



# State of New Hampshire

## Banking Department

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Peter C. Hildreth  
Bank Commissioner

Robert A. Fleury  
Deputy Bank Commissioner

## **MORTGAGE BANKER/BROKER/SERVICER ANNUAL REPORT FORM** **REPORT FIRST & SECOND NH MORTGAGE LOANS ON THIS SINGLE FORM**

### **2009 NH ANNUAL REPORT - GENERAL INSTRUCTIONS**

1. Information provided in this form is aggregated and an analysis is published by the New Hampshire Bank Commissioner in his Annual Report to the Governor and Executive Council. The accuracy of the information is also important because it will be used by the New Hampshire Banking Department ("the department") if assessment calculations are needed.
2. A Mortgage Banker, Mortgage Broker or Mortgage Servicer who surrenders its license or registration during the 2009 calendar year must file this annual report form, along with a NH License Surrender Form, within 15 days from the date the company ceases business in New Hampshire.
3. All Mortgage Bankers, Mortgage Brokers and Mortgage Servicers continuing to be licensed or registered in accordance with NH RSA 397-A or 398-A and each Mortgage Banker/Broker/Servicer whose license/registration expired on December 31, 2009 and that was licensed/registered during any period of time during the preceding calendar year, must complete and file this report with the department on or before March 31<sup>st</sup> of the ensuing year. All annual reports for calendar year 2009 must be received by the department on or before the close of business on Wednesday, March 31, 2010.
4. All items on the form must be completed; do not leave any blanks. Reports with blanks are incomplete and will be deemed as "not filed" for purposes of any penalty. If an item is not applicable to the business conducted by the licensee, enter "N/A", "none", "O", or "zero".
5. **SAVE YOUR CALCULATIONS.** Work papers used to calculate and compile the information required by this form must be retained and made available when the licensee is examined by the department.
6. This report must be filed if a license was held for a portion of the reporting year and must be filed even if no loans were originated, brokered or made. The original report, signed under penalty of unsworn falsification pursuant to NH RSA 641:3, must be physically delivered to the department; we cannot accept fax transmissions of reports. Failure to file the annual report or late filing of the annual report results in a statutory penalty of \$25 per day for each day the report is overdue.
7. No fee is required to file this annual report. Round dollar amounts to the nearest whole number.
8. Definitions:
  - "Lead Generator" means a person who generates leads for mortgage originators, bankers and brokers who do not take a borrower's personal financial information and do not conduct any of the activities of a mortgage originator, banker or broker and who are compensated on a "per lead" basis regardless of whether the lead results in a loan.
  - "Mortgage broker" includes acting as an intermediary, finder, or agent of a lender or borrower for the purpose of negotiating, arranging, finding, or procuring mortgage loans, or commitments for mortgage loans, or offering to serve as an agent for any person in an attempt to obtain a mortgage loan, or offering to serve as an agent for any person who has money to lend for a mortgage loan.
  - "Mortgage lender and mortgage banker" mean persons who make or originate mortgage loans as payee on the note evidencing the loan, or who advance or offer to advance or make a commitment to advance the banker's own funds for mortgage loans, or who close mortgage loans in their own name or with the banker's own funds, or who otherwise engage in the business of funding mortgage loans.
  - "Mortgage Servicer" means person that, for itself or on behalf of the holder of a mortgage loan, records such payments on its books and records and performs such other administrative functions as may be necessary to properly carry out the mortgage holder's obligations under the mortgage agreement including, when applicable, the receipt of funds from the mortgagor to be held in escrow for payment of real estate taxes and insurance premiums and the distribution of such funds to the taxing authority and insurance company.
  - "NH first mortgage business" and "NH second or subordinated mortgage business" means loans (purchase or refinance) that are secured in whole or in part by a mortgage upon any interest in real property located in the State of New Hampshire which is or shall be occupied in whole or in part as a place of residence by the borrower and which consists of not more than 4 living units (second homes, mobile homes and manufactured housing are included).
  - "NH Gross Revenue" means all revenue from whatever source received by the licensee on NH loans, before any expenses are deducted.
9. Do not double count mortgage loan transactions. Categorize each loan transaction by deciding first whether each transaction was 1) a first mortgage loan or 2) a second or subordinate mortgage loan, and then secondly by deciding whether the loan was 3) originated or brokered by the company but not funded by the company, or 4) funded by the company (closed in the company's name, regardless of who originated or brokered the loan for the company and regardless of whether the loan was subsequently sold), or 5) originated or brokered *and* funded by the company.
10. **Lead Generators:** See definition above. Licensees who serve as and are paid for lead generations should enter "0"s on Schedule 1, 2 & 3 and should complete Schedule 4.

**MORTGAGE BANKER, BROKER OR SERVICER  
2009 NH ANNUAL REPORT FORM 397-A-AR**

**Reporting Period: January 1, 2009 through December 31, 2009**

1. Legal name of licensee/registrant: \_\_\_\_\_
2. Trade name (if applicable): \_\_\_\_\_
3. Licensee's federal tax ID number: \_\_\_\_\_ 2009 NH mortgage principal office license number: \_\_\_\_\_
4. Contact person regarding this report (this must be the company's duly authorized person who affirms the accuracy, signs and files this report) Name: \_\_\_\_\_ Title: \_\_\_\_\_
5. Communications: \_\_\_\_\_  
(Tel. no.) (Fax no.) (Cell) (E-mail Address)

