



# **The State of Arizona**

## **Manual of Escrow and Settlement Services**

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# **1 Introduction**

## **1.1 Forward**

Any reference herein to WFG National Title Insurance Company, a South Carolina corporation or “the Company” shall include all of their direct operations, subsidiaries, and affiliates. The rules and procedures contained herein are in no manner, either express or implied; to be construed as establishing or changing the rules and procedures pertaining to the practices followed by the Company, but are shown in order to properly apply the applicable Escrow Rate Table(s) and associated charges and fees. The rates shown herein are for the escrow rates that are not excessive or inadequate for the safety and soundness of the Company, that do not unfairly discriminate between risks in this state which involve essentially the same exposure to loss and expense elements and that give due consideration to: (a) the desirability for stability of rate structures, (b) the necessity, by encouraging growth in assets of the Company in periods of high business activity, of assuring the financial solvency of the Company in periods of economic depression, and (c) the necessity for paying dividends on the capital stock of the Company sufficient to induce capital to be invested in the capital stock. The rates, fees and charges contained herein do not include any additional services(s) unless otherwise noted or provided for in this schedule of fees and charges.

## **1.2 Definition of Escrow**

“Escrow” means any transaction wherein any property, money, written instrument or evidence of title or possession to real or personal property or other thing of value is delivered with or without transfer of legal or equitable title, or both, and irrespective of whether a debtor/creditor relationship is created, to a person not otherwise having any right, title or interest therein in connection with the sale, transfer, encumbrance or lease of real or personal property, to be delivered or redelivered by that person upon the contingent happening or non-happening of a specified event or performance or nonperformance of a prescribed act, when it is then to be delivered by such person to a grantee, grantor, promisee, promiser, obligee, obligor, bailee, bailor, or a designated agent or employee or any of them. (A.R.S. 6-801, as Amended)

## 2 Basic Escrow Rates Schedule

### 2.1 Residential Escrow Rate Schedules

The Basic Escrow Rate schedule incorporated herein is applicable to and referenced in various parts of this manual.

Fair Value of Transaction	2 Standard	3 REO	4 Short Sale
Up to and including \$100,000	\$550.00	\$900.00	\$1200.00
\$100,001 through \$200,000	\$660.00	\$900.00	\$1200.00
\$200,001 through \$300,000	\$800.00	\$1,200.00	\$1400.00
\$300,001 through \$400,000	\$900.00	\$1,200.00	\$1600.00
\$400,001 through \$500,000	\$950.00	\$1,200.00	\$1600.00
\$500,001 through \$700,000	\$1250.00	\$1,650.00	\$1900.00
\$700,001 through \$800,000	\$1350.00	\$1,650.00	\$2100.00
\$800,001 through \$900,000	\$1450.00	\$1,650.00	\$2100.00
\$900,001 through \$1,000,000	\$1550.00	\$1,650.00	\$2100.00
\$1,000,001 and over	Add \$4.25 per each \$5,000 of fraction thereof or by written agreement	Add \$4.25 per each \$5,000 of fraction thereof or by written agreement	Add \$4.25 per each \$5,000 of fraction thereof or by written agreement

## **3 General Escrow Rules**

### **3.1 Definitions**

As used in this manual, the following terms have the definitions ascribed:

#### **3.1.1 Basic Escrow Services**

Basic Escrow Services includes any or all of the following services, as applicable to a particular transaction:

- Preparation of Escrow Instructions
- Preparing Estimates of closing costs
- Ordering demands as reflected on the title commitment
- Pay secured obligations, as required
- Pay up to three credit cards or unsecured debts as required by the lender on a refinance transaction
- Amendments to the escrow instructions as required (LRT, etc.)
- Preparation of HUD-1, ALTA settlement statement and/or coordination of Closing Disclosure with Lender
- Disburse proceeds to borrower and/or seller
- Schedule borrower and seller signing,
- Document preparation;
- Receipt of incoming funds and issuance of disbursements, whether by check or wire transfer, including associated wire transfer fees;
- Processing a subordination on refinance transactions;
- Arrange for a mobile notary. The use of a mobile notary will incur separate fees.

