

**FHA Refinance of Borrowers in
Negative Equity Positions
Borrower Certification**

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

OMB Approval No. 2502-0579
(exp. 11/30/2012)

Federal Housing Administration

I M P O R T A N T

The following information is requested by the federal government in accordance with the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203). **You are required to furnish this information. Please see definitions on the back of this form.**

The law provides that no person shall be eligible to receive assistance from the Making Home Affordable Program, authorized under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 *et seq.*), or any other mortgage assistance program authorized or funded by that Act, if such person, in connection with a mortgage or real estate transaction, has been convicted, within the last ten (10) years, of any one of the following: (a) felony larceny, theft, fraud, or forgery; (b) money laundering; or (c) tax evasion.

BORROWER:

By signing below, I certify that the statements set forth below are true and accurate:

I have not been convicted within the last ten (10) years of any one of the following in connection with a mortgage or real estate transaction:

- a) Felony larceny, theft, fraud, or forgery;
- b) Money laundering; or
- c) Tax evasion.

I certify that I have been a resident of the following state(s) listed below in the last ten (10) years. (Add additional lines as necessary.)

I certify that I have only used the following legal name(s) for the last ten (10) years. (Add additional lines as necessary.)

Furthermore, by signing below, I provide my consent for the release of the information contained herein to such entities, public or private, as are deemed necessary to perform independent verification of the certifications contained herein through the use of background checks, including searches of federal, state, and local databases.

CO-BORROWER:

By signing below, I certify that the statements set forth below are true and accurate:

I have not been convicted within the last ten (10) years of any one of the following in connection with a mortgage or real estate transaction:

- a) Felony larceny, theft, fraud, or forgery;
- b) Money laundering; or
- c) Tax evasion.

I certify that I have been a resident of the following state(s) listed below in the last ten (10) years. (Add additional lines as necessary.)

I certify that I have only used the following legal name(s) for the last ten (10) years. (Add additional lines as necessary.)

Furthermore, by signing below, I provide my consent for the release of the information contained herein to such entities, public or private, as are deemed necessary to perform independent verification of the certifications contained herein through the use of background checks, including searches of federal, state, and local databases.

WARNING: In addition to other criminal and civil penalties that are available under Federal law, 18 U.S.C. § 1001 provides, among other things, that whoever knowingly and willingly makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

Borrower's Signature

Date

Co-Borrower's Signature

Date

Print Full Name

Last 4 of SSN

Print Full Name

Last 4 of SSN

Address: _____

Address: _____

The information collection requirements contained in this document have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and are pending an OMB control number. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

DEFINITIONS

Convicted – The term “convicted” means subject to a judgment or any other determination of guilt of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, including a plea of nolo contendere; or any other resolution that is the functional equivalent of a judgment, including probation before judgment and deferred prosecution. A disposition without the participation of the court is the functional equivalent of a judgment only if it includes an admission of guilt.

Felony Larceny – The term “felony larceny” means the commission of any act which, pursuant to federal, state, or local law, is considered to be felony larceny or grand larceny, and includes conspiracy to commit such an act. This term also means the unlawful taking and carrying away of the personal property of another with the intent to permanently deprive the owner of the property and to convert it to the taker's own use.

Theft – The term “theft” means the commission of any act which, pursuant to federal, state, or local law, is considered to be theft, and includes conspiracy to commit such an act. This term also means the taking and removing of another person’s personal property with the intent of depriving the true owner of it. The term “theft” includes, but is not limited to, the taking of personal property by embezzlement, false pretenses, false pretexts, or cybertheft.

Fraud – The term “fraud” means the commission of any act which, pursuant to federal, state, or local law, is considered to be fraud or fraudulent, and includes conspiracy to commit such an act. This term also means the knowing misrepresentation of the truth, or omission or concealment of a material fact to induce another person to act to his or her detriment.

Forgery - The term “forgery” means the commission of any act which, pursuant to federal, state, or local law, is considered to be forgery, and includes conspiracy to commit such an act. This term also means the act of making a false document or altering a real one to be used as if genuine.

Money Laundering - The term “money laundering” means the commission of any act which, pursuant to federal, state, or local law, is considered to be money laundering, and includes conspiracy to commit such an act. This term also means the transferring of illegally-obtained money through legitimate persons or accounts for the purpose of concealing its original source.

Tax Evasion – The term “tax evasion” means the commission of any act which, pursuant to federal, state, or local law, is considered to be tax evasion, and includes conspiracy to commit such an act. This term also means the willful attempt to defeat or circumvent the tax in order to illegally reduce one’s tax liability.