



MONTHLY MORTGAGE SUMMARY

November 2007

Georgia Department of Banking & Finance— Non Depository Financial Institutions Division
Monthly Summary of Mortgage Activities for the Period Ending November 2007

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Useful Links

MORTGAGE FORMS:

[DBF.GEORGIA.GOV/
DBFMTGFORMS](http://DBF.GEORGIA.GOV/DBFMTGFORMS)

UPDATING LICENSE INFORMATION

[DBF.GEORGIA.GOV/
DBFMTGFORMS](http://DBF.GEORGIA.GOV/DBFMTGFORMS)

MORTGAGE SUMMARY

[DBF.GEORGIA.GOV/
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NEWS ITEMS

RESPA/FHA POLICY STATEMENT - (FORWARD MORTGAGES ONLY)

(FHA Release, October 30, 2007)

FHA POLICY ALERT

NON FHA-APPROVED MORTGAGE BROKER FEES IN FHA MORTGAGE TRANSACTIONS

The subject alert reconfirms existing FHA policy regarding the use of non FHA-approved mortgage brokers. FHA loan origination services must be performed by a FHA-approved lender or FHA approved mortgage broker (loan correspondent). A loan correspondent may be compensated for the actual loan origination services it performs either directly by the consumer or indirectly by the FHA approved lender without being in violation of either the RESPA statute and regulations or FHA regulations.

In transactions where the mortgage broker is not an FHA-approved broker, the loan origination services cannot be performed. Under these circumstances, RESPA would prohibit the payment to the non FHA-approved mortgage broker because those services, under FHA regulations, would have to be performed again by either an FHA-approved lender or loan correspondent. The payment to the unapproved broker for duplicated services amounts to an unearned fee in violation of section 8(b) of RESPA. Further, this payment also acts as a disguised referral fee for steering the borrower to the FHA-approved lender or loan correspondent which is in violation of section 8(a) of RESPA.

While a broker who is not FHA-approved may assist a prospective FHA borrower in obtaining an FHA loan, the non-approved broker cannot perform required FHA loan origination services. In these instances, the fee charged must be paid from the mortgagor's own available assets, must be disclosed on the HUD-1 at closing and a copy of the contract included in the loan file submitted for insurance

endorsement.

Under no circumstances, may a borrower pay a fee that is not commensurate with the amount normally charged for the similar services, goods or facilities. If the payment or a portion thereof bears no reasonable relationship to the market value of the goods, facilities or services provided, the excess over the market rate may be used as evidence of a compensated referral or unearned fee in violation of section 8(a) or (b) of RESPA and 24 CFR 3500.14(g).

RESPA provided further guidance to industry regarding payments by lenders to mortgage brokers in Policy Statement 1999-1. While the policy statement specifically speaks of lender payments to mortgage brokers, those payments are indirectly paid by the consumer and the policy statement would apply equally to payments made directly by the consumer.

(The Department has received many questions concerning this issue, as many non-FHA approved brokers are looking for business from other sources. As a result, these brokers are dealing with FHA loans for which their services cannot be compensated except as noted where paid by the mortgagor's own assets. While the practice is not in violation of the Georgia Residential Mortgage Act, it is in violation of RESPA as noted here, and such practices will be reviewed during the examination process.)



*News—Continued***REVERSE MORTGAGES**

The Department continues to be asked the question—“Do I need a license to conduct mortgage activity related to reverse mortgages?” The short answer is YES, as explained below.

According to the definitions contained in the Georgia Residential Mortgage Act (“Act”), O.C.G.A. §7-1-1000, a mortgage loan is defined as follows:

“Mortgage loan” [O.C.G.A. §7-1-1000(13)] means a loan or agreement to extend credit made to a natural person, which loan is secured by a deed to secure debt, security deed, mortgage, security instrument, deed of trust, or other document representing a security interest or lien upon any interest in one-to-four family residential property located in Georgia, regardless of where made, including the renewal or refinancing of any such loan.

And to further expand on that definition from the Act:

“Residential property” [O.C.G.A. §7-1-1000(16)] means improved real property used or occupied, or intended to be used or occupied, as the principal residence of a natural person. Such term does not include rental property or second homes.

