MT Mortgage Servicer Company License Amendment Checklist

CHECKLIST SECTIONS

- General Information
- Amendments

GENERAL INFORMATION

Instructions
Montana does not require advance notice for any changes; make the changes in NMLS as of the effective date and submit supporting documentation as instructed in the checklist below.

Note: If a change is made through NMLS, there is no need to submit the checklist to the Division.

Uploading Agency-Specific Documents
If you are required to upload documents for an amendment that doesn't require ACN, select the applicable document type in the NMLS Document Uploads section.

Note: Use the recommended filing naming convention found on the Document Upload Descriptions and Examples.

Helpful Resources
- Amendments & Advance Change Notice
- Document Uploads Quick Guide
- Document Upload Descriptions and Examples

Agency Contact Information
Contact Montana Division of Banking and Financial Institutions licensing staff by phone at (406) 841-2920 or send your questions via email to mortgagelicensing@mt.gov for additional assistance.

For U.S. Postal Service:
Division of Banking and Financial Institutions
Mortgage Licensing
P.O. Box 200546
Helena, MT 59620-0546

For Overnight Delivery:
Division of Banking and Financial Institutions
Mortgage Licensing
301 S. Park Ave, Suite 316
Helena, MT 59601

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.
AMENDMENTS

- Change of Legal Name
- Change of Main Address
- Addition or Modification of Other Trade Name
- Deletion of Other Trade Name
- Change of Legal Status
- Addition or Modification of Affiliates/Subsidiaries
- Addition or Modification of Direct Owners/Executive Officers
  - FBI Criminal Background Check for MU2 Individual: $36.25 per person.
- Addition or Modification of Indirect Owners
  - FBI Criminal Background Check for MU2 Individual: $36.25 per person.
- Change of Disclosure Question(s)
- Change of Registered Agent Amendment Items
- Change of Document Uploads
- Written Report of Business Event
- Written Report of Legal Event

Note: Information uploaded or filed in NMLS will not be viewable to the agency until the filing has been attested to and submitted through NMLS. Agency-specific requirements that should be emailed or mailed to the agency on the checklist below must be received with the appropriate checklist within five (5) business days of the electronic submission of your filing through NMLS.
<table>
<thead>
<tr>
<th>Complete</th>
<th>MT Mortgage Servicer Company</th>
<th>Change of Legal Name Amendment Items</th>
<th>Submitted via...</th>
</tr>
</thead>
<tbody>
<tr>
<td>□</td>
<td>Change of Legal Name: Submit an amendment for a change of Legal Name through the Company Form (MU1) in NMLS.</td>
<td></td>
<td>NMLS</td>
</tr>
</tbody>
</table>
| Note     | Change of Legal Name Fee: $0 per license  
Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE. |  | N/A |
| □        | Surety Bond Rider: Contact the surety bond producer to inform them of the change and effective date so the producer can initiate the Surety Bond Rider Process in NMLS. Visit the ESB for NMLS Licensees page for more information. Upload a Mortgage Servicer Company surety bond rider (or new bond if applicable) that reflects the entity’s new legal name. The name of the principal insured on the bond must match exactly the full legal name of applicant, including any Other Trade Names.  
If a new surety bond is needed, use the Surety Bond Form found here. | Electronic Surety Bond in NMLS  
Upload in NMLS: under the Document Type Surety Bond in the Document Uploads section of the Company Form (MU1). |  |
| □        | Formation Documents: Formation Documents must be submitted related to this change type.  
Determine classification of applicant’s legal status and submit a State certified copy of the requested applicable documentation detailed below including the original formation documents and all subsequent amendments thereto, including a list of any name changes.  
Unincorporated Association:  
  • By-Laws or constitution (including all amendments).  
General Partnership:  
  • Partnership Agreement (including all amendments).  
Limited Liability Partnership:  
  • Certificate of Limited Liability Partnership; and  
  • Partnership Agreement (including all amendments).  
Limited Partnership:  
  • Certificate of Limited Partnership; and  
  • Partnership Agreement (including all amendments).  
Limited Liability Limited Partnership:  
  • Certificate of Limited Liability Limited Partnership; and  
  • Partnership Agreement (including all amendments).  
Limited Liability Company (“LLC”):  
  • Articles of Organization (including all amendments);  
  • Operating Agreement (including all amendments);  
  • IRS Form 2553 or IRS Form 8832 if S-corp treatment elected; and  
  • LLC resolution if authority not in operating agreement. | Upload in NMLS: under the Document Type Formation Document in the Document Uploads section of the Company Form (MU1). |  |
<table>
<thead>
<tr>
<th>Corporation:</th>
<th>Submitted via...</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Articles of Incorporation (including all amendments);</td>
<td></td>
</tr>
<tr>
<td>• By-laws (including all amendments), if applicable;</td>
<td></td>
</tr>
<tr>
<td>• Shareholder Agreement (including all amendments), if applicable;</td>
<td></td>
</tr>
<tr>
<td>• IRS Form 2553 if S-corp treatment elected; and</td>
<td></td>
</tr>
<tr>
<td>• Corporate resolution if authority to complete application not in By-Laws or Shareholder Agreement, as amended, as applicable.</td>
<td></td>
</tr>
</tbody>
</table>

**Not for Profit Corporation**

- Documents requested of a Corporation; and
- Proof of nonprofit status
  - Internal Revenue Service ("IRS") 501(c)(3) designation letter; or
  - 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
  - Entity's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or
  - 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.

