

Instructions for supplementing the FHA closing opinions (HUD-91725M, HUD-91725-ORCF, HUD-92325-ORCF, HUD-92335-ORCF, and HUD-91725-OHF)

1. The following clause must be added to the “Confirmations” Section.

To our knowledge, and based on the Certification of [insert party], any electronic signatures included in the Loan Documents* addressed by this opinion were applied in accordance with the federal E-SIGN Act (15 U.S.C. § 7001 *et seq.*), as well as [citation to the Uniform Electronic Transactions Act or similar legislation adopted in the Project’s Jurisdiction], and are properly attributable to the individual signatories named therein. We confirm there are no governing statutes, regulations, or other legal authorities in the Property Jurisdiction that would render a Loan Document* (other than the Note) unenforceable based solely on its creation, execution, or retention in electronic form.

**For multifamily closings, Counsel may specify “Primary” Loan Documents.*

2. The following clause may be added to the client’s certification exhibit.

To the extent any Loan Document was executed by electronic means, Borrower’s signature was created using [identify or describe software program, signature platform, or other electronic signature mechanism] with the intent to permanently authenticate the record and with the understanding that such signature will be attributable to the signatory to the same extent as a signature provided by physical means. Borrower has no knowledge that any signatory to such Document has objected to such Document’s creation or execution through electronic means, or to HUD’s reliance on such Document if retained solely in electronic form.