

Oregon Department of Consumer and Business Services

Division of Financial Regulation

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AFFIDAVIT AND UNDERTAKING – NO CLIENTS’ TRUST ACCOUNT

1. (Company name): _____, NMLS ID _____, including all trade names or assumed business names used by the applicant as listed in the Nationwide Multistate Licensing System (hereinafter “the firm”), has made application to the Division of Financial Regulation of the Department of Consumer and Business Services (hereinafter “DFR”) to be licensed to conduct business pursuant to the provisions of ORS 86A.100 through 86A.992.
2. I am an officer, director, or principal shareholder of the firm and authorized to act on behalf of the firm.
3. ORS 86A.100 through 86A.992 provides that all persons licensed pursuant to its provision establish and maintain a clients’ trust account into which all funds received from clients shall be deposited.
4. The funds required to be deposited into the clients’ trust account include but are not limited to:
 - a) All funds received by the firm or persons authorized to act on behalf of the firm from or on behalf of a client for payment of services to be provided by persons other than the firm in connection with processing, arranging, or making a mortgage banking loan or mortgage loan;
 - b) All funds received by the firm or person authorized to act on behalf of the firm from or on behalf of a borrower for payment of principal, interest, or taxes on a mortgage banking loan or mortgage loan; and
 - c) All funds received by the firm or persons authorized to act on behalf of the firm from or on behalf of a client for payment of services to be provided by the firm in connection with processing, arranging, or making a mortgage banking loan or mortgage loan by the firm, except for those funds received by a licensee on a nonrefundable basis under the provision of OAR 441-875-0030.
5. The firm does not receive any funds described in Paragraph 4 prior to closing in escrow and therefore has no use for a clients’ trust account.
6. The firm agrees to establish a clients’ trust account prior to accepting any of the funds described in paragraph 4 of this undertaking and to notify DFR of the establishment of the account and to otherwise comply with ORS 86A.157 and 86A.160 and OAR 441-875-0010 through 441-875-0040 relating to client trust accounts.

The undersigned person, under penalty of perjury, declares that he or she signs this undertaking on behalf of the firm indicated and that he or she occupies the official position indicated and is authorized to sign this document on behalf of the firm.

Company name: _____

By: _____ Title: _____

Signature: _____

Sworn and subscribed before me this _____ day of _____, 20 _____

Notary public for the state of _____ My commission expires _____.

Notary public signature: _____

Notary public seal:

