

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LEGAL REQUIREMENTS FOR CLOSING

Supportive Housing for the Elderly Program (Section 202)

Project Name: \_\_\_\_\_

Project Number: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Name of Sponsor: \_\_\_\_\_

HUD Attorney: \_\_\_\_\_

Owner's Attorney: \_\_\_\_\_

The HUD Attorney will obtain three copies of all of the following documents unless otherwise indicated below. These will be Originals ("Or"), Executed ("E"), Certified ("C"), Machine Copy ("MC"), or Conformed ("Cn") as indicated after each document below. "N/F" means no form. Photocopies of fully executed documents may be substituted for conformed copies. Ask means that closing attorney will ask Multifamily Housing Representative or appropriate technical staff (such as FHEO) if requirements are administratively satisfied.

BEFORE INITIAL CLOSING

1. Capital Advance Agreement (HUD 90167-CA) (7E)
2. Requisition for Disbursement of Capital Advance Funds (HUD-92403-CA) (2E, 2Cn)
3. Direct Deposit Sign-up Form (SF 1199A)
4. All applicable insurance policies per Property Insurance Requirements (HUD-90164-CA), including Property Insurance Schedule (HUD-92329) (E, 2Cn)

INITIAL CLOSING

DATE OF FIRM COMMITMENT: \_\_\_\_\_

COMMITMENT EXPIRES: \_\_\_\_\_

1. Firm Commitment for Capital Advance Financing (HUD-92432-CA) including reissued, revised or amended commitment (E, 2Cn)
2. Certificate of Incorporation (HUD-91732A-CA) (C, 2Cn)
3. By-laws (3C)
4. Incumbency Certificate (N/F Or, 2MC)
5. Certificate of Good Standing (N/F Or, 2MC)
6. Regulatory Agreement (HUD-92466-CA), (E, 2Cn)
7. Corporate Resolution (authorizing mortgage transaction) (C, 2Cn)
8. Lease (if mortgage is on leasehold) (C, 2Cn)
9. Land-Disposition Contract and Deed (required only for projects in urban renewal areas) (E, 2C)
10. Title Policy (Or, 2Cn) and Ask if Exceptions
11. Evidence of Zoning Compliance (3Cn)
12. Building Permits (3Cn)
13. Surveyor's Report (HUD-92457) (Or, 2Cn)
14. Survey (3C)
15. Mortgage (Deed of Trust) (HUD-90165-CA) (Or, 3Cn)
16. Mortgage Note (HUD-93432-CA) (Or, 3Cn)
17. a. Construction Contract, Lump Sum (HUD 92442-CA) (E, 2Cn) and Contractor's Requisition (HUD 92448) (E, 2Cn)

OR

---

7/92

2

---

4571.5

Appendix 9

---

- b. Construction Contract, Cost Plus (HUD 92442A-CA) (E, 2Cn) and Contractor's Requisition (HUD 92448) (E, 2Cn)

AND (If Applicable)

- c. Construction Contract, Incentive Payment (HUD 92443-CA)  
(E, 2Cn)
- 18. Contractor's and/or Mortgagor's Cost Breakdown (HUD 2328)  
(Or, 2Cn)
- 19. Assurance of Completion:
  - a. Performance Bond (Dual - Obligee) (FHA 2452) (E, 2Cn);  
Payment Bond (FHA 2452A) (E, 2Cn) and Surety Company's  
Telegram or Facsimile (or, 2Cn)
- OR
- b. Performance/Payment Bond (Dual Obligee) (HUD-92452-CA)  
(E, 2Cn)
- OR
- c. Completion Assurance Agreement (HUD 92450-CA) (E, 2Cn)
- 20. Owner-Architect Agreement (AIA Document B181) (see attached  
to capital Advance Agreement; HUD-90167-CA) and HUD  
Amendment (HUD-90169-CA) (E, 2Cn)
- 21. Assurance of completion of Off-site Facilities (E, 2Cn)
  - a. Off-site Bond (HUD 90177-CA) OR
  - b. Escrow Agreement for Off-site Facilities (HUD 90170-CA)
- 22. Assurance of Utility Services (water, electricity, sewer,  
gas, heat) (E, 2Cn)
- 23. Owner's I.R.S. Tax-Exemption Ruling
- 24. Owner's Certificate (HUD 92433-CA) (Or, 2Cn)
- 25. Owner's Attorney's Closing Opinion (HUD 90166-CA) (Or, 2Cn)
- 26. Evidence of Owner's Deposit (minimum capital investment) and  
ability to provide moveable furnishings and equipment not  
covered by capital advances (Or, 2Cn)

27. Owner's assurance of funds to cover costs over and above capital advance (Or, 2Cn) IF APPLICABLE
28. FHEO Certification in Connection with the Development and operation of the project (Or, 1Cn)
29. Blanket Fidelity Bond (E, 2Cn)
30. Part I of Agreement to Enter into PRAC (HUD 90172A-CA)
31. Part II of Agreement to Enter in PRAC (HUD 90172B-CA)
32. Part I of the Project Rental Assistance Contract (HUD 90173A-CA) (3Or)
33. Part II of the Project Rental Assistance Contract (HUD 90173B-CA) (3Or)
34. Use Agreement (HUD-90163-CA) (Or, 3Cn)
35. Agreement and Certification (HUD 93566-CA)
36. Affirmative Fair Housing Marketing Plan (ASK)
37. Collateral agreements, if any (Or, 2Cn)
38. Attendance List (N/F or 2MC)
39. Additional Closing Requirements (State or local requirements):