

Index

ACCELERATION

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

ADVERTISEMENTS

- Generally, **2:1**

ALASKA ALLOTMENT ACT

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

ALASKA HOUSING FINANCE CORPORATION

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

ALASKA HUMAN RIGHTS LAW

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

ALASKA MORTGAGE LENDING REGULATIONS

- Generally, **5:5**

ALTERNATIVE MORTGAGE TRANSACTIONS

- Generally, **2:2**

APPLICATIONS

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

APPRAISERS AND APPRAISALS

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

APPROVAL

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

ASSIGNMENTS

- Generally, **2:5**

ASSUMPTION OF MORTGAGE

- Generally, **2:6**

ATTORNEY REPRESENTATION

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

BANKRUPTCY

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

BRANCH OFFICE

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

CERTIFICATE OF AUTHORITY/GOOD STANDING CERTIFICATE

Licensing, **5:1**

CHANGE

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

CHARGES

See Fees and Charges

CLOSING

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

Marital rights, **2:26**

Plain English, **2:27**

Practices, **2:9**

Prohibited loan terms, **2:30**

Security instruments, **2:34**

Signature requirements, **2:26**

Wet Settlement Act, **2:40**

CLOSING OF OFFICE

Business records, **2:31**

Written approval, **2:8**

COMMITMENTS

Generally, **2:10**

COMPLIANCE

Information source, **4:1**

CONDOMINIUM

Priority lien, **2:41**

CONSUMER COMPLAINTS

Consumer protection, **2:11**

CONSUMER PROTECTION

Advertisements, **2:1**

Attorney representation entitlement, **2:11**

Consumer complaints, **2:11**

Disclosures, **2:13**

Discrimination, **2:14**

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

False advertising, **2:1**

Foreclosures

See Foreclosures

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

Predatory loan laws, **2:28**

Servicing, transfers, **2:37**

Unfair Trade Practices and Consumer Protection Act

See Unfair Trade Practices and Consumer Protection Act

CONTROL

Change, **2:8**

CRAMDOWN

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

DEEDS OF TRUST

Assignment, **2:5**

DEEDS OF TRUST—Cont'd

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

DEFICIENCY JUDGMENTS

- See Foreclosures

DEPOSITS

- Escrows, **2:17**

DISCLOSURES

- Generally, **2:13**

DISCRIMINATION

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

DOCUMENTS

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

DOMESTIC PARTNERS

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

DUE-ON-SALE CLAUSES

- Generally, **2:16**

EQUAL CREDIT OPPORTUNITY ACT

- Appraisals, **2:4**

EQUAL PROTECTION

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

ESCROWS

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

EXEMPTIONS

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

FAIR DEBT COLLECTION PRACTICES ACT

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

FALSE ADVERTISING

- Consumer protection, **2:1**

FALSE OR MISLEADING STATEMENTS

- Commitments, **2:10**

FEES AND CHARGES

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

FORECLOSURES

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

FRAUD OR FALSE STATEMENTS

- Deceptive acts, **2:11**

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

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

HOMESTEAD

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

HUMAN RIGHTS LAW

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

INSURANCE

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

INTEREST

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

LATE CHARGES

- Generally, **2:23**

LATE PAYMENT

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

LEGISLATION

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

LICENSING

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

LIENS

- Marital rights, **2:26**

LIMITATION OF ACTIONS

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

LOAN PROCESSOR

- See Processing

LOAN SERVICING

- See Servicing

LOCATION

Change, **2:8**

LOCK-INS

Interest, **2:25**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MORTGAGE BROKERS

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

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

Defined, **2:7**

Division of Banking and Securities

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

Fees and charges, **2:24**

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

Exemption from licensing, **2:7**

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

Mortgage broker defined, **2:24**

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

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

Record retention, **2:31**

Referral fees, **2:32**

Refinancing, **2:7**

Revocation of license, **2:24**

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

MORTGAGE LENDERS

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

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

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

Disclosures, **2:13**

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

Insurance approvals, **2:22**

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

Mortgage lender defined, **2:24**

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

Record retention, **2:31**

Referral fees, **2:32**

MORTGAGE LICENSING ACT

Generally, **1:2**

Commitments, **2:10**

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

Escrows, **2:17**

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

Licensing requirement, **2:24**

Record retention, **2:31**

Refinancing restrictions, **2:30**

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

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

MORTGAGE LOAN ORIGINATORS

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

MORTGAGE LOAN ORIGINATORS—Cont'd

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

MUNICIPAL TAXES

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

NAME

- Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

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

NATIVE AMERICANS

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

NMLS

- See Nationwide Mortgage Licensing System and Registry (NMLS)

NONPROFIT ORGANIZATIONS

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

NOTARIZATION

- Document preparation, **2:15**

NOTICES

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

PAYOFF

- Generally, **2:33**

PLAIN ENGLISH

- Documents, **2:27**

PREDATORY LOAN LAWS

Generally, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

PRIORITY

Condominium priority lien, **2:41**

PRIVATE RIGHT OF ACTION

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

Human Rights Law, **3:1**

PROCESSING

Loan processor licensing, **2:24**

Marital rights, **2:26**

Signature requirements, **2:26**

REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)

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

REBATES

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

RECORDING

Assignments, **2:5**

Foreclosures, **2:19**

Notice of default, **2:19**

Record retention, **2:31**

Releases, **2:33**

REFERRAL FEES

Generally, **2:32**

REFINANCING

Mortgage brokers, **2:7**

Prohibited loan terms, **2:30**

REGISTERED DEPOSITORY INSTITUTION

Application for registration, **5:3**

REGISTRATION

Branch office, **2:24**

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

REGULATORY AUTHORITIES

Department of Commerce, Community and Economic Development

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

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

Contact information, **4:1**

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

Licensing, **2:24**

Division of Banking and Securities

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

Contact information, **4:1**

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

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

NMLS

See Nationwide Mortgage Licensing System and Registry (NMLS)

REGULATORY INFORMATION SOURCES

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

REGULATORY INFORMATION SOURCES—Cont'd

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

RELEASE

Generally, **2:33**

RENEWAL

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

REVIVAL OF TIME-BARRED DEBT

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

SAFE ACT

Mortgage Licensing Act, **1:2**

SERVICING

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

Escrow account

See Escrows

Federal preemption, **2:37**

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

Payoff, **2:33**

Practices, **2:35**

Record retention, **2:31**

Releases, **2:33**

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

SETTLEMENT AGENT

Disbursement of funds, **2:40**

SIGNATURE REQUIREMENTS

Generally, **2:26**

SPOUSES

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

STATE V. SCHMIDT

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

TAXATION

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

TIE-INS

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

TIME-BARRED DEBT

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

TITLE INSURANCE COMPANY

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

TRANSFER OF BUSINESS

Approval by Department, **2:8**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

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

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

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

TRUST DEED

See Deeds of Trust

TRUSTEES

See Deeds of Trust

UNDERWRITING

Insurance, **2:22**

Lock-ins, **2:25**

UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION ACT

Deceptive acts, **2:11**

False advertising, **2:1**

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

Scope of UTPA, **2:11**

Unfair competition, **2:11**

USURY

Generally, **2:39**

WEBSITES

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

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

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

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

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

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

Control, **2:8**

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

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

Mortgage lender, **2:24**

Mortgage loan originator, **2:24**

Principal residence, **2:21**

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

Index

ADJUSTABLE RATE MORTGAGE PRODUCTS

Record retention, **2:31**

ADVERTISEMENTS

Generally, **2:1**

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

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

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

False advertising, **2:1**

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

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

Unfair Practices Act, **2:1**

ADVISORY

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

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

APPLICATIONS

Generally, **2:3**

Licensing

Applicant instructions, **5:1**

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

Record retention, **2:31**

APPRAISALS

Generally, **2:4**

Fees, **2:18**

ASSIGNMENTS

Generally, **2:5**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

BALLOON LOANS OR PAYMENTS

Generally, **2:2**

Predatory lending, **2:28**

BROKERS

Advance fees, **2:18**

Disclosures

Generally, **2:7**

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

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

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

Licensing, **2:24**

Mortgage lenders, **2:7**

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

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

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

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

Record retention, **2:31**

BROKERS—Cont'd

 Servicing practices, **2:35**

CALL PROVISIONS

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

CHANGE

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

CHARGES

 See Fees and Charges

CLASS ACTIONS

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

CLOSING

 Disclosures, **2:13**

 Document preparation, **2:15**

 Fees and charges, **2:18**

 Insurance, **2:22**

 Marital rights, **2:26**

 Plain English, **2:27**

 Practices, **2:9**

 Prohibited loan terms, **2:30**

 Security instruments, **2:34**

 Signature requirements, **2:26**

 Usury, **2:39**

 Wet Settlement Act, **2:40**

COMMITMENTS

 Generally, **2:10**

COMMUNITY PROPERTY

 Marital rights, **2:26**

 Ownership of property, **1:2**

COMPLAINTS

 Recort retention, **2:31**

CONSULTANTS

 Mortgage foreclosure consultants, **2:41**

CONSUMER PROTECTION

 See also Notices

 Balloon loans

 Generally, **2:2**

 Predatory lending, **2:28**

 Deceptive practices, **2:11**

 Deficiency judgments, **2:12**

 Disclosures

 Generally, **2:7**

 Applications, **2:3**

 Discrimination, **2:14**

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

 Hazard insurance, **2:22**

 Late charges, **2:23**

 Overview, **2:13**

 Private mortgage insurance, **2:22**

 Servicing transfers, **2:37**

 Discrimination, generally, **2:14**

CONSUMER PROTECTION—Cont'd

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

CONTROL

- Change, **2:8**

COVENANT OF GOOD FAITH AND FAIR DEALING

- Consumer protection, **2:11**

COVERED LOANS

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

CREDIT INSURANCE

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

CREDIT SCORE

- Applications, **2:3**

DAMAGES

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

DEEDS OF TRUST

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

DEFICIENCY JUDGMENTS

- See Foreclosures

DEFINITIONS

- See Words and Phrases

DEPARTMENT OF BUSINESS OVERSIGHT (DBO)

- See Regulatory Authorities

DEPARTMENT OF REAL ESTATE (DRE)

- See Regulatory Authorities

DISCLOSURES

- See also Consumer Protection

DISCLOSURES—Cont'd

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

DISCRIMINATION

- Generally, **2:14**

DOCUMENTS

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

DOMESTIC PARTNERS

- Signature requirements, **2:26**

DUE-ON-SALE CLAUSES

- Generally, **2:16**

EDUCATION AND TESTING

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

ELECTRONIC SERVICE

- Insurance, **2:22**

ENDORSEMENT

- License application, **5:3**

FAIR EMPLOYMENT HOUSING ACT

- Generally, **2:14**

FAIR LENDING NOTICE

- Form, **5:4**

FEES AND CHARGES

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

FEES AND CHARGES—Cont'd

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

FIDUCIARY DUTIES

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

FINANCE LENDERS LAW

- Generally, **1:2**

FORECLOSURES

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

FORMS

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

FRAUD AND FALSE STATEMENTS

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

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

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

HAZARD DISCLOSURE STATEMENT

- Generally, **2:41**

HIGHER-PRICED MORTGAGE LOAN

- Definition, **2:28**

HOLDEN ACT

- Generally, **2:14**

HOMEOWNERS BILL OF RIGHTS

Procedural protections, **1:2**

HOME OWNERSHIP EQUITY PROTECTION ACT

Predatory lending laws, **2:28**

HOMESTEAD

Exemption, **2:21**

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

IDENTIFIABLE BENEFIT TO BORROWER

Predatory lending laws, **2:28**

INSURANCE

Binders, **2:22**

Electronic service, **2:22**

Escrow accounts, **2:17**

Hazard insurance, **2:22**

Private mortgage insurance, **2:22**

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

Servicing transfers, **2:37**

Tie-ins, **2:36**

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

INTEREST

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

Balloon loans, **2:2**

Default, **3:10**

Escrow accounts, **2:17**

Late charges, **2:23**

Lock-ins, **2:25**

Negative amortization, **3:10**

Predatory lending law, **2:28**

Prepayment penalties, **2:29**

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

Usury, generally, **2:39**

INTERNET

See also Websites

Advertising, **2:1**

Regulatory information sources, **4:1**

LANGUAGES

Notice of default, **2:19**

Plain English, **2:27**

LATE CHARGES

Generally, **2:23**

LEGISLATION

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

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

Civil Code

Generally, **1:1**

Alternative mortgage transactions, **2:2**

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

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

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

Finance Lenders Law, **1:2**

LEGISLATION—Cont'd

- Garn-St Germain Depository Institutions Act
 - Due-on-sale clauses, **2:16**
 - Usury, **2:39**
- Holden Act, **2:14**
- Home Mortgage Disclosure Act, **2:14**
- Home Ownership Equity Protection Act (HOEPA), **2:28**
- Housing Financial Discrimination Act, Fair Lending Notice, **5:4**
- Mortgage foreclosure consultants law, **2:41**
- Oakland's home lending ordinance, Supreme Court's voiding, **3:9**
- Predatory lending law, **2:28**
- Real Estate Law
 - History, **1:2**
- Regulatory information sources, **4:1, 4:2**
- Residential Mortgage Lending Act, **1:2, 2:1, 2:7, 2:24**
- Reverse Mortgage Elder Protection Act, **2:2**
- Unfair Practices Act, **2:11, 3:3**
- Wet Settlement Act, **2:40**

LICENSING

- Advisory, **5:6**
- Application
 - See Applications
- Broker licensing, generally, **2:24**
- Brokers, **2:7, 2:24**
- Commissioner of Business Oversight, NMLS information, **5:2**
- Endorsement, **5:3**
- Forms
 - Generally, **5:2, 5:3**
 - Applicant instructions, **5:1**
 - Applications, **5:1**
- Integrated disclosure rule, **2:7, 5:6**
- Mortgage lenders, **2:24**
- Mortgage loan originators, **2:7**
- NMLS
 - See Nationwide Mortgage Licensing System and Registry (NMLS)
- Real Estate Law, **2:7**
- Residential Mortgage Lending Act, **2:24**
- Revocation or suspension, **2:28**
- Salesperson licensing, generally, **2:24**
- Servicers, **2:24**

LIENS

- Future advances, **2:20**
- Homestead, **2:21**
- Marital rights, **2:21, 2:26**

LOAN MODIFICATION

- Foreclosures, **2:19**
- Servicing, **2:35**

LOAN SERVICING

- See Servicing

LOCATION

- Change, **2:8**

LOCK-INS

Interest, **2:25**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Homestead, **2:21**

