

of improvement is not legally sufficient in a particular State, a State form approved by OGC will be used. A similar form that may be required by a title insurance company may be substituted for the agency form.

(4) *Recording.* The affidavit will not be recorded unless the closing agent deems it necessary and State law permits.

(5) *Delay in closing.* The loan will not be closed if, at the loan closing, the seller (in a sale transaction) or the borrower (in a nonpurchase money loan situation) indicates that construction, repair, or remodeling has been commenced or completed on the property, or related materials or services have been delivered to or performed on the property within the time limit specified in the affidavit, unless a State Supplement provides otherwise. The closing agent will notify the approval official, who will determine if the work of improvement could result in a lien prior to the agency lien. The State Office will, with the advice and concurrence of OGC, provide in a State Supplement the period of time to be used in completing the affidavit.

(e)-(f) [Reserved]

(g) *Return of loan documents to approval official after loan closing.* Within 1 day after loan closing, the closing agent will return completed and executed copies of the loan closing instructions, the executed original promissory note, and all other documents required for loan closing (except the mortgage), to the approval official. If the recorded mortgage is customarily returned to the borrower or closing agent after recording, then it must be forwarded to the approval official immediately.

(h) *Final title opinion or title insurance policy.* As soon as possible after the transaction has been closed.

(1) *Final title opinion.* The attorney will issue a final title opinion to the agency and the borrower on a form provided by the agency. Issuance of the final title opinion should not be held up pending the return of recorded instruments. If it is not possible for the final title opinion to show the book and page of recording of the agency security instrument, the words "and is recorded" in the final title opinion

form provided by the agency office, may be deleted and the blank space completed to show the filing office and the filing instrument number, if available. Attached to the final title opinion will be required documents then available, including any which the approval official has furnished to the attorney which were not previously returned. The attorney will ensure that all recorded instruments are forwarded or delivered to the proper parties after recording. The certification of title will be forwarded for a voluntary conveyance.

(2) *Title insurance policy.* The closing agent will send or deliver the title insurance policy, with the United States listed as mortgage holder, to the approval official. The policy will be subject only to standard exceptions and those outstanding encumbrances, and exceptions, approved by the approval official. If an owner's policy of title insurance is requested, the closing agent will send or deliver it to the borrower. The closing agent will ensure that all recorded instruments are delivered or sent to the proper parties after recording.

(3) [Reserved]

(i) *Other services of the closing agent.*

(1) The closing agent will assist the approval official in preparing, completing, obtaining execution and acknowledgment, and recording the required documents when necessary. The closing agent will keep the approval official advised as to the progress of title clearance and preparation of material for closing the transaction.

(2) The closing agent will provide services for deeds in lieu of foreclosure as set forth in §1927.62 of this subpart, and §1955.10 of subpart A of part 1955 of this chapter.

#### § 1927.59 Subsequent loans and transfers with assumptions.

Title services and closing for subsequent loans to an existing borrower will be done in accordance with previous instructions in this subpart, except that:

(a) *Loans closed using title insurance or title opinions.* (1) Title insurance or title opinions will be obtained unless:

**§§ 1927.60–1927.99**

(i) The cost of title services is excessive in relationship to the size of the loan,

(ii) The agency currently has a first mortgage security interest,

(iii) The applicant has sufficient income to service the additional loan,

(iv) The borrower is current on the existing agency loan, and

(v) The best mortgage obtainable adequately protects the agency security interests.

(2) Title insurance or a final title opinion will not be obtained for a subsequent Section 504 loan where the previous Section 504 loan was unsecured or secured for less than \$7,500 and the outstanding debt amount plus the new loan is less than \$7,500.

(3) Loans closed using a new lender title insurance policy:

(i) Will cover the entire real property which is to secure the loan, including the real property already owned and any additional real property being acquired by the borrower with the loan proceeds.

(ii) Will cover the entire amount of any subsequent loan plus the amount of any existing loan being refinanced (if the existing loan is not being refinanced, the new lender policy will insure only the amount of the subsequent loan).

(b) *Title services required in connection with assumptions.* These regulations are contained in subparts A and B of part 1965 of this chapter and 7 CFR part 3550 as appropriate for the loan type.

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**§§ 1927.60–1927.99 [Reserved]**

**§ 1927.100 OMB control number.**

The reporting requirements contained in this regulation have been approved by the Office of Management and Budget and have been assigned OMB control number 0575–0147. Public reporting burden for this collection of information is estimated to vary from 5 minutes to 1.5 hours per response, with an average of .38 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**7 CFR Ch. XVIII (1–1–05 Edition)**

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Ag Box 7630, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0575–0147), Washington, DC 20503. You are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**PART 1930—GENERAL**

**Subparts A–B [Reserved]**

**Subpart C—Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients**

- Sec.
- 1930.101 General.
  - 1930.102 Definitions.
  - 1930.103 Nondiscrimination assurance.
  - 1930.104 Reasonable accommodations.
  - 1930.105 Objective of management and supervision.
  - 1930.106 Project operations.
  - 1930.107 [Reserved]
  - 1930.108 Extent of borrower management.
  - 1930.109 Extent of FmHA or its successor agency under Public Law 103–354 supervision.
  - 1930.110 Methods of supervision.
  - 1930.111–1930.112 [Reserved]
  - 1930.113 Borrower responsibilities.
  - 1930.114–1930.116 [Reserved]
  - 1930.117 Agency responsibilities
  - 1930.118 [Reserved]
  - 1930.119 Supervisory visits, compliance review, and inspections.
  - 1930.120–1930.121 [Reserved]
  - 1930.122 Borrower accounting methods, management reporting and audits.
  - 1930.123 Annual review.
  - 1930.124 [Reserved]
  - 1930.125 Changing project designation.
  - 1930.126–1930.127 [Reserved]
  - 1930.128 LH grants.
  - 1930.129 RHS loans.
  - 1930.130–1930.133 [Reserved]
  - 1930.134 FmHA or its successor agency under Public Law 103–354 office records.
  - 1930.135–1930.136 [Reserved]
  - 1930.137 State Supplements, guides, forms and other issuances.
  - 1930.138 Supervisory actions for distressed projects.
  - 1930.139–1930.140 [Reserved]
  - 1930.141 Materials to be provided borrower/applicant.
  - 1930.142 Complaints regarding discrimination in use and occupancy of MFH.