**Trust (Statutory)**

- Certificate of Trust; and
- Governing instrument (all amendments).

<table>
<thead>
<tr>
<th>Complete</th>
<th>MT Mortgage Servicer Company</th>
<th>Submitted via...</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Change of Main Address</strong></td>
<td>Submit an amendment for a change of Main (Corporate) Address through the Company Form (MU1) in NMLS.</td>
<td>NMLS</td>
</tr>
</tbody>
</table>

**Note**

**Change of Main Address:** $0 per license  
Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.
<table>
<thead>
<tr>
<th>Complete</th>
<th>MT Mortgage Servicer Company</th>
<th>Submitted via...</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Addition or Modification of Other Trade Name Amendment Items</strong></td>
<td></td>
</tr>
<tr>
<td>-</td>
<td><strong>Addition or Modification of Other Trade Name</strong>: Submit an amendment for an addition or change to an Other Trade Name through the Company Form (MU1) in NMLS.</td>
<td>NMLS</td>
</tr>
<tr>
<td></td>
<td><strong>Note</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Addition of Other Trade Name</strong> $0 per license. Fees collected through NMLS are NOT REFUNDABLE OR TRANSFERABLE.</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td><strong>Trade Name/Assumed Name Registration Certificates</strong>: Trade Name/Assumed Name Registration Certificates from the Secretary of State must be submitted related to this change type.</td>
<td><strong>Upload in NMLS</strong>: 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></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Deletion of Other Trade Name Amendment Items</strong></td>
<td></td>
</tr>
<tr>
<td>-</td>
<td><strong>Deletion of Other Trade Name</strong>: Submit an amendment for deletion of an Other Trade Name through the Company Form (MU1) in NMLS. If deleting an Other Trade Name, this name must be removed from the Other Trade Names section of the Company Form (MU1).</td>
<td>NMLS</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Change of Legal Status Amendment Items</strong></td>
<td></td>
</tr>
<tr>
<td>-</td>
<td><strong>Change of Legal Status</strong>: Submit an amendment for a change in Legal Status within the Company Form (MU1) in NMLS. If the change in Legal Status includes a change in formation documents, please complete the formation documents section above.</td>
<td>NMLS</td>
</tr>
</tbody>
</table>

**Note:** In many cases, a change to the Fiscal Year End, Legal Status, and State or Date of Formation indicates a new entity has been formed and a new NMLS record is required. This includes the creation of a new NMLS account and submission of a new Company Form (MU1).
<table>
<thead>
<tr>
<th>Complete</th>
<th>MT Mortgage Servicer Company</th>
<th>Submission Items</th>
<th>Submitted via...</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Addition or Modification of Affiliates/Subsidiaries Amendment Items</td>
<td>Addition or Modification of Affiliates/Subsidiaries: Submit an amendment for an addition or change in Affiliates/Subsidiaries within the Company Form (MU1) in NMLS.</td>
<td>NMLS</td>
</tr>
<tr>
<td></td>
<td>Addition or Modification of Direct Owners/Executive Officers Amendment Items</td>
<td>Addition or Modification of Direct Owners/Executive Officers: Submit an amendment for an addition or change in Direct Owners/Executive Officers within the Company Form (MU1) in NMLS.</td>
<td>NMLS</td>
</tr>
<tr>
<td></td>
<td>Credit Report:</td>
<td>Credit Report: 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.</td>
<td>NMLS</td>
</tr>
<tr>
<td></td>
<td>FBI Criminal Background Check for MU2 Individual: $36.25 per person.</td>
<td>FBI Criminal Background Check for MU2 Individual: $36.25 per person.</td>
<td>NMLS</td>
</tr>
</tbody>
</table>

**MU2 Individual FBI Criminal Background Check Requirements:** The following Individuals, as specified below, on the Company Form (MU1) are required to authorize a FBI criminal background check (CBC) through NMLS.

**Direct Owners**

A person is presumed to control an entity if that person:

1) directly has the right to vote 10% or more of a class of a voting security or has the power to sell or direct the sale of 10% or more of a class of voting securities;

2) in the case of a limited liability company, is a managing member; or

3) in the case of a partnership, has the right to receive upon dissolution or has contributed 10% or more of the capital.

**Executive Officers**

- A person is presumed to control an entity if that person is a director, general partner, or executive officer or is an individual that occupies a similar position or performs a similar function.