Liens, **2:26**

Title insurance, **2:26**

MORTGAGE FRAUD

Consumer protection, **2:11**

MORTGAGE LENDERS

Applications, **2:3**

Brokering loans, **2:7**

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

Licensing

Generally, **2:24**

Applicant instructions, **5:1**

Applications, **5:1**

Forms, **5:1**

Loan sales

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

Nonacceptance of deed, **2:41**

Servicing practices, **2:35**

MORTGAGE LOAN ORIGINATORS

Application practices, **2:3**

Brokers, **2:7**

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

Disclosures, **2:13**

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

Fees and charges, **2:18**

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

NMLS form, **5:2**

Tie-ins, **2:36**

NAME

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

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Advertisements, **2:1**

Brokers, **2:7**

Disclosures, **2:7**

Licensing, generally, **2:24**

Overview, **1:2**

Website, **4:2**

NOTICES

Assignments, **2:5**

Escrow accounts, **2:17**

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

Foreclosures, **2:19**

Private mortgage insurance, **2:22**

OAKLAND

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

ONE FORM OF ACTION RULE

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

PAYOFF

- Generally, **2:33**

PENALTIES

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

PREDATORY LENDING LAW

- Generally, **2:28**

PREPAYMENT PENALTIES

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

PROCESSING

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

REAL ESTATE BROKERS

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

REAL ESTATE CORPORATION

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

REAL ESTATE LAW

- See Legislation

REAL ESTATE SALESPERSON

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

RECOMMENDATIONS

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

RECORDING

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

RECORD RETENTION

- Generally, **2:31**

REFERRAL FEES

- Generally, **2:32**

REFINANCING

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

REGISTRATION

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

REGULATORY AUTHORITIES

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

REGULATORY AUTHORITIES—Cont'd

Department of Business Oversight (DBO)—Cont'd

- Applicant instructions, **5:1**
- Application forms, **5:1**
- Change of control, location, management, or name, **2:8**
- Contact information, **4:1**
- Disclosures for nontraditional mortgage and adjustable rate mortgage products, **2:13**
- Fee disclosures, **2:13**
- Formerly Department of Corporations, **1:2**
- Historical background, **1:2**
- Licensing, **2:24**
- Nationwide Mortgage Licensing System and Registry (NMLS), **2:24**

Department of Real Estate (DRE)

- Advertisements, **2:1**
- Contact information, **4:1**
- Endorsement of license applicant, **5:3**
- Formerly Department of Real Estate, **1:2**
- Historical background, **1:2**
- Licensing, **2:24**
- Mortgage loan originator, endorsement, **5:3**
- NMLS forms, **5:3**
- Real estate corporation, endorsement, **5:3**
- Real estate salesperson, endorsement, **5:3**
- Record retention, **2:31**

NMLS

- See Nationwide Mortgage Licensing System and Registry (NMLS)

Websites

- NMLS, **4:2**

RELEASE

- Generally, **2:33**

RENEWAL

- License of broker, **2:24**

REPAYMENT ABILITY

- Predatory lending, **2:28**

RESIDENTIAL MORTGAGE LENDING ACT

- See Legislation

REVERSE MORTGAGE LOAN

- Definition, **2:2**
- Disclosures, **2:13**
- Interest
 - See Interest
- Marketing, **3:8**

REVOCAATION OR SUSPENSION

- Predatory lending, **2:28**

RULES AND REGULATIONS

- See also Regulatory Authorities
- California Code of Regulations, **1:1, 1:2**

SECURITY INSTRUMENTS

- See also Documents
- Generally, **2:34**

SECURITY INSTRUMENTS—Cont'd

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

SERVICING

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

SIGNATURE REQUIREMENTS

- Generally, **2:26**

STANDING TO FORECLOSE

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

STEERING

- Predatory lending, **2:28**

TIE-INS

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

TRANSFERS

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

TRUSTEES

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

UNFAIR PRACTICES ACT

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

USURY

- Generally, **2:39**

WAIVER

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

WEBSITES

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

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Advance fees, **2:18**

Appraisal management company, **2:4**

Beneficiary statement, **2:35**

Designated officer, **2:24**

Fair Lending Notice, **2:14**

Lender, **2:24**

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

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

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

Mortgage servicer, **2:24**

Real estate broker, **2:24**

Real estate salesperson, **2:24**

Residential mortgage loan, **2:24**

Reverse mortgage, **2:2**

Salesperson, **2:24**

Threshold broker, **2:7**

Index

ADVERTISEMENTS

False advertising, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

APPLICATIONS

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

Discrimination, **2:14**

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

Licensing

NMLS, **2:24**

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

Mortgage servicer, **5:2**

Practices, **2:3**

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

APPRAISALS

Generally, **2:4**

ASSIGNMENTS

Recording, **2:5**

Servicing rights, **2:37**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

ATTORNEYS

Document preparation, **2:15**

BRANCH MANAGERS

Duties, **2:7**

BROKERS

See Mortgage Brokers

CHANGE

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

NMLS information, **2:8**

CHARGES

See Fees and Charges

CLOSING

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

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

Insurance, **2:22**

Marital rights, **2:26**

Plain English, **2:27**

Practices, **2:9**

Prohibited loan terms, **2:30**

Security instruments, **2:34**

Signature requirements, **2:26**

CLOSING—Cont'd

Usury, **2:39**

Wet Settlement Act, **2:40**

CONDOMINIUM ASSOCIATION

General overview, **1:2**

Priority lien, **2:41**

CONDUCT

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

CONSUMER PROTECTION

Generally, **2:11**

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

Department of Commerce and Consumer Affairs

See Regulatory Authorities

Disclosures, **2:13**

Discrimination, generally, **2:14**

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

Equal Credit Opportunity Act

See Legislation

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

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

False advertising, **2:1**

Mortgage servicers, **2:35**

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

Predatory loan laws, **2:28**

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

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

CONTINUING EDUCATION

Licensing, **2:24**

CONTRIBUTIONS

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

CONTROL

Change, **2:8**

CONVERSION

Judicial foreclosure, **2:19**

COPY OF LOAN APPLICATION

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

DAMAGES

Discrimination, **2:14**

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

DEBTS

Marital rights, **2:26**

DEEDS OF TRUST

Trustees, **2:38**

DEFAULT

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

DEFICIENCY JUDGMENTS

See Foreclosures

HAWAII INDEX

DEFINITIONS

See Words and Phrases

DISCLOSURES

Generally, **2:13**

Insurance, **2:22**

DISCRIMINATION

See Consumer Protection

DISMISSAL OF CLAIMS

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

DOCUMENTS

Commitments, **2:10**

Plain English, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Record retention, **2:31**

Signature requirements

Generally, **2:26**

DUE-ON-SALE CLAUSES

Generally, **2:16**

EDUCATION AND TESTING

Licensing, **2:24**

ENRIQUEZ V. COUNTRYWIDE HOME LOANS

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

EQUAL CREDIT OPPORTUNITY ACT

See Legislation

ESCROWS

Mortgage brokers, **2:17**

EXEMPTIONS

Homestead, **2:21**

EXTREME AND OUTRAGEOUS CONDUCT

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

FAIR CREDIT EXTENSION ACT

Generally, **2:14**

FAIR DEBT COLLECTION ACT

Generally, **2:35**

FEES AND CHARGES

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

Insurance, **2:22**

Late charges, **2:23**

License applications, **2:24**

Mortgage loan originators, **2:24**

Prepayment penalties, **2:29**

Referral fees, **2:32**

FIDUCIARY DUTY

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

FORECLOSURE DISPUTE RESOLUTION PROGRAM

Overview, **1:2**

FORECLOSURES

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

FORMS

- License applications
 - Hawaii exempt sponsoring mortgage loan originator company, **5:1**
 - Mortgage loan originator, **5:1**
 - Mortgage servicer, **5:2**
 - Sole proprietor mortgage originator, **5:1**

FRAUD OR FALSE STATEMENTS

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

FREQUENTLY ASKED QUESTIONS

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

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

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

HAWAII SAFE ACT

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

HOMESTEAD

- Exemption, **2:21**

INFLECTION OF EMOTIONAL DISTRESS

- Foreclosure proceedings, **3:4**

INSURANCE

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

INTEREST

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

LATE CHARGES

- Generally, **2:23**

LEGISLATION

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

LICENSING

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

LICENSING—Cont'd

- Mortgage brokers, **2:7**
- Mortgage loan originator company defined, **2:24**
- Mortgage loan originators, **2:24**
- Mortgage originator companies, **2:7**
- Mortgage servicers, **2:35**
- NMLS
 - See Nationwide Mortgage Licensing System and Registry (NMLS)
- Revocation
 - Escrows, **2:17**
 - Misrepresentations, **2:11**
- Unlicensed broker, loan enforceable where lender is licensed but broker is not, **3:2**

LIENS

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

LIMITATION OF ACTIONS

- Discrimination claims, **2:14**

LOAN ORIGINATORS

- See Mortgage Loan Originators

LOAN SERVICING

- See Mortgage Servicers

LOCATION

- Change, **2:8**

LOCK-INS

- Interest, **2:25**

LOSS MITIGATION

- Foreclosure, **2:19**

MANAGEMENT

- Change, **2:8**

MARITAL RIGHTS

- Generally, **2:26**

MARITAL STATUS

- Discrimination, **2:14**

MORTGAGE BROKERS

- Application practices, **2:3**
- Commitments, **2:10**
- Definition, **2:24**
- Escrows, **2:17**
- Licensing
 - Generally, **1:2, 2:24**
 - Fees, **2:18**
 - Loan enforceable where lender is licensed but broker is not, **3:2**
 - Table-funding mortgage broker not licensed, void mortgage, **3:1**
- Mortgage loan recovery fund, **2:7**
- Nationwide Mortgage Licensing System and Registry (NMLS), **2:7**
- Referral fees, **2:32**
- Registration, **1:2**
- Table-funding mortgage broker not licensed, void mortgage, **3:1**
- Unlicensed broker, loan enforceable where lender is licensed but broker is not, **3:2**

MORTGAGE LENDERS

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

MORTGAGE LOAN ORIGINATOR COMPANY

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

MORTGAGE LOAN ORIGINATORS

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

MORTGAGE SERVICER COMPANIES

- Licensing, **2:24**

MORTGAGE SERVICERS

- Generally, **2:24**
- Assignments of mortgage, **2:5**
- Commissioner of Financial Institutions, licensing mortgage servicer, **2:35**
- Communication from borrower to nonservicer, **2:35**
- Due-on-sale clauses, **2:16**
- Escrows, **2:17**
- Exemptions, **2:24**
- Fair Debt Collection Act, **2:35**
- FAQs, **5:3**
- Licensing
 - Generally, **2:24, 2:35**
 - Application, **5:2**
 - Hawaii exempt sponsoring mortgage loan originator company, **5:1**
- Notice requirements of servicing transfers, **2:37**
- Payoff, **2:33**
- Record retention, **2:31**
- Registration, **1:2**
- Releases, **2:33**
- Transfers, **2:37**

NAME

Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Generally, **1:2**

Licensing, **2:24**

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

Mortgage brokers, **2:7**

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

Mortgage loan originators, **2:7**

Registration, **1:2**

Resource Center, **4:2**

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

Updating information, **2:8**

NONTRADITIONAL MORTGAGE PRODUCTS

Adoption of guidance, **2:2**

NOTICES

Foreclosure requirements, **2:19**

Servicing transfers, **2:37**

PAYOFF

Generally, **2:33**

PENALTIES

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

Prepayment penalty, **2:29**

Revocation of license

See Licensing

PLAIN ENGLISH

Documents, **2:27**

PREDATORY LOAN LAWS

Generally, **2:28**

PREPAYMENT PENALTY

Generally, **2:29**

PRIORITY

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

Future advances, **2:20**

PROCESSING

Appraisals, **2:4**

Discrimination, **2:14**

Marital rights, **2:26**

Signature requirements, **2:26**

REAL ESTATE SETTLEMENT PROCEDURES ACT

See Legislation

RECORDING

Assignments, **2:5**

RECORD RETENTION

Generally, **2:31**

REFERRAL FEES

Generally, **2:32**

REFINANCING

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

REGISTRATION

Mortgage brokers, **1:2**

Mortgage lenders, **1:2**

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

REGULATORY AUTHORITIES

Commissioner of Financial Institutions

Application practices, **2:3**

Closing practices, **2:9**

Licensing, **2:7**

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

Mortgage servicer licensing, **2:35**

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

Department of Commerce and Consumer Affairs

Consumer complaint webpage, **2:11**

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

Contact information, **4:1**

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

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

Foreclosure, **2:19**

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

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

Division of Financial Institutions

Generally, **1:2**

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

Contact information, **4:1**

Licensing, **2:24**

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

REGULATORY INFORMATION SOURCES

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

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

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

RELEASE

Generally, **2:33**

REVOCAION OR SUSPENSION OF LICENSE

See Licensing

SECURITY INSTRUMENTS

Generally, **2:34**

SETTLEMENT

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

SIGNATURES

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

Processing, **2:26**

SOLICITATION

Insurance, solicitation by mortgage lender, **2:22**

Referral fees, **2:32**

STATUTE OF LIMITATIONS

Discrimination claims, **2:14**

TABLE-FUNDING

Unlicensed mortgage broker, **3:1**

TIE-INS

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

TRANSFERS

Assignment

Recording, **2:5**

Servicing rights, **2:37**

Assumption of mortgage, **2:6**

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

Notices, **2:37**

Servicing, **2:37**

TRUST DEEDS

See Deeds of Trust

TRUSTEES

Eligibility, **2:38**

UNIFORM DECEPTIVE TRADE PRACTICES ACT

Generally, **2:1**

USURY

Generally, **2:39**

WEBSITES

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

Department of Consumer Affairs consumer complaint webpage, **2:11**

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

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

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

Exempt sponsoring mortgage loan originator company, **2:24**

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

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

Neutral, **2:19**

Index

ADVERTISEMENTS

Generally, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

ANNUAL STATEMENTS

Escrow account, **2:17**

APPLICATIONS

Disclosures, **2:13**

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

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

Mortgage lenders, **2:3**

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

APPRAISALS

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

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

ASSIGNMENTS

Generally, **2:5**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

ATTORNEYS

Document preparation, **2:15**

BRANCH OFFICES

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

CHANGE

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

CHARGES

See Fees and Charges

CLOSING

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

Insurance, **2:22**

Marital rights, **2:26**

Plain English, **2:27**

Practices, **2:9**

Prohibited loan terms, **2:30**

Security instruments, **2:34**

Signature requirements, **2:26**

Usury, **2:39**

Wet Settlement Act, **2:40**

COMMITMENTS

Generally, **2:10**

COMMUNITY PROPERTY

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

CONSUMER FINANCE DIVISION

- See Regulatory Authorities

CONSUMER PROTECTION

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

CONSUMER PROTECTION ACT

- See Legislation

CONTINUING PROFESSIONAL EDUCATION

- Record retention, **2:31**

CONTROL

- Change, **2:8**

CONTROL PERSON

- Definition, **2:8**

DECEPTIVE PRACTICES

- Advertising, **2:1**

DEEDS OF TRUST

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

DEFICIENCY JUDGMENTS

- See Foreclosures

DEFINITIONS

- See Words and Phrases

DEPARTMENT OF FINANCE

See Regulatory Authorities

DEPARTMENT OF INSURANCE

See Regulatory Authorities

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

Usury, **2:39**

DIRECTOR OF CONSUMER FINANCE

See Regulatory Authorities

DISCLOSURES

Generally, **2:13**

Escrows, **2:17**

Lock-ins, **2:25**

Prepayment penalties, **2:29**

Private mortgage insurance, **2:22**

DISCRIMINATION

Generally, **2:14**

DOCUMENTS

Commitments, **2:10**

Deed of trust

See Deeds of Trust

Homestead exemption, **2:21**

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

Marital rights, **2:26**

Plain English, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Record retention, **2:31**

Releases, **2:33**

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

Signature requirements, **2:26**

DUE-ON-SALE CLAUSES

Generally, **2:16**

EMOTIONAL DISTRESS

Title insurance payoff, **3:3**

EQUAL CREDIT OPPORTUNITY ACT

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

ESCROWS

Closing practices, **2:9**

Disclosure, **2:17**

Servicing

See Servicing

EXPERIENCE

Licensing requirements, **2:24**

FALSE STATEMENTS

Advertising, **2:1**

FEEES AND CHARGES

Generally, **2:18**

Late charges, **2:23**

License application, **2:24**

FEES AND CHARGES—Cont'd

- Prepayment penalties, **2:29**
- Referral fees, **2:32**
- Servicing, insurance, **2:22**

FINANCIAL RESPONSIBILITY/FITNESS

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

FORECLOSURES

- Generally, **2:19**
- Deficiency judgments, **2:12, 3:1**
- Fair market value, **3:1**
- Loan modification, **2:19**
- Power of sale
 - Deficiency judgments, **2:12**
- Reasonable value, **3:1**
- Trustees, **2:38**

FORMS

- Generally, **5:1 et seq.**
- License applications
 - Mortgage brokers, **5:2**
 - Mortgage lenders, **5:2**
- Lock-ins, **2:25**

FRAUD OR FALSE STATEMENTS

- False advertising, **2:1**

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

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

HOMESTEAD

- Generally, **2:21**
- Marital rights, generally, **2:26**

IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

- Generally, **1:2**

IMPROVED REAL PROPERTY

- Deeds of trust, **2:34**

INSURANCE

- Disclosures, **2:13**
- Private mortgage insurance, **2:22**
- Tie-ins, **2:36**
- Title insurance payoff, intentional infliction of emotional distress, **3:3**

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

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

INTEREST

- Alternative mortgage transactions, **2:2**
- Garn-St Germain Depository Institutions Act
 - Alternative mortgage transactions, **2:2**
- Usury, **2:39**
- Late charges, **2:23**
- Lock-ins, **2:25**

INTEREST—Cont'd

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

INTERNET

- See Websites

LATE CHARGES

- Generally, **2:23**

LEGISLATION

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

LICENSING

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

LIENS

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

LIENS—Cont'd

Marital rights, **2:26**

LOAN BROKER

Definition, **2:7**

LOAN BROKER ACT

Brokering loans, **2:7**

LOAN MODIFICATION

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

Fees and charges, **2:18**

Licensing, **2:24**

Mortgage brokers, **2:7**

LOAN ORIGINATORS

See Mortgage Loan Originators

LOAN SERVICING

See Servicing

LOCATION

Change, **2:8**

LOCK-INS

Interest, generally, **2:25**

LOSS MITIGATION PROGRAMS

Foreclosures, **2:19**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MORTGAGE ASSISTANCE RELIEF SERVICES

Foreclosure, **2:19**

MORTGAGE BROKERS

Generally, **2:7**

Application, **5:1**

Definitions, **2:7**

Fees and charges, **2:18**

Insurance, **2:22**

Licensing, **2:24**

Residential Mortgage Practices Act

See Legislation

MORTGAGE COMPANY ACT

See Legislation

MORTGAGE LENDERS

Application

Form, **5:1**

Practices, **2:3**

Definition, **2:24**

Fees and charges, **2:18**

Insurance, **2:22**

Licensing, **2:24**

Referral fees, **2:32**

MORTGAGE LENDERS—Cont'd

Residential Mortgage Practices Act
See Legislation

MORTGAGE LOAN ORIGINATORS

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

MORTGAGE PRACTICES ACT

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

MORTGAGE RECOVERY FUND

Licensing, **2:24**

MULTIPLE LEGAL PARCELS

Homestead, **2:21**

NAME

Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

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

NONTRADITIONAL MORTGAGES

Recommended practices, **2:2**

NOTICES

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

ORIGINATORS

See Mortgage Loan Originators

PAYOFF

Generally, **2:33**

PENALTIES

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

PLAIN ENGLISH

Documents, **2:27**

POWER OF SALE

See Foreclosures

PREDATORY LOAN LAWS

Generally, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

PRESUMPTIONS

Community property, **2:41**

PROCESSING

Appraisals, **2:4**

Discrimination, **2:14**

Marital rights, **2:26**

Signature requirements

Marital rights, **2:26**

REAL ESTATE APPRAISER BOARD

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

RECONVEYANCE

Tender of payment, **3:2**

RECORDING

Assignments, **2:5**

Future advances, **2:20**

Releases, **2:33**

RECORD RETENTION

Generally, **2:31**

REFERRAL FEES

Generally, **2:32**

REGISTRATION

Application, **5:1**

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

REGULATORY AUTHORITIES

Consumer Finance Bureau

Contact information, **4:1**

Department of Finance

Generally, **1:2**

Contact information, **4:1**

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

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

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

Licensing, **2:24**

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

Mortgage brokers, **2:7**

Nontraditional mortgages guidance, **2:2**

Notification of changes, **2:8**

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

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

Director of Consumer Finance

Notification of changes, **2:8**

Predatory lending provisions, **2:28**

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

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

IDAHO INDEX

RELEASE

Generally, **2:33**

RESIDENTIAL MORTGAGE PRACTICES ACT

See Legislation

RULES

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

RULES AND REGULATIONS

See also Regulatory Authorities

SECURITY INSTRUMENTS

Generally, **2:34**

SERVICING

Assignments of mortgage, **2:5**

Disclosures, **2:13**

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

Escrows

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

Insurance, **2:22**

Notice of transfer, **2:37**

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

Practices, **2:35**

Record retention, **2:31**

Releases, **2:33**

Transfers, **2:37**

SHORT SALES

Joint departmental guidance, **5:7**

SIGNATURE REQUIREMENTS

See Processing

TITLE INSURANCE

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

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

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

Servicing, **2:37**

TRUSTEES

Eligibility, **2:38**

TRUTH IN LENDING ACT

Disclosures required, **2:13**

USURY

Generally, **2:39**

WEBSITES

Consumer Finance Bureau, **4:1**

Department of Finance, **4:1**

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

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Collected funds, **2:40**

WORDS AND PHRASES—Cont'd

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

Index

ADVERTISEMENTS

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

ALTERNATIVE MORTGAGE TRANSACTIONS

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

APPLICATIONS

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

APPRAISALS

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

ASSIGNMENTS

- See Transfers

ASSUMPTION OF MORTGAGE

- Generally, **2:6**

BANKING AND FINANCIAL INSTITUTIONS DIVISION

- See Regulatory Authorities

BROKERS

- See Mortgage Brokers

CHANGE

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

CHARGES

- See Fees and Charges

CLOSING

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

CLOSING—Cont'd

Usury, **2:39**

Wet settlement funds, **2:40**

COMMISSIONER OF BANKING AND FINANCIAL INSTITUTIONS

See Regulatory Authorities

COMMITMENTS

Generally, **2:10**

CONSUMER PROTECTION

Consumer Protection Act, **2:11**

Credit reports

Generally, **2:41**

Collection of fee, **2:18**

Deceptive practices, **2:11**

Disclosures

Generally, **2:13**

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

Application practices, **2:3**

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

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

Discrimination, generally, **2:14**

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

False advertising, **2:1**

Fraud or false statements

See Fraud or False Statements

Homestead, disclosures, **2:13**

Homestead declaration, **2:21**

Insurance

Generally, **2:22**

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

Tie-ins, **2:36**

Predatory loan laws, **2:28**

Unfair competition, **2:11**

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

CONTROL

Change, **2:8**

COUNSELING

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

CREDIT REPORTS

See Consumer Protection

DEEDS OF TRUST

Document preparation, **2:15**

Foreclosure, **2:19**

Security instruments, **2:34**

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

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

Trustees, **2:38**

DEFICIENCY JUDGMENTS

See Foreclosures

DEFINITIONS

See Words and Phrases

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

Generally, **2:39**

DISCLOSURES

See Consumer Protection

DISCRIMINATION

Generally, **2:14**

DOCUMENTS

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

Bona Fide Not-for-Profit “BNFP” Certification, **5:4**

Commitments, **2:10**

Deeds of trust

See Deeds of Trust

Escrow accounts, **2:17**

Homesteads

See Homestead

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

Plain English, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Security instrument, **2:34**

DUE-ON-SALE CLAUSES

Generally, **2:16**

EDUCATION AND TESTING

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

EQUAL CREDIT OPPORTUNITY ACT

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

ESCROWS

Generally, see Mortgage Servicing

EXAMINATION

Licensing requirement, **2:24**

Questionnaires, **1:2**

EXEMPTIONS

Generally, **2:24**

FAIR CREDIT REPORTING ACT

Generally, **2:41**

FEES AND CHARGES

Generally, **2:18**

Late charges, **2:23**

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

Licensing, **2:24**

Lock-ins, **2:25**

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

Prepayment penalties, **2:29**

Referral fees, **2:32**

FIDUCIARY DUTY

Mortgage lender, **3:3**

FINANCIAL INSTITUTIONS, DIVISION OF BANKING AND

See Regulatory Authorities

FORECLOSURES

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

FORMS

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

FRAUD OR FALSE STATEMENTS

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

FUTURE ADVANCES

- Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

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

HOMESTEAD

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

IMPROVEMENTS TO REAL PROPERTY

- Insurance, **2:22**

INDEPENDENT CONTRACTORS

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

INSURANCE

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

INTEREST

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

INTEREST—Cont'd

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

INTERNET

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

LATE CHARGES

- Generally, **2:23**

LEGISLATION

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

LEGISLATION—Cont'd

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

Wet Settlement Act, **2:40**

LENDERS

See Mortgage Lenders

LETTER OF CREDIT

Licensing, **5:2**

LICENSING

Generally, **2:24**

Application, form, **5:1**

Continuing education requirement, **5:2**

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

Letter of credit, **5:2**

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

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

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

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

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

Mortgage servicers, **2:24**

Net worth, **2:24**

NMLS

See Nationwide Mortgage Licensing System and Registry (NMLS)

Overview, **1:2**

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

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

Surety bond, **2:24**

Table funding, **5:2**

Transfer, **5:2**

LIENS

Future advances, **2:20**

Homestead

See Homestead

Marital rights, **2:26**

LOAN MODIFICATION SERVICE

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

LOAN ORIGINATORS

See Mortgage Loan Originators

LOAN SERVICING

See Mortgage Servicing

LOCATION

Change, **2:8**

LOCK-INS

Generally, **2:25**

Rate lock fees, **2:18**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MORTGAGE BROKERS

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

MORTGAGE COMPANY

- Licensing, **5:1**

MORTGAGE LENDERS

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

MORTGAGE LOAN ORIGINATORS

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

MORTGAGE SERVICING

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

MORTGAGE SERVICING—Cont'd

- Record retention, **2:31**
- Releases, **2:33**
- Surety bond, **2:24**
- Transfers, **2:37**

NAME

- Advertisements, licensee's name and number to appear on, **2:1**
- Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

- Education and testing, **2:24**
- Exempt company application, **5:1**
- Fees, **2:24**
- Independent contractor licensing, **5:1**
- Licensing, generally, **2:24**
- Mortgage company licensing, **5:1**
- Mortgage loan originator licensing, **5:1**
- Mortgage servicer licensing, **5:1**
- Reporting change of control, location, management, and name, **2:8**
- Resource Center, **4:2**
- Website, **4:2**

NET WORTH

- Generally, **2:24**

NMLS

- See Nationwide Mortgage Licensing System and Registry (NMLS)

NOTICE

- Insurance, **2:22**

ORIGINATORS

- See Mortgage Loan Originators

PAYOFF

- Generally, **2:33**

PENALTIES

- Prepayment penalties, **2:29**

PLAIN LANGUAGE IN CONTRACT ACT

- Generally, **2:27**

PREDATORY LOAN LAWS

- Generally, **2:28**

PREPAYMENT PENALTIES

- Generally, **2:29**

PROCESSING

- Appraisals, **2:4**
- Discrimination, **2:14**
- Marital rights, **2:26**
- Signature requirements, **2:26**

RATE-LOCK FEES

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

REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)

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

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

- Escrows, **2:17**
- Licensing, **2:24**
- Servicing practices, **2:35**

RECORDING

- Assignments, **2:5**
- Recordkeeping requirements, **2:31**
- Releases, **2:33**

RECORD RETENTION

- Generally, **2:31**

REFERRAL FEES

- Generally, **2:32**

REGULATORY AUTHORITIES

- Department of Administration
 - Generally, **4:1**
 - Contact information, **4:1**
 - Mortgage servicing, **2:35**
- Division of Banking and Financial Institutions
 - Generally, **1:2**
 - Approval of change of control, location, management or name, **2:8**
 - Brokering mortgage loans, **2:7**
 - Contact information, **4:1**
 - Licensing, **2:24**
 - Notification of change of control, location, management or name, **2:8**
 - Predatory loan laws, **2:28**

REGULATORY INFORMATION SOURCES

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

RELEASE

- Generally, **2:33**

RENEWAL

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

RESPA

- See Real Estate Settlement Procedures Act (RESPA)

REVOCACTION OR SUSPENSION

- License, **5:2**

RULES AND REGULATIONS

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

SECURED PARTIES

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

SIGNATURE REQUIREMENTS

- Generally, **2:26**

SINGLE-FAMILY RESIDENCE

- Deeds of trust, **3:2**

SMALL TRACT FINANCING ACT

- See Legislation

SURETY BOND

- Generally, **2:24**

SURETY BOND—Cont'd

Mortgage brokers, **2:24**

Mortgage lenders, **2:24**

SURRENDER

License, **5:2**

TABLE FUNDING

Licensing, **5:2**

TEMPORARY LICENSE

Application, **5:2**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

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

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

Mortgage servicing, **2:37**

Releases, **2:33**

TRUST DEEDS

See Deeds of Trust

TRUSTEES

Generally, **2:38**

TRUST INDENTURE

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

UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION ACT

Generally, **2:11**

USURY

See Interest

WEBSITES

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

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

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Advertising, **2:1**

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

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

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

Loan commitment, **2:10**

Material change, **5:2**

Mortgage broker, **2:7**

Mortgage lender, **2:24**

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

Mortgage servicer, **2:24**

Table funding, **5:2**

Unsolicited advertisement, **2:1**

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

Index

ADVANCE FEES

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

ADVANCE PAYMENTS

Disclosures, **2:13**

ADVERTISEMENTS

False advertising, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

APPLICATIONS

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

APPRAISAL MANAGEMENT COMPANY

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

APPRAISALS

Generally, **2:4**

ASSIGNMENTS

Generally, **2:5**

ASSUMPTION OF MORTGAGE

Fee, **2:6**

BANKS

See Mortgage Bankers

BROKERS

See Mortgage Brokers

CANCELLATION

Private mortgage insurance, **2:22**

CERTIFICATE OF EXEMPTION

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

CHANGE

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

CHARGES

See Fees and Charges

CLOSING

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

CLOSING—Cont'd

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

COMMITMENTS

- Generally, **2:10**

COMMUNITY PROPERTY

- Generally, **1:2**

CONSUMER PROTECTION

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

CONTACT INFORMATION

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

CONTROL

- Change, **2:8**

DAMAGES

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

DECEPTIVE TRADE PRACTICES ACT

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

DEEDS OF TRUST

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

DEFICIENCY JUDGMENTS

- Generally, **2:12**

DEFINITIONS

- See Words and Phrases

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

- Generally, **2:39**

DISCLOSURES

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

DISCRIMINATION

- Generally, **2:14**

DOCUMENTS

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

DUE-ON-SALE CLAUSES

- Generally, **2:16**

EDUCATION AND TESTING

- Licensing, **2:24**

ELECTRONIC RECORDING

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

EMPLOYEE

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

EQUAL CREDIT OPPORTUNITY ACT

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

ESCROWS

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

EXTINGUISHMENT OF FIRST MORTGAGE

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

FAQS

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

FEEES AND CHARGES

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

FEES AND CHARGES—Cont'd

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

FINANCIAL STATEMENTS

- Licensing, **2:24**

FORECLOSURE CONSULTANT

- Licensing, **2:19**

FORECLOSURES

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

FOREIGN BANKS

- Trustees, **2:38**

FORMS

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

FRAUD OR FALSE STATEMENTS

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

FUTURE ADVANCES

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

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

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

HOMEOWNERS ASSOCIATION

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

HOMESTEAD

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

IMPOUND ACCOUNTS

- See Escrows

INDUSTRIAL LOAN COMPANIES

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

INSIDER LOANS

- Restrictions, **2:41**

INSURANCE

- Escrow accounts, **2:17**

INSURANCE—Cont'd

- Lenders
 - See Mortgage Bankers
- Private mortgage insurance, **2:22**
- Servicers
 - See Mortgage Servicers
- Tie-ins, **2:36**
- Title, secondary market transactions, **2:41**

