

Selling Guide

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E-2-01: Required Custodial Documents (12/15/2015)

This exhibit contains information on the custodial documents required for all mortgages.



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Required Custodial Documents

Custodial documents are the legal documents pertaining to a mortgage that Fannie Mae's DDC or a lender-designated document custodian, takes into physical possession when Fannie Mae purchases or securitizes a mortgage.

The following mortgage documents (when applicable) are required for all mortgages.

Requirement	Description
Cover letter	A document that contains the following: lender name and contact information; lender loan number; property address; and a list of the documents that are being included in the submission package (documents listed below).
Note	The original note endorsed "in blank" and without recourse and there is no break in the chain of endorsements. If the delivery involves a new refinance mortgage that represents the refinancing of a Fannie Mae-owned or Fannie Mae-securitized balloon mortgage that had a conditional refinancing option, the lender may substitute for the original note a certified copy of the executed state-specific version of the <i>Balloon Loan Refinancing Instrument (Form 3269)</i> that was sent to the land records office for recordation, if the property is in a state where Fannie Mae permits that form of documentation. 1
Modifications	Originals of any instruments that modify the terms and conditions of the mortgage note (such as a modification agreement or an ARM addendum). 1
Repair rider	A Repair Rider or Addendum if a set-aside for repairs is required.
Power of attorney	A copy of the applicable power of attorney, if an attorney-in-fact signed the mortgage note (or any other acceptable alternative for the mortgage note) on a borrower's behalf. If applicable law requires an original power of attorney for enforcement or foreclosure purposes, the document custodian must hold the original rather than a copy. If applicable law requires recordation of the power of attorney, it must be recorded. The name(s) on the power of attorney must match the name(s) on the note and must be dated such that it was valid at the time the note was executed. The power of attorney must be notarized. If a power of attorney is used because the lender determines such use is required by applicable law, the lender must include a written statement that explains the circumstances.
Name affidavit	A name affidavit, if the borrower signed under an "also known as (AKA) name" or used a signature that significantly differs from the typed name.
Mortgage assignment	The original unrecorded assignment of the mortgage to Fannie Mae from the servicer. Note: An assignment is not required for a MERS-registered mortgage. The MIN, however, should be added to the upper right-hand corner of the note and must be part of the electronic data delivery. The MIN must be registered prior to delivery.
Co-op	All applicable documentation required by Fannie Mae for a co-op share loan in the jurisdiction in which the co-op project is located. (Contact a lead Fannie Mae regional office (see E-1-03, List of Contacts) for specific documentary requirements.)

Requirement	Description
New York CEMA	For a New York mortgage transaction that uses Form 3172, the executed and original Consolidated Note, the executed and recorded original of the CEMA and all exhibits to it (or a certified copy if the original is not yet available), and all required mortgage assignments. (Delivery of the original notes listed on the CEMA's Exhibit A (the "Gap Note" and other prior notes) to the document custodian is not required, but the lender must maintain possession of all the Exhibit A original notes. For more information about use of the CEMA, refer to the instructions that are part of the form.)
Indian guarantee	The Indian Loan Guarantee Certificate (HUD Form 53039), for a HUD Section 184 mortgage.
Participation loans	Two originals of the executed <i>Participation Certificate</i> (Form 638), for a delivery of a participation interest in a group of participation pool mortgages.
Facsimile signatures	Facsimile signature language, as applicable. If a mortgage (or deed of trust) note is endorsed by facsimile signature, a certified copy of the endorsing entity's corporate resolution, which must specify the names and titles of the individual officers whose facsimile signatures are valid. If the endorsing entity's policy delegates facsimile signature authority by title, a list of the officer titles with the authority is acceptable. For additional information concerning requirements for the use of facsimile signatures, see B8-3-04, Note Endorsement .
Notes signed by trustee	If the loan indicates that it is a part of a trust, it must be signed by the borrower as both the individual and trustee. The signatures can be on two separate lines or on one line, clearly indicating signature as trustee and individual.

The document package must be sent via overnight mail, express delivery (first delivery time), on the same day the lender submits the loan data to Loan Delivery. Clearly label As Soon As Pooled loan packages with "ASAP." Do not staple one document to another and do not include any mortgages, deeds of trust, title insurance policies, or appraisals.

Loan packages must be assembled in the following manner:

- Cover letter;
- Form 1068, Form 1069, or Form 2005, if available;
- All loans together in one continuous stack (no staples, paperclips, binder clips, or folders);
- Loans must be in the exact order in which they were transmitted to Loan Delivery;
- Each loan's documents should be placed in the following order:
 - Loan modification agreement (if applicable),
 - Note,
 - Allonge (if note is not blank endorsed),
 - Assignment, and
 - Other ancillary documents (power of attorney, CEMA documents, co-op documents, etc.)

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When the lender delivers either a certified copy of the executed state-specific version of Form 3269, or the executed *Consolidation, Extension, and Modification Agreement* ([Form 3172](#)) (CEMA) that was sent to the land records office for recordation, the lender must track the document that was sent for recordation to make sure that the recorded document is returned from the recorder's office as soon as possible.