

EXAMINER CHECKLISTS

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| Truth in Lending Credit and Charge Card Disclosures | YES | NO |
|--|------------|-----------|
| 1. Is the institution a credit or charge card issuer under Sections 226.2(a)(17) and 226.2(a)(15)? | _____ | _____ |
| If yes, answer the following questions: | | |
| 2. Does the institution furnish, in tabular format, on or with creditor-initiated direct mail applications and pre-approved solicitations to open credit card accounts, the following written disclosures: | | |
| a. The annual percentage rate or rates for purchases? (226.5a(b)(1)) | _____ | _____ |
| b. Any annual or periodic fee that may be imposed for issuance or availability of a card, including a one-time membership fee, periodic membership fees or fees based on account activity or inactivity? (226.5a(b)(2)) | _____ | _____ |
| c. Any minimum or fixed finance charge that could be imposed during a billing cycle? (226.5a(b)(3)) | _____ | _____ |
| d. Any transaction fee that may be imposed for the use of the card for purchases? (226.5a(b)(4)) | _____ | _____ |
| e. The length or range of any "grace period" or the fact that there is none? (226.5a(b)(5)) | _____ | _____ |
| f. The name (or an explanation, if applicable) of the balance computation method? (226.5a(b)(6)) | _____ | _____ |
| g. If applicable, a statement that charges incurred by use of the charge card are due when the periodic statement is received. | _____ | _____ |
| <i>NOTE: Items 2.a. through 2.g. above must be provided in a prominent location in the form of a table, the remaining items may be included in the same table or clearly and conspicuously elsewhere on the same document.</i> | | |
| h. The amount (or range, if different from state to state) of any cash advance fee imposed for an extension of credit? (226.5a(b)(8)) | _____ | _____ |
| i. Any late payment charge (or range, if different from state to state)? (226.5a(b)(9)) | _____ | _____ |
| j. Any fee (or range, if different from state to state) that may be charged for exceeding the credit limit? (226.5a(b)(10)) | _____ | _____ |
| 3. Does the institution provide, with creditor-initiated telephone applications and pre-approved solicitations for open-end credit card accounts, oral disclosures of items under 2.a. through 2.g. above? (226.5a(d)) | _____ | _____ |
| If not, does the institution alternatively provide written disclosure within 30 days after the consumer requests the card, but no later than the delivery of the card, the following: | | |

| Truth in Lending Credit and Charge Card Disclosures (continued) | YES | NO |
|---|------------|-----------|
| a. Items under 2.a. through 2.i. above? | _____ | _____ |
| b. The fact that the consumer need not accept the card or pay any fee disclosed unless the consumer uses the card? | _____ | _____ |
| 4. Does the institution disclose with creditor-initiated applications and pre-approved solicitations of open credit card accounts, available to the public by means other than by mail or telephone (for example, "take one" applications), any one of the following: (226.5a(e)) | _____ | _____ |
| a. On the application or solicitation (accurate as of the printing date), the items under number 2 above with items 2.a. through 2.g. in a tabular format (for variable APRs the fully indexed rate used within 30 days of the printing date); the date the required information was printed, including a statement that the information was accurate as of that date and is subject to change; a statement that the consumer should contact the card issuer for any changes in the information disclosed and a toll free telephone number or mailing address for the consumer to obtain information about changes in required disclosures? | _____ | _____ |
| b. On or with the application or solicitation (accurate as of the time made available to the public), the disclosures required by Sections 226.6(a) through 226.6(c), a statement that the consumer should contact the card issuer for any changes in the information disclosed, and a toll free telephone number or mailing address for the consumer to obtain information about changes in the disclosures? | _____ | _____ |
| c. On the application or solicitation, if they do not contain information required to be disclosed under item number 2 above, a statement that costs are associated with the use of credit cards; a statement that the applicant may contact the institution to request disclosure of specific cost information; and a toll free telephone number and mailing address for the consumer to obtain cost information? | _____ | _____ |
| 5. Does the institution, in response to a consumer's request for cost information, disclose (orally or in writing) the required credit disclosures within 30 days of receiving the request? (226.5a(e)(4)) | _____ | _____ |
| 6. Does the institution provide appropriate disclosures for creditor-initiated direct mail, telephone, and general public applications and solicitations to open <u>charge card</u> accounts, as required by Sections 226.5a(b), (c) and (d) of Regulation Z? | _____ | _____ |
| 7. If the institution imposes an annual fee, including any fee based on account activity or inactivity, does the institution provide (at least 30 days or one billing cycle, whichever is less, before the renewal date): (226.9(e)(1)) | _____ | _____ |
| a. Renewal statements containing items in steps 2.a. through 2.g. above? | _____ | _____ |
| b. A statement as to how and when the cardholder may terminate credit availability under the account to avoid paying the renewal fee? | _____ | _____ |
| 8. If the institution offers credit insurance and decides to change insurance providers, are consumers informed of the proposed change in providers and of any increase in rate or substantial decrease in coverage, as a result of the change, and are consumers given an opportunity to discontinue the insurance? (226.9(f)) | _____ | _____ |

| Truth in Lending Home Equity Lines of Credit | YES | NO |
|---|------------|-----------|
| 1. Does the institution offer home equity lines of credit? | ___ | ___ |
| If yes, answer the following questions: | | |
| 2. Does the institution deliver the home equity brochure or a suitable substitute at the time the application is provided to the consumer or within three business days of receiving an application in the case of publication, telephone or third party application requests? | ___ | ___ |
| 3. Does the institution furnish, on or with the HELC application or within three business days for publication, telephone or third party applications: | | |
| a. A statement that the consumer should retain a copy of the disclosures (provided it is not in a form he can keep)? (226.5b(d)(1)) | ___ | ___ |
| b. The time which an application must be submitted to obtain the specific disclosure terms? (226.5b(d)(2)(i)) | ___ | ___ |
| c. An identification of any disclosed term that is subject to change before the plan opens? (226.5b(d)(2)(i)) | ___ | ___ |
| d. The fact that the consumer may receive a refund of all fees if the consumer elects not to enter into the plan due to a change in terms before the agreement is final (other than index fluctuations in a variable-rate plan)? (226.5b(d)(2)(ii)) | ___ | ___ |
| e. The fact that the consumer's dwelling secures the HELC and in case of default, the loss of the dwelling may occur? (226.5b(d)(3)) | ___ | ___ |
| f. The creditor's rights under certain conditions to terminate the plan, require immediate repayment and impose fees upon termination, prohibit additional extensions of credit, reduce the credit limit and implement changes in the plan as specified in the initial agreement? (226.5b(d)(4)(i)) | ___ | ___ |
| g. A statement that the consumer may receive, on request, the conditions that might trigger the actions listed under 3.f. above? | ___ | ___ |
| h. The payment terms (if terms for the draw and repayment period are different, the terms for each must be disclosed) including: | | |
| The length of the draw and any repayment period? | ___ | ___ |
| An explanation of how the minimum periodic payment will be computed? | ___ | ___ |
| The timing of periodic payments? | ___ | ___ |
| Whether a balloon payment may or will result? | ___ | ___ |
| A \$10,000 example using a recent APR showing the minimum periodic payment, any balloon payment, and the time to pay off the balance? (226.5b(d)(5)) | ___ | ___ |
| i. For fixed-rate HELCs, the recent corresponding APR and a disclosure that the APR does not include costs other than interest? (226.5b(d)(6)) | ___ | ___ |

| Truth in Lending Home Equity Lines of Credit (continued) | YES | NO |
|---|------------|-----------|
| j. An itemization of fees imposed by the institution (in dollars or percentage) to open, use or maintain the plan and when the fees are payable? (226.5b(d)(7)) | ___ | ___ |
| k. A good faith estimate of any fees that might be imposed by third parties to open the account? (226.5b(d)(8)) | ___ | ___ |
| l. A statement that the consumer may receive, on request and as soon as reasonably possible, a good faith itemization of third party fees? (226.5b(d)(8)) | ___ | ___ |
| m. A statement that negative amortization might occur? (226.5b(d)(9)) | ___ | ___ |
| n. Transaction requirements under the plan including limitations on the number of advances that may be obtained during any time period, or on the amount of credit that may be obtained during any time period, and minimum outstanding balance or draw requirements? (226.5b(d)(10)) | ___ | ___ |
| o. A statement that the consumer should consult a tax advisor? (226.5b(d)(11)) | ___ | ___ |
| p. For variable-rate HELCs, the following: (226.5b(d)(12)) | ___ | ___ |
| That the APR, payment or term may change? | ___ | ___ |
| That the APR excludes costs other than interest? | ___ | ___ |
| Identification and source of the index used? | ___ | ___ |
| How the rate will be determined? | ___ | ___ |
| That the consumer should ask about current index value, margin, discount or premium, and annual percentage rate? | ___ | ___ |
| That the initial APR is not based on the index and margin used to make later rate adjustments, and the period of time the initial APR will be in effect? | ___ | ___ |
| The frequency of APR changes? | ___ | ___ |
| Rules relating to changes in the index value and APR and resulting changes in the payment amount? | ___ | ___ |
| The lifetime rate cap and any annual caps, or a statement that there is no annual limitation? | ___ | ___ |
| Minimum payment requirement, using the maximum APR, and when the maximum APR may be imposed? | ___ | ___ |
| A table, based on a \$10,000 balance, reflecting all significant plan terms? | ___ | ___ |
| That rate information will be provided with the periodic statement? | ___ | ___ |
| 4. Does the institution collect only refundable fees from the consumer before the end of the three business days after the consumer receives the disclosures and brochure (or six days from the date of mailing, if mailed)? (226.5b(h)) | ___ | ___ |

| Truth in Lending Home Equity Lines of Credit (continued) | YES | NO |
|---|------------|-----------|
| 5. Does the institution refund any fees that it collects from the consumer if the consumer rejects the plan within three business days after receiving the disclosures (even if there is no change in the disclosed items)? (226.5b(h)) | _____ | _____ |
| 6. Does the institution refund all fees when a consumer rejects the plan because a disclosed term changes (other than a change due to fluctuation in the index) before the plan is opened? (226.5b(g)) | _____ | _____ |
| 7. Is the institution providing, with the traditional open-end credit disclosures given before the first transaction, the following written disclosures: | _____ | _____ |
| a. Notification of the conditions which may: | _____ | _____ |
| Terminate the plan | _____ | _____ |
| Require immediate repayment and impose fees for termination | _____ | _____ |
| Prohibit additional extensions of credit | _____ | _____ |
| Reduce the credit limit, and | _____ | _____ |
| Implement certain changes in the plan as specified in the initial agreement? (226.6(e)(1)) | _____ | _____ |
| b. The payment terms such as the length of the draw and any repayment period, an explanation of how the minimum periodic payment will be computed, the timing of the periodic payments and if a balloon payment may or will result? (226.6(e)(2)) | _____ | _____ |
| c. A statement, if applicable, that negative amortization might occur? (226.6(e)(3)) | _____ | _____ |
| d. A statement of any transaction requirements under the plan? (226.6(e)(4)) | _____ | _____ |
| e. A statement that the consumer should consult a tax advisor? (226.6(e)(5)) | _____ | _____ |
| f. A statement that the APR does not include costs other than interest? (226.6(e)(6)) | _____ | _____ |
| g. A \$10,000 example (if not already provided to the consumer to keep) using a recent APR showing the minimum periodic payment, any balloon payment, and the time to pay off the balance? (226.6(e)(7)) | _____ | _____ |
| h. For variable-rate HELCs, the rules relating to changes in the index, APR, and payment amount including limitations, negative amortizations and carryover; a statement that rate information will be provided on or with each periodic statement and (if not already provided to the consumer to keep) the minimum payment required when the maximum APR is in effect for a \$10,000 balance, when the maximum APR may be imposed and a 15-year historical table? (226.6(e)(7)) | _____ | _____ |

Truth in Lending Home Equity Lines of Credit (continued)

YES NO

8. *NOTE: Whether or not the initial agreement requires a repayment, if during the draw period the consumer subsequently enters into an agreement to repay the principal balance, the new agreement is closed-end credit and not subject to the limitations below if the amount of available credit will not be replenished as the principal balance is repaid. Also, if the initial contract does not call for a repayment period, any later closed-end credit contract to pay off the outstanding HELC balance is not subject to these limitations.*

Does the institution:

a. Base changes in the APR on an index that is available to the public and not under the institution's control for a variable-rate HELC? (226.5b(f)(1))

b. Not terminate an account and demand payment, in advance of the original term, for repayment of the balance unless:

There is fraud or material misrepresentation

Failure to meet the repayment terms of the plan, or

The consumer takes actions or fails to act in a manner that adversely affects the institution's security for the plan or any right in the security?

Federal law dealing with credit extended by a depository institution to its executive officers specifically requires that as a condition of the plan the credit shall become due and payable on demand, provided that the creditor includes such a provision in the initial agreement (226.5b(f)(2))

c. Not change the account terms after the agreement has been entered into, unless: (226.5b(f)(3)(i)-(v))

The institution is permitted to terminate the account?

The change will unequivocally benefit the consumer?

A specified change occurs when a specific event takes place, as provided in the initial agreement?

The index or margin is changed because the original index is no longer available?

The consumer specifically agrees to a certain change in writing at the time of the change?

The change is insignificant?

d. Not reduce the credit limit and not prohibit additional extensions of credit, except temporarily, under any of the following circumstances: (226.5b(f)(3)(vi))

When the institution is permitted to terminate the account?

When the value of the dwelling securing the plan declines significantly (consumer's unencumbered equity declines by 50% or more)?

| Truth in Lending Home Equity Lines of Credit (continued) | YES | NO |
|--|------------|-----------|
| When the consumer's financial circumstances change materially? | ___ | ___ |
| When the consumer defaults on any material obligation under the agreement? | ___ | ___ |
| When government action restricts an APR increase? | ___ | ___ |
| When the institution's security interest is adversely affected due to government action and the security value is less than 120% of the credit line? | ___ | ___ |
| When the institution is notified by a regulatory agency that continued advances constitute an unsafe and unsound practice? | ___ | ___ |
| When the maximum APR is reached? | ___ | ___ |
| 9. Does the institution mail or deliver written notice of adverse action to the consumer within three business days of reducing the consumer's credit limit or freezing the account? (226.9(c)(3)) | ___ | ___ |
| a. If the adverse action notice requires the consumer to request reinstatement of the line, does the institution respond appropriately when the consumer makes such a request? | ___ | ___ |
| b. If the adverse action notice does not require the consumer to request reinstatement of the line, does the institution respond appropriately when the conditions which caused the reduction in the credit limit or freezing of the account no longer exist? | ___ | ___ |
| 10. Does the institution's HELC advertising include any: | | |
| a. Triggering terms, and if so, does the ad include information on any loan fee that is: a percentage of the credit limit; any fees for opening the plan (stated as a single dollar amount or range); the annual percentage rate or rates; the highest APR if the plan has a variable rate; any minimum, fixed, activity or transaction charges; and, any membership fee? (226.16(d)(1) and 226.16(b)) | ___ | ___ |
| b. Discounted rate, and if so, does the ad state how long the rate will be in effect and state a reasonably current, fully indexed rate with equal prominence? (226.16(d)(2)) | ___ | ___ |
| c. Minimum periodic payment, and if so, does the ad disclose that a balloon payment may result, if applicable? (226.16(d)(3)) | ___ | ___ |
| d. Reference to tax deductibility, and if so, is the ad not misleading? (226.16(d)(4)) | ___ | ___ |
| 11. Does the institution refrain from using misleading terms, such as referring to HELCs as free money in its advertising? (226.16(d)(5)) | ___ | ___ |

Truth in Lending**YES****NO**General

- | | | |
|--|-------|-------|
| 1. Has the institution assigned clear and definite compliance responsibilities to specific officers and other staff? | _____ | _____ |
| 2. Has the institution established internal procedures and controls (forms, instructions, etc.) reasonably adapted to assure compliance with applicable requirements? | _____ | _____ |
| 3. Have those responsible for compliance received training that is adequate as to the requirements and proscriptions of Regulation Z procedures and practices (use of forms, computations to be made, etc.) necessary to achieve compliance? | _____ | _____ |
| 4. Has the institution established a review mechanism (compliance committee, internal or external auditor review, etc.) designed to monitor the effectiveness of the institution's efforts to comply with Regulation Z? | _____ | _____ |