INTEREST

- Alternative mortgage transactions, **2:2**
- Assumption fees, **2:6**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Garn-St Germain Depository Institutions Act
 - Alternative mortgage transactions, **2:2**
 - Usury, **2:39**
- Late charges, **2:23**
- Lock-ins, **2:25**
- Predatory lending laws, **2:28**
- Usury, generally, **2:39**

INTERNET

- See also Websites

INVESTORS

- See Secondary Market Transactions

LATE CHARGES

- Generally, **2:23**

LEGISLATION

- Alternative Mortgage Transaction Parity Act, **2:2**
- Deceptive Trade Practices Act, **2:1, 2:11**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Equal credit opportunity
 - See Equal Credit Opportunity Act
- Garn-St Germain Depository Institutions Act
 - See Garn-St Germain Depository Institutions Act
- Mortgage Bankers Act
 - See Mortgage Bankers Act
- Mortgage Brokers Act
 - See Mortgage Brokers and Mortgage Agents Act
- Mortgage Companies Act
 - See Mortgage Companies Act
- Predatory lending laws, **2:28**
- Secondary market transactions, **2:41**
- State SAFE Act implementation, **2:24**
- Unfair Trade Practices Act, **2:1, 2:11**
- Wet Settlement Act, **2:40**

LENDERS

- See Mortgage Bankers

LICENSING

- Generally, **2:24**
- Application, **5:1, 5:3**
- Exemptions, **2:24**
- Financial statements
 - Exemption, application for certificate of, **2:24**

LICENSING—Cont'd

Forms

See Forms

Mortgage agents

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

Form, **5:3**

Mortgage bankers

Generally, **2:24**

Form, **5:1**

Mortgage brokers

Form, **5:1**

Mortgage loan originators, **2:24**

Mortgage servicers

Application checklist, **5:2**

Registration requirement, **2:24**

NMLS

See Nationwide Licensing Mortgage System and Registry (NMLS)

Procedure, **2:24**

Record retention, **2:31**

Renewal

Certificate of exemption, **2:24**

LIENS

Document preparation, **2:15**

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

Future advances, **2:20**

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

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

Homestead, **2:26**

Marital rights, **2:26**

Priority

Future advances, **2:20**

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

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

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

LOAN MODIFICATION

Commitments, **2:10**

LOAN ORIGINATORS

See Mortgage Loan Originators

LOAN SERVICING

See Mortgage Servicers

LOCATION

Change, **2:8**

LOCK-INS

Interest, **2:25**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MORTGAGE AGENTS

Generally, **2:7**

Definition, **2:7**

MORTGAGE AGENTS—Cont'd

Disclosure, **2:13**

FAQs, **5:4**

Licensing

Generally, **2:24**

Form, **5:3**

NMLS form, **5:2**

MORTGAGE ASSISTANCE RELIEF SERVICES

See Covered Services

MORTGAGE BANKERS

Advance fees, **2:17**

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

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

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

Definition, **2:24**

FAQs, **5:4**

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

Insurance

Generally, **2:22**

Escrow handling, **2:17**

Fees and charges, **2:18**

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

Licensing

Application, form, **5:1**

Mortgage Bankers Act, **2:24**

Referral fees, **2:32**

Secondary market transactions

See also Secondary Market Transactions

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

MORTGAGE BANKERS ACT

Repeal of, **1:2**

MORTGAGE BROKERS

See also Secondary Market Transactions

Generally, **2:7**

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

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

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

Definition, **2:7**

Disclosures, **2:13**

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

FAQs, **5:4**

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

NMLS, **2:7**

Referral fees, **2:32**

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

MORTGAGE COMPANIES AND MORTGAGE LOAN ORIGINATORS ACT

Assignment of mortgage, **2:5**

Brokering mortgage loans, **2:7**

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

Licensing, **2:24**

Servicing practices, **2:24**

MORTGAGE COMPANY

Definition, **2:7**

MORTGAGE LENDING DIVISION

See Regulatory Authorities

MORTGAGE LENDING FRAUD

Crime, **1:2**

MORTGAGE LOAN ORIGINATORS

Generally, **2:7**

Disclosures, **2:13**

Fees and charges, **2:18**

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

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

Tie-ins, **2:36**

MORTGAGE SERVICERS

Generally, **1:2**

Assignments of mortgage, **2:5**

Definition, **2:24**

Disclosures, **2:13**

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

Escrows, **2:17**

Fees and charges, **2:18**

Insurance

Generally, **2:22**

Escrow payments, **2:17**

Licensing

Generally, **2:24**

Application checklist, **5:2**

Fees, **5:2**

Payoff, **2:33**

Registration, **2:24**

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

Releases, **2:33**

Servicing practices, **2:35**

Transfers, **2:37**

NAME

Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

Annual financial statements, **2:24**

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

Licensing, generally, **2:24**

Mortgage agent license, **5:3**

Mortgage banker license, **5:2**

Mortgage broker license, **5:2**

Mortgage brokers, **2:7**

Mortgage loan originators, **2:7**

Mortgage servicer license, **5:2**

Resource Center, **4:2**

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

Website, **4:2**

NONTRADITIONAL MORTGAGE PRODUCTS

Risk guidance, **2:2**

NEVADA INDEX

NOTICES

Change of address of licensed business, **2:8**
Foreclosure, **2:19**

ORIGINATORS

See Mortgage Loan Originators

PAYOFF

Generally, **2:33**

PENALTIES

Predatory lending laws, **2:28**

PERSONAL HISTORY RECORD

Form, **5:1**

PREDATORY LENDING LAWS

Generally, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

PRIORITY

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

PROCESSING

Discrimination, **2:14**
FAQs, **5:4**
Marital rights, **2:26**
Signature requirements, **2:26**

RECONVEYANCE

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

RECORDING

Assignments, **2:5**
Electronic recording, **2:41**
Future advances, **2:20**
Releases, **2:33**
Secondary market transactions, **2:41**
Social Security Numbers prohibition, **2:41**

RECORD RETENTION

Generally, **2:31**

REFERRAL FEES

Generally, **2:32**

REGISTRATION

See also Licensing
Appraisal management company, **2:4**
Mortgage servicers, **2:24**
Mortgage servicers, registration requirement, **2:24**

REGULATIONS

See Licensing; Regulatory Authorities

REGULATORY AUTHORITIES

Commissioner of Division of Mortgage Lending
Generally, **1:2**
Annual financial statements, **2:24**
Foreclosure consultants licensing, **2:19**

REGULATORY AUTHORITIES—Cont'd

Commissioner of Financial Institutions

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

Fiduciary duty, **3:1**

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

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

Division of Mortgage Lending

Generally, **1:2**

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

Advertisements, approval, **2:1**

Commissioner

Division of Mortgage Lending

See Commissioner of Division of Mortgage Lending, above

Financial Institutions

See Commissioner of Financial Institutions, above

Contact information, **4:1**

Negligence liability, **3:1**

Reports, **2:24**

Website, **1:2**

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

RELEASE

Generally, **2:33**

RENEWAL

Certificate of exemption, **2:24**

License

See Licensing

RESIDENTIAL MORTGAGE LOAN ORIGINATORS

FAQs, **5:4**

SALES OF LOANS

See Secondary market transactions

SATICOY BAY LLC V. JP MORGAN CHASE BANK

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

SECONDARY MARKET TRANSACTIONS

Mortgage Brokers Act, **2:41**

Recording requirements, **2:41**

Title insurance requirements, **2:41**

SIGNATURE REQUIREMENTS

Generally, **2:26**

SOLICITATION

Disclosure statement, **2:13**

STATUTE OF FRAUDS

Commitments, **2:10**

STATUTE OF LIMITATIONS

Predatory lending laws, **2:28**

SUPERLIEN LAW

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

SUPPLEMENTAL MORTGAGE SERVICER

Licensing, **2:24**

SURETY BOND

Licensing, form, **5:1**

TIE-INS

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

TITLE INSURANCE

Secondary market transactions, **2:41**

TRANSFERS

Assignments, **2:5**

Assumption of mortgage, **2:6**

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

Servicing, **2:37**

TRUST DEEDS

See Deeds of Trust

TRUSTEES

Eligibility, **2:38**

UNDERWRITING

FAQs, **5:4**

UNFAIR LENDING PRACTICES

Predatory loans, **2:28**

UNFAIR TRADE PRACTICES ACT

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

USURY

Generally, **2:39**

WAIVER

Homestead exemption, **2:26**

WEBSITES

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

FAQs, **5:4**

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

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

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

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

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Change of control, **2:8**

Employee, **2:7**

Fiduciary obligation, **2:7**

Home loan, **2:28**

Loan originator, **2:24**

Mortgage agent, **2:7**

Mortgage broker, **2:7**

Mortgage company, **2:7**

Mortgage servicer, **2:24**

WRITTEN STATEMENTS

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

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

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

Index

ADJUSTMENT

Security instruments, **2:34**

ADMINISTRATIVE RULES

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

ADVERTISEMENTS

False advertising, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS

Generally, **2:2**

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

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

APPLICATIONS

Escrows, **2:17**

Licensing

Generally, **2:24**

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

Mortgage loan originator, **5:2**

Mortgage loan servicer, **5:1**

Practices, **2:3**

APPRAISAL MANAGEMENT COMPANY

Defined, **2:4**

APPRAISALS

Generally, **2:4**

APPS

Advertising, **2:1**

ASSIGNMENTS

Generally, **2:5**

ASSUMPTION OF MORTGAGE

Generally, **2:6**

ATTORNEYS

Trustees, **2:38**

AVOIDANCE MEASURES

Foreclosure, **2:19**

CHANGE

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

CHARGES

See Fees and Charges

CHILD SUPPORT OBLIGATION

Discrimination, **2:14**

CLOSING

Disclosures, **2:13**

Document preparation, **2:15**

Fees and charges, **2:18**

CLOSING—Cont'd

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

CONDOMINIUM UNITS

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

CONSULTANTS

- Foreclosures, **2:19**

CONSUMER AND BUSINESS SERVICES DEPARTMENT

- See Regulatory Authorities

CONSUMER PROTECTION

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

CONTROL

- Change, **2:8**

DAMAGES

- Escrow violations, **2:17**

DEEDS OF TRUST

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

DEFICIENCY JUDGMENTS

- See Foreclosures

DEFINITIONS

- See Words and Phrases

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

- See Regulatory Authorities

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

- Generally, **2:39**

OREGON INDEX

DEPOSITS

Escrow violations, **2:17**

DISCLOSURES

Escrows, **2:17**

Overview, **2:13**

Prepayment penalties, **2:29**

DISCRIMINATION

Generally, **2:14**

DIVISION OF FINANCE AND CORPORATE SECURITIES

See Regulatory Authorities

DIVISION OF FINANCIAL REGULATION

See Regulatory Authorities

DOCUMENTS

Commitments, **2:10**

Deeds of trust

See Deeds of Trust

Licensing forms

See Forms

Notice of default, **2:19**

Plain Language Law, **2:27**

Preparation, **2:15**

Prohibited loan terms, **2:30**

Record retention, **2:31**

Security instrument, **2:34**

DUE-ON-SALE CLAUSES

Generally, **2:16**

EDUCATION AND TESTING

Mortgage loan originators, **5:2**

ELDERLY PERSONS

Homestead tax deferment, **2:21**

ELECTRONIC RECORDS

Record retention, **2:31**

EQUAL CREDIT OPPORTUNITY ACT

Appraisals, copies, **2:4**

ESCROWS

Generally, **2:17**

Penalties, **2:17**

Servicing practices, **2:35**

EXEMPT PERSONS AND ENTITIES

Homestead, **2:21**

FEES AND CHARGES

Generally, **2:18**

Escrow accounts, **2:17**

Late charges, **2:23**

Licenses, generally, **2:24**

Prepayment penalties, **2:29**

Referral fees, **2:32**

FINANCE AND CORPORATE SECURITIES DIVISION

See Regulatory Authorities

FORECLOSURE CONSULTANTS

Generally, **2:19**

FORECLOSURES

Generally, **2:19**

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

Avoidance measures required, **2:19**

Consultants, regulation, **2:19**

Cure of default, **2:19**

Deed of trust, **2:34**

Deficiency judgments, **2:12**

Loan modification, **2:19**

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

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

Power of sale, **2:19**

FORMS

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

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

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

Licensing, generally, **5:1**

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

NMLS forms

See Nationwide Mortgage Licensing System and Registry (NMLS)

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

Prepayment restriction notices, **2:29**

FRAUD OR FALSE STATEMENTS

False advertising, **2:1**

FUTURE ADVANCES

Generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

Alternative mortgage transactions, **2:2**

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

HOMESTEAD

Exemption, **2:21**

Tax deferment, **2:21**

INCREASED SCRUTINY

Alternative mortgage transactions, **2:2**

INSURANCE

Generally, **2:22**

Escrow accounts, **2:17**

Tie-ins, **2:36**

INTEREST

Alternative mortgage transactions, **2:2**

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

Escrow accounts, **2:17**

Garn-St Germain Depository Institutions Act

Alternative mortgage transactions, **2:2**

Late charges, **2:23**

Lock-ins, **2:25**

INTEREST—Cont'd

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

LAND SALE CONTRACTS

- Closing practices, **2:9**

LATE CHARGES

- Generally, **2:23**

LEGISLATION

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

LENDERS

- See Mortgage Bankers

LICENSING

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

LIENS

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

LOAN MODIFICATION

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

LOAN SERVICING

See Mortgage Servicers

LOCATION

Change, **2:8**

LOCK-INS

Generally, **2:25**

MAIL

Advertisement restrictions, **2:1**

MANAGEMENT

Change, **2:8**

MARITAL RIGHTS

Generally, **2:26**

MEDIATION

Pre-foreclosure, **2:19**

MOBILE APPS

Advertising, **2:1**

MORTGAGE BANKERS

Definition, **2:24**

Disclosures, **2:13**

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

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

Licensing

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

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

Form, application, **5:1**

Lock-ins, **2:25**

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

Record retention, **2:31**

Referral fees, **2:32**

Servicing practices, **2:35**

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

MORTGAGE BANKING LOAN

Definition, **2:24**

MORTGAGE BROKERS

Generally, **2:7**

Application practices, **2:3**

Definition, **2:24**

Disclosures, **2:13**

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

Licensing

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

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

Form, **5:1**

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

Record retention, **2:31**

Referral fees, **2:32**

Servicing practices, **2:35**

MORTGAGE LOAN ORIGINATORS

Generally, **2:24**

Application practices, **2:3**

MORTGAGE LOAN ORIGINATORS—Cont'd

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

MORTGAGE SERVICERS

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

NAME

- Change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

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

NEGATIVE AMORTIZATION LOAN

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

NONPROFIT AND COMMUNITY DEVELOPMENT ORGANIZATIONS

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

NONTRADITIONAL MORTGAGES

- Risk guidance, **2:2**

NOTICE

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

ORIGINATORS

- See Mortgage Loan Originators

PAYOFF

- Generally, **2:33**

PENALTIES

- Prepayment penalties, **2:29**

PERSONNEL RECORDS

Record retention, **2:31**

PLAIN LANGUAGE LAW

Generally, **2:27**

PREDATORY LOAN LAWS

Generally, **2:28**

PREPAYMENT PENALTIES

Generally, **2:29**

PRIORITY

Future advances, **2:20**

PROCESSING

Appraisals, **2:4**

Discrimination, **2:14**

Marital rights, **2:26**

Signature requirements, **2:26**

PROMISSORY NOTES

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

Policy statement, **5:4**

RECORDING

Assignments, **2:5**

Notice of default, **2:19**

Releases, **2:33**

Security instrument, **2:34**

RECORD RETENTION

Generally, **2:31**

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

REFERRAL FEES

Generally, **2:32**

REGISTRATION

Generally. See Licensing

Appraisal management company, **2:4**

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

REGULATIONS

See Rules and Regulations

REGULATORY AUTHORITIES

Department of Consumer and Business Services

Administrative rules, **1:1**

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

Contact information, **4:1**

Department of Consumer and Business Services Rule, **5:5**

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

Division of Finance and Securities

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

Division of Financial Regulation

Advertising rules, **2:1**

Closing practices, **2:9**

Contact information, **4:1**

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

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

REGULATORY AUTHORITIES—Cont'd

Division of Financial Regulation—Cont'd

- Licensing, **2:7**
- Licensing application form, **5:1**
- Licensing requirement, **2:24**
- Notification of changes, **2:8**
- Online access to enforcement actions, **1:2**
- Supervisory capacity, **1:2**

RELEASE

- Generally, **2:33**

RESIDENTIAL MORTGAGE PRACTICES ACT

- Entity licensing information, **5:1**

REVOCAION OR SUSPENSION OF LICENSES

- See Licensing

RULES AND REGULATIONS

- Department of Consumer and Business Services, administrative rules, **1:1**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- Division of Financial Regulation advertising rules, **2:1**

SAVINGS ASSOCIATIONS

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

SERVICING

- See Mortgage Servicers

SIGNATURE REQUIREMENTS

- Generally, **2:26**

TAXATION

- Tax service fee, **2:18**

TIE-INS

- Insurance, **2:36**

TRANSFERS

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

TRUST DEEDS

- See Deeds of Trust

TRUSTEES

- Eligibility, **2:38**

UNLAWFUL TRADE PRACTICES ACT (UPTA)

- Generally, **2:11**
- Servicing practices, **2:35**

USURY

- Generally, **2:39**

WARNING

- Forced insurance, **2:22**

WEBSITE

- Department of Consumer and Business Services, **4:1**
- Division of Finance and Corporate Securities, **4:1**

WEBSITE—Cont'd

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

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

WET SETTLEMENT ACT

Closing, **2:40**

WORDS AND PHRASES

Appraisal management company, **2:4**

Change in control, **2:8**

Client trust accounts, **2:24**

Foreclosure avoidance measure, **2:19**

Foreclosure consultant, **2:19**

Lock agreement, **2:25**

Mortgage banker, **2:24**

Mortgage banking loan, **2:24**

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

Mortgage loan, **2:24**

Mortgage loan originator, **2:24**

Neutral escrow depository, **2:24**

Trust funds, **2:24**

Index

ADVERTISEMENTS

false advertising, **2:1**

ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT

generally, **2:2**

ALTERNATIVE MORTGAGE TRANSACTIONS

generally, **2:2**

APPLICATIONS

forms

lending manager application, **5:3**

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

NMLS forms, **5:1**

residential first mortgage notification, **5:5**

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

lending manager application, **5:3**

notice, likelihood of transfer, **2:3**

APPRAISAL MANAGEMENT COMPANY

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

definition, **2:4**

APPRAISERS AND APPRAISALS

generally, **2:4**

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

negligence, **3:3**

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

ASSIGNMENTS

generally, **2:5**

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

ASSUMPTION OF MORTGAGE

generally, **2:6**

BREACH OF FIDUCIARY DUTY

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

BUSINESS OF RESIDENTIAL MORTGAGE LOANS

definition, **2:7**

CERTIFICATION

appraisers, **2:4**

CHANGE

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

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

CHARGES

see Fees and Charges

CLOSING

disclosures, **2:13**

document preparation, **2:15**

escrows, **2:9**

CLOSING—Cont'd

- fees and charges, **2:18**
- insurance, **2:22**
- marital rights, **2:26**
- Mortgage Lending and Servicing Act, **2:8**
- plain English, **2:27**
- practices, **2:9**
- prohibited loan terms, **2:30**
- security instruments, **2:34**
- signature requirements, **2:26**
- taxes, **2:9**
- usury, **2:39**
- Wet Settlement Act, **2:40**

COMMERCE DEPARTMENT

- see Regulatory Authorities

COMMITMENTS

- generally, **2:10**

CONDOMINIUM

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

CONDOMINIUM ASSOCIATION

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

CONSUMER PROTECTION

- advertisements, false, **2:1**
- applications, **2:3**
- Consumer Sales Practices Act, **2:1**
- deceptive practices, **2:11**
- disclosures
 - escrow accounts, **2:13**
 - failure of mortgage broker to disclose fees received from lender, **3:4**
 - high-cost home loans, **2:28**
 - likelihood of transfer, **2:3, 2:7, 2:37**
 - Mortgage Lending and Servicing Act, **2:13**
 - predatory lending laws, **2:28**
 - servicing transfers, **2:37**
- discrimination, generally, **2:14**
- Equal Credit Opportunity Act, copies of appraisals, **2:4**
- escrow accounts, **2:17**
- false advertising, **2:1**
- foreclosures, **3:1**
- fraud or false statements
 - see Fraud or False Statements
- High Cost Home Loan Act, **2:28**
- insurance, tie-ins, **2:36**
- Mortgage Fraud Act, **2:11**
- predatory loan laws, **2:28**
- Residential Mortgage Practices Act, **2:11**
- Truth-in-Advertising Act, **2:1**
- Unfair Practices Act, **2:11**

CONSUMER SALES PRACTICES ACT

- generally, **2:1**

CONTROL

- change, **2:8**

UTAH INDEX

COOPERATIVE ASSOCIATIONS

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

DEEDS OF TRUST

reconveyance, **2:33**

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

trustees, **2:38**

DEFICIENCY JUDGMENTS

see Foreclosures

DEFINITIONS

see Words and Phrases

DEPARTMENT OF COMMERCE

see Regulatory Authorities

DEPARTMENT OF FINANCIAL INSTITUTIONS

see Regulatory Authorities

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

generally, **2:39**

DEPOSITS

escrow account, **2:17**

DISCLOSURES

see Consumer Protection

DISCRIMINATION

generally, **2:14**

DIVISION OF REAL ESTATE

see Regulatory Authorities

DOCUMENTS

commitments, **2:10**

deed of trust

see Deeds of Trust

mortgages, **2:34**

notice of default, **2:19**

plain English, **2:27**

preparation, **2:15**

prohibited loan terms, **2:30**

recording requirements, **2:15**

record retention, **2:31**

security instrument, **2:34**

DUE-ON-SALE CLAUSES

generally, **2:16**

ECONOMIC LOSS RULE

appraiser negligence, **3:3**

EDUCATION AND TESTING

mortgage loan originators, **2:24**

prelicensing, **5:2**

EQUAL CREDIT OPPORTUNITY ACT

appraisals, **2:4**

ESCROW

generally, **2:17**

ESCROW—Cont'd

- account statement, **2:17**
- deposits, **2:17**
- disclosures, consumer protection, **2:13**
- Reserve Accounts Act, **2:17**

EXAMINATION OR TEST

- licensing requirement, state competency examination, **2:24**

EXPERIENCE

- lending managers, **2:24**

FAIR HOUSING ACT

- generally, **2:14**

FEES AND CHARGES

- applications, **2:3**
- escrow accounts, **2:17**
- financing points and fees, high cost loans, **2:28**
- fingerprinting, **2:24**
- late charges, **2:23**
- licensing, **2:7**
- mortgage lenders, **2:24**
- NMLS processing fee, **5:1**
- predatory lending laws, **2:28**
- prepayment penalties, **2:29**
- referral fees, **2:32**
- refunds, **2:7, 2:13, 2:18, 2:24**
- Residential Mortgage Practices Act, **2:24**
- service charge prohibition, reserve account, **2:17**
- transfer taxes, **2:9**

FINANCIAL INSTITUTION LOAN ORIGINATOR LICENSING ACT

- generally, **1:2**
- overview, **1:2**

FINANCIAL INSTITUTIONS, DEPARTMENT OF

- see Regulatory Authorities

FORECLOSURES

- deficiency judgments, **2:12, 2:19**
 - bar to action to recover, **2:12**
 - multi-family environmentally impaired property, **2:41**
- fair market value, **2:12**
- nonjudicial, redemption, **2:12, 2:19**
- notice of default, **2:19**
- one action or “security first” rule, **2:12, 2:19**
- power of sale, **2:19**
- procedural irregularities, **3:1**
- redemption, **2:19**
- setting aside sale, **3:1**
- single point of contract, **2:19**

FORMS

- Department of Financial Institutions, notification form, **5:5**
- high-cost home loans, blank lines, **2:28**
- mortgage loan originators
 - licensing, **5:2**
 - Utah DFI, mortgage loan originator form, **5:4**

UTAH INDEX

FORMS—Cont'd

- NMLS licensing forms, **5:1**
- Notice of Assignment of Beneficiary Interest, **2:5**
- residential first mortgage notification form, **5:5**
- Residential Mortgage Practices Act, lending manager application, **5:3**
- Utah DFI, mortgage loan originator form, **5:4**
- UT-DRE licensing checklist, **5:1, 5:2**

FRAUD OR FALSE STATEMENTS

- false advertising, **2:1**
- Mortgage Fraud Act, **2:11**
- prohibited conduct by licensee, **2:24**
- unfair or deceptive practices, **2:11**

FUTURE ADVANCES

- generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

- alternative mortgage transactions, **2:2**
- due-on-sale clauses, **2:16**
- usury, **2:39**

HIGH COST HOME LOAN ACT

- generally, **2:28**
- disclosures, **2:28**

HIGH-COST MORTGAGES

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

HOME OWNERSHIP EQUITY PROTECTION ACT (HOEPA)

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

HOMESTEADS

- exemption, **2:21**
- waiver of exemption, **2:26**

INCREASED SCRUTINY

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

INSURANCE

- escrow accounts, **2:17**
- mortgage lender approval, **2:22**
- private mortgage insurance, **2:22**
- tie-ins, **2:36**

INTEREST

- Alternative Mortgage Transaction Parity Act, **2:2**
- alternative mortgage transactions, **2:2**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- escrow accounts, **2:17**
- Garn-St Germain Depository Institutions Act
 - alternative mortgage transactions, **2:2**
 - usury, **2:39**
- late charges, **2:23**
- lock-ins, **2:25**
- predatory lending laws, **2:28**
- prepayment penalties, **2:29**
- usury, generally, **2:39**

INTEREST ON MORTGAGE LOAN RESERVE ACCOUNTS ACT

- generally, **2:17**

INTERNET

see Websites

LATE CHARGES

generally, **2:23**

LEGISLATION

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

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

Consumer Sales Practices Act, **2:1**

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

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

Fair Housing Act, **2:14**

Financial Institution Loan Originator Licensing Act, **1:2, 2:24**

Garn-St Germain Depository Institutions Act

see Garn-St Germain Depository Institutions Act

High Cost Home Loan Act, **1:2, 2:28**

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

Interest on Mortgage Loan Reserve Accounts Act, **2:17**

Mortgage Fraud Act, **2:11**

Mortgage Lending and Servicing Act

see Mortgage Lending and Servicing Act

multi-family environmentally impaired property, **2:41**

predatory lending laws, **2:28**

Real Estate Appraiser Registration and Certification Act, **2:4**

Reserve Accounts Act, **2:17**

Residential Mortgage Practices Act

see Residential Mortgage Practices Act

Truth-in-Advertising Act, **2:1**

Wet Settlement Act, **2:40**

LENDING MANAGERS

application, **5:3**

experience, **2:24**

licensing application form, **5:1**

supervision, **2:24**

LICENSING

amendment of application due to changes, **2:8**

civil penalties, **2:24**

competency examination, **2:24**

conflict of interest by licensee, **2:24**

continuing education requirement, **2:24**

fee requirements, **2:24**

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

forms, **5:1, 5:2**

loan modification assistance, **2:24**

mortgage brokers

generally, **2:24**

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

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

mortgage lenders, **2:24**

Mortgage Lending and Servicing Act, **2:24**

mortgage loan brokers, **2:24**

mortgage loan originators, **2:24**

Nationwide Mortgage Licensing System and Registry (NMLS), **2:24, 5:1, 5:2**

notification requirement, **2:24**

UTAH INDEX

LICENSING—Cont'd

- penalties for violation of Act, **2:24**
- prelicensing education requirements, **5:2**
- renewals, **2:24**
- residential first mortgage notification, form, **5:5**
- Residential Mortgage Loan Education, Research, and Recovery Fund, **2:24**
- Residential Mortgage Practices Act, **2:24**
- revocation, **2:11**
- surety bond, **2:24**
- unethical conduct, **2:24**

LIENS

- conflicting claims of priority, **3:2**
- future advances, **2:20**
- homestead, waiver, **2:26**
- marital rights, **2:26**

LOAN MODIFICATION

- licensing, **2:24**
- servicing, **2:35**

LOAN ORIGINATORS

- see Mortgage Loan Originators

LOAN SERVICING

- see Servicing

LOCATION

- change, **2:8**

LOCK-INS

- interest, **2:25**

MANAGERS AND MANAGEMENT

- change, **2:8**
- lending manager application form, **5:3**

MARITAL RIGHTS

- generally, **2:26**

MINERAL RIGHTS

- reservation, **2:41**

MORTGAGE BROKERS

- breach of fiduciary duty, **3:4**
- certificate of authority/good standing certificate, **5:1**
- Department of Commerce, Division of Real Estate, **4:1**
- disclosures, **2:13**
- licensing
 - see Licensing
- mortgage loan broker, **2:24**