Basic Escrow Services do not include the following services, the fees for which are set forth in Chapter 5- Residential Escrow Related Fees and Charges:

- Check(s) returned for insufficient funds;
- Interest bearing account set-up;
- Charges for mobile notaries
- Fees for services obtained from a third party (other than the Company) and not otherwise specifically included in the definition of Basic Escrow Services; and
- Transfer tax or any other governmental fees or charges.

Additional charges may be made for additional services as set forth in Chapter 5 - Residential Escrow Related Fees and Charges

### **3.1.2 Commercial or Commercial Property**

“Commercial” or “Commercial Property” refers to any real property which is not a Residential Property.

### **3.1.3 Company**

The “Company” shall mean WFG National Title Insurance Company, a South Carolina corporation, which is the insurer filing this rate manual.

### **3.1.4 Fair Value**

Escrow rates shall be computed based upon the “Fair Value” of the property being sold or leased or the amount of the loan being closed as follows:

- The fair value of any parcel shall be construed to be the sales price or full fair market value of any parcel(s), including the encumbrances, whichever is greater. In those situations where a sale is not involved, the fair market value shall be based on available information, but in no event, less than the sum of all the monetary encumbrances to which the title is subject.
- In the context of a lease, fair value shall be based upon the fair value of the property as if the transaction was a sale, or the total amount of the lease payments, whichever is less.
- In the context of a loan escrow, fair value shall be the amount of the loan being closed.

### **3.1.5 Residential or Residential Property**

“Residential” or “Residential Property” refers to a parcel of real property which is improved with a one-to-four family residential structure including a mobile or modular home; a single residential condominium or cooperative unit or unimproved property that is intended for use as a residential property.

### **3.1.6 State**

“State” shall mean the State of Arizona.

## **3.2 In General**

When escrow services of any type are involved, all offices of the Company will use the appropriate rate rules and Basic Escrow Rate schedule which are set forth in this manual.

The various Escrow Rates are minimum rates and additional charges may be made in the event unusual escrow risks are assumed or unusual services are performed. In the event such charges are made, agreement thereto will be obtained from each person or entity obligated to any part of such charges in writing in advance.

All third party charges and costs incurred in connection with the transaction will be charged at the actual cost or estimated actual cost thereof, other than as expressly set forth herein.

For purchase transactions, the escrow fees set forth herein reflect the total charge for the service, and will be allocated 50% to the buyer and 50% to the seller unless a different allocation of charges is set forth in the purchase agreement or by agreement of the parties.

In the case of a short sale, unless a different allocation of charges is set forth in the purchase agreement or by agreement of the parties, all escrow fees will be paid by the purchaser.

### **3.3 Rounding**

Whenever percentages of the Basic Escrow Rate are used, the charge shall be rounded off to the next highest dollar.

### **3.4 Minimum Charges/Additional Charges for Unusual Services**

The charges set forth herein are minimum charges for ordinary services in connection with the escrow business and the services associated therewith. Additional fees will be charged when unusual conditions are encountered and for special services requested. The fee for additional escrow work when unusual conditions are encountered or special services are rendered is \$100 per hour or any fraction thereof.

### **3.5 Fees which include Services Provided by Others**

The fees and charges described in this manual are those actually charged to the customer. Such fees often include the fees, costs and charges for goods and services provided by WFG, its employees, subcontractors, agents, banks, electronic service providers, recording offices and others, each of whom may be paid portions of the fees charged for the services they render. When and as required by Arizona law, the rules of the Bureau of Consumer Finance Protection, (the "BCFP") 12 C.F.R. part 1026, *et. seq.* or determined by the Company as desirable for purposes of a clearer explanation to consumers of the transaction, such other parties and/or their fees may be referenced in various documents and settlement statements, provided such inclusion will not cause the total fee charged for escrow services to exceed the otherwise applicable amounts set forth in this manual.



## **4 Residential Property Escrow Rates**

### **4.1 Basic Residential Sale Escrow**

When handling escrows involving the sale of a residential property, to which none of Sections 4.2 - REO (Real Estate Owned), 4.3 - Leasehold Escrow, or 4.4 - Residential Short Sale apply, the escrow charge will be as set forth in Column 2 – Standard of the Basic Escrow Rate Schedule.

