**VOLUNTARY FORECLOSURES**

requirements, **2:19**

**WEB SITES**

Department of Commerce, **4:1**

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

MINNESOTA INDEX

**WET SETTLEMENT ACT**

see Closing

**WINDOW PERIOD LOANS**

assumption of mortgage, **2:6**  
due-on-sale clauses, **2:16**

**WORDS AND PHRASES**

advertisement, **2:1**  
churning, **2:3, 2:28**  
collected funds, **2:40**  
conventional loans, **2:27**  
financial institution, **2:1**  
lender, **2:24**  
lender fee, **2:18**  
mortgage broker, **2:7, 2:24**  
mortgage loan originator, **2:7**  
qualified loan funds, **2:40**  
residential mortgage originator, **2:7, 2:24**  
servicing residential mortgage loans, **2:24**  
subprime loan, **2:28**  
transaction agent, **2:19**  
trust funds, **2:18**  
window period loans, **2:16**

**WRITING**

closing, **2:9**  
commitments, **2:10**

# Index

## **ABSTRACTS OF TITLE**

generally, **2:41**

## **ADVANCE FEES**

generally, **2:7, 2:18**

## **ADVERTISEMENTS**

generally, **2:1**

## **ALIENS**

land acquisition, prohibition and disposition, **2:41**

## **ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT**

generally, **2:2**

## **ALTERNATIVE MORTGAGE TRANSACTIONS**

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

nontraditional mortgage guidance, **2:2**

reverse mortgages, usury ceiling exemption, **2:2**

variable rate mortgages, **2:2**

## **APPLICATIONS**

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

citizenship attestation form, **2:24**

dual contracts, **2:41**

forms

citizenship attestation form, **2:24**

license, **2:24, 5:1**

registration, **5:2**

fraud, **2:41**

licensing

fee, **2:24**

form, **5:1**

mortgage bankers, **5:1**

NMLS

see Nationwide Mortgage Licensing System & Registry (NMLS)

process, **2:24**

renewal, **2:24**

mortgage bankers

licensing, **5:1**

registration form, **5:2**

NMLS unique identifier, **2:3**

practices, **2:3**

public benefits, **2:24**

questions, loan originator licensing, **5:3**

registration form, **5:2**

registration with Department, **2:24**

## **APPRAISAL MANAGEMENT COMPANIES**

registration with Real Property Appraisal Board, **2:4**

## **APPRAISALS**

generally, **2:4**

**ASSIGNMENTS**

generally, **2:5**

**ASSUMPTION OF MORTGAGE**

generally, **2:6**

**ATTORNEYS**

exemption from licensing requirements, **2:7**

trustee of trust deed, **2:38**

**BANKERS**

see Mortgage bankers

**BANKRUPTCY**

notification of changes, **2:8**

**BANKS**

exemption from licensing requirements, **2:7**

**BRANCH OFFICE**

licensing, **5:1**

registration, **5:2**

**BREACH**

customer information, written response in connection with unauthorized access, **2:41**

**BROKERS**

see Loan Brokers

**CANCELLATION**

license, notice of expiration, **2:24**

loan brokerage agreement, three-day period, **2:7**

**CEASE AND DESIST ORDER**

Loan Broker Law violations, **2:7**

**CERTIFICATE OF SATISFACTION**

evidence of payoff, **2:33**

**CHANGE**

control, **2:8**

location, **2:8**

management, **2:8**

name, **2:8**

**CHARGES**

see Fees and Charges

**CITIZENSHIP ATTESTATION FORM**

licensing application process, **2:24**

**CLOSING**

conveyance by warranty deed, **2:9**

disclosures, **2:13**

document preparation, **2:15**

escrows, deposit limits, **2:17**

fees and charges, **2:18**

insurance, **2:22**

marital rights, **2:26**

plain English, **2:27**

practices, **2:9**

prohibited loan terms, **2:30**

recording, **2:9**

**CLOSING—Cont'd**

- security instruments, **2:34**
- signature requirement, **2:9**
- signature requirements, **2:26**
- usury, **2:39**
- Wet Settlement Act, **2:40**

**COMMITMENTS**

- generally, **2:10**

**COMMON INTEREST COMMUNITY DECLARATION**

- priority, **3:5**

**COMPARATIVE MARKET ANALYSIS**

- property valuation, **2:4**

**COMPLAINTS**

- consumer protection, **2:11**

**CONDOMINIUMS**

- common interest community assessment lien, **3:5**
- priority of assessment liens, **1:2**

**CONSUMER PROTECTION**

- advertisements, **2:1**
- consumer complaints, **2:11**
- Consumer Protection Act, applicability, **2:11, 3:1**
- Department of Banking and Finance, **2:11**
- disclosures
  - escrows, **2:17**
  - loan servicing transfers, **2:13**
  - predatory lending laws, **2:28**
  - requirements, **2:13**
  - statement, filing, **2:7**
- discrimination, **2:14**
- loan servicing transfers, **2:13**
- misrepresentation, **2:1**
- predatory lending laws, **2:28**
- Real Estate Commission, **2:11**
- release, **2:33**
- toll-free telephone number or accept collect phone calls
  - loan servicers, **2:35**

**CONSUMER PROTECTION ACT**

- see Consumer Protection

**CONTINUING EDUCATION**

- mortgage loan originators, **2:24**

**CONTROL**

- change, **2:8**

**CONVICTION OF CRIME**

- notification, **2:8**
- revocation or suspension of license, **2:24**

**CREDIT SERVICES OPERATIONS**

- exemption from licensing regulations, **2:41**

**CUSTOMER AS LENDER**

- application practices, **2:3**

**CUSTOMER AS LENDER—Cont'd**

mortgage bankers, **2:41**

**CUSTOMER INFORMATION**

written response in connection with unauthorized access, **2:41**

**DATA BREACH**

customer information, written response in connection with unauthorized access, **2:41**

**DEEDS OF TRUST**

generally, **2:34**

assignment, **2:5**

master form, **2:41**

trustee, qualifications, **2:38**

validity, acceptance of trusteeship by trustee, **3:4**

**DEFICIENCY JUDGMENTS**

see Foreclosures

**DEFINITIONS**

see Words and Phrases

**DELAY**

closing, **2:9**

**DEPARTMENT OF BANKING AND FINANCE**

see Regulatory Agencies

**DEPOSITS**

limits on escrow deposits, **2:17**

**DISCLOSURES**

see Consumer Protection

**DISCRIMINATION**

generally, **2:14**

**DOCUMENTS**

see also Forms

abstracts of title, delivery, **2:41**

commitments, **2:10**

deed of trust

see Deeds of Trust

examination of licensee's records, **2-24**

fraudulent instruments prohibited, **2:41**

mortgages

see Mortgages

plain English, **2:27**

preparation, **2:15**

prohibited loan terms, **2:30**

record retention, **2:31**

security instrument, **2:34**

trustees, **2:38**

**DUE-ON-SALE CLAUSES**

generally, **2:16**

validity, court opinion, **3:2**

**EDUCATION**

appraisers, **2:4**

loan originators, **2:24**

**EMBEZZLEMENT**

assignment of mortgage, **2:5**

**ESCROWS**

amount, **2:17**  
annual written analysis, **2:13, 2:17**  
loan servicer report to borrower, **2:35**  
payment, **2:17**  
reports, **2:17**  
Residential Mortgage Licensing Act, **2:17**

**EXEMPTIONS**

consumer complaints involving persons exempt from Mortgage Bankers Registration and Licensing Act, **2:11**  
Consumer Protection Act, real estate transactions not subject to, **3:1**  
credit services organizations, exempt from licensing requirement, **2:41**  
disclosure requirements, mortgage bankers exempt from, **2:13**  
homestead exemption, **2:21, 2:26**  
licensing, **2:7, 2:24**  
reverse mortgage loans, usury ceiling, **2:2, 2:39**

**FEES AND CHARGES**

advance fees, **2:7, 2:18**  
appraisals, **2:4**  
brokers, **2:4, 2:18**  
filing, disclosure statement, **2:7**  
insurance, **2:18, 2:22**  
late charges, **2:23**  
licensing, **2:24**  
loan service costs, definition, **2:18**  
lock-ins, **2:25**  
prepayment fee as allowable loan service cost, **2:29**  
referral fees, **2:32**

**FINANCIAL RESPONSIBILITY**

Interpretative Opinions of Department of Banking, **5:5**

**FORECLOSURES**

deficiency judgments, **2:12, 3:3**  
judicial sale, **2:19**  
non-judicial, **2:19**  
power of sale, **2:19**  
redemption, **2:19**  
refusal to confirm, **2:19**

**FOREIGN STATE OR COUNTRY**

land acquisition by alien or foreign corporation, prohibition, **2:41**

**FORMS**

citizenship attestation form, **2:24, 2:41**  
license application, **2:24, 5:1**  
mortgage loan originators, **5:4**  
master form mortgage or deed of trust requirement, **2:41**  
NMLS forms, generally, **5:1**  
mortgage loan originator licensing, **5:4**  
registration, **5:2**  
registration application, **5:2**  
surety bond of licensee, **5:1**

**FRAUD OR FALSE STATEMENTS**

- advertisements, **2:1**
- conviction of crime involving fraud, notification of, **2:7**
- prohibition of fraudulent instruments, **2:41**

**FUTURE ADVANCES**

- generally, **2:20**

**GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982**

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

**HOMESTEAD**

- exemption, **2:21, 2:26**
- married owners' signature, **2:21**

**INDICTMENT**

- notification of criminal indictment, **2:8**

**INSURANCE**

- credit insurance, **2:22**
- escrows, **2:17**
- fees, **2:18**
- force-placed, **2:22**
- lender approval, **2:22**
- private mortgage insurance, **2:22**
- tie-ins, **2:22, 2:36**
- title, **2:22**

**INSURANCE COMPANIES**

- exemption from licensing requirements, **2:7**

**INTEREST**

- alternative mortgage transactions, generally, **2:2**
- late charges, **2:23**
- lock-ins, **2:25**
- predatory lending laws, **2:28**
- prepayment penalties, **2:29**
- reverse mortgage loans, **2:2, 2:39**
- usury, exemption, **2:2, 2:39**
- variable rate mortgages, **2:2**

**INTERNET**

- see Web Sites

**INVESTIGATIONS**

- Director of Banking and Finance, **2:11**

**JOINT TENANTS**

- signature requirements, **2:26**

**LATE CHARGES**

- generally, **2:23**

**LEGISLATION**

- Alternative Mortgage Transaction Parity Act, **2:2**
- Consumer Protection Act, **2:11, 3:1**
- Equal Credit Opportunity Act, **2:4**
- Loan Broker Law, **2:7**
  - disclosure requirements, **2:13**
- Mortgage Registration and Licensing Act
  - fees and charges, **2:18**

**LEGISLATION—Cont'd**

- predatory lending laws, **2:28**
- Real Estate Settlement Procedures Act, referral fees, **2:32**
- Real Property Appraisal Act, **2:4**
- Residential Mortgage Licensing Act
  - generally, **1:2**
  - advertising, misrepresentations in, **2:1**
  - alternative mortgage transactions, **2:2**
  - application practices, **2:3**
  - appraisals, **2:4**
  - consumer complaints involving persons exempt from Mortgage Bankers Registration and Licensing Act, **2:11**
  - effective date, **2:24**
  - escrows, **2:17**
  - exemptions, **2:11, 2:24**
  - fees and charges, **2:18**
  - insurance, **2:22**
  - Interpretative Opinions of Department of Banking, **5:5**
  - knowing violations, **2:24**
  - licensing, **2:24**
  - loan brokers, **2:7**
  - mortgage banker, **2:7**
  - predatory lending, **2:28**
  - record retention, **2:31**
- Security Instrument Satisfaction Act, **2:33**
- Trust Deeds Act
  - foreclosure, **2:19**
- Uniform Deceptive Trade Practices Act, **2:11**
- Wet Settlement Act, **2:40**

**LENDERS**

- see Mortgage bankers

**LICENSING**

- applications
  - see Applications
- appraisers, Real Property Appraisal Board, **2:4**
- citizenship attestation form, **2:24, 2:41**
- enforcement, **2:24**
- examination of documents, **2:24**
- exemptions, **2:7, 2:24, 2:41**
- fees, **2:24**
- forms
  - application, **2:24, 5:1**
  - citizenship attestation form, **2:24**
  - mortgage loan originators, **5:4**
  - registration application, **5:2**
- loan originators, **2:24**
- loan servicers, **2:24, 2:35**
- mortgage bankers, **2:24**
- mortgage brokers, **2:24**
- mortgage loan originators, **2:24, 5:4**
  - Interpretative Opinions of Department of Banking, **5:5**
- NMLS
  - see Nationwide Mortgage Licensing System & Registry (NMLS)
- notice of expiration of license, **2:24**

**LICENSING—Cont'd**

- penalties, **2:24**
- public benefits, **2:24**
- questions, loan originator application, **5:3**
- registration
  - application form, **5:2**
  - Department of Banking, **2:24**
- renewal, **2:24**
- resident agent for service of process, **2:24**
- Residential Mortgage Licensing Act, **1:2**
- revocation or suspension
  - notification of proceedings by other state or jurisdiction, **2:8**
  - violation of Registration and Licensing Act, **2:24**
- surety bonds, **2:24**
- surrender of license, **2:24**
- transfer, **2:8**
- underwriters, Interpretative Opinions of Department of Banking, **5:5**

**LIENS**

- future advances, **2:20**
- homestead exemptions, **2:21, 2:26**
- land ownership restrictions, **2:41**
- licensing violations, **2:24**
- marital rights, **2:26**
- priority, **3:5**

**LIMITATION OF ACTIONS**

- deficiency judgments, **2:12**

**LOAN BROKER LAW**

- see Legislation

**LOAN BROKERS**

- appraisal fees, **2:4**
- bankers
  - see Mortgage bankers
- comparative market analysis, **2:4**
- definition, **2:7**
- disclosures, **2:13**
- fees
  - appraisals, **2:4**
  - referral, **2:32**
- kickbacks, **2:32**
- licensing as mortgage bankers, **2:7**
- Loan Broker Law, **2:7**
- misrepresentation, **2:1**
- price opinion, **2:4**
- prohibited acts, **2:7**
- real estate brokers exempt from licensing requirements, **2:7**
- referral fees, **2:32**
- Residential Mortgage Licensing Act, **2:7**
- securities broker-dealers exempt from licensing requirements, **2:7**

**LOAN ORIGINATORS**

- see Residential Mortgage Loan Originators

**LOAN SERVICERS**

- cessation of servicing, requirements, **2:24**

**LOAN SERVICERS—Cont'd**

- due-on-sale clauses, **2:16**
- escrows, **2:17, 2:35**
- insurance, **2:35**
- late charges, **2:23, 2:35**
- licensing, **2:24, 2:35**
- loan servicer, definition, **2:35**
- notice of transfer, **2:37**
- obligations, **2:35**
- payoff, **2:33**
- practices, **2:35**
- preemption, **2:37**
- prepayment fee as allowable loan service cost, **2:29**
- record retention, **2:31**
- releases, **2:33**
- surety bond, **2:24**
- taxes, **2:35**
- time requirements, **2:35**
- toll-free telephone number or accept collect phone calls, **2:35**
- transfers, **2:35, 2:37**
  - disclosures, **2:13**

**LOCAL ORDINANCE OR RESOLUTION**

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

**LOCATION**

- change, **2:8**

**LOCK-INS**

- interest rate, **2:25**

**MANAGEMENT**

- change, **2:8**

**MARITAL RIGHTS**

- generally, **2:26**

**MORTGAGE BANKERS**

- see also Loan Brokers
- abandonment of applications, **2:24**
- change of location, control, management and name, **2:8**
- customer as lender, **2:41**
- defined, **2:7**
- escrows, **2:17**
- insurance charges, **2:22**
- insurers, approval, **2:22**
- licensing, **2:24**
  - application form, **5:1**
  - branch, **5:1**
- loans to or from customers, **2:41**
- minimum net worth, **2:24**
- registration
  - application form, **5:2**
  - branch, **5:2**
- release and payoff, **2:33**
- renewal of license, **2:24**
- Residential Mortgage Licensing Act, **2:7**
- servicing practices, **2:35**

**MORTGAGE BANKERS—Cont'd**

- surety bond, **2:24**
- tie-ins, **2:36**
- transfer of license, **2:8**

**MORTGAGE BANKERS REGISTRATION AND LICENSING ACT**

- see Legislation

**MORTGAGE BROKERS**

- licensing, **2:24**
- surety bond, **2:24**

**MORTGAGE LOAN ORIGINATORS**

- see Residential Mortgage Loan Originators
- advertisements, **2:1**
- alternative mortgage transactions, **2:2**
- application questions, licensing, **5:3**
- applications, **2:3**
- continuing education, **2:24**
- disclosures, **2:13**
- education, **2:24**
- fees and charges, **2:18**
  - reverse mortgage loans, **2:2, 2:39**
- licensing
  - generally, **2:24, 5:4**
  - application questions, **5:3**
  - Interpretative Opinions of Department of Banking, **5:5**
- NMLS, **2:24, 5:4**
- referral fees, **2:32**
- surety bond, **2:24**
- tie-ins, **2:36**

**MORTGAGES**

- defect
  - cure, ten years from recording, **2:41**
- expiration of mortgage
  - ten years from maturity, **2:41**
  - thirty years from execution, **2:41**
- master form, **2:41**

**NAME**

- change, **2:8**

**NATIONWIDE MORTGAGE LICENSING SYSTEM & REGISTRY (NMLS)**

- generally, **1:2**
- exemptions, **2:24**
- forms, generally, **5:1**
  - licensing, **5:1**
  - mortgage loan originator licensing, **5:4**
  - registration, **5:2**
- licensing, generally, **2:24, 5:1**
- mortgage loan originators, **2:24, 5:4**
- NMLS unique identifier
  - applications, **2:3**
- Resource Center, **4:2**
- unique identifier
  - advertisements, **2:1**
  - applications, **2:3**

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

use of unique identifier, Interpretative Opinions of Department of Banking, **5:5**  
web site, **2:24, 4:2**

**NONTRADITIONAL MORTGAGE GUIDANCE**

Department of Banking and Finance, **2:2**

**NOTARY PUBLIC**

application practices, **2:3**

**NOTICE**

cancellation right, loan brokerage agreement, **2:7**  
change of location, control, management and name, **2:8**  
escrow analysis, **2:17**  
license, expiration of, **2:24**  
security breach, unauthorized access to customer information, **2:41**  
transfer of servicing, **2:37**

**ORIGINATORS**

see Residential Mortgage Loan Originators

**PENALTIES**

licensing violations, **2:24**  
prepayment penalties, **2:29**  
revocation or suspension of license  
see Licensing

**POWER OF SALE**

see Foreclosures

**PREDATORY LENDING LAWS**

generally, **2:28**

**PREEMPTION**

mortgage loan servicing, **2:37**

**PRELICENSING EDUCATION**

mortgage loan originators, **2:24**

**PREPAYMENT PENALTIES**

generally, **2:29**  
prepayment fee as allowable loan service cost, **2:29**

**PRIORITY**

condominium assessment liens, **1:2**  
liens, **3:5**

**PROCESSING**

appraisals, **2:4**  
discrimination, **2:14**  
Interpretative Opinions of Department of Banking, **5:5**  
marital rights, **2:26**  
signature requirements, **2:26**  
trustees, **2:38**

**PUBLIC BENEFITS**

citizenship attestation form prerequisite for licensing, **2:41**  
license application process, **2:24**

**REAL ESTATE BROKERS**

exemption from licensing requirements, **2:7**

**REAL PROPERTY APPRAISAL BOARD**

appraisal management companies, registration, **2:4**  
appraisers, licensing, **2:4**

**RECORDING**

assignments, **2:5**  
complaints as public records, **2:11**  
disclosure statement, filing, **2:7, 2:13**  
future advances, **2:20**  
licensees documents and records, examination of, **2:24**  
recordkeeping requirements, **2:31**

**REDEMPTION**

see Foreclosures

**REFERRAL FEES**

generally, **2:32**

**REFINANCE LOAN**

fees and charges, **2:18**

**REFINANCING**

fees and charges, **2:18**

**REGISTRATION**

see also Licensing  
annual renewal, **2:24**  
appraisal management companies, registration with Real Property Appraisal Board, **2:4**

**REGULATORY AGENCIES**

Department of Banking and Finance  
address, **4:1**  
advertisements, **2:1**  
cease and desist orders, **2:7**  
citizenship attestation form, **2:24**  
consumer complaints, **2:11**  
disclosure statement, **2:13**  
examination of documents, **2:24**  
Interpretative Opinions, **5:5**  
investigation of consumer complaints by Director, **2:11**  
licensing, **2:7**  
licensing requirements, **2:24**  
minimum net worth requirement, **2:24**  
nontraditional mortgage guidance, **2:2**  
notification of change of location, control, management and name, **2:8**  
registration requirements, **2:24**  
Residential Mortgage Licensing Act, **1:2, 2:7**  
servicing practices, **2:35**  
telephone number, **4:1**  
web site, **2:24, 4:1**  
Director of Banking and Finance, disclosure statement, **2:7**

**REPORTS**

annual escrow analysis, **2:13, 2:17**

**RESIDENT AGENT**

licensing, **2:24**

**RESIDENT ALIENS**

land acquired by devise or descent, disposing of, **2:41**

**RESIDENTIAL MORTGAGE LICENSING ACT**

see Legislation

**RESIDENTIAL MORTGAGE LOAN ORIGINATORS**

see Mortgage Loan Originators

**RESOURCE CENTER**

NMLS, 4:2

**REVERSE MORTGAGE LOANS**

disclosures, 2:13

usury ceiling exemption, 2:2, 2:39

**REVOCAION OR SUSPENSION OF LICENSE**

see Licensing

**SAVINGS AND LOAN ASSOCIATIONS**

exemption from licensing requirements, 2:7

**SECURITIES BROKER-DEALERS**

exemption from licensing requirements, 2:7

**SECURITY BREACH**

customer information, written response in connection with unauthorized access, 2:41

**SECURITY INSTRUMENTS**

deed of trust

see Deeds of Trust

mortgage master form, 2:41

**SERVICE OF PROCESS**

agent for, 2:24

**SERVICING**

see Loan Servicers

abstracts of title, delivery, 2:41

assignments of mortgage, 2:5

**SIGNATURE REQUIREMENTS**

generally, 2:26

**STATUTE OF LIMITATIONS**

deficiency judgments, 2:12

**SUBSTITUTION OF INSTRUMENTS**

unlawful activities, 2:41

**SURETY BOND**

lenders, 2:24

licensee, form, 5:1

licensing requirement, 2:24

registration requirement, 2:24

**TIE-INS**

bankers, 2:36

brokers, 2:36

insurance, 2:22, 2:36

**TOLL-FREE TELEPHONE NUMBER**

loan servicers, 2:35

**TRANSFERS**

assignments, 2:5

assumption of mortgage, 2:6

**TRANSFERS—Cont'd**

- disclosures, **2:13**
- discrimination, **2:14**
- due-on-sale clauses
  - see Due-on-sale clauses
- loan servicers, **2:35**
- servicing, **2:37**
- title insurance, **2:22**

**TRUST COMPANIES**

- exemption from licensing requirements, **2:7**

**TRUST DEEDS**

- see Deeds of Trust

**TRUSTEES**

- acceptance of trusteeship, **3:4**
- powers and duties, **2:38**
- qualifications, **2:38**

**UNDERWRITING**

- insurance, **2:22**
- Interpretative Opinions of Department of Banking, **5:5**

**UNIQUE IDENTIFIER**

- advertisements, **2:1**
- applications, **2:3**
- Interpretative Opinions of Department of Banking, **5:5**

**USURY**

- exemption from interest ceiling, **2:2, 2:39**

**VALIDITY**

- deed of trust, **3:4**

**WEB SITES**

- Department of Banking and Finance, **2:24, 4:1**
- NMLS, **2:24, 4:2**

**WET SETTLEMENT ACT**

- closing, **2:40**

**WORDS AND PHRASES**

- control, **2:8**
- good funds, **2:40**
- loan broker, **2:7**
- loan service costs, **2:18**
- loan servicer, **2:35**
- mortgage banker, **2:7**
- reverse mortgage loan, **2:2**

**WRITTEN INSTRUMENTS**

- escrow annual written analysis, **2:13, 2:17**
- loan brokerage agreement, **2:7**

# Index

## **ADVANCE FEE**

applications, **2:3**

## **ADVERTISEMENTS**

false advertising, **2:1**

foreclosures, **2:19, 3:2**

unique identifier, **2:1**

## **AGRICULTURAL LAND**

aliens, ownership by, **2:41**

foreclosures, **2:19**

## **ALIENS**

agricultural land ownership, **2:41**

land ownership restrictions, **2:41**

## **ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT**

generally, **2:2**

## **ALTERNATIVE MORTGAGE TRANSACTIONS**

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

disclosures, **2:2**

subprime mortgage lending guidance, **2:28**

## **APPLICATIONS**

change of ownership requirements, **2:8**

exempt company registration, **5:1**

exempt mortgage loan originator license, **5:2**

fees, **2:3**

forms, money broker license, **5:1**

licensing, NMLS forms, generally, **5:1**

money brokers, **2:7**

    false statements on application, **2:24**

    form, **5:1**

    licensing, **2:24**

NMLS forms

    checklists, **5:1, 5:2**

    exempt mortgage loan originator license, **5:2**

    loan originator license, **5:2**

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

practices, **2:3**

unique identifier, **2:3**

## **APPRAISAL MANAGEMENT COMPANIES**

registration with North Dakota real estate appraiser board, **2:4**

## **APPRAISALS**

costs, **2:12**

loan applications, **2:4**

## **ASSIGNMENTS**

generally, **2:5**

**ASSUMPTION OF MORTGAGE**

generally, **2:6**

**ATTORNEY FEES**

escrow account servicer, failure to comply with written directive, **2:17**  
prohibited loan terms, **2:30**

**BALLOON-PAYMENT LOAN**

disclosures, **2:2, 2:13**

**BANKS**

exemption from licensing requirement, **2:7**

**“BEST EFFORTS” CONTRACTS**

money brokers, **1:2, 2:13**

**BRANCH OFFICE**

licensing, **2:24**

**BROKERS**

see Money Brokers

**CANCELLATION**

private mortgage insurance, **2:22**

**CERTIFICATE OF DISCHARGE**

execution, **2:33**  
release and payoff, **2:33**

**CHANGE**

control, **2:8**  
location, **2:8**  
management, **2:8**  
name, **2:8**

**CHARGES**

see Fees and Charges

**CLOSING**

disclosures, **2:13**  
alternative mortgage transactions, **2:2**  
document preparation, **2:15**  
fees and charges, **2:18**  
insurance, **2:22**  
marital rights, **2:26**  
plain English, **2:27**  
practices, **2:9**  
prohibited loan terms, **2:30**  
security instruments, **2:34**  
signature requirements, **2:26**  
usury, **2:39**  
Wet Settlement Act, **2:40**

