

## What's New with the Documents

September 2015



## Preface

This publication was written for ComplianceOne® mortgage

### Publication Information / Version

Document Title: What's New with the Documents

Release Date: September 2015

### Distributed Subject to Terms of a License or other Agreement

The contents of this publication, including its appendices, exhibits, and other attachments, as updated or revised, are highly confidential and proprietary to Wolters Kluwer Financial Services, Inc. or its subsidiaries or affiliates ("Wolters Kluwer Financial Services"). This publication is distributed pursuant to a Non-Disclosure Agreement, Evaluation Agreement, License Agreement and/or other similar agreement(s) with Wolters Kluwer Financial Services, Inc. or its subsidiary or affiliate. Unless otherwise specifically provided in such agreement(s), the reproduction of this publication is strictly prohibited. Use and distribution of this publication are also subject to the responsibilities and obligations of such agreement(s), which require confidential treatment of this publication and its contents.

Information in this guide is subject to change without notice and does not represent a commitment on the part of Wolters Kluwer Financial Services.

### Do Not Reproduce or Transmit

Unless otherwise specifically authorized in the agreement or license under which this publication has been provided, no part of this publication may be posted, played, transmitted, distributed, copied or reproduced in any form or by any means, electronic or mechanical, including photocopying, recording, or retaining on any information storage and retrieval system, without prior written permission from Wolters Kluwer Financial Services.

Requests for permission to reproduce content should be directed to Wolters Kluwer Financial Services, Inc., Corporate Legal Department, by telephone at 1-800-397-2341.

### Not a Substitute for Legal Advice

This publication is intended to provide accurate and authoritative information about the subject matter covered based upon information available at the time of publication. Examples given in this publication are for illustrative purposes only. Development of this publication and the software (including forms, disclosures, reports, and other documents generated by the software) or other products that it describes was based on Wolters Kluwer Financial Services' understanding of various laws, regulations and commentaries. Wolters Kluwer Financial Services cannot and does not guarantee that its understanding is correct.

This publication is not intended, and should not be used, as a substitute for legal, accounting, or other professional advice. Wolters Kluwer Financial Services is not engaged in providing legal, accounting or other professional services. If legal or other professional assistance is required, you should seek the services of a competent professional. We encourage you to seek the advice of your own attorney concerning all legal issues involving the use of this publication and any products described in this publication. If your interpretations or your counsel's interpretations are contrary to those expressed in this publication, you should of course, follow your/your counsel's interpretations.

The following notice is required by law:

**Wolters Kluwer Financial Services' PRODUCTS AND SERVICES ARE NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY.**

### Warranty Disclaimer

Except only for the warranties (if any) expressly set forth in the agreement(s) under which this publication is provided (i.e., your agreement or license for the described product), this publication is provided "as is", and Wolters Kluwer Financial Services makes no warranty, express, implied, by description, by sample or otherwise, and in particular and without limitation, makes no implied warranties of merchantability or fitness for purpose. No modifications to this Warranty Disclaimer are authorized unless in writing and signed by the President or a Vice President of the Wolters Kluwer Financial Services entity licensing the product described in this publication.

### Attributions and Acknowledgements

Expere is a registered trademark of Wolters Kluwer Financial Services, Inc. All other trademarks are the property of their respective owners.

### Copyright Information

©2015 Wolters Kluwer Financial Services, St. Cloud, Minnesota

This publication is the confidential information of Wolters Kluwer Financial Services. Distribution of this publication is subject to restrictions in the license or agreement under which this publication is provided to authorized Wolters Kluwer Financial Institution customers.

All rights reserved.

## Table of Contents

What's New.....	1
-----------------	---

## What's New

### **MULTI-STATE**

#### **Assignment of Real Estate Security Instrument (MERS)**

Assignments of Real Estate Security Instrument (MERS) for all jurisdictions have been revised to follow the recommendation of MERSCORP to change the statement "grant, sell, assign, transfer, and convey" to read "assign and transfer." This revision has been made to assignments where MERS is either the Assignee or the Assignor. In addition, the text "all its right, title and interest in and to [a certain Mortgage or Deed of Trust]" was included for most jurisdictions to more closely follow the sample text provided by MERS.