Open-End Credit

- | | | |
|--|-------|-------|
| 1. Does the institution make the required open-end credit disclosures clearly and conspicuously in a form the consumer may keep? (226.5(a)(1)) | _____ | _____ |
| 2. Do the terms "financial charge" and "annual percentage rate", when required to be disclosed with a corresponding amount or percentage, appear more conspicuously than any other required disclosure? (226.5(a)(2)) | _____ | _____ |
| 3. Does the institution furnish initial disclosure statements to new account customers before the first transaction is made under the open-end plan? (226.5(b)(1)) | _____ | _____ |
| 4. Do the initial disclosure statements furnished under each open-end plan contain the following, as applicable: | | |
| a. An accurate description of when finance charges began to accrue, including an explanation of whether any period exists within which any credit extended may be repaid without incurring a finance charge? (226.6(a)(1)) | _____ | _____ |
| b. A disclosure of each periodic rate that may be used to compute the finance charge, the range of balances to which each is applicable, the corresponding annual percentage rate(s), and variable rate features, if applicable? (226.6(a)(2)) | _____ | _____ |
| c. If different periodic rates apply to different types of transactions, the types of transactions to which each periodic rate applies? (226.6(a)(2)) | _____ | _____ |
| d. An explanation of the method used to determine the balance on which the finance charge may be computed? (226.6(a)(3)) | _____ | _____ |
| e. An explanation of how the amount of any finance charge will be determined? (226.6(a)(4)) | _____ | _____ |
| f. A statement of the amount of any charge other than a finance charge or how the charge will be determined? (226.6(b)) | _____ | _____ |

| Truth in Lending - Open-End Credit (continued) | YES | NO |
|--|------------|-----------|
| g. A statement that the institution has or will acquire a security interest in property purchased under the plan, or in any other property identified by item or type? (226.6(c)) | _____ | _____ |
| h. A statement that outlines the consumer's rights and the institution's responsibilities regarding the right of a card holder to assert claims or defenses against a card issuer and the procedure for the resolution of billing errors? (226.6(d)) | _____ | _____ |
| 5. Do the periodic statements furnished to consumers under each open-end credit plan disclose the following, as applicable: | _____ | _____ |
| a. The balance in the account at the beginning of the billing cycle? (226.7(a)) | _____ | _____ |
| b. An identification of each transaction on or with each periodic statement? (226.7(a) and 226.8) | _____ | _____ |
| c. The amount and date of any credit to the account? (226.7(a)) | _____ | _____ |
| d. Each periodic rate used to compute the finance charge, the range of balances to which each is applicable, the corresponding annual percentage rate(s), and that the periodic rate may vary in variable rate contracts? (226.7(d)) | _____ | _____ |
| e. If different periodic rates apply to different types of transactions, the types of transactions to which each periodic rate applies? (226.7(d)) | _____ | _____ |
| f. The balance amount to which each periodic rate was applied and an explanation of how that balance was determined? (226.7(e)) | _____ | _____ |
| g. If a balance is determined without first deducting all credits and payments made during the billing cycle, that fact and the amount of the credits and payments? (226.7(e)) | _____ | _____ |
| h. The amount of any finance charge debited or added to the account during the billing cycle using the term "finance charge"? (226.7(f)) | _____ | _____ |
| i. The components of the finance charge individually itemized and identified to show the amount(s) due to the application of a periodic rate and the amount(s) of any other type of finance charge? (226.7(f)) | _____ | _____ |
| j. If a finance charge was imposed during the billing cycle, the annual percentage rate(s) using the term "annual percentage rate"? (226.7(g)) | _____ | _____ |
| k. The amounts, itemized and identified by type, of any charges other than finance charges debited to the account during the billing cycle? (226.7(h)) | _____ | _____ |
| l. The closing date of the billing cycle and the account balance on that date? (226.7(i)) | _____ | _____ |
| m. The date by which or period within which the new balance or any portion of that balance must be paid to avoid additional finance charges? (226.7(j)) | _____ | _____ |
| n. The address to be used for notice of billing errors? (Alternatively, the address may be provided, as permitted under Section 226.9(a)(2), on the summary statement billing rights.) (226.7(k)) | _____ | _____ |

| Truth in Lending - Open-end Credit (continued) | YES | NO |
|---|------------|-----------|
| 6. Does the institution furnish a proper statement of billing rights in a timely fashion? (226.9(a)) | ___ | ___ |
| 7. If the terms of any open-end credit accounts were changed since the date of the previous examination, did the institution comply with the advance notice requirements? (226.9(c)) | ___ | ___ |
| 8. Does the institution credit payments as of the date of receipt (unless a delay in crediting does not result in the imposition of a finance or other charge)? (226.10(a)) | ___ | ___ |
| 9. Are statements received from merchants for refunds credited to customers' accounts within three business days of receipt? (226.12(e)(2)) | ___ | ___ |
| 10. If credit balances in excess of \$1 are created in consumer accounts, does the institution credit the balance amounts to those accounts, refund the amounts upon receipt of a written request and make an effort to refund the amounts after six months without receipt of request? (226.11) | ___ | ___ |
| 11. Does the institution issue credit cards only in response to oral or written requests, applications, or as renewals of or substitutes for accepted credit cards? (226.12(a)) | ___ | ___ |
| 12. Does the institution adhere to the \$50 liability limit for unauthorized use? (226.12(b)) | ___ | ___ |
| 13. Does the institution observe the card holder's right to assert against the institution claims and defenses which the card holder could assert against the merchant in a transaction? (226.12(c)(1)) | ___ | ___ |
| 14. Does the institution avoid reporting any disputed amount as delinquent before the dispute is settled or judgment is rendered? (226.12(c)(2)) | ___ | ___ |
| 15. Does the institution observe requirements which prohibit the offset of any credit card indebtedness against the deposit accounts of card holders? (226.12(d)(1)) | ___ | ___ |
| 16. Are merchant agreements or arrangements void of any prohibitions or restrictions on the offering of discounts to cash customers or of tie-in arrangements as a condition of participation in a credit card plan? (226.12(f)(1) and (2)) | ___ | ___ |
| 17. Does the institution follow the billing error resolution procedures, including applicable time limits? (226.13) | ___ | ___ |
| 18. If a security interest is or will be retained or acquired in a consumer's principal dwelling as a result of advances under an open-end credit plan, does the institution follow the applicable rescission procedures, including furnishing the notice of the right to rescind and delaying its performance? (226.15) | ___ | ___ |
| <u>Closed-End Credit</u> | | |
| 1. Does the institution routinely furnish completed disclosure statements before consummation and, in the case of residential mortgage transactions subject to RESPA, are good faith estimates of the required disclosures furnished within three business days of receipt of a written application but in no even later than consummation? (226.17(b) and 226.19(a)) | ___ | ___ |

Truth in Lending - Closed-End Credit (continued)

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|----|--|-------|-------|
| 2. | Does the institution group the required disclosures together, segregated from other material, and are the disclosures made clearly and conspicuously in writing in a form the consumer may keep? (226.17(a)(1)) | _____ | _____ |
| 3. | Is any itemization of the amount financed separated from the segregated disclosures? (226.17(a)(1)) | _____ | _____ |
| 4. | Do the terms “finance charge” and “annual percentage rate”, when required to be disclosed with a corresponding amount or percentage rate, appear more conspicuously than any other disclosure? (226.17(a)(2)) | _____ | _____ |
| 5. | Are the following disclosures made accurately and in the manner prescribed: | _____ | _____ |
| a. | The identity of the creditor making the disclosures? (225.18(a)) | _____ | _____ |
| b. | The “amount financed”, using that term, and a brief description, such as “the amount of credit provided to you or on your behalf”? (226.18(b)) | _____ | _____ |
| c. | A separate, written itemization of the amount financed except where there is included a statement that the consumer has the right to receive a written itemization and the consumer has not indicated in a space provided that such itemization is desired? (226.18(c)) | _____ | _____ |
| d. | The “finance charge”, using that term, and a brief description, such as “the dollar amount the credit will cost you”? (226.18(d)) | _____ | _____ |
| e. | The “annual percentage rate”, using that term, and a brief description, such as “the cost of your credit as a yearly rate”? (226.18(e)) | _____ | _____ |
| f. | The variable rate disclosures if the annual percentage rate may increase after consummation? (226.18(f)) | _____ | _____ |
| g. | The number, amounts, and timing of payments scheduled to repay the obligation? (226.18(g)) | _____ | _____ |
| h. | The “total of payments”, using that term, and a descriptive explanation, such as “the amount you will have paid when you have made all scheduled payments”? (226.18(h)) | _____ | _____ |
| i. | If the obligation has a demand feature, that fact and also that the disclosures are based on an assumed maturity of one year if no alternate maturity date is stated? (226.18(i)) | _____ | _____ |
| j. | In a credit sale, the “total sale price”, using that term, and a descriptive explanation (including the amount of any downpayment), such as “the total price of your purchase on credit, including your downpayment of \$_____”? (226.18(j)) | _____ | _____ |
| k. | If the obligation includes a finance charge computed from time to time by application of a rate to the unpaid principal balance, a statement indicating whether a penalty may be imposed if the obligation is prepaid in full or alternatively, if the obligation includes any other type of finance charge, a statement indicating whether the consumer is entitled to a rebate of any finance charge if the obligation is prepaid in full? (226.18(k)) | _____ | _____ |

Truth in Lending - Closed-End Credit (continued)

YES NO

- l. Any dollar or percentage charge that may be imposed before maturity due to a late payment? (226.18(l)) ____ ____
- m. The fact that the creditor has or will acquire a security interest in property purchased as part of the transaction, or in other property identified by item or type? (226.18(m)) ____ ____
- n. The disclosures required to exclude certain insurance premiums from the finance charge? (226.18(o)) ____ ____
- o. A statement that the consumer should refer to the appropriate contract document for information about nonpayment, default, the right to accelerate the maturity of the obligation, and prepayment rebates and penalties? (226.18(p)) ____ ____
- p. In a residential mortgage loan transaction, a statement whether a subsequent purchaser of the dwelling may be permitted to assume the remaining obligation on its original terms? (226.18(q)) ____ ____
- q. If the institution requires the consumer to maintain a deposit as a condition of the specific transaction, a statement that the annual percentage rate does not reflect the effect of the required deposit? (226.18(r)) ____ ____

For variable-rate loans ensure that items under 6 and 7 were provided:

- 6. The Consumer Handbook on Adjustable Rate Mortgages (CHARM) booklet or a suitable substitute for variable rate loans with a term of greater than one year. (226.19(b)(1)) ____ ____
- 7. A loan program disclosure for each variable-rate program in which the consumer expresses an interest, which should include the following as applicable:
 - a. The fact that the interest rate, payment or term of the loan can change. ____ ____
 - b. The index or formula used in making adjustments, and a source of information about the index or formula. ____ ____
 - c. An explanation of how the interest rate and payment will be determined, including an explanation of how the index is adjusted, for example, by the addition of a margin. ____ ____
 - d. A statement that the consumer should ask about the current margin value and current interest rate. ____ ____
 - e. The fact that the interest rate will be discounted, and a statement that the consumer should ask about the amount of the interest rate discount. ____ ____
 - f. The frequency of interest rate and payment changes. ____ ____
 - g. Any rules relating to changes in the index, interest rate, payment amount, and outstanding loan balance including, for example, an explanation of interest rate or payment limitations, negative amortization, and interest rate carryover. ____ ____

Truth in Lending - Closed-End Credit (continued)**YES NO**

| | | |
|---|-------|-------|
| h. At the option of the creditor, either of the following: | | |
| i. A historical example, based on a \$10,000 loan amount, illustrating how payments and the loan balance would have been affected by interest rate changes implemented according to the terms of the loan program disclosure. | _____ | _____ |
| ii. The maximum interest rate and payment for a \$10,000 loan originated at the initial interest rate (index value plus margin, adjusted by the amount of any discount or premium) in effect as of an identified month and year for the loan program disclosure assuming the maximum periodic increases in rates and payments under the program; and the initial interest rate and payment for that loan and a statement that the periodic payment may increase or decrease substantially depending on changes in the rate. | _____ | _____ |
| i. An explanation of how the consumer may calculate the payments for the loan amount to be borrowed based on either: The most recent payment shown in the historical example in paragraph (h)(i) of this section; or the initial interest rate used to calculate the maximum interest rate and payment in paragraph (h)(ii) of this section. | _____ | _____ |
| j. The fact that the loan program contains a demand feature. | _____ | _____ |
| k. The type of information that will be provided in notices of adjustments and the timing of such notices. | _____ | _____ |
| l. A statement that disclosure forms are available for the financial institution's other variable-rate loan programs. | _____ | _____ |
| 8. Does the institution make the required disclosures for refinancing? (226.20(a)) | _____ | _____ |
| 9. Does the institution make the required disclosures for assumptions? (226.20(b)) | _____ | _____ |
| 10. If credit balances in excess of \$1 are created in consumer accounts, does the institution: | _____ | _____ |
| • Credit the balance amounts to the consumer accounts? | _____ | _____ |
| • Refund the amounts upon receipt of a written request? | _____ | _____ |
| • Make a good faith effort to refund the amounts after six months without receipt of any request? (226.21) | _____ | _____ |
| 11. For any credit transactions that give rise to the right of rescission, does the institution comply with applicable requirements, including furnishing the notice of the right to rescind to each party having ownership interest in the principal dwelling and delaying its performance? (226.23(a), (b), (c) and (d)) | _____ | _____ |
| 12. If any consumers waived their right to rescind, do the dated statements describing the personal financial emergencies justify the waivers? (226.23(e)) | _____ | _____ |
| 13. Were the waivers written, not on a printed form, and signed by each consumer entitled to rescind? (226.23(e)) | _____ | _____ |

| Truth in Lending - Closed-End Credit (continued) | YES | NO |
|--|------------|-----------|
| 14. Does the institution comply with the terms of variable rate contracts concerning determination and charging of interest? (226.18(f)) | _____ | _____ |
| <u>Advertising (Open-End and Closed-End)</u> | | |
| 1. Do any advertisements placed by the institution state only rates or other terms that were actually being offered at the time? (226.16(a) and 226.24(a)) | _____ | _____ |
| 2. If “triggering terms” were advertised, were the other prescribed credit terms disclosed? (226.16(b) and 226.24(c)) | _____ | _____ |
| 3. If any annual percentage rate was subject to increase after consummation, was that fact disclosed? (226.16(b) and 226.24(b)) | _____ | _____ |
| 4. Were all rates of finance charge expressed only as an “annual percentage rate”, using that term? (226.16(b)(2) and 226.24(b)(2)) | _____ | _____ |
| 5. For advertisements of closed-end credit, if a simple annual rate or a periodic rate applied to an unpaid balance was stated, did it appear along with (but not more conspicuously than) the annual percentage rate? (226.24(b)) | _____ | _____ |
| <u>High-Cost Mortgage Disclosures</u> | | |
| 1. Did the creditor make the required disclosures clearly and conspicuously in writing and in a form the consumer may keep? (226.31(b)) | _____ | _____ |
| 2. Did the creditor provide the required disclosures at least three business days prior to consummation? (226.31(c)(1)) | _____ | _____ |
| 3. If the creditor changed any term that made the disclosures inaccurate, were new disclosures provided prior to consummation? (226.31(c)(i)) | _____ | _____ |
| 4. If a consumer initiated a change in terms, and the creditor provided new disclosures by telephone, at loan consummation: | | |
| a. Did the creditor provide new written disclosures? (226.31(c)(ii)(A)) | _____ | _____ |
| b. Did the consumer and creditor sign a statement that the new disclosures were provided by telephone at least three days prior to consummation? (226.31(c)(ii)(B)) | _____ | _____ |
| 5. In response to a consumer’s request to waive the waiting period before consummation to meet a bona-fide personal emergency: | | |
| a. Did the creditor determine if the circumstances met the criteria for establishing a bona fide personal emergency? | _____ | _____ |
| b. Did the creditor receive a dated written statement from the consumer that describes the emergency, specifically modifies or waives the waiting period, and bears the signature of all of the consumers entitled to the waiting period? (226.31(c)(iii)) | _____ | _____ |
| 6. Did the creditor disclose the following in accordance with Section 226.32(c): | | |
| a. Notice containing the prescribed language? (226.32(c)(1)) | _____ | _____ |

| Truth in Lending – High-Cost Mortgage Disclosures (continued) | YES | NO |
|--|------------|-----------|
| b. Annual percentage rate? (226.32(c)(2)) | _____ | _____ |
| c. Amount of the regular loan payment? (226.32(c)(3)) | _____ | _____ |
| d. Variable rate disclosures (if applicable)? (226.32(c)(4)) | _____ | _____ |
| <u>High-Cost Mortgage Limitations and Prohibitions</u> | | |
| 1. Did the mortgage transactions inappropriately disclose any of the following terms: | _____ | _____ |
| a. A balloon payment with a loan term of less than five years? (226.32(d)(1)(i)) | | |
| (Exception: A balloon payment is allowed for a bridge loan with a maturity of less than one year to acquire or construct a consumer’s principal dwelling.) | _____ | _____ |
| b. A payment schedule with regular periodic payments that cause the principal balance to increase? (226.32(d)(2)) | _____ | _____ |
| c. A payment schedule that consolidates more than two periodic payments and pays them in advance from the proceeds? (226.32(d)(3)) | _____ | _____ |
| d. An increase in the interest rate after default? (226.32(d)(4)) | _____ | _____ |
| e. A rebate of interest, arising from a loan acceleration due to default, calculated by a method less favorable than the actuarial method? (226.32(d)(5)) | _____ | _____ |
| f. A penalty for paying all or part of the principal before the date on which the principal is due? (226.32(d)(6)) | | |
| (Exception: A prepayment penalty may be allowed under the following three conditions: the penalty can be exercised only for the first five years of consummation, the source of prepayment is not a refinancing by the creditor or an affiliate, and the consumer’s total monthly debts do not exceed 50 percent of monthly gross income at consummation.) | _____ | _____ |
| 2. If the consumer’s current and expected income, current obligations, and employment status are insufficient to make the scheduled payments, did the creditor engage in a pattern or practice of extending credit based on the consumer’s collateral? (226.32(e)(1)) | _____ | _____ |
| 3. If a creditor pays a contractor under a home improvement contract, were any methods of payments other than the following used: | _____ | _____ |
| a. By an instrument payable to the consumer or jointly to the consumer and the contractor? (226.32(e)(2)(i)) | _____ | _____ |
| b. At the election of the consumer, through a third-party escrow agent in accordance with the terms of an agreement signed by all parties prior to disbursement? (226.32(e)(2)(ii)) | _____ | _____ |
| 4. Did the creditor sell or otherwise assign a mortgage without furnishing the notice of potential liability to the purchaser or assignee? (226.32(e)(3)) | _____ | _____ |

Truth in Lending - Miscellaneous (Open-End and Closed-End)**YES NO**Miscellaneous (Open-End and Closed-End)