**COLLATERAL REAL ESTATE MORTGAGE**

release and payoff, **2:33**

**COLLECTION AGENCIES**

definition, **2:24**  
licensing, **2:24**

**COLLECTION PROCEEDINGS**

prohibited loan terms, **2:30**

NORTH DAKOTA INDEX

**COMMITMENTS**

generally, **2:10**

**CONFIDENTIALITY**

see Disclosures

**CONSUMER PROTECTION**

advertisements, **2:1**

consumer complaints, **2:11**

disclosures

balloon payments, **2:2, 2:13**

insurance, **2:22**

money brokers, **2:13**

personal liability, **2:13**

predatory lending laws, **2:28**

discrimination, **2:14**

false advertising, **2:1**

predatory lending laws, **2:28**

subprime mortgage lending guidance, **2:28**

**CONTINUING EDUCATION**

mortgage loan originators, **2:24**

**CONTROL**

change, **2:8**

**CREDIT LINE MORTGAGE**

release and payoff, **2:33**

**CREDIT UNIONS**

exemption from licensing requirement, **2:7**

**DAMAGES**

escrow account servicer, failure to comply with written directive, **2:17**

**DEFICIENCY JUDGMENTS**

see Foreclosures

**DEFINITIONS**

see Words and Phrases

**DELAY**

release and payoff, **2:33**

**DEPARTMENT OF FINANCIAL INSTITUTIONS**

see Regulatory Agencies

**DISCLOSURES**

alternative mortgage transactions, **2:2**

balloon payments, **2:2, 2:13**

insurance, **2:22**

money brokers, **2:3**

plain English, **2:27**

predatory lending laws, **2:28**

**DISCRIMINATION**

generally, **2:14**

**DISTRIBUTION**

foreclosure proceeds, **2:19**

**DOCUMENTS**

certificate of discharge, **2:33**

**DOCUMENTS—Cont'd**

- commitments, **2:10**
- credit insurance, **2:22**
- loan disclosure statements, plain English, **2:27**
- money brokers
  - contract requirements, **1:2, 2:13**
  - plain English, **2:27**
- plain English
  - broker contracts, **2:27**
  - credit insurance, **2:27**
  - disclosure, **2:13**
  - loan disclosure statements, **2:27**
- preparation, **2:15**
- prohibited loan terms, **2:30**
- record retention, **2:31**
  - broker contracts, **1:2**
  - money brokers, generally, **1:2, 2:24**
- release, **2:33**
- security instrument, **2:34**

**DUE-ON-SALE CLAUSES**

- generally, **2:16**

**EDUCATION**

- mortgage loan originators, **2:24**

**ELECTRONIC RECORDS**

- record retention, **2:31**

**ESCROWS**

- annual statement, furnishing to borrower, **2:17**
- attorney fees, failure to comply with written directive, **2:17**
- servicing
  - see Servicing

**EXEMPT COMPANY**

- application, **5:1**

**EXEMPTIONS**

- company registration, **5:1**
- homestead exemption
  - see Homestead Exemption
- licensing, **2:7, 2:24**
- mortgage loan originators, **5:2**

**FALSE ADVERTISING**

- generally, **2:1**

**FEES AND CHARGES**

- advance fees, **1:2, 2:3, 2:18**
- applications, **2:3**
- appraisal cost, **2:12**
- attorneys, escrow account servicers failure to comply with written directives, **2:17**
- disclosure, **2:13**
- discrimination, **2:14**
- late charges, **2:23**
- licenses, money brokers, **2:7**
- limitations, **2:18**

**FEES AND CHARGES—Cont'd**

- money brokers, **2:7**
  - advance, **2:3**
  - advance fees, **1:2, 2:18**
  - expense deposits, **2:4**
  - licensing, **2:7, 2:24**
  - licensing fees, **2:24**
  - referral fees, **2:32**
  - renewal of license, **2:24**
- NMLS licensing fees, **2:7**
- referrals, **2:32**

**FORECLOSURES**

- advertisements, **2:19, 3:2**
- confiscatory price defense, **3:2**
- cure of default, **2:19**
- deficiency judgments, **2:12**
- homestead exemption, **2:21, 2:26**
  - constitutionality, **3:1**
  - court opinion, **3:1**
- notice requirements, **2:19**
- power of sale, **2:19**
- redemption, generally, **2:19**
- reinstatement of mortgage, **2:19**

**FORMS**

- alternative mortgage transactions, caution, **2:2**
- applications, money broker license, **5:1**
- balloon payments, disclosures, **2:2**
- broker contracts, notice required, **2:13**
- checklists
  - mortgage loan originator license, **5:2**
  - mortgage originator license, **5:2**
- consumer complaint, **2:11**
- disclosures, **2:13**
- exempt company registration, **5:1**
- future advances, notice, **2:20**
- homestead waiver, **2:21, 2:26**
- NMLS forms generally, **5:1**
- Veterans Administration, loan notice, **2:41**

**FRAUD OR FALSE STATEMENTS**

- advertising, **2:1**
- license application, false statements on, **2:24**

**FUTURE ADVANCES**

- generally, **2:20**

**GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982**

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

**HOMESTEAD EXEMPTION**

- generally, **2:21, 2:26**
- foreclosures
  - see Foreclosures
- marital residence, second floor, **2:21**

**INSURANCE**

- credit, **2:22**

**INSURANCE—Cont'd**

disclosures, **2:22**  
evidence, **2:22**  
force-place, **2:22, 2:36**  
money brokers, **2:36**  
private mortgage insurance, **2:22**  
tie-ins, **2:22, 2:36**

**INSURANCE COMPANIES**

exemption from licensing requirement, **2:7**

**INTEREST**

late charges, **2:23**  
lock-ins, **2:25**  
predatory lending laws, **2:28**  
prepayment penalties, **2:29**  
usury, generally, **2:39**

**INTERNET**

see Web Sites

**JOINDER OF PARTIES**

foreclosures, **2:19**

**LATE CHARGES**

generally, **2:23**

**LEGISLATION**

Alternative Mortgage Transaction Parity Act, **2:2**  
Equal Credit Opportunity Act, **2:4**  
federal SAFE Act, **1:2**  
Money Broker Act, **2:24**  
change of ownership of licensee, filing, **2:8**  
predatory lending laws, **2:28**  
Real Estate Appraisers Act, **2:4**  
Wet Settlement Act, **2:40**

**LENDERS**

change of location, control, management and name, **2:8**  
consumer finance lenders, licensing by Department of Financial Institutions, **4:1**  
fees and charges, **2:18**  
licensing as money brokers, **1:2**

**LICENSING**

application  
see Applications  
collection agencies, **2:24**  
consumer finance lenders, **4:1**  
exemptions, **2:7, 2:24**  
exempt mortgage loan originators, **5:2**  
fees, **2:24**  
loan servicers, **2:35**  
Money Broker Act, **1:1**  
money brokers, **2:7, 2:24**  
NMLS, **2:7, 2:24, 5:1**  
mortgage loan originators, **2:7, 2:24, 5:2**  
NMLS  
see Nationwide Mortgage Licensing System & Registry (NMLS)  
real estate mortgage brokers, **4:1**

**LICENSING—Cont'd**

- renewal, fee, **2:24**
- revocation or suspension, violations of Money Broker Law, **2:24**
- surety bond, **1:2, 2:7, 2:24**

**LIENS**

- future advances, **2:20**
- homestead exemption, **2:21, 2:26**
- marital rights, **2:26**

**LOAN BROKERS**

- “best efforts” contracts, **2:13**

**LOAN ORIGINATORS**

- see Mortgage Loan Originators

**LOAN SERVICING**

- see Servicing

**LOCATION**

- change, **2:8**

**LOCK-INS**

- interest rate, **2:25**

**MANAGEMENT**

- change, **2:8**

**MARITAL RIGHTS**

- generally, **2:26**

**MONEY BROKERS**

- applications
  - see Applications
- appraisals, **2:4**
- “best efforts” contracts, **1:2, 2:13**
- change of ownership, **2:8**
- contract requirements, **1:2, 2:13**
- definition, **2:7**
- disclosures, **2:3**
- expense deposits, **2:4**
- fees
  - see Fees and Charges
- insurance, tie-ins, **2:36**
- licensing
  - see Licensing
- Money Broker Act, **1:1**
- mortgage loan originators, **1:2**
- NMLS, **2:7, 2:24, 5:1**
- prohibited acts, **2:24**
- record retention, **1:2, 2:31**
- referral fees, **2:32**
- rules, **5:3**
- surety bond, **1:2, 2:7, 2:24**

**MORTGAGE LOAN ORIGINATORS**

- advertisements, **2:1**
- alternative mortgage transactions, **2:2**
- applications
  - exempt, **5:2**

**MORTGAGE LOAN ORIGINATORS—Cont'd**

- applications—Cont'd
  - licensing, **2:24**
  - NMLS forms, **5:2**
  - practices, **2:3**
- education, **2:24**
- exempt application, **5:2**
- exemption from licensing, **2:7**
- exemptions, **2:24**
- licensing of loan originators, **2:24**
- licensing or registration, **2:7**
- minimum net worth, **2:24**
- money brokers, **1:2**
- NMLS, **2:24**
  - forms, **5:2**
- referral fees, **2:32**
- surety bond, **2:24**
- tie-ins, **2:36**
- unique identifier, **2:1, 2:3**

**MORTGAGE LOAN SERVICING**

see Servicing

**NAME**

change, **2:8**

**NATIONWIDE MORTGAGE LICENSING SYSTEM & REGISTRY (NMLS)**

- exempt company registration, **5:1**
- exempt mortgage loan originators, **5:2**
- licensing, generally, **1:2**
- money brokers, **2:7, 2:24, 5:1**
- mortgage loan originators, **1:2, 2:24, 5:2**
- NMLS forms
  - checklists, **5:1 to 5:5**
  - exempt company registration, **5:1**
  - exempt mortgage loan originator license, **5:2**
  - mortgage loan originator license, **5:2**
- Resource Center, **4:2**
- unique identifier
  - advertisements, **2:1**
  - applications, **2:3**
  - web sites, **2:1**
- web site, **2:7, 2:24, 4:2**

**NOTICE**

- assignment of mortgage, **2:5**
- broker contracts, form of notice required, **2:13**
- change of location, control, management, and name, **2:8**
- escrow account, excess amount in, **2:17**
- foreclosures, **2:19**
- future advances, **2:20**
- homestead on nonpurchase money mortgages, waiver, **2:21**
- intent to foreclose, **2:19**
- servicing requirements, **2:37**
- Veterans Administration, loan notice, form, **2:41**

**ORIGINATORS**

see Mortgage Loan Originators

**PAYMENTS**

after assignment of mortgage, **2:5**

**PAYOFF**

generally, **2:33**

**PENALTIES**

Money Broker Law, violations, **2:24**

prepayment penalties, **2:29**

**PLAIN ENGLISH**

see Documents

**PREDATORY LENDING**

laws, generally, **2:28**

**PREEMPTION**

mortgage loan servicing, transfers, **2:37**

usury, **2:39**

**PRELICENSING EDUCATION**

mortgage loan originators, **2:24**

**PREPAYMENT PENALTIES**

interest, **2:29**

**PRIORITY**

future advances, repayment, **2:20**

**PROCESSING**

appraisals, **2:4**

discrimination, **2:14**

marital rights, **2:26**

signature requirements, **2:26**

**REAL ESTATE BROKERS**

exemptions, **2:7, 2:24**

licensing by Real Estate Commission, **4:1**

**RECORDING**

assignments, **2:5**

releases, **2:33**

requirements, **2:15**

**RECORD RETENTION**

see Documents

**REDEMPTION**

see Foreclosures

**REFERRAL FEES**

generally, **2:32**

**REGISTRATION**

appraisal management companies, **2:4**

exempt

company, **5:1**

mortgage loan originator, **5:2**

loan servicers, **2:35**

non-resident license applicants, **2:24**

**REGULATORY AGENCIES**

- Department of Financial Institutions
  - addresses, **4:1**
  - authority, **4:1**
  - change of ownership of licensee, new license application, **2:8**
  - collection agencies, licensing, **2:24**
  - consumer complaints, **2:11**
  - consumer finance lenders, licensing, **4:1**
  - information request, **2:24**
  - licensing, money brokers, **2:24**
  - notice, broker contracts, **2:13**
  - record retention and examination, **2:31**
  - telephone number, **4:1**
  - violation of Money Broker Law, **2:24**
  - web site, **4:1**
- Real Estate Commission
  - address, **4:1**
  - authority, **4:1**
  - telephone number, **4:1**
  - web site, **4:1**
- Secretary of State, registration of non-resident license applicants, **2:24**

**RELEASE**

- generally, **2:33**

**RESOURCE CENTER**

- NMLS, **4:2**

**SAVINGS AND LOAN ASSOCIATIONS**

- exemption from licensing requirement, **2:7**

**SECURITY INSTRUMENT**

- mortgage, generally, **2:34**

**SERVICING**

- assignments of mortgage, **2:5**
- due-on-sale clauses, **2:16**
- escrows, **2:17**
  - directives of borrower, **2:17**
  - excess amount in account, notice, **2:17**
- licensing or registration, **2:35**
- notice requirements, **2:37**
- payoff, **2:33**
- practices, **2:35**
- record retention, **2:31**
- releases, **2:33**
- transfers, **2:37**

**SIGNATURE REQUIREMENTS**

- generally, **2:26**

**SUBPRIME MORTGAGE LENDING**

- guidance, **2:28**

**SURETY BOND**

- licensing, **1:2, 2:7, 2:24**
- mortgage loan originators, **2:24**

**SUSPENSION OR REVOCATION**

- licensing, violations of Money Broker Law, **2:24**

**TIE-INS**

insurance, **2:22, 2:36**

**TRANSFERS**

aliens, land ownership restrictions, **2:41**

assignments, **2:5**

assumption of mortgage, **2:6**

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

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

servicing, **2:37**

**TRUSTEES**

generally, **2:38**

**UNIQUE IDENTIFIER**

advertisements, **2:1**

applications, **2:3**

web sites, **2:1**

**USURY**

see Interest

**VETERANS ADMINISTRATION LOANS**

disclosure, **2:13**

loan notice, form, **2:41**

personal liability, **2:13**

**WAIVER**

homestead waiver, form, **2:21**

**WEB SITES**

advertising to include unique NMLS identifier, **2:1**

consumer complaint form, **2:11**

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

NMLS, **2:7, 2:24, 4:2**

Real Estate Commission, **4:1**

**WET SETTLEMENT ACT**

closing, **2:40**

**WORDS AND PHRASES**

money brokering, **2:7**

mortgage loan originator, **2:24**

precomputed loan, **2:30**

**WRITTEN INSTRUMENTS**

broker contract requirements, **2:13**

commitments to make loans, **2:10**

escrow account excess, **2:17**

foreclosure notice, **2:19**

# Index

## **ADVERTISEMENTS**

- deceptive advertising, **2:1, 2:11**
- likelihood of confusion, **2:1**
- NMLS unique identifier, **2:1**
- retention requirements, **2:31**
- unqualified superlatives use restrictions, **2:1**
- Web advertising restrictions, **2:1**

## **ALIENS**

- filing fees, acquiring land in state, **2:41**

## **ALTERATION**

- appraisal reports, **3:7**

## **ALTERNATIVE MORTGAGE TRANSACTIONS**

- generally, **2:2**
- Alternative Mortgage Transaction Parity Act, **2:2**
- covered loans for less than five years, **2:2**
- open-end mortgages, **2:20**
- regulatory guidance, **2:2**
- variable rates, **2:2**

## **APPLICATIONS**

- appraisals, **2:4**
- criminal background check, **2:24**
- exemption approval, **1:2**
- fees, **2:7**
- loan officers
  - see Loan Officers
- practices, **2:3**
- registration, **2:24**
- renewal, **2:7, 2:24**
- transfer application, **2:24**

## **APPRAISAL COMPANY**

- financial relationship prohibition, **2:4**

## **APPRAISALS**

- automated valuation model report, **2:3**
- copies, **2:4**
- fees, **2:7**
- foreclosures, **2:19**
- Real Estate Appraisal Board, **2:4**

## **ARBITRATION**

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

## **ASSIGNMENTS**

- generally, **2:5**
- affidavit of assignee servicer, **2:35**
- current mailing address of assignee, **2:5**
- document preparation, **2:15**
- recording, **2:5**

**ASSUMPTION OF MORTGAGE**

generally, **2:6**

**ATTORNEY FEES**

contract provisions, **2:18**

foreclosures, **2:19**

predatory lending laws, **2:28**

reinstatement of mortgage, **3:10**

**ATTORNEY GENERAL**

see Regulatory Agencies

**AUTOMATED VALUATION MODEL REPORT**

application practices, **2:3**

**BALLOON PAYMENTS**

disclosure, **2:28**

**BANKERS**

see Mortgage Bankers

**BANKS**

credit insurance for borrower, bank as agent with respect to, **1:2**

exemption from licensing requirement, **2:7**

insurance for borrower, bank as agent with respect to, **2:22**

**BRANCH OFFICES**

net-branching prohibition, **2:7**

**BREACH OF FIDUCIARY DUTY**

receipt of yield spread premium, **3:8**

**BROKERS**

generally

see Mortgage Brokers

employees

see Employees of Brokers

real estate brokers

see Real Estate Brokers

**CERTIFICATE OF REGISTRATION**

mortgage brokers, **2:7, 2:24**

separate office locations, separate certificate of registration, **2:7**

**CHANGE**

control, **2:8**

disclosure, material changes in terms of loan, **2:13**

location, **2:8**

management, **2:8**

name, **2:8**

**CHARGES**

see Fees and Charges

**CIVIL RIGHTS**

disclosures, **2:14**

discrimination

see Consumer Protection

hostile housing environment, **2:14, 3:12**

**CLOSING**

disclosures, **2:13**

**CLOSING—Cont'd**

- document preparation, **2:15**
- fees and charges, **2:18**
- insurance, **2:22**
- marital rights, **2:26**
- plain English, **2:27**
- practices, **2:9**
- prohibited loan terms, **2:30**
- security instruments, **2:34**
- signature requirements, **2:26**
- usury, **2:39**
- Wet Settlement Act, **2:40**

**COMMITMENTS**

- generally, **2:10**

**CONSUMER PROTECTION**

Attorney General

- credit insurance, unfair trade practices, **2:36**
- deceptive advertising, **2:1**
- enforcement, **2:11**
- consumer complaints, **2:11, 2:28**
- Consumer Sales Practices Act
  - see Legislation
- credit insurance, **2:36**
  - lender duties, **3:4, 3:5**
- deceptive advertising, **2:1, 2:11**
- disclosures
  - see Disclosures
- discrimination, **2:14**
  - credit availability, **2:13**
  - third-party claim based on discrimination not allowed in foreclosure counterclaim, **3:13**
- predatory lending laws, **2:28**
- prohibited loan terms, **2:30**
- unconscionable act or practice, **2:28**

**CONTINUING EDUCATION**

- licensing requirements, **2:7**
- mortgage brokers, **2:7**

**CONTRACTS**

- land sales contracts, requirements, **2:41**

**CONTROL**

- change, **2:8**

**COPIES**

- appraisals, **2:4**
- land sales contracts, **2:41**

**COVERED LOANS**

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

**CREDIT REPORTING AGENCIES**

- discrimination, **2:14**

**CREDIT SCORE**

- application practices, **2:3**

**CREDIT SERVICE ORGANIZATIONS**

exemption, **1:2**  
exemption form, **5:1**

**CREDIT UNIONS**

exemption from licensing requirement, **2:7**

**CRIMINAL BACKGROUND CHECK**

licensing application, **2:24**

**CROSS-REFERRAL**

prohibition, **2:32**

**DAMAGES**

consumer protection violations, **2:11**  
predatory lending law, **2:28**

**DEFAULT, ENCOURAGING**

unconscionable act or practice, **2:28**

**DEFICIENCY JUDGMENTS**

see Foreclosures

**DELAY**

equitable subrogation, **3:9**

**DEPARTMENT OF COMMERCE**

see Regulatory Agencies

**DEPOSITORY INSTITUTIONS**

exemption form, **5:1**

**DEPOSITORY INSTITUTIONS DEREGULATION AND MONUMENT CONTROL ACT**

usury, federal preemption, **2:39**

**DISABILITY ACCOMMODATIONS**

hostile housing environment, **3:12**

**DISCLOSURES**

appraisals, **2:4**  
balloon payments, **2:28**  
closing, **2:13**  
consumer protection, **2:13**  
finders' fees, **2:7**  
freedom to shop around, **2:13, 2:32**  
limitations of title insurance policy, **2:9**  
material changes in terms of loan, **2:13**  
Mortgage Loan Origination Disclosure Statement, **2:13**  
predatory lending laws, **2:28**  
real estate brokers, lender affiliation, **2:13**  
receipt of payment, **2:7, 2:13, 2:16**  
receipt of yield spread premium, **3:8**  
servicing transfers, **2:37**  
termite inspections, **3:3**

**DISCOUNT POINTS**

generally, **2:18, 2:39**

**DISCRIMINATION**

see Consumer Protection

**DOCUMENTS**

- acknowledgment of Attorney General's information document on unfair and deceptive lending practices, retention, **2:31**
- advertisements, record retention, **2:31**
- alien land ownership, **2:41**
- assignments, **2:5**
- commitments, **2:10**
- open-end mortgages, **2:20**
- plain English, **2:27**
- preparation, **2:15**
- prohibited loan terms, **2:30**
- record retention, **2:31**
- security instruments, **2:34**
  - alternative mortgage transactions, **2:2**
  - document preparer identification, **2:15**
  - open-end mortgage, **2:20**
  - variable rates, **2:2**
- trustees, **2:38**
- unauthorized law practice, **2:15**

**DOWER RIGHTS**

- signature requirements, **2:26**

**DUE-ON-SALE CLAUSES**

- enforceability, **2:6, 2:16, 3:1**
- prepayment penalties, relationship, **2:16**

**ECONOMIC LOSS**

- alteration of appraisal reports, **3:7**

**EDUCATION**

- continuing education, **2:7**
- licensing requirements, **2:7**

**EMPLOYEES OF BROKERS**

- see also Loan Officers
- individual licenses, **2:7**

**EQUAL CREDIT OPPORTUNITY ACT**

- appraisal report to borrower, **2:4**

**EQUITABLE ASSIGNMENT**

- negotiation of a mortgage note, **2:5**

**EQUITABLE SUBROGATION**

- recording delay, case opinion, **3:9**

**ESCROWS**

- mortgage loan servicing, **2:17**

**ESTATES**

- foreclosures, personal representative of estate of deceased mortgagor not necessary party, **3:6**

**EXEMPTIONS**

- approval, **1:2**
- credit service organizations, **1:2**
- homestead exemption, **2:21, 2:26**
- licensing, **2:7**

**EXPERIENCE**

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

**EXPERIENCE—Cont'd**

office manager, **2:7**  
operations manager, **2:24**

**FEDERAL SAFE ACT**

adoption, **1:2**

**FEES AND CHARGES**

aliens acquiring land in state, **2:41**  
appraisal fees, **2:7**  
attorney fees, **3:10**  
Consumer Sales Practices Act, **2:18**  
credit report fees, **2:7**  
discount points, **2:18, 2:39**  
finders' fees, **2:7**  
late charges, **2:23**  
late fees, **2:18**  
licensing, **2:7, 2:24**  
limitations, **2:18**  
loan officers, **2:7**  
lock-ins, **2:25**  
mortgage brokers, **2:7**  
    limitations, **2:18**  
prepayment penalties  
    see Prepayment Penalties  
referral fees, **2:32**  
refund, **2:18**  
registration fee, **2:7**  
renewal fees, **2:7**  
suppliers, **2:18**  
third party fees, **2:7, 2:18**  
usury, discount points, **2:18, 2:39**

**FLIPPING A LOAN**

prior mortgage replacement, **2:28**  
unconscionable act or practice, **2:28**

**FORECLOSURES**

appraisals, **2:19**  
deficiency judgments, **2:12**  
homestead exemption, **2:21, 2:26**  
necessary parties, **2:19**  
notice requirements, **2:19**  
personal representative of estate of deceased mortgagor, necessary party, **3:6**  
procedures, **2:19**  
signature, **3:11**  
third-party claim against mortgage lender not allowed in foreclosure counterclaim, **3:13**

**FOREIGN CORPORATIONS**

registration as mortgage brokers, **2:24**

**FORMS**

credit service organization exemption form, **5:1**  
depository institution exemption form, **5:1**  
document preparer identification, **2:15**  
mortgage broker registration form, **5:1**  
mortgage lender registration form, **5:1**  
mortgage originator licensing, **5:2**

OHIO INDEX

**FORMS—Cont'd**

- mortgage servicer registration form, **5:1**
- open-end mortgages, **2:20**
- predatory lending laws, disclosures, **2:28**

**FRAUD OR FALSE STATEMENTS**

- advertising, **2:1, 2:11**

**FREEDOM TO SHOP AROUND**

- disclosure, **2:13, 2:32**

**FUTURE ADVANCES**

- generally, **2:20**

**GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982**

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

**GOOD FAITH ESTIMATE**

- mortgage loan origination disclosure, **2:13**

**HOME OWNERSHIP AND EQUITY PROTECTION ACT (HOEPA)**

- model for state anti-predatory lending law, **1:2**
- predatory lending law patterned after, **1:2, 2:28**

**HOMESTEAD EXEMPTION**

- generally, **2:21, 2:26**

**HUSBAND AND WIFE**

- signatures, **3:11**

**INCOME OF APPLICANT**

- source discrimination, **2:14**

**INJUNCTION**

- consumer protection violations, **2:11**

**INSURANCE**

- credit
  - lender duties, **2:22, 3:4, 3:5**
  - tie-ins, **2:36**
  - unfair trade practices, **2:36**
- disclosure of limitations of title insurance policy, **2:9**
- force-placing, **2:22**
- lender liability
  - agency for borrower, **2:22**
  - credit insurance, **2:3, 2:22, 3:4, 3:5**
  - mortgage insurance, **2:3, 2:22, 3:4**
- mortgage
  - lender duty to advise, **2:22**
  - lender liability, **2:3, 2:22, 3:4**
- private mortgage insurance, **2:22**
- tie-ins, **2:22, 2:36**
- title, customary payment, **2:9**
- title insurance, **2:22**

**INTEREST**

- alternative mortgage transactions, **2:2**
- discount points, **2:18, 2:39**
- escrows, **2:17**
- late charges, **2:23**
- lock-ins, **2:25**

**INTEREST—Cont'd**

- predatory lending laws, **2:28**
- prepayment penalties
  - see Prepayment Penalties
- usury
  - discount points, **2:18, 2:39**
  - federal preemption, **2:39**
- variable rates, **2:2**

**INTERNET**

- see Web Sites

**INTERVENING INVESTOR**

- alteration of appraisal reports, **3:7**

**INVESTIGATION**

- applications for registration, **2:24**

**KICKBACK**

- referral fees, **2:32**

**LATE CHARGES**

- generally, **2:23**

**LEGISLATION**

- Alternative Mortgage Transaction Parity Act, **2:2**
- Civil Rights Law, disclosures, **2:13**
- Consumer Sales Practices Act
  - see also Consumer Protection
  - generally, **1:2, 2:11**
  - disclosures, **2:13**
  - fees and charges, **2:18**
  - late charges, **2:23**
  - predatory lending law, **2:28**
  - private actions, **2:28**
  - prohibited loan terms, **2:30**
  - record retention, **2:31**
  - third-party claim based on violation of Act not allowed in foreclosure counterclaim, **3:13**
- Depository Institutions Deregulation and Monetary Control Act, **2:18**
- Equal Credit Opportunity Act, **2:4**
- Federal Home Ownership and Equity Protection Act, **1:2**
- Federal SAFE Act, **1:2, 2:7**
- Garn-St Germain Depository Institutions Act of 1982, **2:16**
- Home Ownership and Equity Protection Act (HOEPA), **2:28**
- Mortgage Broker Act
  - disclosures, **2:13**
  - licensing, **2:24**
- Mortgage Loan Act
  - licensing, **2:24**
  - registration, **2:24**
- predatory lending laws, **2:28**
- Wet Settlement Act, **2:40**

