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| **HUD Attorney Closing Checklist**  Section 232 | **U.S. Department of Housing**  **and Urban Development** |

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

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| **Project Name:** |
| **Project Number:**  **Section of the Act:** 232 |

**SUBMISSION REQUIREMENTS:**

Items marked with an asterisk (\*) must be dated day of closing.

**Post-Closing Transaccess Submission INSTRUCTIONS TO LENDER’S COUNSEL:**

Please send a CD of PDF copies (or email PDF copies) of all final, executed, recorded documents as accepted by HUD counsel at closing, in the order of the following checklist, directly to:

OHP Records Archive

Department of Housing and Urban Development (HUD)

451 Seventh St., S.W.,  Room  No. B282

Washington, D.C.  20410

Please remember:

* Each document should be scanned and saved to the CD or email separately and should use a naming convention that includes the item number and name from this checklist.

* Email the HUD Closer assigned to the current transaction and Transaccess@hud.gov indicating that you have mailed the CD or emailed the documents to the address above.
* The email subject line should be titled “Transaccess CD for [NAME OF

PROJECT, FHA # and closing date.]”

**\*\* SPECIAL NOTE FOR MASTER LEASES AND AR LINES INCLUDING ALREADY CLOSED PROJECTS\*\*** Please prepare a separate CD or email PDF of any amendments to master leases or accounts receivable lines of credit, so that the Document Imaging Specialist can upload these documents to projects that have already closed. The email or CD should be sent following the same instructions as above but with the already closed project’s name, FHA#, and closing date. Please submit a separate CD or email for each project.