### **ALASKA**

#### **Assignment of Real Estate Security Instrument (MERS)**

Assignments of Real Estate Security Instrument (MERS) for several jurisdictions have been revised to more closely follow the MERS Procedure Manual. Specifically, references to the transfer of "beneficial interest" have been removed and replaced with "all its right, title and interest." This change was made for the following jurisdictions: Alaska, North Carolina, Nevada, Washington, and West Virginia.

### **DISTRICT OF COLUMBIA**

#### **Lock In Agreement DC**

The Lock-In Agreement DC has been revised for compliance with requirements of the TILA/RESPA Integrated Disclosures final rule. Clarifying language has been added to existing text that describes when loan terms that are not locked in may change. The purpose of the text is to address the discrepancy between CDCR 26-C1117 and federal law. The revised form may be used immediately and has a mandatory usage date of 10/03/2015.

### **INDIANA**

#### **High Cost Home Loan Notice to Purchasers and Assignees-IN**

The High Cost Home Loan Notice to Purchasers and Assignees-IN has been added for Indiana high-cost mortgages that are being sold or assigned, not insured by the FHA, and not sold to Fannie Mae or Freddie Mac. This document provides the notice to the purchasers or assignees of a high-cost home loan that is required under IN Code Section 24-9-4-1(5).

### **MASSACHUSETTS**

#### **Mortgage - Closed End (MA)**

#### **FHA Mortgage (MA)**

#### **Mortgage-Fannie Mae Freddie Mac (MA)**

#### **Mortgage-Fannie Mae Freddie Mac - Junior Lien (MA)**

#### **Assignment of Real Estate Security Instrument (MA)**

Massachusetts security instruments were revised to include information regarding the mortgage broker and/or loan originator at the top of page 1, pursuant to MA MGL Chapter 183 6D. The

information will be included, if applicable. Otherwise, the instruments will indicate that no mortgage broker and/or originator was involved in the transaction.

## **MISSOURI**

### **Recordable Documents (MO)**

Recordable Documents for Missouri have been updated to more closely follow the requirements of the City of St. Louis Recorder's Office. Specifically, the Recorder's Office requires a 3" top margin on the first page of a document submitted for recording. The left side is used for the time stamp and the right side used for the fee stamp. To accommodate this requirement, we added the option to print the "prepared by" and "return to" information, if desired. The reference to the location of the full legal description is already included on the indexing coversheet used with Missouri recordable security instruments and was removed.

## **MONTANA**

**Assignment of Deed of Trust with Acknowledgment**

**Balloon Loan Refinancing Instrument**

**Deed of Trust**

**Deed of Trust with MERS as Nominee**

**Discharge of Deed of Trust with Notary Acknowledgment**

**Second Mortgage**

**Second Mortgage Deed of Trust with MERS**

**Signature Addendum Recordable**

**Signature Addendum with Four Borrowers Recordable**

**Subordinate Deed of Trust**

Montana recordable documents have been updated to meet the requirements of Montana SB 306, which revised the Montana statutory short form notary acknowledgment. This change is effective on October 1, 2015.

## **NEVADA**

### **Assignment of Real Estate Security Instrument (MERS)**

Assignments of Real Estate Security Instrument (MERS) for several jurisdictions have been revised to more closely follow the MERS Procedure Manual. Specifically, references to the transfer of "beneficial interest" have been removed and replaced with "all its right, title and interest." This change was made for the following jurisdictions: Alaska, North Carolina, Nevada, Washington, and West Virginia.

### **Deed of Trust Closed End (NV)**

Deed of Trust Closed End (NV) has been updated to enable lenders to collect an assumption fee, if the loan is assumed in the future. The new provision allows lenders to comply with NRS § 107.055, which requires that the amount of the assumption fee (if any) be clearly set forth in the deed of trust at the time of execution.

### **Deed of Trust Closed End (NV)**

#### **Deed of Trust Fannie Mae Freddie Mac Junior Lien**

The Deed of Trust Closed End and the Deed of Trust Fannie Mae Freddie Mac Junior Lien for Nevada have been revised to include language required by NV Rev Stat Sections 598D.040 and 595D.130

for high cost loans. The statement appears on the front page, in 14-point font, and states that the loan is a home loan subject to the Home Ownership and Equity Protection Act of 1994 as well as applicable federal regulation.

