

## **Cross Reference of Major Provisions in Multifamily Closing Documents**

### **Assignment of Leases**

Security Instrument, §4  
Regulatory Agreement, §§27, 28, 29, 30  
Borrower's Oath, §1

### **Assignment of Rents**

Security Instrument, §3  
Regulatory Agreement, §§36(f), 38(b)(iii), 45

### **Books, Records, Reports and Approvals**

Security Instrument, §15  
Regulatory Agreement, §§8, 16-19, 25  
Lender's Certificate, §16  
Building Loan Agreement, §§11, 16  
Construction Contract, Article II

### **Closing Documents**

Lender's Certificate, §29  
Request for Endorsement of Credit Instrument, §I(D)(9)

### **Compliance with Laws**

Security Instrument, §11  
Regulatory Agreement, §8, 40  
Lender's Certificate, §§10(b), 30, 31  
Building Loan Agreement, §§8, 14  
Supplement to Building Loan Agreement, §25(c)  
Construction Contract, Article 7  
Supplementary Conditions to Construction Contract, Article I  
Request for Endorsement of Credit Instrument, §I(D)(10), (11) and (13)  
Escrow Agreement for Latent Defects, §4  
Lease Addendum, §h  
Borrower's Oath, §5

### **Condemnation**

Security Instrument, §20  
Note, §§12(g), 19, 20  
Lease Addendum §e

### **Conflicts**

Regulatory Agreement, §48

### **Construction and Construction Financing**

Security Instrument, §47  
Regulatory Agreement, §§2 – 8

Lender's Certificate, §§4 – 6, 18  
Request for Endorsement of Credit Instrument, §§3, 4 (CHECK ON THIS)

**Default, Forbearance, Remedies**

Security Instrument, §§3(b), 9, 22, 23,24, 43, 44, 45  
Note, §§6, 11  
Regulatory Agreement, §§1(ii), 37, 38, 39  
Lender's Certificate, §33  
Building Loan Agreement, §§4, 9, 21  
Request for Endorsement of Credit Instrument, §II(A)(2)  
Completion Assurance Agreement, §4  
Escrow Agreement for Incomplete Construction, §6  
Escrow Agreement for Noncritical Deferred Repairs, §§8, 12  
Escrow Agreement for Operating Deficit, §6  
Lease Addendum, §f

**Defects**

Supplement to Building Loan Agreement, §25(j)  
Completion Assurance Agreement, §2

**Definitions**

Security Instrument, §§1, 8, 17, 30(a), 31(a) 38, 41, 48  
Note, §§ 1, 3  
Regulatory Agreement, §§1, 16, 24, 37, 44, 46, 47  
Building Loan Agreement, §§ 1, 18  
Supplement to Building Loan Agreement, §§25(a) and (b)  
Residual Receipts Note (Non-Profit Borrowers), §1  
Residual Receipts Note (Limited Dividend Borrowers), §1  
Subordination Financing Agreement, §1  
Completion Assurance Agreement, §§1, 2

**Environmental Hazards**

Security Instrument, §48

**Escrows, Bonds, Assurance of Completion**

Lender's Certificate, §§11-12, 27, 28  
Building Loan Agreement, §13  
Construction Contract, Articles 7(E), 8  
Request for Endorsement of Credit Instrument, §§I(D)(8), I(C)(1), (2) and (3), II(A)(2)  
Request for Final Endorsement of Credit Instrument, §§I(D)(8), I(C)(1), (2) and (3),  
II(A)(2)  
Request for Final Endorsement of Credit Instrument, Certificate of Borrower §3

**Estoppel**

Security Instrument, §§29, 42

**Exculpation and Non-Recourse**

Security Instrument, §§6, 43, 45  
Note, §8  
Regulatory Agreement, §50  
Request for Endorsement of Credit Instrument, §II(A)(2)

**Expenditure of Funds by Lender**

Security Instrument, §§3(f), 13  
Lender's Certificate, §§17, 20, 22, 23  
Construction Contract, Article 8  
Completion Assurance Agreement, §§5, 7  
Escrow Agreement of Incomplete Construction, §4  
Escrow Agreement for Noncritical Deferred Repairs, §7

**Identities of Interest**

Lender's Certificate, §§25, 26  
Construction Contract, Article 13  
Request for Endorsement of Credit Instrument, §I(D)(6), (7)  
Agreement and Certification, §§4, 5, 7, 8, 9, 10, 11, 12, 13

**Impairing Lien of Security Instrument**

Security Instrument, §§11, 17  
Regulatory Agreement, §§3, 12(c)  
Lender's Certificate, §§32, 41  
Building Loan Agreement, §§6,8,14, 17  
Construction Contract, Articles 6(c), 9  
Exhibit A to Opinion of Borrower's Counsel, §4  
Subordination Financing Agreement, §§2, 4, 5  
Request for Endorsement of Credit Instrument, §II(A)(4)  
Completion Assurance Agreement, §2  
Escrow Agreement for Noncritical Deferred Repairs, §4  
Borrower's Oath, §4

**Imposition Deposits and Payments**

Security Instrument, §§7, 8  
Note, §5  
Regulatory Agreement, §§10,11,12,13  
Lender's Certificate, §14  
Request for Endorsement of Credit Instrument, §I(a)(8) and (9), II(A)(2) and (D)(8)

**Inspections**

Security Instrument, §14  
Regulatory Agreement, §§16, 17, 19, 24, 25  
Building Loan Agreement, §11  
Supplement to Building Loan Agreement, §25(g)  
Construction Contract, Articles 5(c), 10