Therefore, by its very nature, a reverse mortgage is a loan against someone’s home, since a reverse mortgage is only available to persons over the age of 62 who occupy the property as their primary residence and who have paid off more than 35% of their mortgage balance to **borrow against the equity in the home.**

Homeowners never have to repay the loan as long as they live in the home. The owner can choose to receive the cash disbursements as monthly income, a line of credit, or a lump sum. **And under a reverse mortgage, the owner keeps title to the property – it stays part of the individual’s estate.**

So, reverse mortgages meet the definition of a mortgage loan under the Act:

- ◆ The loans represent a security interest in family residential property;
- ◆ the property is used as the principal residence of the person;
- ◆ the title to the property remains with the person;

- ◆ the lender only has a security interest in the property to secure the loan.

The Home Equity Conversion Mortgage (HECM) is the only reverse mortgage insured by the federal government. HECM loans are insured by the Federal Housing Administration (FHA). The FHA tells HECM lenders how much they can lend, based on the borrower’s age and their home’s value. The HECM program limits loan costs, and the FHA guarantees that lenders will meet their obligations.

Reverse mortgages that are backed and owned by the private companies that develop them are known as “proprietary” reverse mortgages. These companies have proprietary or ownership rights to these loans, and they decide which lenders may offer them. By contrast, federally-insured Home Equity Conversion Mortgage (HECM) loans are backed by the federal government and may be offered by any lender approved by the Federal Housing Administration.

HECMs Versus Other Reverses

HECM loans generally provide the largest loan advances of any reverse mortgage. HECMs also provide the most choices in how the loan is paid to the borrower, and the money can be used for any purpose.

Although they can be costly, HECMs are generally less expensive than privately-insured reverse mortgages. Other reverse mortgages may have smaller fees, but they generally have higher interest rates. On the whole, HECMs are likely to cost less in most cases.

Reverse mortgages offered by state or local governments generally have the lowest cost compared to other reverse mortgage product offerings. These loans typically must be used for one specific purpose only, for example, to repair the home or pay property taxes. They also generally are available only to homeowners with low to moderate incomes.

Licensees should inform interested consumers that the reverse mortgage is a borrowing transaction which may have significant fees and costs which should be carefully considered prior to entering into a reverse mortgage transaction.

Do you need a GRMA license to do reverse mortgages? Most definitely, unless you qualify under a standard exemption from licensing noted in the Act. If you make a reverse mortgage and are not otherwise exempt from licensing, you need a license— to broker, process, or lend.

*News—Continued****\$6.50 Fees***

The \$6.50 per loan fees required by O.C.G.A. Section 7-1-1011(b)(2) and Department Rule 80-5-1-.04 are due no later than **March 3, 2008** for residential mortgage loans closed during the period July 1, 2007 through December 31, 2007. The \$6.50 fee will be due if the loan is a residential mortgage loan as defined in the Georgia Residential Mortgage Act (GRMA), and if a security deed, a modification of a security deed or other form of modification of a security interest is recorded.

The Department is initiating a new notification procedure for the fees due for the current period. Financial institutions and mortgage licensees and registrants who act as the collecting agent (including brokers who table fund and collect the fee) will now be notified by e-mail only regarding the \$6.50 fee payment and information regarding accessing the online fee payment system. This e-mail will be sent to the primary contact for the financial institution or mortgage licensee or registrant, according to the Department's records. Those owing fees may pay online beginning January 2, 2008 from our secure website at: <https://bkgfin.dbf.state.ga.us/GRMAFee.html>

Institutions that are not in our database and cannot access the online system will be able to download a form from the URL noted above.

Examiner Outreach Program

A reminder—The Department has expanded its outreach program. Your company or group is invited to request an informative training session by a Mortgage Examiner for an educational program. The program is limited to one to two hours in length, and the topics covered must include fraud prevention, as well as other topic(s) as applicable to the Georgia Residential Mortgage Act. Depending upon the topics requested, one to two hours of continuing education credit(s) can be earned by brokers/processors (see note below). There are some restrictions, however:

- ◆ There must be a minimum of 20 guests.
- ◆ You must provide all handouts if applicable (PowerPoint presentations are available for some subjects).
- ◆ Time is limited to one to two hours, with presentations given during regular business hours.
- ◆ Sponsors should provide the location and set up.
- ◆ Presentations are currently limited to metro Atlanta.