MORTGAGE FRAUD

- definition, **2:11**

MORTGAGE LENDERS

- certificate of authority/good standing certificate, **5:1**
- change of control, location, management, and name, **2:8**
- definition of lender, **2:24**
- Department of Commerce, Division of Real Estate, **4:1**
- Department of Financial Institutions contact information, **4:1**

MORTGAGE LENDERS—Cont'd

- disclosures, **2:13**
- high-cost home loans, **2:28**
- insurance, approval, **2:22**
- lender, definition, **2:24**
- lending manager application form, **5:3**
- licensing, **2:24**
- multi-family environmentally impaired property, rights and remedies, **2:41**
- payoff, **2:33**
- predatory lending laws, **2:28**
- registration, **2:24**
- releases, **2:33**
- tie-ins, **2:36**

MORTGAGE LENDING AND SERVICING ACT

- generally, **1:2**
- application practices, **2:3**
- closing practices, **2:8**
- commencement of business in Utah, notice, **2:8**
- Department of Financial Institutions, **4:1**
- disclosures, **2:13**
- fees and charges, **2:3**
- licensing, **2:7, 2:24**
- overview, **1:2**
- record retention, **2:31**
- servicing escrow account, **2:17**
- servicing transfers, **2:37**

MORTGAGE LOAN BROKERS

- definition, **2:7**
- licensing
 - Mortgage Lending and Servicing Act, **2:7**
 - Residential Mortgage Practices Act, **2:7**

MORTGAGE LOAN ORIGINATORS

- certificate of authority/good standing certificate, **5:1**
- definition, **2:7, 2:24**
- disclosures, **2:13**
- education and testing, **2:24**
- fees and charges, **2:18, 2:24**
- Financial Institutional Loan Originator Licensing Act, **2:24**
- forms
 - licensing, **5:2**
 - Utah DFI, mortgage loan originator form, **5:4**
- inspection of records by Division of Real Estate, **2:31**
- licensing, **2:24, 5:2**
 - generally, **2:7, 2:24**
 - certificate of authority/good standing certificate, **5:1**
 - Mortgage Lending and Servicing Act, **2:7**
- principal lending manager, **2:24**
- record retention, **2:31**
- registration, **2:24**
- surety bond, **2:24**

NAME

- change, **2:8**

UTAH INDEX

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

- amendment of database due to changes, **2:8**
- fees, **2:24**
- licensing, generally, **2:24**
- licensing forms, **5:1**
- reporting, **2:31**
- Resource Center, **4:2**
- website, **4:2**

NEGLIGENCE

- appraiser, **3:3**

NONTRADITIONAL MORTGAGES

- risk guidance, **2:2**

NOTICE

- bylaw changes, condominium or cooperative association, **2:41**
- commencement of business in Utah, **2:8**
- file, failure to, **1:2**
- high-cost home loans, **2:28**
- licensing, **2:24**
- likelihood of transfer, **2:3, 2:7, 2:37**

OFFICE

- trustee, requirements, **2:38**

OIL AND GAS

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

PAYMENTS

- timeliness under Reserve Accounts Act, **2:17**

PAYOFF

- generally, **2:33**

PENALTIES

- licensee violations, **2:24**
- prepayment penalties
see Prepayment Penalties

POINTS

- disclosures, **2:28**

PREDATORY LENDING LAWS

- generally, **2:28**

PREPAYMENT PENALTIES

- generally, **2:29**
- high-cost home loans, **2:28**

PRICE

- foreclosure procedural irregularities, **3:1**

PRINCIPAL LENDING MANAGER

- application form, **5:3**

PROCESSING

- discrimination, **2:14**
- marital rights, **2:26**
- signature requirements, **2:26**

REAL ESTATE APPRAISER REGISTRATION AND CERTIFICATION ACT

- generally, **2:4**

RECONVEYANCE

reliance on inaccurate title report, **3:2**
trust deed, **2:33, 3:2**

RECORDING

assignments, **2:5**
Division of Real Estate, inspection of records, **2:31**
notice of default, **2:19**
releases, **2:33**
transfers, requirements, **2:15**

RECORD RETENTION

generally, **2:31**

REFERRAL FEES

generally, **2:32**

REGISTRATION

appraisal management company, **2:4**
Financial Institution Loan Originator Act, **2:24**
Mortgage Lending Act, **2:24**
Residential Mortgage Practices Act, **2:24**

REGULATIONS

see Rules and Regulations

REGULATORY AUTHORITIES

Commissioner of Financial Institutions, high-cost mortgage regulation, **1:2**
Commissioner of Insurance, **2:22**
Department of Commerce, Division of Real Estate
address, **4:1**
administrative rules, **1:1**
civil penalties, **2:24**
licensing under Residential Mortgage Practices Act, **2:24**
Residential Mortgage Practices Act administration, **1:2**
Rules, **5:6**
telephone number, **4:1**
website, **4:1**
Department of Financial Institutions
address, **4:1**
administration of Reserve Accounts Act, **2:17**
commencement of business in Utah, notice, **2:8**
contact information, **4:1**
Lending Act, **2:24**
licensing notification, **2:24**
mortgage loan originator form, **5:4**
residential first mortgage notification form, **5:5**
telephone number, **4:1**
website, **4:1**
Department of Real Estate
mortgage entity licensing, form, **5:1**
mortgage loan originator licensing, form, **5:2**
Residential Mortgage Regulatory Commission, approval of licensing examination, **2:24**

RELEASE

generally, **2:33**
form, **2:33**

UTAH INDEX

RESERVE ACCOUNTS ACT

generally, **2:17**

RESIDENTIAL MORTGAGE LOAN EDUCATION, RESEARCH, AND RECOVERY FUND

licensing fees, **2:24**

RESIDENTIAL MORTGAGE PRACTICES ACT

generally, **1:2**

amendment of license application due to changes, **2:8**

appraisals, **2:4**

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

Division of Real Estate Rules, **5:6**

fraud or misrepresentation, **2:11**

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

lending manager application, **5:3**

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

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

overview, **1:2**

record retention, **2:31**

registration, **2:24**

website, **4:1**

RESIDENTIAL MORTGAGE PRACTICES LICENSING ACT

see Residential Mortgage Practices Act

RULES AND REGULATIONS

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

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

one action or “security first” rule, foreclosures, **2:12, 2:19**

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

SECURITY INSTRUMENT

deeds of trust, **2:34**

SERVICING

account information, **2:35**

annual statements, **2:17**

assignments of mortgage, **2:5**

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

disclosures, **2:13**

discrimination, **2:14**

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

escrow accounts, interest, **2:17**

loan modification activities, **2:35**

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

payment credits, **2:35**

payoff, **2:17, 2:33**

practices, **2:35**

record retention, **2:31**

releases, **2:33**

transfers

generally, **2:37**

likelihood of transfer, notice, **2:3, 2:7, 2:37**

SHORT SALES

enforcement actions by Insurance Commissioner, **2:22**

SIGNATURE REQUIREMENTS

generally, **2:26**

SINGLE PREMIUM CREDIT LIFE INSURANCE

predatory lending laws, **2:28**

SURETY BOND

licensing, **2:24**

TAXES

payments, **2:17**

TIE-INS

insurance, **2:36**

TRANSFERS

assignments, **2:5**

assumption of mortgage, **2:6**

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

servicing

generally, **2:37**

likelihood of transfer, notice, **2:3, 2:37**

taxes, **2:9**

TRUST DEED

see Deeds of Trust

TRUSTEES

eligibility, **2:38**

physical office requirement, **2:38**

TRUTH-IN-ADVERTISING ACT

generally, **2:1**

USURY

see Interest

WEBSITES

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

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

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

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

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

Utah Administrative Code, **4:1**

WET SETTLEMENT ACT

closing, **2:40**

WORDS AND PHRASES

appraisal management company, **2:4**

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

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

lender, **2:24**

loan originator, **2:24**

mortgage fraud, **2:11**

mortgage lender, **2:24**

mortgage loan broker, **2:24**

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

WRITTEN STATEMENTS

fee refund, **2:3, 2:7**

homestead declaration, **2:21**

likelihood of transfer, notice, **2:3, 2:7, 2:37**

Index

ABILITY TO REPAY

alternative mortgage products, **2:2**

ACCELERATION OF LOAN

prepayment penalty, **2:16**

ADJUSTABLE RATE MORTGAGES

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

ADVERTISEMENTS

generally, **2:1**

false advertising, **2:1**

ALTERNATIVE MORTGAGE TRANSACTIONS PARITY ACT OF 1982

generally, **2:2**

APPLICATIONS

generally, **2:3**

consumer loan company, **5:1**

licensing

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

forms, **5:1**

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

procedures, **2:24**

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

refund of application fee, **2:3**

APPRAISAL MANAGEMENT COMPANY

licensing, **2:4**

APPRAISALS

fees, **2:4**

ASSIGNMENTS

generally, **2:5**

ASSUMPTION OF MORTGAGE

generally, **2:6**

ATTORNEY GENERAL

real estate agent preparing forms or legal documents as unauthorized practice of law, **2:15**

ATTORNEYS

foreclosure, housing counselor or attorney, **2:19**

non-attorney preparing legal documents, **2:15, 3:4**

BANKRUPTCY

broker's bankruptcy, notification of Department of Financial Institutions, **2:8**

CERTIFICATE OF COMPLIANCE

mortgage broker licensing, **5:6**

CHANGE

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

CHARGES

see Fees and Charges

CLOSING

- disclosures, **2:13**
- document preparation, **2:15**
- fees and charges, **2:18**
- insurance, **2:22**
- limited practice officers
 - generally, **2:9, 2:15**
 - admission and certification rules, **5:5**
- 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

- underwriting, **2:10**

CONDOMINIUM UNIT

- priority lien, **2:41**

CONSTRUCTION LIENS

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

CONSUMER LOAN ACT

- generally, **1:2, 2:11**
- disclosures, **2:13**
- false advertising, **2:1**
- fees and charges, **2:18**
- general lender disclosures, **2:13**
- late charges, **2:23**
- lender licensing and regulation, generally, **1:2**
- licensing, **2:24**
 - forms, **5:1**
 - regulations, **5:2**
 - servicers, **2:35**
 - third-party mortgage modification services, **2:35**
- overview, **1:2**
- prepayment penalty, **2:29**
- record retention, **2:31**

CONSUMER LOAN COMPANY

- activity declaration, **5:1**
- licensing, **5:1**
 - activity declaration, **5:1**
 - application, **5:1**
 - forms, **5:1**
 - surety bond, **5:1**
- surety bond, **5:1**

CONSUMER PROTECTION

- advertisements, **2:1**
- applications, **2:3**
- appraisals, **2:4**
- Consumer Loan Act
 - see Consumer Loan Act

CONSUMER PROTECTION—Cont'd

Consumer Protection Act, **2:11**

disclosures

applications, **2:3**

construction liens, **2:41**

fees and charges, **2:7**

form, mortgage broker disclosure, **5:7**

general lender disclosures, **2:13**

lender-broker dual role fees, **2:13, 3:3**

loan modification services providers, fees and charges, **2:35**

loan originators, **2:13, 5:4**

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

mortgage brokers, **2:7, 2:13, 2:22, 5:6, 5:7**

private mortgage insurance, **2:22**

rate sheets, **2:13**

real estate broker and mortgage lender in same transaction, **2:13**

transfer of servicing, **2:37**

discrimination, **2:14**

false advertising, **2:1**

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

mortgage brokers

disclosures, **2:7, 2:13**

fee limitations, **2:7, 2:18**

prohibited practices, **2:7**

mortgage lenders, insurance disclosures, **2:22**

predatory loan laws, **2:28**

prohibited loan terms, **2:30**

tie-ins, **2:36**

usury, **3:2**

CONSUMER PROTECTION ACT

generally, **2:11**

CONTACT INFORMATION

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

CONTROL

change, **2:8**

CORRECTION OF ERRORS

servicing, **2:35**

CREDIT TRANSACTIONS

Human Rights Commission, regulations governing credit transactions, **5:3**

DAMAGES

economic loss rule, **3:8**

unfair business practice injury, **2:11**

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

DEEDS OF TRUST

generally, **2:34**

assignment, **2:5**

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

“show me the note” requirement, **2:38**

trustees, **2:38**

DEFAULT

foreclosures, **2:19**

DEFICIENCY JUDGMENTS

foreclosures, **2:12**

DEFINITIONS

see Words and Phrases

DEPARTMENT OF FINANCIAL INSTITUTIONS

see Regulatory Authorities

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

legislation, **2:39**

DISCLOSURES

see Consumer Protection

DISCRIMINATION

generally, **2:14**

DOCUMENTS

see also Forms

commitments, **2:10**

deeds of trust

see Deeds of Trust

mortgages, **2:34**

notice of foreclosure, **2:19**

plain English, **2:27**

preparation

limited practice officers, **2:9, 2:15**

nonattorneys, **2:15, 3:4**

Supreme Court opinion, **2:15**

prohibited loan terms, **2:30**

record retention, **2:31**

security instrument, **2:34**

DUE-ON-SALE CLAUSES

transfers, **2:16**

ECONOMIC LOSS RULE

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

EDUCATION AND TESTING

licensing requirement, **2:7, 2:24**

loan originators, **2:7**

ELECTRONIC RECORDS

retention and backup of computer accounting system records, **2:31**

EMOTIONAL DISTRESS

economic loss rule, **3:8**

ESCROW

agents

consent orders, licensing violations, **2:17**

referral fees, **2:41**

referrals, **2:36**

wet settlement funds, **2:40**

ESCROW AGENT REGISTRATION ACT

generally, **2:17**

referral fees, **2:32**

EXEMPTIONS

- homestead, **2:21**
- licensing, generally, **2:24**

EXPERIENCE

- licensing requirement, **2:24**

FEES AND CHARGES

- books and records examinations, **2:31**
- Department of Financial Institutions examination of books and records, **2:31**
- deposit of fees payable to third parties, **2:18**
- disclosures, mortgage brokers, **2:7**
- lender-broker dual role disclosure, **2:13, 3:3**
- licensing, generally, **2:24**
- limitations on mortgage brokers' fee, **2:18**
- loan history fees, **2:18**
- loan modification service providers, **2:18**
- loan originator, **2:18**
- lock-in fees, **2:25**
- mortgage broker, generally, **2:7**
- mortgage brokers, generally, **2:18**
- mortgage lenders, **2:18**
- prepayment penalties, **2:29**
 - limitation, **2:16**
- private mortgage insurance, **2:22**
- referral fees, **2:32**
- refunds, application fees, **2:3**
- third-party fees, **2:18**
- usual and customary fees for loan modification services, **2:35**

FIDUCIARY RELATIONSHIP

- mortgage brokers, relationship with, **2:7, 3:5**
- mortgage lender, relationship with, **1:2**

FINANCIAL INSTITUTIONS DEPARTMENT

- see Regulatory Authorities

FORECLOSURE FAIRNESS ACCOUNT

- payment into, **2:19**

FORECLOSURES

- attempt, **2:19**
- bidding by trustees, **2:38**
- deed of trust, **2:12**
- Deed of Trust Act, **2:38**
- deficiency judgments, **2:12**
- fair market value, **2:12**
- Foreclosure Fairness Act, **2:19**
- housing counselor or attorney, **2:19**
- loss mitigation form, **2:19**
- mediation, **2:19**
- notice of foreclosure, **2:19**
- power of sale, **2:19**
- power of sale under deed of trust, **2:19**
- recording, **2:19**
- redemption rights, **2:19**
- referral service, **2:19**
- tenants, **2:19**

FORECLOSURES—Cont'd

tenants in common, separate notices, **3:7**
wrongful attempt to foreclose, **2:19**

FORMS

see also Documents
application for license, **5:1**
dual capacity status of broker, disclosure, **2:13, 2:32**
foreclosure loss mitigation form, **2:19**
Model Disclosure Form and Model Rate Lock Agreement/Disclosure Form, **2:25**
mortgage broker disclosure form, **5:7**
NMLS, **5:1**
notice of foreclosure, **2:19**
rate sheets disclosure, **2:13**

FRAUD OR FALSE STATEMENTS

Consumer Protection Act, **2:11**
false advertising, **2:1**
mortgage fraud, **2:11**
usury defense, fraudulently obtained loan, **3:2**

FUTURE ADVANCES

generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

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

GOOD FAITH MEDIATION

foreclosures, **2:19**

HOMEOWNERS INSURANCE PROTECTION ACT OF 1997

nonconventional mortgage loans, **2:22**

HOMESTEAD RIGHTS

conveyance, **2:21, 2:26**
declaration, filing, **2:21**
exemption, **2:21**
materialmens' liens, **2:21**
mechanics liens, **2:21**

HUMAN RIGHTS COMMISSION

regulations governing credit transactions, **5:3**

INCREASED SCRUTINY

alternative mortgage products, **2:2**

INDEPENDENT CONTRACTOR

licensing, **2:24**
loan processing, **2:24**
surety bond, **5:6**

INSURANCE

borrower rights, **2:22**
credit insurance, **2:22**
lender approval, **2:22**
private mortgage insurance, **2:22**
tie-ins, **2:36**
title insurer liability, **3:1**

INTEREST

alternative mortgage transactions, **2:2**

WASHINGTON INDEX

INTEREST—Cont'd

- borrower fraud, **3:2**
- Depository Institutions Deregulation and Monetary Control Act, **2:39**
- escrows, **2:17**
- Garn-St Germain Depository Institutions Act, alternative mortgage transactions, **2:2**
- late charges, **2:23**
- lock-ins, **2:25**
- predatory loans, **2:28**
- prepayment penalties
 - generally, **2:29**
 - limitation, **2:16**
- usury, **2:39**

INTERNET

- see Websites

INVESTIGATIONS

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

LATE CHARGES

- generally, **2:23**

LEGISLATION

- Alternative Mortgage Transactions Parity Act of 1982, **2:2**
- Consumer Loan Act
 - see Consumer Loan Act
- Consumer Protection Act, **2:11**
- Deed of Trust Act, **2:38**
- Escrow Agent Registration Act
 - see Escrow Agent Registration Act
- Foreclosure Fairness Act, **2:19**
- Garn-St Germain Depository Institutions Act, **2:16**
- Homeowners Insurance Protection Act of 1997, **2:22**
- Mortgage Broker Practices Act
 - see Mortgage Broker Practices Act
- predatory loan laws, **2:28**
- Real Estate Settlement Procedures Act, **2:7**
- Reverse Mortgage Act, **2:2**
- Truth-in-Lending Act, disclosure of estimate of fee or cost, **2:7**
- Wet Settlement Act, **2:40**

LICENSING

- annual renewal, **2:24**
- applications
 - see Applications
- appraisal management company, **2:4**
- background check, **2:24**
- branch offices, **2:24**
- Consumer Loan Act, **2:24**
- costs of Department of Financial Institutions examination of books and records, **2:31**
- education, **2:24**
- escrow agents
 - generally, **2:17**
 - referral fees, **2:32, 2:41**
- examination, **2:24**
- exemptions, generally, **2:24**
- experience, **2:24**

LICENSING—Cont'd

- fees and charges
 - see Fees and Charges
- forms
 - see Nationwide Mortgage Licensing System and Registry (NMLS)
- independent contractor, **2:24**
- loan modification services, **2:24**
- loan originators, **1:2, 2:24, 5:4**
- loan servicers, **2:24**
- mortgage brokers
 - generally, **1:2, 5:6**
 - application
 - see Applications
 - certificate of compliance, **5:6**
 - disclosure, **5:6, 5:7**
 - examinations, **5:8**
 - procedure, **2:24**
 - questionnaire, **5:8**
 - surety bond, **5:6**
 - trust accounts, examination, **5:6**
- mortgage lenders, **1:2, 2:24**
- net worth, **2:24**
- NMLS
 - see Nationwide Mortgage Licensing System and Registry (NMLS)
- qualifications, **2:24**
- servicers, **2:35**
- surety bond, **2:24, 5:1**
- third-party mortgage modification services, **2:35**
- waiver by Director of Financial Institutions, **2:24**

LIENS

- condominium priority lien, **2:41**
- construction liens, disclosures, **2:41**
- fixtures, removal, **2:41**
- future advances, **2:20**
- marital rights, **2:26**
- preexisting liens, title company's liability, **3:1**
- priority of future advance, **2:20**
- title insurance company's liability as affected by lender's knowledge of preexisting liens, **3:1**

LIMITED PRACTICE OFFICERS

- admission and certification rules, **5:5**
- document preparation, **2:9, 2:15**

LOAN MODIFICATION SERVICES

- brokering mortgage loans, **2:7**
- Consumer Loan Act, **2:24**
- definitions, **2:24**
- fees and charges, **2:18**
- licensing of providers, **2:24, 2:35**
- residential mortgage loan modification services defined, **2:24**
- servicing practices, **2:35**
- usual and customary fees, **2:35**

LOAN ORIGINATORS

- action against surety bond, **2:7**
- conduct rules, **2:7**

LOAN ORIGINATORS—Cont'd

- definition of mortgage loan originator, **2:24**
- Department of Financial Institutions, licensing by, **2:24**
- disclosure, **5:4**
- disclosures, **2:13**
- education and testing, **2:7, 5:4**
- fees and charges, **2:18**
- fingerprint card with instructions, **5:6**
- licensing, **1:2, 2:7, 2:24, 5:4**
- mortgage brokers, **2:7**
- referral fees, **2:32**
- surety bond, **2:7**

LOAN SERVICING

- see Servicing

LOCATION

- change, **2:8**

LOCK-INS

- interest, generally, **2:25**

MANAGEMENT

- change, **2:8**

MARITAL RIGHTS

- generally, **2:26**
- community property state, **1:2, 2:26**

MATERIALMENS' LIENS

- homestead rights, **2:21**

MECHANICS LIENS

- homestead rights, **2:21**

MEDIATION

- foreclosure, **2:19**

MISTAKE OR ERROR

- emotional distress, economic loss rule, **3:8**
- servicing, correction of errors, **2:35**

MORTGAGE BROKER PRACTICES ACT

- generally, **2:7**
- consumer protection, **2:7**
- lock-in agreements, **2:25**
- mortgage broker licensing and regulation, generally, **1:2**
- notice of change in control, location, management, and name, **2:8**
- overview, **1:2**
- responsible corporate officer doctrine, **3:6**
- rules of conduct for mortgage brokers and loan originators, **2:7**
- segregation of records, felony violation, **2:7**
- unfair or deceptive practices, **2:11**
- violation, **2:7**

MORTGAGE BROKERS

- agent for service of process, appointment, **2:7**
- background investigation, **2:24**
- bankruptcy, reporting, **2:8**
- conduct rules, **2:7**
- consumer protection, liability, **2:11**

MORTGAGE BROKERS—Cont'd

- continuing education, **2:7**
- definition, **2:7**
- deposit of fees payable to third parties, **2:18**
- designated broker
 - change in, **2:8**
 - qualifications, **2:7**
- disclosures
 - see Consumer Protection
- enforcement authority of Department of Financial Institutions, **3:6**
- fees
 - see Fees and Charges
- fiduciary relationship with, **3:5**
- independent contractors, surety bond, **5:6**
- licensing
 - see Licensing
- limitations on fees, **2:18**
- lock-in agreements, **2:25**
- Mortgage Broker Practices Act
 - see Mortgage Broker Practices Act
- offices, **2:7**
- penalties, **2:7**
- prohibited practices, **2:7**
- real estate brokers
 - see Real Estate Brokers
- record retention requirements, **2:31**
- referral fees, **2:32**
- segregation of funds, felony violation, **2:7**
- surety bond, **2:7, 2:24, 5:6**
- third-party fees, **2:18**
- trust accounts
 - see Trusts and Trust Accounts
- usury, liability, **3:2**

MORTGAGE FRAUD

- consumer protection, **2:11**

MORTGAGE LENDERS

- change in control, location, management, and name, **2:8**
- construction liens, disclosures, **2:41**
- Consumer Loan Act, **2:24**
- consumer protection, lender liability, **2:11**
- disclosures
 - Consumer Loan Act, **2:13**
 - Department of Financial Institutions guidance, **2:13**
- fees and charges, **2:18**
- insurance approval, **2:22**
- liability, **2:11**
- licensing, **1:2, 2:24**
- private mortgage insurance, **2:22**
- prohibited practices, **2:7**
- referral fees, **2:32**
- regulations, **5:2**
- tie-ins, **2:36**

MORTGAGE LENDING AND HOME OWNERSHIP ACT

consumer protection, mortgage fraud, **2:11**

NAME

change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

forms

cessation of business, Form MU1, **2:8**

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

Form MU1, **2:8**

mortgage broker license, **5:6**

licensing, generally, **2:7, 2:24**

loan originators, **5:4**

mortgage brokers, **2:7**

Resource Center, **4:2**

unique identifier, **2:7, 2:24**

website, **2:24, 4:2, 5:1**

NONTRADITIONAL MORTGAGES

risk guidance, **2:2**

NOTICES

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

foreclosure, **2:19, 3:7**

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

OFFICES

mortgage brokers, **2:7**

PAYOFF

generally, **2:33**

PENALTIES

Consumer Loan Act violations, **2:24**

prepayment penalties, **2:16, 2:29**

responsible corporate officer doctrine violation, fines, **2:24**

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

PREDATORY LOAN LAWS

generally, **2:28**

PREEXISTING LIENS

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

PREPAYMENT PENALTY

generally, **2:29**

limitation, **2:16**

PRIORITY OF LIEN

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

PROCESSING

appraisals, **2:4**

discrimination, **2:14**

marital rights, **2:26**

notice of change of licensee information, **2:8**

signature requirements, **2:26**

QUARTERLY NEWSLETTER

Division of Consumer Services, **1:2**

REAL ESTATE BROKERS

disclosure of dual capacity, real estate broker or lender in same transaction, **2:13, 2:32**
nonattorney, unauthorized practice of law by real estate agent filling out forms or legal documents, **2:15**

REAL ESTATE SETTLEMENT PROCEDURES ACT

disclosure of loan fees, **2:7**

RECORDING

assignments, **2:5**
foreclosures, **2:19**
releases, **2:33**

RECORDS RETENTION

generally, **2:31**
referral fees, **2:32**

REFERRAL FEES

generally, **2:32**
escrow agents, **2:41**

REFERRALS

escrow agent, **2:36**

REFUNDS

application fees, **2:3**
lock-in fees, **2:25**

REGISTRATION

see also Licensing
escrow agent
see Escrow Agent Registration Act

REGULATION X

disclosure of loan fees, **2:7**

REGULATION Z

disclosure of loan fees, **2:7**

REGULATORY AUTHORITIES

Attorney General, real estate agent preparing forms or legal documents as unauthorized practice of law, **2:15**

Department of Financial Institutions

generally, **1:2**
address, **4:1**
annual report on loan volume, **2:31**
books and records examinations, **2:31**
consent orders, non-licensed escrow agents, **2:17**
consumer loan company licensing, **5:1**
disclosure guidance, **2:13**
e-mail, **4:1**
enforcement powers, **2:7, 3:6**
expenses, examination of books and records, **2:31**
Interm Regulatory Guidance, trust accounts, **5:10**
lender disclosure guidance, **2:13**
loan originator licensing, **1:2**
Model Disclosure Form and Model Rate Lock Agreement/Disclosure Form, **2:25**
Mortgage Broker Disclosure Form, **5:7**
mortgage broker licensing, **1:2**
mortgage lender licensing, **1:2**
notification of changes of licensing information, **2:8**

REGULATORY AUTHORITIES—Cont'd

Department of Financial Institutions—Cont'd

responsible corporate officer doctrine, **1:2**

responsible corporate officer doctrine, fines under, **2:24**

short sale guidance, **2:41, 5:9**

subprime lending guidance, **2:28**

telephone, **4:1**

website, **2:7, 4:1**

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

Director of Financial Institutions

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

waiver of licensing requirement, **2:24**

Division of Consumer Services quarterly newsletter, **1:2**

Human Rights Commission, regulations governing credit transactions, **5:3**

RELEASE

generally, **2:33**

REMOVAL OF PROPERTY

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

REPORTS

see also Recording

annual reports, **5:1**

background investigation, **2:24**

RESIDENTIAL MORTGAGE LOAN MODIFICATION

defined, **2:24**

RESIDENTIAL MORTGAGE LOAN MODIFICATION SERVICES

defined, **2:24**

RESPA

disclosure of loan fees, **2:7**

RESPONSIBLE CORPORATE OFFICER DOCTRINE

Department of Financial Institutions, **1:2, 3:6**

Mortgage Broker Practices Act violation, **3:6**

REVERSE MORTGAGE ACT

proprietary reverse mortgage loans, **2:2**

REVOCAION OR SUSPENSION

licensing, **2:7**

RULES AND REGULATIONS

see also Regulatory Authorities

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

mortgage brokers, **5:6**

RESPA, disclosure of loan fees, **2:7**

SEGREGATION OF RECORDS

dual licensing, mortgage and real estate broker, **2:31**

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

SENTENCE AND PUNISHMENT

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

SERVICE OF PROCESS

agent, appointment, **2:7**

SERVICING

- assignments of mortgage, **2:5**
- correction of errors, **2:35**
- defined, **2:24**
- due-on-sale clauses, **2:16**
- errors causing emotional distress, **3:8**
- escrows, **2:17**
- licensing requirements, **2:24, 2:35**
- loan history fees, **2:18**
- loan modification services, **2:35**
- payoff, **2:33**
- practices, **2:35**
- record retention, **2:31**
- releases, **2:33**
- surety bond, **2:24**
- transfers, **2:37**
- written statement of account, **2:35**

SHORT SALES

- guidance, **2:41, 5:9**

“SHOW ME THE NOTE”

- deeds of trust, **2:38**

SIGNATURE REQUIREMENTS

- generally, **2:26**

SUBPRIME MORTGAGE LENDING GUIDANCE

- predatory lending, **2:28**

SUCCESSOR TRUSTEE

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

SURETY BOND

- action for violation by loan originator, **2:7**
- application for license, **2:7, 2:24, 5:1**
- consumer loan company, **5:1**
- electronic submission, **2:24**
- mortgage brokers, **5:6**