| **No.** | **Item** | **N/A** | **Incl.** |
| --- | --- | --- | --- |
| 1 | Contact Sheet |  |  |
| 2 | HUD Firm Commitment  *Extended and/or not expired as of date of closing.*  Amendment(s)  Assignment |  |  |
| 3 | Approvals, Waivers |  |  |
| 4 | Lender’s Narrative |  |  |
| 5 | Portfolio Acceptance Letter |  |  |
| 6 | Accounts Receivable Documents  AR Loan Agreement  AR Loan Note(s)  Security Agreement(s) running in favor of the AR Lender  Guaranties, pledges and/or other side agreements  UCC Financing Statements and control agreements (DACAs) in favor of the AR Lender |  |  |
| 7 | Intercreditor Agreement |  |  |
| 8 | Deposit Account Control Agreement(s) (DACA) |  |  |
| 9 | Deposit Account Instructions and Services Agreement (DAISA) |  |  |
| 10 | Master Tenant Estoppel Certificate (HUD-92339-ORCF)\*  Master Lease and Master Lease Addendum (HUD-92211-ORCF); or  Joinder plus Master Lease |  |  |
| 11 | Cross Default Guaranty of Subtenants (HUD-92331-ORCF); or  Joinder plus Cross Default Guaranty of Subtenants |  |  |
| 12 | Operator Lease Estoppel Certificate (HUD-91117-ORCF)\*  Operator Lease and Addendum to Operating Lease (HUD-91116-ORCF) |  |  |
| 13 | Borrower’s Organizational Documents  For trusts, submit the Trust Agreement and the Certification or Affidavit of Trust   |  |  |  | | --- | --- | --- | | Corporation | Partnership | LLC | | A. Certification\* | A. Certification\* | A. Certification\* | | B. Articles of Incorp. | B. Partnership Agreem’t | B. Articles of Organiz’n | | C. Bylaws | C. Cert. of Partnership | C. Operating Agreem’t | | D. Authoriz’g Resolution | D. Authoriz’g Resolution | D. Authoriz’g Resolution | | E. Auth. To do Business | E. Auth. To do Business | E. Auth. To do Business | | F. Good Standing | F. Good Standing | F. Good Standing | | G. Incumbency | G. Incumbency | G. Incumbency |   *Good Standing Certificates (or similar) must be dated within 30 days of closing* |  |  |
| 14 | Organizational Documents for Entities within Borrower’s Signature Block  For trusts, submit the Trust Agreement and the Certification or Affidavit of Trust   |  |  |  | | --- | --- | --- | | Corporation | Partnership | LLC | | A. Certification\* | A. Certification\* | A. Certification\* | | B. Articles of Incorp. | B. Partnership Agreem’t | B. Articles of Organiz’n | | C. Bylaws | C. Cert. of Partnership | C. Operating Agreem’t | | D. Authoriz’g Resolution | D. Authoriz’g Resolution | D. Authoriz’g Resolution | | E. Good Standing | E. Good Standing | E. Good Standing | | F. Incumbency | F. Incumbency | F. Incumbency |   *Good Standing Certificates (or similar) must be dated within 30 days of closing* |  |  |
| 15 | Master Tenant’s Organizational Documents  For trusts, submit the Trust Agreement and the Certification or Affidavit of Trust   |  |  |  | | --- | --- | --- | | Corporation | Partnership | LLC | | A. Certification\* | A. Certification\* | A. Certification\* | | B. Articles of Incorp. | B. Partnership Agreem’t | B. Articles of Organiz’n | | C. Bylaws | C. Cert. of Partnership | C. Operating Agreem’t | | D. Authoriz’g Resolution | D. Authoriz’g Resolution | D. Authoriz’g Resolution | | E. Auth. To do Business | E. Auth. To do Business | E. Auth. To do Business | | F. Good Standing | F. Good Standing | F. Good Standing | | G. Incumbency | G. Incumbency | G. Incumbency |   *Good Standing Certificates (or similar) must be dated within 30 days of closing* |  |  |
| 16 | Organizational Documents for Entities within Master Tenant’s Signature Block  For trusts, submit the Trust Agreement and the Certification or Affidavit of Trust   |  |  |  | | --- | --- | --- | | Corporation | Partnership | LLC | | A. Certification\* | A. Certification\* | A. Certification\* | | B. Articles of Incorp. | B. Partnership Agreem’t | B. Articles of Organiz’n | | C. Bylaws | C. Cert. of Partnership | C. Operating Agreem’t | | D. Authoriz’g Resolution | D. Authoriz’g Resolution | D. Authoriz’g Resolution | | E. Good Standing | E. Good Standing | E. Good Standing | | F. Incumbency | F. Incumbency | F. Incumbency |   *Good Standing Certificates (or similar) must be dated within 30 days of closing* |  |  |
| 17 | Operator’s Organizational Documents  For trusts, submit the Trust Agreement and the Certification or Affidavit of Trust   |  |  |  | | --- | --- | --- | | Corporation | Partnership | LLC | | A. Certification\* | A. Certification\* | A. Certification\* | | B. Articles of Incorp. | B. Partnership Agreem’t | B. Articles of Organiz’n | | C. Bylaws | C. Cert. of Partnership | C. Operating Agreement | | D. Authoriz’g Resolution | D. Authoriz’g Resolution | D. Authoriz’g Resolution | | E. Auth. To do Business | E. Auth. To do Business | E. Auth. To do Business | | F. Good Standing | F. Good Standing | F. Good Standing | | G. Incumbency | G. Incumbency | G. Incumbency |   *Good Standing Certificates (or similar) must be dated within 30 days of closing* |  |  |
| 18 | Organizational Documents for Entities within Operator’s Signature Block  For trusts, submit the Trust Agreement and the Certification or Affidavit of Trust   |  |  |  | | --- | --- | --- | | Corporation | Partnership | LLC | | A. Certification\* | A. Certification\* | A. Certification\* | | B. Articles of Incorp. | B. Partnership Agreem’t | B. Articles of Organiz’n | | C. Bylaws | C. Cert. of Partnership | C. Operating Agreem’t | | D. Authoriz’g Resolution | D. Authoriz’g Resolution | D. Authoriz’g Resolution | | E. Good Standing | E. Good Standing | E. Good Standing | | F. Incumbency | F. Incumbency | F. Incumbency |   *Good Standing Certificates (or similar) must be dated within 30 days of closing* |  |  |
| 19 | Residual Receipts Note (Non-Profit Borrowers) (HUD-91710-ORCF),  or Surplus Cash Note (HUD-92223-ORCF)  All other secondary financing documents or encumbrance documents (Use Agreements, Regulatory Agreements, etc.) |  |  |
| 20 | License(s) or Other Evidence of Compliance with 24 CFR 232.2 |  |  |
| 21 | Management Agreement |  |  |
| 22 | Escrow Agreement for Operating Deficits (HUD-92476B-ORCF) |  |  |
| 23 | Escrow Agreement for Working Capital (HUD-92412-ORCF) |  |  |
| 24 | Minor Movable Equipment Escrow Agreement (HUD-9443-ORCF)  Any other escrows |  |  |
| 25 | Survey, Survey Instructions and Borrower’s Certification (HUD-91111-ORCF) |  |  |
| 26 | Lender’s Certificate (HUD-92434-ORCF) |  |  |
| 27 | Special Conditions of the Firm Commitment |  |  |
| 28 | Agreement and Certification (HUD-93305-ORCF) |  |  |
| 29 | Guide for Opinion of Borrower’s Counsel (HUD-91725-ORCF)\* and Exhibit A to Opinion of Borrower’s Counsel – Certification (HUD-91725-CERT-ORCF)\* |  |  |
| 30 | Guide for Opinion of Master Tenant’s Counsel (HUD-92335-ORCF)\* |  |  |
| 31 | Guide for Opinion of Operator’s Counsel, and Certification (HUD-92325-ORCF)\* |  |  |
| 32 | Building Permits |  |  |
| 33 | Construction Contract (HUD-92442-ORCF)  General Conditions of the Contract for Construction AIA Document A201  Supplementary Conditions for Contract for Construction (HUD-92554-ORCF)  Special Conditions from Firm Commitment  Indices of the Drawings and Specifications  Contractor’s and/or Mortgagor’s Cost Breakdown (HUD-2328)  Construction Contract Incentive Payment (HUD-92443)  Prevailing Wage Determination  Approved Change Orders  Retainage Reduction Rider |  |  |
| 34 | Completion Assurance  Payment Bond (HUD-92452A-ORCF)  Performance Bond – Dual Obligee (HUD-92452-ORCF)  Power of Attorney  Fax or Email Confirming Power of Attorney  OR  Completion Assurance Agreement (HUD-92450-ORCF)  OR  Personal Undertaking (FHA-2459)  Offsite Bond – Dual Obligee (HUD-92479-ORCF) |  |  |
| 35 | Owner-Architect Agreement (AIA B108)  HUD Amendment (HUD-92408-ORCF) |  |  |
| 36 | Building Loan Agreement (HUD-92441-ORCF)  Building Loan Agreement Supplemental (HUD-92441a-ORCF) |  |  |
| 37 | Ground Lease with Lease Addendum (HUD-92070-ORCF) |  |  |
| 38 | Any Necessary Easements or Party Wall Agreements |  |  |
| 39 | Security Instrument (HUD-94000-ORCF) |  |  |
| 40 | Healthcare Regulatory Agreement – Borrower (HUD-92466-ORCF) |  |  |
| 41 | Borrower UCC-1 Financing Statements |  |  |
| 42 | Memorandum of Master Lease |  |  |
| 43 | Healthcare Regulatory Agreement – Master Tenant (HUD-92337-ORCF) |  |  |
| 44 | Master Tenant Security Agreement (HUD-92340-ORCF) |  |  |
| 45 | Master Tenant UCC-1 Financing Statements |  |  |
| 46 | Memorandum of Operator Lease |  |  |
| 47 | Healthcare Regulatory Agreement – Operator (HUD-92466A-ORCF) |  |  |
| 48 | Operator Security Agreement (HUD-92323-ORCF) |  |  |
| 49 | Operator UCC-1 Financing Statements |  |  |
| 50 | Subordination Agreement/SNDA (HUD-92333-ORCF),  Joinder plus existing Subordination Agreement/SNDA |  |  |
| 51 | Subordination, Non-Disturbance and Attornment Agreement of Operating Lease (SNDA) (HUD-91110-ORCF) |  |  |
| 52 | Subordination Agreement – Financing (HUD-92420-ORCF) |  |  |
| 53 | Commercial Space Leases |  |  |
| 54 | Title policy\* |  |  |
| 55 | Healthcare Facility Note (HUD-94001-ORCF)  *HUD endorsement dated day of closing.* |  |  |
| 56 | Application for Insurance of Advance of Mortgage Proceeds (HUD-92403-ORCF) |  |  |
| 57 | Design Professional’s Certification of Liability Insurance (HUD-91123-ORCF) |  |  |
| 58 | Mortgagor’s and Architect’s Certificate of Payment (HUD-92403.1) |  |  |
| 59 | Design Architect’s Certification (HUD-91124-ORCF) |  |  |
| 60 | Estimated Progress Schedule |  |  |
| 61 | Certified Closing Statement |  |  |
| 62 | MIP Check |  |  |
| 63 | Inspection Fee Check |  |  |
| 64 | Exam Fee Check |  |  |
| 65 | Cross Certification Memo (internal) |  |  |
| 66 | Attendance List |  |  |