



KANSAS OFFICE OF THE STATE BANK COMMISSIONER

GENERAL INFORMATION/APPLICATION PROCEDURES TO ACQUIRE A MORTGAGE COMPANY LICENSE OR A LOAN ORIGINATOR REGISTRATION IN KANSAS

A Mortgage Company License to conduct mortgage business in Kansas is required by the Kansas Mortgage Business Act, K.S.A. 9-2201 et seq. Pursuant to this Act all parties conducting mortgage business in Kansas must be properly licensed with the Office of the State Bank Commissioner (OSBC). All individuals (including owners, officers and partners) conducting mortgage business in this state involving loan origination on behalf of a licensed mortgage company are required to register as a mortgage loan originator.

Below are responses to some frequently asked questions. Please refer to the statute for specific guidance and additional requirements.

WHAT MORTGAGE BUSINESS ACTIVITIES REQUIRE A LICENSE?

Engaging in, or holding out to the public as willing to engage in, for compensation or gain, or in the expectation of compensation or gain, directly or indirectly, the business of making, originating, servicing, soliciting, placing, negotiating, acquiring, selling, or arranging for others, or offering to solicit, place, negotiate, acquire, sell or arrange for others, mortgage loans in the primary market. (K.S.A. 9-2201(i))

WHO IS REQUIRED TO LICENSE?

Sole proprietorships (individuals), corporations, partnerships, or any other form of entity, however organized, who intend to conduct mortgage business in this state.

WHO IS EXEMPT FROM LICENSING?

K.S.A. 9-2202(a) Any state or federally chartered bank, savings bank, trust company, savings and loan association, building and loan association, industrial loan company, credit union organized, chartered or authorized under the laws of the United States or of any state which is authorized to make loans and to receive deposits; (b) or any entity directly or indirectly regulated by an agency of the United States or of any state which is a subsidiary or affiliate of any entity listed in subsection (a) if 25% or more of such entity's common stock is owned by any entity listed in subsection (a); (c) any person who is licensed as a supervised lender pursuant to K.S.A. 16a-2-301 et seq., and amendments thereto; (d) the United States of America, the state of Kansas, any other state, or any agency or instrumentality of any governmental entity; and (e) any individual who with their own funds for their own investment makes a purchase money mortgage or finances the sale of their own property, except that any individual who enters into more than five such investments or sales in any twelve-month period shall be subject to all provisions of the Mortgage Business Act.

IS A KANSAS OFFICE REQUIRED?

A licensee or applicant is not required to have a physical office located in Kansas. However, requirements differ depending on office location, so it is important the appropriate sections of the application are completed.

DO I HAVE TO FILE AS A FOREIGN CORPORATION WITH THE KANSAS SECRETARY OF STATE?

It is the opinion of the Kansas Secretary of State that companies exclusively engaged in the mortgage business are exempt from registering with the Kansas Secretary of State as foreign corporations.

WHAT ARE THE COSTS ASSOCIATED WITH A LICENSE OR REGISTRATION?

New or Renewal Application Fee for Principal Place of Business and each Branch Office.....	\$600
Application Fee for New or Renewal Loan Originator Registration	\$125
License Fee for New Company Application.....	\$300
Amendment Fee of any License or Registration	\$50
Fingerprint Card Processing Fee per card	\$50

HOW DO I APPLY FOR A LICENSE?

Senate Bill 240 was enacted into law on July 1, 2009, in order to bring the mortgage licensing laws of the State of Kansas into compliance with the federal *Secure and Fair Enforcement for Mortgage Lending Act of 2008* ("SAFE Act"). The SAFE Act required all states to pass mortgage licensing laws and regulations that meet or exceed certain national standards.

New companies or individuals desiring to conduct mortgage loan origination activities with Kansas consumers under the Kansas Mortgage Business Act should submit their application to the OSBC through the NMLS website beginning January 4, 2010.

The Nationwide Mortgage Licensing System is online at: www.stateregulatoryregistry.org/NMLS.

All companies that DO NOT conduct mortgage loan origination but are conducting activities that require them to obtain a mortgage company license should complete, sign and date the enclosed application form and appropriate attachments. Return the application and appropriate fee to the OSBC for processing. Processing usually takes 60 days.

WHEN ARE MORTGAGE COMPANY LICENSES RENEWED?

