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## Overview

This bill gives a person who is the borrower on a residential mortgage loan a right to be told who holds the loan (the promissory note) that is secured by that mortgage. This deals with the current market situation in which mortgage loans are bought and sold in the secondary mortgage loan market and often packaged with other mortgage loans to create mortgage-backed securities in which investors can buy shares. This bill requires mortgage servicers and transaction agents to provide the information to the borrower, if they know it.

**Transaction agents or servicers; disclosure of note holder information to mortgagor.** Requires a mortgage servicer or a transaction agent to provide in writing to the borrower on a residential mortgage loan the identity, address, and telephone number of the current owner of the promissory note for which the mortgage serves as collateral, based upon the servicer's or transaction agent's "actual knowledge." The borrower must request the information in writing, and may obtain it once per calendar year without paying a fee for that service.

A "mortgage servicer" is defined for this purpose in chapter 58 as a "person" (that term includes a business) that collects mortgage loan payments from the borrower; makes payments of escrow account items such as property taxes and insurance; and remits the rest to the owner of the loan or as otherwise directed by the owner of the loan. A "transaction agent" is defined in chapter 58 as a person identified in a recorded mortgage as the nominee or agent of a third-party also identified in the mortgage.

Permits the transaction agent or servicer to instead comply with a similar federal law, regardless of whether that federal law applies to the mortgage. The federal law is section 1463 of the Dodd-Frank Act, which amended 12 U.S.C. 2605, by adding a new paragraph (k) dealing with mortgage servicers. The specific provision of that new paragraph relevant to this bill is (k)(1)(D).

1