

Form 205(b) General

INFORMATION FORM

To Be Attached to Every Deed of Trust or Mortgage Encumbering Residential Real Property, Including Amendments, Modifications, or Supplements That Alter Financial Terms

(Instructions on completing this Information Form Have Been Published in the District of Columbia Register and Title 26A of the District of Columbia Municipal Regulations)

Note: Section 205(f) of the Protections from Predatory Lending and Mortgage Foreclosure Improvements Act of 2000, effective April 3, 2001 (D.C. Law 13-263; 48 DCR 991) (“**Foreclosure Law**”), provides that any deed of trust or mortgage, including an amendment, modification, or supplement that alters financial terms, encumbering residential real property that does not have a properly completed information form attached to it which is recorded more than 60 days after the effective date of the Mayor’s regulations implementing this information form: (i) any power of sale foreclosure shall be void; and (ii) in any judicial foreclosure proceeding the borrower or owner shall be permitted to admit parole evidence of the financing transaction in any claim of predatory lending or misconduct on the part of any involved noteowner, mortgage lender or mortgage broker.

Item Nos. 1 Through 10 Shall Be Completed by One or More of the Mortgage Broker, Mortgage Lender, Noteowner, Noteowner’s Agent, Seller, Borrower, Owner, or Title Company:

1. Name of lien instrument, *i.e.*, “Deed of Trust” or “Mortgage” or “Amendment to Deed of Trust” or “Modification of Mortgage” or “Supplement to Mortgage”): _____

2. Date of lien instrument: _____.

3. Residential real property encumbered: Assessment and Taxation Lot No(s). _____, Square No. _____, (Optional: Recorded Lot No(s). _____,) [Optional: per Plat recorded in Book _____ at Page _____ among the Records of the Office of the Surveyor of the District of Columbia].

4. Address of residential real property encumbered: _____, Washington, D.C. 200_____.

5. Current assessed value of residential real property encumbered as determined by the Office of Tax and Revenue: \$_____.

6. Name and address of the borrower(s) and owner(s) (if not the borrower(s)), grantor, or mortgagor: _____

7. Name and address of owner of residential real property (if different from original borrower, grantor, or mortgagor): _____

8. Name and address of original noteowner (i.e., lender, beneficiary, or mortgagee), and in the case of a table funded transaction, the name and address of the wholesale lender: _____

9. Is the original noteowner the seller of the residential real property?
____ Yes; ____ No.
If yes, provide the name and address of the seller; or

If no, provide the name and address of the mortgage broker and/or mortgage lender: _____

_____;

10. Name, address and case no. of title company, title agent, attorney, or person conducting the settlement of the mortgage loan who is responsible for collecting and disbursing any loan proceeds at the settlement: name: _____;

address: _____;

_____;

case no. _____.

Certifications from the parties identified below must be included with this Form 205(b) General by attaching the following completed Forms [The absence of any of the certifications listed below will cause the Information Form to be incomplete and improperly completed under Section 205(f) of the Foreclosure Law.]:

- Form 205(b) Mortgage Broker/Lender Certification and Signature Page
- Form 205(b) Noteowner or Noteowner's Agent Certification and Signature Page
- Form 205(b) Borrower or Owner Certification and Signature Page

Exemptions from the parties identified below may be included with this Form 205(b) General by attaching the following completed Forms:

- Form 205(b) Mortgage Broker/Lender License Exemption Certification
- Form 205(b) Noteowner or Noteowner's Agent Home Loan Exemption Certification

Form 205(b) Mortgage Broker/Lender Certification and Signature Page
To Information Form

To Be Attached to Form 205(b) General by Every Mortgage Broker or Mortgage Lender or Seller Who is Originating or Placing the Mortgage Loan:

Residential property encumbered: Assessment and Taxation Lot
No(s). _____, Square No. _____; and
address _____
_____, Washington, D.C. 200_____.