Mortgage Company Licenses expire annually on December 31st. All applicants will receive written notification of the Commissioner's determination to approve or deny an application. Renewal information will be mailed at least sixty days prior to expiration.

WHAT FACTORS DETERMINE WHETHER MY APPLICATION IS APPROVED OR DENIED?

Properly completed applications will be reviewed to determine if the financial responsibility and condition, character, qualifications and fitness of the applicant warrants a belief that the business of the applicant will be conducted competently, honestly, fairly and in compliance with applicable state and federal law.

WHO IS REQUIRED TO REGISTER AS A LOAN ORIGINATOR?

Individuals conducting mortgage business in this state involving loan origination on behalf of a licensed mortgage company are required to register through NMLS as a loan originator. K.S.A. 9-2201 defines a "Loan Originator" as a person:

- (1) Who engages in mortgage business on behalf of a single mortgage company;
- (2) whose conduct of mortgage business is the responsibility of the licensee;
- (3) who takes a residential mortgage loan application or offers or negotiates terms of a residential mortgage loan for compensation or gain or in the expectation of compensation or gain; and
- (4) whose job responsibilities include contact with borrowers during the loan origination process, which can include soliciting, negotiating, acquiring, arranging or making mortgage loans for others, obtaining personal or financial information, assisting with the preparation of loan applications or other documents, quoting loan rates or terms, or providing required disclosures. It does not include any individual engaged solely as a loan processor or underwriter.

Loan Originator certificates of registration will consist of an electronic listing of approved loan originators on the Office of the State Bank Commissioner's (OSBC) website at www.osbckansas.org.

WHEN CAN I BEGIN CONDUCTING LOAN ORIGINATION ACTIVITIES?

Only those individuals on the Approved Loan Originator List have authority to conduct loan origination activities on behalf of the specific mortgage company licensee listed to the right of their name on the OSBC website. Individuals are prohibited from engaging in loan origination activities on behalf of a mortgage company until the loan originator's name is reflected on the OSBC website as being associated with the company.

WHAT IF I WANT TO WORK FOR A DIFFERENT COMPANY?

Loan originators may not work for more than one Kansas licensed mortgage company at a time. If an approved loan originator moves to a different mortgage company, the change request must be made through the NMLS website at www.stateregulatoryregistry.org/NMLS.

WHO IS RESPONSIBLE FOR ACTIVITIES CONDUCTED BY LOAN ORIGINATORS?

Mortgage company licensees are responsible for all actions of their loan originators and all activities conducted at their branch locations. Loan originators may not work for more than one mortgage company at a time. Engaging in loan origination activities without proper registration is in violation of Kansas law and will subject both the individual loan originator and the mortgage company conducting business with that individual to substantial penalties.

HOW DO I OBTAIN A LIST OF KANSAS LICENSED MORTGAGE COMPANIES AND APPROVED LOAN ORIGINATORS?

Please visit the OSBC website at www.osbckansas.org. In addition to the list of licensed mortgage companies and approved loan originators, the OSBC website provides a list of entities and individuals not authorized to engage in consumer lending or mortgage business activities, including lending, brokering, servicing or loan origination activities in the State of Kansas.

WHAT IF I HAVE MORE QUESTIONS?

Questions regarding the NMLS website should be directed to the **NMLS Call Center at 240-386-4444**.

The Office of the State Bank Commissioner is committed to providing quality service to all of the entities we regulate and supervise. Our normal office hours are 8 a.m. to 5 p.m. (Central time), Monday through Friday. Please call if you have additional questions or comments.

Office of the State Bank Commissioner
700 SW Jackson Street, Suite 300
Topeka, Kansas 66603-3796

Phone (785) 296-2266 Fax (785) 296-6037



KANSAS OFFICE OF THE STATE BANK COMMISSIONER



Attention Mortgage Lenders, Brokers & Loan Originators

The Division of Consumer and Mortgage Lending will soon join the Nationwide Mortgage Licensing System (NMLS) beginning January 4, 2010.

New companies or individuals desiring to conduct mortgage loan origination activities with Kansas consumers under the Kansas Mortgage Business Act should submit their application to the Division through the NMLS beginning January 4, 2010.

The NMLS website, <http://mortgage.nationwidelicencingsystem.org>, provides step-by-step instructions on how to access the system, guides on how to complete the MU forms, tutorials and much more. If you have questions, contact the NMLS Call Center at 240-386-4444.