**LENDERS**

- see Mortgage Bankers

**LICENSING**

- applications
  - see Applications

**LICENSING—Cont'd**

- continuing education, **2:7**
- disclosure of receipt of payment, **2:7**
- education, **2:24**
- employees of brokers, individual licenses, **2:7**
- exemptions, **2:7**
- fees, **2:24**
- mortgage bankers, **2:24**
- mortgage brokers, **2:24**
- mortgage loan originators, **2:24, 5:2**
- NMLS
  - see Nationwide Mortgage Licensing System & Registry (NMLS)
- physical location within Ohio, **1:2**
- reciprocal licensing, **1:2, 2:24**
- renewal, **2:24**
- Superintendent of Division of Financial Institutions, **2:7, 2:24**

**LIENS**

- future advances, **2:20**
- homestead exemption, **2:21, 2:26**
- marital rights, **2:26**
- open-end mortgages, **2:20**
- recording delay, **3:9**

**LOAN OFFICERS**

- consumer protection, **2:11**
- disclosures, **2:11**
- fees and charges, **2:18**
- late charges, **2:23**
- licensing, **2:7**
- referral fees, **2:32**
- retention requirements, **2:31**

**LOAN PROCESSING**

- appraisals, **2:4**
- discrimination, **2:14**
- marital rights, **2:26**
- signature requirements, **2:26**

**LOAN SERVICING**

- see Mortgage Loan Servicing

**LOCATION**

- change, **2:8**
- Ohio office, **2:7**
- physical location within Ohio as licensing requirement, **1:2**

**LOCK-INS**

- interest rate, **2:25**

**MANAGEMENT**

- change, **2:8**

**MARGIN OF MORTGAGE**

- recording assignment, **2:5**
- satisfaction notation, **2:33**

**MARITAL RIGHTS**

- generally, **2:26**

**MINERAL RIGHTS**

alien land ownership, **2:41**

**MORTGAGE BANKERS**

alternative mortgage transactions, **2:2**

borrower, obligation to protect, **3:4**

consumer protection, **2:11**

definition, **2:24**

equitable subrogation, **3:9**

exemption for bankers approved by federal agencies, **1:2**

insurance designation, **2:36**

liability

agency for borrower, **2:22, 3:3**

application practices, **2:3**

counseling regarding insurance issues, **2:3**

credit insurance, **2:3, 2:22, 3:4, 3:5**

mortgage insurance, **2:3, 2:22, 3:4**

releases, **2:33**

termite inspection, duty to disclose, **3:3**

tie-ins, **2:36**

licensing, **2:24**

market analysis, price opinion or valuation report, copy to applicant, **2:4**

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

**MORTGAGE BROKERS**

advertisements, **2:1**

application practices, **2:3**

appraisals, influencing, **2:4**

certificate of registration, **2:24**

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

consumer protection, **2:11**

current information in advertisements, **2:1**

definition, **2:24**

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

disclosures, **2:11**

predatory lending laws, **2:28**

education, **2:7**

experience requirements, **2:7, 2:24**

fees and charges, **2:18**

finders' fees, **2:7**

in-state office, registration, **2:24**

late charges, **2:23**

licensing of loan processors, **2:7**

NMLS forms, **2:7, 5:1**

operations manager, **2:7, 2:24**

records retention, **2:24**

referral fees, **2:32**

registration, **2:7, 2:24, 5:1**

registration of office, **2:24**

residence offices, **2:7**

retention requirements, **2:31**

surety bond, **2:7, 2:24**

**MORTGAGE BROKERS & LENDERS LETTER**

alternative mortgage transactions regulatory guidance, **2:2**

**MORTGAGE LOAN ORIGINATORS**

- applications, **2:24**
- appraisals, influencing, **2:4**
- continuing education, **2:24**
- definition of loan originator, **2:7**
- disclosures, **2:13**
- education, **2:7, 2:24**
- fees and charges, **2:13, 2:18, 2:24**
- licensing, **2:7, 2:24**
  - NMLS forms, **2:24, 5:2**
- mortgage brokers, **2:7**
- NMLS, **2:7, 5:2**
  - form, **2:24, 5:2**
  - licensing, **2:24, 5:2**
  - unique identifier, **2:24**
- out-of-state mortgage loan originator, **2:24**
- renewals, **2:24**
- surety bond, **2:7, 2:24**
- temporary mortgage loan originator license, **2:24**

**MORTGAGE LOAN SERVICING**

- affidavit of assignee servicer, **2:35**
- assignments of mortgage, **2:5**
- due-on-sale clauses
  - enforceability, **2:6, 2:16, 3:1**
  - prepayment penalties, relationship, **2:16**
- escrows, **2:17**
- payoff, **2:33**
- practices, **2:35**
- preemption, **2:37**
- prepayment penalties
  - due-on-sale clauses, relationship, **2:16**
  - limitations, **2:18**
  - prohibition, **2:29**
  - refinancing, **2:29**
- record retention, **2:31**
- releases, **2:33**
- transfers, **2:37**

**NAME**

- change, **2:8**

**NATIONWIDE MORTGAGE LICENSING SYSTEM & REGISTRY (NMLS)**

- forms, **2:24, 5:1, 5:2**
- mortgage brokers, **2:7**
  - registration forms, **5:1**
- mortgage lender registration forms, **5:1**
- mortgage loan originators, **2:7, 2:24, 5:2**
- registration forms, **5:1**
- Resource Center, **4:2**
- unique identifiers
  - advertisements, **2:1**
  - mortgage loan originators, **2:24**
- web site, **2:7, 2:24, 4:2**

**NEGOTIATION**

- equitable assignment, **2:5**

**NONBANK MORTGAGE LENDERS**

- consumer protection, **2:11**
- disclosures, **2:11**
  - predatory lending laws, **2:28**
- fees and charges, **2:18**
- good faith and fair dealing, **2:28**
- late charges, **2:23**
- private actions against, **2:28**
- retention requirements, **2:31**

**NONPROFIT ORGANIZATION**

- exemption of loan originators, **2:7**

**NONTRADITIONAL MORTGAGE PRODUCTS**

- regulatory guidance, **2:2**

**NOTICE**

- assignment of mortgage, notation on margin, **2:33**
- change of location, control, management and name, **2:8**
- foreclosures, **2:19**
- judgment without notice or opportunity for hearing, printed form document with provisions indicating, **2:30**
- satisfaction notation as marginal entry, **2:33**
- termite inspection, duty of lender to disclose, **3:3**

**OPERATIONS MANAGER**

- brokerage office, **2:7, 2:24**

**ORDINANCES**

- predatory lending laws, preemption of local ordinances, **2:28**

**OUT-OF-STATE MORTGAGE LOAN ORIGINATOR**

- reciprocal licensing, **1:2, 2:24**

**PAYOFF**

- generally, **2:33**

**PENALTIES**

- predatory lending laws, **2:28**
- prepayment penalties
  - see Prepayment Penalties
- statutory, **2:33**

**POINTS AND FEES**

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

**PREDATORY LENDING LAWS**

- generally, **2:28**
- expansion, **1:2**
- prohibited loan terms, **2:28**

**PREEMPTION**

- predatory lending laws, preemption of local ordinances, **2:28**
- transfer of servicing, **2:37**
- usury, federal preemption, **2:39**

**PRELICENSING EDUCATION**

- mortgage brokers, **2:7**

**PREPAYMENT PENALTIES**

- due-on-sale clauses, relationship, **2:16**
- limitation, **2:29**

**PREPAYMENT PENALTIES—Cont'd**

prohibition, **2:29**  
refinancing, **2:29**

**PRIVATE ACTIONS**

Consumer Sales Practices Act violations, **2:28**  
nonbank mortgage lenders, **2:28**

**PUBLICATION**

foreclosures, **2:19**

**REAL ESTATE APPRAISAL BOARD**

appraisals, **2:4**

**REAL ESTATE BROKERS**

affiliation with lender, **2:13, 2:36**  
disclosures, **2:13**  
tie-ins, **2:36**

**RECIPROCAL LICENSING**

multiple jurisdictions, **1:2, 2:24**  
out-of-state mortgage loan originator, **1:2, 2:24**

**RECORDING**

alien land ownership, **2:41**  
assignments, **2:5**  
document preparer identification, **2:15**  
equitable subrogation, case opinion, **3:9**  
releases, **2:33**  
retention requirements, **2:31**  
satisfaction of mortgages, **2:33, 2:35**

**RECORD RETENTION**

generally, **2:31**  
acknowledgment of Attorney General's information document on unfair and deceptive lending practices, **2:31**  
mortgage brokers, **2:24**

**REFERRAL FEES**

generally, **2:32**

**REFINANCING**

predatory lending laws, disclosures, **2:28**  
prepayment penalties, **2:29**  
unconscionability, **2:11**

**REGISTRATION**

applications, **2:24**  
certificate of registration, **2:7**  
exemptions  
    credit service organizations, form, **5:1**  
    depository institutions, form, **5:1**  
    third-party processing and/or underwriting, form, **5:1**  
foreign corporations, **2:24**  
mortgage brokers, **2:7, 2:24**  
    continuing education requirement, **2:7**  
    examination, **2:7**  
    experience requirement, **2:7, 2:24**  
    form, **5:1**  
mortgage lenders, form, **5:1**

**REGISTRATION—Cont'd**

- mortgage servicers, form, **5:1**
- renewal of application, **2:24**
- separate office locations, separate certificate of registration, **2:7**

**REGULATORY AGENCIES**

Attorney General

- consumer protection, **2:11**
- credit insurance, unfair trade practices, **2:36**
- deceptive advertising, **2:1**
- informational document describing prohibited practices, **2:13**
- information document on unfair and deceptive lending practices, **2:31**
- predatory lending laws, **2:28**

Consumer Finance Section, Department of Commerce

- see Division of Financial Institutions, below

Department of Commerce

- generally, **4:1**

Division of Financial Institution

- see Division of Financial Institutions, below

Division of Financial Institutions

- generally, **1:2**
- address, **4:1**
- advertisements using unqualified superlatives, **2:1**
- email, **4:1**
- licensing, generally, **2:24**
- Mortgage Brokers & Lenders Letter, **2:2**
- name, **4:1**
- nontraditional mortgage products regulatory guidance, **2:2**
- Summary of Residential Mortgage Lending Act HB 199 with FAQs, **5:3**
- Superintendent
  - see Superintendent of Division of Financial Institutions, below
  - telephone number, **4:1**
  - web site, **4:1**

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

Superintendent of Division of Financial Institutions

- change of location, control, management and name, notification, **2:8**
- conviction or judgment against broker, notification, **2:8**
- examination for license or registration, **2:7**
- licensing, generally, **2:24**
- predatory lending laws, **2:28**
- reciprocal licensing, **2:24**
- registration of mortgage brokers, **2:7**
- zoning permit for office at residence, **2:7**

**REINSTATEMENT OF MORTGAGE**

- attorney fees, **3:10**

**RELEASE**

- generally, **2:33**

**REPORTS**

- alteration of appraisal report, **3:7**
- appraisal report to borrower, **2:4**

**RESOURCE CENTER**

- NMLS, **4:2**

## OHIO INDEX

### **SATISFACTION NOTATION**

margin of mortgage, **2:33**

### **SAVINGS AND LOAN ASSOCIATIONS**

exemption from licensing requirement, **2:7**

### **SECURITY INSTRUMENTS**

alternative mortgage transactions, **2:2**

open-end mortgages, **2:20**

trustees, **2:38**

variable rate mortgages, **2:2**

### **SETTLEMENT SERVICE PROVIDERS**

disclosures, **2:13**

referrals, **2:32**

### **SIGNATURE REQUIREMENTS**

generally, **2:26**

acknowledgment of mortgage loan origination disclosure statement, **2:13**

foreclosure, **3:11**

### **STATUTE OF LIMITATIONS**

deficiency judgments, enforcement, **2:12**

### **SUBROGATION**

recording delay, **3:9**

### **SUPPLIER**

consumer protection, **2:11**

defined, **2:11**

disclosures, **2:11, 2:13**

fees and charges, **2:18**

late charges, **2:23**

### **SURETY BOND**

foreign corporations doing business as mortgage brokers, **2:24**

mortgage brokers, **2:7, 2:24**

mortgage loan originator, **2:7**

mortgage loan originators, **2:24**

### **TEMPORARY MORTGAGE LOAN ORGINATOR LICENSE**

individuals with MLO license in another jurisdiction, **2:24**

### **TERMITE INSPECTION**

duty of lender to disclose, **3:3**

### **TIE-INS**

credit insurance, **2:36**

insurance, **2:22, 2:36**

real estate brokers, **2:36**

### **TITLE INSURANCE**

closing, customary payment at, **2:9**

### **TITLE SEARCHES**

unauthorized practice of law, **3:2**

### **TRANSFERS**

aliens, **2:41**

assignments, **2:5**

assumption of mortgage, **2:6**

**TRANSFERS—Cont'd**

due-on-sale clauses  
see Due-on-Sale Clauses  
mortgage loan servicing, **2:37**

**TRUSTEES**

generally, **2:38**

**UNAUTHORIZED PRACTICE OF LAW**

document preparation, **2:15**  
title searches, **3:2**

**UNCONSCIONABLE ACT OR PRACTICE**

consumer protection, **2:28**  
counterclaim based on unconscionability not allowed in foreclosure proceeding, **3:13**

