

§ 120.220

13 CFR Ch. I (1-1-03 Edition)

may be increased by two percentage points.

[61 FR 3235, Jan. 31, 1996; 61 FR 7986, Mar. 1, 1996]

FEEES FOR GUARANTEED LOANS

§ 120.220 Fees that Lender pays SBA.

(a) The Lender pays a guarantee fee to SBA for each loan as follows:

Guaranteed portion of loan	Fee measured as percentage of guaranteed portion	When payable	Lender may get fee from borrower	When SBA refunds fee from borrower
12 Months or less25%	With Guarantee Application.	When SBA Approves Loan.	If Application Withdrawn or Denied. ¹
More Than 12 months and Total Guaranteed Portion Is \$80,000 or Less.	2.0% of Guaranteed Portion.	Within 90 days of SBA Approval.	After First Disbursement.	If Loan Cancelled and Never Disbursed.
More Than 12 Months and Amount of Guaranteed Portion of Loan That Is \$250,000 or Less.	3%	Within 90 Days of SBA Approval.	After First Disbursement.	If Loan Cancelled and Never Disbursed.
More Than 12 Months and Amount of Guaranteed Portion of Loan Between \$250,000 and \$500,000.	3.0% of 1st \$250,000 plus 3.5% of balance.	Within 90 Days of SBA Approval.	After First Disbursement.	If Loan Cancelled and Never Disbursed.
More Than 12 Months and Amount of Guaranteed Portion of Loan Exceeding \$500,000.	3.0% of 1st \$250,000 plus 3.5% of next \$250,000 plus 3.875% of the Amount Exceeding \$500,000.	Within 90 Days of SBA Approval.	After First Disbursement.	If Loan Cancelled and Never Disbursed.

¹ Also, if SBA substantially changes the Lender's loan terms and approves the loan, but the modified terms are unacceptable to the Borrower or Lender. (The Lender must request refund in writing within 30 calendar days of the approval).

(b) If the guarantee fee is not paid, SBA may terminate the guarantee. The Borrower may use working capital loan proceeds to reimburse the Lender for the guarantee fee. Acceptance of the guarantee fee by SBA shall not waive any right of SBA arising from the Lender's misconduct or violation of any provision of this part, the guarantee agreement, the Authorization, or other loan documents.

(c) The Lender shall also pay SBA an annual service fee equal to 0.5 percent of the outstanding balance of the guaranteed portion of each loan. The service fee cannot be charged to the Borrower. SBA may institute a late fee charge for delinquent payments of the annual service fee to cover administrative costs associated with collecting delinquent fees.

[61 FR 3235, Jan. 31, 1996; 61 FR 11471, Mar. 20, 1996]

§ 120.221 Fees which the Lender may collect from a loan applicant.

(a) *Service and packaging fees.* The Lender may charge an applicant reasonable fees (customary for similar Lenders in the geographic area where the loan is being made) for packaging and other services. The Lender must

advise the applicant in writing that the applicant is not required to obtain or pay for unwanted services. The applicant is responsible for deciding whether fees are reasonable. SBA may review these fees at any time. Lender must refund any such fee considered unreasonable by SBA.

(b) *Extraordinary servicing.* Subject to prior written SBA approval, if all or part of a loan will have extraordinary servicing needs, the Lender may charge the applicant a service fee not to exceed 2 percent per year on the outstanding balance of the part requiring special servicing.

(c) *Out-of-pocket expenses.* The Lender may collect from the applicant necessary out-of-pocket expenses such as filing or recording fees.

(d) *Late payment fee.* The Lender may charge the Borrower a late payment fee not to exceed 5 percent of the regular loan payment.

(e) *No prepayment fee.* The Lender may not charge a fee for full or partial prepayment of a loan.

§ 120.222 Fees which the Lender or Associate may not collect from the Borrower or share with third parties.

The Lender or its Associate may not: