# REQUIREMENTS LETTERS

1) ASSUMPTION OF LOAN (Home Loans)
2) ASSUMPTION OF LOAN (Death of Sole Obligor)
3) ASSUMPTION OF LOAN (Business Loans)
4) SUBSTITUTION OF COLLATERAL
5) SUBORDINATION OF COLLATERAL (Home and Business - Real Property)
6) SUBORDINATION OF COLLATERAL (Business Assets)
7) RELEASE OF COLLATERAL (Partial/Full)
8) FULL RELEASE (Short Sale on Superior Lien)
9) RELEASE OF GUARANTOR(S)
10) RELEASE OF GUARANTOR(S)/SUBSTITUTION OF GUARANTOR

**LOAN ASSUMPTION (Home loans)**

In order for the Small Business Administration to process a loan assumption action on property held as collateral, **please provide the following required information:**

**From the current borrower(s):**

1. SBA form 770, Financial Statement of Debtor (enclosed);

2. A **signed** detailed letter explaining the reasons for requesting the assumption.

3. Copies of the latest Personal Federal Income Tax return (all schedules) for the last 2 years.

4. Submission of insurance policy's declaration page(s) as proof of Hazard Insurance and/or Flood Insurance on property to be assumed (if applicable), showing SBA as Mortgagee. MORTGAGEE CLAUSE is: United States Small Business Administration, an Agency of the government of the United States of America, National Disaster Loan Resolution Center, 200 W. Santa Ana Blvd. # 180 Santa Ana, CA 92701.

   Please note –Servicing actions cannot be approved without proof of continuing insurance coverage showing SBA as mortgage as stated above.

5. Copy of Buy/Sell Agreement (if applicable)

**From the proposed borrower(s):**

1. Copies of the latest Personal Federal Income Tax return (two years).

2. Statements of Personal History (SBA Form 912).

3. Personal financial statement of all borrowers (SBA Form 413).

4. Letter (signed) from all proposed borrower(s) consenting to the Assumption.

**Please be advised that assumption of this loan does not grant any rights of ownership to any collateral. Any change in ownership of collateral must be bargained for separately and evidenced by a sufficient legal document.**

**Packages can be received in three forms:**

**(1) Fax**
*Please note that there is potential for fax machine errors. Please follow up with the appropriate office to ensure all documents were received.*

**(2) Email**
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**(3) Mail**
*Send all documents in one package to the appropriate SBA office.*

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Back to Table of Contents

**LOAN ASSUMPTION (Death of Sole Obligor)**

In order for the Small Business Administration to process a loan assumption action due to the death of a sole obligor on property held as collateral, **please provide the following required information:**

1. Copy of Death Certificate.

2. Court documents (probate action issued by court granting assumptor ownership of the estate), if applicable.

**From the Assumptor(s):**

1. Detailed letter from the assumptor(s) requesting to assume this debt.

2. Copies of the latest Federal Income Tax return (two years).

3. Interim financial statements – current within 90 days (balance sheet and profit & loss statement) **(on Business Loans Only).**

4. Statement of Personal History (SBA Form 912); Individuals and/or Corporate Officers.

5. Personal financial statement of assumptor(s) (SBA Form 413).

**Please be advised that assumption of this loan does not grant any rights of ownership to any collateral. Any change in ownership of collateral must be bargained for separately and evidenced by a sufficient legal document.**

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Back to Table of Contents

**LOAN ASSUMPTION (Business Loans)**

In order for the Small Business Administration to process a business loan assumption action on property held as collateral, **please provide the following required information:**

**From Seller:**

1. A detailed letter explaining the reasons for requesting the assumption.
2. Letter from all the guarantors consenting to the Assumption.
3. Copies of the latest Federal Income Tax return (all schedules) last 2 years.
4. Interim financial statements – **current within 90 days** (balance sheet and profit & loss statement)
5. Personal Federal Tax Returns (last two years)
6. Current personal financial statement of borrowers, guarantors or major stockholders.