1. Does the institution retain evidence of compliance for two years after the date disclosures were required to be made or other action was required to be taken? (226.25(a))
2. Is the institution making proper oral disclosures in response to consumer inquiries about the cost of open-end and closed-end credit? (226.26)

| Real Estate Settlement Procedures Act | YES | NO |
|---|------------|-----------|
| 1. Within three business days after receiving a written application for a federally-related mortgage loan, does the institution provide the applicant with a copy of the Special Information Booklet? | _____ | _____ |
| 2. Are good faith estimates of settlement costs provided to all applicable loan applicants within 3 business days following the receipt of a written application? | _____ | _____ |
| a. Do good faith estimates provided to an applicant bear a reasonable relationship to the charges the applicant will likely be required to pay at settlement? | _____ | _____ |
| 3. Where the institution requires that a particular individual, firm or company be used to provide legal services, title examination services or title insurance, or to conduct settlement, and requires the borrower to pay for any portion of the cost of such services, does the good faith estimate: | _____ | _____ |
| a. Clearly indicate which estimated charge is to be imposed by each designated provider? | _____ | _____ |
| b. State the name, address and telephone number of each designated provider, the services to be rendered by each such provider, and the fact that the institution's estimate for the services is based upon the charges of the designated provider? | _____ | _____ |
| c. State whether or not each designated provider has a business relationship with the institution? | _____ | _____ |
| d. If the lender maintains a controlled list of required providers (five or more for each service) and, at the time of application has not chosen the provider to be selected from the list, does the lender satisfy the GFE requirements by providing a written statement that the lender will require a particular provider from a lender-controlled list and by providing the range of costs for the required providers? (3500.7(e)) | _____ | _____ |
| 4. If an affiliated business arrangement exists between a referring party and any provider of settlement services, does the lender require the services of particular providers? | _____ | _____ |
| a. If an affiliated business arrangement exists, is the lender's only required use that of the attorney, credit bureau, or appraiser? (3500.15(b)) | _____ | _____ |
| b. Did the financial institution provide the Appendix D disclosure form? (3500.15(b)) | _____ | _____ |
| 5. Does the institution use and properly prepare the HUD-1 and HUD-1A for settlements of applicable loans? | _____ | _____ |
| a. Does the HUD-1 and HUD-1A show itemized charges to be paid by the borrower and as applicable, the seller, including and/or excluding contract charges to be paid outside of settlement which were imposed by the institution? | _____ | _____ |

Real Estate Settlement Procedures Act (continued)

YES NO

- b. During the business day immediately preceding the day of settlement is the borrower permitted, upon request, to inspect the Uniform Settlement Statement (HUD-1 or HUD-1A) completed as to those items known at the time to the person who will conduct the settlement? ____ ____
- c. Unless waived or exempt, is the HUD-1/HUD-1A delivered or mailed to the borrower and seller or their agents at or before settlement? ____ ____
- d. Does the institution retain a copy of the Uniform Settlement Statement (HUD-1 or 1A) for two years after the date of the settlement? ____ ____
- 6. Does the institution refrain from charging a fee for the preparation and distribution of the HUD-1 and HUD-1A or documents required under the Truth in Lending Act? ____ ____
- 7. Does the institution observe, both at settlement and with each monthly installment payment, the limitations placed on amounts that may be required to be deposited in an escrow account for the payment of taxes, insurance premiums or other expenses? ____ ____
- 8. Is the institution aware of, and in compliance with, the prohibitions against kickbacks and unearned fees of RESPA? (3500.14) ____ ____
- 9. Are federally related mortgage loan transactions referred by brokers, affiliates, or other parties? ____ ____

OR

- Does the institution refer services to brokers, affiliates, or other parties? ____ ____
- 10. If fees were paid to the institution or any parties identified: ____ ____
 - a. Were all fees paid to the broker, affiliate, service provider, or other party consistent with the requirements of Section 3500.14(g) and for goods or facilities actually furnished or services actually performed? ____ ____
 - b. Were payments made to an affiliate or the affiliate’s employees? ____ ____
- 11. Does the institution deliver the required disclosure statement relating to the transfer, sale or assignment of mortgage servicing to applicant(s) for federally-related mortgage loans and all refinancings of mortgage loans subject to RESPA within 3-business days of receipt of the application? (3500.21(d)) ____ ____

Notice of Transferor and Transferee

- 12. Prior to the transfer, sale or assignment of servicing for mortgages and refinancings subject to RESPA, does the institution (as present servicer) notify the borrower in writing of the transfer of servicing at closing or less than 15 days before the effective date of the transfer? (3500.21(d)(2)(i)) ____ ____
 - a. If not, has the notice been delivered within 30 days after the transfer when the transfer is preceded by termination of the contract for servicing of the loan for cause, commencement of proceedings for bankruptcy of the servicer, or commencement of proceedings by the FDIC or RTC for conservatorship or receivership of the servicer? (3500.21(d)(2)(ii)) ____ ____

Real Estate Settlement Procedures Act (continued)

YES NO

- b. Does the notice include the following:
 - 1. Effective date of the transfer? (3500.21(d)(3)(i)) ___ ___
 - 2. Name, address, and toll-free or collect telephone number of the new servicer? (3500.21(d)(3)(ii)) ___ ___
 - 3. Toll-free or collect telephone number for an individual with the present servicer to answer inquiries relating to transfer servicing? (3500.21(d)(3)(iii)) ___ ___
 - 4. Toll-free or collect telephone number for an individual with the new servicer to answer inquiries relating to transfer servicing? (3500.21(d)(3)(ii)) ___ ___
 - 5. Date on which the present servicer stops accepting payments on the loan and the date the new servicer begins accepting payments on the loan? (3500.21(d)(3)(iv)) ___ ___
 - 6. Information on the effect the transfer may have on the terms or continuance of optional insurance and any action the borrower must take to maintain coverage? (3500.21(d)(3)(v)) ___ ___
 - 7. A statement that the transfer of servicing does not affect any terms or conditions of the security instruments other than those directly related to servicing the loan? (3500.21(d)(3)(vi)) ___ ___
 - 8. A statement of the borrower’s rights in connection with complaint resolution. (3500.21(d)(3)(vii)) ___ ___

- 13. When the institution being examined is the new servicer, has it notified the borrower in writing of the transfer of servicing at closing or not more than 15 days after the effective date of the transfer? (3500.21(d)(2)(i)) ___ ___
 - a. If not, has the notice been delivered within 30 days after the transfer when the transfer is preceded by termination of the contract for servicing of the loan for cause, commencement of proceedings for bankruptcy of the servicer, or commencement of proceedings by the FDIC or RTC for conservatorship or receivership of the servicer? (3500.21(d)(2)(ii)) ___ ___
 - b. Does the notice include the following:
 - 1. Effective date of the transfer? (3500.21(d)(3)(i)) ___ ___
 - 2. Name, address, and toll-free or collect telephone number of the new servicer? (3500.21(d)(3)(ii)) ___ ___
 - 3. Toll-free or collect telephone number for an individual with the present servicer to answer inquiries relating to transfer servicing? (3500.21(d)(3)(iii)) ___ ___
 - 4. Toll-free or collect telephone number for an individual with the new servicer to answer inquiries relating to transfer servicing? (3500.21(d)(3)(ii)) ___ ___
 - 5. Date on which the present servicer stops accepting payments on the loan and the date the new servicer begins accepting payments on the loan? (3500.21(d)(3)(iv)) ___ ___

Real Estate Settlement Procedures Act (continued)

YES NO

- 6. Information on the effect the transfer may have on the terms or continuance of optional insurance and any action the borrower must take to maintain coverage? (3500.21(d)(3)(v)) ____ ____
- 7. A statement that the transfer of servicing does not affect any terms or conditions of the security instruments other than those directly related to servicing the loan? (3500.21(d)(3)(vi)) ____ ____
- 8. A statement of the borrower’s rights in connection with complaint resolution. (3500.21(d)(3)(vii)) ____ ____

NOTE: Both notices may be combined in one notice if the 15-day provision period before the transfer is met and all information required is disclosed. Alternatively, the required notice can be made at settlement as separate notices or as one notice and satisfy the timing requirements. (3500.21(d)(2)(i) and 3500.21(d)(2)(iii))

- 14. During the 60-day period beginning on the effective date of the transfer of servicing, have any late fees been imposed with respect to any payment or were payments treated as late when the payment is received by the transferor rather than the transferee before the due date for the payment? (3500.21(d)(5)) ____ ____
- 15. Does the institution provide information regarding any overdue payment to any consumer reporting agency during the 60-day period beginning on the date the institution received any qualified written requests relating to a dispute regarding the borrower’s payment? (3500.21(e)(4)(i)) ____ ____

Responding to Borrower Inquiries

- 16. Does the institution respond to borrower inquiries relating to the servicing of RESPA mortgage loans and refinancings as prescribed in the regulation? (3500.21(e)(1)) ____ ____

Specifically, does the institution:

- a. Provide a written response acknowledging receipt of a qualified written request from a borrower for information relating to the servicing of the loan within 20-business days? (3500.21(e)(1)) ____ ____
 - 1. If not, has the action requested been taken within the 20-business day period and the borrower notified in accordance with 13(B) below? (3500.21(e)(1)) ____ ____
- b. Not later than 60-business days after receiving a qualified written request from the borrower, and if applicable, before taking any action with respect to the inquiry, the servicer should: ____ ____
 - (i) Make appropriate corrections in the account of the borrower, including the crediting of any late charges or penalties, and provide the borrower a written notification of the correction. The notification must include the name and telephone number of a representative of the servicer who can provide assistance to the borrower; or ____ ____

| Real Estate Settlement Procedures Act (continued) | YES | NO |
|--|------------|-----------|
| v. The balance in the escrow account at the end of the period? | _____ | _____ |
| vi. Amount of past year's monthly payment? | _____ | _____ |
| vii. Portion of past year's payment paid into escrow? | _____ | _____ |
| viii. Explanation of how any surplus is being handled by the servicer? | _____ | _____ |
| ix. An explanation of how any shortage or deficiency is to be paid by the borrower? | _____ | _____ |
| x. If applicable, the reason(s) why the estimated low monthly balance was not reached? | _____ | _____ |
| 18. Does the institution charge any fee to prepare or distribute the initial or annual escrow account statement? (3500.12) | _____ | _____ |
| 19. Does the institution make payments from the escrow account for taxes, insurance premiums and other charges in a timely manner as they become due? (3500.17(k)) | _____ | _____ |

Home Mortgage Disclosure

Applicability

YES NO

Depository Institutions

- | | | | |
|----|---|-----|-----|
| 1. | Is the depository institution a bank, savings association, or credit union that originated in the preceding calendar year at least one home purchase loan or refinancing of a home purchase loan secured by a first lien on a one-to-four family dwelling? [§203.2(e)(1)] | ___ | ___ |
| 2. | Does the depository institution meet at least one of the criteria below? | | |
| a. | The depository institution is a federally insured or regulated institution [§203.2(e)(1)(I)]; or | ___ | ___ |
| b. | The depository institution originated a mortgage loan (reference checklist question #2) that was insured, guaranteed, or supplemented by a federal agency [§203.2(e)(1)(ii)]; or | ___ | ___ |
| c. | The depository institution originated a mortgage loan (reference checklist question #2) intending to sell it to FNMA or FHLMC [§203.2(e)(1)(iii)]. | ___ | ___ |
| 3. | Did the depository institution have either a home or branch office in an MSA on December 31 of the preceding calendar year? [§203.3(a)(1)(I)] | ___ | ___ |
| 4. | On the preceding December 31 did the depository institution have assets at or below the asset threshold established by the Federal Reserve Board? [§203.3(a)(1)(ii)] | ___ | ___ |

IF THE ANSWERS TO CHECKLIST QUESTION #1 THROUGH #4 ARE “YES”, THEN THE DEPOSITORY INSTITUTION IS SUBJECT TO THE REQUIREMENTS OF HMDA AND REGULATION C, AND THE EXAMINER SHOULD COMPLETE THE REMAINING PORTION OF THIS CHECKLIST.

Non-depository Institutions

- | | | | |
|----|---|-----|-----|
| 5. | Is the depository institution a majority owner of a for-profit mortgage subsidiary? | ___ | ___ |
|----|---|-----|-----|

IF THE ANSWER TO QUESTION #5 IS “YES,” THEN COMPLETE QUESTION #6 THROUGH #8; OTHERWISE PROCEED TO QUESTION #9.

- | | | | |
|----|---|-----|-----|
| 6. | In the preceding calendar year, did the mortgage subsidiary have home purchase originations, including refinancings of home purchase loans, equal to or exceeding 10 percent of its total loan originations measured in dollars? [§203.2(e)(2)] | ___ | ___ |
|----|---|-----|-----|

Home Mortgage Disclosure (continued)**Applicability (continued)**

| | YES | NO |
|---|-------|-------|
| 7. Does the mortgage subsidiary meet at least one of the criteria below? [§203.3(a)(2)(I)] | | |
| a. The mortgage subsidiary has a home or branch office in an MSA as of December 31 of the previous year, or | _____ | _____ |
| b. The mortgage subsidiary received applications for, originated, or purchased five or more home purchase or home improvement loans on property in an MSA in the preceding calendar year. | _____ | _____ |
| 8. Does the mortgage subsidiary meet at least one of the criteria below? [§203.3(a)(2)(ii)] | | |
| a. The mortgage subsidiary had total assets (when combined with the assets of the parent corporation) exceeding \$10 million on the previous December 31, or | _____ | _____ |
| b. The mortgage subsidiary originated 100 or more home purchase loans (including refinancings of home purchase loans) in the preceding calendar year. | _____ | _____ |

IF THE ANSWERS TO QUESTION #6 THROUGH #8 ARE "YES," THEN THE MORTGAGE SUBSIDIARY IS SUBJECT TO THE REQUIREMENTS OF HMDA AND REGULATION C. IF THE DEPOSITORY INSTITUTION HAVING A MAJORITY INTEREST IN THE MORTGAGE SUBSIDIARY IS ALSO SUBJECT TO HMDA AND REGULATION C, THEN THE EXAMINER SHOULD COMPLETE A SEPARATE SET OF CHECKLIST QUESTIONS, BEGINNING WITH QUESTION #9, FOR THE MORTGAGE SUBSIDIARY. IF THE DEPOSITORY INSTITUTION HAVING A MAJORITY INTEREST IN THE MORTGAGE SUBSIDIARY IS NOT SUBJECT TO REGULATION C AND HMDA, THE EXAMINER SHOULD USE THE REMAINING PORTION OF THIS CHECKLIST FOR THE MORTGAGE SUBSIDIARY. THE EXAMINER SHOULD NOTE TO WHICH FINANCIAL INSTITUTION THE REMAINING CHECKLIST QUESTIONS APPLY.

Home Mortgage Disclosure (continued)
Compilation of Loan Data

| | YES | NO | HMDA-LAR Lines verified | Lines w/ errors |
|--|-----|----|-------------------------------|-----------------------|
| 9. Does the financial institution collect the following data in accordance with §203.4(a) and Appendix A: | | | | |
| a. A unique code number (that does not include the applicant's name or social security number) for the loan or loan application, and the date the application was received? [§203.4(a)(1)] | — | — | — | — |
| b. The type of the loan? [§203.4(a)(2)] | — | — | — | — |
| c. The purpose of the loan? [§203.4(a)(2)] | — | — | — | — |
| d. The owner-occupancy status of the property to which the loan relates? [§203.4(a)(3)] | — | — | — | — |
| e. The loan amount or the amount requested on the application? [§203.4(a)(4)] | — | — | — | — |
| f. The type of action taken? [§203.4(a)(5)] | — | — | — | — |
| g. The date such action was taken? [§203.4(a)(5)] | — | — | — | — |
| h. The location of the property to which the loan or application relates by [§203.4(a)(6)]: | | | | |
| i. MSA number? | — | — | — | — |
| ii. State - 2 digit numeric code? | — | — | — | — |
| iii. County - 3 digit numeric code? | — | — | — | — |
| iv. Census tract number? | — | — | — | — |
| i. The race or national origin of the applicant or borrower? [§203.4(a)(7)] | — | — | — | — |
| j. The race or national origin of the co-applicant or co-borrower? [§203.4(a)(7)] | — | — | — | — |
| k. The gender of the applicant or borrower? [§203.4(a)(7)] | — | — | — | — |
| l. The gender of the co-applicant or co-borrower? [§203.4(a)(7)] | — | — | — | — |
| m. The gross annual income relied on in processing the applicant's request? [§203.4(a)(7)] | — | — | — | — |

NOTE: Collection of data concerning race or natural origin, gender, and income is mandatory for all transactions unless the financial institution purchased the loans, or if the financial institution is a depository institution that had assets of \$30 million or less on the preceding December 31 [§203.4(b)(2)].