The undersigned mortgage broker or mortgage lender or seller hereby certifies to each borrower, owner of the residential real property, noteowner, noteowner's agent (if any), and the Mayor of the District of Columbia under penalty of perjury that the following information is correct, based on the undersigned's actual knowledge and reasonable investigation:

1. Please answer the following question: Is this information form attached to a deferred purchase money deed of trust or mortgage on residential real property taken back by the seller who was the record owner of or built a new dwelling on such residential real property? _____ Yes; or _____ No [If "yes" is checked, and the seller is listed in item no. 8 of Form 205(b) General, and no mortgage broker or mortgage lender was involved in placing or originating the loan, you may omit item no. 2.];

2. Name, address, and mortgage broker or mortgage lender D.C. license number or basis of exemption from licensing requirement of every mortgage broker and mortgage lender involved in placing or originating the loan evidenced by the note and lien instrument:

Mortgage broker or mortgage lender name &
address: _____;
_____;

mortgage broker or mortgage lender D.C. License No.: _____
or check this box [] if you are exempt from the license requirement and a
Form 205(b) Mortgage Broker/Lender License Exemption Certificates attached to this
Form 205(b) Mortgage Broker/Lender Certification and Signature Page.

3. Please answer the following question: Was the disclosure notice in the form promulgated by the Mayor of the District of Columbia in Title 26A, Chapter 20 of the District of Columbia Municipal Regulations sent to the borrower(s) within three days of obtaining or receiving the loan application of the borrower(s), as required in Section 601(j) of the Protections from Predatory Lending and Mortgage Foreclosure Improvements Act of 2000, effective April 3, 2001 (D.C. Law 13-263; 48 DCR 991).
___ Yes; ___ Do Not Know [If you answered "Do Not Know," please confirm the mortgage broker, mortgage lender or seller sent the disclosure notice to the borrower.]; or
___ Not Applicable

4. The undersigned is age 18 or older and authorized to give these certifications.

Form 205(b) Noteowner or Noteowner's Agent Certification and Signature Page
To Information Form

To Be Attached to Form 205(b) General by the Noteowner or Noteowner's Agent Who is Making the Loan

Residential property encumbered: Assessment and Taxation Lot No(s). _____, Square No. _____; and address _____, Washington, D.C. 200_____.

The undersigned noteowner or noteowner's agent hereby certifies to each borrower, owner of the residential real property, mortgage broker, mortgage lender, seller, and the Mayor of the District of Columbia under penalty of perjury that the following information is correct, based on the undersigned's actual knowledge and reasonable investigation:

1. Noteowner's name & address: _____;
2. Noteowner's agent's name & address (if any): _____;
3. Maximum principal amount of the note secured by the lien instrument: \$_____.
4. Total amount funded under the note secured by the lien instrument at the settlement: \$_____.
5. Total "origination/discount points and fees" (as defined in Section 101(29A) of the Foreclosure Law) charged to the borrower and owner: \$_____.
6. Does the deed of trust or mortgage secure a "home loan" [as defined in Section 101(12) of the Protections from Predatory Lending and Mortgage Foreclosure Improvements Act of 2000, effective April 3, 2001 (D.C. Law 13-263; 48 DCR 991)?
 - (a) _____ YES; or
 - (b) _____ NO. If "NO" is checked, a Form 205(b) Noteowner or Noteowner's Agent Home Loan Exemption Certification must be completed, signed, acknowledged, and attached to the Form 205(b) General.
7. Either (a) no single-premium credit insurance was paid for from the loan proceeds, or (b) single-premium credit insurance was paid for from the loan proceeds in the amount of \$_____.
8. Please answer the following question: Was the disclosure notice in the form promulgated by the Mayor of the District of Columbia in Title 26A, Chapter 20 of the District of Columbia Municipal Regulations sent to the borrower(s) within three days of obtaining or receiving the loan application of the borrower(s), as required in Section 601(j) of the Protections from Predatory Lending and Mortgage Foreclosure Improvements Act of 2000, effective April 3, 2001 (D.C. Law 13-263; 48 DCR 991).

Form 205(b) Borrower(s) and/or Owner(s) Certification and Signature Page
To Information Form

To Be Attached to Form 205(b) General by the Borrower Who is Accepting the Loan or Owner of the Residential Real Property Securing the Loan

Residential property encumbered: Assessment and Taxation Lot No(s). _____, Square No. _____; and address _____, Washington, D.C. 200_____.

