

**Lender’s Certification Regarding:
Submission of Documents for
Application for Full Insurance
Benefits – Assignment of
Mortgage**

**U.S. Department of Housing
and Urban Development**

Federal Housing Commissioner

| | |
|--|--|
| To: Secretary of Housing and Urban Development (“HUD”) | Project Name: [Project Name] |
| | FHA Project Number: [Project No.] |

The President of the United States of America has declared a national emergency stemming from COVID-19 related public health concerns. HUD will continue serving the American people while its staff work remotely to help curb the spread of COVID-19. This document, the Lender’s Certification Regarding Submission of Documents for Application for Full Insurance Benefits – Assignment of Mortgage (Certification), serves to ensure HUD’s receipt of legally compliant documents, **both in form and substance**, while its staff is unable to review physical documents.

The above referenced project (the “Project”) was assigned to HUD under a claim of monetary default on _____, 20___. The Project was financed with the proceeds of a mortgage loan (the “Loan”) from the undersigned lender (the “Lender”) to _____, which Loan was insured by HUD under Section _____, [pursuant to Section _____] of the National Housing Act, as amended, in accordance with that certain “Firm Commitment” issued by HUD. This LENDER’S CERTIFICATION REGARDING: SUBMISSION OF DOCUMENTS FOR APPLICATION FOR FULL INSURANCE BENEFITS – ASSIGNMENT OF MORTGAGE is given in order to induce HUD to provide legal clearance with respect to the claim and assignment to HUD.

The undersigned hereby certifies as follows:

During the COVID-19 Pandemic, the Lender and Lender’s Counsel that hereby certify that (i) it will provide (or cause to be provided) to an address identified by HUD’s Counsel the originals (including wet ink signatures when applicable),¹ or recording official-certified copies (when applicable), of the documents and instruments required in LEGAL INSTRUCTIONS CONCERNING APPLICATIONS FOR FULL INSURANCE BENEFITS – ASSIGNMENT OF MULTIFAMILY AND HEALTHCARE MORTGAGES TO THE SECRETARY (HUD form 2510) (the “LEGAL INSTRUCTIONS”) Part B no later than 1 business day after HUD counsel submits a written request for the documents (including via email) to Lender and/or Lender’s Counsel, (ii) such delivery will include a complete hardcopy set of all documents required by the LEGAL INSTRUCTIONS (even if previously submitted electronically), and (iii) the documents delivered to an address identified by HUD’s Counsel will be identical to the electronic versions accepted by HUD in connection with review of the application for insurance benefits.

Furthermore, the undersigned further certifies attached hereto and incorporated herein as **Exhibit A** is a completed checklist identifying the required documents and the form of submission of each document for the assignment of the Mortgage for this Project. **By executing this Certification, Lender and Lender’s Counsel certifies that the required documents are in the physical custody (as applicable to the Project) of the Lender’s Counsel, in original or recording official certified form when required by the Legal Instructions, and will be submitted in full compliance with the terms of this Certification**

The undersigned further certifies that until Lender’s counsel is advised by HUD counsel that normal/non-emergency protocols have resumed, Lender and/or Lender’s Counsel will maintain custody of all original instruments and recording official-certified copies (when applicable), related to the claim and assignment of mortgage.

¹ Photocopies or duplicates of original documents do not satisfy the requirement to provide HUD with original documents if they are not certified according to the project’s jurisdiction’s and approved of by HUD counsel.

**Lender's Certification Regarding:
Submission of Documents for Application for
Full Insurance Benefits – Assignment of Mortgage**

Through executing this Certification, Lender and Lender's Counsel explicitly acknowledge that all documents recorded by electronic filing should maintain certified copies and that all certifications must be made by the project jurisdiction's recording official.

Undersigned Lender and Lender's Counsel hereby certifies and agrees that if originals, or as applicable recording official-certified copies, are not submitted to an address identified by HUD's Counsel within 1 business days of a request for submission of documents from HUD Counsel, then any legal clearance provided under the LEGAL INSTRUCTIONS is void and shall be rescinded.

If these documents are not sent to an address identified by HUD's Counsel within 1 business day of HUD Counsel's request, HUD will pursue all available legal remedies, which may include adjustments to the claim payment and/ or referral of this matter to the Mortgagee Review Board for administrative action, and/or civil monetary penalties (see 24 CFR Section 25.5 and 24 CFR Section 30.35).

Effective as of _____, 20__.

LENDER:

[LENDER NAME],

a _____

By: _____

Name: _____

Title: _____

LENDER'S COUNSEL:

[FIRM NAME]

By: _____

Name: _____

Title: _____

WARNING: HUD will prosecute false claims and statements (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Lender's Certification Regarding:
Submission of Documents for Application for
Full Insurance Benefits – Assignment of Mortgage

