

# NOTIFICATION TO MORTGAGE LOAN APPLICANT OF THE POTENTIAL ASSIGNMENT, SALE OR TRANSFER OF SERVICING

**BORROWER:** \_\_\_\_\_ **Loan#** \_\_\_\_\_

**PROPERTY ADDRESS:** \_\_\_\_\_

## **NOTICE TO MORTGAGE LOAN APPLICANTS: THE RIGHT TO COLLECT YOUR MORTGAGE LOAN PAYMENTS MAY BE TRANSFERRED. FEDERAL LAW GIVES YOU CERTAIN RELATED RIGHTS. READ THIS STATEMENT AND SIGN IT ONLY IF YOU UNDERSTAND ITS CONTENTS.**

Because you are applying for a mortgage loan covered by the Real Estate Settlement Procedures Act (RESPA) (12 U.S.C. 2601 et seq.) you have certain rights under that Federal law. This statement tells you about those rights. It also tells you what the chances are that the servicing for this loan may be transferred to a different loan servicer. Servicing refers to collecting your principal, interest and escrow account payments, if any. If your loan servicer changes, there are certain procedures that must be followed. This statement generally explains those procedures.

### **Transfer Practices and Requirements**

If the servicing of your loan is assigned, sold, or transferred to a new servicer, you must be given written notice of that transfer. The present loan servicer must send you notice in writing of the assignment, sale or transfer of the servicing not less than 15 days before the effective date of the transfer. The new loan servicer must also send you notice within 15 days after the effective date of the transfer. The present servicer and the new servicer may combine this information in one notice, so long as the notice is sent to you 15 days before the effective date of the transfer. The 15 day period is not applicable if notice of prospective transfer is provided to you at settlement. The law allows a delay in the time (not more than 30 days after transfer) for servicers to notify you under certain limited circumstances when your servicer is changed abruptly. This exception applies only if your servicer is fired for cause, is in bankruptcy proceedings, or is involved in a conservatorship or receivership initiated by a Federal agency.

Notices must contain certain information. They must contain the effective date of the transfer of the servicing of your loan to the new servicer, the name, address, and toll-free or collect call telephone number of the new servicer, and toll-free or collect call telephone numbers of a person or department for both your present servicer and your new servicer to answer your questions about the transfer of servicing. During the 60-day period following the effective date of the transfer of the loan servicing, a loan payment received by your old servicer before its due date may not be treated by the new loan servicer as late, and a late fee may not be imposed on you.

### **Complaint Resolution**

Section 6 of RESPA (12 U.S.C. 2605) gives you certain consumer rights, whether or not your loan servicing is transferred. If you send a qualified written request to your loan servicer concerning the servicing of your loan, your servicer must provide you with a written acknowledgment within 20 Business\* Days of receipt of your request. A qualified written request is a written correspondence, other than notice on payment coupon or other payment medium supplied by the servicer, which includes your name and account number, and your reasons for the request. Not later than 60 business days after receiving your request, your servicer must make any appropriate corrections to your account, and must provide you with a written clarification regarding any dispute. During this 60-business day period, your servicer may not provide information to a consumer reporting agency concerning any overdue payment related to such period or qualified written request.

### **Damages and Costs**

Section 6 of RESPA also provides for damages and costs for individuals or classes of individuals in circumstances where servicers are shown to have violated the requirements of that Section.

**SECOND PAGE**  
**NOTIFICATION TO MORTGAGE LOAN APPLICANT OF THE**  
**POTENTIAL ASSIGNMENT, SALE OR TRANSFER OF SERVICING**

Loan# \_\_\_\_\_

**Servicing Transfer Estimated by Lender**

The following is the best estimate of what will happen to the servicing of your mortgage loan:

We are able to service mortgage loans; however, we presently intend to assign, sell or transfer servicing of your mortgage loan. You will be informed about your servicer.

We are able to service mortgage loans; however, we have not decided whether to service your loan. If we service your loan, we may assign, sell or transfer the servicing of your loan some time while the loan is outstanding.

For all the mortgage loans that we make in the 12-month period after your mortgage loan is funded, we estimate that the chances that we will transfer the servicing of those loans is between 75 - 100 percent. This is only our best estimate and it is not binding. Business conditions or other circumstances may affect our future transferring decisions.

\* A Business Day is a day, excluding public holidays (State or Federal). Saturday and Sunday.

This is our record of transferring the servicing of the mortgage loans we have made in the past:

<u>Year</u>	<u>Percentage of loans Transferred</u>	(Rounded to nearest quartile - 0%, 25%, 50%, 75% or 100%)
1998	75-100%	
1997	75-100%	
1996	75-100%	

\_\_\_\_\_  
HomeNet Mortgage, Inc.,  
(signature not mandatory)

\_\_\_\_\_  
Date

**ACKNOWLEDGEMENT OF MORTGAGE LOAN APPLICANT**

I/We have read this disclosure form and understand its contents, as evidenced by my/our signature(s) below. I/we understand that this acknowledgement is a required part of the mortgage loan application.

\_\_\_\_\_  
Borrower Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Borrower Signature

\_\_\_\_\_  
Date