TENANTS IN COMMON

- separate notices of foreclosure, **3:7**

THIRD-PARTY FEES

- deposit into trust account, **2:7, 2:18**

THIRD-PARTY MORTGAGE MODIFICATION SERVICES

- see Loan Modification Services

TORT ACTION

- servicing errors causing emotional distress, **3:8**

TRANSFERS

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

TRUSTEES

powers and duties, **2:38**

TRUSTS AND TRUST ACCOUNTS

deposit of fees payable to third parties, **2:7, 2:18**

DFI Intern Regulatory Guidance, trust accounts, **5:10**

record retention, **2:31**

TRUTH-IN-LENDING ACT

disclosure of estimate of fee or cost, **2:7**

UNCONSCIONABILITY

predatory lending, **2:28**

UNDERWRITING

appraisals, **2:4**

commitments, **2:10**

discrimination, **2:14**

USURY

generally, **2:39**

WEBSITES

Department of Financial Institutions, **2:7, 4:1**

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

NMLS, **5:1**

WET SETTLEMENT ACT

closing, **2:40**

WORDS AND PHRASES

books and records, **2:31**

loan originator, **2:7**

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

mortgage broker, **2:7**

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

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

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

servicing, **2:24**

WRITING

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

mortgage broker and borrower, contracts or agreements between, **2:7**

Index

ADMINISTRATIVE ACTIONS

Banking Commissioner, **1:2**

ADVERTISEMENT

generally, **2:1**

foreclosure by advertisement and sale, **2:19, 3:1**

ALTERNATIVE MORTGAGE TRANSACTION PARITY ACT

generally, **2:2**

ALTERNATIVE MORTGAGE TRANSACTIONS

generally, **2:2**

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

APPLICATIONS

generally, **2:3**

branch offices, **5:1**

forms, **5:2**

surety bond, **5:1**

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

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

APPRAISAL MANAGEMENT COMPANY

registration, **2:4**

surety bond, **2:4**

APPRAISALS

generally, **2:4**

ASSIGNMENTS

generally, **2:5**

ASSUMPTION OF MORTGAGE

generally, **2:6**

ATTORNEY FEES

foreclosure, **3:2**

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

BALLOON LOANS

refinancing, **2:2**

BLANKS IN INSTRUMENTS

application practices, **2:3**

BRANCH OFFICES

license application, **5:1**

BREACH OF SECURITY

consumer protection, **2:41**

BROCK V. STATE EX REL. WYOMING WORKFORCE SERVICES

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

CHANGE

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

CHARGES

see Fees and Charges

CLOSING

disclosures, **2:13**
document preparation, **2:15**
fees and charges, **2:18**
insurance, **2:22**
marital rights, **2:26**
plain English, **2:27**
practices, **2:9**
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**
form to be used by mortgage broker and lender, **2:10, 2:25**

COMPUTERIZED PERSONAL INFORMATION

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

CONDOMINIUM ASSOCIATION

lien, **2:41, 3:2, 3:3**

CONSUMER PROTECTION

breach of security, **2:41**
consumer loan defined, **2:24**
Consumer Protection Act, **2:1, 2:11**
deceptive practices, **2:11**
disclosures, generally, **2:13**
discrimination, **2:14**
false advertising, **2:1**
fraud or deceptive practices, **2:11**
 false advertising, **2:1**
predatory loan laws, **2:28**
prepayment penalties, **2:29**
supervised loan defined, **2:24**
Uniform Consumer Credit Code, **2:13**

CONSUMER PROTECTION ACT

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

CONTINUING EDUCATION

licensing, **2:24**

CONTROL

change, **2:8**

CREDIT REPORT

licensing, independent credit report, **2:24**
security freeze, **2:41**

DAMAGES

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

DEED OF TRUST

generally, **2:34**
notice of intent to reconvey, **2:33**

DEED OF TRUST—Cont'd

reconveyance, **2:33**
trustees, **2:38**

DEFICIENCY JUDGMENTS

see Foreclosures

DEFINITIONS

see Words and Phrases

DEPOSITORY INSTITUTIONS DEREGULATION AND MONETARY CONTROL ACT

generally, **2:39**

DISCLOSURES

Commissioner of Banking examination results, **2:31**
consumer protection, generally, **2:13**
prepayment penalties, **2:29**

DISCRIMINATION

generally, **2:14**

DIVISION OF BANKING

see Regulatory Authorities

DOCUMENTS

certificate of discharge, form, **2:33**
commitments, **2:10, 2:25**
deed of trust
 see Deed of Trust
electronic format, **2:31**
forms
 see Forms
mortgages, **2:34, 2:38**
notice of intent to release or reconvey, **2:33**
plain English, **2:27**
preparation, **2:15**
prohibited loan terms, **2:30**
record retention, **2:31**
security instrument, **2:34**
statement to accompany deed transferring title, **2:15**

DUE-ON-SALE CLAUSES

generally, **2:16**

EQUAL CREDIT OPPORTUNITY ACT

appraisals, **2:4**

ESCROWS

servicing, **2:17**

EXAMINATION

records examination by Commissioner of Banking, **2:31**

EXEMPTIONS

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

EXPERIENCE

licensing, **2:24**

FEES AND CHARGES

generally, **2:18**
Commissioner of Banking, notice of changes to, **2:8**

FEES AND CHARGES—Cont'd

disclosures, **2:13, 2:18**
late charges, **2:23**
licensing, **2:24**
limitations, **2:18**
prepayment penalties, **2:29**
referral fees, **2:32**
reimbursement, **2:18**
third parties, **2:18**

FORECLOSURES

assessment lien, **3:2**
assignments, recording requirement, **2:5**
attorney fees, **3:2**
condominium association, assessment lien, **3:2, 3:3**
deficiency judgments, **2:12, 3:1**
 nonjudicial, **2:19**
homeowners association, assessment lien, **3:2**
power of sale, **2:19**
power to rescind sale, **2:19**
redemption rights, **2:19**

FORMS

authority for release of information, **5:1**
branch license application, **5:1**
certificate of discharge, **2:33**
certificate of resolution, **5:1**
foreclosure sale, notice wording, **2:19**
homestead waiver, **2:21, 2:26**
mortgage broker/lender license application, **5:1**
mortgage loan originator license, **5:2**
prepayment penalty disclosure, **2:29**
surety bond, **5:1**
trust account review authorization, **5:1**

FRAUD OR FALSE STATEMENTS

see Consumer Protection

FUTURE ADVANCES

generally, **2:20**

GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

alternative mortgage transactions, **2:2**
due-on-sale clauses, **2:16**
usury, **2:39**

HOME OFFICE

licensing requirement, **2:24**

HOMEOWNERS ASSOCIATION

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

HOMESTEAD

exemption, **2:21**
waiver, **2:21, 2:26**

INCREASED SCRUTINY

alternative mortgage transactions, **2:2**

INSURANCE

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

INTEREST

Alternative Mortgage Transaction Parity Act, **2:2**
alternative mortgage transactions, **2:2**
Depository Institutions Deregulation and Monetary Control Act, **2:39**
Garn-St Germain Depository Institutions Act
 alternative mortgage transactions, **2:2**
 usury, **2:39**
late charges, **2:23**
lock-ins, **2:25**
predatory loans, **2:28**
prepayment penalties, **2:29**
usury, generally, **2:39**

LATE CHARGES

generally, **2:23**

LEGISLATION

Alternative Mortgage Transaction Parity Act, **2:2**
Appraisal Management Company Registration and Regulation, **2:4**
Certified Real Estate Appraisers Act, **2:4**
Consumer Credit Protection Act, **2:1**
Consumer Protection Act, **2:1, 2:11**
Credit Freeze Reports Act, **2:41**
Depository Institutions Deregulation and Monetary Control Act, **2:39**
Equal Credit Opportunity Act, appraisals, **2:4**
Garn-St Germain Depository Institutions Act
 see Garn-St Germain Depository Institutions Act
predatory loan laws, **2:28**
Residential Mortgage Practices Act
 generally, **1:2**
 advertisements, **2:1**
 applications, **2:3**
 closing practices, **2:9**
 consumer protections, **2:11**
 disclosures, **2:13**
 licensing, **2:7, 2:24**
 rate lock-ins prohibited, **2:25**
 record retention, **2:31**
 Rules, **5:4**
Truth-in-Lending Act disclosures, **2:13**
Uniform Consumer Credit Code
 disclosures, **2:13**
 licensing of mortgage loan originators, **2:24**
 mortgage loan originators, licensing requirement, **2:24**
 prohibited consumer loan terms, **2:30**
Uniform Consumer Credit Protection Act, **2:11**
Uniform Real Property Electronic Recording Act, **2:41**
Wet Settlement Act, **2:40**

LICENSING

applications, **2:3, 5:1, 5:2**
branch offices, **5:1**
education, **2:24**

LICENSING—Cont'd

- exemptions, **2:24**
- experience, **2:24**
- fees, **2:24**
- forms, **5:1**
- home office principal location, **2:24**
- independent credit report, **2:24**
- mortgage brokers, **1:2, 2:24, 5:1**
- mortgage lenders, **1:2, 2:24, 5:1**
- mortgage loan originators, **2:24**
- NMLS
 - see Nationwide Mortgage Licensing System (NMLS)
- regulatory agencies, **4:1**
- renewal, **2:24**
- Residential Mortgage Practices Act, **2:7, 2:24**
- Uniform Consumer Credit Code, **2:24**

LIENS

- condominium association, **2:41, 3:2, 3:3**
- foreclosure, assessment liens
 - condominium association, **2:41, 3:2, 3:3**
 - homeowners association, **3:2**
- future advances, **2:20**
- homeowners association, **3:2**
- homestead waiver, **2:26**
- priority, **3:2-3:4**
- redemption rights, **2:19**

LOAN SERVICING

- see Servicing

LOCATION

- change, **2:8**

LOCK-INS

- interest, **2:25**

MAIL

- notice of intention to foreclosure by advertisement, **2:19**

MANAGEMENT

- change, **2:8**

MARITAL RIGHTS

- generally, **2:26**

MILITARY RELIEF

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

MINERAL RIGHTS

- reservation, **2:41**

MORTGAGE BROKERAGE AGREEMENT

- disclosures, **2:13**

MORTGAGE BROKERS

- agreement to be furnished to borrower, **2:13**
- application for licensing, **5:1**
- appraisers, **2:4**
- certificate of authority/good standing certificate, **5:1**
- commitments, **2:10, 2:25**

MORTGAGE BROKERS—Cont'd

- definitions, **2:7**
- disclosures, **2:13**
- fees and charges, **2:18**
- license application, **5:1**
- licensing, **1:2, 2:7, 2:24**
- lock-ins, **2:25**
- mortgage brokering activities defined, **2:7**
- overview, **2:7**
- prepayment disclosures, **2:29**
- referral fees, **2:32**
- surety bond, **2:24, 5:1**

MORTGAGE LENDERS

- advertisements, **2:1**
- application for licensing, **5:1**
- appraisers, **2:4**
- certificate of authority/good standing certificate, **5:1**
- change in control, location, management, and name, **2:8**
- disclosures, **2:13**
- fees and charges, **2:18**
- forms, **2:29, 5:1**
- insurance approval, **2:22**
- licensing, **1:2, 2:7, 2:24, 5:1**
 - forms, **5:1**
- prepayment penalty disclosure form, **2:29**
- supervised loans, **2:24**
- surety bond, **5:1**
- tie-ins, **2:36**

MORTGAGE LOAN ORIGINATORS

- alternative mortgage transactions, **2:2**
- applications, **2:3, 5:2**
- continuing education, **2:24**
- disclosures, **2:13**
- education and examination, **2:24**
- forms, **5:2**
- licensing, **2:24, 5:2**
- mortgage loan originator defined, **2:24**
- NMLS, **2:24, 5:2**
- referral fees, **2:32**
- surety bond, **2:24**
- UCCC licensing, **2:24**

NAME

- change, **2:8**

NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY (NMLS)

- licensing
 - generally, **2:24**
 - forms, **5:1, 5:2**
- mortgage loan originator licensing, **5:2**
- processing of licenses issued under Residential Mortgage Practices Act, **2:24**
- Resource Center, **4:2**
- website, **4:2**

NEGLIGENCE

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

NOTICE

breach of security of personal information, **2:41**
foreclosure sale, **2:19**
intent to release or reconvey, **2:33**

OIL AND GAS

reservation of rights, **2:41**

PAYOFF

generally, **2:33**

PENALTIES

disclosures, **2:13**
prepayment penalties, **2:29**

PERSONAL IDENTIFYING INFORMATION

categories, 2015 update, **2:41**

PREDATORY LOAN LAWS

generally, **2:28**

PREPAYMENT PENALTIES

generally, **2:29**
disclosure, **2:13**

PRIORITY

condominium association liens, **2:41**
liens, **3:2-3:4**
tax sale property purchase, **3:4**

PROCESSING

discrimination, **2:14**
marital rights, **2:26**
signature requirements, **2:26**

PROMISSORY NOTE

deficiency judgment after foreclosure, **3:1**

PUBLICATION

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

RECONVEYANCE

trust deeds, **2:33**

RECORDING

assignments, **2:5**
certificate of discharge, form, **2:33**
“first in time is first in right,” **2:5**
releases, **2:33**
statement to accompany deed transferring title, **2:15**
Uniform Real Property Electronic Recording Act, **2:41**

RECORD RETENTION

generally, **2:31**

REFERRAL FEES

generally, **2:32**

REFINANCE

balloon loans, **2:2**
prepayment penalty, **2:29**

REGISTRATION

appraisal management company, **2:4**

REGULATORY AUTHORITIES

Commissioner of Banking

administrative actions by, **1:2**

fees for licensing, **2:24**

licensing of mortgage lender or broker, **2:7**

notice of office changes, **2:8**

reimbursement of certain fees, **2:18**

Division of Banking

address, **4:1**

administrative rules, **1:2**

alternative mortgage transactions, regulatory guidance, **2:2**

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

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

predatory lending regulatory guidance, **2:29**

reimbursement of fees, **2:4**

website, **4:1**

RELEASE

generally, **2:33**

RENEWAL

licensing, **2:24**

RESIDENTIAL MORTGAGE PRACTICES ACT

see Legislation

RULES AND REGULATIONS

Residential Mortgage Practices Act Rules, **5:4**

SERVICING

assignments of mortgage, **2:5**

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

escrows, **2:17**

payoff, **2:33**

practices, **2:35**

record retention, **2:31**

releases, **2:33**

transfers, **2:37**

SIGNATURE REQUIREMENTS

generally, **2:26**

SUBPRIME MORTGAGE LENDING PRODUCTS

adoption of regulatory guidance, **2:28**

SURETY BOND

appraisal management company, **2:4**

mortgage brokers, **5:1**

mortgage lenders, **5:1**

SURETY BONDS

mortgage brokers, **2:24**

mortgage loan originators, **2:24**

TAX SALES

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

lien priority, **3:4**

THIRD PARTIES

fees and charges, **2:18**

TIE-INS

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

TRANSFERS

assignments, **2:5**

assumption of mortgage, **2:6**

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

servicing, **2:37**

TRUST DEED

see Deed of Trust

TRUSTEES

powers and duties, **2:38**

UNDERWRITING

discrimination, **2:14**

UNIFORM CONSUMER CREDIT CODE

see Legislation

UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

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

USURY

see Interest

WAIVER

homestead rights, **2:21, 2:26**

WEBSITES

Division of Banking, **4:1**

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

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

WET SETTLEMENT ACT

closing, **2:40**

WORDS AND PHRASES

consumer loan, **2:24**

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

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

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

mortgage lender, **2:24**

mortgage lending activities, **2:24**

mortgage loan originator, **2:24**

supervised loan, **2:24**