Exhibit A

| Documentation Not Specific to LEAN | | | | | | | | |
|------------------------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Tab No. | Document Description | Orig. | Orig. Rec. OR e-rec. | Rec. Cert. Copy | Copy | State Ack. OR e-rec. | State Cert. | N/A |
| 1 | Note | <input type="checkbox"/> | | | | | | |
| 2 | Allonge/Endorsement to Mortgage Note - Chain | <input type="checkbox"/> | | | | | | |
| 3 | Mortgage, Deed of Trust or other Security Instrument | | <input type="checkbox"/> | <input type="checkbox"/> | | | | |
| 4 | Modification | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 5 | Assignment of Mortgage - Chain | | <input type="checkbox"/> | <input type="checkbox"/> | | | | |
| 6 | Security Agreement | <input type="checkbox"/> | | | | | | |
| 7 | Assignment of Security Agreement - Chain | <input type="checkbox"/> | | | | | | |
| 8 | Assignment (Form 289) | <input type="checkbox"/> | | | | | | |
| 9 | Hazard Insurance – Policy/Binder/Certificate | | | | <input type="checkbox"/> | | | |
| 10 | Assignment of Property Insurance Policy from Lender | <input type="checkbox"/> | | | | | | |
| 11 | Affidavit affirming Hazard Insurance Policy in force from Lender | <input type="checkbox"/> | | | | | | |
| 12 | Assignment of Rents and Leases | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 13 | Assignment of Assignment of Rents and Leases - Chain | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 14 | UCC1 County (Mortgagor) | | <input type="checkbox"/> | <input type="checkbox"/> | | | | |
| 15 | UCC3 (Assign.) County (Mortgagor) - Chain | | <input type="checkbox"/> | <input type="checkbox"/> | | | | |
| 16 | UCC1 Sec. of State (Mortgagor) | | | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| 17 | UCC3 (Assign.) Sec. of State (Mortgagor) - Chain | | | | | <input type="checkbox"/> | <input type="checkbox"/> | |
| 18 | Title Policy | <input type="checkbox"/> | | | | | | |
| 19 | Corporate Resolution | | | | <input type="checkbox"/> | | | |
| 20 | Notification of Assignment to HUD | | | | <input type="checkbox"/> | | | |
| 21 | Notification to Taxing Authority/Property Tax Information | | | | <input type="checkbox"/> | | | |
| 22 | Repair Escrow Agreement | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 23 | Assignment of Repair Escrow Agreement – Chain | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 24 | Building Loan Agreement | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 25 | Assignment of Building Loan Agreement - Chain | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |

**Lender's Certification Regarding:
Submission of Documents for Application for
Full Insurance Benefits – Assignment of Mortgage**

| Applicable LEAN Documentation | | | | | | | | |
|-------------------------------|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Tab No. | Document Description | Orig. | Orig. Rec. OR e-rec. | Rec. Cert. Copy | Copy | State Ack. OR e-rec. | State Cert. | N/A |
| 26 | Operator Security Agreement | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 27 | Assignment of Operator Security Agreement - Chain | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 28 | Assignment of Rents and Leases | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 29 | Assignment of Assignment of Rents and Leases | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 30 | UCC1 County (Operator) | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 31 | UCC 3 (Assign.) County (Operator) - Chain | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 32 | UCC 1 Sec. of State (Operator) | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 33 | UCC 3 (Assign.) Sec. of State (Operator) - Chain | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 34 | Operator Estoppel Certificate with copies of Lease and Addendum to Operating Lease | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 35 | Operator Memorandum of Lease | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 36 | Master Tenant Security Agreement | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 37 | Assignment of Master Tenant Security Agreement - Chain | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 38 | UCC1 County (Master Tenant) | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 39 | UCC3 (Assign.) County (Master Tenant) - Chain | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 40 | UCC1 Sec. of State (Master Tenant) | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 41 | UCC3 (Assign.) Sec. of State (Master Tenant) - Chain | | | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 42 | Master Tenant Estoppel Certificate with Master Lease Agreement and HUD Addendum to Master Lease | | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| 43 | Memorandum of Master Lease | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 44 | Memorandum of Sublease | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 45 | Master Lease Subordination Agreement | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 46 | Assignment of Subordination Agreement - Chain | | <input type="checkbox"/> | <input type="checkbox"/> | | | | <input type="checkbox"/> |
| 47 | Master Lease | | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| 48 | Cross-Default Guaranty of Subtenants | | | | <input type="checkbox"/> | | | <input type="checkbox"/> |

**Lender's Certification Regarding:
Submission of Documents for Application for
Full Insurance Benefits – Assignment of Mortgage**

| Applicable LEAN Documentation | | | | | | | | |
|-------------------------------|--|--------------------------|----------------------|-----------------|--------------------------|----------------------|-------------|--------------------------|
| Tab No. | Document Description | Orig. | Orig. Rec. OR e-rec. | Rec. Cert. Copy | Copy | State Ack. OR e-rec. | State Cert. | N/A |
| 49 | Intercreditor Agreement | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 50 | Assignment of Intercreditor Agreement - Chain | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 51 | Deposit Account Control Agreement(s) ("DACA") among Lender, Operator and Bank | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 52 | Deposit Account Instructions Services Agreement(s) ("DAISA") among Lender, Operator and Bank | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 53 | Lockbox Account Control Agreement (Commercial Accounts) | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 54 | Assignment of Lockbox Account Control Agreement - Chain | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 55 | Lockbox Account Agreement (Government Accounts) | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 56 | Assignment of Lockbox Account Agreement - Chain | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |
| 57 | Notice of Assignment to HUD relating to A/R Financing | | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| 58 | Notice to A/R Lender under Intercreditor Agreement | | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| 59 | Notice to Borrower Representative and Bank | | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| 60 | Notice to Master Tenant and Bank | | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| 61 | Notice to Operator and Bank | | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| 62 | Notice of Exclusive Control or HUD Letter | | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| 63 | No Debt Service Reserve Letter | | | | <input type="checkbox"/> | | | <input type="checkbox"/> |
| 64 | Assignment (Form 289 for LEAN) | <input type="checkbox"/> | | | | | | <input type="checkbox"/> |