**From Purchaser:**

1. Copies of the latest Federal Income Tax return (two years).
2. Interim financial statements – **current within 90 days** (balance sheet and profit & loss statement)
3. Statement of Personal History (SBA Form 912): Individuals and/or Corporate Officers.
4. Personal financial statement of borrowers, guarantors and major stockholders (SBA Form 413).
5. Letter from all guarantors and major stockholder consenting to the assumption.
6. Current or most recent real estate appraisal (**within the last 6 months**); on collateral or on commercial real estate to be pledged as collateral.
7. Copy of Resolution by Board of Directors authoring purchase and assumption of the SBA loan.
8. Current Title Report/Ownership Encumbrance Report/UCC Lien Searches of the real estate property and/or business assets offered as additional collateral.
9. Articles of Incorporation and By Laws (Organization structure, if LLC)

**Financial position of the Assumptor must be equal or better than the current borrower**.

**Information regarding the Term of Sale must be provided, to include:**

1. Copy of Buy/Sell Agreement
2. Copy of seller carry back note
3. Lease Agreement
4. Approval of Senior Lien Holder (if applicable)

**Please be advised that assumption of this loan does not grant any rights of ownership in any collateral. Any change in ownership of collateral must be bargained for separately and evidenced by a sufficient legal document.**

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Back to Table of Contents

**SUBSTITUTION OF COLLATERAL**

In order for the Small Business Administration to process a substitution of collateral action, **please provide the following required information:**

1. SBA form 770, Financial Statement of Debtor (enclosed);

2. A signed detailed letter from the borrower(s) explaining the reasons for the request and the address of the property being substituted with the address of the property to be released.

3. Copies of the most current Federal Income Tax Return Personal & Business.

4. Interim financial statements – **current within 90 days** (balance sheet and profit & loss statement) (Business loans only)

5. A complete legal description of the Substituted property (Warranty Deed).

6. Valuation of Collateral: A copy of a recent (no older than 6 months) appraisal. If an appraisal is not available, you may use alternative forms of valuation, such as comparable sales, market analysis or a property tax assessment (if the property has been reassessed within the last 12 months). The Valuation is for the property to be SUBSTITUTED **and** to be RELEASED.

7. Current Title Report/Ownership Encumbrance Report/UCC Lien Searches of the collateral and/or business assets offered as the Substitution and any collateral to remain as security on this loan.

8. Copy of disbursement sheet (HUD-1 or GFE) indicating PURCHASE amount, fees, new lender info, etc (**if applicable**) **on NEW property offered as substitution.**

9. Copy of disbursement sheet (HUD-1 or GFE) indicating intended disbursement of SALE proceeds (**if applicable**) **on EXISTING (SBA's collateral) property**.

10. The verified balance(s) of any and ALL Prior Liens superior to SBA's position (please include payoff statement from lien holders); for the real estate properties and/or business assets to be RELEASED and to REMAIN as collateral. **If there are NO liens outstanding, then a letter from borrower stating same is required.**

11. Written authorization allowing SBA to discuss the loan with a third party involved in this transaction. Letter should include Name, address and telephone number of the closing attorney/escrow agent.

12. Submission of insurance policy's declaration page(s) as proof of Hazard Insurance and/or Flood Insurance on property to be substituted, showing SBA as Mortgagee. MORTGAGEE CLAUSE is: United States Small Business Administration, an Agency of the government of the United States of America, National Disaster Loan Resolution Center, 200 W. Santa Ana Blvd. # 180 Santa Ana, CA 92701

Please note –Servicing actions cannot be approved without proof of continuing insurance coverage showing SBA as mortgage as stated above.

