

**STATE OF LOUISIANA
OFFICE OF FINANCIAL INSTITUTIONS
BATON ROUGE, LOUISIANA**

April 19, 2001

POLICY NO. RML-01-01

PURPOSE:

To provide a schedule of minimum records to be retained by persons subject to the Residential Mortgage Lenders Act. The records required to be maintained have been deemed necessary for this Office to determine compliance with the Act.

TO WHOM THIS POLICY APPLIES:

All mortgage brokers and mortgage lenders licensed pursuant to the Residential Mortgage Lending Act.

SPECIFICS:

All records required to be maintained by this policy shall be available for examination by the commissioner or his designee; at the location listed in the application for licensure as the official location of books and records. Notwithstanding this, a licensee may request in writing that its records be examined at multiple locations. However, each location where records are examined shall be subject to a separate examination fee pursuant to LSA-R.S. 1091 B.(2).

All records required by this policy must be maintained for a minimum of 36 months from the date of the loan application. The commissioner in his sole discretion after giving written notice, may require records to be maintained for a longer period of time.

The following federal regulations may also be used as guides to supplement the minimum recordkeeping requirements stated of this Rule. Regulation B (12 C.F.R. §202.1 et seq.), Regulation X (24 C.F.R. §3500.1 et seq.) and Regulation Z (12 C.F.R. § 226.1 et seq.) However, the requirements set forth by this rule are separate and apart from any record keeping requirements stated in federal regulations. Compliance with the provisions of this policy cannot be relied upon for ensuring compliance with federal regulations.

The following records are to be maintained by each mortgage broker or mortgage lender required to be licensed to engage in residential mortgage lending activity under the residential mortgage lending act (LSA-R.S. 6:1081 et seq.).

1. The original or copy of All documentation dated and signed by the borrower and loan originator, including, but not limited to:

- a. uniform residential loan application (Fannie Mae Form 1003)
 - b. mortgage loan origination agreement (within 3 days of the application date)
2. The original or copy of All documentation dated and signed by the borrower, including, but not limited to:
- a. Initial Truth-in-Lending Disclosure (within 3 days of the application date)
 - b. Final Truth-in-Lending Disclosure (at settlement)
 - c. Good Faith Estimate (within 3 days of the application date)
 - d. Notice of Right to Receive Copy of Uniform Residential Appraisal disclosure (provided any time during the loan process prior to settlement)
 - e. Equal Credit Opportunity Act Disclosure (within 3 days of application date)
 - f. Notice of Right to Cancel (for refinanced loans at settlement)
 - g. Notice of Action Taken (within 3 business days of receiving notice that loan is denied or within 30 calendar days of receiving an application denied by creditor)
 - h. Affiliated Business Agreement (Disclosure) given within 3 days of application
 - i. Notice of Transfer Servicing Disclosure (if funding the loan)
 - j. Signed verification that the applicant received the "Settlement Cost Booklet" (for a purchase within 3 days of the application date)
 - k. Verification of borrower's authorization giving broker/lender permission prior to ordering a credit report.
 - l. HUD-1/HUD-1A Settlement Statement (at settlement)
3. A log of all residential mortgage loan applications taken; including: originators name, applicants name and address, application date, loan amount, loan status (ie. closed, rescinded, pending, denied), and to whom loans were sold, transferred, or brokered.
4. Bank statements and cancelled checks of all business accounts related to residential mortgage lending activity.
5. Receipts and invoices of ALL third party transactions such as but not limited to Appraisers, Credit Bureau, Title Companies, Couriers, etc.
6. Copy of receipts which must be provided to consumers for all funds collected in connection with procurement of a loan.
7. Any other records which the commissioner may require after giving written notice to the licensee.

John O. Travis

John Travis, Commissioner

RFB/DJD/ABL: