

RHS, RBS, RUS, FSA, USDA

Pt. 1822, Subpt. G, Exh. C

eligible and who will buy the sites when they are developed.

(e) *Multiple advances.* These loans may be disbursed over a period not to exceed 18 months from the date of the first advance.

(f) *Note forms.* Form FmHA or its successor agency under Public Law 103-354 1944-52, "Multiple Family Housing Promissory Note," will be used. See §1822.274 (c).

(g) *Mortgage.* Unless the OGC determines the Form to be inappropriate, real estate mortgage Form FmHA or its successor agency under Public Law 103-354 1927-1 (state), "Real Estate _____ for _____ (Direct Loan),"

will be used modified as prescribed by or with the advice of the OGC with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgement. Additional paragraphs will be included in the mortgage to read as follows:

The borrower agrees not to discriminate in the sale of the dwelling financed under this mortgage due to a prospective purchaser's race, color, national origin, sex, religion, age, marital status, or handicap. The borrower further agrees to comply with all Federal, State, or local laws and ordinances prohibiting discrimination in the sale of housing. The borrower's failure or refusal to comply with this agreement will be a basis for the FmHA or its successor agency under Public Law 103-354 to deny future requests for participation in its rural housing programs and activities.

This instrument also secures the obligations and covenants of borrower set forth in Borrower's Loan Resolution of _____ (date), which is hereby incorporated herein by reference.

[35 FR 16087, July 1, 1970, as amended at 42 FR 4408, Jan. 25, 1977; 50 FR 8584, Mar. 4, 1985; 56 FR 67472, Dec. 31, 1991]

§ 1822.279 Loan supervision and servicing.

Loan supervision will be provided according to subpart C of part 1930 of this chapter. Loan servicing will be provided according to subpart B of part 1965 of this chapter.

[48 FR 56139, Dec. 19, 1983]

EXHIBITS A-B TO SUBPART G TO PART 1822 [Reserved]

EXHIBIT C TO SUBPART G TO PART 1822—SUBORDINATION BY THE GOVERNMENT FOR USE WITH RURAL HOUSING SITE LOANS

Whereas, The United States of America acting through the Farmers Home Administration or its successor agency under Public Law 103-354 (hereinafter called the "Government") is the holder of the following-described instrument(s) executed by

of _____
County, State of _____
(hereinafter called the "Borrower")

Title of instrument	Date of instrument	Date filed	Office filed	Book No.	Page No.
---------------------	--------------------	------------	--------------	----------	----------

And whereas, _____ (hereinafter called the "Lender") has agreed to provide a loan to the borrower or to a builder designated by the borrower to construct a home on the property described in this instrument.

Now Therefore, in consideration of the Lender's agreement to make such loan to the borrower, the Government hereby consents to the Borrower obtaining said loan from the lender, and agrees to and hereby subordinates in favor of the Lender and his successors and assigns its liens or security interests created or evidenced by the above-described instrument(s) inasmuch as they cover the following described property:

Except That, The Government shall retain a first lien or security interest in the above-described property in an amount of \$_____. Such first lien will be released only when satisfactory evidence is provided indicating that the lot with completed home is being sold to a family eligible for assistance under any section of Title V of the Housing Act of 1949 or under any other law which provides financial assistance for housing low- and moderate-income families and that the benefits of the nonprofit development of the site are being passed on to the eligible purchaser and that the amount of that first lien is paid on the Borrower's Rural Housing Site Loan debt to the Government.

This subordination is limited to the amount actually loaned by the Lender to the Borrower for the foregoing purpose, but shall not exceed \$_____.

Only the above described property is affected by this subordination. This subordination shall not otherwise affect or modify the obligations secured by the aforesaid lien instrument(s), and the said obligations shall continue in force and effect until fully paid, satisfied, and discharged.

Pt. 1823

7 CFR Ch. XVIII (1-1-01 Edition)

No member of Congress shall be admitted to any share or part of this agreement or to any benefit that may arise thereupon.

In Witness Whereof, The United States of America has caused these presents to be signed on the _____ day of _____, 19____, pursuant to delegated authority published in 7 CFR, Part 1800.

Witness: UNITED STATES OF AMERICA
By: _____
Title: _____
Farmers Home Administration or its successor agency under Public Law 103-354, U.S. Department of Agriculture.

AUTHORITY: 7 U.S.C. 1989, 5 U.S.C. 301, 7 CFR 2.23, 7 CFR 2.70.

SOURCE: 35 FR 15091, Sept. 29, 1970, unless otherwise noted.

Subparts A-M [Reserved]

Subpart N—Loans to Indian Tribes and Tribal Corporations

SOURCE: 39 FR 3662, Jan. 29, 1974, unless otherwise noted.

§ 1823.401 General.

This subpart contains policies and procedures of the Farmers Home Administration (FmHA) or its successor agency under Public Law 103-354 applicable to making initial and subsequent insured loans to Indian tribes or tribal corporations for the acquisition of land within tribal reservations and Alaskan communities. Any processing or servicing activity conducted pursuant to this subpart involving authorized assistance to FmHA or its successor agency under Public Law 103-354 employees, members of their families, known close relatives, or business or close personal associates, is subject to the provisions of subpart D of part 1900 of this chapter. Applicants for this assistance are required to identify any known relationship or association with an FmHA or its successor agency under Public Law 103-354 employee. The Secretary of the Interior or authorized representative will determine whether lands lie within a tribal reservation or community.

[39 FR 3662, Jan. 29, 1974, as amended at 51 FR 6733, Feb. 26, 1986; 58 FR 224, Jan. 5, 1993]

§ 1823.402 Definitions.

The following definitions are applicable to the subsequent provisions of this subpart.

(a) *Land*. The term "land" includes any or all rights or interests therein.

(b) *Tribes*. The term "tribe" means, an Indian Tribe recognized by the Secretary of the Interior or a tribal corporation established pursuant to the Indian Reorganization Act, and/or a community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

[41 FR 47460, Oct. 29, 1976]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subparts A-M [Reserved]

Subpart N—Loans to Indian Tribes and Tribal Corporations

- Sec.
- 1823.401 General.
- 1823.402 Definitions.
- 1823.403 Eligibility.
- 1823.404 Loan purposes.
- 1823.405 Ineligible loan purposes.
- 1823.406 Rates and terms.
- 1823.407 Use of acquired land.
- 1823.408 Special requirements.
- 1823.409 Security.
- 1823.410 Appraisals.
- 1823.411 Land rights.
- 1823.412 Loan docket.
- 1823.413 Loan approval.
- 1823.414 Title to security property.
- 1823.415 Supervision and servicing.
- 1823.416 Check request and loan closing.
- 1823.417 Civil rights.
- 1823.418 State requirements.

EXHIBIT A TO SUBPART N TO PART 1823—LOAN DOCKET ITEMS—LOANS TO INDIAN TRIBES AND TRIBAL CORPORATIONS

EXHIBIT B TO SUBPART N TO PART 1823—TRIBAL COUNCIL RESOLUTION NO. _____

EXHIBIT C TO SUBPART N TO PART 1823—ASSIGNMENT OF TRIBAL INCOME AND FUNDS

EXHIBIT D TO SUBPART N TO PART 1823—SUBORDINATION AGREEMENT