

Regional Office
155 Van Gordon
Box 25126
Denver, CO 80225

**Department of
Veterans Affairs**

**Information
Bulletin**

April 18, 2000

Loan Guaranty Letter 00-09
261-1

SUBJ: Foreclosure, Property Preservation and Servicing Fees

Purpose:

The Denver Regional Loan Center (RLC) has jurisdiction for properties located in Colorado, Wyoming, Alaska, Idaho, Montana, New Mexico, Utah, Oregon and Washington. This release provides program participants with guidelines for determining which foreclosure, property preservation and servicing fees, and the maximum reimbursable amounts of those fees, may be reimbursed on a Claim Under Guaranty in these states. All claims for reimbursement must be reasonable and customary and lenders must always obtain quality service at the least expense to them and VA. Copies of bills and receipts, or other evidence of payment, must be submitted with the claim.

Effective Date:

The fees and expenses set out in this release are effective for VA loan foreclosures conducted on or after May 1, 2000.

Legal and Trustee Fees:

All Claims Under Guaranty are subject to Title 38 Code of Federal Regulations (CFR) 36.4276(b) and 36.4313(b) which stipulate that the combined total of the amounts claimed for trustee's fees and legal services may not exceed \$850. In those states where a non-judicial foreclosure is the most common procedure used, payment of additional amounts will be considered on a case-by-case basis when a judicial foreclosure must be conducted subject to the regulatory limitation previously mentioned. Documented court appearances in connection with bankruptcies are allowable in the amount of \$100 for each required appearance, as well as actual required court costs. The maximum fees for each state under the jurisdiction of this RLC are specified on the attachment to this release.

Title Insurance:

Title insurance policy costs will be reimbursed in those instances where the property is conveyed to VA, or when a title policy is obtained instead of a foreclosure certificate. In the event VA returns title of a property to the holder, the cost of the title policy will not be reimbursed.

Required Notices:

VA will allow \$10.00 for each notice of intention to foreclose sent to the original veteran and/or liable obligor as required by 38 CFR 36.4317(c).

General information concerning property preservation expenses:

- Entry door lock changes will be reimbursed one time only. All doors that have a key lock should be changed. The keys must be attached to VAF 26-8903, Notice for Election to Convey And/or Invoice For Transfer of Property when it is submitted to VA.
- Winterization of plumbing and heating systems should be done year-around. During the winter months the utilities should remain on and set at 55 degrees, in addition to winterization. VA will reimburse for transfer of utilities to the holder's name, as well as actual utility costs when the property is vacant.
- When a property is vacant, apparently abandoned and subject to vandalism, appropriate steps must be taken to protect the security. VA will reimburse actual costs, if reasonable and customary, for boarding of windows and doors if the holder determines the action is necessary. This does not mean every vacant property should be screened and/or boarded. In fact, boarding of properties in well-maintained neighborhoods can invite break-ins. In locations where vandalism is high, all ground floors should be secured. The material suggested for boarding windows and doors is plywood secured with nails; however, the holder should use judgment in selecting the most economical method of securing without jeopardizing the effectiveness.
- Actual cost, if reasonable and customary, will be paid for removal of debris to eliminate health or safety hazards. Documentation must be submitted with the request for payment evidencing the nature and the extent of the hazard. A fee for dumping will be reimbursed if documented by a receipt; however mileage will not be reimbursed.
- Pursuant to VA Regulations 36.4278 and 36.4346, holders are required to conduct property inspections before the 60th day of delinquency and at least once each month after liquidation proceedings have been started unless servicing information shows the property continues to be owner-occupied. An abandoned property must be inspected at least monthly to prevent unnecessary deterioration due to vandalism or neglect.
- Grass should be cut as needed but no more than twice per month between April and October. Mowing once per month may prove sufficient depending on the amount of rainfall. Snow removal should be performed as required by local codes.

Prior Approval

Prior Approval for property preservation is not required and will not be given. It is the holder's responsibility to protect and preserve properties when they become vacant and abandoned. Holders are to ensure compliance with all city, county or other ordinances in accordance with the terms of the mortgage loan agreement. A holder may advance any reasonable amount necessary and proper for the maintenance or repair of the security and such advance may be added to the guaranteed indebtedness. Most security instruments have a provision to protect the property securing the loan. The removal of hazardous materials, the correction of hazardous conditions, and the avoidance of liens are primary concerns. Failure to protect and preserve the security can result in additional losses to the holder. A diminution in value can cause VA not to specify an amount for credit to the indebtedness in the event of foreclosure (no bid). If the holder's failure to protect and preserve the property increases VA's liability, the holder's claim payment will be adjusted (reduced).

If an item is not covered by this bulletin or there are unusual circumstances that support additional expense, you may submit complete information to justify the additional expense with the Claim Under Loan Guaranty and request reimbursement at that time. The holder is responsible for taking appropriate measures to protect and preserve the security for the loan. The decision as to what action to take to preserve and protect the property is the holder's decision, and it is independent of the amount of the costs that VA will reimburse.

Hazard Insurance

Under 38 CFR 36.4326, it is the holder's responsibility to procure and maintain insurance policies in an amount sufficient to protect the security against risks or hazards to which it may be subjected. All moneys received under such policies covering payment of insured losses shall be applied to restoration of the security or to the loan balance. Holders should consult VA in total or near total loss cases before consenting to an insurance adjustment if it appears that the settlement proceeds will not be sufficient to pay off the loan balance or restore the security. In certain cases when a loan is in the process of being terminated and existing coverage has been canceled or renewal has been refused, premiums actually paid for high cost coverage will be eligible for reimbursement in part, as evidenced by copies of premium notices and paid receipts. VA must receive prior notification if hazard insurance is not obtainable, or obtainable only at prohibitive cost, in order to prevent a claim adjustment under 38 CFR 36.4325(b)(3). Upon receipt and review of the notification, VA will provide assurance in writing that there will not be an adjustment due to the holder's failure to procure and maintain an insurance policy. Please contact a VA Loan Service Representative if you have any questions.

Mortgage Loan Servicing Fees:

Although VA does not encourage nor endorse fees related to mortgage loan servicing, the fees and charges listed below are not prohibited if they are reasonable in amount and agreed to by the parties or permissible under the loan agreement:

- Recording a change of ownership of the mortgage property on the books of the servicer. VA would consider a charge in excess of \$50 for such service to be unreasonable, regardless of whether or not there is also a substitution of liability on the mortgage.
- Processing and reprocessing checks of the borrower that are returned to the servicer for insufficiency.
- Substitution of hazard insurance policies during the term of a previously furnished policy (at a time other than the normal renewal period) when substitution is made at the request of the mortgagor. A charge in excess of \$10 for such service will be considered unreasonable. Any charge for policy renewal or replacement at the normal renewal period will be considered inappropriate.
- Processing partial releases of the mortgaged property.
- Processing subordination agreements.
- Modification of the mortgage by a formal written extension or reamortization agreement.
- Marking the mortgage satisfied regardless of allowability by local law or loan documents.

If You Have Questions

Questions regarding allowable fees and charges should be directed to Kellie Vasey at (303) 914 5657. A list of other key personnel is attached.

VLINDA A. CHILDS
Loan Guaranty Officer

Attachments: 3

Distribution: Holders and Servicers of VA Guaranteed Loans

Rescission: Loan Guaranty Letter No. 99-11

**DEPARTMENT OF VETERANS AFFAIRS DENVER REGIONAL CENTER
LOAN ADMINISTRATION KEY PERSONNEL
APRIL 2000**

The toll-free line in Loan Administration for borrowers is 1-800-319-9446. Commercial lines provide direct access to Loan Guaranty employees. The area code is 303; the prefix is 914. Extensions are provided below. The Loan Administration FAX number is (303) 914-5616 or 5666.