Home Mortgage Disclosure (continued)
Compilation of Loan Data (continued)

| | YES | NO | HMDA-LAR Lines verified | Lines w/ errors |
|---|-----|----|-------------------------|-----------------|
| n. The type of entity purchasing a loan that the financial institution originates or purchases and then sells within the same calendar year? [§203.4(a)(8)] | — | — | — | — |
| o. Does the financial institution provide the reasons for denial of an application? [§203.4(c)] | — | — | — | — |
| If yes, are the reasons accurate? | — | — | — | — |
| p. As of January 1, 1996, is the HMDA-LAR updated on a timely basis (i.e. within 30 days after the end of the quarter in which final action is taken)? [§203.4(a)] | — | — | — | — |
| 10. Does the financial institution note data concerning race or national origin and gender on the basis of visual observation or surname if the applicant chooses not to provide this information? [§203.4(b)(1)] | — | — | — | — |

NOTE: If the applicant fails to provide this information in mail applications, or if the application was taken by telephone, the race or national origin and gender need not be recorded; however, an applicable code number is provided (race or national origin 7, and sex 3; NA should not be used for these two situations)[§203.4(b); Appendix B]

| Home Mortgage Disclosure (continued) | YES | NO |
|--|------------|-----------|
| Disclosure and Reporting | | |
| 11. Is the loan or applicant data presented in the format prescribed in Appendix A of the regulation or in electronic form as prescribed in agency instructions? | ___ | ___ |
| 12. Has the institution reported all types of applications as required by the regulation? | ___ | ___ |
| 13. Has the financial institution refrained from reporting the following: [§203.4(d)] | | |
| a. Loans originated or purchased by the financial institution acting in a fiduciary capacity (such as trustee)? | ___ | ___ |
| b. Loans on unimproved land? | ___ | ___ |
| c. Temporary financing (such as a bridge or construction loan)? | ___ | ___ |
| d. Purchase of an interest in a pool of loans (such as mortgage-participation certificates)? | ___ | ___ |
| e. Purchase solely of the right to service loans? | ___ | ___ |
| 14. Has the financial institution submitted to the appropriate supervisory agency its completed HMDA-LAR, in automated machine-readable format, no later than March 1 following the calendar year for which the data are compiled? [§203.5(a)] | ___ | ___ |
| <i>NOTE: Financial institutions that report twenty-five or fewer entries on their HMDA-LAR may collect and report their HMDA data in a paper form. Any financial institution opting to submit its data in such a manner must send two copies that are typed or computer printed. They must use the format of the HMDA-LAR, but need not use the form itself.</i> | | |
| 15. Has an officer of the financial institution signed the HMDA-LAR transmittal sheet certifying the accuracy of the data contained in the register? (Appendix A.III.B) | ___ | ___ |
| 16. Beginning January 1, 1996, does the transmittal sheet state the total number of line entries contained in the accompanying data submission? [Appendix A.III.C.] | ___ | ___ |
| 17. Has the financial institution maintained the HMDA-LAR in its records for at least three years? [§203.5(a)] | ___ | ___ |
| 18. Has the financial institution made its disclosure statement, which was prepared by the FFIEC: | | |
| a. available to the public at its home office no later than three business days after receiving it from the FFIEC? | ___ | ___ |
| AND | | |
| b. available within ten business days in at least one branch office in each additional MSA where the financial institution has offices?[§203.5(b)] | ___ | ___ |

Home Mortgage Disclosure (continued)

Disclosure and Reporting (continued)

YES NO

- | | | |
|--|-------|-------|
| 19. After modifying in accordance with Appendix A, has the financial institution made its HMDA-LAR for the preceding calendar year available to the public, by March 31 for requests received on or before March 1, and within 30 days for a request received after March 1? [§203.5(c)] | _____ | _____ |
| 20. Does the financial institution have policies and procedures to ensure its disclosure statement is available to the public for five years? [§203.5(d)] | _____ | _____ |
| 21. Does the financial institution have policies and procedures to ensure its modified HMDA-LAR is available to the public for three years? [§203.5(d)] | _____ | _____ |
| 22. Has the financial institution posted a general notice about the availability of its disclosure statement in the lobby of its home office and any physical branch office located in an MSA? [§203.5(e)] | _____ | _____ |
| 23. Through a review of the financial institution’s last disclosure statement, HMDA-LAR, and any applicable correspondence from the regulatory agency, such as notices of noncompliance, did errors occur in the previous reporting period? | _____ | _____ |
| 24. If errors did occur, has the financial institution taken appropriate steps to correct and/or prevent such errors in the future? | _____ | _____ |
| a. Have individuals who have been assigned responsibility for all data-entry received appropriate training in the completion of the HMDA-LAR? | _____ | _____ |
| Have they been provided with copies of Regulation C, including the instructions for completion of the HMDA-LAR, and the FFIEC’s Guide to HMDA Reporting? | _____ | _____ |
| Do they know whom to contact, at the financial institution or their supervisory agency, if they have questions not answered by the written materials? | _____ | _____ |
| b. Are the financial institution’s loan officers (including loan officers in the commercial loan department who may handle loan applications for multi-family or mixed-use properties) informed of the reporting requirements so they can assemble the necessary information, and do they understand the importance of accuracy? | _____ | _____ |
| Are they familiar with the disclosure statements that will be produced from the data, and cognizant of the ramifications for the financial institution if the data are wrong? | _____ | _____ |
| Do they maintain appropriate documentation of the information that has been entered on the HMDA-LAR? | _____ | _____ |
| c. If data are collected at various branches, are the appropriate personnel sufficiently trained to ensure that all branches are reporting data under the same guidelines? | _____ | _____ |
| d. Does the financial institution have some mechanism of internal controls to ensure that the loan officers (or whoever is capturing and coding the data) are capturing and coding the data accurately and consistently? | _____ | _____ |
| e. Does the financial institution have controls established to ensure that separation of duties exists (e.g. data entry, review, oversight approval....)? | _____ | _____ |

Flood Insurance**YES NO**

The following questions are designed to be used in conjunction with the Examination Procedures to guide the examiner in a comprehensive review of the requirements of the regulation as it is applied to depository institutions.

Coverage

- | | | |
|--|-------|-------|
| 1. Does the institution offer or extend credit (consumer or commercial) that is secured by improved real estate or mobile homes as defined in the regulation? If yes, complete the remainder of this checklist. | _____ | _____ |
| 2. If the institution provides "table funding" to close loans originated by mortgage brokers or dealers, does it have procedures to ensure that the requirements of the regulation are followed? | _____ | _____ |
| 3. If the institution purchases servicing rights to loans covered by the regulation, do the documents between the parties specify the contractual obligations on the institution with respect to flood insurance compliance? | _____ | _____ |
| 4. If the institution utilizes third parties to service loans covered by the regulation, do the contractual documents between the parties meet the requirements of the regulation? | _____ | _____ |

Property Determination

- | | | |
|---|-------|-------|
| 1. If the institution utilizes a third-party to prepare flood zone determinations, do the contractual documents between the parties: | | |
| a. Provide for the third-party's guarantee of work? | _____ | _____ |
| b. Contain provisions to resolve disputes relating to determinations, to allocate responsibility for compliance, and to address which party will be responsible for penalties incurred for noncompliance? | _____ | _____ |
| 2. Are the determinations prepared on the Standard Flood Hazard Determination Form developed and authorized by FEMA? | _____ | _____ |
| a. If the form is maintained in an electronic format does it contain the elements required by FEMA? | _____ | _____ |
| 3. Does the institution maintain a record of the Form either in hard copy or electronic form for as long as it owns the loan? | _____ | _____ |
| 4. Does the institution rely on a prior determination only if it is made on the SFHDF, is no more than seven years old and the community has not been remapped? | _____ | _____ |

Flood Insurance (continued)**YES NO**Determination Fees

- | | | |
|---|-------|-------|
| 1. Absent some other authority (such as contract language) does the institution charge a fee to the borrower for a flood determination only when: | | |
| a. It is made when a loan is made, increased, renewed or extended, or | _____ | _____ |
| b. It is made in response to a remapping by FEMA, or | _____ | _____ |
| c. It results in the purchase of flood insurance under the forced placement provisions? | _____ | _____ |
| 2. If the institution has other authority to charge fees for determinations in situations other than those noted above, is the practice followed consistently? | _____ | _____ |
| 3. If the institution requires the borrower to obtain life-of-loan monitoring and passes that charge along to the borrower: | | |
| a. Does it either break out the original determination charge from the charge for life-of-loan monitoring or include the full amount of the charge as a finance charge for those loans subject to TILA? | _____ | _____ |
| 4. Are the fees charged by the institution for making a flood determination reasonable? | _____ | _____ |

Notice Requirements

- | | | |
|---|-------|-------|
| 1. Are borrowers whose security property is located in a Special Flood Hazard Area (SFHA) provided written notice within a reasonable time prior to loan closing? | _____ | _____ |
| 2. Does the notice contain the following required information? | | |
| a. A warning that the building or mobile home is located in an SFHA; | _____ | _____ |
| b. A description of the flood insurance requirements; | _____ | _____ |
| c. A statement that flood insurance is available under the NFIP and is also available from private insurers; and | _____ | _____ |
| d. A statement whether federal disaster relief assistance may be available in the event of damage to a building or mobile home caused by flooding in a Federally-declared disaster. | _____ | _____ |
| 3. If the institution uses the alternate notice procedures in certain instances as permitted by the regulation, does it obtain the required satisfactory written assurance from the seller or lessor? | _____ | _____ |
| 4. Does the institution provide a copy of the borrower notification to the servicer of the loan within the required time frames? | _____ | _____ |
| 5. Does the institution retain a record of receipt of the notifications provided to the borrower and the servicer for as long as it owns the loan? | _____ | _____ |

| Flood Insurance (continued) | YES | NO |
|---|------------|-----------|
| <u>Insurance Requirements</u> | | |
| 1. If an improved property or mobile home is located in an SFHA and flood insurance is required, does the institution have the borrower obtain a policy, with the institution as loss payee, in the correct amount prior to closing? | _____ | _____ |
| 2. Where multiple properties securing the loan are located in SFHAs, does the institution have sufficient insurance either through a single policy with a scheduled list of several buildings or multiple policies, to meet the minimum requirements of the regulation? (See narrative for description of minimum requirements) | _____ | _____ |
| <u>Escrow Requirements</u> | | |
| 1. Does the institution have policies requiring escrows for property taxes, hazard insurance or other fees on residential buildings? | _____ | _____ |
| If yes, does the institution escrow premiums for flood insurance on those loans closed on or after October 1, 1996? | _____ | _____ |
| 2. If the institution has no specific policies regarding escrows do its loan documents permit the institution to escrow for the above items? | _____ | _____ |
| If yes, does the institution escrow premiums for flood insurance on those loans closed on or after October 1, 1996? | _____ | _____ |
| 3. On loans closed on or after October 1, 1996, that are subject to RESPA and where flood insurance is required, does the institution comply with the provisions of §10 of RESPA (Section 3500.17 of Regulation X) for those escrows? | _____ | _____ |
| <u>Forced Placement Requirements</u> | | |
| 1. If at any time during the life of the loan, the institution determines that property securing a designated loan lacks adequate flood insurance coverage: | | |
| a. Does the institution provide written notice to the borrower stating that the necessary coverage must be obtained within 45 days of the notice or the institution will purchase it on the borrower's behalf? | _____ | _____ |
| b. Does the institution purchase the coverage on the borrower's behalf if the borrower does not obtain the required policy within the required time period? | _____ | _____ |
| <u>Notice to Director of FEMA</u> | | |
| 1. Does the institution provide the appropriate notice to the carrier of the insurance policy (the Director of FEMA's designee) regarding the identity of the servicer of a designated loan? | _____ | _____ |
| 2. If the institution sells or transfers the servicing of designated loans to another party, does it have procedures in place to provide the appropriate notice to the Director's designee within 60 days of the effective date of the transfer of the servicing? | _____ | _____ |

| Credit Practices Rule | YES | NO |
|--|------------|-----------|
| 1. Do the consumer contracts originated by the institution contain any of the following prohibited provisions: | | |
| • Confession of judgment? (227.13(a)) | ___ | ___ |
| • Waiver of statutory property exemption, (unless the waiver applies solely to the property which will serve as security for the loan)? (227.13(b)) | ___ | ___ |
| • Assignment of wages or other earnings (except where permitted)? (227.13(c)) | ___ | ___ |
| • Blanket security interests in household goods? (227.13(d)) | ___ | ___ |
| 2. Does the institution acquire loans originated by other creditors? | ___ | ___ |
| If so, does it attempt to enforce any of the following prohibited practices: | | |
| • Confession of judgment? (227.13(a)) | ___ | ___ |
| • Waiver of statutory property exemption, (unless the waiver applies solely to the property which will serve as security for the loan)? (227.13(b)) | ___ | ___ |
| • Assignment of wages or other earnings (except where permitted)? (227.13 (c)) | ___ | ___ |
| • Blanket security interests in household goods? (227.13(d)) | ___ | ___ |
| 3. Does the institution take a nonpossessory security interest in household goods (as defined in Section 227.12(d)) not purchased with the loan proceeds? (Review financial institution security agreement forms.) | ___ | ___ |
| 4. Has the institution attempted to enforce any prohibited practices with respect to the consumer credit contracts it has originated? (227.13(a) or 227.13(b)) | ___ | ___ |
| 5. Does the institution collect or attempt to collect a late charge on a timely payment because of the consumer's failure to pay a late charge attributable to a prior delinquent payment? (227.15) | ___ | ___ |
| 6. Has the institution engaged in any prohibited cosigner practices (for example, misrepresenting the cosigner's liability or obligating cosigners prior to providing the required notification)? (227.14(a)) | ___ | ___ |
| 7. Does the institution provide each cosigner, prior to becoming contractually obligated, the required notice or one that is substantially similar (whether separate or contained in the credit document)? (227.14(b)) | ___ | ___ |

| Fair Credit Reporting | YES | NO |
|--|------------|-----------|
| 1. Determine whether a review for compliance with the FCRA may be conducted. | | |
| • Has an investigation of any complaint (oral, written, or electronic) against the institution revealed violations of the FCRA? | ___ | ___ |
| • Has either of these two examinations revealed a violation? | ___ | ___ |
| • Does the agency otherwise have knowledge of a violation? | ___ | ___ |
| If the answer to all of the above questions is no, additional review is not necessary or permitted. If the answer to any of the above questions is yes, proceed with the remainder of the procedures. | | |
| 2. Are the institution's internal controls adequate to ensure compliance with the FCRA? | ___ | ___ |
| 3. Does the institution communicate customer information to affiliates or non-affiliates? | ___ | ___ |
| 4. Are the institution's procedures adequate to ensure that: | ___ | ___ |
| • It did not report information that it knew or consciously avoided knowing was inaccurate? Section 623(a)(1)(A). This is not applicable if the institution has, in a clear and conspicuous manner, provided the consumer with an address for notices of inaccurate information. Section 623(a)(1)(C) | ___ | ___ |
| • It did not report information if it was notified by the consumer that the information was inaccurate and the information was, in fact, inaccurate. Section 623(a)(1)(B) | ___ | ___ |
| • If it determined that any information it furnished to a CRA was incomplete or inaccurate, it promptly notified the CRA, provided the CRA with corrections or additional information to make the information complete and accurate, and thereafter did not send the CRA the inaccurate or incomplete information (if the institution regularly furnishes information to a CRA). Section 623(a)(2) | ___ | ___ |
| • If a consumer disputed the completeness or accuracy of any information the institution furnished, and the institution continued furnishing the information, it also furnished a notice of the dispute. Section 623(a)(3) | ___ | ___ |
| • If a consumer voluntarily closed a credit account with the institution, and the institution regularly furnishes information to a CRA about that consumer, the institution notified the CRA of the account-closing, and did so as part of the information regularly furnished for the period in which the account was closed. Section 623(a)(4) | ___ | ___ |
| • Within ninety days of furnishing information about a delinquent account being placed for collection, charged-off, or subjected to any similar action, the institution notified the CRA of the month and year of commencement of the delinquency that immediately preceded the action. Section 623(a)(5) | ___ | ___ |
| 5. Based on a sample of applications and accounts, did the institution comply with the adverse action notification requirements of Section 615? | ___ | ___ |
| 6. If the institution has sent consumer credit or insurance solicitations, does the institution receive only the information from CRAs permissible under Section 604(c)(2)? | ___ | ___ |

| Fair Credit Reporting (continued) | YES | NO |
|---|------------|-----------|
| 7. If the institution has sent consumers credit or insurance solicitations is each written solicitation accompanied by a clear and conspicuous statement that: | | |
| • Information contained in the consumer’s report was used in connection with the transaction. Section 615 (d)(1)(A) | _____ | _____ |
| • The consumer received the offer of credit or insurance because the consumer satisfied the creditworthiness or insurability criteria under which the consumer was selected for the offer. Section 615(d)(1)(B); | _____ | _____ |
| • If applicable, the credit or insurance may not be extended if, after the consumer responds to the offer, the consumer does not: meet the criteria used to select the consumer for the offer; meet any other applicable criteria bearing on creditworthiness or insurability (such as criteria for determining whether or not to extend credit or insurance pursuant to the offer); or furnish any required collateral. Section 615(d)(1)(C) | _____ | _____ |
| • The consumer has a right to prohibit information contained in the consumer’s file with any CRA from being used in connection with any credit or insurance transaction that is not initiated by the consumer. Section 615(d)(1)(D) | _____ | _____ |
| • The consumer may exercise this right by notifying a notification system established under Section 604(e). Section 615(d)(1)(E) | _____ | _____ |
| • The address and toll-free telephone number of the notification system. Section 615(d)(2) | _____ | _____ |
| 8. If the institution shares information with affiliates (other than about its own transactions or experiences with the consumer), verify whether: | | |
| • The institution disclosed that the information may be shared and gave the consumer the opportunity to opt out. Section 603(d)(2)(A); and | _____ | _____ |
| • The consumer did not opt out. Section 603(d)(2)(A) | _____ | _____ |
| Note: Non-compliance with the above does not, in itself, constitute a violation of the FCRA. However, such non-compliance may cause the institution to be a CRA and therefore subject it to applicable procedures. | | |
| 9. If the institution procures or causes to be prepared an investigative consumer report determine whether the following requirements have been met: | | |
| • The institution clearly and accurately disclosed to the consumer that an investigative consumer report may be obtained. Section 606(a)(1) | _____ | _____ |
| • The disclosure contained a statement of the consumer’s right to request additional disclosures about the report, and a summary of the consumer’s rights under the FCRA. Section 606(a)(1)(B) | _____ | _____ |
| • The disclosure is in writing and is mailed or otherwise delivered to the consumer not later than three days after the date on which the report was first requested. Section 606(a)(1)(A) | _____ | _____ |