**Generally, the SBA will only consider a Substitution of Collateral in those instances where SBA's equity position remains the same or is better.**

**The ENTIRE net sale proceeds to include any earnest money MUST be held in escrow, failure to place ALL net sale proceeds in escrow may jeopardize your request for a Substitution of Collateral. (If you need further clarification, please contact the individual listed below)**

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Back to Table of Contents

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Back to Table of Contents

**SUBORDINATION (Real Estate)**

In order for the Small Business Administration to process a subordination action on property held as collateral, **please provide the following required information:**

1. A **signed** detailed letter from the borrower(s) requesting that SBA subordinate its lien due to refinance.

2. SBA form 770, Financial Statement of Debtor (enclosed)

3. Copy of current Federal Income Tax Return (two years)

4. Letter to SBA, **signed** by the Lender/Broker, which includes the following information:
   a. Borrower(s) Name, SBA Loan Number and address of property being refinanced
   b. New loan amount **(Please make sure the loan amount you provide is accurate as this amount is typed in the Subordination Agreement)**.
   c. Payoff amount(s) and lien position(s) of loan(s) being refinanced
   d. Name, address, escrow no., contact and telephone number of the escrow/title company where the Subordination Agreement and Terms & Conditions letter are to be sent.

5. Current Title Report/Ownership Encumbrance Report/UCC Lien Searches of the collateral and/or business assets offered as the Substitution and any collateral to remain as security on this loan.

6. Copy of the Estimated Closing Statement - HUD1 or Good Faith Estimate (GFE)

7. Copy of the Loan Application (must include new **interest rate and term** of the loan)

8. Valuation of Appraisal: A copy of a recent (no older than 6 months) appraisal. If an appraisal is not available, you may use alternative forms of valuation, such as comparable sales, market analysis or a property tax assessment (if the property has been reassessed within the last 12 months).

9. Submission of insurance policy's declaration page(s) as proof of Hazard Insurance and/or Flood Insurance on property to be subordinated, showing SBA as Mortgagee. MORTGAGEE CLAUSE is: United States Small Business Administration, an Agency of the government of the United States of America, National Disaster Loan Resolution Center, 200 W. Santa Ana Blvd. # 180 Santa Ana, CA 92701

   Please note –Servicing actions cannot be approved without proof of continuing insurance coverage showing SBA as mortgage as stated above.

10. Under most circumstances, SBA will not entertain a request to MOVE from SENIOR lien position to a JUNIOR lien position without monetary consideration, which may include a 50% pay down of SBA's loan balance (if you need further clarification, please contact the Loan Specialist).

The SBA will consider subordination requests to accommodate the refinance of superior liens upon favorable fixed interest rates with reasonable and customary closing costs and no more than (3) months worth of escrow funds on conventional loans.

**PLEASE NOTE:** The SBA will not entertain any request for a "Cash Out" subordination in any amount intended for: Construction Loan, Home Equity – Line of Credit, Debt Consolidation, etc., WITHOUT a 50% pay down on the current SBA loan balance. This pay down is NOT counted towards your regular monthly payment(s), as it will be posted as a principal reduction against the loan balance.

The enclosed SUBORDINATION WORKSHEET should be completed by the Lender and returned with the requested information.

**This requirement letter is not a commitment by the SBA. Any commitment made by the SBA will be provided separately in writing.**

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Back to Table of Contents

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Back to Table of Contents

# SUBORDINATION WORKSHEET

Please type or print clearly

SBA Loan # (10 digits): _____

Property Address to be subordinated: _____

Borrower(s) Name(s): _____

Home Address: _____

Day Time Phone: _____

NEW 1st Mortgage Amount: _____

NEW Payment Amount: _____

NEW Interest Rate: _____

CURRENT 1st Mortgage Balance: _____

CURRENT 1st Mortgage Payment: _____

CURRENT 1st Mortgage Interest Rate: _____

CURRENT 2nd Mortgage Balance: _____

CURRENT 2nd Mortgage Payment: _____

CURRENT 2nd Mortgage Interest Rate: _____

APPRAISED Value of Real Estate: _____

DATE of Appraisal: _____

Name of COMPANY which currently holds 1st lien: _____

OTHER Lien Holder(s) / Lien Position / Loan Balance: _____

OTHER Lien Holder(s) / Lien Position / Loan Balance: _____

EXACT name of NEW Mortgage Company & Address _____

STREAMLINE or CASH-OUT Refinance: _____

REQUESTOR's Name and Address: _____

TELEPHONE Number: _____

FAX Number: _____

ADDRESS where to send SUBORDINATION AGREEMENT _____

(must include contact person and telephone number) _____

_____

_____

How do you wish to receive ORIGINAL AGREEMENT , Check one: [ ] UPS [ ] FED-EX

[ ] OTHER (specify)