Agreement and Certification, §6

### **Insurance**

Security Instrument, §§7, 19  
Note, §§12(f), 19, 20  
Regulatory Agreement, §§21, 35  
Lender's Certificate, §§7, 10  
Request for Endorsement of Credit Instrument, §§I(A)(8), (9), (10)  
Escrow Agreement for Latent Defects, §5  
Agreement of Sponsor to Furnish Additional Funds, §d

### **Loan Charges**

Security Instrument, §25  
Note, §§7, 13  
Lender's Certificate, §§7, 20, 24(b)  
Request for Endorsement of Credit Instrument, §§I(B), I(D)(1)

### **Notice**

Security Instrument, §31  
Note, §18  
Regulatory Agreement, §§1(n), 12(e)-(h), 46  
Lender's Certificate, §§16, 24(b)  
Supplement to Building Loan Agreement, §§25(f), (g)  
Lease Addendum, §§g, j

### **Payment of Indebtedness**

Security Instrument, §§5, 7, 8, 10  
Note, §§2, 3, 5, 9  
Regulatory Agreement, §9  
Lender's Certificate, §25(b)  
Escrow Agreement for Incomplete Construction, §6  
Escrow Agreement for Noncritical Deferred Repairs, §§8, 12  
Escrow Agreement for Operating Deficit, §6  
Escrow Agreement for Latent Defects, §9  
Escrow Agreement for Working Capital, §6

### **Prepayment**

Note, §9  
Lender's Certificate, §24  
Surplus Cash Note, §7  
Request for Endorsement of Credit Instrument, §I(D)(5)

### **Preservation, Operation and Use of Property**

Security Instrument, §§12, 18  
Regulatory Agreement, §§6, 13, 14, 15, 19, 21, 22, 36

**Prior Written Approval of HUD**

Security Instrument, §20  
Regulatory Agreement, §36  
Request for Endorsement of Credit Instrument, §I(A)(5), I(D)(2), (4)  
Escrow Agreement for Incomplete Construction, §5  
Escrow Agreement for Noncritical Deferred Repairs, §5, 6, 7  
Escrow Agreement for Operating Deficit, §3  
Escrow Agreement for Latent Defects, §6  
Lease Addendum, §c, d

**Protection of Security**

Security Instrument, §13  
Regulatory Agreement, §§3, 12(C), 36  
Lender's Certificate, §§17, 24, 28, 32, 40  
Building Loan Agreement, §1  
Subordination Financing Agreement, §§2, 4, 5  
Request for Endorsement of Credit Instrument, §§I(A)(3), I(D)(12), II(A)(2), II(A)(4)  
Request for Final Endorsement of Credit Instrument, Certificate of Borrower §2j  
Lease Addendum, §b  
Borrower's Oath, §4

**Receivership/Entry onto Property**

Security Instrument, §3(d)  
Lender's Certificate, §§16, 17  
Escrow Agreement for Incomplete Construction, §4  
Escrow Agreement for Latent Defects, §5

**Regulatory Agreement Default**

Security Instrument, §§9,22(b)(4)  
Note, §6  
Regulatory Agreement, §§38(b)(2), 43  
Lender's Certificate, §33

**Reserve for Replacement Account**

Security Instrument, §8  
Regulatory Agreement, §§1(dd), 10  
Lender's Certificate, §14  
Request for Endorsement of Credit Instrument, §I(C)(4)  
Escrow Agreement for Noncritical Deferred Repairs, §9

**Residual Receipts Account**

Security Instrument, §8  
Regulatory Agreement, §§1(ee), 11  
Lender's Certificate, §15  
Residual Receipts Note (Non-Profit Borrower), §§3, 4, 8  
Residual Receipts Note (Limited Dividend Borrower), §§3, 4, 8

Request for Endorsement of Credit Instrument, §I(C)(5)

**Security Agreement**

Security Instrument, §§1, 12  
Regulatory Agreement, §§1(jj), 47  
Lender's Certificate, §§12(a), 40  
Building Loan Agreement, §§12m 217  
Request for Endorsement of Credit Instrument, §§I(A)(2), II(A)(4)  
Borrower's Oath, §4

**Single Asset Borrower**

Security Instrument, §33  
Regulatory Agreement, §12

**Successor and Servicing Lenders**

Lender's Certificate, §§3, 39  
Request for Endorsement of Credit Instrument, §§I(A)(6), I(D)(14)

**Taxes, Operating Expenses**

Security Instrument, §§1(ii), 16  
Regulatory Agreement, §§1(mm), 19

**Tenant Selection, Rents and Occupancy**

Regulatory Agreement, §§13, 21-35  
Borrower's Oath, §§1, 2

**Termination**

Security Instrument, §46  
Regulatory Agreement, Prefatory Language

**Third Party Beneficiary Obligations**

Regulatory Agreement, §49  
Building Loan Agreement, §19  
Construction Contract, Article 12  
Residual Receipts Note (Non-Profit Borrower), §11  
Residual Receipts Note (Limited Dividend Borrower), §11  
Surplus Cash Note, §11  
Escrow Agreement for Incomplete Construction, §7  
Lease Addendum §1

**Transfers of Mortgaged Property**

Security Instrument, §21  
Regulatory Agreement, §36(a)  
Lender's Certificate, §34  
Request for Endorsement of Credit Instrument, §I(A)(13)

**Waste**

Security Instrument, §§1(ii), 45

Regulatory Instrument, §§1(MM), 39