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# Application Letter Loan Documentation

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highlight your achievements; instead, you'll garner attention with such smart options as: I created a program that accomplished the following . . . My work generated \$5 million in revenue . . . I built a team of employees who created . . . The work I did saved my company \$3 million . . . I solved the following problems for my employer . . . The market's tight, but the jobs are out there. With these essential words and phrases, you can move your application to the top of the pile!

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Navigating the Mortgage Modification Mess

A Cautionary Tale takes the reader on a serious, yet sarcastically humorous, trip through Federal and internal bank programs for modifying home



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mortgages. It represents a 3-year timeline of the authors attempt to save part of the American Dream of home ownership. The process involved submitting, and often resubmitting, a large amount of paperwork to answer underwriter questions and justify a hardship request for mortgage modification. During the process, the author saved notes from phone conversations and copies of correspondence from financial institutions. This

Cautionary Tale is a compilation of these communications that underlines the gross inefficiencies inherent to HAMP, HAFA, and other mortgage modification programs. With the current housing market, there are other people facing foreclosure and the need to modify existing mortgages. The author hopes the experiences described in this Cautionary Tale will help others avoid pitfalls as they try to navigate through the many available mortgage modification

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"This Book endeavors to provide the reader with an understanding of the basic

concepts of real estate finance provisions that a lawyer must know and understand in order to provide effective counsel to borrowers in the context of closing a commercial real estate loan. This goal will be accomplished through the detailed analysis of key provisions contained in real estate mortgages and several other key mortgage loan documents. Lawyers new to the practice of real estate finance can benefit greatly

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from a highly practical evaluation of these key provisions, because in most instances they represent very important aspects of a mortgage transaction. This Book uses many provisions that were previously utilized in the Federal National Mortgage Association ("Fannie Mae") Deed of Trust form for multifamily housing, but this Book embellishes on those provisions and adds others

that are also commonly used in commercial real estate loan transactions. In addition, this Book examines a number of other key loan documents that are often used in commercial real estate transactions. The goal in undertaking these examinations is to expose new lawyers to loan provisions that are now commonly used in commercial real estate loan documentation. In selecting these provisions,

I have made a few assumptions, for several reasons. First, the loan provisions used in this Book contemplate that the mortgaged property is an income-producing property, as distinguished from a loan secured by a residence that the borrower would live in and which would not generate any income. A number of these provisions thus relate to the "commercial" nature of the property, such as

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the treatment of property rents. Second, unlike provisions contained in forms that some counsel for lenders have created and use for their first draft in a loan negotiation, the loan provisions used in this Book are relatively evenhanded and sometimes contain points that the borrower's counsel would want to seek on behalf of his/her client. When applicable, I have attempted to point out advantages and

deficiencies contained in any of these provisions that could be utilized if the reader were to be engaged as counsel representing a borrower in a mortgage loan transaction, and also to give the reader strategies for use when negotiating these provisions. As indicated earlier, this Book is organized around the provisions of a mortgage and several other key documents, including the Letter of Intent,

Closing Agenda, Note, and Carve Out Guaranty. Each part of this Book sets forth an introduction to, and then the verbatim text of, a specific provision of a given key loan document (which is set out in italic type), immediately followed by commentary on the italicized provision. My commentary explains what the applicable italicized loan provision means, what functions the provision serves, and any problems with



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the application or even a lawyer included as an  
enforcement of who is well- italicized excerpt  
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