

**ESCROW FEES AND CHARGES
OF
BETTER SETTLEMENT SERVICES, LLC

FOR THE STATE OF
ARIZONA**

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Section I – GENERAL DEFINITIONS

101. DEFINITIONS

“Escrow” means any transaction wherein any property, money, written instrument or evidence of title or possession to real or personal property or other thing of value is delivered with or without transfer of legal or equitable title, or both, and irrespective of whether a debtor/creditor relationship is created to a person not otherwise having any right, title or interest therein in connection with the sale, transfer, encumbrance of lease of real or personal property, to be delivered or redelivered by that person upon the contingent happening or non-happening of a specified event or performance or non-performance of a prescribed act, when it is then to be delivered by such person to a grantee, grantor, promisee, promisor, obligee, obligor, bailee, bailor, or a designated agent or employee or any of them. (A.R.S. 6-801)

“Escrow Agent” means any person engaged in the business of accepting escrow. (A.R.S. 6-801)

“Escrow Business” means a commercial activity characterized by the regular and continuous carrying on of escrow transactions. (A.R.S. 6-801)

“Fair Value”

(1) When a sale is involved, the “fair value” means the full amount of the consideration paid to the Seller, including any encumbrances being assumed by the Buyer and/or, the “fair value” shall be determined from all available information (i.e., amount of encumbrances, assessed value, comparable sale date, etc.), and this optional selection for determining “fair value” is at the sole discretion of the Escrow Agent.

(2) When a sale is not involved, the “fair value” shall be the principal amount of the loan.

102. COMPUTATION OF THE BASIC ESCROW FEE

The Basic Escrow Fee is based on the “fair value” of the property as defined above.

Unless otherwise instructed in writing by the parties, the escrow charges and recording/filing fees shall be paid one-half by Buyer and one half by Seller.

Unless otherwise instructed in writing by the parties, any charges incurred for miscellaneous or additional services provided or requested by the parties shall be charged to the person who requested such service(s) or who will benefit by such service(s).

Purchase Price or Loan Amount	Escrow Fee
<=\$200,000.00	\$600
\$200,000.01 - \$500,000.00	\$900

\$500,000.01-\$700,000.00	\$1,200.00
\$700,000.01-\$1,000,000.00	\$1,325.00
\$1,000,000.01-\$1,500,000.00	\$1,700.00
>\$1,500,000.00	\$2,200.00

103. MINIMUM FEES, CHARGES, AND SPECIAL RISKS

The fees herein are minimum charges. Additional charges shall be made when unusual conditions are encountered or when special services are provided as deemed necessary by reason of terms and conditions set forth in the escrow transaction.

In the event such charges are made, the deposit of final funds and the signing of final documents or the acceptance of the work performed shall constitute approval of the charges. In all other situations, acceptance by the customer of the work performed shall constitute approval of the charges made.

104. RATES, FEES AND CHARGES IN EFFECT PRIOR TO FILING

All rates and fees contained herein become effective when approved by the Superintendent of Banking or by operation of law.

Section II – SCHEDULE OF ESCROW FEES

The minimum charge of 100% of the Basic Escrow Fee shall be based upon the “fair value” of the property being conveyed in the escrow transaction. If additional charges are applicable, all such additional charges shall be identified and described separately on the final settlement statement/closing disclosure.

201. BASIC CHARGE (LOAN)

The minimum charge of 100% of the Basic Escrow Fee shall be based upon the principal amount of the new loan(s).

201.1 SECOND/SUBSEQUENT LOAN CONCURRENT WITH A FINANCING ESCROW

When a financing or re-financing transaction includes a second or subsequent loan closed in conjunction with the new first loan, there shall be an additional fee for each additional loan processed in excess of the first loan. This fee is in addition to the applicable rate charged for the loan transaction.

\$130.00 for all transactions **except** Builder’s
 \$100.00 for Builder’s transaction

Section III – SPECIAL RATES

301. BASIC CHARGE—REFINANCE—RESIDENTIAL

(A) Volume users, institutional lenders—1-4 family residences:

When handling a loan escrow, where no sale of real property is involved, the escrow fee charged shall be a “Flat Fee” of \$550.00, which shall include: one (1) reconveyance tracking fee, one (1) courier/delivery or express mail fee, two (2) wire fees, one (1) mobile notary fee, and one (1) deed preparation fee. A processing fee is not required for refinance transactions.

(B) Non-volume users—1-4 family residences:

For escrow services to customers other than volume users and institutional lenders and their borrowers, a non-volume rate may apply. This shall be 70% of the Basic Escrow Fee, not to be less than \$420.00.

302. BASIC CHARGE—REFINANCE—COMMERCIAL

When handling a commercial loan escrow, where no sale of real property is involved, the escrow fee shall be 100% of the Basic Escrow Rate.

303. BASIC CHARGE—REFINANCE—CENTRALIZED NATIONAL PROCESSING UNIT VOLUME

When handling a HARP loan escrow, where no sale of real property is involved, the escrow fee charged shall be a “Flat Fee” of \$350.00, which shall include: one (1) reconveyance tracking fee, one (1) courier/delivery or express mail fee, two (2) wire fees, one (1) electronic document fee, and one (1) mobile notary signing fee. Services included are negotiable by the Lender.

303.1 HOME EQUITY ESCROW SERVICES – CENTRALIZED NATIONAL PROCESSING UNIT

For the purposes of this section only, “Home Equity Limited Escrow Services” shall mean the following services: ordering demands and making payoffs on up to two (2) previous loans and disburse balance of proceeds, by either check or wire transfer, to up to three (5) payees. A Flat Fee charge of \$150.00 shall be applicable for Home Equity Limited Escrow Service in connection with a home equity loan transaction up to a \$500,000 loan amount.

304. SUB-ESCROW FEE

Sub-escrow services may be provided in support of a primary holder of an escrow transaction or an institution lender. The escrow fee shall be \$125.00 for the following sub-escrow services: 1) the receipt of funds and written instructions from the primary holder of the escrow or from a lender whose loan is to be insured, 2) the disbursement of such funds for the elimination of matters affecting title, and 3) accommodation signings, but only to the extent authorized under such instructions. This \$125.00 sub-escrow fee shall be earned and nonrefundable upon payment. Any additional or different services shall be charged as Additional Work.

304.1 SUB-ESCROW SERVICES - COMMERCIAL

A sub-escrow fee will be charged for any of the services listed below at the rates indicated. If multiple services are performed, the sum total of the fees will be the total fee charged. These rates may not be charged in conjunction with or in addition to the Commercial Rate as set forth in this manual except when such services are provided after closing or when such services exceed the normal scope of work included in the Commercial Rate. These rates do not include any applicable county recording charges due to the County.

Receipt and Disbursement of Funds	\$250.00
Ordering Payoff Statements	\$75.00 each
Document Recordation	\$250.00
Wire Transfers	\$25.00

305. INVESTOR/REALTOR/LENDER RATE

This rate is 70% of the applicable rate and may available upon request by a person who, in the ordinary course of their business, invests money in real estate that may produce revenue, income or profit. The rate shall also be available to real estate brokers, real estate agents and mortgage lenders licensed in the State of Arizona. The rate is only applicable to those fees which are being paid by the investor/realtor/lender.

305.1. BULK OR INVESTOR PURCHASE AND SALE TRANSACTIONS

For sale transactions involving multiple residential (non-contiguous) properties between either individuals or entities involving one or more buyers or sellers handled as one single transaction, transactions of at least 20 properties. Escrow Fee includes of the following charges: Loan Tie Fee and overnight processing fees (actual overnight costs to be passed through to parties)

Escrow Fee shall be charged at the rate of \$50.00 per property transferred, conveyed or insured.

Additional Charges: Document Preparation and Management Fees \$150 per instrument for preparation of conveyance documents, collation of multipart recordable documents, electronic printing, and scanning/electronic delivery of closing documentation.

305.2. BULK OR INVESTOR MORTGAGE TRANSACTIONS

For loan transactions (without an accompanying sale) involving multiple residential (non-contiguous) properties handled as a single transaction of at least 20 properties, involving one borrowing entity and one or more lenders. Escrow Fee includes the following charges: overnight processing fees (actual overnight costs to be passed through to borrower).