All companies that DO NOT conduct mortgage loan origination activities but are conducting activities that require them to obtain a mortgage company license should use the application listed below.

MORTGAGE COMPANY LICENSE APPLICATION

INSTRUCTIONS:

Each applicant must comply with one of the options described below based on whether or not they maintain a Kansas bona fide office. Please print or type the application information.

BONA FIDE KANSAS OFFICE

If the applicant is claiming a "bona fide" office, which pursuant to K.S.A. 9-2201, meets all of the following criteria: 1) The office is located in this state; 2) the office is not in a personal residence; 3) the office has regular hours of operation; 4) the office is accessible to the public; 5) the office is leased or owned by the licensee and serves as an office for the transaction of the licensee's mortgage business; 6) the office is separate from any office of another registrant; and, 7) all of the licensee's books, records, and documents are accessible through that office. The applicant claiming a bona fide office must satisfy the following requirements.

- I) Applicant will provide Surety Bond (Form B) in the amount of \$50,000.
- II) Applicant will provide a complete lease agreement in the legal name of the Applicant for the address of the Kansas bona fide office.

NO BONA FIDE KANSAS OFFICE

If the applicant is **NOT** claiming a Kansas "bona fide" office as defined by K.S.A. 9-2201, the applicant must satisfy the following requirements:

- I) Applicant will provide Surety Bond (Form B) in the amount of \$100,000.
- II) Applicant will submit a CPA reviewed financial statement attesting a net worth of at least \$50,000 for the entity applying for a license.

SECTION 1 – MORTGAGE COMPANY INFORMATION

1. Name and Tax Identification Number of Mortgage Company (applicant): Tax ID No. _____

(Legal name under which business is conducted) (Type or Print)

2. Trade name (d/b/a), if applicable _____

Note: d/b/a's cannot contain words such as Company, Corporation, Incorporated, Co., Inc., Corp., LTD, LLC, or LLP. If you have questions, please contact the Office of the State Bank Commissioner.

3. Do you have a place of business located in the State of Kansas?

_____ Yes (If "Yes" continue to question #4.)
_____ No (If "No", Section 1 is complete. Move forward to Section 3 and continue completing the application information.)

4. Do you have a place of business in Kansas that meets all of the following requirements?

- a. The office is not located in a personal residence. _____ True _____ False
- b. The office has regular hours of operation. _____ True _____ False
- c. The office is accessible to the public. _____ True _____ False
- d. The office is lease or owned by the applicant (company) and serves as an office for the transaction of mortgage business. _____ True _____ False
- e. The office is separate from the office of any other licensee or applicant. _____ True _____ False
- f. All of the applicant's books, records, and documents are accessible through that office. _____ True _____ False

If you answered "True" to all of the above statements, you do maintain a "bona fide" office in Kansas. If you answered "False" to any of the statements in question #4, you do not maintain a "bona fide" office.

SECTION 2 - KANSAS BONA FIDE OFFICE LOCATION

Do not complete this section if you DO NOT have a Kansas bona fide office location.

5. Identify the place of business in Kansas that meets all the requirements of question #4 above. This location shall be designated as your Kansas bona fide office:

(Street) (City) (State) (Zip Code)

6. Is any other business, including business by another company, being conducted at this business address?
_____ No _____ Yes (If Yes, please explain) _____

7. Kansas bona fide location Phone #() _____ Fax#() _____

SECTION 3 – PRINCIPAL PLACE OF BUSINESS

8. Identify the place of business that shall be designated as your Principal Place of Business (corporate headquarters/home office). If applicable, this may be the same address as your Kansas bona fide location.

(Street) (City) (State) (Zip Code)

9. Is any other business, including mortgage business by another company, being conducted at this business address?
_____ No _____ Yes (If Yes, please explain) _____

10. Applicant's contact person _____
(Name) (Phone Number)

11. Contact person's e-mail address: _____

NOTE: All mailings to your company will be addressed to the attention of the applicant's contact person at the mailing address listed below. It is important to update this information when necessary.

12. Mailing address for **all** correspondence with your Mortgage Company: (Do not leave blank)

(Street address) (City) (State) (Zip Code)
Mortgage Company Phone # () _____ Fax#() _____

13. Does the **Principal Place of Business** address listed in question #8: (Please check one answer)

- _____ Only serve as an administrative office for the Mortgage Company.
_____ Serve as an administrative office and engages in Kansas mortgage business activities.