SUPERVISORY STAFF

Vacant	Loan Administration Officer	5650
Bardi Holmberg	Servicing Officer	5652

SUPPLEMENTAL SERVICING

Sarah Lund	Team Leader	5636
Emily Lucero	VA loan numbers ending with 00-11	5690
Ed Staples	VA loan numbers ending with 12-24	5656
Nancy Roesch	VA loan numbers ending with 25-36	5677
Audrey Sherrod	VA loan numbers ending with 37-48	5634
Mel Law	VA loan numbers ending with 49-61	5660
Alice Trujillo	VA loan numbers ending with 62-73	5678
Jeanne Donoghue	VA loan numbers ending with 74-86	5669
Rick Weimer	VA loan numbers ending with 87-99	5655
Beth Sheehan	NOD/NOI Acknowledgements	5644

LOSS MITIGATION, BIDDING INSTRUCTIONS AND CLAIMS

Kay Bowersox	Team Leader	5653
Myra Sigea	Refunds, Compromise Sales and Deeds 00-32	5667
Harold Rhoades	Refunds, Compromise Sales and Deeds 33-65	5661
Marsha Stein	Refunds, Compromise Sales and Deeds 66-99	5633
Cindy Shuel	Bidding Instructions 00-49	5659
Bob Kusel	Bidding Instructions 50-99	5663
Barb Massinburg	Conveyances and 4600 Claims	5668
Kellie Vasey	Claims	5657
David Herrera	Claims Status Calls	5693
Lori Koons	Claims	5675
Jody Luft	Claims	5699
Pat Vaughn	Claims	5692
Marvin Ward	Claims Status Calls	5665

TITLE ACQUISITIONS AND REDEMPTIONS

Rhonda Bean	Colorado/Wyoming/Montana	(303) 914-5630
Robert Whyel	New Mexico	(505) 248-6680
Kim Blackburn	Idaho	(208) 334-1900
Bob Orrin	Alaska	(907) 257-4744
Jerry Overstreet	Utah	(801) 524-4519
Richard Kemp	Oregon	(503) 326-2458

Cheryle Day	Washington	(206) 220-6216
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ITEM	AK	CO	ID	MT	NM	OR	UT	WA	WY
ATTORNEY'S FEES									
Judicial Foreclosure				\$800	\$600	\$625	\$550	\$625	
Non-Judicial Foreclosure	\$850	\$600		\$600					\$575
Contested Foreclosures					\$100				
Foreclosure Trustee			\$400			\$350	\$425	\$550	
Deed in Lieu	\$250	\$200	\$200	\$250	\$125	\$200	\$200	\$200	\$200
Mobile Home Repossession					\$350				
Bankruptcy ⁽¹⁾	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100	\$100
Refunding ⁽²⁾	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50
LEGAL FEES / COSTS									
Title Policy/Commitment ⁽³⁾	a/c	a/c	a/c	a/c	a/c ⁽⁵⁾	a/c	a/c	a/c	a/c
Title Search/TSG/F/C Certificate/Title Update ⁽⁴⁾	a/c	a/c	a/c	a/c	a/c ⁽⁵⁾	a/c	a/c	a/c	a/c
Title Report						a/c		a/c	
Filing Fee		\$91			\$97				
Public Trustee Fee		a/c							
Publication	a/c	a/c	a/c	a/c	a/c	a/c	a/c	a/c	a/c
Sheriff's Fee				a/c		a/c		a/c	\$20
Special Master's Fee					a/c				
Cry Sale			\$25						
Postponement						\$50			
Recording Fee	a/c	a/c	a/c	a/c	a/c	a/c	a/c	a/c	a/c
Service of Process	a/c		a/c		\$35	a/c	a/c	a/c	
Posting			a/c	a/c			a/c	a/c	
Certified Mail ⁽⁶⁾	a/c	a/c	a/c	\$10	a/c	a/c	a/c	a/c	a/c
Bankruptcy Filing Fee	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75	\$75
Gross Tax Receipts					5.56%				