Escrow Fee will be charged at the rate of \$50 per property mortgaged, encumbered or insured.

Additional Charges: Document Preparation and Management Fees - \$85 per instrument for collation of multipart recordable documents, electronic printing, and scanning/electronic delivery of closing documentation.

306. REO (REAL ESTATE OWNED)

Special Note: This fee shall be charged to the buyer and/or seller as negotiated by the parties on all residential REO transactions. The fee includes: overnight mail, courier charges, reconveyance tracking and wire fees. When charging this fee, individual line item charges for the same costs may not be charged.

BASIC SCHEDULE FOR ESCROW SERVICE

Transaction Amount		
From	To	Base Rate
Up to	\$100,000	\$700.00
\$1000,001	\$200,000	\$800.00
\$200,001	\$300,000	\$900.00
\$300,001	\$400,000	\$1,000.00
\$400,001	\$500,000	\$1,100.00
\$500,001	\$600,000	\$1,200.00
\$600,001	\$700,000	\$1,300.00
\$700,001	\$800,000	\$1,400.00
\$800,001	\$900,000	\$1,500.00
\$900,001	\$1,000,000	\$1,600.00
\$1,000,001	\$1,100,000	\$1,700.00
\$1,100,001	\$1,200,000	\$1,800.00
\$1,200,001	\$1,300,000	\$1,900.00
\$1,300,001	\$1,400,000	\$2,000.00
\$1,400,001	\$1,500,000	\$2,100.00
\$1,500,001	\$1,600,000	\$2,200.00
Above	\$1,600,000	\$2,300.00

306.1. REO CLOSING MANAGEMENT FEE – CENTRALIZED NATIONAL PROCESSING

This rate is \$175.00 and shall be charged to the seller.

307. ESCROW ONLY

The rate on transactions with the Agency elects to provide escrow services only, without the concurrent issuance of title insurance, shall be 200% of the basic rate.

308. EMPLOYEE RATE

There may be no escrow fee charged to an employee of the Agency for transactions closed in connection with the financing, refinancing, sale or purchase of the employee’s primary residence. This rate is limited to one transaction per year, per employee.

309. PROCESSING FEE (SALE/RESALE/PURCHASE TRANSACTIONS)

A flat rate of \$300.00 shall be charged as negotiated by the parties to the transaction. The fee includes: overnight mail, courier charges, domestic wire fees, mobile notary fees, and deed preparation fees. When charging this fee, individual line charges for the same costs may not be charged.

310. FILE TRANSFER FEE

In the event an escrow is transferred to another escrow company, a transfer fee may be imposed on the Escrow Company to which the file is being transferred. The file transfer fee shall be \$250.00 and shall be received prior to the file transfer.

311. RELOCATION ESCROW FEE

Escrow fee charged to a relocation company may be charged and it shall be 70% of the basic escrow.

312. NEGOTIATED RATE

In certain circumstances, the Agency reserves the right to negotiate fees. Any such negotiated rate must be in writing, signed by the parties to the agreement, and approved by Agency management. A copy of the agreement shall be maintained outside of the filed escrow rates.

313. SENIOR CITIZEN RATE

This rate of 80% of the Basic Escrow Rate may apply to Senior Citizens (age 65 and over) upon request.

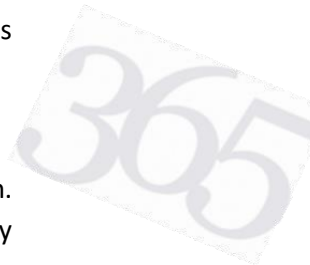
314. PUBLIC SERVANT/MILITARY RATE

This rate of 70% of the Basic Escrow Rate may apply to public servants and active military, including, but not limited to, policemen, firefighters, teachers and first responders.

Section IV – MISCELLANEOUS CHARGES

401. ESCHEAT SERVICING FEE, PURSUANT TO A.R.S. 44-317 AND ESCROW ACCOUNTING FEE An

escheatment fee of \$25.00 shall be charged for the processing and administration coincidental with any unclaimed escrow funds. This one-time \$25.00 charge will be earned by the Agency after the Agency has made a diligent effort to locate the party which includes written notice at the time of escheatment.



402. NON-SUFFICIENT FUNDS (NSF) CHECK FEE

There shall be a charge for processing Non-Sufficient Funds (NSF) returned checks in the amount of \$25.00, plus actual bank charges, if any, for each NSF returned check. Actual banking charges for NSF returned checks shall be documented.

403. STOP PAYMENT AND CHECK RE-ISSUE FEE

A fee of \$35.00 shall be charged when applicable for processing a stop payment on a check written from an escrow, except for stop payments placed on checks at the request of escrow personnel.

404. FUNDS HOLDBACK AND MAINTENANCE FEE

(A) Holdback Fee: When funds remain in an escrow subsequent to the date of closing, an initial setup fee of \$150.00 shall be charged, plus \$25.00 per month for maintenance of said funds until such time of disbursement or escheatment.

(B) Maintenance/Inactive Fee: Accounts with dormant funds (as evidenced by stale dated checks and inactive escrow accounts) shall be charged \$25.00 per month as a maintenance fee beginning six (6) months from the date the initial check was disbursed for stale dated checks, or from closing for dormant funds. Maintenance is defined as at least one (1) written notice mailed to the last known address within three (3) months prior to the implementation of the charge

405. DEPOSIT OF ESCROW FUNDS INTO AN INTEREST-BEARING ESCROW ACCOUNTS

A party of the transaction may request, in writing, that the company deposit escrow funds into an interest-bearing account. Such request shall be evaluated based on company procedures and the provisions of the Arizona Revised Statutes. The fee is for opening, servicing and closing the account. The fee for this service is \$200.

406. RECONVEYANCE TRACKING FEE

A fee of \$100.00 shall be charged per loan payoff when applicable, if the release is not furnished at close of escrow. This charge covers the additional record keeping expense of monitoring the follow through with the paid lender and recording keeping for a delayed reconveyance, and the charges that may be incurred by employing a third party vendor to provide this service to the Company. The Reconveyance Tracking Fee is nonrefundable once the real estate transaction to which it is attached is closed and recorded. This fee is earned concurrent with issuing the payoff funds at closing and shall be charged to the party requiring this service.

407. DELIVERY AND EXPRESS MAIL CHARGE

The charge for this special handling, which may include Federal Express, DHL, Airborne, UPS, Express Mail and special couriers, shall be \$25 per delivery. If the actual charge exceeds \$25.00, the actual amount of the fee shall be charged.

408. RECORDING SERVICE FEE

This fee shall be charged if applicable on all residential escrow transactions involving the recordation of documents and includes costs for utilizing a third party service for items processed for recording, miscellaneous indexing, and the mailing of documents electronically recorded. Actual recording costs are not included in the Recording Service Fee.

408.1 RECORDING SERVICES – CENTRALIZED NATIONAL PROCESSING

This fee will be charged if applicable on all residential escrow transactions involving the recordation of documents and includes costs for utilizing a third party service for items processed for recording, miscellaneous indexing, and the mailing of documents electronically recorded. Actual recording costs are not included in the Recording Service Fee.

Recording fees on commercial property transactions shall be charged in accordance with the fees/costs directly associated with the recording action and as set forth by the County Recorder's office

409. CANCELLATION OF SERVICE

In the event service(s) are cancelled, the Company reserves the right to charge the following fee(s):

Escrow Cancellation fee: \$250.00

410. WIRE TRANSFER

A fee of \$40.00 shall be charged for each outgoing international wire. A fee of \$15.00 shall be charged for each outgoing domestic wire.

411. EXTRA WORK CHARGE

When a complex escrow requires extra time, attention and/or document preparation, the Agency may charge an extra work fee, at a one (1)-hour minimum, at the rate of \$125.00 per hour. In the event the extra work exceeds one (1) hour, the charge for same will be based on the \$125.00 per hour rate, but will be charged in 15 minute increments.

412. COMPETITORS' RATES

The Company reserves the right to match any written escrow rate quote from a State of Arizona licensed title/escrow company. All such agreements must be approved in writing by the County Manager of the appropriate County and signed by all pertinent parties. A copy of said agreement is to be placed in each escrow file for which the rate applied.