## **NEW MEXICO**

**Deed of Trust-Fannie Mae Freddie Mac**

**Deed of Trust-Fannie Mae Freddie Mac Junior Lien**

**FHA Deed of Trust**

Deeds of Trust will no longer be used for transactions where the property is located in New Mexico. With the expansion of New Mexico's Home Loan Protection Act and prohibition on nonjudicial foreclosures for most residential properties, the forms are changing from a deed of trust form back to a mortgage form as the single form of security instrument in this state. The revised security instrument provides for judicial foreclosure. Lenders are encouraged to begin using the New Mexico mortgage form immediately, and must use the new form for mortgage loans with note dated on or after November 1, 2015. This change was made as a result of the Fannie Mae Announcement SEL-2015-05 and NMSA 1978, § 58-21 A-1 et seq.

The mortgage form of security instrument that now support transactions where the property is located in New Mexico include:

- Mortgage-Fannie Mae Freddie Mac
- Mortgage-Fannie Mae Freddie Mac Junior Lien
- FHA Mortgage

## **NORTH CAROLINA**

**Assignment of Real Estate Security Instrument (MERS)**

Assignments of Real Estate Security Instrument (MERS) for several jurisdictions have been revised to more closely follow the MERS Procedure Manual. Specifically, references to the transfer of "beneficial interest" have been removed and replaced with "all its right, title and interest." This change was made for the following jurisdictions: Alaska, North Carolina, Nevada, Washington, and West Virginia.

## **OKLAHOMA**

**Notice to Borrower-OK**

The Notice to Borrower-OK has been added for closed-end high-cost loans secured by the borrower's principal dwelling that is located in Oklahoma. This form is required by OK Code 14A-3-309.4 and includes notices that the borrower is not required to complete the agreement; the lender will have a mortgage on the home; the rates and fees are based on many factors; and also states the loan interest rate and other terms. These disclosures must be given to the borrower not less than three business days before closing.

## **OREGON**

**Assignment of Real Estate Security Instrument (MERS)**

With the addition of the MERS Rider published by Fannie Mae and Freddie Mac, Fannie Mae has announced that post-closing MERS assignments will no longer be accepted after October 15, 2014. With that, MERS has also issued specific language requirements for Washington and Oregon

assignments to identify MERS as "nominee for the Beneficiary." As a result, Oregon and Washington assignments (with MERS as the assignee) have been updated with the following new paragraph: "MERS is appointed as the nominee for the Beneficiary to exercise the rights, duties and obligations of the Beneficiary as Beneficiary may from time to time direct, including but not limited to appointing a successor trustee, assigning, or releasing, in whole or in part the Security Instrument, foreclosing or directing the trustee to institute foreclosure of the Security Instrument, or taking such other actions as Beneficiary may deem necessary or appropriate under the Security Instrument. The Beneficiary designates MERS as the nominee for the Beneficiary and any notice required by applicable law or the Security Instrument to be served on the Beneficiary must also be served on MERS as the designated nominee for Beneficiary."

## **PENNSYLVANIA**

### **High Cost Loan Notice-PA**

The High Cost Loan Notice-PA was added for high-cost loans secured by the borrower's principal dwelling located in Pennsylvania. The purpose of this form is to provide the consumer with specific notices concerning high-cost loans under the Pennsylvania Mortgage Bankers and Brokers and Consumer Equity Protection Act. It suggests that borrowers get credit counseling and informs them that they are not required to complete the transaction. It is required by 63 PA Stat Section 456.512(a) and must be given at least three business days before consummation of the transaction or account opening.

