AZ Escrow Agent License
New Application Checklist (Company)

CHECKLIST SECTIONS

- General Information
- License Fees
- Requirements Completed in NMLS
- Requirements/Documents Uploaded in NMLS
- Requirements Submitted Outside of NMLS

GENERAL INFORMATION

Note from Arizona Department of Insurance and Financial Institutions ("AZ-DIFI"): We ask that you provide the necessary information needed to make our decision within 10 days of the date we notify you of any deficiencies. This is to ensure the application can be processed and to avoid any undue delay. Untimely submissions, as detailed in the deficiency notice, will result in your application being withdrawn. If the application is withdrawn, application fees, if applicable, will be forfeited and the applicant will be required to submit a new application and application fee.

Who Is Required to Have This License?
"Escrow" means any transaction in which any escrow property is delivered with or without transfer of legal or equitable title, or both, and irrespective of whether a debtor-creditor relationship is created, to a person not otherwise having any right, title or interest therein in connection with the sale, transfer, encumbrance or lease of real or personal property, to be delivered or redelivered by that person upon the contingent happening or non-happening of a specified event or performance or nonperformance of a prescribed act, when it is then to be delivered by such person to a grantee, grantor, promisee, promisor, obligee, obligor, bailee or bailor, or any designated agent or employee of any of them. Escrow includes subdivision trusts and account servicing. Please review A.R.S. § 6-801.

Real Property Escrow Agents Must File Escrow Rates: See A.R.S. Section 6-846 et al.

No foreign corporation without a valid grant of authority to do business under Title 10, Chapter 15, Article 1 shall transact any escrow business in this state.

Activities Authorized Under This License

This license authorizes the following activities:

- Accounting/Billing servicing
- Escrowing agents
- Consumer loan servicing
- Third party first mortgage servicing
- Third party subordinate lien mortgage servicing
- Third party debt collection
- Master Servicing
- Subordinate lien mortgage servicing
Pre-Requisites for License Applications

- None

AZ-DIFI ONLY issues an electronic license for this license type.

Document Uploads

Documents that must be uploaded to the Document Uploads section of the Company Form (MU1) in NMLS are indicated in the checklist below. When uploading documents:

- Refer to Document Uploads Descriptions and Examples.
- Documents to be uploaded must be relevant to the company application.
- Documents to be uploaded must be listed in the selectable document category. If inappropriate documents are uploaded you will be contacted by your regulator and asked to remove them from NMLS.
- Documents should not be uploaded multiple times. Generally, unless the document is state-specific or the document has already been uploaded for another state, a new upload is not required unless changes have been made.
- If you need to upload a revised document, you must delete the old document and replace it with the new document (a history of document revisions will remain in NMLS).
- If uploading a state-specific document i.e. surety bond, you must indicate the applicable state.

Helpful Resources

- Company Form (MU1) Filing Instructions
- Document Upload Descriptions and Examples
- Individual Form (MU2) Filing Quick Guide
- Financial Statements Quick Guide
- Payment Options Quick Guide
- License Status Definitions Quick Guide

AZ-DIFI Contact Information

Contact AZ-DIFI licensing staff by phone at (602) 771-2800 or send your questions via email to felicensing@difi.az.gov for additional assistance.

THE APPLICANT/LICENSEE IS FULLY RESPONSIBLE FOR ALL OF THE REQUIREMENTS OF THE LICENSE FOR WHICH THEY ARE APPLYING. THE AGENCY SPECIFIC REQUIREMENTS CONTAINED HEREIN ARE FOR GUIDANCE ONLY TO FACILITATE APPLICATION THROUGH NMLS. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.

| LICENSE FEES - Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE. |
|---|---|---|
| Complete | AZ Escrow Agent License | Submitted via... |
| | | NMLS (Filing submission) |

AZ Application Fee: $1,000
AZ License/Registration Fee:

<table>
<thead>
<tr>
<th>Application Submitted In</th>
<th>Fee</th>
<th>License Active Through</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan, Feb, Mar</td>
<td>750.00</td>
<td>9/30 of the Current Calendar Year</td>
</tr>
<tr>
<td>Apr, May, June</td>
<td>500.00</td>
<td>9/30 of the Current Calendar Year</td>
</tr>
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Updated: 9/23/2022
<table>
<thead>
<tr>
<th>July, Aug, Sept</th>
<th>1,250.00</th>
<th>9/30 of the Next Calendar Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct, Nov, Dec</td>
<td>1,000.00</td>
<td>9/30 of the Next Calendar Year</td>
</tr>
</tbody>
</table>

**NMLS Initial Processing Fee:** $0

- **FBI Criminal Background Check for MU2 Individual:** $36.25 per person.  
  NMLS (Filing submission)

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### REQUIREMENTS COMPLETED IN NMLS

<table>
<thead>
<tr>
<th>Complete</th>
<th>AZ Escrow Agent License</th>
<th>Submitted via...</th>
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</thead>
<tbody>
<tr>
<td>□</td>
<td>Submission of Company Form (MU1): Complete and submit the Company Form (MU1) in NMLS. This form serves as the application for the license/registration through NMLS.</td>
<td>NMLS</td>
</tr>
</tbody>
</table>
| □        | Other Trade Name(s):  
  - List your **DBA or Trade Name(s) used in Arizona** in the “Other Trade Names” section of the Form MU1.  
  - A separate license is **no longer required** for use of multiple trade names.  
  - You may only transact business in the legal name of the entity and any name(s) approved and listed for Arizona under the Trade name section on the NMLS.  
  - A licensee may not use an assumed name or trade name that either:  
    - Is so substantially similar to the assumed name or trade name of another department licensee that it may cause uncertainty or confusion among the public.  
    - Tends to deceive or mislead the public as to the nature of business that the licensee conducts.  
  - A person using an approved assumed or trade name shall notify the AZ-DIFI within fifteen days after any material change to the name.  
    It is recommended that each DBA or Trade Name is registered with the [Arizona Secretary of State](https://www.azsos.gov). | NMLS |
| □        | **Resident/Registered Agent:** The Resident/Registered Agent must be listed under the Resident/Registered Agent section of the Company Form (MU1) and must match the information currently on record with AZ-DIFI. | NMLS |
| □        | **Primary Contact Employees:** The following individuals must be entered into the Contact Employees section of the Company Form (MU1).  
  1. **Primary Company Contact.** This is the person whom will be notified of any important information that affects your license. This includes renewal notification and to whom your license will be emailed to.  
  2. **Primary Consumer Complaint Contact.** This is the person to whom | NMLS |
<table>
<thead>
<tr>
<th><strong>Note</strong></th>
<th><strong>AZ- DIFI will send complaints that have been filed.</strong></th>
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<tbody>
<tr>
<td><strong>Non-Primary Contact Employees</strong>: AZ-DIFI does not require any non-primary contacts to be listed in the <em>Contact Employees</em> section of the Company Form (MU1).</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Bank Account</strong>: Bank account information is not required. The <em>Bank Account</em> section of the Company Form (MU1) can be left blank.</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Disclosure Questions</strong>: Provide a complete and detailed explanation and document upload for each “Yes” response to Disclosure Questions made by the company or related control persons (MU2). See the <em>Company Disclosure Explanations Quick Guide</em> for instructions.</td>
<td>Upload in NMLS in the <em>Disclosure Explanations</em> section of the Company Form (MU1) or Individual Form (MU2).</td>
</tr>
<tr>
<td><strong>Qualifying Individual</strong>: The <em>Qualifying Individual</em> section is not required to be completed for AZ-DIFI on the Company Form (MU1).</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Control Person (MU2) Attestation</strong>: Complete the Individual Form (MU2) in NMLS. This form must be attested to by the applicable control person before it can be submitted with the Company Form (MU1).</td>
<td>NMLS</td>
</tr>
<tr>
<td><strong>Credit Report</strong>: Individuals in a position of control are NOT required to authorize a credit report through NMLS.</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>MU2 Individual FBI Criminal Background Check Requirements</strong>: Pursuant to ARS § 6-123.01, AZ-DIFI has the authority to require fingerprints and background checks for all applicants, licensees, active managers or responsible individuals, or any organizer, director or officer of any corporate applicant or licensee, or any individual in control of a licensee or applicant, or any individual who seeks to acquire control of a licensee or each key individual. The following Individuals, specified on the Form MU1 are required to authorize a FBI criminal background check (CBC) through the NMLS: <strong>Direct Owners/Officers</strong> – <em>CBC is not required for individuals who have had a CBC completed and reviewed by the AZ-DIFI within the previous 12 months.</em>  - All individuals who hold 20% or more of the voting shares.  - Top 3 individuals that are responsible for and provide oversight for the entity’s business activity. <strong>Indirect Owners and Additional Officers</strong> – <em>CBC is not required for individuals who have had a CBC completed and reviewed by the AZ-DIFI within the previous 12 months.</em></td>
<td>NMLS</td>
</tr>
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## REQUIREMENTS/DOCUMENTS UPLOADED IN NMLS

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<tr>
<td></td>
<td><strong>Surety Bond:</strong> Submit company bond in the amount of $100,000.00 furnished by a surety company authorized to conduct business in Arizona. The name of the principal insured on the bond must match exactly the full legal name of applicant. <a href="#">Click here to access the Bond Form.</a> This document should be named <em>Escrow Agent Surety Bond.</em></td>
<td>Upload in NMLS: under Surety Bond in the Document Uploads section of the Company Form (MU1).</td>
</tr>
<tr>
<td></td>
<td><strong>Certificate of Good Standing:</strong> Upload the Certificate of Good Standing for Arizona. This document should be named [<em>State-License Type</em> Certificate of Good Standing].</td>
<td>NMLS Upload in NMLS: under the Document Type Trade Name/Assumed Name Registration Certificates in the Document Uploads section of the Company Form (MU1).</td>
</tr>
<tr>
<td></td>
<td><strong>Business Plan:</strong> The business plan must include the general plan and character of operation and the length of time the company has been engaged in the escrow business. If an existing uploaded business plan already includes the above information, an additional document does not need to be uploaded. A company should only upload a single business plan. If state-specific documentation is required, the information should be added to the existing uploaded business plan.</td>
<td>NMLS Upload in NMLS: under the Document Type Business Plan in the Document Uploads section of the Company Form (MU1).</td>
</tr>
</tbody>
</table>

## INDIVIDUAL (MU2) DOCUMENTS UPLOADED IN NMLS

No individual (MU2) documents are required to be uploaded into NMLS for this license/registration at this time.

### Notice to Applicant Pursuant to [A.R.S. § 41-1030](#)

An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a license requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

This section may be enforced in a private civil action and relief may be awarded against the State. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against the state for a violation of this section.

A State employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissed pursuant to the Agency’s adopted personnel policy.

This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.