



**COMMERCIAL REAL ESTATE SECOND MORTGAGE LOANS**

This Eligibility Checklist assists pledgors who have executed the appropriate Advances, Pledge and Security Agreement in determining eligibility of loans for pledging to FHLB Des Moines. A “NO” answer indicates the loan is not eligible under FHLB Des Moines guidelines.

GE	GENERAL ELIGIBILITY	YES	NO
	The requirements of this checklist are <u>specific</u> to the collateral type shown above. Certain Eligible Member Collateral requirements are common to <b>ALL</b> pledged loan collateral as identified in <u>Collateral Procedures: Section 2</u> . The preparer should have familiarity prior to proceeding with eligibility determination via this checklist. For ease, a summation of these requirements is provided: <u>General Eligibility Checklist</u> .	<input type="checkbox"/>	<input type="checkbox"/>

PN	PROMISSORY NOTE	YES	NO
	1. <b>Note Execution:</b> Executed with proper signatories and capacities as authorized by any applicable borrowing resolution/other authority.	<input type="checkbox"/>	<input type="checkbox"/>
	2. <b>Loan Terms:</b> Matures and requires principal & interest payments to amortize the loan within a 30 year term or less (measured from first payment date following origination or last modification).	<input type="checkbox"/>	<input type="checkbox"/>
	3. <b>Disbursement:</b> Loan is fully disbursed and non-revolving.	<input type="checkbox"/>	<input type="checkbox"/>
	4. <b>Participation:</b> Loan is not participated or a participation interest.	<input type="checkbox"/>	<input type="checkbox"/>

SI	SECURITY INSTRUMENT: Mortgage (or Deed of Trust) and/or Security Agreement	YES	NO
	1. <b>Security Instrument Existence:</b> Note is secured with an unexpired mortgage recorded in the proper jurisdiction. Recorded mortgage or a copy of is in file. Loan disbursements are supported by the security instrument type (e.g. closed end, future advance).	<input type="checkbox"/>	<input type="checkbox"/>
	2. <b>Note Security:</b> Mortgage (or collateral property) is linked to/cited as security for subject note.	<input type="checkbox"/>	<input type="checkbox"/>
	3. <b>Secured Party Citation:</b> Mortgage directly cites member (or pledgor on behalf of member) as secured party or via recorded assignment.	<input type="checkbox"/>	<input type="checkbox"/>
	4. <b>Instrument Execution:</b> Mortgage is properly executed and acknowledged: <ul style="list-style-type: none"> <li>• By all title holders/owners of record including spouses if required by state law (fractional or undivided interests not acceptable). If title is vested in a former name, affidavit of identity or similar notation on mortgage required</li> <li>• Non-natural persons: Executed by and in proper capacity(s) per authorizing documentation.</li> <li>• 3rd Party Pledge/Secured Guarantee/Hypothecation Agreement: Executed by and in proper capacity(s) and acknowledged as security for subject loan or borrower.</li> <li>• Mortgage notarized acknowledging signers in proper capacity.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>
	5. <b>Secured Debt Amount:</b> Amount equals or exceeds loan’s current unpaid principal balance (UPB).	<input type="checkbox"/>	<input type="checkbox"/>
	6. <b>Assumptions:</b> For assumed loans, executed assumption agreement is recorded.	<input type="checkbox"/>	<input type="checkbox"/>

LV	LIEN VERIFICATION	YES	NO
	1. <b>Lien Search Existence:</b> Evidenced lien search of the encumbered property (e.g. title policy, attorney's opinion, O&E/title report, or detailed internal lien search).	<input type="checkbox"/>	<input type="checkbox"/>
	2. <b>Lien Search Date and Quality:</b> Lien search is <u>dated on or after recording date</u> and confirms: Execution by all titleholders, legal description of encumbered property, recordation, and lien position (lien search must assess all potential prior liens).	<input type="checkbox"/>	<input type="checkbox"/>

- **Loans originated within six months of Collateral Reporting Date:** File evidences at a minimum, a pre-closing lien search while required post-closing lien search is pending.

3. **Lien Position:** Lien search cites subject mortgage as **second** lien; the **superior first lien mortgage** must be for the benefit of the member (or pledgor on behalf of member) and not pledged to any other creditor:

--	--

- **Prior Liens:** If lien search does not cite subject mortgage as second lien, file documents recorded satisfactions, subordinations, releases or title insurance endorsement ensuring a second position.
- **Property Taxes/Other Subsequent Liens:** Taxes and assessments not past due one year or more. Security Interest not subordinated to Property Assessed Clean Energy (PACE) or other liens.
  - Property must not be subject to unreleased prior nonmortgage liens or unsubordinated contracts.
  - For loans without post closing lien search if permitted per LV.2 above (i.e. Loans originated within six months of Collateral Reporting Date), pay-off documentation of prior liens ensuring requisite lien position is acceptable to demonstrate prior lien satisfaction.
- **Prior Ground Leases:** Mortgages primed by ground lease not eligible unless recorded ground lease subordination or Non-Disturbance and Attornment Agreement executed by lessor.
- **Leasehold Mortgage:** File evidences lessor consent, leasehold interest property valuation and lease maturity equal  $\geq$  note maturity. Assignments of leasehold interests are not eligible.

CV	COLLATERAL CONDITION, PURPOSE and VALUATION	YES	NO
1.	<b>Collateral Property Type, Purpose and Conditions:</b> Secured by a commercial property located in the U.S. or its territories used for commercial purposes. <ul style="list-style-type: none"> <li>• <b>Mixed Use:</b> Value of commercial property &gt; 50% of total property value.</li> <li>• <b>Condition/Use/Occupancy:</b> Property is not deteriorated, contains unremediated recognized environmental conditions or used (including via leasing rights) for matters which imperil value or encumbrance. Use is lawfully permissible by all federal, state and local regulations. Property is not currently vacant.</li> <li>• <b>Property Insurance:</b> Loans with UPB <math>\geq</math> \$5,000,000, file evidences property insurance for benefit of pledgor with coverage sufficient for the improved property.</li> <li>• <b>Ineligible Property Type:</b> Not raw land or land in development or other ineligible collateral type listed in <u>Collateral Procedures: Section 2.2.</u></li> </ul>		
2.	<b>Valuation Existence and Requirements:</b> Depository Members: File evidences property valuation in compliance with member's regulatory requirements. Nondepository Members: Certified appraisal is required unless prior arrangements have been agreed. <ul style="list-style-type: none"> <li>• <b>Newly constructed properties:</b> Verification of construction completion to original plans and specs.</li> <li>• <b>Subsequent partial releases:</b> File evidences remaining collateral value.</li> <li>• <b>Non-Appraisal Valuation:</b> Internal evaluations compliant with <i>Interagency Appraisal and Evaluation Guidelines Appendix B - Evaluations Based on Analytical Methods or Technological Tools</i>: Tax Assessment Value (TAVs) supported by regulatory required market value correlation analysis. Automated Valuation Model (AVMs) supported by required model validation.</li> </ul>		
3.	<b>Qualifying LTV:</b> $\leq$ 80% (see General Eligibility Checklist for definition).		

Loan is eligible for pledging as Commercial Real Estate Second Mortgage Loan collateral:	YES	NO
Completed By/Date:		