**(Please ensure that PREPAID label is included for Overnight mail)**

**SUBORDINATION (Business Assets)**

In order for the U.S. Small Business Administration (SBA) to consider your request for a Subordination action on Business Assets, **you must provide the following information**:

1. A **signed** detailed letter from the borrower(s) explaining the reasons for requesting SBA to subordinate its lien position.

2. Copies of the latest Federal Income Tax return (all schedules) for the last two tax years.

3. Interim financial statements – **current within 90 days** (balance sheet and profit & loss statement)

4. Valuation of Collateral: A copy of a recent (no older than 6 months) appraisal. If an appraisal is not available, you may use alternative forms of valuation, such as comparable sales, market analysis or a property tax assessment (if the property has been reassessed within the last 12 months).

5. Current Title Report/Ownership Encumbrance Report/UCC Lien Searches of the collateral and/or business assets offered as the Substitution and any collateral to remain as security on this loan.

6. The verified balance(s) of **any and ALL Prior Liens** superior to SBA's position (please include payoff statement from lien holders).

7. Documentation showing loan terms of new financing (i.e., loan agreement, etc.).

8. Written consent of all guarantors (concurrence signature(s) on detailed request letter is acceptable).

9. Please be advised SBA may require **"Monetary Consideration"** in lieu of subordination of collateral as a pay down against SBA loan balance.

10. Submission of insurance policy's declaration page(s) as proof of Hazard Insurance and/or Flood Insurance on property to be substituted, showing SBA as Mortgagee. MORTGAGE CLAUSE is: United States Small Business Administration, an Agency of the government of the United States of America, National Disaster Loan Resolution Center, 200 W. Santa Ana Blvd. # 180 Santa Ana, CA 92701

Please note –Servicing actions cannot be approved without proof of continuing insurance coverage showing SBA as mortgage as stated above.

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Back to Table of Contents

**RELEASE OF COLLATERAL (Partial/Full)**

In order for the U.S. Small Business Administration (SBA) to consider your request for a Partial or Full Release of Collateral action, **please provide the following required information:**

1. SBA form 770, Financial Statement of Debtor (enclosed);

2. A signed detailed letter from the borrower(s) explaining the reasons for requesting SBA to Release its Collateral.

3. Copies of the most current Federal Income Tax Return Personal & Business (two years)

4. A survey map of the property you are requesting to be **released** along with the new legal description of the properties to be released and the property to **remain** as collateral.

5. Buyer/Seller agreement or contract (if the released property is being sold)

6. Valuation of Collateral: A copy of a recent (no older than 6 months) appraisal. If an appraisal is not available, you may use alternative forms of valuation, such as comparable sales, market analysis or a property tax assessment (if the property has been reassessed within the last 12 months). The Valuation is for the property to be RELEASED **and** to REMAIN as collateral.

7. Current Title Report/Ownership Encumbrance Report/UCC Lien Searches of the collateral and/or business assets offered as the Substitution and any collateral to remain as security on this loan.

8. Copy of HUD Settlement Statement if selling. It must state "Pay Down" to SBA and not "Pay Off", if the SBA loan is not being paid in full.

9. The verified balance(s) of any and ALL prior liens superior to SBA's position (please include payoff statement from lien holders); from the properties to be RELEASED and to REMAIN as collateral.

10. Please be advised that SBA will require "Monetary Consideration" to execute the Release of Collateral as a pay down against the SBA loan balance.

11. Name, address, and telephone number of the closing attorney/ escrow agent.

12. Written authorization allowing SBA to discuss this loan with a third party involved with this transaction.

13. Submission of insurance policy's declaration page(s) as proof of Hazard Insurance and/or Flood Insurance on property to remain as collateral, showing SBA as Mortgagee. MORTGAGEE CLAUSE is: United States Small Business Administration, an Agency of the government of the United States of America, National Disaster Loan Resolution Center, 200 W. Santa Ana Blvd. # 180 Santa Ana, CA 92701

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Back to Table of Contents

**FULL RELEASE (Short sale on superior lien)**

In order for the U.S. Small Business Administration (SBA) to consider your request for a Release of Lien as a result of a Short Sale agreed to by your senior lien holder, **please provide the following required information:**

1. SBA form 770, Financial Statement of Debtor (enclosed);

2. A signed detailed letter from the borrower(s) explaining the reasons for requesting SBA to Release its Collateral.

   (A letter requesting that the SBA release its lien with an explanation as to why the SBA is not to be paid in full as a result of this transaction and disclosing any association you may have with the purchaser (relative, business partner, etc). *Specify the amount of consideration SBA is to receive.* In addition, if your loan is not current, provide an explanation on how you intend to bring your loan current and maintain regular monthly payments.)

3. Copies of the most current Federal Income Tax Return Personal & Business (two years)

4. Buyer/Seller agreement or contract.

5. Estimated Settlement Statement (HUD-1 or GFE); it must state "Pay Down" to SBA and not "Pay Off".
   NOTE: If SBA is in FIRST lien position, NET SALE proceeds must be remitted to the SBA as a principal reduction. This is to include any and all earnest money from Buyer to Seller. Failure to remit Net Sale Proceeds and Earnest money (if any) as instructed may cause the request for Release of Collateral to be declined. If SBA is a JUNIOR lien holder, specify how much money is coming to SBA from the Short Sale, either from remainder after paying off the SENIOR lien or the amount that the SENIOR lien holder will permit SBA to receive.

6. Valuation of Collateral: A copy of a recent (no older than 6 months) appraisal. If an appraisal is not available, you may use alternative forms of valuation, such as comparable sales, market analysis or a property tax assessment (if the property has been reassessed within the last 12 months).

7. The verified balance of any and ALL Prior Liens superior to SBA's position, (please include payoff statement from lien holders).

8. Written authorization allowing SBA to discuss the loan with a third party involved in this transaction.

9. A letter from senior lien holder stating that the Short Sale is being accepted.

Please note:

- A pay down for consideration are not regular payments; however, will reduce your loan's principal balance.
- All collateral documents now in place will remain in effect and all Borrowers/Guarantors will remain legally obligated under the existing terms of the Note, until such Note is paid in full.
- If the sale of the property does not pay the loan in full, it is SBA's policy not to allow the Borrower/Guarantor to receive any proceeds from the transaction.

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Back to Table of Contents

**RELEASE OF GUARANTOR(S)**

In order for the U.S. Small Business Administration (SBA) to consider your request for a FULL RELEASE OF GUARANTORS, **please provide the following required information:**

1. SBA form 770, Financial Statement of Debtor (enclosed);

2. A signed detailed letter from the guarantor(s) explaining the reasons for requesting SBA to release its Guarantee.

(The letter should include an explanation why the SBA is not to be paid in full. The letter should indicate the status of the business along with proof that the guarantor is no longer associated with the business. *Specify the amount of consideration SBA is to receive.*)

3. Copies of the most current Federal Income Tax Return Personal & Business (All schedules) for the last two tax years).

4. Interim financial statements of guarantors and borrowers – **current within 90 days** (balance sheet and profit & loss statement)

5. Written consent of all guarantors (concurrence signature(s) on detailed request letter is acceptable). Remaining Obligor/Guarantor must state and acknowledge that (he/she/they) will continue to pay on the SBA loan balance.

6. A statement clearly setting forth the source of funds for payment of the amount being offered.

7. Provide a written explanation as to how sale proceeds (if any) will be utilized.

8. Copy of Sale Contract/Agreement (if any).

9. Valuation of Collateral: A copy of a recent (no older than 6 months) appraisal. If an appraisal is not available, you may use alternative forms of valuation, such as comparable sales, market analysis or a property tax assessment (if the property has been reassessed within the last 12 months). Fair Market Value (FMV) verification is required for the property or properties being RELEASED and those that REMAIN.

10. The verified balance(s) of any and all Prior Liens superior to SBA's position (please include payoff statement from lien holders); from the properties to be RELEASED and to REMAIN as collateral.

12. Please be advised that "**Monetary Consideration**" in lien of Release of Guarantor/Collateral, will be required as a pay down against the SBA loan balance.

13. Submission of insurance policy's declaration page(s) as proof of Hazard Insurance and/or Flood Insurance on property to remain as collateral, showing SBA as Mortgagee. MORTGAGEE CLAUSE is: United States Small Business Administration, an Agency of the government of the United States of America, National Disaster Loan Resolution Center, 200 W. Santa Ana Blvd. # 180 Santa Ana, CA 92701

Please note –Servicing actions cannot be approved without proof of continuing insurance coverage showing SBA as mortgage as stated above.

Please note: all other collateral documents now in place will remain in effect and all remaining Borrowers/Guarantors will remain legally obligated under the existing terms of the Note, until such Note is paid in full.

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Back to Table of Contents

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Back to Table of Contents

**RELEASE OF GUARANTOR/SUBSTITUTION OF GUARANTOR**

In order for the U.S. Small Business Administration (SBA) to consider your request for a Full Release of Guarantor/Substitution of Guarantor, **please provide the following required information:**

**From Business:**

1. SBA form 770, Financial Statement of Debtor (enclosed) on all Guarantors.

2. A signed detailed letter from the guarantor(s) explaining the reasons for requesting SBA to Release its Guarantors in exchange for new ones.

3. Copies of the most current Federal Income Tax Return Personal & Business (All schedules) (two years).

4. Interim financial statements of guarantors and borrowers – **current within 90 days** to include the balance sheet and profit & loss statement)

5. Written consent of all guarantors (concurrence signature(s) on detailed request letter is acceptable). Remaining Obligor/Guarantor must state and acknowledge that (he/she/they) will continue to pay on the SBA loan balance.

6. Provide a copy of the quitclaim deed on the party who will be released from the obligation.

7. Fair Market Value (**FMV**) verification for property being RELEASED. Documentation such as an Appraisal, Comparable Sale Market Analysis (no older than 6 months) or Tax Assessment (if property has been reassessed within the last 12 months) **is REQUIRED.**

8. The verified balance(s) of **any and all Prior Liens** superior to SBA's position (please include payoff statement from lien holders); from the properties to be RELEASED and to REMAIN as collateral.

9. Fair Market Value (**FMV**) verification for property to REMAIN. Documentation such as an Appraisal, Comparable Sale Market Analysis (no older than 6 months) or Tax Assessment (if property has been reassessed within the last 12 months**) is REQUIRED.**

10. Please be advised that possible "**Monetary Consideration**" in lien of Release of Collateral, may be required as a pay down against the SBA loan balance.

11. Submission of insurance policy's declaration page(s) as proof of Hazard Insurance and/or Flood Insurance on property to remain as collateral, showing SBA as Mortgagee. MORTGAGEE CLAUSE is: United States Small Business Administration, an Agency of the government of the United States of America, National Disaster Loan Resolution Center, 200 W. Santa Ana Blvd. # 180 Santa Ana, CA 92701

Please note –Servicing actions cannot be approved without proof of continuing insurance coverage showing SBA as mortgagee as stated above.

**From Potential Guarantor(s) (if applicable):**

1. Copies of the latest Federal Income Tax return (two years);

2. Statements of Personal History (SBA Form 912): Individuals and/or Corporate Officers;

3. Personal financial statement of borrowers, guarantors and major stockholders (SBA Form 413);

4. Copy of Buy/Sell Agreement; buyout agreement.

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*Send all documents in one package to the appropriate SBA office.*

**An incomplete package is subject to delay and/or return as a result of missing items(s). The current turnaround time is approximately 30 days from when a completed package is received**.

Please contact National Disaster Loan Resolution Center at (714) 550-9566, if you have any questions or need further information.

Back to Table of Contents