(Continued on page 4)

CHRISTMAS AND NEW YEAR HOLIDAYS

THE OFFICES OF THE DEPARTMENT OF BANKING AND FINANCE WILL BE CLOSED FOR THE CHRISTMAS AND NEW YEAR HOLIDAYS ON THE FOLLOWING DAYS:

MONDAY, DECEMBER 24, 2007, TUESDAY, DECEMBER 25, 2007 AND TUESDAY, JANUARY 1, 2008



Merry Christmas

Happy Hanukkah

&

A Happy New Year!!



News—Continued

Examiner Outreach (Continued from page 3)

◆To apply towards continuing education credits for your guests, you must provide certificates and maintain a list of attendees. Attendees must also retain proper certificates and documentation for review in their records, should they be examined.

◆The number of openings per month is limited. The Department will try to meet as many requests as possible on a first request basis within examination scheduling constraints.

The outreach program is not limited to the mortgage industry. Law enforcement, homeowners associations, community groups, and others are also welcomed to request a session.

Interested? Send an email to Diane@dbf.state.ga.us. Provide your name, your group, the expected number of guests, location, and topic desired in addition to fraud. Flexibility in scheduling is a plus; however, larger groups that need a specific day will be given consideration.


SPEAKING ENGAGEMENTS

 There are no upcoming speaking engagements for December, 2007.



NEW INDUSTRY REPORTING FORMS

The Department now has a complaint form available for use by the industry.

The new form should be used by those in or connected with the mortgage industry to report a mortgage licensee for suspected mortgage fraud and/or for a violation of the Georgia Residential Mortgage Act (GRMA).

Please see the new fillable forms, available in either Word or Adobe, on the internet at:

<http://dbf.georgia.gov/dbfmtgforms>

2008 STATE HOLIDAYS

The following is a list of State Holidays when the Capitol and all State agencies will be closed in 2008.

Holiday	Date/Observed Date
New Year's Day 2008	January 1 st - Tuesday
Robert E. Lee's Birthday	January 19 th - Saturday Observed Friday, Nov 28 th
Martin Luther King Jr.'s Birthday	January 21 st - Monday
Washington's Birthday	February 18 th - Monday Observed Friday, Dec 26 th
Confederate Memorial Day	April 28 th - Monday
Memorial Day	May 26 th - Monday
Independence Day	July 4 th - Friday
Labor Day	September 1 st - Monday
Columbus Day	October 13 th - Monday
Veteran's Day	November 11 th - Tuesday
Thanksgiving Day	November 27 th - Thursday Observance of Lee's Birthday Friday, Nov 28 th
Christmas Day	December 25 th - Thursday Observance of Washington's Birthday Friday, Dec. 26 th

