**EMORTGAGE QUESTIONNAIRE**

*\*To be approved to deliver eMortgages, please complete the questionnaire below:*

**Lender’s Name:**

# Definitions

* **eMortgage** – A mortgage loan for which the promissory note is an eNote
* **eNote** – Production of a MISMO v1.02 SMART Doc eNote
* **eClose** – Supports digital execution of closing documents, including MISMO v1.02 SMART Doc eNote
* **eVault** – Connectivity to the MERS eRegistry and designated eVault electronic repository (internal or external provided by third-party partner) is enabled, including capabilities to validate, maintain, transfer, and service eNotes

# Lender’s Electronic Origination

## Does Lender currently provide an eMortgage origination platform whereby potential borrowers can apply for mortgage loans through online or mobile channels?

Yes  No

### If “yes,” is the eMortgage origination platform developed and operated by Lender, or is it developed and operated by a third party vendor to Lender?

Lender  Third Party Vendor:

#### If “Third Party Vendor,” list the name:

### Is the platform online, mobile, or both online and mobile?

Online  Mobile  Both

### How long has Lender been originating eMortgage loans?

### In what states is the Lender offering eMortgage loans?

## Does Lender currently originate mortgages using an “electronic note” or “eNote”?

Yes  No

## Does Lender currently allow electronic notarization for a portion or all of its eMortgages?

Yes  No

## Does Lender currently engage in electronic recording for a portion or all of its eMortgages?

Yes  No

## If “yes” to any of questions 2-4, supply the providers used for the following:[[1]](#footnote-1)

### eNote LOS or Electronic Doc Provider:

### eClose/eSign System/Provider:

### eVault Provider:

## Please list Standard LOS or doc Provider used for Traditional Notes: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Lender’s MERS Registration

## Does Lender currently have a MERSeRegistry Membership Agreement in place with MERS®?

Yes  No

### If “yes,” what is your MERS eRegistry ID#?

### How long has such an agreement been in place with MERS®?

## Does Lender currently have MERScertification for verification of Lender’s eMortgage systems integration with the MERSeRegistry?

Yes  No

### If “yes,” has Lender actually conducted an eNote transaction in the MERSeRegistry?

Yes  No

#### If “yes,” approximately how many eNotes has Lender transacted in the MERSeRegistry?

# Lender’s Electronic Signature and Notary Procedures

## Does Lender use electronic signatures for eNotes or eMortgages?

Yes  No

### If “yes,” indicate how long Lender has used electronic signatures for eNotes or eMortgages.

#### eNotes:

#### eMortgages:

## Are Lender’s eMortgage origination platform and eMortgage systems compliant with federal Electronic Signatures in Global and National Commerce Act (“ESIGN”) requirements, applicable state Uniform Electronic Transactions Act (“UETA”) requirements, and for non-UETA states, applicable state electronic signature laws?

Yes  No

### List all specific federal and state loan disclosures provided to borrowers in electronic form via the Lender’s eMortgage origination platform and eMortgage systems and specify whether PHH Mortgage Corporation will be able to verify such disclosures in a demo of the Lender’s platform and systems:

### Can Lender verify that all such disclosures are presented to borrower(s) *after* Lender has obtained borrower’s legal ESIGN, UETA, and electronic signature loan consent?

Yes  No

#### If “no,” explain why not:

### Is Lender originating eNotes via an eMortgage origination platform and eMortgage systems that evidence: (1) the borrower’s intent to enter the loan by providing their electronic signature and (2) the association of the final version of the eNote with the borrower’s electronic signature that is either incapable of being altered post eNote electronic execution (the “digital wrapper” concept), and that also (3) records and documents any attempt to access the electronically executed version of the eNote?

Yes  No

#### If “no,” explain which elements above that Lender cannot meet:

### For each eMortgage originated by Lender, is that eMortgage evidenced by an eNote that is a valid and enforceable “Transferrable Record” pursuant to ESIGN requirements, applicable state UETA requirements, and for non-UETA states, applicable state law requirements?

Yes  No

#### If “no,” explain why not:

### For each eMortgage originated by Lender, is Lender as an entity entitled to enforce the eMortgage prior to transfer to PHH Mortgage Corporation?

Yes  No

#### If “no,” explain why not:

### Does each eNote originated by Lender include “Uniform Instrument eNote” language?

Yes  No

#### If “no,” what eNote specific language does Lender use in eNotes?

### If via Fannie Mae, do Lender’s eMortgage application platform and eMortgage systems comply with all Fannie Mae requirements for eMortgage loans described in the current version of Fannie Mae’s Guide to Delivering eMortgage Loans to Fannie Mae?

Yes  No

#### If “no,” explain why not:

### If via Freddie Mac, do Lender’s eMortgage application platform and eMortgage systems comply with the requirements of Section 1402.4 (eClosing Requirements) of the current version of the *Freddie Mac eMortgage Guide*?

Yes  No

#### If “no,” explain why not:

### If via Ginnie Mae, do Lender’s eMortgage application platform and eMortgage systems comply with the requirements of Section 2400 (Qualified eClosing System Requirements) and Section 2500 (eNote Document Specification Requirements) of the current version of the *Ginnie Mae Digital Collateral Program Guide*?

Yes  No

#### If “no,” explain why not:

## Are you allowing remote notary (RON – remote online notarization)?

Yes  No

### If “yes,” please select or list provider(s) below.

**Provider**

Nexsys Technologies, LLC

Notarize, Inc.

NotaryCam, Inc.