Fair Credit Reporting (continued)**YES NO**

- The person procuring the report or causing it to be prepared certified to the CRA that the person has complied with these disclosure requirements and will comply in the event the consumer exercises the right to request additional disclosures. Section 606(a)(2) _____ _____
- 10. Does the institution have procedures to ensure that consumer reports are used only for the permissible purposes that the institution has certified to the CRAs from which it obtained the reports. Section 604(f) _____ _____
- 11. If the institution is a Consumer Reporting Agency (CRA) does it comply with applicable requirements? _____ _____

| Truth in Savings | YES | NO |
|---|------------|-----------|
| <u>General Disclosure Requirements (230.3)</u> | | |
| 1. a. Does the institution make the required disclosures clearly and conspicuously in writing and in a form the consumer may keep? (230.3(a)) | _____ | _____ |
| b. If the disclosures required by the regulation are combined with the institution's other accounts, is it clear which disclosures are applicable to the consumer's account? (230.3(a)) | _____ | _____ |
| 2. Do the disclosures reflect the terms of the legal obligation between the consumer and the institution? (230.3(b)) | _____ | _____ |
| 3. When orally responding to a consumer's inquiry about interest rates, does the institution state the annual percentage yield? (230.3(e)) | _____ | _____ |
| 4. Are all annual percentage yields accurate to within .05% above or below the annual percentage yield determined in accordance with Appendix A of the regulation? (230.3(f)(2)) | _____ | _____ |
| <u>Account Disclosures (230.4)</u> | | |
| 5. a. Does the institution provide initial disclosures before an account is opened or a service is provided, whichever is earlier? (230.4(a)(1)) | _____ | _____ |
| b. If the consumer is not present, does the institution mail or deliver the disclosures no later than ten business days after the account is opened or a service is provided? (230.4(a)(1)) | _____ | _____ |
| 6. a. Does the institution provide account disclosures to consumers upon request? (230.4(a)(2)(i)) | _____ | _____ |
| b. If the consumer's request is not made in person, does the institution mail or deliver the account disclosures within a reasonable time after it receives the request? (230.4(a)(2)(i)) | _____ | _____ |
| c. In providing disclosures upon request, does the institution: | | |
| i. Specify an interest rate and APY that were offered within the most recent seven calendar days? | _____ | _____ |
| ii. State that the rate and yield are accurate as of an identified date? | _____ | _____ |
| iii. Provide a telephone number consumers may call to obtain current rate information? (230.4(a)(2)(ii)(A)) | _____ | _____ |
| 7. Do account disclosures include the following rate information (as applicable): (230.4(b)(1)(i)) | | |
| a. The "annual percentage yield" and "interest rate", using those terms? | _____ | _____ |
| b. The period of time the interest rate will be in effect for fixed-rate accounts? | _____ | _____ |

| Truth in Savings (continued) | YES | NO |
|---|------------|-----------|
| 8. Do disclosures for variable-rate accounts include the following: (230.4(b)(1)(ii)) | | |
| a. The fact that the interest rate and APY may change? | ___ | ___ |
| b. How the interest rate is determined? | ___ | ___ |
| c. The frequency with which the interest rate may change? | ___ | ___ |
| d. Any limitation on the amount the interest rate may change? | ___ | ___ |
| 9. Do the account disclosures describe the frequency with which interest is compounded and credited? (230.4(b)(2)(i)) | ___ | ___ |
| 10. Do the account disclosures include a statement that interest will not be paid if consumers close an account before accrued interest is credited? (230.4(b)(2)(ii)) | ___ | ___ |
| 11. a. Do the account disclosures describe the minimum balance requirements necessary to open an account, avoid the imposition of a fee, or obtain the APY disclosed? | ___ | ___ |
| b. Do the account disclosures state how the minimum balance requirement is determined for these purposes (except for the balance to open the account)? (230.4(b)(3)(I)) | ___ | ___ |
| 12. Do the account disclosures include an explanation of the balance computation method used to calculate interest on the account? (230.4(b)(3)(ii)) | ___ | ___ |
| 13. Do the account disclosures state when interest begins to accrue on noncash deposits? (230.4(b)(3)(iii)) | ___ | ___ |
| 14. Do the account disclosures disclose the amount of any fee that may be imposed in connection with the account (or how the fee will be determined) and the conditions under which the fee may be imposed? (230.4(b)(4)) | ___ | ___ |
| 15. Do the account disclosures include any limitations on the number or dollar amount of withdrawals or deposits? (230.4(b)(5)) | ___ | ___ |
| 16. For time accounts, do the account disclosures include the following: (230.4(b)(6)) | | |
| a. The maturity date? (230.4(b)(6)(i)) | ___ | ___ |
| b. Early withdrawal penalties? (230.4(b)(6)(ii)) | ___ | ___ |
| c. If compounding occurs and interest may be withdrawn during the term, a statement that the APY assumes interest remains on deposit and that a withdrawal will reduce earnings? (230.4(b)(6)(iii)) | ___ | ___ |
| i. For accounts with a stated maturity greater than one year that do not compound interest on an annual or more frequent basis, that require interest payments at least annually, and that disclose an APY determined in accordance with Section E of Appendix A, a statement that interest cannot remain on deposit and that payout of interest is mandatory? (230.4(b)(6)(iii)) | ___ | ___ |
| d. Information regarding renewal policies: (230.4(b)(6)(iv)) | ___ | ___ |

| Truth in Savings (continued) | YES | NO |
|---|------------|-----------|
| i. Whether the account will renew automatically? | _____ | _____ |
| ii. If it renews automatically, if a grace period exists and the length? | _____ | _____ |
| iii. If not renewed automatically, whether interest will be paid after maturity? | _____ | _____ |
| 17. Do account disclosures state the amount or type of bonus and the conditions under which the bonus will be paid? (230.4(b)(7)) | _____ | _____ |
| 18. Was the notice of availability of disclosures to existing account holders included on or with the first periodic statement sent beginning on or after June 21, 1993 (or first periodic statement for a statement cycle beginning on or after that date)? (230.4(c)) | _____ | _____ |
| <u>Subsequent Disclosures (230.5)</u> | _____ | _____ |
| 19. a. Does the institution provide advance notification to depositors of any change in a term required to be disclosed under Section 230.4(b) if the change may reduce the APY or adversely affect the consumer? | _____ | _____ |
| b. Does the notice include the effective date of the change? | _____ | _____ |
| c. Was the notice mailed or delivered at least 30 days before the effective date of the change? (230.5(a)(1)) | _____ | _____ |
| 20. Are exceptions to the notice requirements limited to: | | |
| a. Variable-rate changes? (230.5(a)(2)(i)) | _____ | _____ |
| b. Check printing fees? (230.5(a)(2)(ii)) | _____ | _____ |
| c. Short-term time accounts (one month or less)? (230.5(2)(a)(iii)) | _____ | _____ |
| 21. Are the proper subsequent disclosures provided for the following time accounts: | | |
| a. That renew automatically with maturities longer than one year? (230.5(b)(1)) | _____ | _____ |
| b. That renew automatically with maturities of one year or less but longer than one month? (230.5(b)(2)) | _____ | _____ |
| c. That do not renew automatically with maturities longer than one year? (230.5(c)) | _____ | _____ |
| <u>Periodic Statement Disclosures (230.6)</u> | _____ | _____ |
| 22. a. Is the annual percentage yield earned, using that term, disclosed on the periodic statement? | _____ | _____ |
| b. Is the APY earned calculated in accordance with Appendix A? (230.6(a)(1)) | _____ | _____ |
| 23. Is the amount of interest earned during the statement period accurately disclosed? (230.6(a)(2)) | _____ | _____ |
| 24. Are fees required to be disclosed under Section 230.4(b) (that were debited to the account during the statement period) itemized by dollar and type? (230.6(a)(3)) | _____ | _____ |

| Truth in Savings (continued) | YES | NO |
|---|------------|-----------|
| 25. Is the total number of days in the statement period, or the beginning and ending dates of the period disclosed? (230.6(a)(4)) | _____ | _____ |
| 26. If the bank uses the average daily balance method, and calculates interest for a period other than the statement period, was the APY earned and the amount of interest earned based on that period rather than the statement period? (230.6(b)) | _____ | _____ |
| <u>Payment of Interest (230.7)</u> | | |
| 27. Does the institution calculate interest on the full amount of principal in the account each day by use of either the daily balance method or the average daily balance method? (230.7(a)(1)) | _____ | _____ |
| 28. Does the institution use the same method to determine any minimum balance required to earn interest as it uses to determine the balance on which interest is calculated? (230.7(a)(2)) | _____ | _____ |
| 29. a. Does interest begin to accrue not later than the business day specified for interest bearing accounts in Section 606 of the Expedited Funds Availability Act? | _____ | _____ |
| b. Does interest accrue until the day the funds are withdrawn? (230.7(c)) | _____ | _____ |
| <u>Advertising Requirements (230.8)</u> | | |
| 30. a. Do advertisements refrain from misleading or inaccurate statements and do they accurately represent the deposit contract? | _____ | _____ |
| b. Do the advertisements refrain from using the term “free” or “no cost” if any maintenance or activity fee may be imposed? | _____ | _____ |
| c. Do the advertisements refrain from using the word “profit” when referring to interest paid on an account? (230.8(a)) | _____ | _____ |
| 31. a. If the institution advertises rates on accounts, are the rates stated as an “annual percentage yield”? | _____ | _____ |
| b. If the institution uses the abbreviation “APY,” has the term “annual percentage yield” been stated at least once in the advertisement? | _____ | _____ |
| c. If the institution states the interest rate, using that term, in conjunction with the APY, is it not more conspicuous than the APY? (230.8(b)) | _____ | _____ |
| d. Are the annual percentage yields and interest rates rounded to the nearest one-hundredth of one percentage point (.01%) and expressed to two decimal places? (230.3(f)(1)) | _____ | _____ |
| 32. If the institution advertises “tiered rate” accounts, does the institution state all of the APYs, including ranges where applicable, as well as the corresponding minimum balance requirements? (230.8(b)) | _____ | _____ |
| 33. If the institution advertises “stepped rate” accounts, does the institution accurately disclose the APY? (230.8(b)) | _____ | _____ |

| Truth in Savings (continued) | YES | NO |
|---|------------|-----------|
| 34. If the deposit advertisements placed by the institution state the APY, are the following disclosures stated clearly and conspicuously to the extent applicable? | _____ | _____ |
| a. Variable rate notice (230.8(c)(1)) | _____ | _____ |
| b. Time APY is offered (230.8(c)(2)) | _____ | _____ |
| c. Minimum balance to obtain the APY (230.8(c)(3)) | _____ | _____ |
| d. Minimum opening deposit (230.8(c)(4)) | _____ | _____ |
| e. Effect of fees (230.8(c)(5)) | _____ | _____ |
| f. The following features of time accounts (230.8(c)(6)): | _____ | _____ |
| i. Time requirements (230.8(c)(6)(i)) | _____ | _____ |
| ii. Notice of early withdrawal penalties (230.8(c)(6)(ii)) | _____ | _____ |
| iii. Notice of required interest payouts (230.8(c)(6)(iii)) | _____ | _____ |
| 35. If a bonus is stated in an advertisement, does the advertisement state the following information, as applicable: | | |
| a. The “annual percentage yield”, using that term? (230.8(d)(1)) | _____ | _____ |
| b. Time requirement to obtain the bonus? (230.8(d)(2)) | _____ | _____ |
| c. Minimum balance required to obtain the bonus? (230.8(d)(3)) | _____ | _____ |
| d. Minimum balance required to open the account (if it is greater than the minimum balance necessary to obtain the bonus)? (230.8(d)(4)) | _____ | _____ |
| e. When the bonus will be provided? (230.8(d)(5)) | _____ | _____ |
| 36. Are exemptions to the requirements made for those media set forth under Section 230.8(e)? | _____ | _____ |
| <u>Record Retention Requirements (230.9)</u> | | |
| 37. Has the institution maintained evidence of compliance for a minimum of 2 years after the date disclosures are required to be made or action is required to be taken? (230.9(c)) | _____ | _____ |

| Expedited Funds Availability | YES | NO |
|---|------------|-----------|
| <u>Operations</u> | | |
| A. <u>Date of Deposit</u> | | |
| 1. Does the bank consider every day except Saturday, Sunday, or Federal Holidays, as a “business day”? (229.2(g)) | _____ | _____ |
| 2. Does the bank consider as a “banking day” those business days upon which an office of the bank is open for substantially all of its business? (229.2(f)) | _____ | _____ |
| 3. Does the bank have a cut-off, for receipt of deposits, of 2 p.m. or later for bank offices and 12 noon or later for ATMs? (229.19(a)(5)(ii)) | _____ | _____ |
| 4. Does the bank comply with the following rules in determining when funds are considered to have been deposited? | _____ | _____ |
| a. Deposits over the counter or at ATMs are considered deposited when “received”. (229.19(a)(1)) | _____ | _____ |
| b. Mail deposits are considered deposited when they are received by the mail room of the bank. (229.19(a)(2)) | _____ | _____ |
| c. Deposits in a night depository, lock box, or similar facility are considered received when the deposits are removed from the facility and are available for processing. (229.19(a)(3)) | _____ | _____ |
| d. Deposits at an off-premise ATM (not within 50 feet of the bank) that is not serviced more than twice a week are considered received as of the date the deposits are removed from the ATM by the bank. (229.19(a)(4)) | _____ | _____ |
| 5. Does the bank consider deposits made on a non banking day to have been received no later than the next banking day? (229.19(a)(5)(i)) | _____ | _____ |
| 6. When funds must be available on a given “business day”, does the bank make the funds available at the later of 9 a.m. or at the time the bank’s teller facilities (including ATMs) are available for account withdrawals? (229.19(b)) | _____ | _____ |
| 7. If the bank limits cash withdrawals, does the bank make \$400 available for cash withdrawals no later than 5 p.m. on the appropriate business day (second day for local checks, fifth for nonlocal checks) following the day of deposit? (229.12(d)) | _____ | _____ |
| B. <u>Required Next Day Availability</u> | | |
| 1. Does the bank make funds from the following types of deposits available for withdrawal no later than the first business day following the date of deposit: | | |
| a. Electronic payments (229.10(b)) | _____ | _____ |
| b. Checks drawn on the U.S. Treasury and deposited to the payee’s account (229.10(c)(1)(i)) | _____ | _____ |
| c. “On Us” checks or checks that are drawn on and deposited in branches of the same bank in the same state or check processing region (229.10(c)(1)(vi)) | _____ | _____ |

Expedited Funds Availability (continued)**YES** **NO**

- | | | | |
|--|--|-------|-------|
| 2. | Does the bank make funds from the following deposits available no later than the first business day after the day of deposit, if the deposit is made in person to a bank employee, or no later than the second business day if the deposit is not made in person to a bank employee: | _____ | _____ |
| a. | Cash Deposits (229.10(a)(1), (2)) | _____ | _____ |
| b. | U.S. Postal Service money orders deposited in an account held by the payee of the check (229.10(c)(1)(ii) and 229.10(c)(2)) | _____ | _____ |
| c. | Checks drawn on a Federal Reserve Bank or Federal Home Loan Bank deposited in an account held by the payee of the check (229.10(c)(1)(iii) and 229.10(c)(2)) | _____ | _____ |
| d. | Checks drawn by a state or local governmental unit and deposited: | | |
| i. | In an account held by the payee of the check (229.10(c)(1)(iv)(A) and 229.10(c)(2)) | _____ | _____ |
| ii. | In a depository bank located in the same state as the governmental unit issuing the check (229.10(c)(1)(iv)(8) and 229.10(c)(2)) | _____ | _____ |
| iii. | Accompanied by a special deposit slip (if required by the bank to make the funds available on the next business day). (229.10(c)(1)(iv)(D) and 229.10(c)(3)) | _____ | _____ |
| e. | Cashier's checks, certified checks, and teller's checks (as defined in Section 229.2) deposited in an account held by the payee of the check when: | | |
| i. | The check is accompanied by a special deposit slip (if required by the bank to make the funds available on the next business day)? (229.10(c)(1)(v)(C) and 229.10(c)(3)) | _____ | _____ |
| 3. | If the bank requires the special deposit slips, for questions 2(d) and 2(e) above, does it provide the slip to its customers, or inform its customers how to prepare or obtain the slips? (229.10(c)(3)(ii)) | _____ | _____ |
| | Are the special deposit slips reasonably available? (229.10(c)(3)(ii)) | _____ | _____ |
| 4. | Is the first \$100 of a customer's daily aggregate deposits of checks not subject to the next-day availability rules, available on the next business day? (229.10(c)(1)(vii)) | _____ | _____ |
| 5. | Is the \$100 in <i>addition to</i> other deposited amounts with required next-day availability? (229.10(c)(1)(vii)) | _____ | _____ |
| C. <u>Local Checks and Certain Other Deposits</u> | | | |
| 1. | Are funds from local checks generally available no later than the second business day after the day of deposit? (229.12(b)(1)) | _____ | _____ |

