



## Company New Application Checklist Agency Requirements



### NEW HAMPSHIRE MORTGAGE SERVICER REGISTRATION

This document includes instructions to apply for an application for a Mortgage Servicer company (principal/headquarter location) Registration. If you need to complete a new application for a branch location or individual, refer to the appropriate new application checklists.

Total of the registration request including the NMLS processing fee is \$600. A fee for a credit report will be added if one has not been authorized through NMLS in the past 30 days for each required control person.

#### **Fees collected through NMLS ARE NOT REFUNDABLE.**

Use the checklist below to complete the requirements to apply for the Mortgage Servicer Registration. The checklist provides instructions and requirements for information to be entered in NMLS, the documents that must be uploaded into NMLS, and the documents that must be sent outside NMLS to the New Hampshire Banking Department.

For help with the NMLS application, see the [Quick Guide for submitting a complete Company Form](#) filing through NMLS or contact the NMLS call center.

Agency specific requirements marked **File in NMLS** must be completed and/or uploaded in NMLS; this information will not be viewable to the Department until the application has been submitted through NMLS.

For help with document uploads, see the [Quick Guide for document upload in NMLS](#)

Agency specific requirements marked **Attached** on the checklist below must be received with this checklist within 5 business days of the electronic submission of your application through the NMLS at the following

*For U.S. Postal Service/For Overnight Delivery  
New Hampshire Banking Department  
53 Regional Drive  
Concord NH 03301*

*Information regarding all NH Banking statutory requirements can be found at [www.nh.gov/banking](http://www.nh.gov/banking). Mortgage Servicer statutes can be located under Chapter RSA 397-A and RSA 397-B.*

NMLS **Company** Unique ID Number: \_\_\_\_\_

Applicant Legal Name: \_\_\_\_\_

FILED IN NMLS	ATTACHED	NOT APPLICABLE	NEW HAMPSHIRE MORTGAGE SERVICER REGISTRATION
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p><b>Other Trade Name:</b> D/B/A's should be listed under Other Trade Names on the NMLS Company form. If you are required by the NH Secretary of State to use a forced trade name in New Hampshire you will need to list this here as well.</p> <p>Upload certified copy(ies) of your proof of Registration(s) of all trade names registered with the NH Secretary of State.</p> <p><input type="button" value="Upload"/> this document in NMLS under the Document Type "Trade Name/Assumed Name Registration Certificates" in the <i>Document Uploads</i> section of the Company (MU1) Form.</p> <p>For questions regarding how to register trade names in New Hampshire contact the Secretary of State office at 603-271-3246 or visit their web site at <a href="http://sos.nh.gov/Corp_Div.aspx">http://sos.nh.gov/Corp_Div.aspx</a></p>
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p><b>Resident/Registered Agent:</b> Foreign companies (not formed under NH law) must appoint and maintain at all times a registered agent in New Hampshire. (If the applicant has a NH branch office, an individual in that office may be appointed as the NH registered agent.)</p> <p>If the applicant does not have a NH branch office or does not wish to appoint someone in a branch office, the applicant must appoint another person to be the NH registered agent. The agent's office must be open during regular business hours.</p> <p>Banking Department examinations of the licensee's books and records may take place at the registered agent's office.</p> <p><b>Note:</b> Providing this information on Form MU1 does not take the place of filing Form U-2, <i>Uniform Consent to Service of Process</i>.</p>
<input type="checkbox"/>	N/A	N/A	<p><b>Disclosure Questions:</b> Provide an explanation for any "Yes" response.</p> <p><input type="button" value="Upload"/> a copy of any applicable orders or supporting documents in the <i>Disclosure Explanations</i> section of the Company (MU1) Form.</p> <p>See the <a href="#">Company Disclosure Explanations Quick Guide</a> for instructions.</p>

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<input type="checkbox"/>	N/A	N/A	<p><b>Contact Employees:</b> The following individuals must be entered into the <i>Contact Employees</i> section of the Company (MU1) Form.</p> <ol style="list-style-type: none"> <li>The individual named as the <b>Primary Contact Employee</b> must be authorized by the company to make sworn statements and attestations on behalf of the company where required as part of the application and/or renewal process. <b>This contact will be Licensing’s contact unless we are advised in writing that the company would like another person to be the Licensing contact.</b></li> </ol>
<input type="checkbox"/>	N/A	N/A	<ol style="list-style-type: none"> <li>The individual named as the <b>Primary Consumer Complaint</b> must be the individual that the NH Banking Department will contact when a complaint against the company is received.</li> </ol>
<input type="checkbox"/>	N/A	N/A	<p>New Hampshire <b>requires</b> that an individual(s) be identified as a contact for Exams and Litigation. He or she will need to be added as a Non-Primary contact. <b>If a primary contact will be the contact for Exams and/or Litigation, he or she will need to be added to the company’s MU1 filing as a Non-Primary contact and will appear in contacts twice, once with specific areas of responsibility for New Hampshire.</b></p>
<input type="checkbox"/>	N/A	N/A	<ol style="list-style-type: none"> <li>Examination contact</li> </ol>
<input type="checkbox"/>	N/A	N/A	<ol style="list-style-type: none"> <li>Litigation contact</li> </ol>
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p>Nothing needs to be sent to the department at this time. If additional information is need we will contact you.</p> <ol style="list-style-type: none"> <li><b>Complaint Contact –Public. Per NH RSA 397-A:5 III (e) an individual who is a control person must be identified. This individual will need to complete a background check through the New Hampshire Banking Department as well as complete an MU2 filing on the NMLS if one has not already been completed.</b></li> </ol>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Control Persons/Principals:</b> Individual Form (MU2) must be filed for all control persons/principals of the applicant, including sole proprietors.</p> <p><u>Principals</u> of the <i>applicant</i> are considered “<u>control persons</u>” in New Hampshire and may include “<u>management level employees</u>”.</p> <p>RSA 397-A:1 XI-b states in part: <i>Management level employees “or other position the responsibilities of which provide such employee with the discretion or ability to set policy or manage or direct affairs of the licensee as a whole, or of any division or department or unit of the licensee.”</i></p> <p>Individuals identified as management level employees will need to complete a background check through the NH Banking Department.</p>

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<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p><b>Credit Report:</b> Individuals in a position of control are required to authorize a credit report through NMLS. Individuals will be required to complete an Identity Verification Process (IDV) along with an individual attestation before a license request for your company can be filed through NMLS.</p>
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p><b>Financial Statements:</b> Financial statements must be consistent with the legal status of the <i>applicant</i>, and audited statements are required if an audit was performed. Copies of the following that are prepared in accordance with generally accepted accounting principles by a public accountant, certified public accountant or the <i>applicant's</i> financial officer must be submitted. Internally-prepared statements must include an attestation, signed under penalty of Unsworn Falsification pursuant to NH RSA 641:3, that the financial statements are true and accurate to the best of his or her belief and knowledge.</p> <ul style="list-style-type: none"> <li>• Balance sheet as of the last fiscal year end and as of the most recent quarter end.</li> <li>• Cash flow statement as of the last fiscal year end and as of the most recent quarter end.</li> <li>• Income statement as of the last fiscal year end and as of the most recent quarter end.</li> <li>• Note disclosures</li> </ul> <p>Publicly traded corporations, and wholly owned subsidiaries of publicly traded corporations, may submit copies of their most recent SEC 10K and 10Q forms in lieu of financial statements required if the financial statements reflect the operations and financial position of the applicant itself.</p> <p>Note: Companies <i>must maintain</i> a minimum positive net worth at all times as set by rule.</p> <p><b>NOTE:</b> Financial statements are uploaded separately under <i>Financial Statement</i> section of the Filing tab. See the <a href="#">Financial Statement Quick Guide</a> for instructions.</p>
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p><b>Business Plan:</b> Upload a business plan outlining marketing strategy, products, target markets and operating structure the applicant intends to employ.</p> <p><input type="button" value="Upload"/> this document in NMLS under the Document Type “Business Plan” in the <i>Document Uploads</i> section of the Company (MU1) Form.</p>

