

## §§ 762.1–762.100

## 7 CFR Ch. VII (1–1–11 Edition)

- 762.121 Loan purposes.
- 762.122 Loan limitations.
- 762.123 Insurance and farm inspection requirements.
- 762.124 Interest rates, terms, charges, and fees.
- 762.125 Financial feasibility.
- 762.126 Security requirements.
- 762.127 Appraisal requirements.
- 762.128 Environmental and special laws.
- 762.129 Percent of guarantee and maximum loss.
- 762.130 Loan approval and issuing the guarantee.
- 762.131–762.139 [Reserved]
- 762.140 General servicing responsibilities.
- 762.141 Reporting requirements.
- 762.142 Servicing related to collateral.
- 762.143 Servicing distressed accounts.
- 762.144 Repurchase of guaranteed portion from a secondary market holder.
- 762.145 Restructuring guaranteed loans.
- 762.146 Other servicing procedures.
- 762.147 Servicing shared appreciation agreements.
- 762.148 Bankruptcy.
- 762.149 Liquidation.
- 762.150 Interest assistance program.
- 762.151–762.158 [Reserved]
- 762.159 Pledging of guarantee.
- 762.160 Assignment of guarantee.

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EDITORIAL NOTE: Nomenclature changes to part 762 appear at 72 FR 63297, Nov. 8, 2007.

### §§ 762.1–762.100 [Reserved]

#### § 762.101 Introduction.

(a) *Scope.* This subpart contains regulations governing Operating loans, Farm Ownership loans, and Conservation loans guaranteed by the Agency. This subpart applies to lenders, holders, borrowers, Agency personnel, and other parties involved in making, guaranteeing, holding, servicing, or liquidating such loans.

(b) *Lender list.* The Agency maintains a current list of lenders who express a desire to participate in the guaranteed loan program. This list is made available to farmers upon request.

(c) *Lender classification.* Lenders who participate in the Agency guaranteed loan program will be classified into one of the following categories:

- (1) Standard Eligible Lender under § 762.105;
- (2) Certified Lender, or
- (3) Preferred Lender under § 762.106.

(d) *Type of guarantee.* Guarantees are available for both a loan note or a line of credit. A loan note is used for a loan of fixed amount and term. A line of credit has a fixed term, but no fixed amount. The principal amount outstanding at any time, however, may not exceed the line of credit ceiling contained in the contract. Both guarantees are evidenced by the same loan guarantee form.

(e) *Termination of loan guarantee.* The loan guarantee will automatically terminate as follows:

(1) Upon full payment of the guaranteed loan. A zero balance within the period authorized for advances on a line of credit will not terminate the guarantee;

(2) Upon payment of a final loss claim; or

(3) Upon written notice from the lender to the Agency that a guarantee is no longer desired provided the lender holds all of the guaranteed portion of the loan. The loan guarantee will be returned to the Agency office for cancellation within 30 days of the date of the notice by the lender.

[64 FR 7378, Feb. 12, 1999, as amended at 72 FR 63297, Nov. 8, 2007; 75 FR 54013, Sept. 3, 2010]

#### § 762.102 Abbreviations and definitions.

Abbreviations and definitions for terms used in this part are provided in § 761.2 of this chapter.

[72 FR 63297, Nov. 8, 2007]

#### § 762.103 Full faith and credit.

(a) *Fraud and misrepresentation.* The loan guarantee constitutes an obligation supported by the full faith and credit of the United States. The Agency may contest the guarantee only in cases of fraud or misrepresentation by a lender or holder, in which:

(1) The lender or holder had actual knowledge of the fraud or misrepresentation at the time it became the lender or holder, or

(2) The lender or holder participated in or condoned the fraud or misrepresentation.

(b) *Lender violations.* The loan guarantee cannot be enforced by the lender,