

## LENDER

### Responsible Party

### CEMA REFINANCE CLOSING PROCESS

1. **Broker** Mortgage broker/banker completes the LENDER CEMA/Assignment Order Request Form (**See Exhibit A hereto**) and emails it to [cemarequest@agmblaw.com](mailto:cemarequest@agmblaw.com).
2. **Broker** AGMB prepares CEMA Analysis Worksheet (containing calculation of the net savings to the borrower by closing the loan as a CEMA and LE disclosure information) (**See Exhibit B hereto**) and emails it back to the mortgage broker/banker along with letters of authorization for the borrower to sign and information regarding any upfront assignment fees and assignment turn-time (**See Exhibit C hereto**).
3. **Broker** Mortgage broker/banker submits the CEMA Analysis Worksheet to LENDER so LENDER can confirm there is a benefit to the borrower by closing the loan as a CEMA and the loan is flagged/checked off as a CEMA in the LENDER system.
4. **theLender** LENDER conducts their normal underwriting process to clear the loan for closing.
5. **AGMB** Upon return of the signed letters of authorization and checks, if any, AGMB will process the assignment request with the current lender and will open an AGMB LENDER file. AGMB will also request a payoff letter from the current lender.
6. **theLender** AGMB sends an email to the mortgage broker/banker notifying them that the assignment request has been initiated with the current lender and asking them to forward the LENDER commitment letter, title report, Form 1003, LE, and homeowner's insurance to AGMB for review and approval (**See Exhibit D hereto**).
7. **AGMB** Once AGMB receives the title report we will complete our title review sheet and work with the title company to clear any open mortgages, liens and judgments.
8. **AGMB** When the underlying collateral documents are received from the current lender, AGMB will review them for accuracy. Defective documents will be cured to the extent possible within LENDER guidelines.
9. **Broker/  
theLender** Once title is cleared and the underlying collateral documents have been reviewed and approved by AGMB, AGMB sends an email notification to the mortgage broker/banker and the LENDER processor assigned to the file stating that the loan is clear to close from a legal standpoint.
10. **All** Once LENDER is clear to close, AGMB will schedule the closing with the borrower or the borrower's attorney if the borrower is being represented by an attorney.

- AGMB 11. AGMB schedules the closing/funding and exchange of the original underlying collateral documents with the current lender's payoff bank attorney and also obtains a final payoff letter from the current lender.
- theLender 12. Prior to the closing date, LENDER emails the loan documents for the loan to AGMB. AGMB will prepare any CEMA related documents or schedules that are not contained in the loan documents coming from LENDER, including, but not limited to, Schedule A of the CEMA Agreement and the Section 255 Affidavit.
- AGMB 13. AGMB attends and conducts the closing with the borrower on the scheduled closing date.
- theLender 14. After the rescission period, LENDER funds the loan to AGMB's attorney escrow account and AGMB disburses the loan proceeds in accordance with the final Closing Disclosure. AGMB provides the current lender's payoff bank attorney with the payoff check in exchange for the original underlying collateral documents.
- theLender 15. AGMB sends an overnight package to LENDER closing department containing the original underlying collateral documents, the executed loan documents and three (3) signed CEMA Agreements.
- theLender 16. An authorized representative of LENDER executes the three (3) signed CEMA Agreements and overnights two (2) fully executed CEMA Agreements back to AGMB. AGMB will maintain one fully executed CEMA Agreement and provide the other fully executed CEMA Agreements to the title company for recording in the appropriate county clerk's office.
- theLender **17. It is extremely important that the person or department at LENDER who receives the overnight package from AGMB is aware not to shred or destroy the original collateral documents or CEMA Agreements at any point in their post-closing/scanning/shredding process. The original collateral documents must be maintained and stored in their original hard copy form and as stated above two (2) executed CEMA Agreements need to be returned to AGMB.**
- AGMB 18. Once received back from LENDER the CEMA Agreement, along with the 255 Affidavit, Assignment and Gap Mortgage, are overnighted to the title company for recording. Once recorded, these documents are returned by the county clerk's office to LENDER closing department to be added to closed loan file.

## **EXHIBIT A**

### **LENDER**

### **CEMA/Assignment Order Request**

Complete this form when requesting an Assignment of Mortgage from another lender to  
LENDER.

Please fill in completely and email the completed form to **[cemarequest@agmblaw.com](mailto:cemarequest@agmblaw.com)**.

#### **Requestor's Information:**

1. Requestor's Name: \_\_\_\_\_
2. Direct Phone Number: \_\_\_\_\_
3. Email Address: \_\_\_\_\_

#### **Borrower Information:**

1. Borrower(s) Name(s): \_\_\_\_\_
2. Complete Property Address : \_\_\_\_\_
3. Borrower(s) Social Security Number(s): \_\_\_\_\_

#### **Current Loan Information:**

1. Current Lender's Name: \_\_\_\_\_
2. Current Lender's Loan Number: \_\_\_\_\_
3. Unpaid Principal Balance of Current Loan: \_\_\_\_\_

#### **LENDER Loan Information:**

1. New Loan Amount: \_\_\_\_\_

#### **A return email will be sent to you that will include the following information:**

1. Calculation of the net savings to the borrower by doing the CEMA/Assignment.
2. Turnaround time for receipt of the collateral documents.
3. Information on any upfront fees paid to the current lender.
4. All costs associated with the CEMA/Assignment process.
5. Letter(s) of Authorization to be signed by the borrower.

**Any questions can be emailed to [cemarequest@agmblaw.com](mailto:cemarequest@agmblaw.com).**

**EXHIBIT B**

**CEMA Worksheet**

Borrower Name \_\_\_\_\_

New Lender's Loan Number, if available \_\_\_\_\_

**Calculation of the NY Mortgage Tax without CEMA**

New Loan Amount	\$0.00	
Mortgage Tax Rate - borrower portion	<u>1.80%</u>	
Non CEMA Mortgage Tax - borrower portion	\$0.00	LE Page 2, Box E

**Calculation the NY Mortgage Tax with CEMA**

Principal Balalnce of Loan being paid off	\$0.00	
GAP Amount	\$0.00	
Mortgage Tax Rate - borrower portion	<u>1.80%</u>	
CEMA Mortgage Tax - borrower portion	\$0.00	LE Page 2, Box E

**Third Party CEMA Fees:**

Pay Off Assignment Fee from Current Lender POC	\$0.00	LE Page 2, Box B
Pay Off Assignment Fee from Current Lender PIC	\$0.00	LE Page 2, Box B
Pay Off Assignment Fee from Current Lender Included in Pay Off Letter	<u>\$0.00</u>	LE Page 2, Box B
Total Pay Off Lender Fee	\$0.00	

Pay Off Lender Attorney Fee POC	\$0.00	LE Page 2, Box B
Pay Off Lender Attorney Fee PIC	<u>\$0.00</u>	LE Page 2, Box B
Total Pay Lender Off Attorney Fee	\$0.00	

Estimated CEMA, 255 Affidavit, and Assignment Recording Fees	\$500.00	LE Page 2, Box E
AGMB CEMA Preparation Fee	\$295.00	LE Page 2, Box B

**Total Estimated CEMA related Fees** \$750.00

**Net Benefit to the Borrower** -\$750.00

**Additional Fees to be Disclosed:**

AGMB Closing Fee	\$895.00	LE Page 2, Box B
AGMB Courier Fee	\$75.00	LE Page 2, Box B
AGMB Travel/Outside Closer Fee	<u>\$150.00</u>	LE Page 2, Box B
<b>Total AGMB Fees Not CEMA Related</b>	<b>\$1,075.00</b>	

**All title fees, recording fees, and other lender and 3rd party fees not already disclosed above, must be disclosed in LE Page 2, Box B, Box C or Box E as appropriate.**

## EXHIBIT C

### INITIAL RESPONSE EMAIL:

Dear Christine,

The net savings to the borrower by closing this loan as a CEMA is \$5,820. It takes 4 weeks to get collateral docs from Wells Fargo Bank.

**See attached CEMA Worksheet for net savings calculation and LE disclosure information.**

**If you want to move forward with the CEMA, please have the borrower sign the attached Letter of Authorization and Assignment Information & Order Form and return them to me at the address below along with the following CERTIFIED or BANK CHECKS:**

- 1. Wells Fargo Bank, N.A. for \$750**
- 2. Frank Mavroudis, PC for \$150**

**Please let LENDER know that this is a CEMA loan so they can note it in their system.**

Thanks,

Corey

## **EXHIBIT D**

### **OPENING FILE EMAIL:**

Dear Christine:

Thank you for allowing us to represent LENDER with regard to this Wells Fargo Bank to LENDER CEMA refinance. We are looking forward to working with you. **The collateral documents have been ordered from Wells Fargo Bank.**

To assist us with processing of this file, please send the following documents:

1. Commitment Letter
2. Title Report
3. Form 1003
4. LE
5. Homeowner's Insurance

**The sooner we receive all the foregoing, the sooner we can clear the file and send our documents to the lender.**

**Below is the contact information for the dedicated team members assigned to handle your file. The primary person you should coordinate with is Clifford A. Lay, Esq.**

**Clifford A. Lay, Esq.**

Direct Line: (516) 734-6474 / eFax: (646)218-4140 / Email: [clay@agmblaw.com](mailto:clay@agmblaw.com)

**Stephanie Tam, Paralegal**

Direct Line: (516) 734-6469 / Fax: (212) 201-1171 / Email: [stam@agmblaw.com](mailto:stam@agmblaw.com)

In addition, please note that you may also contact any one of our supervising partners at the numbers and emails listed below:

**Neil B. Garfinkel, Esq.**

Direct Line: (212) 201-1173 / Mobile: (516) 457-1963 / Email: [ngarfinkel@agmblaw.com](mailto:ngarfinkel@agmblaw.com)

**Corey M. Gindi, Esq.**

Direct Line: (646) 473-7585 / Mobile: (917) 838-1602 / Email: [cgindi@agmblaw.com](mailto:cgindi@agmblaw.com)

**Michael C. Xylas, Esq.**

Direct Line: (646) 473-7567 / Mobile: (917) 699-7324 / Email: [mxylas@agmblaw.com](mailto:mxylas@agmblaw.com)

We look forward to a smooth and successful closing!

Sincerely,

Corey M. Gindi