

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 401: Generally (09/16/13)**

### **Section 401: Generally (09/16/13)**

The Lender must perform an overall risk assessment of the Borrower, Key Principals and Principals, taking into consideration the specifics of the transaction. In all events, the Lender must obtain and analyze any information that it determines is necessary to complete an appropriate credit review, including:

- organizational structure;
- multifamily business experience and qualifications;
- general credit history; and
- current and prospective financial condition.

The financial strength, experience, qualifications, character and credit history of the Borrower, Key Principals and Principals, as determined by the analysis must be commensurate with the size, complexity, structure and risks of the transaction.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 402: Borrower Organizational Structure (09/16/13)/Section 402.01: Single Asset Entity**

### **Section 402.01: Single Asset Entity**

Except as provided below, the only eligible Borrower structure is a domestic single-asset entity Borrower. The Lender's analysis of the Borrower and the Borrower's organizational documents must include a determination of whether:

- the acquisition of any additional real property, personal property or assets other than the Property is permitted;
- the operation or participation in any business other than the management and operation of the Property is permitted;
- the Borrower's assets or funds are commingled with those of any other Person and, if so, whether such assets or funds can be segregated and identified;
- the Borrower's financial statements, accounting records and other organizational documents are maintained with those of any other Person; or
- the Borrower has assumed, guaranteed or obligated itself for the liabilities of any other Person (except in connection with the Mortgage Loan or the endorsement of negotiable instruments in the ordinary course of business).

If a Borrower owns more than a single asset, the Borrower will still qualify as a single-asset entity so long as Fannie Mae holds all Mortgage Loans securing the Borrower's real property assets and the Borrower is not permitted to acquire any additional assets.

The Borrower may be ultimately owned by foreign persons or entities, so long as at least 1 United States domiciled tier has been established.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 402: Borrower Organizational Structure (09/16/13)/Section 402.02: Co-Tenant Borrowers/A. Eligibility**

### **A. Eligibility**

A Co-Tenant Borrower may be an eligible Borrower if:

- no more than 5 co-tenants comprise the Co-Tenant Borrower;
- each co-tenant jointly and severally executes the Loan Documents;
- no co-tenant is an individual; and
- each co-tenant is a single asset entity satisfying the requirements of Section 402.01 of this Chapter.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 402: Borrower Organizational Structure (09/16/13)/Section 402.02: Co-Tenant Borrowers/B. Tenancy-in-Common Agreement**

## **B. Tenancy-in-Common Agreement**

A tenancy-in-common agreement must be in place or entered into by all co-tenants at the time of the Mortgage Loan closing and the Lender must verify that such agreement provides, at a minimum:

- that each co-tenant is bound by the terms of the tenancy-in-common agreement, and such tenancy-in-common agreement is validly executed and legally enforceable;
- that a single co-tenant (or the Key Principal of such co-tenant) has the authority to manage the day to day business and affairs of the Property (the "Managing Co-Tenant Borrower");
- that the Managing Co-Tenant Borrower must have an irrevocable power-of-attorney from the other Co-Tenant Borrowers to deal with the Lender on matters relating to the operation and maintenance of the Property;
- that each Co-Tenant Borrower (or the Key Principal of each such Co-Tenant Borrower) has buy-out rights as to any other co-tenant and is financially able to effect such a buy-out;
- the name, address, telephone number and percentage of ownership interests of each Co-Tenant Borrower, and a requirement that (i) each Co-Tenant Borrower agrees to promptly notify all other Co-Tenant Borrowers and any mortgage lender of any change in address or telephone numbers, and (ii) a single Key Principal of the Managing Co-Tenant Borrower has been named as the party to receive all notices or other communication from any mortgage lender on behalf of all Co-Tenant Borrowers;
- that all payments under any mortgage loan secured by a Lien on the Property has priority over distributions to the Co-Tenant Borrowers and that such distributions to Co-Tenant Borrowers are subordinate and subject to the terms and conditions of any such mortgage loan; and
- that each Co-Tenant Borrower has waived (i) its right to residency in the Property, and (ii) any Lien rights against the Property and all other Co-Tenant Borrowers.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 402: Borrower Organizational Structure (09/16/13)/Section 402.02: Co-Tenant Borrowers/C. Key Principal Execution of Guaranty**

## **C. Key Principal Execution of Guaranty**

At least 1 Key Principal must be named for each Co-Tenant Borrower and each such Key Principal must execute a Non-Recourse Guaranty or a Payment Guaranty, as applicable, if a Guaranty is required for the Mortgage Loan.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 402: Borrower Organizational Structure (09/16/13)/Section 402.03: Fund Borrowers**

## **Section 402.03: Fund Borrowers**

For any Borrower that relies on equity investments from fund investors for its continued existence, the Lender's analysis of such Borrower must include:

- the experience and performance history of the fund manager in connection with managing other similar funds;
- the fund's ability to raise equity from financially substantial investors;
- the performance of the fund;
- the leverage level of the fund;
- the net worth and liquidity of the fund; and
- the quality of the Property and market where the Property is located.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 403: Key Principals and Principals (11/04/13)/Section 403.01: Generally**

### **Section 403.01: Generally**

For each Mortgage Loan, the Lender must identify all Key Principals and Principals of the Borrower. At least 1 Key Principal must have an ownership interest in the Borrower. Any Key Principal that provides a Guaranty of the Mortgage Loan must be a non-foreign person or entity.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 403: Key Principals and Principals (11/04/13)/Section 403.02: Entity Key Principals**

### **Section 403.02: Entity Key Principals**

Entity Key Principals are permitted. Any entity Key Principal must have an established acceptable track record of business performance and sufficient financial strength. Any Key Principal entity assuming liability under a Guaranty must:

- be an existing entity (a corporation, limited liability company, limited liability partnership, or other acceptable structure and not newly formed);
- be a well-capitalized, stable, on-going business concern and of the type that would be expected to continue to remain financially healthy and be able to support the Property and to meet all Key Principal requirements and obligations under the Guaranty over the life of the Mortgage Loan. Typically, the entity's assets and net worth should be significantly in excess of what would be minimally acceptable for an individual Key Principal; and
- be the type of business that, outside of its obligations to other assets with which it is directly involved, would make it unlikely that assets would be siphoned off for use by other entities or transferred, sold or otherwise disposed of in order to avoid meeting Key Principal obligations.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 403: Key Principals and Principals (11/04/13)/Section 403.03: Fund Key Principals/A. Review and Analysis of Fund Required**

### **A. Review and Analysis of Fund Required**

For any Fund Key Principal or Fund Principal, the Lender must review the relevant organizational documents and private placement memorandum, if applicable, to ascertain:

- the entity's expiration date;
- whether any extension to the entity's existence is provided and, if any such extension provisions exist, the conditions to approving the extension; and
- the process for winding up the business affairs of the entity.

The Lender's analysis of such entity must include:

- the experience and performance history of the entity's manager in connection with managing other similar funds;
- the entity's ability to raise equity from financially substantial investors;
- the performance of the entity;
- the leverage level of the entity; and
- the net worth and liquidity of the entity.

The Lender must document its analysis of the Fund Key Principal or Fund Principal and justify its credit analysis in the Lender's Transaction Approval Memo.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 403: Key Principals and Principals (11/04/13)/Section 403.03: Fund Key Principals/B. Assumption or Transfer of MBS Mortgage Loan**

## B. Assumption or Transfer of MBS Mortgage Loan

If the proposed new Key Principal of the proposed new Borrower is a Terminating Fund Key Principal, then the MBS Mortgage Loan is not assumable by, nor may it be transferred to, the proposed new Borrower.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 404: Financial Statements (09/16/13)**

### Section 404: Financial Statements (09/16/13)

The Lender must obtain signed financial statements that are dated less than 12 months prior to the Commitment Date from all parties relevant to the transaction. If the signed financial statements are more than 12 months old, a certification that there has been no material adverse change to the financial condition reflected in such statements, signed by the relevant party and dated within 30 days prior to loan application must be obtained. Financial statements more than 24 months old are not acceptable. All financial statements should contain:

- a schedule of real estate owned by the party providing the financial statement;
- all other assets, including notes receivable from related entities, and an estimate of the market value of each asset and the basis for calculating value estimates;
- all liabilities and contingent liabilities, including debts under lines or letters of credit, personal guaranties, unmet obligations to partnerships or other entities and other obligations in the future (the amount and timing of all such obligations must be specified or described); and
- any other factors that may materially impact the Borrower's or Key Principal's financial position immediately or during the term of the Mortgage Loan (including any known threat of potential lawsuits that may arise from such parties' business operations).

If the Lender fails or is unable to obtain any of the above information, the Lender must document the reasons for such failure or inability and justify its credit analysis in its Transaction Approval Memo.

The financial statements submitted by Principals need not contain every item listed above, as long as the Lender is satisfied that the financial statement adequately reflects the Principal's solvency.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 405: Credit Reports, FICO Scoring, and Credit Report Review for Mortgage Loans \$3,000,000 or Less (11/04/13)/Section 405: Credit Reports, FICO Scoring, and Credit Report Review for Mortgage Loans \$3,000,000 or Less (11/04/13)**

### Section 405: Credit Reports, FICO Scoring, and Credit Report Review for Mortgage Loans \$3,000,000 or Less (11/04/13)

For any Mortgage Loan having an original principal amount of \$3,000,000 or less, the following requirements apply for all individual Borrowers (if a waiver of the single asset entity requirement has been approved) and all individual Key Principals and Principals.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 405: Credit Reports, FICO Scoring, and Credit Report Review for Mortgage Loans \$3,000,000 or Less (11/04/13)/Section 405.01: Credit Report**

#### Section 405.01: Credit Report

Credit reports are required for all individual Borrowers and all individual Key Principals and Principals. Credit reports must be obtained from at least 2 of the following credit information services:

- Equifax;
- Experian; or
- TransUnion.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 405: Credit Reports, FICO Scoring, and Credit Report Review for Mortgage Loans \$3,000,000 or Less (11/04/13)/Section 405.02: FICO Scoring**

### **Section 405.02: FICO Scoring**

All individual Borrowers, Key Principals, and Principals must achieve the Minimum FICO Requirement. For determining compliance with the Minimum FICO Requirement, the FICO score for an individual Borrower, Key Principal or Principal must be determined as follows:

- if credit reports are obtained from 2 of the 3 approved credit information services, then the lower score must be utilized, or
- if credit reports are obtained from all 3 credit information services, then the middle score must be utilized.

If a Borrower, Key Principal or Principal is married to another Borrower, Key Principal or Principal, then compliance with the Minimum FICO Requirement must be determined by using the lower FICO score of the 2 married individuals.

If any Small Mortgage Loan has multiple individual Borrowers or if any Mortgage Loan has multiple individual Key Principals or Principals, the Lender is required to use the average of their respective FICO scores to determine compliance with the Minimum FICO Requirement.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 405: Credit Reports, FICO Scoring, and Credit Report Review for Mortgage Loans \$3,000,000 or Less (11/04/13)/Section 405.03: Reviewing the Credit Report**

### **Section 405.03: Reviewing the Credit Report**

The Lender must conduct a thorough review and analysis of the credit report for each individual Borrower and each individual Key Principal. Such review and analysis must assess whether there is reported:

- any mortgage late payments occurring within the previous 36 months;
- any excessive revolving or installment late payments occurring within the previous 12 months;
- any credit card or other unsecured debt balances deemed excessive by the Lender;
- any tax liens that have been filed or reported within the previous 5 years;
- any discharged bankruptcies or mortgage foreclosures occurring within the previous 10 years; or
- any outstanding judgments or collections that exceed \$5,000.

Without regard to whether the individual Borrower or any individual Key Principal or Principal has met the Minimum FICO Requirement, if any of the above matters are reported or there is other derogatory credit history reported in the credit report, the Borrower must provide satisfactory explanations regarding such matters and the Lender must validate such explanations and determine that future delinquencies are unlikely. Any such determination must be documented in the Lender's Transaction Approval Memo.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 406: Fraudulent Conveyance (09/16/13)**

### **Section 406: Fraudulent Conveyance (09/16/13)**

The Lender must not make any Mortgage Loan if it has reason to believe there is an actual intent by the Borrower or its Key Principals or Principals to delay, hinder, or defraud creditors.

To show that the Mortgage Loan was made in good faith, a careful review of the facts is needed to provide a defense to a fraudulent conveyance or fraudulent transfer type of claim. The Lender must obtain the appropriate Multifamily Underwriting Certificate. The Multifamily Underwriting Certificate must be reviewed as part of the Lender's credit review and held in the Lender's Servicing File.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 407: Multifamily Underwriting Certificate (09/16/13)**

### **Section 407: Multifamily Underwriting Certificate (09/16/13)**

The Borrower and each Key Principal must execute and provide to the Lender the appropriate Multifamily Underwriting Certificate, that certifies the accuracy and completeness of the rent roll, the operating statement, all financial statements and schedules of real estate owned, as applicable (copies of which are to be attached to the Multifamily Underwriting Certificate), and such other information as is included in the Multifamily Underwriting Certificate. Each Multifamily Underwriting Certificate must:

- be signed and certified as true, correct, and complete,
- be dated not more than 90 days prior to the date the Lender requests a Commitment from Fannie Mae, and
- be updated with either a new Multifamily Underwriting Certificate or, if the 90-day period is exceeded, a certification that there has been no material adverse change to the financial condition reflected in such statements.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 408: Applicant Experience Check of Borrower, Key Principals, and Principals (the ACheck™) (09/16/13)/Section 408.01: Requirement**

### **Section 408.01: Requirement**

For both initial applications and any Transfer/Assumption, the Lender is required to perform an Applicant Experience Check ("ACheck") of the Borrower and each Key Principal and Principal of the Borrower. If the Key Principal is an entity, an ACheck of any person that owns or controls the Key Principal is required.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 408: Applicant Experience Check of Borrower, Key Principals, and Principals (the ACheck™) (09/16/13)/Section 408.02: Where to Find the Multifamily Applicant Experience Check Application**

### **Section 408.02: Where to Find the Multifamily Applicant Experience Check Application**

The ACheck application is located at <https://www.fanniemae.com/multifamily/acheck>.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 408: Applicant Experience Check of Borrower, Key Principals, and Principals (the ACheck™) (09/16/13)/Section 408.03: When to Use Multifamily Applicant Experience Check Application**

### **Section 408.03: When to Use Multifamily Applicant Experience Check Application**

The Lender must perform the ACheck as soon as an application request is received and the Lender has the necessary tax identification numbers and/or social security numbers. If all parties have not been identified at this stage in the loan application process, the Lender must perform another ACheck for all Key Principals and Principals of the Borrower as soon as they are identified.

The Lender must repeat the ACheck if over 90 days will pass between the initial ACheck request and Commitment in the case of an application.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 408: Applicant Experience Check of Borrower, Key Principals, and Principals (the ACheck™) (09/16/13)/Section 408.04: Multifamily Applicant Experience Check Results/Section 408.04: Multifamily Applicant Experience Check Results**

### **Section 408.04: Multifamily Applicant Experience Check Results**

The Multifamily ACheck application will provide either a "Continue Processing" or "Do Not Process" electronic response instantaneously.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 408: Applicant Experience Check of Borrower, Key Principals, and Principals (the ACheck™) (09/16/13)/Section 408.04: Multifamily Applicant Experience Check Results/A.: "Continue Processing" Response**

### **A.: "Continue Processing" Response**

A response stating "you may continue processing a loan application for a Fannie Mae loan involving this applicant" or words of similar import, means that the Lender may proceed with the loan application. A "Continue Processing" response does not mean that the Borrower, Key Principal, or Principal is approved, as the Lender is still required to complete all of the Mortgage Loan credit underwriting required in the Guide.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 408: Applicant Experience Check of Borrower, Key Principals, and Principals (the ACheck™) (09/16/13)/Section 408.04: Multifamily Applicant Experience Check Results/B.: "Do Not Process" Response**

### **B.: "Do Not Process" Response**

A response stating "do not continue processing an application for a Fannie Mae loan that involves this applicant" or words of similar import, means the Lender may not proceed with an application involving the Borrower, Key Principal, or Principal for which a "Do Not Process" response was given for a Mortgage Loan intended to be delivered to Fannie Mae. The Lender may not proceed with a loan application by omitting as an identified Key Principal or Principal any Key Principal or Principal for which a "Do Not Process" response was given. A "Do Not Process" response indicates only that the Lender must have direct communication with Fannie Mae. The "Do Not Process" response must not be used by the Lender as the sole reason for rejection or denial of credit in the case of any transactions not involving Fannie Mae. Any Lender that improperly uses any information obtained or compiled from the ACheck application, including using this information as the sole grounds for rejection of the prospective Borrower, Key Principal, or Principal in a transaction not involving Fannie Mae, will be deemed to have agreed to indemnify Fannie Mae against any and all damages, losses and costs, including attorneys' fees, which may be incurred by Fannie Mae as a result of such improper use.

The Lender will not be provided any information as to why a particular Borrower, Key Principal, or Principal received a "Do Not Process" response. The Lender must follow the instructions provided by the ACheck application.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 408: Applicant Experience Check of Borrower, Key Principals, and Principals (the ACheck™) (09/16/13)/Section 408.05: Confidentiality**

### **Section 408.05: Confidentiality**

The Lender is responsible for establishing procedures to ensure that the ACheck responses obtained for all Borrowers, Key Principals, and Principals remain confidential.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 408: Applicant Experience Check of Borrower, Key Principals, and Principals (the ACheck™) (09/16/13)/Section 408.06: Maintenance of Applicant Experience Check Results**

### **Section 408.06: Maintenance of Applicant Experience Check Results**

The Lender must print dated copies of its ACheck inquiries and responses for the Mortgage Loan and maintain such copies in the Lender's files.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 409: Compliance with Office of Foreign Assets Control; FHFA Suspended Counterparty Program (09/16/13)/Section 409.01: Office of Foreign Assets Control**

### **Section 409.01: Office of Foreign Assets Control**

All Lenders must establish and maintain an effective U.S. Treasury Department Office of Foreign Assets Control ("OFAC") compliance program.

Fannie Mae will not purchase any Mortgage Loan in which the Borrower, or any Key Principal or Principal is a "specially designated national and blocked person" on the Specially Designated Nationals List maintained by OFAC. It is the Lender's responsibility to determine and verify that each Borrower, Key Principal, and Principal (including any proposed substitute Borrower, Key Principal or Principal in connection with a transfer or assumption of the Mortgage Loan) is not listed on the most recent OFAC Specially Designated Nationals List prior to delivery of the Mortgage Loan to Fannie Mae.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 409: Compliance with Office of Foreign Assets Control; FHFA Suspended Counterparty Program (09/16/13)/Section 409.02: FHFA Suspended Counterparty Program**

### **Section 409.02: FHFA Suspended Counterparty Program**

All Lenders must establish and maintain procedures requiring the Lender to confirm that the FHFA's Suspended Counterparty Program list (the "SCP List") does not include the Borrower or any Key Principal or Principal.

Fannie Mae will not purchase any Mortgage Loan where the Borrower, any Key Principal or any Principal is included on the SCP List. Prior to the Delivery of the Mortgage Loan to Fannie Mae, it is the Lender's responsibility to determine and verify that the SCP List does not contain the name of the Borrower, any Key Principal, or any Principal (including any proposed substitute Borrower, Key Principal or Principal in connection with a transfer or assumption of the Mortgage Loan).

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 410: Execution of Non-Recourse Guaranty (11/04/13)**

### **Section 410: Execution of Non-Recourse Guaranty (11/04/13)**

For any Mortgage Loan having an Underwritten Debt Service Coverage Ratio ("DSCR") of less than 1.35 or a Loan-to-Value ("LTV") of greater than 65%, a Key Principal is required to execute a Non-Recourse Guaranty. The execution of the Non-Recourse Guaranty by a Key Principal is not required if the Borrower is a Cooperative Organization or a publicly traded entity.

**Agency Guides/Fannie Mae Multifamily/Delegated Underwriting and Servicing Guide/Part III: New Underwriting (03/31/14)/Part IIIA: Base Underwriting Requirements/Chapter 4: The Borrower, Key Principals and Principals (11/04/13)/Section 411: Reserved (09/16/13)**

### **Section 411: Reserved (09/16/13)**