



GA Mortgage Lender License/Registration New Application Checklist (Company)

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GENERAL INFORMATION

Who Is Required to Have This License/Registration?

Pursuant to the Georgia Residential Mortgage Act (GRMA), located in the Official Code of Georgia Annotated (O.C.G.A.) [§ 7-1-1000 et. seq.](#), a **“Mortgage Lender”** is any person who directly or indirectly makes, originates, underwrites, holds, 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 unless such person is otherwise exempt under Georgia law. A licensed mortgage lender is authorized to engage in all activities that are authorized for a mortgage broker and, as a result, shall not be required to obtain a mortgage broker license.

Loan Servicers are, by definition, required by Georgia law to have a mortgage lender’s license unless such person is otherwise exempt under Georgia law.

“Registrant” means any person required to register pursuant to [O.C.G.A. §§ 7-1-1001 and 7-1-1003.2](#). Any wholly-owned subsidiary of any bank holding company is considered a **REGISTRANT**. Such subsidiary shall be subject to the requirements outlined below; however, Registrants are NOT required to have their branches, inside or outside of Georgia, approved by the Department.

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.

Laws governing the residential mortgage industry are primarily found in the GRMA. Access to the entire Georgia Code is provided by LexisNexis from the Georgia General Assembly’s website. [Go to the O.C.G.A.](#)

Rules governing the residential mortgage industry are primarily located at [Chapter 80-11](#). Certain application, investigation, supervision, examination and other fees are also found at [Chapter 80-5](#).

What do I need to know before I apply?

Control Persons: Control means the direct or indirect possession of power to direct or cause the direction of the management and policies of a person. The following persons must be separately identified and included in the Direct Owners/Executive Officers and Indirect Owners sections of the NMLS Company Form MU1:

- (1) Ultimate equitable owner:
 - a. Owns, directly or indirectly, a 10 percent or more interest in a corporation or any other form of business organization;

- b. Owns, directly or indirectly, 10 percent or more of the voting shares of any corporation or any other form of business organization; or
 - c. Exerts control, directly or indirectly, over a corporation or any other form of business organization, regardless of whether such person owns or controls such interest through one or more natural persons or one or more proxies, powers of attorney, nominees, corporations, associations, limited liability companies, partnerships, trusts, joint stock companies, other entities or devices, or any combination thereof.
- (2) Executive officer: The chief executive officer, president, chief financial officer, chief operating officer, each vice president with responsibility involving policy-making functions for a significant aspect of a person's business, secretary, treasurer, or any other person performing similar managerial or supervisory functions with respect to any organization, whether incorporated or unincorporated.
- (3) Officers, directors, or other persons who direct the affairs of or control or establish policy for the applicant.

Each MU2/Control Person is required to authorize an FBI criminal background check (CBC) through NMLS. **A criminal background increases the difficulty of making a favorable finding on an application. The Department shall not issue a license if the applicant or any of its MU2/Control Persons has been convicted of a felony and did not obtain a pardon or other remedy pursuant to O.C.G.A. Section 7-1-1004(h).**

Prohibited Words in the Applicant's Name: Use of the of the words "bank", "credit union", "trust" or any variation thereof in Georgia is highly restricted by O.C.G.A. § 7-1-243. Generally, before the Secretary of State allows an entity to incorporate or register a name containing such restricted word(s), the entity will be required to obtain written permission from the Department to use such word(s). Use of the words "national" or "federal" in a name is restricted by Georgia law (O.C.G.A. § 7-1-130) and by federal law. Georgia law pertains specifically to financial institutions (which are defined in O.C.G.A. § 7-1-4(21)). The federal prohibition is found at [18 USC 709: False advertising or misuse of names to indicate Federal agency](#).

Formation Documents/Authority to Conduct Business in Georgia: Out-of-state applicants should obtain a Certificate of Authority from the [Georgia Secretary of State](#) showing that the foreign entity is registered to do business in the state of Georgia. For organizations being formed as domestic (Georgia) corporations, LLCs, LLPs, etc., the type of organizing document will vary (e.g., Certificate of Incorporation/Certificate of Partnership). [See the Georgia Secretary of State's resources for further details](#).

Other Trade Names/DBA: O.C.G.A. § 7-1-1003(b)(2) requires that mortgage applicants provide "All names, including, but not limited to, website domain names (URLs), under which the applicant will conduct business in Georgia." Applicants should not include "dba" in front of their Other Trade Name. The name input in NMLS should be exactly as it will be used in advertising, documents, etc. Applicants should indicate if the Other Trade Name is forced by a state by checking the box in the forced column. A forced Other Trade Name is one that is required to be used because the state's Secretary of State or other agency will not allow the company to use its legal name. This may be due to a number of reasons, including the company's legal name is already used by another company in that state.