**UNDERWRITING**

appraisals, **2:4**  
discrimination, **2:14**

**USURY**

see Interest

**VARIABLE RATE MORTGAGES**

generally, **2:2**

**WEB SITES**

advertising, **2:1**  
Division of Financial Institutions, **4:1**  
NMLS, **2:7, 2:24, 4:2**  
Superintendent of Financial Institutions, **4:1**

**WET SETTLEMENT ACT**

closing, **2:40**

**WINDOW PERIOD**

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

**WORDS AND PHRASES**

covered loans, **2:28**  
loan originator, **2:7**  
mortgage banker, **2:24**  
mortgage broker, **2:7, 2:24**  
mortgage loan originators, **2:24**  
nonbank mortgage lender, **2:11**  
supplier, **2:11**  
unconscionable acts, **2:28**

**WRONGFUL FORECLOSURE**

actions, **2:19**

**YIELD SPREAD PREMIUM**

breach of fiduciary duty, **3:8**

# Index

## **ADVERTISEMENTS**

Deceptive Trade Practices and Consumer Protection Act, **2:11**  
false advertising, **2:1**  
foreclosures, **2:5, 2:19**

## **AFFIDAVITS**

foreclosures, affidavit as to advance notice, **2:19**

## **ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT**

generally, **2:2**

## **ALTERNATIVE MORTGAGE TRANSACTIONS**

generally, **2:2**  
Alternative Mortgage Transaction Parity Act, **2:2**  
nontraditional mortgage guidance, **2:2, 2:28**  
subprime mortgage lending, **2:2**

## **APPLICATIONS**

licenses  
fees, **2:24**  
mortgage broker, form, **5:2**  
mortgage lender, form, **5:1**  
NMLS form, **5:3**  
practices, **2:3**  
registration, NMLS Form MU-1, **5:4**

## **APPRAISAL MANAGEMENT COMPANIES**

registration, **2:4**

## **APPRAISALS**

generally, **2:4**

## **APPRAISERS**

certification and licensing, **2:4**

## **ASSIGNMENTS**

generally, **2:5**  
licenses, **2:24**

## **ASSUMPTION OF MORTGAGE**

generally, **2:6**

## **ATTORNEY GENERAL**

consumer protection, **2:11**

## **ATTORNEYS FEES**

mortgage provisions, **2:18**  
mortgage servicing, **2:35**  
prohibited loan terms, **2:18, 2:30**  
satisfaction, failure to execute timely sworn statement, **2:33**

## **BANK HOLDING COMPANIES**

exemption from licensing requirement, **2:24**

## **BANKS**

exemption from licensing requirement, **2:24**

**CERTIFICATION**

appraisers, **2:4**

**CHANGE**

control, **2:8**

location, **2:8**

management, **2:8**

name, **2:8**

**CHARGES**

see Fees and Charges

**CLOSING**

disclosures, **2:13**

document preparation, **2:15**

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

insurance, **2:22**

marital rights, **2:26**

plain English, **2:27**

power of attorney, requirements, **2:15, 2:41**

practices, **2:9**

prohibited loan terms, **2:30**

security instruments, **2:34**

signature requirements, **2:26**

usury, **2:39**

Wet Settlement Act, **2:40**

**COERCION**

appraisals, **2:4**

**COMMITMENTS**

generally, **2:10**

**CONSUMER PROTECTION**

advertisements, **2:1**

consumer complaints, **2:11**

Deceptive Trade Practices and Consumer Protection Act, **2:11, 3:2**

disclosures

loan transactions, **2:13**

predatory lending laws, **2:28**

discrimination, **2:14**

Division of Banking, consumer complaints, **2:11**

fraud or false statements

see Fraud or False Statements

mortgage brokers, **3:2**

predatory lending laws, **2:28**

private actions, **2:11**

**CONTINUING EDUCATION**

licensing, **2:24**

**CONTROL**

change, **2:8**

**COPIES**

appraisals, **2:4**

**DAMAGES**

Deceptive Trade Practices and Consumer Protection Act, **2:11**

satisfaction, failure to timely execute sworn statement, **2:33**

**DECEPTIVE TRADE PRACTICES AND CONSUMER PROTECTION ACT**

see Legislation

**DEFICIENCY JUDGMENTS**

see Foreclosures

**DEFINITIONS**

see Words and Phrases

**DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT OF 1980**

generally, **2:39**

**DISCLOSURES**

loan transactions, **2:13**

predatory lending laws, **2:28**

**DISCRIMINATION**

generally, **2:14**

**DIVISION OF BANKING OF DEPARTMENT OF LABOR AND REGULATION**

see Regulatory Agencies

**DOCUMENTS**

assignments, statutory form, **2:5**

certificate of release, **2:33**

commitments, **2:10**

endorsement, **2:15**

lock-ins, **2:25**

plain English, **2:27**

power of attorney to execute, **2:15, 2:41**

preparation, **2:15**

prepared by statement, **2:15**

prohibited loan terms, **2:30**

record retention, **2:31**

satisfaction, sworn statement of, **2:33**

security instruments, **2:34**

trustees, **2:38**

**DUE-ON-SALE CLAUSES**

generally, **2:16**

**EDUCATION**

licensing, **2:24**

**E-MAIL**

Division of Banking, **4:1**

**EQUAL CREDIT OPPORTUNITY ACT**

copies of appraisals, **2:4**

**EXAMINATION OF RECORDS**

Director of Division of Banking, **2:31**

self-examination, report to Director of Division of Banking, **2:31**

**EXEMPT COMPANY REGISTRATION**

NMLS Form MU-1, **5:4**

**EXEMPTIONS**

execution to collect debts, **2:21**

homestead exemption, **2:21, 2:26**

licensing requirements, **2:24**

NMLS licensing and registration, **2:24**

**EXEMPTIONS—Cont'd**

- regulated lenders, attorneys collection fees provision, **2:30**
- regulated lenders, exemption from usury statutes, **2:39**

**EXTENSION OF TIME**

- mortgage lenders, **3:4**

**FEES AND CHARGES**

- appraisers, **2:4**
- attorneys fees
  - see Attorneys Fees
- closing, **2:9**
- Director of Division of Banking examination of records, **2:31**
- late charges, **2:23**
- licensing, **2:7, 2:24**
- limitations, **2:18**
- mortgage loan originators, **2:18**
- NMLS, **2:24**
- prepayment penalties, **2:29**
- referral fees, **2:32**
- renewal of license, **2:24**

**FORECLOSURES**

- actions, **2:19**
- advertisements
  - deficiency judgments, **2:19**
  - power of sale, **2:19**
- affidavit as to advance notice, **2:19**
- assignees, enforcement, **2:5**
- court, set aside, **2:19**
- deficiency judgments, **2:12, 2:19, 3:1**
- foreclosure by action, **2:19**
- installment sales contracts, **1:2**
- land contracts, deficiency judgments, **2:12, 3:1**
- nonjudicial voluntary foreclosure, **2:19**
- power of sale, **2:19**
  - assignees, enforcement, **2:5**
  - representative of lender, **3:5**
- redemption, prohibited loan terms, **2:30**
- set aside by courts, **2:19**
- setting aside, **3:5**

**FORMS**

- assignment of mortgage, **2:5**
- mortgage broker application, **5:2**
- mortgage lender application, **5:1**
- mortgage loan originator license application, **5:3**
- NMLS Form MU-1, **5:4**

**FRAUD OR FALSE STATEMENTS**

- advertising, **2:1, 2:11**
- false advertising, consumer protection, **2:1**
- trade practices, deceptive, **2:11, 3:2**

**FUTURE ADVANCES**

- generally, **2:20**

**GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982**

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

**GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982—Cont'd**  
due-on-sale clauses, **2:16**

**GOOD CAUSE**

setting aside foreclosure judgment, **3:5**

**GOOD FAITH AND FAIR DEALING**

mortgage lenders, **3:4**

**HOMESTEAD AND HOMESTEAD EXEMPTION**

generally, **2:21, 2:26**

mobile home, **2:21**

prohibited loan terms, **2:30**

rental properties, **2:21**

signature requirement, **2:21**

**INDEPENDENT CONTRACTOR**

licensing, **2:24**

unique NMLS identifier, **1:2**

**INSTALLMENT SALES CONTRACTS**

foreclosures and deficiencies, **1:2**

**INSURANCE**

borrower selection rights, **2:22**

credit life or credit health insurance, **2:22**

discrimination, **2:22**

private mortgage insurance, **2:22**

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

title insurance company, certificate of release, **2:33**

**INTEREST**

alternative mortgages

generally, **2:2**

Garn-St Germain Depository Institutions Act of 1982, **2:2**

escrows, **2:17, 2:35**

Garn-St Germain Depository Institutions Act of 1982, **2:2**

late charges, **2:23**

lock-ins, **2:25**

predatory lending laws, **2:28**

prepayment penalties, **2:29**

usury

generally, **2:39**

Depository Institutions Deregulation and Monetary Control Act of 1980, **2:39**

regulated lenders, exemption from usury statutes, **2:30, 2:39**

**INTERNET**

see Web Sites

**JOINT OWNERSHIP**

marriage, **2:26**

**LAND CONTRACTS**

foreclosure, deficiency judgment, **2:12, 3:1**

**LATE CHARGES**

Generally, **2:23**

**LEGISLATION**

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

**LEGISLATION—Cont'd**

- Deceptive Trade Practices and Consumer Protection Act, **2:11**
  - mortgage brokers, **3:2**
- Depository Institutions Deregulation and Monetary Control Act of 1980, **2:39**
- Equal Credit Opportunity Act, **2:4**
- Garn-St Germain Depository Institutions Act
  - see Garn-St Germain Depository Institutions Act of 1982
- Mortgage Lender Business Act
  - advertisements, **2:1**
  - licensing, **1:2, 2:7, 2:24**
  - prohibited loan terms, **2:30**
- predatory lending laws, **2:28**
- Short Term Redemption Mortgages Act, **2:30, 2:34**

**LICENSING**

- applications
  - see Applications
- appraisers, **2:4**
- assignment, **2:24**
- criminal background check, **2:7**
- criminal background investigations, **2:24**
- denial, **2:24**
- education, **2:24**
- exemptions, **2:24**
- expiration, **2:24**
- fees, **2:7**
- lenders
  - see Mortgage Lenders
- mortgage brokers
  - see Mortgage Brokers
- Mortgage Lender Business Act, **1:2, 2:24**
- mortgage loan originators, **2:7, 2:24, 5:3**
- mortgage servicers, **2:24, 2:35**
- NMLS
  - see Nationwide Mortgage Licensing System & Registry (NMLS)
- renewal, **2:7**
- renewal fee, **2:24**
- report of loan activity data, **2:24**
- revocation, **2:24**

**LIENS**

- future advances, **2:20**
- homestead exemption
  - see Homestead and Homestead Exemption
- marital rights, **2:26**

**LOAN PROCESSORS**

- advertisements, **2:1**
- appraisals, **2:4**
- discrimination, **2:14**
- licensing, **2:24**
- marital rights, **2:26**
- signature requirements, **2:26**
- unique NMLS identifier, **1:2**

**LOAN SERVICING**

- see Mortgage Servicers

SOUTH DAKOTA INDEX

**LOCATION**

change, **2:8**

**LOCK-INS**

interest rate, **2:25**

**MALPRACTICE**

appraisal malpractice, **2:4**

**MANAGEMENT**

change, **2:8**

**MARGIN OF MORTGAGE**

recording of discharge, **2:33**

**MARITAL RIGHTS**

generally, **2:26**

joint ownership, **2:26**

**MORTGAGE BROKERS**

administrative rules, **5:6**

advertisements, **2:1**

consumer protection, **3:2**

criminal background check, **2:7**

definition, **2:7, 2:24**

disclosures, **2:13**

licensing

generally, **1:2, 2:7, 2:24**

form, **5:2**

NMLS, **2:7, 5:2**

referral fees, **2:32**

surety bond, **2:7, 2:24**

**MORTGAGE LENDER BUSINESS ACT**

see Legislation

**MORTGAGE LENDERS**

administrative rules, **5:6**

advertisements, **2:1**

alternative mortgage transactions, **2:2**

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

definition, **2:24**

disclosures, **2:13**

good faith and fair dealing, **3:4**

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

application form, **5:1**

fees, **5:1**

form, **5:1**

NMLS form, **5:1, 5:3**

referral fees, **2:32**

regulated lenders, **2:30, 2:39**

surety bond, **2:24, 5:1**

tie-ins, **2:36**

**MORTGAGE LOAN ORIGINATORS**

advertisements, **2:1**

criminal background check, **2:7**

definitions, **2:7, 2:24**

disclosures, **2:13**

exemptions, **2:7**

**MORTGAGE LOAN ORIGINATORS—Cont'd**

- fees and charges, **2:18**
- Mortgage Lender Business Act, **1:2**
- NMLS licensing, **2:7, 2:24, 5:3**
- referral fees, **2:32**
- registration, **1:2**
- surety bond, **2:7, 2:24**
- unique NMLS identifier, **1:2**

**MORTGAGE SERVICERS**

- advertisements, **2:1**
- assignments of mortgages, **2:5**
- due-on-sale clauses, **2:16**
- escrows, **2:17**
- extension of time, **2:35**
- licensing, **1:2, 2:24, 2:35**
- notice of transfer, **2:37**
- payoff, **2:33**
- practices, **2:35**
- preemption, **2:37**
- record retention, **2:31**
- releases, **2:33**
- transfers, **2:37**

**NAME**

- change, **2:8**

**NATIONAL BANKS**

- exemption from licensing requirement, **2:24**

**NATIONWIDE MORTGAGE LICENSING SYSTEM & REGISTRY (NMLS)**

- exempt company registration, **2:24, 5:4**
- fees and charges, **2:24**
- forms
  - exempt company registration, **5:4**
  - mortgage lender licensing application, **5:1**
  - mortgage loan originator license application, **5:3**
- independent contractors, **1:2**
- licensing, generally, **1:2, 2:24**
- mortgage brokers, **2:7, 5:2**
- mortgage loan originators, **5:3**
- Resource Center, **4:2**
- underwriters, **1:2**
- unique identifier, **1:2**
- web site, **2:7, 2:24, 4:2**