The following fees are not allowed in any state: Mileage, eviction fees, copies, faxes, express mail, telephone calls, notary fees, outside attorney fees
All requests for reimbursement must be accompanied by copies of the bills and receipts for each expense

- Blank** This item is either not applicable or non-reimbursable in this state
a/c VA will reimburse the actual cost of these items if they are supported by billing statements and receipts
(1) VA will reimburse \$100 per court appearance by the attorney if it is **mandatory and documented**
(2) For preparation of legal documents assigning the loan to VA - payable only if no additional foreclosure attorney's fees are claimed
(3) VA will reimburse the actual, documented cost of any **one** of these items
(4) VA will reimburse the actual, documented cost of any **one** of these items
(5) VA will reimburse the actual cost of a title search or title update **or** the actual cost of a title policy and up to \$125 for a title search or title update
(6) If mailings are required to notify parties formerly in title to the property

ITEM	AK	CO	ID	MT	NM	OR	UT	WA	WY
APPRAISALS									
Liquidation - Single Family	\$500	\$350	\$400	\$400	\$350	\$450	\$350	\$425	\$350
Liquidation - Condo	\$550	\$400	\$475		\$350	\$475	\$350	\$450	\$400
Mobile Home	\$350		\$375		\$140	\$250			
Refunding - Re-Inspected for interior only	\$75	\$50	\$50	\$50	\$50	\$50	\$50	\$50	\$50
PROPERTY PRESERVATION									
Rekey	\$50	\$40	\$40	\$35	\$35	\$35	\$35	\$35	\$40
Lock Change	\$75	\$75	\$50	\$75	\$50	\$50	\$55	\$75	\$75
Padlock and Hasp	\$25	\$15	\$20	\$10	\$10	\$10	\$15	\$10	\$15
Winterizing - Wet System ⁽⁷⁾	\$450	\$110	\$150				\$175		\$110
Winterizing - Dry System ⁽⁷⁾	\$150	\$100	\$125	\$100	\$55	\$100	\$125	\$100	\$100
Winterizing - Sprinkler System ⁽⁷⁾		\$40	\$40		\$40	\$40		\$40	\$40
Swimming Pool	⁽⁸⁾								
Initial Lawn Care	\$50	\$50	\$50	\$30	\$50	\$50	\$200	\$30	\$50
Monthly Lawn Care	\$35	\$35	\$25	\$30	\$20	\$25	\$30	\$30	\$35
Snow Removal	\$35	\$35		\$25			\$15		\$35
Boarding - Windows	\$40	\$35	\$30	\$35	\$35	\$35	\$25	\$30	\$35
Boarding - Doors	\$70	\$50	\$50	\$50	\$70	\$50	\$55	\$50	\$50
Monthly Property Inspections	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20
Debris Removal ⁽⁹⁾	a/c								
Utilities ⁽¹⁰⁾	a/c								
Utility Transfer ⁽¹¹⁾	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20	\$20
Liens ⁽¹²⁾	a/c								

The following fees are not allowed in any state: Penalties and interest on liens, cleaning, de-winterizing, utility deposits, mileage, photos, trip charges
All requests for reimbursement must be accompanied by copies of the bills and receipts for each expense

- Blank** This item is either not applicable or non-reimbursable in this state
a/c VA will reimburse the actual cost of these items if they are supported by billing statements and receipts
(7) Includes service calls, equipment rental and all supplies needed to complete the job properly
(8) The allowance for pools varies depending on the type of pool, and the ease of preventing unauthorized entry into the pool area.
(9) Actual and reasonable expense of removing **only** debris which poses a documented and imminent health or safety hazard
(10) Vacant properties only
(11) Utility bill reflecting this cost must be submitted with request for reimbursement
(12) Copy of lien must be submitted with request for reimbursement, penalties and interest will not be reimbursed