



# TX-SML Residential Mortgage Loan Servicer Registration New Application Checklist (Company)

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## CHECKLIST SECTIONS

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## GENERAL INFORMATION

### Who Is Required to Have This Registration?

A “residential mortgage loan servicer” is any person/entity who: (A) receives scheduled payments from a borrower under the terms of a residential mortgage loan, including amounts for escrow accounts; and (B) makes the payments of principal and interest to the owner of the loan or other third party and makes any other payments with respect to the amount received from the borrower as may be required under the terms of the servicing loan document or servicing contract. See Texas Finance Code § 158.002(6).

A person may not act as a residential mortgage loan servicer, directly or indirectly, for a residential mortgage loan secured by a lien on residential real estate in this state unless the person is registered or is exempt from registration under Section 158.052 of the Texas Finance Code. See Texas Finance Code § 158.051.

A wrap lender, as defined by Texas Finance Code §159.001(6), that retains the servicing rights for wrap mortgage loans or services wrap mortgage loans for a third party must be registered. See Texas Finance Code § 159.251.

### Who Does Not Need This Registration?

A person/entity is not required to register as a residential mortgage loan servicer if it is:

- (1) a federal or state depository institution, or a subsidiary or affiliate of a federal or state depository institution;
- (2) a mortgage banker registered under Chapter 157 of the Texas Finance Code;
- (3) a person licensed under Chapter 342 of the Texas Finance Code as a regulated lender, or regulated under Chapter 343 of the Texas Finance Code, if the person does not act as a residential mortgage loan servicer servicing first-lien secured loans; or
- (4) a person making a residential mortgage loan with the person's own funds, or to secure all or a portion of the purchase price of real property sold by that person.

### Activities Authorized Under This Registration

This license authorizes the following activities...

- First mortgage servicing
- Subordinate lien mortgage servicing
- Reverse mortgage servicing
- Third party first mortgage servicing

- Third party subordinate lien mortgage servicing
- Master servicing

**[Note:** Not authorized to originate residential mortgage loans using this registration type].

See the [Business Activities Definitions](#) for a full list.

### Pre-Requisites for Registration Applications

An applicant must file with the TX-SML a surety bond before approval of the registration. See Texas Finance Code § 158.055.

The surety bond must be submitted on a prescribed form approved by TX-SML (electronic or paper version). The surety bond must be obtained in the following amount:

| Servicing Volume in Texas (previous calendar year) | Required Surety Bond Amount |
|--|-----------------------------|
| \$0.00 to \$25,000,000.00                          | \$25,000.00                 |
| >\$25,000,000.00                                   | \$50,000.00                 |

If the applicant has not serviced any residential mortgage loans in Texas, then the applicant must obtain a surety bond in the amount of \$25,000.00.

The name of the principal insured on the Residential Mortgage Loan Servicer Surety Bond must match exactly the name as it will appear on the registration information as approved by the Texas Secretary of State. If a paper surety bond is submitted, the surety seal and an attached power of attorney must accompany the bond when submitted to TX-SML.

**TX-SML does not issue paper registrations for this registration type.**

### Document Uploads Guidance

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:

- Follow the guidance in [Document Upload Descriptions and Examples](#).
- Only upload documents relevant to the company application.
- Only upload documents where there is a selectable document category. If inappropriate documents are uploaded that should not be, you will be contacted by your regulator and asked to remove them from NMLS.
- Do not upload the same company documents multiple times. Generally, unless the document is state-specific, if the document has already been uploaded for another state, a new upload is not required unless changes have been made.
- If a document previously uploaded has been revised, delete the old document and replace it with the new document (history of the old document will remain in NMLS).
- For state-specific documents (e.g., Surety Bonds), be sure to 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](#)

### Agency Contact Information

Contact the TX-SML Licensing Section by phone at 512-475-1350 or toll free at 877-276-5550 or send your questions via e-mail to [nmls@sml.texas.gov](mailto:nmls@sml.texas.gov) for additional assistance.

*For U.S. Postal Service and Overnight Delivery:*

*Department of Savings and Mortgage Lending  
Licensing Section  
2601 North Lamar Boulevard, Suite 201  
Austin, Texas 78705-4207*

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.

### REGISTRATION FEES - Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.

| Complete                 | TX-SML Residential Mortgage Loan Servicer Registration  | Submitted via... |
|--------------------------|---|------------------|
| <input type="checkbox"/> | Texas Initial Residential Mortgage Loan Servicer Registration (MU1): \$300<br><br><b>NMLS Initial Processing Fee: \$100</b> | <b>NMLS</b>      |

### REQUIREMENTS COMPLETED IN NMLS

| Complete                 | TX-SML Residential Mortgage Loan Servicer Registration   | Submitted via... |
|--------------------------|--|------------------|
| <input type="checkbox"/> | <b>Submission of Company Form (MU1):</b> Complete and submit the Company Form (MU1) in NMLS. This form serves as the application for the license through NMLS. | <b>NMLS</b>      |



|                          |   |                    |
|--------------------------|---|--------------------|
| <input type="checkbox"/> | <p><b>Primary Contact Employees:</b> The following individuals must be entered into the <i>Contact Employees</i> section of the Company Form (MU1).</p> <ol style="list-style-type: none"> <li>1. Primary Company Contact.</li> <li>2. Primary Consumer Complaint Contact.</li> </ol> <p>The Primary Contact Employee field is extremely important. The Primary Contact Employee must be authorized to receive ALL compliance and registration information, communications, and mailings regarding the entity, officers, and directors. This position is not required to be the Resident/Registered Agent.</p> <p><b>Primary Consumer Complaint Contact:</b> A residential mortgage loan servicer is required to provide the name, title, and the address of the person authorized to respond to the complaints. This primary contact employee or on-site manager is required to be appointed for all locations where the registrant conducts business with consumers. This individual must be listed as the Primary Consumer Complaint Contact on Form MU1, and his/her business address must match the address listed as the "Main Address" on Form MU1. The Primary Consumer Complaint Contact does not have to be a Texas-licensed residential mortgage loan originator. See Texas Finance Code § 158.053(a)(4)(B).</p> | <p><b>NMLS</b></p> |
| <input type="checkbox"/> | <p><b>Control Person (MU2) Attestation:</b> Complete the Individual Form (MU2) in NMLS. This form must be attested to by the applicable control person before it is able to be submitted along with the Company Form (MU1).</p>   | <p><b>NMLS</b></p> |

## REQUIREMENTS/DOCUMENTS UPLOADED IN NMLS

| Complete                 | TX-SML Residential Mortgage Loan Servicer Registration  | Submitted via...  |
|--------------------------|---|---|
| <input type="checkbox"/> | <p><b>Certificate of Authority/Good Standing Certificate:</b> If the company was organized or formed outside of Texas, Upload a State-issued and approved document (typically by the Texas Secretary of State's office), dated not more than 60 days prior to the filing of the application through NMLS that demonstrates authorization to do business in TX.</p> <p>This document should be named <i>TX Certificate of Authority OR TX Certificate of Good Standing</i>.</p> <p>Note: A foreign filing entity, as described in Section 9.001 of the Texas Business Organizations Code, must file an application for registration, previously known as an application for certificate of authority, if it "transacts business" in Texas.</p> <p>Section 9.001 of the Texas Business Organizations Code only requires a certificate of authority for the following entities: corporations; limited partnerships; limited liability partnerships; limited liability companies; business trusts; real estate investment trusts; cooperatives; public or private limited companies; any other foreign entity that, if formed in Texas, would be formed as a corporation, limited partnership, limited liability company, professional association, cooperative, or real estate investment trust; and any other foreign entity that affords limited liability under the law of its jurisdiction of formation for any owner or member.</p> <p>A true sole proprietorship is not required to obtain a certificate of authority from the Texas Secretary of State.</p> <p>More information about the out-of-state entity registration can be obtained from the <a href="#">Texas Secretary of State</a>.</p> | <p><b>Upload in NMLS:</b> under the Document Type <u>Certificate of Authority/Good Standing Certificate</u> in the <u>Document Uploads</u> section of the Company Form (MU1).</p> |
| <input type="checkbox"/> | <p><b>Document Samples:</b> Upload copies of the following sample documents used in the regular course of business in connection with this license:</p> <ul style="list-style-type: none"> <li>• <b><u>IRS Employer Identification Number Verification Document</u></b><br/>A copy of the SS-4 letter or 147C letter from the Internal Revenue Service (IRS) must be provided that confirms the company's Employee Identification Number (EIN).</li> </ul> <p><b>Note:</b> A SS-4 application form will <b>not</b> be accepted by TX-SML as proof of the issuance of an EIN. Company name listed on the IRS document must match exactly as the name listed on the MU1 and with Texas Secretary of State.</p> <p>This document should be named <i>[IRS EIN Verification]</i>.</p>  | <p><b>Upload in NMLS:</b> under the Document Type <u>Document Samples</u> in the <u>Document Uploads</u> section of the Company Form (MU1).</p>                                   |
| NOTE                     | Company must be in good standing with the Texas Secretary of State and the Texas Comptroller of Public Accounts.  |   |

