

**Change Template of  
Supplemental Directive 09-09 and Supplemental Directive 09-09 Revised  
(Page, Paragraph and Sentence References Apply to Supplemental Directive 09-09 Revised)**

Page	Paragraph	Sentence	New Language	Deleted Language
1	2	1	replaces in its entirety Supplemental Directive 09-09 and is effective as of April 5, 2010. This Supplemental Directive	
1	3	2	October 3, 2010	<del>December 31, 2009</del>
2	1	1		<del>The effective date of this Supplemental Directive is April 5, 2010.</del>
2	1	2	this Supplemental Directive	<del>HAFAs</del>
3	2	1	may not solicit .... for HAFAs until the borrower has been evaluated	<del>must evaluate</del>
3	4	Bullet 1	, except that the property can be vacant up to 90 days prior to the date of the Short Sale Agreement (SSA), Alternative Request for Approval of Short Sale (Alternative (RASS) or DIL Agreement if the borrower provides documentation that the borrower was required to relocate at least 100 miles from the property to accept new employment or was transferred by the current employer and there is no evidence indicating that the borrower has purchased a one- to four-unit property 90 days prior to the date of the SSA, Alternative RASS or DIL Agreement	
4	1	1 Sentence following bullets	The date and outcome of the HAFAs consideration must be documented in the servicer's file.	
4	2		When a borrower, who was not previously evaluated for a HAMP modification, requests a short sale or DIL, the servicer must determine the basic eligibility of the borrower as described in the <i>HAFAs Consideration</i> section of this Supplemental Directive. In addition, the servicer must obtain a completed Request for Modification and Affidavit (RMA) <sup>2</sup> and evidence of the borrower's income sufficient to determine that the borrower meets the 31 percent income eligibility requirement and has experienced a hardship. The servicer is not required to obtain an IRS Form 4506-T or 4506-EZ, unless it is necessary to verify the borrower's income; to evaluate the mortgage loan using the NPV test; or, to apply the standard modification waterfall set out in Supplemental Directive 09-01. The servicer must notify the borrower verbally or in writing of the	

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			availability of a HAMP modification and allow the borrower 14 calendar days from the date of the notification to contact the servicer by verbal or written communication and request consideration for a HAMP modification. If the borrower does not wish to be considered for a modification, this does not trigger a non-approval notice under Supplemental Directive 09-08, <i>Borrower Notices</i> .	
4	3		Borrowers in active Chapter 7 or Chapter 13 bankruptcy cases must be considered for HAFA if the borrower, <sup>3</sup> borrower's counsel or bankruptcy trustee submits a request to the servicer. With the borrower's permission, a bankruptcy trustee may contact the servicer to request a short sale or DIL under HAFA. Servicers are not required to solicit these borrowers proactively for HAFA. The servicer and its counsel must work with the borrower or borrower's counsel to obtain any court and/or trustee approvals required in accordance with local court rules and procedures. Servicers should extend HAFA timeframes as necessary to accommodate delays in obtaining court approvals or receiving any periodic payment when they are made to a trustee.	
4	Foot Note #2 and #3		<sup>2</sup> Servicers may elect to use a proprietary financial information form substantially similar to the RMA and a hardship affidavit in lieu of the RMA. <sup>3</sup> Where the borrower filed the bankruptcy pro se, (without an attorney), it is recommended that the servicer provide information relating to the availability of a HAMP modification and foreclosure alternatives to the borrower with a copy to the bankruptcy trustee. This communication should not imply that it is in any way an attempt to collect a debt. Servicers must consult their legal counsel for appropriate language	
6	3	3	However, the minimum net proceeds must be at least equal to or less than the list price minus the sum of allowable costs that may be deducted from gross sale proceeds (or the acceptable sale proceeds).	
7		1	A borrower may not participate in a HAMP Trial Period Plan and agree to a HAFA SSA simultaneously.	
7	1		section.	<del>this Supplemental Directive and must utilize</del>
7	2	Bullet 1	if agreed to by the borrower	
7	2	Bullet 5	when applicable, .... that .... a contractor .... along with the payment amount (expressed as a fixed dollar amount or percentage of the contract sales price) if paid from sale proceeds.	<del>if any portion of the commission must be paid to a contractor of .... that has been</del>
8		Bullet 1	3,000	<del>1,500</del>
8		Bullet 4	percent	<del>%</del>
8	3	1	should	<del>must</del>