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<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p><b>Certificate of Authority/Good Standing Certificate:</b> Applicants organized under the laws of the State of New Hampshire must upload a copy of the Certificate of Formation issued by the New Hampshire Secretary of State.</p> <p>Foreign (not formed under New Hampshire law) corporations, foreign limited liability companies and foreign partnerships must provide a copy of their home state registration and proof of registration as a foreign corporation, foreign limited liability company or foreign partnership (“Certificate of Authority”) issued by the NH Secretary of State. (Telephone Number: 603-271-3244 or 603-271-3246) or visit their website at <a href="http://www.nh.gov/sos/corporate">www.nh.gov/sos/corporate</a> ).</p> <p><input type="button" value="Upload"/> this document in NMLS under the Document Type “Certificate of Authority/Good Standing Certificate” in the <i>Document Uploads</i> section of the Company (MU1) Form.</p>
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p><b>Formation Document:</b> Upload a certified copy of:</p> <ul style="list-style-type: none"> <li>• Corporations must submit a copy of their Articles of Incorporation and By-Laws and any amendments thereto;</li> <li>• Partnerships must submit a copy of the Partnership or Limited Partnership Agreement and any amendments thereto;</li> <li>• Limited Liability Companies must submit copies of their Articles of Organization, any Management Agreements or Operating Agreements that exist, and any amendments to either.</li> </ul> <p><input type="button" value="Upload"/> this document in NMLS under the Document Type “Formation Document” in the <i>Document Uploads</i> section of the Company (MU1) Form.</p>
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p><b>Management Chart:</b> Upload an organizational chart showing the applicant’s divisions, officers, and managers.</p> <p><input type="button" value="Upload"/> this document in NMLS under the Document Type “Management Chart” in the <i>Document Uploads</i> section of the Company (MU1) Form.</p>
<input type="checkbox"/>	N/A	<input type="checkbox"/>	<p><b>Organizational Chart/Description:</b> Upload an organizational chart if applicant is owned by another entity or entities or person, or has subsidiaries or affiliated entities.</p> <p><input type="button" value="Upload"/> this document in NMLS under the Document Type “Organizational Chart/Description” in the <i>Document Uploads</i> section of the Company (MU1) Form.</p>

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N/A	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>AUTHORIZATION FOR BACKGROUND CHECK AND RELEASE.</b></p> <p>Until such time as the NMLS has procedures in place for collecting this information, for each MU2 control person/principal, qualifying individual and certain contact persons the following information is required:</p> <ol style="list-style-type: none"> <li><b>Completed fingerprint card.</b> To obtain blank cards please <a href="#">click here</a> to obtain an e-mail/fax form or call Licensing at 603-271-8675.</li> <li><b>Criminal History Record Information Authorization Form.</b> A Criminal Record check (which includes the FBI check) is conducted by the State of New Hampshire Department of Safety, State Police Division. Complete all items in Section I of the Authorization, and make sure to sign the release information in Section II of the form and have the form notarized. <a href="#">Criminal History Record Information Authorization Form</a></li> <li><b>FEE.</b> The Department of Safety charges a \$49.75 fee to cover costs for each record check. (State Police Fee: \$25.; FBI Fee \$24.75) <b>All checks and money orders for the record checks must be attached to this checklist and made payable to “State of NH – Criminal Records.”</b> Fees covering multiple individuals may be combined into one check.</li> <li>Mail all information to the New Hampshire Banking Department. We will forward the document(s) and check(s) to the Department of Safety. <b>Do not send directly to Department of Safety as this will delay review of the company’s application.</b></li> </ol>
N/A	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>Surety Bond.</b> Mortgage Servicers are required to maintain an original \$50,000 continuous surety bond.</p> <p>We cannot accept copies of the bond; we must have the originally executed bond. The bond must be signed by three people:</p> <ol style="list-style-type: none"> <li>an authorized officer of the company that is the applicant or licensee</li> <li>an individual with a power of attorney (attach a copy of the POA) who may sign on behalf of the surety company.</li> <li>the countersignature of an insurance agent of the surety company who is duly licensed by the New Hampshire Insurance Department (<i>does not have to be a resident agent; any NH licensed agent of the company may sign</i>).</li> </ol> <p><b>All three signature lines must be original signatures</b></p> <p><a href="#">\$50,000 Surety Bond Form</a></p> <p>This information should be mailed directly to the address listed above.</p>
N/A	<input type="checkbox"/>	<input type="checkbox"/>	<p><b>FORM U-2, UNIFORM CONSENT TO SERVICE OF PROCESS.</b> This requirement is <i>not in lieu of</i> the “Registered Agent” field in NMLS. You must file this form directly with the Department. <a href="#">Form U-2</a></p>