Administrative Actions

CEASE AND DESIST ORDERS—ISSUED

- ◆ **1st Palm Financial Services, LLC, Jacksonville, FL** – Cease and Desist Order issued October 18, 2007 became final on November 18, 2007.
- ◆ **1st Preference Mortgage Corporation, Baltimore, MD (license no. 17134)** – Cease and Desist Order issued October 2, 2007 became final on November 3, 2007.
- ◆ **America's Choice Mortgage, Inc., Martinez, GA (license no. 13865)** – Cease and Desist Order issued October 2, 2007 became final November 1, 2007.
- ◆ **America's Home Mortgage, LLC, St. Louis, MO (license no. 22256)** – Cease and Desist Order issued October 15, 2007 became final on November 14, 2007.
- ◆ **American Unified Mortgage, Inc., Fallbrook, CA (license no. 11979)** – Cease and Desist Order issued October 18, 2007 became final on November 18, 2007.
- ◆ **Family Tree Mortgage Corporation, Mableton, GA (license no. 13513)** – Cease and Desist Order issued October 25, 2007 became final on November 25, 2007.
- ◆ **Galaxy Mortgage, Chattanooga, TN (license no. 14853)** – Cease and Desist Order issued October 19, 2007 became final on November 21, 2007.
- ◆ **Hoang, Xuan Van , Sacramento, CA (license no. 21514)** – Cease and Desist Order issued October 5, 2007 became final on November 7, 2007.
- ◆ **H&H Mortgage & Investments, Inc., Plantation, FL (license no. 22048)** – Cease and Desist Order issued October 2, 2007 became final on November 1, 2007.
- ◆ **InnoSolutions, LLC dba Honest Reality & Mortgage, Sacramento, CA** – Cease and Desist Order issued October 18, 2007 became final on November 18, 2007.
- ◆ **Khanna, Inc. dba RMC Financial.com, Hayward, CA** – Cease and Desist Order issued October 19, 2007 became final on November 19, 2007.
- ◆ **Legacy Financial Corporation, Rockville, MD (license no. 21398)** – Cease and Desist Order issued October 5, 2007 became final on November 5, 2007.
- ◆ **Middle GA Mortgage, Inc., Macon, GA (license no. 18410)** – Cease and Desist Order issued October 5, 2007 became final on November 5, 2007.
- ◆ **Millennium One Enterprise, Inc. dba Millennium 1st Funding, Rancho Cucamonga, CA (license no. 21384)** – Cease and Desist Order issued October 23, 2007 became final on November 24, 2007.
- ◆ **The Mortgage Source, Atlanta, GA (license no. 13454)** – Cease and Desist Order issued October 19, 2007 became final on November 21, 2007
- ◆ **The Mortgage Store, Inc., Woodstock, GA (license no. 12953)** – Cease and Desist Order issued October 25, 2007 became final on November 25, 2007.
- ◆ **Northpoint Home Loans, Inc., Atlanta, GA (license no. 15853)** – Cease and Desist Order issued October 2, 2007 became final on November 1, 2007.

CEASE AND DESIST ORDERS—ISSUED *(Continued)*

- ◆ **Residential Lending Corporation of Maryland, Calverton, MD (license no. 20639)** – Cease and Desist Order issued October 26, 2007 became final on November 25, 2007.
- ◆ **Sage Credit Company, Inc. (DE) dba Sage Credit, Irvine, CA (license no. 20040)** – Cease and Desist Order issued October 25, 2007 became final on November 24, 2007.

CEASE AND DESIST ORDERS—LIFTED

- ◆ **All Credit Home Loans, Inc, Canton, GA (license no. 21595)** – Cease and Desist Order issued August 6, 2007 was rescinded on November 9, 2007.
- ◆ **Primrose Mortgage Company, Inc., Woodstock, GA (license no. 7335)** – Cease and Desist Order issued August 17, 2007 was rescinded on November 9, 2007.

FINAL CONSENT ORDERS —ISSUED

- ◆ **Apex Mortgage Plus, Inc., Conyers, GA (license no. 18833)** – Consent Order issued on November 9, 2007 became final on November 9, 2007.
- ◆ **HomeLoans USA, Inc., Atlanta, GA (license no. 7488)** – Consent Order issued on November 5, 2007 became final on November 5, 2007.
- ◆ **Kori, Stephen, Oxford, GA** – Consent Order issued November 5, 2007 became final on November 5, 2007.
- ◆ **Patterson, Osaе, Conyers, GA**—Consent Order issued November 9, 2007 became final on November 9, 2007.