14. For examination purposes: Where are the records for Kansas mortgage business retained?
(Please mark one answer)

- _____ Principal place of business (address in question #8)
_____ Each branch location
_____ Principal place of business and each branch location
_____ Other (please explain in detail)

SECTION 4 – ADDITIONAL INFORMATION

15. (a) Does your Mortgage Company function as a: (Check all that apply)

_____ Broker _____ Lender _____ Servicer

(b) Does your company intend to engage in mortgage loan origination activities?

_____ Yes (**STOP** – This application should be submitted through the NMLS website as indicated in the instructions above.)

_____ No

16. (a) Do you intend to close any Kansas loans in the name of your Mortgage Company?

_____ Yes _____ No

(b) Do you intend to take assignment of and directly or indirectly undertake collection of payments from or enforce rights against debtors of any Kansas loans?

_____ Yes _____ No

17. (a) Will any of the Kansas loans closed in the name of your Mortgage Company exceed 12% APR?

_____ Yes _____ No _____ Not Applicable

(b) Will any of the Kansas loans your Mortgage Company takes assignment of and services or enforces rights against exceed 12% APR?

Yes No Not Applicable

18. Have you closed or taken assignment of five or more loans listed in question #17(a) or (b) in the last 12-month period?

Yes No Not Applicable

NOTE: If you answered Yes to Questions 17(a) or (b) or 18, you may not be completing the correct license application for the type of activity conducted by your company. Please contact our office to determine if you need to submit a different application for another type of license.

19. Form of your Mortgage Company (Please mark one)

Sole Proprietorship (Individual)

Partnership Limited General **(Attach copy of agreement)**

Corporation; List state and date of incorporation _____
(Attach a certified copy of the Articles of Incorporation)

Limited Liability Company; List state and date of organization _____
(Attach a certified copy of the Articles of Organization)

20. List the name of each state in which the applicant (your Mortgage Company) is currently licensed. (*The attached State Regulator Questionnaire (Form C) must be completed & mailed to each state listed below.*) (Attach additional pages if necessary.)

<u>State</u>	<u>Name licensed under</u>	<u>Type of license</u>	<u>License number</u>	<u>License date</u>

21. Are there any other locations, other than those identified in #5 and #8 above, where **Kansas** mortgage business is conducted for the applicant?

No Yes **(If "Yes", fill out a Mortgage Company Branch Application (Form D) for each applicable location)**

SECTION 5 – APPLICANT’S OWNERS, OFFICERS and PARTNERS

22. Provide names, titles, and percentage owned of every officer, partner and owner with an ownership interest of 10% or more of the applicant. (Attach additional pages if necessary)

Name	Social Security No.*	Title	Percent owned
1.			
2.			
3.			
4.			

Note: Every individual listed in question #22 (box above) must complete a Confidential Background Information Consent Form (Form A).

23. Do any of the individuals identified in question #22 have a financial interest in or hold a position with any other licensee under the Kansas Mortgage Business Act or the Kansas Uniform Consumer Credit Code?

_____ No _____ Yes (If "yes", provide detailed explanation on an attached sheet)

24. Has your company or any of your company owners, officers or partners ever:

- a. had any administrative or judicial judgments filed against them;
- b. been the subject of any tax liens or other liens of any nature; or
- c. filed for personal or business related bankruptcy?
- d. had a license or other authority to conduct business suspended, revoked, or denied?
- e. been named as a defendant in any form of civil litigation related, directly or indirectly, to consumer or mortgage lending activities, or involving fraud, dishonesty, or deceit?
- f. been charged or convicted of any crime (other than minor traffic violations)?

_____ No _____ Yes (If "Yes" to any of the above, applicant must provide a detailed explanation on an attached sheet.)

SECTION 6 – APPLICANT’S BUSINESS

25. As outlined in K.S.A. 9-2213, any fees received prior to the time a loan is consummated are required to be deposited in an escrow account. Do you collect any fees that require an escrow account?

