



DESCRIPTION



NORTH CAROLINA MORTGAGE BRANCH LICENSE

Who is required to have this license?

Any person (individual, partnership, limited liability company, limited partnership, corporation, association, or other group engaged in joint business activities, however organized) unless exempt, who engages in the business of making mortgage loans for compensation or gain, or to act, for compensation or gain, or in the expectation of compensation or gain, either directly or indirectly, by accepting or offering to accept or soliciting or offering to solicit, applications for residential mortgage loans, negotiating terms or conditions, issuing mortgage loan commitments or interest rate guarantee agreements, or engaging in table funding, whether such acts are done through contact by telephone, electronic means, mail, or in person with borrowers or potential borrowers at a location other than the principal office.

The North Carolina Secure and Fair Enforcement Mortgage Licensing Act ("NC SAFE Act") defines "make a residential mortgage loan" as follows: to advance funds, to offer to advance funds, to make a commitment to advance funds to a borrower under a mortgage loan, or to fund a residential mortgage loan. "Residential mortgage loan or mortgage loan" means any loan made or represented to be made to a natural person or persons primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling located within this State or residential real estate upon which is constructed or intended to be constructed a dwelling.

Who does not need this license?

- Any agency of the federal government or any state or municipal government granting mortgage loans under specific authority of the laws of any state or the United States.
- Any employee of a licensed lender or broker whose responsibilities are limited to clerical and administrative tasks for his or her employer and who does not solicit borrowers, accept applications, or negotiate loan terms on behalf of the employer.
- Any person authorized to engage in business as a bank, subsidiary of a bank, credit union, savings institution, farm credit system, their officers and employees, under the laws of the United States, this State, or any other state, upon filing and confirmation of a claim of exemption with the Office of the Commissioner of Banks.
- Any licensed real estate agent or broker who is performing those activities subject to the regulation of the North Carolina Real Estate Commission unless the real estate agent or broker receives compensation of any kind in connection with the referral, placement, or origination of a mortgage loan.
- Any person who, as seller, receives in one calendar year no more than five mortgages, deeds of trust, or other security instruments on real estate as security for a purchase money obligation.

What are the pre-requisites for licensure?

Licensure:	Each mortgage broker or lender must be licensed to engage in the mortgage business under the NC SAFE Act.
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Branch Location:	An office of the licensee that is separate and distinct from its principal office/ headquarters.
Branch Manager:	Each branch office of a mortgage broker or lender must have a branch manager who is also licensed as a mortgage loan originator or meets the testing and education requirements, and has at least three years of experience in residential mortgage lending, meets financial responsibility requirements, and who is in charge of and responsible for the business operations of the branch location.

WHO TO CONTACT – Contact the NC Mortgage Licensing Division staff by phone at (919) 733-3016 or send your questions via e-mail to Branch@nccob.gov for additional assistance.

<p>YOU ARE NOT AUTHORIZED TO ENGAGE IN MORTGAGE BROKERING OR MORTGAGE ORIGINATION ACTIVITIES IN THE STATE OF NORTH CAROLINA UNTIL YOU HAVE RECEIVED A LICENSE APPROVAL THROUGH THE NMLS.</p>
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