| Expedited Funds Availability (continued) | YES | NO |
|---|------------|-----------|
| 2. If a bank limits cash withdrawals, (229.12(d)) | | |
| a. Is the \$100 available on the next business day after the day of deposit for withdrawal in cash or by check? | _____ | _____ |
| b. Is the \$400 available for cash withdrawal sometime before 5 p.m. on the second business day after the day of deposit? | _____ | _____ |
| c. Are any remaining funds available for withdrawal the business day after the \$400 was made available? | _____ | _____ |
| 3. For Treasury checks and U.S. Postal Service money orders that do not meet the criteria for next-day (or second day) availability, does the bank make funds available no later than the second business day after the date of deposit? (229.12(b)(2) and (4)) | _____ | _____ |
| 4. Are funds deposited by cash or check at a nonproprietary ATM available no later than the fifth business day after the banking day of deposit? (229.12(f)) | _____ | _____ |
| D. <u>Nonlocal Checks</u> | | |
| 1. Are funds from nonlocal checks generally available no later than the fifth business day after the day of deposit? (229.12(c)(1)) | _____ | _____ |
| 2. If the bank is located in a city listed in Appendix B, does it have procedures to make funds for certain nonlocal checks available on a shorter schedule as required by the Appendix? (229.12(c)(2)) | _____ | _____ |
| 3. If the bank limits cash withdrawals, (229.12(d)) | | |
| a. Is \$100 available on the next business day after the day of deposit for withdrawal in cash or by check? | _____ | _____ |
| b. Is \$400 available for cash withdrawal sometime before 5 p.m. on the fifth business day after the day of deposit? | _____ | _____ |
| c. Are any remaining funds available for cash withdrawal the business day after the \$400 was made available? | _____ | _____ |
| E. <u>Payable Through Checks</u> | | |
| 1. Does the bank's policy distinguish between local and nonlocal checks (are funds from local and nonlocal checks available on the second business day following the day of deposit)? (229.16(b)(2), footnote 3a) | _____ | _____ |
| 2. If local and nonlocal checks are treated differently, | _____ | _____ |
| a. Does the policy state that payable through checks will be treated as local or nonlocal based on the location of the bank where the check is payable? (229.16(b)(2)) | _____ | _____ |

| Expedited Funds Availability (continued) | YES | NO |
|--|------------|-----------|
| b. Does the policy either: (229.16(b)(2), footnote 3(a)) | _____ | _____ |
| (1) Describe how the customer can determine whether the checks will be treated as local or nonlocal, or | _____ | _____ |
| (2) State that special rules apply and that the customer may ask about availability of these checks? | _____ | _____ |
| <u>Extended Holds</u> | | |
| F. <u>Case-by-Case Holds</u> | | |
| 1. Does the bank's specific availability policy disclosures indicate that case-by-case holds may be placed? (229.16(c)(1)) | _____ | _____ |
| If yes, does the disclosure: | | |
| a. State that the bank may extend the time period in which deposits may be available for withdrawal? (229.16(c)(1)(i)) | _____ | _____ |
| b. Provide the latest time a deposit will be available for withdrawal, if the availability time frame is extended? (229.16(c)(1)(i)) | _____ | _____ |
| c. State that the bank will notify the customer if funds from a particular deposit will exceed the time period outlined in the bank's funds availability policy? (229.16(c)(1)(ii)) | _____ | _____ |
| d. Encourage customers to ask when particular deposits will be made available for withdrawal? (229.16(c)(1)(iii)) | _____ | _____ |
| 2. When case-by-case holds are placed, does the bank provide the customer with a written notice of the hold? (229.16(c)(2)) | _____ | _____ |
| 3. Does the notice include: | | |
| a. The customer's account number. (229.16(c)(2)(i)(A)) | _____ | _____ |
| b. The date and amount of the deposit. (229.16(c)(2)(i)(B)) | _____ | _____ |
| c. The amount of the deposit that is being delayed. (229.16(c)(2)(i)(C)) | _____ | _____ |
| d. The day the funds will be available for withdrawal. (229.16(c)(2)(D)) | _____ | _____ |
| 4. Does the bank provide the notice at the time the deposit is made, if the deposit is made to an employee of the depository bank? (229.16(c)(2)(ii)) | _____ | _____ |
| 5. If the notice is not given at the time of deposit, does the depository bank mail or deliver the notice to the customer not later than the first business day after the day of the deposit? (229.16(c)(2)(ii)) | _____ | _____ |

| Expedited Funds Availability (continued) | YES | NO |
|--|------------|-----------|
| 6. If the bank does not provide the notice at the time of deposit, does it refrain from charging the customer overdraft or return check fees if: | | |
| a. The overdraft or other fee would not have occurred if the deposit check had not been delayed, and | _____ | _____ |
| b. The deposited check was paid by the paying bank. (229.16(c)(3)) | _____ | _____ |
| 7. If the bank does not provide the notice at the time of deposit and charges overdraft fees, does it notify the customer of the right to a refund of such fees and how to obtain the refund? (229.16(c)(3)) | _____ | _____ |
| 8. Does the bank refund the fees if the conditions listed in question 6 above are met and the customer requests a refund? (229.16(c)(3)) | _____ | _____ |
| G. <u>Exception Based Holds</u> | | |
| 1. When invoking an exception hold for other than new accounts, does the bank provide the customer with a written notice which includes: | | |
| a. The customer's account number. (229.13(g)(1)(i)) | _____ | _____ |
| b. The date and amount of the deposit. (229.13(g)(1)(ii)) | _____ | _____ |
| c. The amount of the deposit that is being delayed. (229.13(g)(1)(iii)) | _____ | _____ |
| d. The reason the exception was invoked. (229.13(g)(1)(iv)) | _____ | _____ |
| e. The day the funds will be available for withdrawal (unless the emergency conditions exception is invoked and the bank does not know when the funds will become available)? (229.13(g)(1)(v)) | _____ | _____ |
| 2. Does the bank refrain from delaying funds availability beyond a reasonable time period? (NOTE: Five days for local checks and six days for nonlocal checks is considered reasonable.) (229.13(h)(4)) | _____ | _____ |
| <u>Exceptions</u> | | |
| H. <u>New Accounts</u> | | |
| 1. Does the bank's definition of a new account comply with the definition under Section 229.13(a)(2)? (NOTE: If a customer has had another transaction account at the bank within the thirty days prior to opening an account, the customer does not qualify for the "new account" exception.) | _____ | _____ |
| 2. If the bank's definition is different, does it delay availability to new account holders beyond the limits set forth in the regulation? | _____ | _____ |
| 3. Do the bank disclosures accurately reflect the bank's practice for making deposited funds available for new accounts? | _____ | _____ |
| 4. Do cash deposits made in person to a bank employee become available for withdrawal on the first business day following the day of the deposit? | _____ | _____ |

Expedited Funds Availability (continued)

YES NO

1. Does the bank refrain from applying the redeposited exception to:
 - a. Checks which are returned due to a missing endorsement and are subsequently endorsed and redeposited? (229.13(c)(1))
 - b. Checks which were returned because they were postdated, but are not postdated when redeposited? (229.13(c)(2))
2. Does the bank consider the day the check was redeposited to be the day of deposit when determining when funds must be made available for withdrawal? (See Official Staff Commentary to 229.13(c))

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

K. Repeated Overdrafter Exception

1. Does the bank impose longer holds for depositors who have a history of overdrafts?
2. Does the bank invoke the repeated overdraft exception only when the account balance is negative (or would have been negative had checks or other charges been paid):
 - a. Six or more times during the preceding six months, or (229.13(d)(1))
 - b. Two or more times during the preceding six months, if the amount of any negative balance would have been \$5,000 or more. (229.13(d)(2))
3. Is the practice articulated in the bank’s written policy and initial disclosure statement? (229.16(a))
4. When the bank imposes the longer delay period, is the depositor notified of the reason, in writing, at the time of deposit? If not, is a notice mailed on or before the first business day after the day of the deposit or the day the bank learns the facts giving rise to the exception? (229.13(g))
5. Does the bank return the account to the normal availability schedule when the account is no longer repeatedly overdrawn? (NOTE: Banks may use this exception for six months after the last overdraft that makes the depositor a “repeated overdrafter” (See K.2 above). (229.13(d))

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

L. Reasonable Cause to Doubt Collectibility

1. Does the bank refrain from applying the reasonable cause exception to: (229.13(e)(1))
 - a. U.S. Treasury checks
 - b. U.S. Postal Service money orders
 - c. State and local government checks, and
 - d. “On Us” checks?

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

| Expedited Funds Availability (continued) | YES | NO |
|--|------------|-----------|
| 2. When the bank invokes a reasonable cause exception, does it provide the customer with a written notice of exception at the time the deposit was made, if the deposit was made in person to an employee of the bank? (229.13(g)(2)) | _____ | _____ |
| 3. If the deposit was not made in person to an employee of the bank, or if the hold was placed because of information learned subsequent to the receipt of the deposit, does the institution mail the exception notice to the customer? (229.13(g)(2)) | _____ | _____ |
| 4. Does the bank retain copies of each reasonable cause exception notice, along with a brief statement of the facts which led to the hold, for a period of two years? (229.13(g)(3)) | _____ | _____ |
| 5. Does the depository bank refrain from invoking the reasonable cause exception based on the race or national origin of the depositor or the class of the check? (229.13(e)) | _____ | _____ |
| 6. Does the bank refrain from assessing a fee for any subsequent overdraft, return check, or other unpaid charge (or advise customers of their right to a refund of such fees and refund them upon request) if all of the following are met: | | |
| a. The depository bank extended the availability period based on its belief that the check was uncollectible (229.13(e)(1)) | _____ | _____ |
| b. The depositor was not provided with the written notice required by Section 229.13(g)(1) at time of deposit (229.13(e)(2)) | _____ | _____ |
| c. The overdraft or return would not have occurred if the availability period had not been extended (229.13(e)(2)(i)) and | _____ | _____ |
| d. The deposited check was finally paid by the paying bank? (229.13(e)(2)(ii)) | _____ | _____ |
| 7. Does the exception notice inform the customer where to direct a request for a refund of the overdraft fees? (229.13(e)(2)) | _____ | _____ |
| M. <u>Emergency Conditions</u> | | |
| 1. Does the bank refrain from imposing emergency condition holds on checks subject to next-day availability under 229.10(c)? (See Official Staff Commentary to 229.13(f)) | _____ | _____ |
| 2. Does the bank invoke the emergency conditions exception only in the following circumstances and when the bank has exercised necessary diligence as circumstances require: | | |
| a. An interruption of communications or computer or other equipment (229.13(f)(1)) | _____ | _____ |
| b. Suspension of payments by another bank (229.13(f)(2)) | _____ | _____ |
| c. War, or (229.13(f)(3)) | _____ | _____ |
| d. An emergency condition beyond the control of the bank? (229.13(f)(4)) | _____ | _____ |

Expedited Funds Availability (continued)

YES NO

- 3. Does the bank make funds available for withdrawal no later than a reasonable period after the emergency has ended or within the time period established by the temporary and permanent schedules, whichever is later? (229.13(h)(3)) (As stated in the Official Staff Commentary to 229.13(h)(4), a reasonable period is five business days for local checks and six for nonlocal checks.) ____ ____
- 4. Does the bank provide customers with a written notice of the longer delay? (229.13(g)(1)) ____ ____
- 5. Is the notice provided at the time of the deposit, if the deposit is received in person by an employee of the bank or is the notice mailed on or before the first business day after the day the bank learns of the facts giving rise to the exception? (229.13(g)(2)) ____ ____

Miscellaneous

N. Calculated Availability

Non-consumer Transaction Accounts (229.19(d))

- 1. Does the bank calculate funds availability for non-consumer accounts based on a sample of the customer's deposits? ____ ____

 If yes, obtain a copy of the bank's formula for determining its availability schedule. Review a sample of checks similar to that used by the bank to calculate funds availability and answer the following:
 - a. Is the sample of checks large enough to accurately utilize the formula? ____ ____
 - b. Does the formula accurately represent the average composition of the customer's deposits? ____ ____
 - c. Does the specified percentage of available funds appear reasonable? (Is a set percentage available the next business day, with remaining funds available according to the customer's deposit mix?) ____ ____
- 2. Based on the sample, are the terms of availability for the account equivalent or more prompt than the terms outlined in the regulation? ____ ____

II. PAYMENT OF INTEREST

Review a copy of the bank's availability schedule for check deposits credited through the Reserve Bank or its correspondent bank. Determine the time that the bank receives provisional credit for check deposits.

- 1. For each interest-bearing transaction account offered by the bank (for example, NOW accounts, ATS accounts), does the bank begin to accrue interest on the funds deposited no later than the business day on which the bank receives provisional credit for the funds? (229.14) ____ ____

Expedited Funds Availability (continued)**YES NO****Workpaper Appendix for Districts with Banks
Located Outside the Continental U.S.**Deposits at non-continental U.S. offices

An extension of one day is permitted under certain strictly defined circumstances and for limited types of deposits. If a check is deposited at a bank in Alaska, Hawaii, Puerto Rico or the U.S. Virgin Islands and the paying bank is not located in the same jurisdiction, a one-day extension is permitted for deposits other than those that must be available on the next business day. *(NOTE: This extension applies only to bank offices located outside the continental U.S. Check deposits received at a bank inside the continental U.S., but drawn on a bank located outside the U.S., such as Alaska, or Hawaii, are not granted the extension.)*

- | | | |
|--|-------|-------|
| 1. For offices located in Alaska, Hawaii, Puerto Rico and the U.S. Virgin Islands does the bank extend availability for check deposits drawn on banks in other states? (229.11(e)(1)) | _____ | _____ |
| 2. If yes, | | |
| a. Is the extension limited to checks drawn on banks in a different state? (A Hawaiian bank could receive a "local" check drawn on a bank in Honolulu or a bank in San Francisco. Only the San Francisco check can be delayed.) (229.12(e)(2)) | _____ | _____ |
| b. Is the extension limited to one day? (229.12(e)) | _____ | _____ |

| Electronic Fund Transfers | YES | NO |
|---|------------|-----------|
| <u>Issuance of Access Devices</u> | | |
| 1. Does the institution issue validated access devices only: | | |
| • In response to requests or applications (205.5(a)(1)) | ___ | ___ |
| • As a renewal or substitution for an accepted access device (205.5(a)(2)) | ___ | ___ |
| 2. Does the institution issue unsolicited access devices only when the devices are: | | |
| • Not validated (205.5(b)(1)) | ___ | ___ |
| • Accompanied by the required disclosures (205.5(b)(2)) | ___ | ___ |
| • Accompanied by the required disclosures (205.5(b)(3)) and | ___ | ___ |
| • Validated only on consumer request and after proper identification is made (205.5(b)(4)) | ___ | ___ |
| 3. Does the institution verify the consumer's identity by reasonable means (such as by photograph, personal visit, or signature)? (205.5(b)(4)) | ___ | ___ |
| <u>Liability of Consumer for Unauthorized Transfers</u> | | |
| 1. Does the institution impose liability on the consumer for unauthorized transfer only: | | |
| • When the device is accepted (205.6(a)) | ___ | ___ |
| • When the institution has provided a means to identify the consumer and | ___ | ___ |
| • When the institution has provided the following written disclosure to the consumer: (205.6(a)(3)) | | |
| -- What the consumer's liability will be for unauthorized use of the card | ___ | ___ |
| -- The telephone number and address for reporting an unauthorized EFT that has been or may be made, and | ___ | ___ |
| -- The institution's business days | ___ | ___ |
| 2. Is the consumer's liability for unauthorized use of a lost or stolen access device limited to the lesser of \$50 or actual loss if the consumer notifies the institution within two business days of discovery of loss or theft of the access device? (205.6(b)) | ___ | ___ |
| 3. If the consumer fails to notify the institution of loss or theft of an access device within two business days of discovery of loss or theft, is consumer liability limited to \$500 as follows: (205.6(b)(2)) | ___ | ___ |
| • The lesser of \$50 or actual loss within the first two business days and | ___ | ___ |
| • Unauthorized transfer amounts that occur after the two business days and before notification (provided the institution proves that these unauthorized transfers could have been prevented if it had notification within the two business days) | ___ | ___ |

| Electronic Fund Transfers (continued) | YES | NO |
|--|------------|-----------|
| 4. If a consumer fails to notify the institution of an unauthorized transfer within 60 days of transmittal of the periodic statement upon which that transfer appears, is consumer liability limited to: (205.6(b)(3)) | | |
| <ul style="list-style-type: none"> • The lesser of \$50 or actual loss that appears on the statement or occurs during the 60-day period and | _____ | _____ |
| <ul style="list-style-type: none"> • The amount of unauthorized transfers that occur after the close of 60 days and before notice to the institution (provided the institution proves that the unauthorized transfers could have been prevented had notification occurred within the 60 days) | _____ | _____ |
| <u>Initial Disclosures</u> | | |
| 1. Does the institution make the following disclosures: | | |
| <ul style="list-style-type: none"> • A summary of the consumer's liability under Section 205.6 (or lesser liability under state law or agreement) (205.7(b)(1)) | _____ | _____ |
| <ul style="list-style-type: none"> • The telephone number and address of the person or office to be notified when the consumer believes that an unauthorized EFT has been or may be made (205.7(b)(2)) | _____ | _____ |
| <ul style="list-style-type: none"> • The institution's business days, as determined under Section 205.2(d) (205.7(b)(3)) | _____ | _____ |
| <ul style="list-style-type: none"> • The type of EFTs that the consumer may make and any limitations on the frequency and dollar amount of transfer (205.7(b)(4)) (If details on the limitations on frequency and dollar amount of transfers are essential to maintain the security of the system, they need not be disclosed.) | _____ | _____ |
| <ul style="list-style-type: none"> • Any charges for EFTs or for the right to make transfer (205.7(b)(5)) | _____ | _____ |
| <ul style="list-style-type: none"> • A summary of the consumer's right to receive documentation of EFTs, as provided in Sections 205.9, 205.10(a), and 205.10(d) (205.7(b)(6)) | _____ | _____ |
| <ul style="list-style-type: none"> • A summary of the consumer's right to stop payment of a preauthorized EFT and the procedure for initiating a stop-payment order, as provided in Section 205.10(c) (205.7(b)(7)) | _____ | _____ |
| <ul style="list-style-type: none"> • A summary of the institution's liability to the consumer for its failure to make or to stop certain transfers under Section 910 of the EFTA (205.7(b)(8)) | _____ | _____ |
| <ul style="list-style-type: none"> • The circumstances under which the institution in the ordinary course of business will disclose information to third parties concerning the consumer's account (205.7(b)(9)) | _____ | _____ |
| <ul style="list-style-type: none"> • An error resolution notice meeting the requirements of Section 205.7(b)(10) | _____ | _____ |