_____ No (If "No" move on to question #27) _____ Yes

26. Please provide the location of the applicant’s escrow account:

(Name of Financial Institution) (Account number)

(Street) (City) (State) (Zip Code)

27. Is the applicant or any of its affiliates currently engaged in mortgage business through electronic or automated mediums such as the Internet? ___ No ___ Yes (If "yes", provide the address or website)

28. Please designate the individual who will be responsible for accepting service of process on behalf of the Mortgage Company. (Please include name, address, and phone number)

Name _____ Phone # () _____

(Street) (City) (State) (Zip Code)

29. Provide a written detailed description of your corporate structure, including parent companies, subsidiaries, and affiliates, if applicable, and advise if any of these entities are involved in consumer lending activities.

30. Provide a written detailed description of all business activities conducted by your company and a detailed description of the business activities in which you plan to engage in the State of Kansas. Include the types of credit to be extended.

31. Kansas law prohibits a Mortgage Company Licensee from knowingly employing or contracting with any individual to engage in mortgage business activities who has been convicted of any crime involving fraud, dishonesty or deceit. Convictions of an officer or director may also result in license denial or revocation. Provide a detailed explanation of hiring practices and personnel screening and reporting procedures utilized to insure compliance with this requirement.

32. The applicant (please check one): _____ A.) Maintains a Kansas bona fide office location identified in question #5 in Section 2 of this application. (Please complete Section 7 below.)

_____ B.) Does not maintain a Kansas bona fide office location. Principal place of business was identified in question #8 in Section 3 of this application. (Please complete Section 8 below.)

SECTION 7 - APPLICANT MAINTAINS A KANSAS BONA FIDE OFFICE LOCATION

Applicant must complete both requirements in this section if applicant marked “A” on question #32.

33. Requirement I: Submit completed \$50,000 Surety Bond (Form B). Must submit the original bond and attach power of attorney in fact.

Requirement II: Submit complete executed copy of lease agreement in company name for Kansas bona fide office location identified in question #5 in Section 2 of this application.

SECTION 8 - APPLICANT DOES NOT MAINTAIN KANSAS BONA FIDE OFFICE LOCATION

Applicant must complete both requirements in this section if applicant marked “B” on question #32.

34. Requirement I: Submit completed \$100,000 Surety Bond form (Form B). Must submit the original bond and attach power of attorney in fact.

Requirement II: The applicant listed in question #1 must maintain a minimum net worth of \$50,000 by submitting a financial statement/balance sheet accompanied by a written statement by an independent certified public accountant attesting that the statement has been **reviewed** in accordance with generally accepted accounting principles.

On the following page, calculate the Total Fees Due and complete the Signature and Oath of Applicant section. Return completed application and attachments with **original signatures** to:

**Office of the State Bank Commissioner
700 SW Jackson Street, Suite 300
Topeka, KS 66603-3796**

Website www.osbckansas.org Phone # (785) 296-2266

Confidential Background Information Consent Form *For Owners, Officers and Partners*

SECTION A: To be completed by new Owner, Officer or Partner

I understand the Kansas Office of the State Bank Commissioner may conduct an investigation of the applicant and the applicant's owners, officers and partners for the purpose of determining the suitability of the applicant named below to hold a Supervised Loan License or a Mortgage Company License in the State of Kansas. I hereby authorize and request all state and federal law enforcement authorities, all state and federal regulatory and licensing authorities, and all credit reporting agencies to furnish information about me regarding criminal records, investigations, background information, licensing, credit reports, and other information of whatever kind and nature, whether known to me or otherwise, to the Kansas Office of the State Bank Commissioner.

Further, I understand the Kansas Office of the State Bank Commissioner shall be under no obligation to disclose such information to me or any other person, and that if such information indicates a violation of law; it may be shared with any agency responsible for investigating or prosecuting the violation. A copy of this authorization shall be accepted with the same force and validity as the original.

_____ Full name of owner, officer or partner (type or print)

_____ Residence address: (Street) (City) (State) (Zip Code)

_____ (Date of birth) (Social Security Number*) (Telephone Number)

Provide your company's name (applicant): _____

Provide the current Kansas license number of your company: _____
(N/A if submitted with a new application)

Your title or position: _____

Have you ever:

- a. had any administrative or judicial judgments filed against you?
- b. been the subject of any tax liens or other liens of any nature?
- c. filed for personal or business related bankruptcy?
- d. had a license or other authority to conduct business suspended, revoked, or denied?
- e. been named as a defendant in any form of civil litigation related, directly or indirectly, to consumer or mortgage lending activities, or involving fraud, dishonesty, or deceit?
- f. been charged or convicted of any crime (other than minor traffic violations)?

