



Description



GEORGIA MORTGAGE LENDER REGISTRATION

Who is required to have this registration?

Any wholly owned subsidiary of any bank holding company is considered a REGISTRANT and does not require a license, provided, however, such subsidiary shall be subject to registration requirements as outlined below. A REGISTERED lender meeting the subsidiary status noted herein is any person (Individual, sole proprietorship, corporation, limited liability company, partnership, trust, or any other group of individuals, however organized), unless otherwise exempt, who directly or indirectly makes, originates, or purchases mortgage loans or who services mortgage loans. Loan Servicers are, by definition, required by Georgia law to have a mortgage lender's license or registration unless such person is otherwise exempt under Georgia law.

Georgia law defines a *mortgage loan* as a loan or agreement to extend credit made to a natural person, which loan is secured by a deed to secure debt, security deed, mortgage, security instrument, deed of trust, or other document representing a security interest or lien upon any interest in one-to-four family residential property located in Georgia, regardless of where made, including the renewal or refinancing of any such loan.

Who does not need this registration?

Full information regarding exemptions provided for under the Georgia Residential Mortgage Act in Code Section 7-1-1001 is on the web under "*License Application Package*" at:

<http://dbf.georgia.gov/dbfmtgforms>

Some exemptions include:

- Federally insured financial institutions and their wholly owned subsidiaries;
- W-2 Employees of licensees and registrants (see Code);
- Attorneys who provide legal services who are not in the business of negotiating loans;
- Any person performing any act relating to mortgage loans under order of any court ;
- Nonprofit corporations making mortgage loans to promote home ownership or improvements for the disadvantaged;
- Any natural person who makes five or fewer mortgage loans in any one calendar year;
- Other.....refer to Code Section 7-1-1001.

Pre-requisites for registration applications:

- **State Fees:** \$250 Initial Investigation fee plus \$1,000 Annual Registration Fee
- **NMLS Processing Fees:** \$100 initial and annual fee (included in Registration Fee.) No branch approvals are required.
- **Net Worth:** No specified amount. Tax return information and company financials are reviewed.
- **Bond Amount:** A Surety Bond in a form approved by the Department in the amount of \$150,000.
- **Criminal Background Check:** Fingerprint cards and a background check authorization form are required for all control persons (including branch managers) in the application. Processing fees in the appropriate amount as set forth in a schedule available from the Department must be paid. For information see:
http://dbf.georgia.gov/00/channel_title/0,2094,43414745_46385619,00.html#GAPS .
- **Credit check:** **Submission** of a credit report for all control persons is required.
- **Education:** No pre-licensing or continuing education is required for mortgage lenders.

WHO TO CONTACT – Contact the Department’s licensing staff by phone at 770-986-1136 or send your questions via e-mail to newapps@dbf.state.ga.us or additional assistance.

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE FOR WHICH THEY ARE APPLYING. THE JURISDICTION SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR GUIDANCE ONLY AND NOT AN EXHAUSTIVE LISTING. OTHER INFORMATION MAY BE REQUIRED. YOU ARE PROHIBITED FROM ENGAGING IN RESIDENTIAL MORTGAGE ORIGINATION ACTIVITIES UNTIL YOUR LICENSE IS APPROVED.