The services provided include the Basic Escrow Services.

Additional charges may be made for one or more Loan Tie-In Fees, if applicable, and other services provided as set forth in Chapter 5 - Residential Escrow Related Fees and Charges.

### **4.2 REO (Real Estate Owned)**

When handling escrows involving the sale of a residential property owned by a seller, who is either a lender who foreclosed on the property or its nominee who acquired title via a judicial foreclosure, a trustee's deed in foreclosure or a deed-in-lieu, the escrow charge will be as set forth in Column 3 - REO of the Basic Escrow Rate Schedule.

The services include the Basic Escrow Services and overnight mail, courier charges, reconveyance tracking and wire transfer fees.

Additional charges may be made for one or more Loan Tie-In Fees, if applicable and additional services as set forth in Chapter 5 - Residential Escrow Related Fees and Charges.

### **4.3 Leasehold Escrow**

The leasehold escrow fee on a residential property shall be the same as set forth in Section 4.1 - Basic Residential Sale Escrow but based on the fair value of the leasehold interest.

### **4.4 Residential Short Sale**

When handling escrows involving the sale of a residential property, the proceeds of the sale are insufficient to satisfy the outstanding obligations secured by the subject property, and one or more creditors or lenders agrees to accept less than the full amount owed on the property and release the property as collateral, the escrow charge will be as set forth in Column 4 – Short Sale of the Basic Escrow Rate Schedule.

The services include the Basic Escrow Services and Reconveyance Tracking, Overnight Delivery Service (Federal Express, Airborne, UPS, Express Mail), Special Courier Service, Wire Transfer Fees, E-Doc Fees and one or more Loan Tie-In Fees.

Additional charges may be made for additional services as set forth in Chapter 5 - Residential Escrow Related Fees and Charges.

#### **4.5 Residential Refinance Rate**

When handling escrows involving a loan secured by a residential property, regardless of whether or not there is/are any existing loan(s) to be paid off as a part of the escrow, and when there is no transfer of title involved, the escrow fee shall be \$300.00.

The services include the Basic Escrow Services and courier and overnight delivery fees (2), wire transfer fees, electronic document delivery and reconveyance tracking.

Additional charges may be made for any additional services requested or required to close the escrow, as set forth in Chapter 5 - Residential Escrow Related Fees and Charges, including the recording service fee.

#### **4.6 Residential Refinance Rate (Transfer of Title)**

When handling escrows involving a loan secured by a residential property, regardless of whether or not there is/are any existing loan(s) to be paid off as a part of the escrow, and there is a transfer of title involved, the escrow fee shall be \$450.00.

The services include the Basic Escrow Services and special courier and overnight delivery fees (2), wire transfer fees, electronic document delivery and reconveyance tracking.

Additional charges may be made for any additional services requested or required to close the escrow, as set forth in Chapter 5 – Residential Escrow Related Fees and Charges, including the recording service fee.

#### **4.7 Home Equity Escrow Services:**

##### **4.7.1 Limited Home Equity Services**

Limited Home Equity Services shall be charged at a rate of \$150.00, (FLAT FEE) for escrow services in connection with a home equity loan transaction, up to \$500,000. This fee includes the following services:

- Preparing a settlement statement; Ordering payoff demands, when applicable, and disbursing payoffs on up to two (2) previous loans and disbursing the balance of the proceeds to up to five (5) payees.
- Ordering and making payoffs on additional loans shall be charged at \$25.00 for each additional loan. Document preparation in connection with such service shall be at the rate of \$75.00 per hour.

##### **4.7.2 Home Equity Disbursement Services**

Home Equity Disbursement Services shall be charged at the rate of \$100, (FLAT FEE) for loan transactions up to \$500,000. This fee includes the following services:

- The receipt of funds by the escrow handler/closer from a lender and disbursement to the borrower via on check or wire transfer. Any preparation of settlement statements shall require the full limited home equity services fee.

