



Seller Guide Update



SEL-2022-073: Updated Agency Uniform Instruments

December 30, 2022

- Correspondent Lending
- Housing Finance Agency (HFA)

Summary

Underwriting/Delivery	
<input checked="" type="checkbox"/>	Corr. Delegated
<input checked="" type="checkbox"/>	Corr. Non-Delegated
<input checked="" type="checkbox"/>	Corr. EZD
<input checked="" type="checkbox"/>	Corr. Mandatory
<input checked="" type="checkbox"/>	HFA Delegated
<input checked="" type="checkbox"/>	HFA Non-Delegated
Products	
<input checked="" type="checkbox"/>	Conv. (Freddie)
<input checked="" type="checkbox"/>	Conv. (Fannie)
<input checked="" type="checkbox"/>	Conv. (Portfolio)
<input checked="" type="checkbox"/>	FHA
<input checked="" type="checkbox"/>	VA
<input checked="" type="checkbox"/>	Rural Development

Effective Date: Mandatory use of the updated legal instruments with Note dates on or after January 1, 2023.

Beginning in November of last year (SEL-2021-060), U.S. Bank began reminding lenders that in 2021, [Fannie Mae SEL-2021-06](#) and [Freddie Mac Bulletin 2021-25](#) announced that their uniform instruments, which include their security instruments, notes, and riders, were updated. With the exception of those that are being retired, these updates impact all Uniform Instruments.

U.S. Bank will purchase loans closed on the updated legal instruments.

Important Key Points

- Changes include, but are not limited to, revisions for federal, State and local law changes and to simplify language. With the mandatory use date of these documents approaching, please take the opportunity to ensure that your pipeline of loans comply with this requirement.
- The updated Security Instruments, Notes and Riders have a tagline/footer dated July 2021 and must be used for the following mortgage loan originations:
 - All Agency (Fannie Mae and Freddie Mac) loans
 - Portfolio Products
 - Portfolio Fixed-Rate – requires the use of the new uniform instruments version 07/2021.
 - Portfolio US Treasury ARMs - the Agencies no longer support documents related to US Treasury ARMs. Refer to page 2 of this announcement for additional details regarding document provider readiness.
 - Government loans
 - USDA – require the use of the new uniform instruments version 07/2021.
 - FHA/VA – have not specifically addressed the new versions.
- Per GSE instruction, if lenders use the updated Uniform Instruments for Mortgages with Note Dates prior to January 1, 2023, they must use the updated Security Instrument, Note and Rider, if applicable. **Lenders may not use updated July 2021 Uniform Instruments in combination with earlier versions in use for each Mortgage.**
- It is important to note that if any documentation issues are found in how the updated instruments are used, including using varying versions as the Agencies have instructed is not permitted, lenders will be expected to correct these issues. Lenders must use the mortgage documents that are correct for the jurisdiction, mortgage/lien and property type. When applicable, the forms may require modification for lender's jurisdictional requirements. Changes made to multi-state documents must comply with all applicable laws. U.S. Bank relies on the lender's representations and warranties that the loans are enforceable in accordance with the terms of the lender agreement and comply with all applicable laws.



Product Specific Guidance

Lenders are encouraged to review the Product Guides located in the Correspondent Seller and HFA Lending Guides for specific documentation requirements. The following sections are intended to highlight specific products only as it relates to the updated security instruments:

- **Construction Conversion Loans**

Lenders should use the modification version consistent with original Note (i.e.) use the “old” version even if the Loan Modification Agreement is executed after January 1, 2023 (Freddie Mac Forms 5164 or 5165) as indicated in the Correspondent Seller Guide.

- **U.S. Bank Elite/UST Portfolio ARM Products**

Options to for delivery include:

1. If your document provider has made updates to the closing documentation required for US Treasury ARMs, please use the updated forms.
2. If your document provider has not made updates to the closing documentation required for US Treasury ARMs, please continue to use current available closing documentation.

Note: As a reminder, U.S. Bank does not permit Master/Short Form Security Instruments.

Additional Resources

- Fannie Mae
 - [Fannie Mae SEL-2021-06](#)
 - [Fannie Mae Legal Documents \(New\)](#) - Notes, riders & addenda, security instruments, and special purpose documents (updated July 2021)
 - The files on this page are the newest legal documents available. These updated legal documents may be used immediately, but must be used as of January 2023. Prior versions of the legal documents are accessible on the retiring Fannie Mae Legal Documents page.
 - For more information on the updated instruments, refer to the [Uniform Instruments Update Fact Sheet](#).
- Freddie Mac
 - [Freddie Mac Bulletin 2021-25](#)
 - [Freddie Mac 2021 Updated Instruments](#)
 - Uniform Instruments are the Fannie Mae/Freddie Mac and Freddie Mac Notes, Riders, and Security Instruments (Deeds of Trust and Mortgages) used when originating Single-Family residential mortgage loans, in all States and U. S. Territories, as identified in the List of Single-Family Uniform Instruments provided on this website and also identified in Guide Exhibit 4A.
 - When using Uniform Instruments to originate mortgages for sale to Freddie Mac, Freddie Mac-approved Seller/Serviceers must comply with the terms and conditions of the Guide and Seller/Serviceer's other Purchase Documents (as that term is defined in the Guide).

Note: If you originate mortgages using the updated Uniform Instruments prior to January 1, 2023, you must be sure to use the updated Security Instrument, Note and Rider, if applicable. You may not use the updated July 2021 Uniform Instruments in combination with any earlier versions currently in use.

Questions



Correspondent: Please contact your Account Executive or the Client Support Area at 800.200.5881, option 1.

HFA: Please contact the Housing Finance Agency Hotline at 800.562.5165, option 1 for the HFA Customer Care Team.