| Electronic Fund Transfers (continued) | YES | NO |
|--|------------|-----------|
| <u>Change in Terms; Error Resolution Notice</u> | | |
| 1. Has the institution made any changes in a term or condition since the last examination that required a written notice to a consumer? (205.8(a)) | _____ | _____ |
| If so, was the notice provided at least 21 days before the effective date of such change? (205.8(a)) | _____ | _____ |
| 2. Does the institution provide either the long form error resolution notice at least once every calendar year or the short form error resolution notice on each periodic statement? (205.8(b)) | _____ | _____ |
| <u>Documentation of Transfers</u> | | |
| 1. Does the institution make a receipt available to the consumer, in a retainable form, at the time an EFT is initiated? (205.9(a)) | _____ | _____ |
| 2. Does the receipt contain the following items as applicable: (205.9(a)) | | |
| • The amount of the transfer (amount may be combined with any transfer charge if certain conditions are met) (205.9(a)(1)) | _____ | _____ |
| • The calendar date the transfer was initiated (205.9(a)(2)) | _____ | _____ |
| • The type of transfer and account to or from which funds are transferred (transactions are exempt from the type-of-account requirement if the access device used can only access one account) (205.9(a)(3)) | _____ | _____ |
| • A number or code that identifies one of the following: | | |
| -- Consumer's account or | _____ | _____ |
| -- The access device used (205.9(a)(4)) | _____ | _____ |
| • Identification or location of the terminal and (205.9(a)(5)) | _____ | _____ |
| • The name of any third party to or from whom funds are transferred unless the name is provided in a non-machine readable form (205.9(a)(6)) | _____ | _____ |
| 3. Does the institution mail or deliver a periodic statement for each monthly or shorter cycle in which an EFT has occurred? (205.9(b)) | _____ | _____ |
| 4. If no EFTs have occurred or the only EFTs are preauthorized credits, has the institution mailed or delivered a periodic statement at least quarterly for non-passbook accounts? (205.9(b)) | _____ | _____ |
| 5. Does the periodic statement or accompanying documents contain the following items: (205.9(b)(1)) | | |
| • The amount of the transfer (amount may include transfer charge if it was added in accordance with the terminal receipt requirements) (205.9(b)(1)(i)) | _____ | _____ |
| • The date the transfer was posted to the account (205.9(b)(1)(ii)) | _____ | _____ |

| Electronic Fund Transfers (continued) | YES | NO |
|--|------------|-----------|
| • The type of transfer and account (205.9(b)(1)(iii)) | _____ | _____ |
| • The location of the terminal (205.9(b)(1)(iv)) | _____ | _____ |
| • The name of any third party to or from whom funds were transferred (205.9(b)(1)(v)) | _____ | _____ |
| • The account number(s) (205.9(b)(2)) | _____ | _____ |
| • The total amount of any fees or charges assessed during the statement period for EFTs, the right to make EFTs or for account maintenance (excluding any finance charges under Regulation Z, overdraft or stop payment charges and any transfer charges combined with transfer amounts under Section 205.9(a) (205.9(b)(3)) | _____ | _____ |
| • The beginning and ending balances (205.9(b)(4)) | _____ | _____ |
| • The address and telephone number to be used for inquiries or notice of errors (205.9(b)(5)) and | _____ | _____ |
| • If applicable, the telephone number to use in finding out whether a preauthorized credit has been made as scheduled (205.9(b)(6)) | _____ | _____ |
| 6. For passbook accounts that only receive preauthorized credits, does the institution upon presentation by the consumer enter in a passbook or on a separate document the amount and date of each EFT made since the passbook was last presented? (205.9(c)) | _____ | _____ |
| <u>Preauthorized Transfers</u> | _____ | _____ |
| 1. If a consumer's account is to be credited by a preauthorized EFT from the same payor at least once every 60 days and the payor does not provide notice to the consumer that the transfer was initiated: | | |
| • Does the institution provide oral or written notice, within two business days, after the transfer occurs or was scheduled to occur, that the transfer did or did not occur; or | _____ | _____ |
| • If the telephone alternative is selected, does the institution disclose the telephone number in initial disclosures and on each periodic statement; and | _____ | _____ |
| • Is the number "readily available" during the institution's business hours (205.10(a)(1)) | _____ | _____ |
| 2. Does the institution credit the consumer's account for preauthorized EFTs as of the day the funds are received? (205.10(a)(3)) | _____ | _____ |
| 3. Does the institution comply with the requirements of preauthorized EFTs from a consumer's account? (205.10(b)) | _____ | _____ |
| 4. Does the financial institution comply with Section 205.10(c) regarding stop payment orders? | _____ | _____ |

Electronic Fund Transfers (continued)

YES NO

- 5. If a preauthorized EFT from a consumer’s account varies in amount from the previous transfer under the same authorization or preauthorized amount, does the institution provide proper notice under Section 205.10(d)? *(NOTE: If the designated payee makes the notification, the institution is absolved from this requirement.)* ____ ____
- 6. Does the institution refrain from conditioning an extension of credit to a consumer on repayment by preauthorized EFTs? (205.10(e)(1)) ____ ____
- 7. Does the institution refrain from requiring a consumer to establish an account with a particular institution for receipt of EFTs as a condition of employment or receipt of a government benefit? (205.10(e)(2)) ____ ____

Procedures for Resolving Errors

- 1. If the institution requires a complaint or question to be confirmed in writing within ten business days, is this requirement disclosed to the consumer when the error notice is given orally? (205.11(b)(2)) ____ ____
- 2. Has an error resolution procedure been implemented to promptly investigate and resolve alleged errors within ten business days? (205.11(c)(1))
(The applicable time is 20 business days in place of 10 business days under paragraphs (c)(1) and (c)(2) of this section if the notice of error involves an electronic fund transfer to or from the account within 30 days after the first deposit to the account was made.) ____ ____
- 3. Does the institution inform the consumer of the results of an investigation within three business days after completing its investigation? (205.11(c)(1)) ____ ____
- 4. If the institution needs more time and informs the consumer that it may take up to 45 days, does the institution:
 - Recredit the consumer’s account within ten business days of the initial report (except where written confirmation is required but not received within ten business days) ____ ____
 - Notify the consumer within two business days of the amount and date of the recrediting and the fact that the consumer will have full use of funds pending the outcome of the resolutions and ____ ____
 - Give the consumer full use of the funds during the investigation period? (205.11(c)(2)) ____ ____

(The applicable time is 90 days in place of 45 days under paragraph (c)(2) of this section, for completing an investigation, if a notice of error involves an electronic fund transfer that: (a) was not initiated within a state; (b) resulted from a point-of-sale debit card transaction; or (c) occurred within 30 days after the first deposit to the account was made.)

- 5. If the institution determines that an error has occurred, have procedures been established to:
 - Promptly (and within one business day) correct the error (including crediting interest or refunding fees) (205.11(c)(2)(iii)) and ____ ____

Electronic Fund Transfers (continued)

YES NO

- Promptly (and within the one business day or 45 business day time limits) notify the consumer of the correction and, if applicable, provide notice that a provisional credit has been made final (205.11(c)(2)(iv)) ____ ____
- 6. If the institution determines that no error has occurred or that an error has occurred in a manner or amount different from that described by the consumer, have procedures been established to:
 - Promptly (and within three business days of concluding the investigation, but no later than ten business days from the error notification if the institution is proceeding under the alternative) provide a written explanation of its findings and include the notice of the consumer’s right to request the documents upon which the institution relied in making its determination (205.11(d)(1)) ____ ____
 - Upon debiting a provisionally credited amount, notify the consumer of the date and amount of the debit and the fact that the institution will continue to honor checks and drafts to third parties and preauthorized transfers for five business days to the extent that they would have been paid if the provisionally recredited funds had not been debited (205.11(d)(2)) ____ ____
 - Provide copies of documents ____ ____

Administrative Enforcement (205.13)

1. Has the institution preserved evidence of compliance with the requirements of the EFTA for a two-year period or longer, if required (205.13(b)) ____ ____

Electronic Fund Transfer of Government Benefits

1. If a government agency does not provide a periodic statement for electronic benefits, does the agency:
 - Make the consumer’s account balance available through a readily available telephone line and at a terminal (205.15(c)(1)) ____ ____
 - Promptly provide a written history of the consumer’s account transactions in response to a request that covers at least 60 days preceding the date of request by consumer and (205.15(c)(2)) ____ ____
 - Provide modified initial disclosures according to Section 205.15(d)(1) and an annual error resolution notice according to 205.15(d)(2) ____ ____

Internal Control Procedures

1. Does the institution have adequate procedures to insure that notification of loss, theft, or unauthorized use promptly results in halting unauthorized transfers from a consumer’s account, and recrediting amounts when appropriate? ____ ____
2. Do the institution’s procedures indicate a willingness to resolve consumer complaints regarding EFT matters? ____ ____
3. Does a review of statements indicate that transaction identifications are in compliance with Regulation E? ____ ____

| Electronic Fund Transfers (continued) | YES | NO |
|--|------------|-----------|
| 4. Do automated teller and point-of-sale transfer receipts provide a clear description of the transaction that is in compliance with Regulation E? | _____ | _____ |
| 5. Is the institution's advertising of EFT services free of ambiguous and deceptive statements? | _____ | _____ |
| 6. Is the consumer's responsibility with regard to personal access codes explained? | _____ | _____ |
| 7. Does a review of merchant agreements and internal controls indicate that consumers are treated consistently with what has been disclosed to them (transaction limitations, costs, documentation, identification, etc.)? | _____ | _____ |
| 8. Does the institution maintain any log or tracking sheet for error resolution? | _____ | _____ |
| 9. Are personnel able to distinguish between the applicability of Regulation E and Z as part of the issuance of debit and credit cards, error resolution procedures and consumer liability? | _____ | _____ |

| Fair Debt Collection Practices | YES | NO |
|--|------------|-----------|
| 1. Is the institution aware of the circumstances in which the FDCPA applies and, as appropriate, has it established internal procedures and controls to assure compliance with the FDCPA? | _____ | _____ |
| 2. Has the institution acted as a “debt collector” under the FDCPA by either: | | |
| a. Regularly attempting to collect defaulted consumer debts owed to others or | _____ | _____ |
| b. Attempting to collect its own consumer debts in a name other than its own? | _____ | _____ |
| (If the answers to questions 2.a. and 2.b. are “No,” the institution has not acted as a debt collector under the FDCPA and the examiner should not complete the remainder of the checklist.) | _____ | _____ |
| 3. In attempting to collect consumer debts as a “debt collector” under the FDCPA, did the institution: | | |
| a. Communicate with the consumer or any third party in a prohibited manner? | _____ | _____ |
| b. Adhere to the required debt validation procedure? | _____ | _____ |
| c. Use any harassing, abusive, unfair or deceptive practice or means? | _____ | _____ |
| d. Collect any more than authorized by the debt instrument or state law? | _____ | _____ |
| e. Properly apply any payment received in the case of multiple debts owned by the same consumer? | _____ | _____ |
| f. Bring legal action only in a judicial district permitted under the FDCPA? | _____ | _____ |

| Right to Financial Privacy Act | YES | NO |
|--|------------|-----------|
| 1. Has the financial institution established procedures for fulfilling requests by government authorities for customers' financial records in compliance with the Act? | _____ | _____ |
| 2. Has the financial institution received any requests covered by the Act for customers' financial records since the last examination? (If "yes," complete the remaining questions.) | _____ | _____ |
| 3. Does the financial institution have internal controls in place that are adequate to ensure that all requests are handled in compliance with the Act? | _____ | _____ |
| 4. Does the financial institution provide customers' financial records to government authorities only after receiving proper written certification required by the Act? | _____ | _____ |
| 5. Does the financial institution refrain from requiring a customer's authorization for disclosure of financial records as a condition of doing business? (1104(b)) | _____ | _____ |
| 6. Does the financial institution maintain records of all disclosures of customers' records made to a government authority in connection with a government loan, guaranty or insurance program? (1113(h)(6)) | _____ | _____ |
| • Does the financial institution allow the customer to examine these records upon request? | _____ | _____ |
| 7. Does the financial institution keep adequate records of those instances in which a customer's financial records are disclosed to a government authority upon authorization by the customer, including a copy of the request and the identity of the government authority? (1104(c)) | _____ | _____ |
| • Does the financial institution allow the customer to examine these records upon request (unless blocked by a court order)? | _____ | _____ |

Questions 3-7 answered with a "No" require an explanation of how the financial institution intends to comply with the requirements of the Act.

Branch Closing Policy

- | | | |
|---|-------|-------|
| 1. Does the insured depository institution have any branches, as defined in the Policy Statement, which would make it subject to the Policy Statement and Section 42 of the FDI Act? | _____ | _____ |
| OR | _____ | _____ |
| Has the insured depository institution closed any of its branches since December 19, 1991, which would subject it to the notification requirements of the Policy Statement and Section 42 of the FDI Act? | _____ | _____ |
| <i>NOTE: If the answer to both of these questions is "NO," do not proceed with the remaining portions of this checklist.</i> | _____ | _____ |
| 2. Has the institution provided written notice of any branch closing to the FDIC at least 90 days in advance of such closing? (42(a)(1)) | _____ | _____ |
| 3. Did the notice to the FDIC contain: | | |
| a. The identification of the branch to be closed? (42(a)(1)) | _____ | _____ |
| b. The proposed closing date? (42(a)(1)) | _____ | _____ |
| c. The specific reasons for closing the branch? (42(a)(2)(A)) | _____ | _____ |
| d. Statistical or other information in support of the reason(s) and consistent with the institution's written policy for closing the branch? (42(a)(2)(B)) | _____ | _____ |
| 4. Did the institution provide written notice in a regular account statement or separate mailing to customers of the branch to be closed at least 90 days prior to such closing? (42(b)(2)(B)) | _____ | _____ |
| 5. Did the mailed customer notice contain: | | |
| a. The location of the branch to be closed? (42(b)(1)) | _____ | _____ |
| b. The proposed closing date? (42(b)(2)(B)) | _____ | _____ |
| c. A listing of alternative banking locations or a phone number to obtain banking service information for possible alternatives? (42(b)(1)) | _____ | _____ |
| 6. Did the institution conspicuously display a notice to customers on the premises of the branch to be closed at least 30 days prior to such closing? (42(b)(2)(A)) | _____ | _____ |
| 7. Did the notice that was posted on the bank premises contain: | | |
| a. The proposed closing date? (42(b)(2)(A)) | _____ | _____ |
| b. A listing of alternative banking locations or a phone number to obtain banking service information for possible alternatives? (42(b)(1)) | _____ | _____ |
| 8. Has the institution adopted a written branch closing policy? (42(c)) | _____ | _____ |
| 9. Does the written branch closing policy include: (42(C)) | | |
| a. Factors for determining which branch to close? | _____ | _____ |

| Branch Closing Policy (continued) | YES | NO |
|--|------------|-----------|
| b. Factors for determining which customers to notify? | _____ | _____ |
| In the case of an interstate bank proposing to close any branch in a low- or moderate-income area, does the notice also contain: | _____ | _____ |
| i. The mailing address of the FDIC? | _____ | _____ |
| ii. A statement that comments on the proposed closing of such branch may be mailed to the FDIC? | _____ | _____ |
| (42(d)) | _____ | _____ |
| c. Procedures for providing the required notices? | _____ | _____ |
| 10. Pursuant to state law, did the institution provide notifications consistent with the requirements of Section 42 to the customers of the branch to be closed? (See questions #5 and #7) | _____ | _____ |
| <i>NOTE: If the answer to this question is "YES," then a second notice need not be sent in order to comply with this policy statement.</i> | _____ | _____ |
| 11. If, pursuant to state law, the institution provided its state supervisor with a notice of a branch closing: | _____ | _____ |
| a. Did the institution also provide a copy of that notice to the FDIC ? (42(a)(1)) | _____ | _____ |
| b. Did the notice contain information consistent with the notice required by Section 42? (See question #3 of this checklist) | _____ | _____ |
| c. Was the notice filed with the FDIC at least 90 days prior to the date of the proposed branch closing? (42(a)(1)) | _____ | _____ |

Fair Housing\Equal Credit Opportunity

YES NO

The Examiner Checklist is intended to be a guide to help identify areas of possible disparate treatment or other fair housing related problems, including violations of laws, rules, or regulations. Any potential problems noted through use of this checklist should be explained in the examiner’s workpapers and, if appropriate, in the Report of Examination.

Relevant provisions of HUD’s implementing regulations are cited at the beginning of some sections of this checklist. These cites are not all inclusive and examiners should refer to the full regulations in determining possible violations. Examiners also should refer to Regulation C, Part 338, and the FHA.