The undersigned borrower(s) and/or owner(s) of the residential real property hereby certifies to each mortgage broker, mortgage lender, seller, noteowner, noteowner's agent (if any), and the Mayor of the District of Columbia under penalty of perjury that the following information is correct, based on the undersigned's actual knowledge and reasonable investigation:

1. The Red Flag Warning (Form 601(j)) ____ was or ____ was not received.,
2. If item no. 6.A is checked "Yes" in the Form 205(b) Noteowner or Noteowner's Agent Certification and Signature Page, to confirm the deed of trust or mortgage to which this Form 205(b) Borrower or Owner Certification and Signature Page is attached, secures a "home loan" (as defined in Section 101(12) of the Foreclosure Law), the undersigned confirms that (a) he or she is a natural person, (b) the residential real property is improved with a one to four family dwelling, and (c) the residential real property is occupied or intended to be occupied by the undersigned as the undersigned's principal dwelling, excluding absences due to the undersigned's health, marital problems, employment requirements or family problems [Note: A person may have only one principal dwelling.]; and
3. The number of deeds of trust or mortgages the undersigned has granted as a lien on the residential real property described in item nos. 3, 4 & 5 in the Form 205(b) General, regardless of lien priority, during the eighteen month period before the loan closing/settlement using this Form 205(b) Borrower or Owner Certification and Signature Page is _____.
4. The undersigned is 18 years of age or older and is authorized to give these certifications.

WITNESS the hands and seals of the undersigned borrower(s) and/or owner(s) this ____ day of _____, 20_____.

[Print name]

[Print name]

[Note: Conform execution and acknowledgement for requirements applicable to person giving affidavit.]

DISTRICT/STATE OF _____)
) ss:
CITY/COUNTY OF _____)

Before me, a Notary Public, in and for the jurisdiction aforesaid, personally appeared this date, _____ and _____, who executed the foregoing and annexed Borrower or Owner Certification and Signature Page on _____, 20____, who, being by me first duly sworn, did acknowledge such Borrower or Owner Certification and Signature Page to be his and/or her act and deed for the uses and purposes therein contained.

Witness my hand and seal this _____ day of _____, 20_____.

Notary Public

[Notarial Seal]

My Commission Expires: _____

Form 205(b) Mortgage Broker/Lender License Exemption Certification
To Information Form

To Be Attached to Form 205(b) General by Every Mortgage Broker or Mortgage Lender Who is Claiming an Exemption from the License Requirement under § 3 of the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Code § 26-11002 (2001 ed.)).

Residential property encumbered: Assessment and Taxation Lot No(s). _____, Square No. _____; and address _____, Washington, D.C. 200_____.

The undersigned mortgage broker or mortgage lender or seller hereby certifies to each borrower, owner of the residential real property, noteowner, and the Mayor of the District of Columbia under penalty of perjury that the following information is correct, based on my actual knowledge and reasonable investigation:

Mortgage broker or mortgage lender name & address: _____.

The undersigned mortgage broker or mortgage lender or seller is exempt from the licensing requirement under the Mortgage Lender and Broker Act of 1996, effective September 9, 1996 (D.C. Law 11-155; D.C. Code § 26-1101 et seq.) (2001 Ed.) with respect to the residential loan secured by the residential lien instrument to which this Form 205(b) is attached because of one or more exemptions available to the undersigned as identified below:

[Note: Check at least one. You may check more than one. You must provide the basis for each exemption below.]

- _____ D.C. Code § 26-1102(1)
- _____ D.C. Code § 26-1102(2)
- _____ D.C. Code § 26-1102(3)(A)
- _____ D.C. Code § 26-1102(3)(B)
- _____ D.C. Code § 26-1102(3)(C)
- _____ D.C. Code § 26-1102(4)
- _____ D.C. Code § 26-1102(5)(A)
- _____ D.C. Code § 26-1102(5)(B)
- _____ D.C. Code § 26-1102(6)
- _____ D.C. Code § 26-1102(7)
- _____ D.C. Code § 26-1102(8)
- _____ D.C. Code § 26-1102(9)
- _____ D.C. Code § 26-1102(10)
- _____ D.C. Code § 26-1102(11)

Form 205(b) Noteowner or Noteowner's Agent Home Loan Exemption Certification
To Information Form

To Be Attached to Form 205(b) General by the Noteowner or Noteowner's Agent Who is Claiming the Deed of Trust or Mortgage to Which this Noteowner or Noteowner's Agent Home Loan Exemption Certification is Attached is **NOT** a "Home Loan" as Defined in Section 101(12) of the Foreclosure Law.

Residential property encumbered: Assessment and Taxation Lot No(s). _____, Square No. _____; and address _____, Washington, D.C. 200_____.