_____ No _____ Yes (If Yes to any of the above, must provide a detailed explanation on attached sheet.)

Do you have a financial interest in or hold a position with any other licensee under the Kansas Mortgage Business Act or the Kansas Uniform Consumer Credit Code?

_____ No _____ Yes (If Yes to any of the above, must provide a detailed explanation on attached sheet.)

_____ (Signature of owner, officer or partner listed above.) _____ (Date)

STATE OF _____) COUNTY OF _____)

Sworn and subscribed before me on _____ by _____
(Date) (Print name of owner, officer or partner listed above.)

(NOTARY SEAL) _____ My commission expires: _____
Notary Public Signature

SECTION B: Fingerprint Card and Processing Fee Requirement:

Each new owner, officer or partner of applicant or licensee must include completed fingerprint card and \$50 fingerprint processing fee with completed Form A. Only one fingerprint card is required per individual (i.e. If an officer of a Mortgage Company licensee is also a loan originator, both Forms A and G must be submitted with only one fingerprint card and appropriate processing fee.) Fingerprint cards should only be requested by the contact person located at the mailing address of the applicant/licensee. Requests from branch offices will not be processed.

TO REQUEST FINGERPRINT CARDS:

1. Applicants/Licensees must fax a completed Fingerprint Card Request Form (Form H) to the OSBC. A copy of Form H is enclosed and is also available on the OSBC website. The requested number of fingerprint cards with instructions will be mailed only to the contact person at the mailing address of the licensee to distribute to individuals meeting the fingerprint requirements.
2. The fingerprint card must be completed as directed in the instructions and returned to the licensee.
3. Applicants/Licensees must submit both the completed fingerprint card and this application to the OSBC with the appropriate processing fee. Personal checks will not be accepted. Fingerprints will generally not be required for any individual more often than annually.

SECTION C: To be completed by Authorized Owner, Officer or Partner of Applicant or Licensee other than individual identified in Section A above. (Authorized individuals are those that have been identified by your company and have submitted Confidential Background Information Consent Forms to the OSBC. Signatures of unauthorized individuals on this form or any other applications submitted to the OSBC will not be accepted and returned.)

Company Name (Print): _____

I hereby advise the OSBC of the addition of the individual named above as an owner, officer or partner. I understand I am required to notify the OSBC within 10 days of the addition or departure of any owner, officer or partner by submitting the required documents and fees. I further understand that licenses are non-transferable and non-assignable, and no other entity may conduct business under the authority of our license. I understand I am required to notify the OSBC in writing and provide detailed information regarding corporate reorganizations or structure changes.

 Signature of Authorized Owner, Officer or Partner other than individual Identified in Section A above _____
 Print Name & Title _____
 Date

Make checks payable to: **Office of the State Bank Commissioner, 700 SW Jackson, Ste. 300, Topeka, KS 66603-3796.**

CHECKS MUST BE DRAWN ON LICENSEE’S COMPANY ACCOUNT. PERSONAL CHECKS WILL NOT BE ACCEPTED.

*Providing a social security number is voluntary, however, if it is not provided application processing may be delayed. The number is requested pursuant to K.S.A. 9-2201 et seq., and/or 16a-1-101 et seq., and may be used to identify applicants in criminal history and financial information investigations, provided to the Kansas Department of Revenue pursuant to K.S.A. 74-139 and/or provided to the Kansas Department of Social and Rehabilitation Services pursuant to K.S.A. 74-148 and K.S.A. 39-758.

State of Kansas
OFFICE OF THE STATE BANK COMMISSIONER
700 SW Jackson St., Suite 300
Topeka, Kansas 66603-3796
785-296-2266 Fax: 785-296-6037

SURETY BOND
SUPERVISED LENDER or MORTGAGE COMPANY

Bond Number _____ Amount \$ _____

KNOW ALL MEN BY THESE PRESENTS, that we,

(applicant/licensee name)

of the City of _____, County of _____, State of _____ as principal and obligor, and _____, as

Surety are held and firmly bound unto the State of Kansas, Office of the State Bank Commissioner (hereinafter "OSBC") in the penal sum of \$ _____ for payment of which, well and truly to be made, we hereby bind ourselves and each of our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal is applying to become a licensed supervised lender pursuant to K.S.A. 16a-2-302, or has applied for a license to conduct mortgage business pursuant to K.S.A. 9-2204, and seeks to establish, meet, and maintain the financial responsibility requirements of the OSBC during the term of the subject license or registration by tender of the within bond,

NOW, THEREFORE, the condition of the foregoing obligation is such that:

1. If the Principal faithfully performs all its obligations under applicable state and federal law, including the Uniform Consumer Credit Code ("UCCC"), K.S.A. 16a-1-101 *et seq.* and amendments thereto, and/or the Kansas Mortgage Business Act ("KMBA"), K.S.A. 9-2201 *et seq.* and amendments thereto, or any rule or regulation lawfully adopted under said Code and/or Act with respect to acting as a supervised lender or mortgage lender or broker, this obligation will be void; otherwise the same will remain in full force and effect.

2. Surety agrees to promptly (within sixty [60] days) remit payment as instructed by the OSBC upon receiving notice that any of the following has not been paid by the Principal: any lawful expenses incurred, or fees levied, by the OSBC; any expenses, fines, fees, or refunds pursuant to a settlement agreement with the OSBC; any expenses, fines and fees that become lawfully due pursuant to a final judgment or order; or any losses or damages which are determined by the OSBC to have been incurred by any borrower or consumer as a result of the Principal's, or its agent's, failure to faithfully comply with the provisions of Kansas law, including the requirements of the UCCC and/or the KMBA, or any rule or regulation lawfully adopted under said Code and/or Act.

PROVIDED, that the Surety's aggregate liability for any and all claims which may arise under this bond shall in no event exceed the amount of this bond, regardless of the number of claims or claimants.

FURTHER PROVIDED that this Bond shall remain effective continuously subject to the termination or reduction in liability as provided in this paragraph. The Surety shall have the right to terminate or reduce its liability hereunder only by giving the Principal and the OSBC written notice of such termination by written notification via certified mail to the State of Kansas Office of the State Bank Commissioner at least thirty (30) days prior to the effective date of such termination; provided, however, that the Principal and Surety shall be and remain liable for a period of two (2) years from the date of termination for any action or inaction of Principal, occurring during the effective period of the bond, that

gives rise to a claim under this bond, unless released in writing, in whole or in part, from such liability by the Administrator or the Commissioner.

FURTHER PROVIDED that after giving notice of termination or reduction of liability, the surety may reinstate or increase its liability by the execution and filing of a new bond or by mailing written notice to the OSBC indicating that the Surety desires to continue as surety for the licensee and that its prior notice of termination or reduction of liability is withdrawn and rescinded.

FURTHER PROVIDED that, if this bond is not previously terminated as set forth above, the liability of the Surety shall expire two (2) years after the date of the surrender, revocation, or expiration of the subject license, whichever shall first occur.

THIS BOND shall be effective on and after _____, or, if left blank, the day of execution by Surety shall be the effective date of the bond. The bond shall be effective, if accepted by the OSBC, without further notice.

IN WITNESS WHEREOF, we have duly executed the foregoing obligation this ___ day of _____, _____.

LICENSEE:

(Licensee's Name)

(Signature)

(Print Signature Name)

(Title) (Date)

[CORPORATE SEAL]
(If Any)

Surety Must Attach Power of Attorney

(Surety)

(Signature)

(Print Signature Name)

(Telephone Number) (Date)

Name, address, and telephone number of the Surety representative to contact in the event a claim must be filed:

STATE OF KANSAS
OFFICE OF THE STATE BANK COMMISSIONER
CONSUMER AND MORTGAGE LENDING DIVISION
 785-296-2266 Fax: 785-296-6037

State Regulator Questionnaire on Applicant

APPLICANT SECTION: Duplicate this form as needed. Complete this section and forward to the regulatory authorities of the states in which you are currently licensed to conduct business. Include a stamped envelope addressed to the agency below.

Name and Address of Company (Applicant): _____

_____ (Street address) (City) (State) (Zip Code)

Date of Original License: _____ Type of License: _____

License Number: _____ Expiration Date: _____

I hereby authorize the State of _____ to furnish the information requested below.

Date: _____ Name and Title _____ Signature _____

STATE REGULATOR SECTION: The above named company has made application to conduct business in Kansas. The applicant stated that they are licensed and regulated by you. Please respond to the following questions and return the completed form to the address stated below.