**NONJUDICIAL VOLUNTARY FORECLOSURE**

- mutual written agreement, **2:19**

**NONTRADITIONAL MORTGAGE PRODUCTS**

- guidance, **2:2, 2:28**

**NOTICE**

- change of location, control, management and name, **2:8**
- foreclosures, affidavit as to advance notice, **2:19**

**ORAL STATEMENT**

- recording satisfaction, **3:3**

**PAYMENTS**

extension of time, **3:4**

**PAYOFF**

generally, **2:33**

mistaken representation that loan paid, **2:33**

**PENALTIES**

Deceptive Trade Practices and Consumer Protection Act, **2:11**

Mortgage Lender Business Act, **2:24**

prepayment penalties, **2:29**

satisfaction, failure to timely execute sworn statement, **2:33**

**POWER OF ATTORNEY**

execution of mortgage, **2:15, 2:41**

**PREDATORY LENDING LAWS**

generally, **2:28**

**PREEMPTION**

mortgage loan servicing, **2:37**

**PRELICENSING EDUCATION**

licensing, **2:24**

**PREPARED BY STATEMENT**

document preparation, **2:15**

**PREPAYMENT PENALTIES**

generally, **2:29**

**PRIORITY**

detrimental reliance, **3:3**

future advances, **2:20**

**PROHIBITED LOAN TERMS**

documents, **2:30**

**REAL ESTATE BROKERS**

referral fees, **2:32**

**RECORDING**

assignments, **2:5**

conversion of electronic records, **2:31**

oral statement as basis, **3:3**

power of attorney, **2:41**

releases, **2:33**

**RECORD RETENTION**

commitments, **2:10**

electronic records, **2:31**

lock-in documents, **2:25**

**REFERRAL FEES**

generally, **2:32**

**REGISTRATION**

appraisal management companies, **2:4**

exempt company registration, NMLS, **2:24, 5:4**

mobile home as homestead, **2:21**

NMLS Form MU-1, **5:4**

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

**REGULATORY AGENCIES**

- Attorney General, **2:11**
- Department of Revenue and Regulation
  - see also Division of Banking, below
  - appraisal management companies registration, **2:4**
  - certification and licensing of appraisers, **2:4**
- Division of Banking
  - generally, **1:2**
  - address, **4:1**
  - Annual Report Form, for Exempt Lenders, **5:5**
  - change of control of licensed mortgage business, **2:8**
  - consumer complaints, **2:11**
  - e-mail, **4:1**
  - examination of records, **2:31**
  - license application, **2:7**
  - licensing, **2:24**
  - regulations, **4:1**
  - supervision, **2:24**
  - telephone number, **4:1**
  - web site, **4:1**

**RELEASE**

- generally, **2:33**

**RELIANCE**

- loss of priority of lien, **3:3**

**RENTAL PROPERTIES**

- homestead and homestead exemption, **2:21**

**REPORTS AND REPORTING**

- loan activity, report by licensee/licensing, **2:24**

**SATISFACTION DEMAND**

- penalty for failure to execute satisfaction within time period, **2:33**

**SERVICING**

- see Mortgage Servicers

**SHERIFF'S SALE**

- foreclosure by action, **2:19**

**SHORT TERM REDEMPTION MORTGAGES ACT**

- generally, **2:30, 2:34**

**SIGNATURE REQUIREMENTS**

- generally, **2:26**
- homestead and homestead exemption, **2:21**

**STATUTE OF LIMITATIONS**

- appraisal malpractice, **2:4**

**SUBPRIME MORTGAGE LENDING**

- adoption of statement, **2:2**

**SURETY BOND**

- licensing, **2:24**
- mortgage brokers, **2:7**
- mortgage lenders, **5:1**
- mortgage loan originators, **2:7**

SOUTH DAKOTA INDEX

**TAXATION**

income tax, **2:41**

**TIE-INS**

insurance, **2:22**

**TRANSFERS**

assignments, **2:5**

assumption of mortgage, **2:6**

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

**TRUST COMPANIES**

exemption from licensing requirement, **2:24**

**TRUSTEES**

generally, **2:38**

**UNDERWRITERS**

advertisements, **2:1**

appraisals, **2:4**

insurance, **2:22**

licensing, **2:24**

unique NMLS identifier, **1:2**

**UNDUE INFLUENCE**

appraisals, **2:4**

**USURY**

see Interest

**WEB SITES**

Division of Banking, **4:1**

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

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

**WET SETTLEMENT ACT**

generally, **2:40**

**WORDS AND PHRASES**

change of control, **2:8**

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

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

mortgage brokerage, **2:24**

mortgage lender, **2:24**

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

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

regulated lender, **2:30**

# Index

## **ABANDONED PROPERTY**

foreclosure upon, **2:19**

## **ABILITY TO REPAY**

predatory lending laws, **2:28**

## **ACCELERATION OF MORTGAGE**

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

## **ACKNOWLEDGMENT**

fee disclosure agreement, **5:4**

mortgage broker agreement, **5:4**

## **ADMINISTRATIVE CODE**

generally, **1:1**

## **ADVERTISEMENTS**

false advertising, **2:1**

foreclosures, **2:19**

prohibited conduct, **2:1**

## **ALIEN LAND OWNERSHIP**

generally, **2:41**

## **ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT**

generally, **2:2**

## **ALTERNATIVE MORTGAGE TRANSACTIONS**

generally, **2:2**

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

Garn-St Germain Depository Institutions Act of 1982, **2:2**

nontraditional mortgage guidance, **2:2**

subprime mortgage lending, **2:2**

## **ANNUAL REPORTS**

licensing, **2:24**

## **APPLICATIONS**

contract between mortgage broker and consumer, **2:3**

disclosures, **2:3, 2:13**

fees, **2:3**

forms

loan originator licensing, **5:3**

mortgage banker licensing, **5:1**

mortgage broker licensing, **5:2**

incompetent business conduct, **2:3**

loan administration fee, **2:3**

mortgage brokers, **5:2**

licensing, form, **5:2**

practices, **2:3**

record retention, **2:31**

## **APPRAISALS**

processing, **2:4**

record retention, **2:31**

**ASSIGNMENTS**

generally, **2:5**

**ASSUMPTION OF MORTGAGE**

generally, **2:6**

**ATTORNEYS**

licensing exemption, **2:24**

tie-ins, **2:36**

**BANKERS**

see Mortgage Bankers

**BANKS**

escrow law and federally chartered banks, preemption, **3:1, 3:2**

exemption from registration requirement, **2:7**

**“BEST EFFORTS” CONTRACTS**

mortgage brokers, **1:2, 2:24**

mortgage loan originators, **2:24**

**BRANCH OFFICERS**

licensing, **2:24**

**BROKERS**

see Mortgage Brokers

**CHANGE**

control, **2:8**

location, **2:8**

management, **2:8**

name, **2:8**

**CHARGES**

see Fees and Charges

**CLOSING**

disclosures, **2:13**

document preparation, **2:15**

fees and charges, **2:18**

insurance, **2:22**

marital rights, **2:26**

plain English, **2:27**

practices, **2:9**

prohibited loan terms, **2:30**

security instruments, **2:34**

table-funded transaction, **2:9**

usury, **2:39**

Wet Settlement Act, **2:40**

**COMMITMENTS**

generally, **2:10**

**COMPLAINTS**

see Consumer Protection

**CONDITION OF PROPERTY**

discrimination, **2:14**

**CONSULTANTS**

foreclosure, **2:19**

**CONSUMER PROTECTION**

- advertisements, **2:1**
- alternative mortgage transactions, **2:2**
- complaint form, **2:11**
- consumer complaints, **2:11**
- disclosures
  - adjustable rate loans, **2:13**
  - alternative mortgage transactions, **2:2**
  - applications, **2:3**
  - commitment fees, **2:10**
  - insurance, **2:36**
  - lock-ins, **2:25**
  - mortgage brokers, **2:25**
  - predatory lending laws, **2:28**
  - prepayment rights, **2:13**
  - variable rate mortgages, **2:13**
- discrimination, **2:14**
- Division of Banking, **2:11**
- escrows, **2:17**
- false advertising, **2:1**
- mortgage broker agreement, form, **5:4**
- predatory lending laws, **2:28**
- private actions, **2:7, 2:11**
- tie-ins, **2:36**
- trust accounts, **2:17**

**CONTINUING EDUCATION**

- licensing, **2:24**

**CONTROL**

- change, **2:8**

**CURE OF DEFICIENCY**

- VA mortgage, **3:6**

**DAMAGES**

- consumer protection, **2:11**
- foreclosure consultant's violation of law, **2:19**
- licensing violation, **2:24**

**DEFICIENCY JUDGMENTS**

- see Foreclosures

**DEFINITIONS**

- see Words and Phrases

**DEPARTMENT OF FINANCIAL INSTITUTIONS**

- see Regulatory Agencies

**DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT**

- generally, **2:39**

**DISCLOSURES**

- applications, **2:3, 2:13**
- commitment fees, **2:10**
- insurance, **2:36**
- lock-ins, **2:25**
- mortgage broker's use of lock-ins, **2:25**
- predatory lending laws, **2:28**
- prepayment rights, **2:13**

**DISCLOSURES—Cont'd**

- record retention, **2:31**
- variable rate mortgages, **2:13**

**DISCRIMINATION**

- generally, **2:14**

**DOCUMENTS**

- commitments, **2:10**
  - record retention, **2:31**
- lock-ins, **2:25**
- mortgage bankers, responsibility, **2:15**
- mortgage brokers, responsibility, **2:15**
- plain English, **2:27**
- preparation, **2:15**
- prepared by statement, **2:15**
- prohibited loan terms, **2:30**
- record retention, **2:31**
- security instrument, **2:34**
- signature requirements
  - failure to sign, **3:5**
  - marital rights, **2:26**
- social security numbers, **2:41**

**DUE-ON-SALE CLAUSES**

- generally, **2:6, 2:16**
- enforceability, cases, **3:3, 3:4**

**DUTY OF CARE**

- mortgage brokers, **2:7**

**EDUCATION**

- licensing, **2:24**

**EMOTIONAL DISTRESS**

- loan servicers, **2:35**

**ESCROWS**

- see Loan Servicers

**EXEMPTIONS**

- Bona Fide Nonprofit Organization Exemption Form, **5:5**
- homestead exemption, **2:21**
- licensing, **2:7, 2:24**

**FEES AND CHARGES**

- allowable, **2:18**
- applications, **2:3**
  - licensing, **2:24**
- appraisals, **2:4**
- assumption of mortgage, **2:6**
- commitments, **2:10**
- credit report or appraisal, **2:3**
- late charges, **2:23**
- licensing, **2:7**
- limitations, **2:18**
- loan administration fee, **2:3**
- loan commitment fee, **2:10**
- mortgage broker agreement as to, **5:4**
- mortgage loan originators, **2:41**

**FEES AND CHARGES—Cont'd**

- prepayment penalties, **2:29**
- record retention, **2:31**
- referral fees, **2:32**
- renewal fees, **2:24**
- third party fees, **2:3, 2:18**

**FINANCIAL STATEMENTS**

- filing, **5:1**
- licensing requirement, **2:24**

**FINES AND PENALTIES**

- mortgage brokers, **2:7**

**FORECLOSURE CONSULTANTS**

- provisions, **2:19**

**FORECLOSURES**

- abandoned property, **2:19**
- consultants, **2:19**
- defense, lender's "unclean hands," **3:8**
- deficiency judgments, **2:12, 3:6**
- military service, **2:41**
- procedure, **2:19**
- publication, **2:19**
- reconveyances, **2:19**
- redemption, **2:19**
- VA mortgage, **3:6**

**FORFEITURE**

- discrimination, **2:14**

**FORMS**

- applications
  - loan originator licensing, **5:3**
  - mortgage banker licensing, **5:1**
  - mortgage broker licensing, **5:2**
- complaint form, **2:11**
- Department of Financial Institutions
  - nonbank mortgage servicers, prudential standards for, **5:7**
  - loan originators, licensing application and renewal form, **5:3**
  - mortgage broker agreement, **5:4**
- renewal of license
  - loan originator, **5:3**
  - mortgage banker, **5:1**
  - mortgage broker, **5:2**

**FRAUD OR FALSE STATEMENTS**

- advertising, **2:1**

**FUTURE ADVANCES**

- generally, **2:20**

**GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982**

- alternative mortgage transactions, **2:2**
- due-on-sale clauses, **2:16**
- preemption, consumer credit, **2:2**

**GENERALLY ACCEPTED ACCOUNTING PRINCIPLES**

- licensing, financial statement, **2:24**

**GENERALLY ACCEPTED ACCOUNTING PRINCIPLES—Cont'd**

record retention, **2:31**

**HIGH COST MORTGAGE LENDING ACT**

generally, **2:28**

**HOMESTEADS**

exemption, **2:21**

marital rights, **2:26**

weekend occupation, **2:21**

**INCOMPETENCE OF BORROWER**

actual knowledge requirement, **3:9**

**INCOMPETENT BUSINESS CONDUCT**

applications, **2:3**

licensing, **2:3**

referral fees, **2:32**

**INDEX**

disclosure, **2:13**

**INSTALLMENT CONTRACTS**

late charges, **2:23**

**INSURANCE**

escrows, **2:17**

private mortgage insurance, **2:22**

property insurance, **2:22**

recordkeeping by lender, **2:35**

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

trust accounts, **2:17**

**INTEREST**

escrows, **2:17, 3:1, 3:2**

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

late charges, **2:23**

lock-ins, **2:25**

predatory lending laws, **2:28**

prepayment penalties

see Prepayment Penalties

trust accounts, **2:17**

usury, generally, **2:39**

**INTERNET**

see Web Sites

**LATE CHARGES**

generally, **2:23**

**LEGISLATION**

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

consumer credit transactions only, alternative mortgage transactions, **2:2**

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

Equal Credit Opportunity Act, **2:4**

federal preemption

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

alternative mortgage transactions, **2:2**

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

escrow law and federally chartered banks, **3:1, 3:2**

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

**LEGISLATION—Cont'd**

- federal preemption—Cont'd
  - service transfers, notices, **2:35, 2:37**
  - usury, **2:39**
- Federal SAFE Act, **1:2**
- Garn-St Germain Depository Institutions Act of 1982, **2:2, 2:16**
- Mortgage Banker Licensing Act
  - generally, **1:2**
  - advertisements, **2:1**
  - applications, **2:3**
  - closing practices, **2:9**
  - commitments, **2:10**
  - disclosures, **2:13**
  - fine per violation of Act, **2:7**
  - licensing, generally, **2:24**
- predatory lending laws, **2:28**
- Responsible High-Cost Mortgage Lending Act, **1:2, 2:28**
- Uniform Real Property Electronic Recording Act, **2:5**
- Wet Settlement Act, **2:40**

**LENDERS**

- see Mortgage Bankers

**LICENSING**

- annual report, **2:24**
- application forms
  - loan originators, **5:3**
  - mortgage bankers, **5:1**
  - mortgage brokers, **5:2**
- attorneys, **2:24**
- audit requirements, **2:24**
- Bona Fide Nonprofit Organization Exemption Form, **5:5**
- branch officers, **2:24**
- criminal background check, **2:24**
- denial, **2:24**
- education, **2:24**
- exemptions, **2:7, 2:24**
  - bona fide nonprofit entities, **1:2**
  - de minimis exemptions for companies, **1:2**
- forms
  - loan originator application, **5:3**
  - mortgage banker application, **5:1**
  - mortgage broker application, **5:2**
- limitation on actions for commissions, **2:41**
- minimum net worth, **2:24**
- mortgage bankers, **2:24**
- mortgage brokers, **2:24**
- mortgage loan originators, **2:24**
- NMLS
  - see Nationwide Mortgage Licensing System & Registry (NMLS)
- renewal, **2:24**
- revocation
  - application practices, **2:3**
  - discrimination, **2:14, 2:24**
  - incompetence, **2:3**
  - processing, **2:3**

**LICENSING—Cont'd**

- surety bonds, **2:24, 5:1 to 5:4**
- suspension, **2:24**
  - discrimination, **2:14**

**LIENS**

- future advances, **2:20**
- homesteads, **2:21, 2:26**
- marital rights, **2:26**

**LOAN PROCESSING**

- see also Appraisals
- discrimination, **2:14**
- loan administration fee, **2:3**
- marital rights, **2:26**
- record retention, **2:31**
- signature requirements, **2:26**

**LOAN SERVICERS**

- see also Mortgage Bankers
- assignments of mortgage, **2:5**
- due-on-sale clauses, **2:16**
- emotional distress, **2:35**
- escrows, **2:17, 2:35**
  - agents, **2:17**
  - interest, **2:17, 3:1, 3:2**
- late charges, **2:23**
- notification of transfer, **2:37**
- payoff, **2:33**
- practices, **2:35**
- preemption, **2:35, 2:37**
- record retention, **2:31**
- releases, **2:33, 2:35**
- requests for information, **2:35**
- satisfaction of mortgage, recording, **2:33, 2:35**
- tax payments, **2:35**
- transfers, **2:35, 2:37**
- trust accounts, **2:17**

**LOCATION**

- branch office, **2:24**
- change, **2:8**

**LOCK-INS**

- interest rate, **2:25**

**MANAGEMENT**

- change, **2:8**

**MARITAL RIGHTS**

- generally, **2:26**
- discrimination as to marital status, **2:14**
- quasi-community property state, closing practices, **2:9**

**MILITARY SERVICE**

- economic protection, National Guardsmen, **2:41**

**MORTGAGE BANKER**

- incompetent business conduct, **2:3, 2:32**
- record retention, **2:3**

**MORTGAGE BANKER LICENSING ACT**

see Legislation

**MORTGAGE BANKERS**

see also Mortgage Loan Originators

advertisements, **2:1**

annual audits, **2:24**

application form, licensing, **5:1**

Bona Fide Nonprofit Organization Exemption Form, **5:5**

conflicts of interest, **2:41**

definition, **2:24**

disclosures, **2:13**

Division of Banking administrative regulations, **5:6**

documents, responsibility, **2:15**

financial statements, **2:24, 5:1**

licensing, **2:24**

    application form, **5:1**

    renewal form, **5:1**

net worth requirement, **2:24**

NMLS licensing, **2:24**

record retention, **2:31**

surety bond, **2:24**

**MORTGAGE BROKER AGREEMENT**

form, **5:4**

identification of duties of mortgage broker, **2:7**

**MORTGAGE BROKERS**

advertisements, **2:1**

annual audit report, **5:2**

annual audits, **2:24**

application form, license, **5:2**

application practices, **2:3**

“best efforts” contracts, **1:2, 2:24**

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

definition, **2:7**

disclosure of lock-in, **2:25**

disclosures, **2:13**

documents, responsibility, **2:15**

duty of care, **2:7**

exemptions, **2:7, 2:24**

financial statement, **2:24**

form, mortgage broker agreement, **5:4**

incompetent business conduct, **2:3, 2:32**

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

    application form, **5:2**

    fines and penalties, **2:7**

    renewal form, **5:2**

lock-in, disclosure, **2:25**

mortgage broker agreement

    form, **5:4**

    mortgage broker duties, **5:4**

net worth requirement, **2:24**

NMLS licensing, **2:7, 2:24**

record retention, **2:3, 2:31**

referral fees, **2:32**

**MORTGAGE BROKERS—Cont'd**

surety bond, **2:24**

**MORTGAGE LOAN ORIGINATORS**

see also Mortgage Bankers

advertisements, **2:1**

alternative mortgage transactions, **2:2**

annual audits, **2:24**

application form, license, **5:3**

application practices, **2:3**

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

conflicts of interest, **2:41**

continuing education

record retention, **2:31**

credit report, **2:24**

definition, **2:7, 2:24**

disclosures, **2:13**

education, **2:24**

exemptions, **2:24**

fees and charges, **2:41**

forms

license application, **5:3**

renewal, **5:3**

incompetent business conduct, **2:3, 2:32**

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

application form, **5:3**

renewal form, **5:3**

NMLS, **2:7, 2:24**

record retention, **2:31**

referral fees, **2:32**

surety bond, **2:24**

tie-ins, **2:36**

**MULTIPLE PARTIES**

representation, **2:41**

**NAME**

change, **2:8**

**NATIONWIDE MORTGAGE LICENSING SYSTEM & REGISTRY (NMLS)**

annual reports, **2:24**

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

mortgage brokers, **2:7**

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

Resource Center, **4:2**

web site, **2:24, 4:2**

**NONPROFIT**

Bona Fide Nonprofit Organization Exemption Form, **5:5**

**NONTRADITIONAL MORTGAGE PRODUCTS**

guidance, **2:2**

**NOTICE OF CHANGE**

Division of Banking, **2:8**

NMLS, **2:8**

**NOTICES**

foreclosures, **2:19**

**NOTICES—Cont'd**

service transfers, notices, **2:37**

**ORIGINATORS**

see Mortgage Loan Originators

**PAYOFF**

generally, **2:33**

**PENALTIES**

discrimination, **2:14**

failure to record mortgage satisfaction, **2:33**

military person, foreclosure on property of, **2:41**

prepayment penalties

see Prepayment Penalties

violations of brokering provisions, **2:7**

**PREDATORY LENDING LAWS**

generally, **2:28**

**PREEMPTION**

alternative mortgage transactions, **2:2**

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

escrow law and federally chartered banks, **3:1, 3:2**

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

loan service transfers, notices, **2:35, 2:37**

**PRELICENSING EDUCATION**

licensing, **2:24**

**PREPARED BY STATEMENT**

document preparation, **2:15**

**PREPAYMENT PENALTIES**

generally, **2:29**

High Cost Mortgage Lending Act, prepayment of covered loan, **2:28**

**PRIORITY**

future advances, **2:20**

**PRIVATE ACTIONS**

actual injury requirement, **3:7**

brokering violations, **2:7**

consumer protection, **2:11, 2:24**

foreclosure consultant's violation of law, **2:19**

licensing violation, **2:24**

**PROCESSING**

see Loan Processing

**QUASI-COMMUNITY PROPERTY STATE**

closing practices, **2:9**

**REAL ESTATE BROKERS**

exemption, **2:7**

referral fees, **2:32**

**REAL ESTATE CONTRACTS**

closing practices, **2:9**

**RECORDING**

assignments, **2:5**

fees, **2:32**

**RECORDING—Cont'd**

- format, standard, **2:15**
- releases, **2:33, 2:35**
- retention of records
  - see Documents
- satisfaction of mortgage, **2:33, 2:35**
- social security numbers, **2:41**
- standard format, **2:15**
- Uniform Real Property Electronic Recording Act
  - assignment of mortgage, **2:5**

**REDEMPTION**

- foreclosures, **2:19**

**REFERRAL FEES**

- generally, **2:32**

**REGISTRATION**

- revocation
  - application practices, **2:3**
  - conflicts of interest, **2:41**
  - incompetence, **2:3**
  - processing, **2:3**

**REGULATIONS**

- Administrative Code, **1:1**

**REGULATORY AGENCIES**

- Department of Financial Institutions
  - see also Division of Banking, below
  - alternative mortgage transactions, **2:2**
  - consumer complaints, **2:11**
  - enforcement division, **2:11**
  - escrow account interest rate posted on web site, **2:17**
  - High-Cost Mortgage Lending Act administration, **2:28**
  - mortgage broker agreement, form, **5:4**
  - nonbank mortgage servicers, prudential standards for, **5:7**
  - web site, **2:17**
- Division of Banking
  - generally, **1:2**
  - address, **4:1**
  - consumer complaints, **2:11**
  - discrimination, **2:14**
  - enforcement powers, **2:24**
  - examination of books, record retention, **2:31**
  - fax number, **4:1**
  - licensing, **2:24**
  - mortgage banking administrative regulations, **5:6**
  - mortgage brokers, **2:7**
  - mortgage loan originators, **2:7**
  - notice of change, **2:8**
  - telephone number, **4:1**
  - web site, **4:1**
- Mortgage Banking Bureau
  - address, **4:1**
  - telephone number, **4:1**
  - web site, **4:1**

**RELEASES**

generally, **2:33, 2:35**

**REPORTS**

audit report, **5:2**

licensing, **2:24**

**RESIDENTIAL MORTGAGE LOAN**

definition, **2:24**

**RESOURCE CENTER**

NMLS, **4:2**

**RESPONSIBLE HIGH COST MORTGAGE LENDING ACT**

generally, **2:28**

**RETENTION OF RECORDS**

generally, **2:31**

**REVOCACTION**

licensing

see Licensing

registration

see Registration

**SATISFACTION OF MORTGAGE**

recording, **2:33, 2:35**

**SECURITY INSTRUMENTS**

see Documents

**SERVICING**

see Loan Servicers

**SIGNATURE REQUIREMENTS**

generally, **2:26**

disclosures, **2:13**

failure to sign, **3:5**

marital rights, **2:26**

**SOCIAL SECURITY NUMBERS**

documents with, **2:41**

**SOLICITATIONS**

see Advertisements

**SUBPRIME MORTGAGE LENDING**

adoption of statement, **2:2**

**SURETY BONDS**

licensing, **2:24, 5:1 to 5:4**

**TIE-INS**

attorneys, **2:36**

insurance, **2:22, 2:36**

**TRANSFERS**

aliens, **2:41**

assignments, **2:5**

assumption of mortgage, **2:6**

corporate conveyances, **2:5**

due-on-sale clauses

see Due-on-sale clauses

**TRANSFERS—Cont'd**

loan servicing, **2:35, 2:37**  
marital rights, **2:26**

**TRUST ACCOUNTS**

record retention, **2:31**  
servicing, **2:17**

**TRUSTEES**

generally, **2:38**

**UNCLEAN HANDS**

defense, **3:8**

**UNDERWRITERS**

loan administration fee, **2:3**

**USURY**

see Interest

**VARIABLE RATE LOANS**

generally, **2:13**  
disclosures, **2:13**  
prepayment penalty, **2:29**

**VETERANS ADMINISTRATION**

deficiency, **3:6**

**VOIDING OF LOAN**

incompetency of borrower, **3:9**

**WEB SITES**

Department of Financial Institutions, **2:17**  
Division of Banking, **4:1**  
Mortgage Banking Bureau, **4:1**  
NMLS, **2:24, 4:2**

**WET SETTLEMENT ACT**

closing, **2:40**

**WITHHOLDING PAYMENT**

appraisals, **2:4**

**WORDS AND PHRASES**

application fee, **2:3**  
covered loan, **2:28**  
lender, **2:28**  
loan administration fee, **2:3**  
loan commitment fee, **2:10**  
minimum interest, **2:17**  
mortgage banker, **2:24**  
mortgage broker, **2:7, 2:24**  
mortgage loan originator, **2:7, 2:24**  
qualified loan funds, **2:40**  
residential mortgage loan, **2:24**  
table-funded transaction, **2:9**

**WRITTEN INSTRUMENTS**

applications, **2:3**  
appraisal, **2:3, 2:4**  
credit report, **2:3**  
disclosures, **2:13**

WISCONSIN INDEX

**WRITTEN INSTRUMENTS—Cont'd**

foreclosure consultants, **2:19**

foreclosure reconveyances, **2:19**