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N/A	<input type="checkbox"/>	N/A	<p>Has the company transacted business with New Hampshire consumers prior to applying for licensure or during the process?</p> <p style="text-align: center;"><input type="checkbox"/> Yes                      <input type="checkbox"/> No</p> <p>If yes please provide an explanation:</p>
<p><b>IMPORTANT:</b> We encourage you to review chapter RSA 397-A and RSA 397-B found on our web site at <a href="http://www.nh.gov/banking">www.nh.gov/banking</a>. The statutes provide definitions, registration requirements, exemptions if any as well as licensee requirements.</p>			

The regulator will review the filing and all required documents and communicate with you through NMLS and or written correspondence. To review your status or see detailed communication from the regulator, click on the Composite View tab and then click on View License/Registration in NMLS see ([License Status Quick Guide](#)) for instruction.

**WHO TO CONTACT** – Contact New Hampshire licensing staff by phone at (603) 271-8675 or send your questions via e-mail to [Licensing@banking.state.nh.us](mailto:Licensing@banking.state.nh.us) for additional assistance.

## AFFIRMATION

I subscribe and affirm, under penalty of perjury, that the statements made in this application, including the MU1 and Part 2 of the NH Application Form and statements made in any accompanying papers, schedules and attachments, have been examined by me and to the best of my knowledge and belief are true, correct and complete, and that I am duly authorized to execute this affirmation. I understand that any misrepresentation made to the banking department may result in denial or revocation of the mortgage license to which this form relates.

I agree, on behalf of the *Applicant*, that pursuant to NH RSA 397-A:10,IV, the *Applicant* will promptly report and amend documents and records on file with the New Hampshire Banking Department for any material changes (including but not limited to change in owners, officers, directors, managers including NH branch managers, address, form of organization, contact information, FYE, etc.). The report of an amendment must be filed within 30 days of the event that requires the filing of an amendment.

I acknowledge on behalf of the *Applicant* that the *Applicant's* business, if licensed, will be operated in accordance with the New Hampshire Revised Statutes Annotated and rules of the New Hampshire Banking Department, and further acknowledge that the New Hampshire Banking Department is authorized to conduct examinations of the business affairs and records of the *Applicant's* licensed business at any time with or without notice, and that all books, papers, files, related material, and records of assets, whether electronically stored or otherwise, shall be subject to the Department's examination. I am signing this document under penalty of Unsworn Falsification pursuant to NH RSA 641:3.

Date: \_\_\_\_\_

For \_\_\_\_\_  
(Print or type *Applicant* or Licensee's/Registrant's name)

By \_\_\_\_\_  
(Print or type name of the authorized signatory)

Signature \_\_\_\_\_  
(Signed under penalty of Unsworn Falsification pursuant to NH RSA 641:3)

Title \_\_\_\_\_

**YOU ARE NOT AUTHORIZED TO ENGAGE IN MORTGAGE BANKING, MORTGAGE BROKERING OR MORTGAGE SERVICING ACTIVITIES WITH NEW HAMPSHIRE CONSUMERS UNTIL YOU HAVE OBTAINED LICENSURE IN NEW HAMPSHIRE.**

**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 THE NMLS. SHOULD YOU HAVE QUESTIONS, PLEASE CONSULT LEGAL COUNSEL.**