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9	4	4		<del>In addition, the servicer must verify the borrower's financial information through documentation and obtain a signed Hardship Affidavit from the borrower prior to approving the short sale.</del>
9	5	1	this does not trigger a non-approval notice under Supplemental Directive 09-08, <i>Borrower Notices</i> and .... a SSA with the borrower. In such cases, the servicer should obtain a completed RMA <sup>4</sup> and evidence of income prior to completing the short sale. The IRS Form 4506-T or 4506-EZ is not required, unless it is necessary to verify the borrower's income and the servicer is not required to evaluate the mortgage loan using the NPV test or to apply the standard modification waterfall set out in Supplemental Directive 09-01.	<del>an SSA with the borrower.</del>
9		Footnote #4	Servicers may elect to use a proprietary financial information form substantially similar to the RMA and a hardship affidavit in lieu of the RMA.	
9	5	4		<del>In addition, the servicer must collect and report the information required under Supplemental Directive 09-06 prior to reporting any HAFA information required by this Supplemental Directive.</del>
9	5	4	using the Alternative RASS,....incentives	<del>then ....the</del>
10	4	Bullet 4	3,000	<del>1,500</del>
11		Bullet 1		<del>HAMP or</del>
11	1	2	percent	<del>%</del>
11	2	3	a portion	<del>up to an aggregate of \$3,000</del>
11	2	4	no more than six ....6 ....\$6,000	<del>three ...3....\$3,000</del>
11	4		Prior to releasing any funds to subordinate mortgage/lien holder(s), the servicer through its agent must obtain written commitment from the subordinate lien holder that it will release the borrower from all claims and liability relating to the subordinate lien in exchange for receiving the agreed upon payoff amount. Although servicers have discretion to draft policies and procedures for ensuring that the commitment of subordinate lien holders is documented prior to closing and such documentation is retained in the servicing file, they would be in compliance with HAFA guidelines if they further required the closing attorney or agent to either confirm that they are in receipt of this commitment from subordinate lien holders on the HUD-1 Settlement Statement, or request that a copy of the written commitment provided by the subordinate lien holder be sent to the servicer with the HUD-1 Settlement Statement which is provided	

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			in advance of the closing.	
11	5		Subordinate mortgage/lien holder(s) may not require contributions from either the real estate agent or borrower as a condition for releasing its lien and releasing the borrower from personal liability. In addition, any payments to subordinate mortgage/lien holder(s) related to the short sale or DIL must be reflected on the HUD-1 Settlement Statement, as applicable.	
12	1	1	should follow local or state laws or regulations to time the ....of	<del>must ....within ten business days (or earlier if required by state or local laws)</del>
12	1	2	If local or state law does not require release within a specified time from the date the servicer receives payment and satisfies the mortgage, the servicer must release it first mortgage lien within 30 business days.	
12	6	1	\$3,000	\$1,500
13	1	1	\$3,000	\$1,500
13	3	1	\$1,500	\$1,000
13	4	1	\$2,000 ....portion ....the....or paid	<del>\$1,000....total....up to \$3,000 in .... subordinate lien holders, or for allowing payment of up to \$3,000</del>
13	4	3	up to the maximum reimbursement of \$2,000.	
13	4	4	agree to	
13	5	1	or forms that are....similar....content to ....forms	<del>form</del>
13	5	2	This Supplemental Directive increases incentives provided in Supplemental Directive 09-09, which may impact servicers' Hafa documents, therefore, servicers may manually note changes to their existing Hafa documents until their current supply of forms are exhausted, however, use of the revised Hafa documents or forms that are substantially similar in content is required by June 1, 2010.	
14	5	3		<del>Schedule I and Schedule IV of...., including those that occur prior to April 5, 2010</del>
A-1	2	Bullet 3	\$3,000 ....\$3,000	<del>\$1,500 ....\$1,500</del>
A-2	2	Bullet 4	may ....6%....\$6,000	<del>will....3....\$3,000</del>
A-3	2	3	\$3,000	\$1,500
A-3	4	2	six....6%....\$6,000	<del>three....3....\$3,000</del>
A-4	1	1	within the next 3 business days,	
A-5	5.a.	4	of ____	<del>negotiated...not to exceed six...(6%)</del>
A-5	5.b.	1	six....6%....\$6,000	<del>three....3....\$3,000</del>
A-5	5.c.	1	allow to be paid from sale proceeds,....of _____ percent	<del>pay....as stated in the listing agreement between you and your broker, not to exceed six percent (6%)</del>
A-5	5.c.	5		<del>, and this vendor must be paid _____% [or \$_____] from the</del>

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				<del>commission.</del>
A-5	5.c.	6	. The vendor and your listing broker will work together on your behalf to facilitate the sale process. [Choose one and delete unnecessary text.] [The vendor will be paid from sale proceeds [\$ _____] OR [an amount equal to ____% of the sales price].] OR [The vendor will be paid by us outside of the sales transaction.]	
A-6	5.d.	1	\$3,000	\$1,500
A1-2	2.h.		\$3,000	\$1,500
B-2	1.b.	1	six....6%....\$6,000	three....3....\$3,000
B-2	1.c.	1	allow to be paid from sale proceeds,	pay
B-2	1.c.	4		<del>, and this vendor must be paid _____% [or \$ _____] from the commission.</del>
B-2	1.c.	5	. The vendor and your listing broker will work together on your behalf to facilitate the sale process. [Choose one and delete unnecessary text.] [The vendor will be paid from sale proceeds [\$ _____] OR [an amount equal to ____% of the sales price]. OR [The vendor will be paid by us outside of the sales transaction.]	
B-2	1.d.	1	\$3,000	\$1,500
B-4	2.h.		\$3,000	\$1,500
C-1	3	3	\$3,000	\$1,500
C-1	4	Bullet 1	six....6....\$6,000	three....3....\$3,000
C-2	3.	1	\$3,000	\$1,500