

(2) The Agency may refuse to execute the Assignment of Guarantee and prohibit the assignment in case of the following:

(i) The Agency purchased and is holder of a loan that was assigned by the lender that is requesting the assignment.

(ii) The lender has not complied with the reimbursement requirements of §762.144(c)(7), except when the 180 day reimbursement or liquidation requirement has been waived by the Agency.

(3) The lender will provide the Agency with copies of all appropriate forms used in the assignment.

(4) The guaranteed portion of the loan may not be assigned by the lender until the loan has been fully disbursed to the borrower.

(5) The lender is not permitted to assign any amount of the guaranteed or unguaranteed portion of the loan to the applicant or borrower, or members of their immediate families, their officers, directors, stockholders, other owners, or any parent, subsidiary, or affiliate.

(6) Upon the lender's assignment of the guaranteed portion of the loan, the lender will remain bound to all obligations indicated in the Guarantee, Lender's Agreement, the Agency program regulations, and to future program regulations not inconsistent with the provisions of the Lenders Agreement. The lender retains all rights under the security instruments for the protection of the lender and the United States.

(b) The following will occur upon the lender's assignment of the guaranteed portion of the loan:

(1) The holder will succeed to all rights of the Guarantee pertaining to the portion of the loan assigned.

(2) The lender will send the holder the borrower's executed note attached to the Guarantee.

(3) The holder, upon written notice to the lender and the Agency, may assign the unpaid guaranteed portion of the loan. The holder must assign the guaranteed portion back to the original lender if requested for servicing or liquidation of the account.

(4) The Guarantee or Assignment of Guarantee in the holder's possession does not cover:

(i) Interest accruing 90 days after the holder has demanded repurchase by the lender, except as provided in the Assignment of Guarantee and §762.144(c)(3)(iii).

(ii) Interest accruing 90 days after the lender or the Agency has requested the holder to surrender evidence of debt repurchase, if the holder has not previously demanded repurchase.

(c) Negotiations concerning premiums, fees, and additional payments for loans are to take place between the holder and the lender. The Agency will participate in such negotiations only as a provider of information.

[70 FR 56107, Sept. 26, 2005]

PART 763 [RESERVED]

PART 764—DIRECT LOAN MAKING

Subpart A—Overview

Sec.

764.1 Introduction.

764.2 Abbreviations and definitions.

764.3–764.50 [Reserved]

Subpart B—Loan Application Process

764.51 Loan application.

764.52 Processing an incomplete application.

764.53 Processing the complete application.

764.54 Preferences when there is limited funding.

764.55–764.100 [Reserved]

Subpart C—Requirements for All Direct Program Loans

764.101 General eligibility requirements.

764.102 General limitations.

764.103 General security requirements.

764.104 General real estate security requirements.

764.105 General chattel security requirements.

764.106 Exceptions to security requirements.

764.107 General appraisal requirements.

764.108 General insurance requirements.

764.109–764.150 [Reserved]

Subpart D—Farm Ownership Loan Program

764.151 Farm Ownership loan uses.

764.152 Eligibility requirements.

764.153 Limitations.

764.154 Rates and terms.

764.155 Security requirements.

764.156–764.200 [Reserved]