- | | | | |
|----|--|----------|-----------|
| 1. | Is the applicant information listed above accurate? | _____ No | _____ Yes |
| 2. | Did you conduct an investigation of this applicant prior to issuing a license? | _____ No | _____ Yes |
| 3. | Have you received any complaints against this applicant? | _____ No | _____ Yes |
| 4. | Have you conducted an examination or audit of their operation? | _____ No | _____ Yes |
| 5. | Have you taken any disciplinary action against this company?
(If "Yes", please explain) | _____ No | _____ Yes |

6. Any additional comments will be appreciated. Please attach additional pages if necessary.

I certify that the information contained herein and attached is true and correct according to the official records of this State.

Date _____ State Agency Name _____

Name and Title of person completing questionnaire _____

Telephone No. _____ Signature _____

Please return completed questionnaire to:

**OFFICE OF THE STATE BANK COMMISSIONER
 CONSUMER AND MORTGAGE LENDING DIVISION
 700 SW JACKSON ST., SUITE 300
 TOPEKA, KS 66603-3796**

New Branch Application Fee: \$600.00 for each NEW branch location to be licensed.

Form D

Instructions: Complete this form, which must include notarized signature of owner, officer or partner of applicant, and return with \$600.00 branch license fee. Make checks payable to the Office of the State Bank Commissioner, 700 SW Jackson, Suite 300, Topeka, KS 66603-3796. Personal checks are not accepted. Duplicate this form as needed.

Mortgage Company Branch Application

1. Current Kansas Mortgage Company License Number*: _____
(*N/A if submitted with a NEW Mortgage Company application)

2. Name of Mortgage Company: _____
(Legal Name)

3. Trade name (d/b/a), if applicable*: _____
***Note: d/b/a's cannot contain words such as Company, Corporation, Incorporated, Co., Inc., Corp., LTD, LLC, or LLP.**

4. Branch business address: _____
(Street) Phone (____) _____

(City) (State) (Zip Code)

5. Is any other business, including mortgage business by another company, being conducted at this business address?
_____ No _____ Yes (If Yes, please explain) _____

6. For examination purposes: Are loan documents maintained at this location? _____ Yes _____ No
(If No, please explain) _____

7. Are you claiming this branch as a Kansas bona fide location? Yes _____ No _____ If yes, you must provide a complete executed copy of the lease agreement in the legal name of the company for this new branch location.

To be completed by Authorized Owner, Officer or Partner of Mortgage Company Licensee:

(Authorized individuals are those that have been identified by your company and have submitted Confidential Background Information Consent Forms to the OSBC. Signatures of unauthorized individuals on this form or any other applications submitted to the OSBC will not be accepted and returned.)

I hereby request the addition of the new branch location identified above. I understand Mortgage Company Licensees are responsible for all activities conducted at their branch locations. I understand I am required to notify the OSBC within 10 days of the addition, address change or closure of branch locations. I further understand that Mortgage Company Licenses are non-transferable and non-assignable, and no other entity may conduct business under the authority of our Mortgage Company License.

Signature of authorized owner, officer or partner: _____

(Print Name of authorized owner, officer or partner) (Title) (Date)

STATE OF _____) COUNTY OF _____)

Sworn and subscribed before me on _____ by _____
(Date) (Print Name of owner, officer or partner listed above.)

(NOTARY SEAL) _____ My commission expires: _____
Notary Public Signature

Enclose the necessary Confidential Background Information Consent forms (Form A) and fingerprint requirements for any owner, officer or partner associated with this location that has not already filed with the Office of the State Bank Commissioner.

Any individual meeting the definition of a Loan Originator must register with the Office of the State Bank Commissioner. (See K.S.A. 9-2201(f)) K.S.A 9-2204 states that any individual required to register as a loan originator pursuant to this act shall submit to the commissioner an application for registration on forms prescribed and provided by the commissioner. (Form G - Loan Originator Form)

**Providing a social security number is voluntary, however, if it is not provided application processing may be delayed. The number is requested pursuant to K.S.A. 9-2201 et seq., and/or 16a-1-101 et seq., and may be used to identify applicants in criminal history and financial information investigations, provided to the Kansas Department of Revenue pursuant to K.S.A. 74-139 and/or provided to the Kansas Department of Social and Rehabilitation Services pursuant to K.S.A. 74-148 and K.S.A. 39-758.