SUPERIOR COURT INJUNCTIONS

- ◆ **None**

**LICENSEES/REGISTRANTS REVOKED, EXPIRED, SURRENDERED, WITHDRAWN OR DENIED
IN NOVEMBER 2007**

ID#	NAME	CODE	REVOKED	EXPIRED	SURRENDERED	WITHDRAWN	DENIED
6770	1ST GREENSBORO HM EQUITY	LD				11-29-2007	
7488	HOMELOANS USA INC	LD	11-05-2007				
11979	AMER UNIFIED MTG INC	LD		11-18-2007			
12953	MTG STORE INC	BD		11-25-2007			
13454	MTG SOURCE	BD		11-21-2007			
13513	FAMILY TREE MTG CORP	BD		11-25-2007			
13865	AMER CHOICE MTG CO	LD		11-01-2007			
14003	LENDING CONNECTION INC	LD				11-30-2007	
14853	GALAXY MTG	BD		11-21-2007			
15019	HOME LOAN CORP	LD				11-08-2007	
15853	NORTHPOINT HM LOANS INC	BD		11-01-2007			
16520	SUPERIOR LENDING LLC	LD				11-15-2007	
17134	1ST PREFERENCE MTG CORP	LD		11-03-2007			
17524	SMART GUY MTG INC	BD				11-15-2007	
17907	INNOVEX MTG INC	LD				11-14-2007	
18410	MIDDLE GA MTG INC	BD		11-05-2007			
18833	APEX MTG PLUS INC	BD	11-09-2007				
19300	NEW ST MTG LLC	LD				11-14-2007	
19611	ATTORNEYS MTG SVCS LLC	LD				11-30-2007	
19759	1ST AMER MTG INC (VA)	LD				11-14-2007	
19977	NET FUNDING INC	BD				11-08-2007	
19979	ARCHSTONE FINL MTG LLC	BD				11-02-2007	
20040	SAGE CREDIT CO INC (DE)	LD		11-24-2007			
20639	RES LENDING CORP MD	LD		11-25-2007			
20909	MULTI FINL SVCS CO INC	LD				11-28-2007	
21101	GREENLINK FINL SVCS LLC	BD				11-28-2007	
21325	FOUNTAIN BRIDGE MTG CORP	BD		11-05-2007			
21384	MILLENNIUM ONE ENTERPRISE	BD		11-24-2007			
21398	LEGACY FINL CORP	LD		11-05-2007			
21514	HOANG, XUAN VAN	BD		11-07-2007			
21549	AMERILOAN HM MTG INC	BD				11-07-2007	
22048	H&H MTGS & INVS INC	BD		11-01-2007			
22075	NESMITH, LISA A	BD				11-29-2007	
22256	AMER HM MTG LLC	BD		11-14-2007			
22271	DIRECT BEST LENDING INC	BD				11-08-2007	
22814	PARAGON HM LENDING LLC	LD				11-07-2007	

TOTAL: 36

LICENSEES/REGISTRANTS APPROVED OR REINSTATED IN NOVEMBER 2007

ID#	COMPANY NAME	City	ST	MB CD	ORIGINAL APPROVAL	RENEWAL	REIN- STATED
22899	Merit Home Funding, Inc.	Bronx	NY	B	11-02-2007	11-02-2007	
22915	Nationwide Mortgage Lending Group, Inc.	Alpharetta	GA	B	11-02-2007	11-02-2007	
22921	Midcontinent Financial Center, Inc.	Columbia	MO	L	11-02-2007	11-02-2007	
22930	EMM Financial, LLC	Chandler	AZ	B	11-02-2007	11-02-2007	
22942	Salnam Chau	McDonough	GA	B	11-02-2007	11-02-2007	
22966	Maurice Marvin Daniel	Duluth	GA	B	11-02-2007	11-02-2007	
22970	Huashi Amy Park	Alpharetta	GA	B	11-02-2007	11-02-2007	
22981	SENE Home Mortgage Corporation	Smyrna	GA	B	11-02-2007	11-02-2007	
22849	American Advisors Group, Inc.	Irvine	CA	B	11-09-2007	11-09-2007	
22902	MFC Mortgage, Inc. of Florida	Maitland	FL	L	11-09-2007	11-09-2007	
22912	First Choice Funding Group, Ltd.	Orange	CA	B	11-09-2007	11-09-2007	
22961	Entrafund Home Mortgage, LLC	Covington	LA	L	11-09-2007	11-09-2007	
22977	1st Crown Mortgage and Finance Co., Inc.	Marietta	GA	B	11-09-2007	11-09-2007	
22990	AAA Remodeling, Inc.	Acworth	GA	B	11-09-2007	11-09-2007	
12896	Reliable Mortgage, Inc. *	Gainesville	GA	L	10-10-1997	11-16-2007	
22853	Priority Partners Lending Group, Inc.	Grandville	MI	B	11-16-2007	11-16-2007	
22944	ACF Partners CA (L.P.)	Santa Monica	CA	L	11-16-2007	11-16-2007	
23006	Luxury Mortgage Corp.	Stamford	CT	L	11-16-2007	11-16-2007	
23007	Freedom Lending Group, Inc.	La Jolla	CA	L	11-16-2007	11-16-2007	
23009	LoanExpert, LLC	Cumming	GA	B	11-16-2007	11-16-2007	
22120	Palomar Mortgage Corp. +	Carlsbad	CA	B	02-16-2007	11-23-2007	
22931	Mutual West, Inc.	La Verne	CA	B	11-23-2007	11-23-2007	
23013	Benchmark Community Mortgage Corp.	Atlanta	GA	B	11-23-2007	11-23-2007	
23015	Consumer One Corp.	Ronkonkoma	NY	B	11-23-2007	11-23-2007	
17074	NMC Mortgage Corporation +	Overland Park	KS	B	02-01-2002	11-30-2007	
21799	Pacific Wholesale Mortgage, Inc. *	Pasadena	CA	L	10-27-2006	11-30-2007	
21847	First Access Mortgage Corp. *	Hammond	LA	L	11-10-2006	11-30-2007	
22965	R. Harris Financial, Inc.	Odessa	FL	B	11-30-2007	11-30-2007	
22971	Reneka Latrice Ward	Duluth	GA	B	11-30-2007	11-30-2007	
22987	Ratesmart, Inc.	Atlanta	GA	B	11-30-2007	11-30-2007	
22991	Dominion Residential Mortgage, LLC	Fairfax	VA	B	11-30-2007	11-30-2007	
23028	RE Source Mortgage Funding, Inc.	Gainesville	GA	B	11-30-2007	11-30-2007	
23034	The Mortgage Source, LLC	Alpharetta	GA	B	11-30-2007	11-30-2007	

LICENSEES/REGISTRANTS APPROVED OR REINSTATED IN NOVEMBER 2007

ID#	COMPANY NAME	City	ST	MB CD	ORIGINAL APPROVAL	RENEWAL	REIN- STATED
23035	Aegis Loan Servicing, L.P.	Houston	TX	L	11-30-2007	11-30-2007	
7335	Primrose Mortgage Company, Inc.	Woodstock	GA	L	09-22-1995	11-09-2007	11-09-2007
21595	All Credit Home Loans, Inc.	Canton	GA	B	08-25-2006	11-09-2007	11-09-2007
20778	QuoteMatch, LLC	San Diego	CA	B	01-13-2006	11-23-2007	11-23-2007
19743	Integrity Mortgage & Lending Solutions, LLC	Mableton	GA	B	01-07-2005	11-30-2007	11-30-2007
21594	Titan Mortgage Corporation *	Duluth	GA	B	06-22-2007	11-30-2007	11-30-2007

TOTAL: 39**FINE INFORMATION**

Information regarding fines assessed against a specific licensee, against whom there are no pending administrative actions, is available on an individual licensee basis by submitting a written request to the following e-mail address: dbfmort@dbf.state.ga.us

FINE REASON

- | | |
|--|---|
| 7 Licensees fined for Advertising Violations | 3 Licensees fined for Background Checks Violation |
| 2 Licensees for Prohibited Acts | 2 Licensees fined for Books & Records |
| 3 Licensees for Failure to Fund | |
| 2 Licensees fined for Loan Files Not Properly Maintained | |
| 1 Licensee fined for Acquisition of 10% ownership w/o approval | |
| 1 Licensee fined for doing business w/ Unlicensed Entity | |

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dbf.georgia.gov

LICENSE STATUS CHANGE INDICATORS & MORTGAGE LICENSE CODES—(In Tables)

License Status Indicators		(MB CD) - Mortgage License Codes	
*	Upgrade Broker to Lender	B	Broker
+	Downgrade Lender to Broker	L	Lender
#	Upgrade Lender to Registrant	P	Processor
•	Downgrade Registrant to Lender	R	Registrant



Our Motto is: "Safeguarding Georgia's Financial Services"

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