After authorizing a 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.

**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.

See the [Criminal Background Check section](#) of the NMLS Resource Center for more information.
| Complete | MT Mortgage Lender Servicer Company  
Addition or Modification of Indirect Owners Amendment Items | Submitted via... |
|----------|---------------------------------------------------------------------------------|------------------|
| ☐        | **Addition or Modification of Indirect Owners**: Submit an amendment for an  
addition or change in Indirect Owners within the Company Form (MU1) in  
NMLS.                                                                               | NMLS             |
| ☐        | **FBI Criminal Background Check for MU2 Individual**: $36.25 per person.        | NMLS             |
| ☐        | **MU2 Individual FBI Criminal Background Check Requirements**: The following  
Indirect Owners   
• A person is presumed to control an entity if that person indirectly has  
the right to vote 10% or more of a class of a voting security or has the  
power to sell or direct the sale of 10% or more of a class of voting  
securities.  
After authorizing a 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.  
**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. | NMLS |

| Complete | MT Mortgage Servicer Company  
Change of Disclosure Question(s) Amendment Items | Submitted via... |
|----------|---------------------------------------------------------------------------------|------------------|
| ☐        | **Change of Disclosure Question(s)**: Submit an amendment for a change to  
Disclosure Question response(s) through the Company Form (MU1) in NMLS.       | NMLS             |
| ☐        | **Changing a Response from No to Yes**: Provide a complete and detailed  
explanation and document upload for each response that changes from “No” to  
“Yes” for company and each control person.  
See the [Company Disclosure Explanations Quick Guide](#) for instructions.       | Upload in NMLS in the Disclosure Explanations section of the Company Form (MU1) or Individual Form (MU2). |
| ☐        | **Changing a Response from Yes to No**: When changing a Disclosure Question  
response from Yes to No, you will be required to remove the question from the  
associated Disclosure Explanation and provide an Amendment Reason.  
You must select “Add Explanation For “No” Responses” and provide an  
explanation for each response that changes from “Yes” to “No” for company or | NMLS             |
### Change of Disclosure Question(s) Amendment Items

Each control person. You may also upload a document (PDF) related to the explanation. See the [Company Disclosure Explanations Quick Guide](#) for instructions.

### Change of Registered Agent Amendment Items

- **Change of Registered Agent:** Submit an amendment for a change to the Registered Agent through the Company Form (MU1) in NMLS.

### Change of Document Uploads

- **Changing a Business Plan:** Upload a copy of the amended Business Plan. This document should be named *[Company Legal Name]* Business Plan. **Note:** If the 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 material is required, this information should be added to the existing uploaded business plan.

- **Changing a Management Chart:** Upload a copy of the amended Management Chart. This document should be named *[Company Legal Name]* Management Chart. **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.

- **Changing an Organizational Chart:** Upload a copy of the amended Organizational Chart. This document should be named *[Company Legal Name]* Organizational Chart – Description. **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.

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*Updated: 11/6/2017*
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</thead>
<tbody>
<tr>
<td><strong>Written Report of Business Event</strong></td>
<td>written report of business event: a licensee must report the following events within one (1) business day of their occurrence:</td>
<td>mail to MT Division of Banking and Financial Institutions</td>
</tr>
<tr>
<td>A) the filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. 101, et seq., for bankruptcy or reorganization;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B) the filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for the licensee's dissolution or reorganization, or the making of a general assignment for the benefit of the licensee's creditors;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C) the licensee's decision to cease doing business for any reason;</td>
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</tr>
<tr>
<td>D) the commencement of a proceeding to revoke or suspend the licensee's license in a state in which the licensee engages in business or is licensed;</td>
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<tr>
<td>E) the cancellation or other impairment of the licensee's or an exempt company's bond; or</td>
<td></td>
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<tr>
<td>F) a felony conviction of the licensee, employee of a licensee, or control person of a licensee.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Complete</strong></th>
<th><strong>MT Mortgage Servicer Company</strong></th>
<th><strong>Submitted via...</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Written Report of Legal Event</strong></td>
<td>written report of legal event: a licensee must report the following events within fifteen (15) business days of their occurrence:</td>
<td>mail to MT Division of Banking and Financial Institutions</td>
</tr>
<tr>
<td>A) fraud, theft, or conversion by a borrower against the licensee;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B) fraud, theft, or conversion by a licensee;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C) fraud, theft, or conversion by an employee or independent contractor of a licensee;</td>
<td></td>
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<tr>
<td>D) violation of a provision of 32-9-124;</td>
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</tr>
<tr>
<td>E) the discharge of any employee or termination of an independent contractor for dishonest or fraudulent acts;</td>
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<td></td>
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<tr>
<td>F) or any administrative, civil, or criminal action initiated against the licensee or any of its control persons by any government entity.</td>
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</tbody>
</table>