Other Providers (not listed above):

## In what states are you offering remote notary?

## Are you allowing any other form of notarization (besides RON)?

☐ Yes ☐ No

### If “yes,” provide further explanation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Lender’s eVault and Record Retention System Procedures

## Does Lender Maintain an eMortgage portfolio using eVault or a Record Retention System?

Yes  No

### If “yes,” does Lender’s eVault and Record Retention System meet all “safe harbor” requirements under ESIGN and UETA applicable to the record retention system for “transferable records”?

Yes  No

#### If “no,” provide further explanation:

### Can Lender provide PHH Mortgage Corporation with a certified third party security assessment report (which may be a network vulnerability scan or penetration test of Lender’s eMortgage systems, including Lender’s eVault), acceptable to PHH Mortgage Corporation, conducted within 30 days of request for approval?

Yes  No

#### If “no,” provide further explanation:

### Has Lender established procedures and controls limiting access to eMortgage delivery and the MERSeRegistry to duly authorized individuals such that PHH Mortgage Corporation is entitled to rely on any transmission transfer or other communication via these systems to be the authorized act of Lender?

Yes  No

#### If “no,” provide further explanation:

### Does Lender’s eVault system ensure that any transfer of “control” of the eNote is authenticated and authorized by Lender, as well as verified and accepted by the subsequent entity maintaining “control”?

Yes  No

#### If “no,” provide further explanation:

### Does Lender maintain an eVault that can maintain and verify that the “authoritative copy” of the eNote has not been altered since it was electronically signed by the borrower(s), and that there has been at all times one and only one “authoritative copy” of the eNote in existence, and that all other copies other than the “authoritative copy” are readily identifiable as non-authoritative copies?

Yes  No

#### If “no,” provide further explanation:

### Does Lender’s eVault or Records Retention System maintain borrower attribution and audit trails, documents and records regarding the borrower’s attribution of their signature to their identity in such a manner that will provide PHH Mortgage Corporation ready access to such documents and records should PHH Mortgage Corporation request Lender to provide PHH Mortgage Corporation with such evidence?

Yes  No

#### If “no,” provide further explanation:

### Does Lender’s eVault system provide PHH Mortgage Corporation with a cryptographically “sealed” document that will indicate if anyone attempts subsequent alterations to the electronic document once it has been electronically signed by the borrower(s)?

Yes  No

#### If “no,” provide further explanation:

### If via Fannie Mae, does Lender’s eVault system comply with all Fannie Mae requirements for eMortgage loans described in the current version of Fannie Mae’s Guide to Delivering eMortgage Loans to Fannie Mae?

Yes  No

#### If “no,” explain why not:

### If via Freddie Mac, does Lender’s eVault system comply with the requirements of Section 1402.5 (eNote Vault System Requirements) and Section 1402.6 (eNote Vault System/eClosing Systems Encryption Requirements) of the current version of the Freddie *Mac eMortgage Guide*?

Yes  No

#### If “no,” provide further explanation:

### If via Ginnie Mae, does Lender’s eVault system comply with the requirements of Section 2600 (Qualified eVault Requirements) of the current version of the *Ginnie Mae Digital Collateral Program Guide*?

Yes  No

#### If “no,” provide further explanation:

# Lender’s eMortgage Funding and Sales

## Do you self-fund eNotes?

☐ Yes ☐ No

## Does Lender retain eMortgages in its Portfolio?

☐ Yes ☐ No

## Which warehouse banks do you use to bank eNotes?

Warehouse Bank Affiliate Org ID

Warehouse Bank Affiliate Org ID

Warehouse Bank Affiliate Org ID

Warehouse Bank Affiliate Org ID

## Are you approved to sell eMortgages to Fannie Mae?

Yes  No

### If “yes,” does your organization comply with all Fannie Mae requirements for eMortgage loans described in the current version of Fannie Mae’s *Guide to Delivering eMortgage Loans to Fannie Mae*?

Yes  No

#### If “no,” provide further explanation:

## Are you approved to sell eMortgages to Freddie Mac?

Yes  No

### If “yes,” does your organization comply with all Freddie Mac requirements for eMortgage loans described in the current version of *Freddie Mac* *eMortgage Guide*?

Yes  No

#### If “no,” provide further explanation:

## Are you approved to sell eMortgages to Ginnie Mae?

☐ Yes ☐ No

### If “yes,” does your organization comply with all Ginnie Mae requirements for eMortgage loans described in the current version of Ginnie Mae’s *Digital Collateral Program Guide*?

☐ Yes ☐ No

#### If “no,” provide further explanation:

## Has Lender been approved for delivery of eMortgages to any entities other than Fannie Mae, Freddie Mac or Ginnie Mae?

Yes  No

#### If “no,” please list such entities:

## Are you selling eMortgages to an Aggregator?

Yes  No

#### If “yes,” list aggregators below:

# Contacts and Other Information

## Please list eMortgage contact(s) below and include name, phone number and email address for each.

Name

Phone

Email

Name

Phone

Email

## Please provide a copy of your eMortgage processes and procedures.

## Is there any further information that Lender wants to add?

Yes  No

#### If “yes,” please explain:

|  |  |
| --- | --- |
| Signature Required | Title |
| Printed Name | Date |

1. All eNote, eClose and eVault vendors used by Lender (a) must be listed as Freddie Mac and/or Fannie Mae reviewed and approved vendors or (b) have been reviewed and approved by Freddie Mac and/or Fannie Mae. https://sf.freddiemac.com/working-with-us/electronic-loan-documents/reviewed-vendor-list

   https://singlefamily.fanniemae.com/media/9466/display. If is an approved Ginnie Mae eIssuer, then Lender must use a Qualified eClosing System and a Qualified eVault, each as defined in the current version of the *Ginnie Mae* *Digital Collateral Program Guide*. [↑](#footnote-ref-1)