

Farm Service Agency, USDA

§ 761.102

(c) The Agency will withdraw funds from a supervised bank account without borrower counter-signature only for the following purposes:

- (1) For application on Agency indebtedness;
- (2) To refund Agency loan funds;
- (3) To protect the Agency's lien or security;
- (4) To accomplish a purpose for which such advance was made; or
- (5) In the case of a deceased borrower, to continue to pay necessary farm expenses to protect Agency security in conjunction with the borrower's estate.

§ 761.55 Closing a supervised bank account.

(a) If the supervised bank account is no longer needed and the loan account is not paid in full, the Agency will determine the source of the remaining funds in the supervised bank account. If the funds are determined to be:

- (1) Loan funds:
 - (i) From any loan type, except Youth loan, and the balance is less than \$1,000, the Agency will provide the balance to the borrower to use for authorized loan purposes;
 - (ii) From a Youth loan, and the balance is less than \$100, the Agency will provide the balance to the borrower to use for authorized loan purposes;
- (2) Loan funds:
 - (i) From any loan type, except Youth loan, and the balance is \$1,000 or greater, the Agency will apply the balance to the FLP loan;
 - (ii) From a Youth loan, and the balance is \$100 or greater, the Agency will apply the balance to the FLP loan;
- (3) Normal income funds, the Agency will apply the balance to the remaining current year's scheduled payments and pay any remaining balance to the borrower; and
- (4) Basic security funds, the Agency will apply the balance to the FLP loan as an extra payment or the borrower may apply the balance toward the purchase of basic security, provided the Agency obtains a lien on such security and its security position is not diminished.

(b) If the borrower is uncooperative in closing a supervised bank account, the Agency will make written demand to the financial institution for the bal-

ance and apply it in accordance with paragraph (a) of this section.

(c) In the event of a borrower's death, the Agency may:

- (1) Apply the balance to the borrower's FLP loan;
- (2) Continue with a remaining borrower, provided the supervised bank account was established as a joint tenancy with right of survivorship account;
- (3) Refund unobligated balances from other creditors in the supervised bank account for specific operating purposes in accordance with any prior written agreement between the Agency and the deceased borrower; or
- (4) Continue to pay expenses from the supervised bank account in conjunction with the borrower's estate.

§§ 761.56-761.100 [Reserved]

Subpart C—Supervised Credit

§ 761.101 Applicability.

This subpart applies to all direct applicants and borrowers, except borrowers with only Non-program loans.

§ 761.102 Borrower recordkeeping, reporting, and supervision.

(a) A borrower must maintain accurate records sufficient to make informed management decisions and to allow the Agency to render loan making and servicing decisions in accordance with Agency regulations. These records must include the following:

- (1) Production (e.g., total and per unit for livestock and crops);
- (2) Revenues, by source;
- (3) Other sources of funds, including borrowed funds;
- (4) Operating expenses;
- (5) Interest;
- (6) Family living expenses;
- (7) Profit and loss;
- (8) Tax-related information;
- (9) Capital expenses;
- (10) Outstanding debt; and
- (11) Debt repayment.

(b) A borrower also must agree in writing to:

- (1) Cooperate with the Agency and comply with all supervisory agreements, farm assessments, farm operating plans, year-end analyses, and all