**6. SCHEDULE 1: MORTGAGE BUSINESS DURING 2009 (Round dollar amounts to the nearest whole number)**

Category	NH FIRST MORTGAGE LOANS			NH SECOND AND OTHER SUBORDINATE MORTGAGE LOANS		
	Number of 1 <sup>st</sup> Mortgage Loans	Dollar Amount of 1 <sup>st</sup> Mortgage Loans	2009 NH Gross Revenue 1 <sup>st</sup> Mortgage Loans	Number of 2 <sup>nd</sup> & Subordinate	Dollar Amount of 2 <sup>nd</sup> & Subordinate	2009 NH Gross Revenue 2 <sup>nd</sup> & Subordinate
Mortgage Loans originated or brokered but not funded by the Licensee		\$	\$		\$	\$
Mortgage Loans funded (but not originated or brokered) by the Licensee		\$	\$		\$	\$
Mortgage Loans originated, brokered and funded by the Licensee		\$	\$		\$	\$
<b>Totals of (above) all NH 2009 Loans</b>		\$	\$		\$	\$

**7. SCHEDULE 2: MORTGAGE BANKERS: ENTER THE TOTAL BALANCES FOR MORTGAGE LOANS OUTSTANDING (RETAINED IN PORTFOLIO) AS OF DECEMBER 31, 2009 (Round dollar amounts to the nearest whole number)**

NH FIRST MORTGAGE LOANS		NH SECOND AND OTHER SUBORDINATE MORTGAGE LOANS	
Total Number of NH 1 <sup>st</sup> Mortgage Loans Held by the Licensee at 12/31/09	Total Dollar Amount of NH 1 <sup>st</sup> Mortgage Loans Held by the Licensee at 12/31/09	Total Number of NH 2 <sup>nd</sup> and Subordinate Loans Held by the Licensee at 12/31/09	Total Dollar Amount of NH 2 <sup>nd</sup> and Subordinate Loans Held by the Licensee at 12/31/09
	\$		\$

**MORTGAGE SERVICING ACTIVITY:**

8. Does the licensee/registrant service mortgage loans secured by NH residential property? Yes  No  If "Yes", enter the number of NH foreclosures for reporting period: \_\_\_\_\_ and the number of NH loans delinquent (number of days past the payment due date) as of 12/31/2009: (a) 30-60 days \_\_\_\_\_ (b) 60-90 days \_\_\_\_\_ (c) 90-120 days \_\_\_\_\_ (d) over 120 days.

**9. SCHEDULE 3: MORTGAGE BANKER LICENSEES AND MORTGAGE SERVICER REGISTRANTS: ENTER THE TOTAL BALANCES FOR MORTGAGE LOANS SERVICED DURING THE YEAR AND THE TOTAL BALANCES FOR MORTGAGE LOANS OUTSTANDING AS OF DECEMBER 31, 2009 (Round dollar amounts to the nearest whole number)**

Category	SERVICING OF NH FIRST MORTGAGE LOANS			SERVICING OF NH SECOND AND OTHER SUBORDINATE MORTGAGE LOANS		
	Number of NH 1 <sup>st</sup> Mortgage Loans	Dollar Amount of NH 1 <sup>st</sup> Mortgage Loans	2009 NH Gross Revenue 1 <sup>st</sup> Mortgage Loans Serviced	Number of NH 2 <sup>nd</sup> & Subordinate	Dollar Amount of NH 2 <sup>nd</sup> & Subordinate	2009 NH Gross Revenue 2 <sup>nd</sup> & Subordinate Loans Serviced
Mortgage Loans held in portfolio that were serviced during 2009		\$	\$		\$	\$
Other Mortgage Loans that were serviced during 2009		\$	\$		\$	\$
Mortgage Loans held in portfolio at 12/31/09 to be serviced by the licensee/registrant in 2010		\$			\$	
Other Mortgage Loans at 12/31/09 to be serviced by the licensee/registrant in 2010		\$			\$	

Totals			\$			\$
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**10. SCHEDULE 4: (LEAD GENERATORS ONLY – SEE DEFINITION ABOVE) ENTER THE TOTAL NUMBER OF NH LEADS GENERATED AND THE TOTAL GROSS REVENUE FROM SUCH LEADS FOR CALENDAR 2009 (Round dollar amounts to the nearest whole number)**

<b>NUMBER OF NH MORTGAGE LEADS</b>	<b>GROSS REVENUE FROM NH LEADS</b>
	\$

**Please note that pursuant to NH RSA 397-A:10,IV and RSA 397-B:4,IV persons licensed or registered by the NH Banking Department must report and amend their filing(s) for any material changes (including but not limited to change in owners, officers, directors, managers including NH branch managers, address, form of organization, contact information, FYE, etc.) to the documents and records on file with the department. The report of an amendment must be filed within 30 days of the event that requires the filing of an amendment.**

**AFFIRMATION**

The information provided in this report, including the addendum report of originators, reflects the total amount of mortgage business conducted by the licensee or registrant during 2009 from all business locations, and from any other location or method including the Internet, in making or brokering or servicing mortgage loans that are secured in whole or in part by a mortgage upon any interest in real property located in the State of New Hampshire, which is or shall be occupied in whole or in part as a place of residence by the borrower and which consists of not more than 4 living units.

I subscribe and affirm, under penalty of perjury and under penalty of Unsworn Falsification pursuant to NH RSA 641:3 that the statements made in this report have been examined by me and to the best of my knowledge and belief are true, correct and complete, and that I am duly authorized to submit this report and to execute this affirmation. I understand that any misrepresentation made to the banking department may result in denial or revocation of the license to which this form relates.

I acknowledge on behalf of the licensee that the licensee will retain work papers and other documents used in the preparation of this report and that the licensee will make such records available to the department upon request or examination.

Date: \_\_\_\_\_

For \_\_\_\_\_

(Print or type Licensee's name)

By \_\_\_\_\_

(Print or type name of the authorized signatory)

Signature \_\_\_\_\_

(Signed under penalty of Unsworn Falsification Pursuant to NH RSA 641:3)

Title \_\_\_\_\_