The undersigned noteowner or noteowner's agent hereby certifies to each borrower, owner of the residential real property, and the Mayor of the District of Columbia under penalty of perjury that the following information is correct, based on my actual knowledge and reasonable investigation:

Noteowner's name & address: _____;

Noteowner's agent's name & address (if any): _____;

The deed of trust or mortgage loan secured by the deed of trust or mortgage to which this Form 205(b) Noteowner or Noteowner's Agent Home Loan Exemption Certification is attached, either does not meet the definition of "home loan" [as defined in Section 101(12)(A) of the Act], or qualified for one or more of the exemptions provided in Section 101(12)(B) of the Act as identified below:

[Note: Check at least one. You may check more than one.]

(A) The deed of trust or mortgage loan failed to qualify under the following definition of "home loan:"

_____ (i) The owner of the residential real property is not a natural person;

_____ (ii) The residential real property is not improved with a one to four family dwelling;

_____ (iii) The residential real property is not occupied or intended to be occupied by the owner as the owner's principal dwelling, excluding absences due to the owner's health, marital problems, employment requirements or family problems;

(iv) The primary purpose of the deed of trust or mortgage loan is for purchasing of, refinancing of, additional financing of, or improving an existing structure on the owner's residential real property, where:

_____ (1) The principal amount at the initial funding of the note secured by a first lien exceeds the Federal Home Loan Mortgage Corporation ("**Freddie**

Mac) or the Federal National Mortgage Association (“**Fannie Mae**”) conforming loan limit for single family dwellings, e.g., \$275,000 on April 3, 2001;

(2) The principal amount at the initial funding of the note secured by a subordinate lien, when added to the principal amount of loans secured by senior liens for the same purpose, exceed the Freddie Mac/Fannie Mae conforming loan limit for single family dwellings, e.g., \$275,000 on April 3, 2001;

(v) The assessed value of the residential real property is greater than \$1,000,000 and (a) the loan is evidenced by an obligation other than a promissory note, or (b) the loan is secured by liens on real property or personal property other than the owner’s residential real property, or (c) the owner is a co-maker, accommodation party or guarantor of a note where the proceeds of the note are advanced for a primary purpose other than purchasing of, refinancing of, additional financing of, or improving an existing structure on the owner’s residential real property;

(B) The deed of trust or mortgage loan qualified for the following exemption from the definition of “home loan” pursuant to the following provision(s) of the Act:

- ___ § 101(12)(B)(i); ___ § 101(12)(B)(ii); ___ § 101(12)(B)(iii);
- ___ § 101(12)(B)(iv); ___ § 101(12)(B)(v); ___ § 101(12)(B)(vi);
- ___ § 101(12)(B)(vii); ___ § 101(12)(B)(viii); ___ § 101(12)(B)(ix);
- ___ § 101(12)(B)(x); and/or ___ § 101(12)(B)(xi).

Basis for the exemption(s): _____

WITNESS the hands and seals of the undersigned noteowner or noteowner’s agent this ___ day of _____, 20___.

[Print name, title, entity name, etc.]

[Note: Conform execution and acknowledgement for requirements applicable to person giving affidavit.]

DISTRICT/STATE OF _____)

) ss:

CITY/COUNTY OF _____)

Before me, a Notary Public, in and for the jurisdiction aforesaid, personally appeared this date, _____, as the _____ or _____, who executed the foregoing and annexed Noteowner or Noteowner's Agent Home Loan Exemption Certification on _____, 20____, who, being by me first duly sworn, did acknowledge such Noteowner or Noteowner's Agent Home Loan Exemption Certification to be his/her/its act and deed for the uses and purposes therein contained.

Witness my hand and seal this _____ day of _____, 20____.

Notary Public

[Notarial Seal]

My Commission Expires: _____

who executed the foregoing and annexed Information Form dated _____, 20____, who, being by me first duly sworn, did acknowledge such Note Affidavit to be his/her/its act and deed for the uses and purposes therein contained.

Witness my hand and seal this _____ day of _____, 20____.

Notary Public

[Notarial Seal]

My Commission Expires: _____

Noteowner or Noteowner's Agent:

[Print name, title, entity name, etc.]

DISTRICT/STATE OF _____)

) ss:

CITY/COUNTY OF _____)

Before me, a Notary Public, in and for the jurisdiction aforesaid, personally appeared this date, _____, as the _____ or _____, who executed the foregoing and annexed Information Form dated _____, 20____, who, being by me first duly sworn, did acknowledge such Note Affidavit to be his/her/its act and deed for the uses and purposes therein contained.

Witness my hand and seal this _____ day of _____, 20_____.

Notary Public

[Notarial Seal]

My Commission Expires: _____