General

- | | | |
|---|-------|-------|
| 1. Is there (hypothetically) any area(s) of the institution’s local community that could possibly be less favored (because of a prohibited basis) for lending and therefore, subject to redlining on the basis of the community’s racial or ethnic characteristics? | _____ | _____ |
| 2. Does the analysis of the volume and group distribution of accepted and rejected applications indicate any disparities? | _____ | _____ |
| 3. Has the institution made a practice of not lending in particular areas? | _____ | _____ |
| 4. What are the reason(s) or limitations for any such practice? (The guidance provided in the FHA complaint investigative procedures in this manual, Exhibits 1, 2 and 3 can be used to do redlining analysis.) | _____ | _____ |
| 5. Is there any evidence of the existence of any practices that may discourage borrowers from applying to the creditor? | _____ | _____ |

Possible indicators of illegal prescreening and redlining could include:

- Little or no lending activity in minority or racially mixed areas
 - Concentrations of credit in certain areas
 - Low levels of rejected applications
 - High levels of rejected applications
 - High levels of withdrawn applications
 - High levels of conditioned applications
- | | | |
|---|-------|-------|
| 6. If any disproportionate negative impact on a protected group of customers or potential customers exists, does it result from any of the following: | _____ | _____ |
| • Applicant eligibility requirements? | _____ | _____ |
| • Collateral eligibility requirements? | _____ | _____ |
| • Appraisal standards? | _____ | _____ |
| • Income ratios, stability, reliability, and/or source requirements? | _____ | _____ |

Fair Housing\Equal Credit Opportunity (continued)**YES** **NO**

- Loan-to-value requirements? _____

- Other factors determined by the examiner? _____

Policies and Procedures (24 C.F.R. 110.110, 110.115, 110.125, 100.130)

1. Does the institution have adequate written or unwritten policies and procedures with respect to Fair Housing Act? _____
2. Do the institution's actual practices differ from the articulated policy? If so, how? _____
3. Under what conditions does the institution make exceptions to established policies and procedures, including:
 - a. Minimum and maximum mortgage loan amounts? _____
 - b. Loan to value ratios? _____
 - c. Mortgage payment-to-income and total debt-to-income ratios? _____
 - d. Any other analytical ratios used by the institution? _____
 - e. Requirements on nature and length of employment? _____
 - f. Credit history? _____
 - g. Property underwriting standards? _____
 - h. Appraisal standards? _____
4. Is there any pattern of exceptions which would suggest disparate treatment? _____
5. What, if any, is the likely effect of these exceptions on protected groups? _____
6. Are the institution's loan officers and senior management knowledgeable of the FHA? _____
7. Does it appear that the institution has avoided use of any policies which are purposely designed to exclude members of protected classes? _____
8. Are the institution's articulated lending policies applied uniformly without regard to any prohibited basis? _____
9. Does the institution have policies, procedures, or practices designed to discourage or that have the effect of discouraging applications for credit on a prohibited basis? _____
10. Does the institution purchase loans from brokers or other institutions? _____
11. Has there been any refusal to purchase or to purchase on the same terms as other such loans, or similarly, to sell, on a prohibited basis? _____
12. If so, does the institution verify the other entities' compliance with FHA? _____
13. Does the institution have controls for verifying compliance with FHA from broker referrals? _____

Fair Housing\Equal Credit Opportunity (continued)

YES NO

- 14. Are forms, applications, appraisals, financial statements, etc., neutral in request for information? ____ ____
- 15. Does the institution have application policies, procedures, or practices designed to discourage or have the effect of discouraging, applications for credit on a prohibited basis? ____ ____
- 16. Are different loan collection procedures used based on any of the prohibited bases? ____ ____

Marketing (24 C.F.R 100.50(b)(4), 109.20, 109.25, 109.30, 100.75, 110.00)

- 1. Is the Equal Housing Lending poster displayed in a conspicuous place in the institution? ____ ____
- 2. Does the institution have a marketing program that includes advertising? ____ ____
- 3. Does the advertising include loan products related to housing? ____ ____
- 4. Is so, is the advertising strategy intended to reach all segments of the community? ____ ____
- 5. Do the advertisements indicate a preference in any way for a particular segment of the community, for example, whites predominantly or only? ____ ____
- 6. If a preference does exist, is there other evidence (for example, HMDA data) that the intended segment of the community is responding to the advertisement while others who do not have access to the image are eliminated? ____ ____
- 7. Is the Equal Housing Lender logo used in advertising of housing related loan products? ____ ____
- 8. Does any map or list presently used by the institution for marketing demarcate geographical areas on the basis of any of the following:
 - Racial, national, or ethnic composition ____ ____
 - Age range of properties ____ ____
 - Value range of properties ____ ____
 - Loan or non-loan areas ____ ____
 - High or low risk ____ ____
 - Income level of residents ____ ____
 - Rising or declining values ____ ____

If so, determine the reasons why, and whether there are any fair housing implications.

Loan Sampling (Approved/Declined)

- 1. Do the loans reviewed indicate conformity with the financial institution’s written and/or oral policies? ____ ____
- 2. Is information available in the records (for example, loan file) consistent with and does it support the reasons for denial stated in adverse action notices? ____ ____
- 3. When exceptions are made, are they for justified reasons? ____ ____

Fair Housing\Equal Credit Opportunity (continued)

YES NO

- 4. Do reasons for declination support equitable treatment of protected classes of people? ___ ___
- 5. Is there any evidence of institution employees assisting applicants? (that is, are any applicants that do not meet the institution’s underwriting standards assisted so that they can meet the standards?) ___ ___
- 6. If so, is assistance afforded equally to all applicants? ___ ___
- 7. Were any loans identified which support a violation of the anti-discrimination provisions of the FHA or its implementing regulations? ___ ___
- 8. Are the lending criteria for portfolio loans versus investor loans different? ___ ___
- 9. If there are differences, are they reasonable? ___ ___
- 10. Would the differences have a severe impact on any one of the protected categories? ___ ___

Home Mortgage Disclosure Act Data

- 1. Are the institution’s reported HMDA data accurate? ___ ___
If not, integrate necessary adjustment into your analysis.
- 2. Does an analysis of HMDA information (if available) reveal a reasonable distribution of the institution’s mortgage lending activity? ___ ___
- 3. Has the institution disproportionately denied female or minority applicants? ___ ___
- 4. Are the institution’s denial rates for female and minority applicants consistent with the denial rates in the MSA (use HMDA Aggregate Reports)? ___ ___
- 5. Does the institution perform its own analysis of HMDA Data? ___ ___
- 6. If the analysis includes geo-analysis, what were the results? ___ ___
- 7. Is the institution familiar with the demographics of the minority census tracts in its community (for example, Does the institution know which census tracts are minority census tracts?)? ___ ___
- 8. Are all areas of the institution’s community, including minority census tracts, monitored for institution activities? ___ ___
- 9. Does the penetration of the institution’s community, particularly minority census tracts, appear to be reasonable? ___ ___

Appraisals (24 C.F.R. 110.110, 100.115, 100.135)

- 1. Is there an appraisal fee? ___ ___
If yes, how much?
- 2. When would appraisal fees be waived or refunded?

Fair Housing\Equal Credit Opportunity (continued)

YES NO

3. Under what conditions is an appraisal ordered?

4. When would the appraisal not be ordered?

5. Is appraisal done by the institution’s personnel or by an outside fee appraiser?

6. What are the qualifications of the appraiser?

7. Do appraisals of 1-4 family residences use comparables or other justifications for establishing value?

What are the criteria applied in the use of comparables?

8. Are comparable properties selected on a reasonable basis and justified appropriately?

9. Have internal, as well as external, real estate appraisers been instructed that appraisals are not to be based on considerations relating to racial or ethnic composition of neighborhoods?

10. Is there any evidence of a possible pattern of “underappraisals” for protected classes?

11. Certain criteria in appraisal policies are occasionally used by financial institutions, or agents acting on their behalf, in an arbitrary fashion to disqualify applicants. Review appraisal forms to determine if the following criteria are used to accurately reflect the economic viability of real estate:

a. Age of property as opposed to remaining useful economic life (watch for arbitrary age cut-off which adversely affects certain areas)?

b. Age of other properties in area?

c. Economic level of residents in the area?

d. Pride of ownership?

e. Style and size of property (watch for minimum square foot restrictions which adversely affect certain areas)?

f. Depreciation?

g. Any unexplained codes or ranking system?

h. Other?

Fair Housing\Equal Credit Opportunity (continued)

YES NO

12. Does any map or list presently used by appraisers for the institution demarcate geographical areas on the basis of any of the following: racial, national, or ethnic composition; age range of properties; value range of properties; loan or non-loan areas; high or low risk; income level of residents; and rising or declining values?

If yes, determine the reasons why and whether there are any fair housing implications.

13. Does the institution (or agents on its behalf) avoid evaluations of property based on:

a. Predominant nationality or race of neighborhood?

b. Changes in the racial or ethnic composition of a neighborhood?

14. Are there any notations in the credit file indicating any additional factors outside the appraisal that affected the value of the property (for example, Is there any evidence that the institution adjusted the appraised value in determining loan-to-value ratios, etc.)?

Outside Relationships (24 C.F.R. 100.50, 100.60, 100.70, 100.80, 100.90, 100.135)

1. Does the institution maintain ongoing relationships with builders, brokers, or appraisers who refer single-family home loan applicants to the institution?

2. If yes, obtain a list of contacts.

3. If the lending area includes minorities, are minority realtors and other realtors serving predominantly minority areas contacted?

4. How often is contact made with brokers/real estate agents?

5. How does the institution communicate changes in the laws and regulations to these people?

6. By what means is compliance by brokers and agents verified?

7. How are sales people in these organizations advised of the institution's requirements or terms?

Community Reinvestment

YES NO

Public File – Small Institutions

NOTE: There is no need to review each branch or each complete public file during every examination. In determining the extent to which the institution’s public files should be reviewed, consider the institution’s record of compliance with the public file requirements in previous examinations, its branching structure and changes to it since its last examination, complaints about the institution’s compliance with the public file requirements, and any other relevant information.

1. Determine if the institution provides the appropriate public notice in the lobby of its main office and each of its branches. In addition, determine if a complete public file is available in the institution’s main office and, if an interstate bank, at least one branch in each state. The public file should contain the following:
 - All written comments from the public relating to the institution’s CRA performance and responses to them for the current and preceding two calendar years (except those that reflect adversely on the good name or reputation of any persons other than the institution) _____
 - The institution’s most recent CRA Public Performance Evaluation _____
 - A map of each assessment area showing its boundaries and, on the map or in a separate list, the geographies contained within the assessment area(s) _____
 - A list of the institution’s branches, branches opened and closed during the current and each of the prior two calendar years, and their street addresses and geographies _____
 - The HMDA Disclosure Statement for the prior two calendar years, if applicable _____
 - The institution’s loan-to-deposit ratio for each quarter of the prior calendar year _____
 - A quarterly report of the institution’s efforts to improve its record if it received a less than satisfactory rating during its most recent CRA examination _____
 - A list of services (loan and deposit products and transaction fees generally offered, and hours of operation at the institution’s branches), including a description of any material differences in the availability or cost of services among locations _____

2. In any branch review undertaken, determine whether the branch provides the most recent public evaluation and a list of services available at the branch or a description of material differences from the services generally available at the institution’s other branches. _____

Community Reinvestment (continued)

YES NO

consider the institution's record of compliance with the public file requirements in previous examinations, its branching structure and changes to it since its last examination, complaints about the institution's compliance with the public file requirements, and any other relevant information.

1. Determine if the institution provides the appropriate public notice in the lobby of its main office and each of its branches. In addition, determine if a complete public file is available in the institution's main office and, if an interstate bank, at least one branch in each state. The public file should contain the following:

- All written comments from the public relating to the institution's CRA performance and any responses to them for the current and preceding two calendar years (except those that reflect adversely on the good name or reputation of any persons other than the institution) _____ _____
- The institution's most recent CRA Performance Evaluation _____ _____
- A map of each assessment area showing its boundaries and, on the map or in a separate list, the geographies contained within the assessment area(s) _____ _____
- A list of the institution's branches, branches opened and closed during the current and each of the prior two calendar years, their street addresses and geographies _____ _____
- A list of services (loan and deposit products and transaction fees) generally offered, and hours of operation at the institution's branches, including a description of any material differences in the availability or cost of services between those locations _____ _____
- The institution's CRA Disclosure Statement(s) for the prior two calendar years _____ _____
- A quarterly updated progress report describing the institution's efforts to improve its performance if it received a less than satisfactory rating during its most recent CRA examination _____ _____
- HMDA Disclosure Statements for the prior two calendar years and those of each non-depository affiliate the institution has elected to include in assessment of its CRA record, if applicable _____ _____
- If applicable, the number and amount of consumer loans made to the four income categories of borrowers and geographies (low, moderate, middle, and upper), located inside and outside of the assessment area(s) _____ _____

2. In any branch review undertaken, determine whether the branch provides the most recent public evaluation and a list of services generally available at its branches and a description of any material differences in the availability or cost of services at the branch (or a list of services available at the branch). _____ _____

| Consumer Leasing | YES | NO |
|--|------------|-----------|
| 1. Does the Bank engage in consumer leasing or purchase consumer leases from lessors? §213.2(e) | _____ | _____ |
| 2. If yes, answer the following: | | |
| a. Are the disclosures made prior to consummation of the lease, that is, at the time a binding order is made? (§§213.4(a)(2), 213.3(a)) | _____ | _____ |
| b. Is the total amount (rather than annual payments) of license fees, registration, certificate of title, and taxes disclosed? (§213.4(b)) | _____ | _____ |
| c. Are the types and amounts of insurance that the lessee is required to have disclosed? (§213.4(o)) | _____ | _____ |
| d. If the lessor provides such insurance, is the cost to the lessee also disclosed? (§213.4(o)(1)) | _____ | _____ |
| e. Are any express warranties made by the lessor or manufacturer and available to the lessee disclosed? (§213.4(p)) | _____ | _____ |
| f. If the lessor sets standards for wear and use of the leased vehicle, are they disclosed and do they appear to be reasonable? (§213.4(h)) | _____ | _____ |
| g. Does the lessor disclose the amount or method of determining the amount of any penalty or charge for delinquency, default, late payments, and early termination? (§213.4) | _____ | _____ |
| h. Does the lessor disclose the conditions under which the lessee may terminate the lease prior to the end of the lease terms? (§213.4(g)) | _____ | _____ |
| i. With respect to any open end leases, does the lessor disclose: | | |
| • The value of the vehicle at consummation, the itemized total lease obligation and the difference between them, and; | _____ | _____ |
| • The limitations on the lessee's liabilities at the end of the lease term? (§213.4(m)) | _____ | _____ |
| j. Are disclosures given to lessees when they renegotiate or extend their leases? (§213.5) | _____ | _____ |
| k. Do any advertisements for a consumer lease require all of the proper disclosures? (§213.7) | _____ | _____ |
| 3. Are evidence of compliance retained for a period of no less than 2 years as required by (§213.8)? | _____ | _____ |

Interstate Banking – Part 369

YES NO

IDENTIFY BRANCHES SUBJECT TO SECTION 109 EVALUATION

1. Does the bank have any covered interstate branches established pursuant to the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994? _____

Note: If the answer is No, no further review is necessary.

2. Have any of the bank’s covered interstate branches been in existence for more than one year? _____

Note: If the answer is No, no further review is necessary.

ASSESS COMPLIANCE WITH THE LOAN-TO-DEPOSIT (LTD) RATIO SCREEN

3. Does the bank have sufficient data to calculate a statewide LTD ratio(s) for interstate branches subject to Section 109? _____

Note: For each state where the answer is No, proceed to #5.

4. For each state in which the bank has a covered interstate branch, calculate the bank’s statewide LTD ratio. Is the statewide LTD ratio equal to or greater than one-half of the host state LTD ratio? _____

Note: For each state where the answer is Yes, the bank complies with Section 109 and no further review is necessary. For each state where the answer is No, proceed to #5.

PERFORM CREDIT NEEDS DETERMINATION

5. For each host state identified in #3 or #4, is the bank reasonably helping to meet the credit needs of the communities served by the bank in the host state? When making this determination, the examiner must consider the following items: _____

- Whether the covered interstate branches were formerly part of a failed or failing depository institution; _____
- whether the covered interstate branches were acquired under circumstances where there was a low LTD ratio because of the nature of the acquired institution’s business or loan portfolio; _____
- whether the covered interstate branches have a higher concentration of commercial or credit card lending, trust services, or other specialized activities, including the extent to which the covered interstate branches accept deposits in the host state; _____
- the most recent ratings (overall rating, multistate MSA rating, and state ratings) received by the bank under the Community Reinvestment Act (CRA); _____
- economic conditions, including the level of loan demand, within the communities served by the covered interstate branches; _____
- the safe and sound operation and condition of the bank; and _____

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YES NO

- the CRA regulation, examination procedures, and interpretations of this regulation.

NOTE: If the bank passes the credit needs determination test, the bank complies with Section 109 and no further review is necessary. If the bank fails the credit needs determination test and has failed the LTD ratio screen, go to #7. If the bank fails the credit needs determination test but the LTD ratio screen has not yet been conducted, go to #6.

DETERMINE IF SANCTIONS ARE WARRANTED

6. Calculate the statewide LTD ratio for banks that fail the credit needs determination test. Is this ratio equal to or greater than one-half of the host state LTD ratio?

NOTE: If the answer is Yes, the bank complies with Section 109 and no further review is necessary. If the answer is No, the bank is in noncompliance with Section 109 (go to #7).

7. After consultation with agency management, are sanctions warranted?