## **TEXAS**

### **Texas Home Equity Affidavit and Agreement (Fannie Mae/Freddie Mac Form 3185)**

The Texas Home Equity Affidavit and Agreement, Fannie Mae/Freddie Mac Form 3185, has been revised. Per Fannie Mae's Selling Guide Announcement SEL-2015-07 dated June 30, 2015, Fannie Mae has updated the form to reflect new disclosure requirements under the Truth-in-Lending Act and the Real Estate Settlement Procedures Act. We have updated our form to match the model. The reference to HUD-1 or HUD-1A Settlement Statement in Paragraph F. has been replaced with a reference to the final itemized disclosure provided at closing. The revised form may be used immediately and must be used for loans with applications received on or after October 3, 2015.

## **WASHINGTON**

### **Assignment of Real Estate Security Instrument (MERS)**

With the addition of the MERS Rider published by Fannie Mae and Freddie Mac, Fannie Mae has announced that post-closing MERS assignments will no longer be accepted after October 15, 2014. With that, MERS has also issued specific language requirements for Washington and Oregon assignments to identify MERS as "nominee for the Beneficiary." As a result, Oregon and Washington assignments (with MERS as the assignee) have been updated with the following new paragraph: "MERS is appointed as the nominee for the Beneficiary to exercise the rights, duties and obligations of the Beneficiary as Beneficiary may from time to time direct, including but not limited to appointing a successor trustee, assigning, or releasing, in whole or in part the Security Instrument, foreclosing or directing the trustee to institute foreclosure of the Security Instrument, or taking such other actions as Beneficiary may deem necessary or appropriate under the Security Instrument. The Beneficiary designates MERS as the nominee for the Beneficiary and any notice required by applicable law or the Security Instrument to be served on the Beneficiary must also be served on MERS as the designated nominee for Beneficiary."



Assignments of Real Estate Security Instrument (MERS) for several jurisdictions have been revised to more closely follow the MERS Procedure Manual. Specifically, references to the transfer of "beneficial interest" have been removed and replaced with "all its right, title and interest." This change was made for the following jurisdictions: Alaska, North Carolina, Nevada, Washington, and West Virginia.

#### **WEST VIRGINIA**

##### **Assignment of Real Estate Security Instrument (MERS)**

Assignments of Real Estate Security Instrument (MERS) for several jurisdictions have been revised to more closely follow the MERS Procedure Manual. Specifically, references to the transfer of "beneficial interest" have been removed and replaced with "all its right, title and interest." This change was made for the following jurisdictions: Alaska, North Carolina, Nevada, Washington, and West Virginia.

#### **WISCONSIN**

##### **Fannie Mae Freddie Mac 3200 Conventional And VA Fixed Rate Note-WI**

The Fannie Mae/Freddie Mac fixed rate note for Wisconsin was updated by allowing an option to include a "without recourse" provision. This change was made for consistency with other Wolters Kluwer Financial Services products.

#### About Wolters Kluwer Financial Services

Whether complying with regulatory requirements or managing financial transactions, addressing a single key risk, or working toward a holistic enterprise risk management strategy, Wolters Kluwer Financial Services works with customers worldwide to help them successfully navigate regulatory complexity, optimize risk and financial performance, and manage data to support critical decisions. Wolters Kluwer Financial Services provides risk management, compliance, finance and audit solutions that help financial organizations improve efficiency and effectiveness across their enterprise.. With more than 30 offices in 20 countries, the company's prominent brands include: AppOne®, AuthenticWeb™, Bankers Systems®, Capital Changes, CASH Suite™, GainsKeeper®, NILS®, OneSumX®, TeamMate®, Uniform Forms™, VMP® Mortgage Solutions and Wiz®. Wolters Kluwer Financial Services is part of Wolters Kluwer, which had 2013 annual revenues of €3.6 billion (\$4.7 billion), employs 19,000 employees worldwide, and maintains operations in over 40 countries across Europe, North America, Asia Pacific, and Latin America. Wolters Kluwer is headquartered in Alphen aan den Rijn, the Netherlands. Its shares are quoted on Euronext Amsterdam (WKL) and are included in the AEX and Euronext 100 indices.

#### Wolters Kluwer Financial Services

6815 Saukview Drive  
St Cloud, MN, 56303  
Toll-free: 800.274.2711

To learn more visit [WoltersKluwerFS.com](http://WoltersKluwerFS.com).

© 2015 Wolters Kluwer Financial Services, Inc. All Rights Reserved.