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|--|---|--|
|  | <p><b>Formation Documents:</b> Determine classification of applicant’s legal status and submit true and correct copies of the applicable documentation detailed below.</p> <p><b>Sole Proprietorship</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul> <p><b>Unincorporated Association:</b></p> <ul style="list-style-type: none"> <li>• By-Laws or constitution (including all amendments).</li> </ul> <p><b>General Partnership:</b></p> <ul style="list-style-type: none"> <li>• Partnership Agreement (including all amendments).</li> </ul> <p><b>Limited Liability Partnership:</b></p> <ul style="list-style-type: none"> <li>• Certificate of Limited Liability Partnership; and</li> <li>• Partnership Agreement (including all amendments).</li> </ul> <p><b>Limited Partnership:</b></p> <ul style="list-style-type: none"> <li>• Certificate of Limited Partnership; and</li> <li>• Partnership Agreement (including all amendments).</li> </ul> <p><b>Limited Liability Limited Partnership:</b></p> <ul style="list-style-type: none"> <li>• Certificate of Limited Liability Limited Partnership; and</li> <li>• Partnership Agreement (including all amendments).</li> </ul> <p><b>Limited Liability Company (“LLC”):</b></p> <ul style="list-style-type: none"> <li>• Certificate of Formation or similar document (including all amendments);</li> <li>• Operating Agreement (including all amendments);</li> <li>• IRS Form 2553 or IRS Form 8832 if S-corp treatment elected; and</li> <li>• LLC resolution if authority not in operating agreement.</li> </ul> <p><b>Corporation:</b></p> <ul style="list-style-type: none"> <li>• Certificate of Formation or similar document (including all amendments);</li> <li>• By-laws (including all amendments), if applicable;</li> <li>• Shareholder Agreement (including all amendments), if applicable;</li> <li>• IRS Form 2553 if S-corp or C-corp treatment elected; and</li> <li>• Corporate resolution if authority to complete application not in By-Laws or Shareholder Agreement, as amended, as applicable.</li> </ul> <p><b>Not for Profit Corporation</b></p> <ul style="list-style-type: none"> <li>• Documents requested of a Corporation; and</li> <li>• Proof of nonprofit status <ul style="list-style-type: none"> <li>○ IRS 501(c)(3) designation letter; or</li> <li>○ statement from a State taxing body or the State attorney general certifying that: (i) the entity is a nonprofit organization operating within the State; and (ii) no part of the entity’s net earnings may lawfully benefit any private shareholder or individual; or</li> <li>○ entity's Certificate of Formation or similar document if it clearly establishes the nonprofit status of the applicant; or</li> <li>○ Any of the three preceding items described, if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.</li> </ul> </li> </ul> <p><b>Trust (Statutory)</b></p> <ul style="list-style-type: none"> <li>• Certificate of Trust; and</li> <li>• Governing instrument (including all amendments).</li> </ul> | <p><b>Upload in NMLS:</b> under the Document Type <u>Formation Document</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> <p>This document should be named <i>Formation Documentation [Date of Creation (MM-DD-YYYY)]</i>.</p> |
|--|---|--|

|                          |  |   |
|--------------------------|--|---|
| <input type="checkbox"/> | <p><b>Management Chart:</b> Submit a Management chart displaying the applicant's directors, officers, and managers (individual name and title). Must also identify compliance reporting and internal audit structure.</p> <p>This document should be named <i>[Company Legal Name] Management Chart</i>.</p> <p><b>Note:</b> If the existing uploaded management chart already includes the above information, an additional document does not need to be uploaded. A company should only upload a single management chart.</p>  | <p><b>Upload in NMLS:</b> under the Document Type <u>Management Chart</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p>                 |
| <input type="checkbox"/> | <p><b>Organizational Chart/Description:</b> Submit a chart showing (or a description which includes) the percentage of ownership of:</p> <ul style="list-style-type: none"> <li>• Direct Owners (total direct ownership percentage must equate to 100%)</li> <li>• Indirect Owners</li> <li>• Subsidiaries and Affiliates of the applicant/licensee</li> </ul> <p>This document should be named <i>[Company Legal Name] Organizational Chart – Description</i>.</p> <p><b>Note:</b> If the existing uploaded Organizational Chart/Description already includes the above information, an additional document does not need to be uploaded. A company should only upload a single management chart.</p> | <p><b>Upload in NMLS:</b> under the Document Type <u>Organizational Chart/Description</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p> |



**REQUIREMENTS SUBMITTED OUTSIDE OF NMLS** - *These items must be completed outside of NMLS and submitted directly to the regulator.*

If an electronic surety bond is not submitted via NMLS, then an **Original** Paper Residential Mortgage Loan Servicer bond in the amount of either: (1) \$25,000 for servicing volumes of <=\$25,000,000 or \$50,000 for servicing volumes of >\$25,000,000 furnished by a surety company authorized to conduct business in Texas must be submitted to the Department.