Other Trade Names must not include the words "corporation, incorporated, etc." or any variation/abbreviation that would give the impression the entity is incorporated. **NOTE: The only exception to this will be in the case where the Trade Name is a "forced" name for Georgia in instances where the name is not available.**

The Georgia Secretary of State does not register trade names. Pursuant to O.C.G.A. § 10-1-490, trade names are registered with the clerk of superior court of the county in which the business is chiefly carried on or, in the case of a domestic corporation using a trade name, in the county of its legal domicile. A trade name is also known as a "DBA" or "fictitious name." You can search for the appropriate clerk's office by using the Georgia Superior Court Clerks' Cooperative Authority's website at <https://www.gsccca.org/clerks>. If there is no Georgia business location, DBA names should be registered with the appropriate authority in the licensee's home state.

Verification of Lawful Presence: Pursuant to O.C.G.A. § 50-36-1, the Department is required to verify the lawful presence of every person submitting a new application. This is done by the submission of a Verification of Lawful Presence Affidavit completed by any one of the individuals listed as an owner or officer on the company's MU1. Legal permanent residents, qualified aliens, and non-immigrants are required to re-verify their lawful presence annually at

renewal once licensed. Please note that if the individual applicant is not a United States citizen, this Department may be required by O.C.G.A. §50-36-1 to verify their immigration status through the Federal Systematic Alien Verification of Entitlement (SAVE) program.

Child Support: The GRMA provides grounds for denial of any application for a mortgage license involving persons who have been found to be in noncompliance with an order for child support [See O.C.G.A. §7-1-1017(a)(2)].

Secure E-mail Communications from the Department: The Department utilizes a secure electronic mail system to protect the integrity and confidentiality of confidential e-mail communication you receive from us. Be sure to read the following resource on our website to ensure that you do not miss important communications concerning clarification or additional information needed regarding control persons associated with the application. https://dbf.georgia.gov/sites/dbf.georgia.gov/files/related_files/document/Ironport_CiscoDBFSecureEmailInstructions.pdf.

Activities Authorized Under This License/Registration

This license authorizes the following activities. See the [Business Activities Definitions](#) for a full list and description of the activity.

- First mortgage brokering
- Second mortgage brokering
- First mortgage lending
- Second mortgage lending
- First mortgage servicing
- Third party first mortgage servicing
- Subordinate lien mortgage servicing
- Third part subordinate lien mortgage servicing
- Master servicing
- Mortgage loan purchasing
- Foreclosure consulting/foreclosure rescue
- Home equity lending/lines of credit
- Reverse mortgage brokering
- Reverse mortgage lending
- Reverse mortgage servicing
- High cost home loans
- Third party mortgage loan underwriting
- Lead generation
- Short sale
- Manufactured housing financing
- Mortgage loan modifications
- Third party mortgage loan processing

Pre-Requisites for License/Registration Applications

In the case of applications for reinstatement of a previously revoked, withdrawn or denied license, all outstanding issues such as fines, fees, or documentary filings must be resolved before a favorable decision can be made on the application.

For an application to be considered complete, all requirements in the checklist that follows must be met PRIOR to submission of the application. The Department reserves the right to request additional information not included on the checklist that follows. **Incomplete applications may be administratively withdrawn by the Department within 5 business days of submission if the application is incomplete.** If the application is administratively withdrawn, a new license request will have to be submitted through the NMLS. **Application fees are non-refundable.**

If an application for licensure is approved, the applicant will receive an e-mail from the Department (noreply@dbf.state.ga.us) with instructions on retrieving their license certificate. Please note that the Department's

system is not connected to the NMLS, so there is at least a one business day delay in the approval e-mail from our system. Please check your spam folder if you do not receive the Department's approval e-mail within one or two business days. Please note that until you receive the e-mail from us, your new license certificate will not be available.

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., Verification of Lawful Presence, Background Authorization Form), 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 NDFI licensing staff by phone at (770) 986-1136 or send your questions via email to dbfmort@dbf.state.ga.us for additional assistance.

*Georgia Department of Banking & Finance
NDFI Division
2990 Brandywine Road, Suite 200
Atlanta, GA 30341-5565*

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	GA Mortgage Lender License/Registration	Submitted via...
<input type="checkbox"/>	GA License/Registration Fee: \$900 GA Application Fee: \$250 NMLS Initial Processing Fee: \$100	NMLS (Filing submission)
<input type="checkbox"/>	Credit Report for Control Persons: \$15 per control person.	NMLS (Filing submission)
<input type="checkbox"/>	FBI Criminal Background Check for MU2 Individual: \$36.25 per person.	NMLS (Filing submission)

REQUIREMENTS COMPLETED IN NMLS

Complete	GA Mortgage Lender License/Registration	Submitted via...
<input type="checkbox"/>	Submission of Company Form (MU1): Complete and submit the Company Form (MU1) in NMLS.	NMLS
Note	Financial Statements: Financial statements may be required <u>upon request by the Department</u> .	NMLS
<input type="checkbox"/>	Other Trade Name/DBA: If operating under a name that is different from the applicant's legal name, that name ("Trade Name", "Assumed Name" or "DBA") must be listed under the <i>Other Trade Names</i> section of the Company Form (MU1). The Department of Banking and Finance does not limit the number of trade names.	NMLS
<input type="checkbox"/>	Resident/Registered Agent: The Resident/Registered Agent must be listed under the <i>Resident/Registered Agent</i> section of the Company Form (MU1). The registered agent for service of process must be located in the State of Georgia and must have a physical address in this state where he/she may be served. For corporate, LLC and partnership applicants, if the applicant is an entity organized in Georgia, the agent for service must be the same natural person or legal entity recorded with the Georgia Secretary of State .	NMLS
<input type="checkbox"/>	Primary Contact Employees: The following individuals must be entered into the <i>Contact Employees</i> section of the Company Form (MU1). The primary company contact should be an owner/officer/employee of the company and NOT a third party (e.g., CPA firm, consultant). <ol style="list-style-type: none"> 1. Primary Company Contact. 2. Primary Consumer Complaint Contact. 	NMLS

REQUIREMENTS COMPLETED IN NMLS		
<input type="checkbox"/>	<p>Disclosure Questions: 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).</p> <p>See the Company Disclosure Explanations Quick Guide for instructions.</p>	<p>Upload in NMLS in the <i>Disclosure Explanations</i> section of the Company Form (MU1) or Individual Form (MU2).</p>
<input type="checkbox"/>	<p>Control Person (MU2) Attestation: Complete the Individual Form (MU2) in NMLS. This form must be attested to by the applicable control person before it is can be submitted along with the Company Form (MU1).</p>	<p>NMLS</p>
<input type="checkbox"/>	<p>Credit Report: Ultimate equitable owners, executive officers, and other persons with control are required to authorize a credit report through NMLS. Such 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. This authorization is made when the Individual Form (MU2) is submitted as part of the Company Form (MU1).</p>	<p>NMLS</p>
<input type="checkbox"/>	<p>MU2 Individual FBI Criminal Background Check Requirements: Ultimate equitable owners, executive officers, and other persons with control are required to authorize an FBI criminal background check (CBC) through NMLS. A criminal background increases the difficulty of making a favorable finding on an application. The Department shall not issue a license if the applicant or any of its MU2/Control Persons has been convicted of a felony and did not obtain a pardon or other remedy pursuant to O.C.G.A. Section 7-1-1004(h).</p> <p>The Department reviews criminal background checks on all ultimate equitable owners, executive officers, and other persons with control of Georgia mortgage lenders prior to approval of a new application.</p> <p>After authorizing an FBI criminal background check through the submission of the Company Form (MU1) and Individual Form (MU2), you must schedule an appointment to be fingerprinted if new prints are required.</p> <p>See the Criminal Background Check section of the NMLS Resource Center for more information.</p> <p>Note: If you are able to ‘Use Existing Prints’ to process the FBI criminal background check, you DO NOT have to schedule an appointment. NMLS will automatically submit the fingerprints on file.</p>	<p>NMLS</p>
<input type="checkbox"/>	<p>Electronic Surety Bond: Electronic Surety Bond via NMLS in the amount of \$250,000 furnished and submitted by a surety company authorized to conduct business in Georgia. The name of the principal insured on the bond must match exactly the Full Legal Name of applicant on the MU1 and any organizing documents.</p> <p>See the ESB Adoption Table and the ESB for NMLS Licensees page of the NMLS Recourse Center for more information.</p> <p>Note: Surety bonds submitted via the <i>Document Uploads</i> section <u>will not</u> satisfy this requirement.</p>	<p>Electronic Surety Bond in NMLS</p>

REQUIREMENTS/DOCUMENTS UPLOADED IN NMLS

Complete	GA Mortgage Lender License/Registration	Submitted via...
<input type="checkbox"/>	<p>Business Plan: Upload a business plan describing company operations and include, at a minimum, the following:</p> <ul style="list-style-type: none"> • State the business activities that will be conducted in Georgia; • Mortgage activities (e.g., brokering, processing, lending, servicing, underwriting, etc.); • Products offered (Conventional loans, Government loans, etc.); • Target markets (consumers, businesses, etc.); • Marketing strategies; and, • Operating structure. <p>Note: A company should only upload a single business plan. If state-specific material is required, this information should be added to the existing uploaded business plan.</p> <p>This document should be named <i>[Company Legal Name] Business Plan</i>.</p>	<p>Upload in NMLS: under the Document Type <u>Business Plan</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p>
<input type="checkbox"/>	<p>Certificate of Authority (Foreign Entities): Upload a State-issued and approved document (typically by the Secretary of State’s office) that demonstrates authorization to do business in Georgia.</p> <p>This document should be named <i>[[State prefix] Certificate of Authority</i></p>	<p>Upload in NMLS: under the Document Type <u>Certificate of Authority/Good Standing Certificate</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p>
<input type="checkbox"/>	<p>Formation Documents: Determine classification of applicant’s legal status and submit a State certified copy of the applicable documentation. Original formation documents and all subsequent amendments, thereto including a list of any name changes.</p> <p>Please note that a Sole Proprietorship does not have to be registered with the Georgia Secretary of State; therefore, the applicant is not required to submit Articles or Certificate of Authority but should file the business name as an “Other Trade Name” in NMLS.</p> <p>This document should be named <i>Formation Documentation [Date of Creation (MM-DD-YYYY)]</i>.</p>	<p>Upload in NMLS: under <u>Formation Document</u>” in the <i>Document Uploads</i> section of the Company Form (MU1).</p>
<input type="checkbox"/>	<p>Management Chart: Submit a Management chart displaying the applicant’s directors and officers (individual name and title). For large organizations, the management chart should show at least three levels and/or go low enough to identify all control persons that are officers of the company.</p> <p>Note: 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>This document should be named <i>[Company Legal Name] Management Chart</i>.</p>	<p>Upload in NMLS: under <u>Management Chart</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p>

REQUIREMENTS/DOCUMENTS UPLOADED IN NMLS

<input type="checkbox"/>	<p>Organizational Chart/Ownership Structure: Submit a chart showing (or a description which includes) the total percentage of ownership of:</p> <ul style="list-style-type: none"> • Direct Owners • Indirect Owners • Subsidiaries and Affiliates of the applicant/licensee <p>Note: 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>This document should be named <i>[Company Legal Name] Organizational Chart – Description</i>.</p>	<p>Upload in NMLS: under <u>Organizational Chart/Description</u> in the <i>Document Uploads</i> section of the Company Form (MU1).</p>
<input type="checkbox"/>	<p>Verification of Lawful Presence Within the United States. This form must be completed by any one of the individuals listed as an owner or officer on the company's MU1. Be sure to include copy of a secure and verifiable document.</p> <p>Click to download affidavit package</p> <p>This document should be named <i>[Company Legal Name] GA Affidavit</i>.</p>	<p>Upload in NMLS: under <u>Legal Name/Status Documentation</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p>

INDIVIDUAL (MU2) DOCUMENTS UPLOADED IN NMLS

<input type="checkbox"/>	<p>Credit Report Explanations: Any credit report filed with this Department containing tax liens, judgments, unpaid child support, bankruptcies, and/or charged off accounts will likely cause the processing of the application to be delayed or possibly cause the application to be denied. Outstanding derogatory credit issues or bankruptcies, which have not been discharged, will require satisfactory explanation.</p> <p>This document should be named <i>Credit Report Explanations – Sub Name – Document Creation Date</i>.</p>	<p>Upload in NMLS: under the Document Type <u>Credit Report Explanations</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p>
<input type="checkbox"/>	<p>State Background Check Authorization: Individuals identified as control persons (as defined above) listed on the Company Form (MU1) are required to upload an executed original copy of the <i>Background Check Authorization Form</i> consenting to a criminal history record check on the proposed control persons.</p> <p>Click here to access the Georgia Background Authorization form.</p> <p>Note: This is separate from the NMLS federal background check for the submission of the Individual Form (MU2). This document is required regardless if it has been submitted for a prior or current application.</p> <p>This document should be named <i>[State Abbreviation] – BC Authorization</i>.</p>	<p>Upload in NMLS: under the Document Type <u>State Background Check Authorization</u> in the <i>Document Uploads</i> section of the Individual Form (MU2).</p>

REQUIREMENTS SUBMITTED OUTSIDE OF NMLS

No items are required to be submitted outside of NMLS for this license/registration at this time.