Additional charges may be made for additional services as set forth in Chapter 5 - Residential Escrow Related Fees and Charges

#### **4.8 Limited Escrow or Sub-Escrow Service**

When the Company is requested to provide a limited subset of escrow services, which may or may not arise in connection with a transaction insured by the Company directly or through another agent, the fee charged for such services shall be \$125.00 or as otherwise negotiated between the parties.

This limited escrow rate is appropriate where the services to be provided are significantly less than the Basic Escrow Services and, for example:

- A customer (a buyer, seller, or lender) is requesting the Company to hold and disburse funds as per their written instructions, as well as having a settlement statement and/or a deed of trust executed, and the Company is not being asked to address potential matters of title and no payoffs are being ordered by the Company.
- A customer (a buyer, seller, or lender) is requesting the Company to hold and disburse funds as per their written instructions, and the disbursement of such funds are being used for the elimination of matters affecting title, but only as expressly directed under such instructions.
- When the Company is being asked to accept and record documents of record and hold and disburse funds, but no matters of title are being addressed and no payoffs are ordered by Company.

Additional charges may be made for any additional services requested or required to close the escrow, as set forth in Chapter 5 - Residential Escrow Related Fees and Charges, including the recording service fee.

## **5 Residential Escrow Related Fees and Charges**

When services are requested or appropriate to a residential property transaction, which are in addition to those included in the primary escrow services rate described in Chapter 4, fee for the additional services shall be as set forth in this Chapter.

### **5.1 Document and Funds Delivery Charge**

This charge, on a per file basis, includes Federal Express, Airborne, UPS, Express Mail, special couriers, E- Doc fees and domestic wire transfer fees, shall be as follows:

- Cash Transactions: \$200.00

This fee will be divided equally between Buyer and Seller, unless otherwise instructed in writing.

- New Loan Transaction: \$250.00

This fee will be charged \$125.00 to Seller and \$125.00 to Buyer unless otherwise instructed in writing.

## **5.2 Loan Escrow Service – Concurrent Loans in a Sale Escrow (Loan Tie-In Rate)**

When a loan escrow and a residential sale escrow are closed simultaneously, the sale escrow shall be charged the fees appropriate under Chapter 4 - Residential Property Escrow Rates, or 6 - Special Rates for Transactions, as applicable. The loan escrow shall be charged an additional fee of \$150.00 per loan.

Unless otherwise instructed by the parties to the escrow, the additional charge for a first loan will be divided equally between the seller and buyer, the additional charge(s) for any other subordinate financing will be charged entirely to the buyer.

This fee includes the following additional services (as required and appropriate to the transaction):

- one additional electronic document download
- preparation of additional documents

Additional charges may be made for additional services as set forth in this Chapter 5 - Residential Escrow Related Fees and Charges

## **5.3 Subordinate Loan Escrow Service – Multiple Loans in a Loan Escrow**

When escrow services are requested in connection with one or more residential second mortgages, home equity lines of credit, or other subordinate financings, being closed concurrent with and secured by the same property as another loan escrow, one loan escrow shall be charged as set forth in Chapter 4 - Residential Property Escrow Rates, and each additional loan shall be charged an escrow fee of \$125.00.

Additional charges may be made for additional services as set forth in this Chapter 5 - Residential Escrow Related Fees and Charges.

## **5.4 Electronic Commerce Service Fee**

Escrow services, in some cases, may involve the use of electronic commerce, i.e. web based platforms that are designed to improve the customer experience or the efficiencies of the lenders by limiting, or in some cases, eliminating the need for wet signatures on documents. The Company may wish, or in some cases, be required to utilize these platforms as part of the lending/closing experience. The charge for utilizing electronic/web-based platforms shall be \$50.00 in addition to costs of the service, which may be passed through to the parties. Unless otherwise agreed, the Electronic Commerce Service Fee shall be split between buyer and seller.

## **5.5 Reconveyance Tracking Fee:**

A fee of \$100.00 (per loan payoff) shall be charged when applicable, for handling the payoff of a loan when the release is not furnished at close of escrow. This charge covers the additional record keeping expense of monitoring the follow through with the paid lender and recording keeping for a delayed reconveyance, and the charges that may be incurred by employing a third party vendor to provide this service to the Company. The Reconveyance Tracking Fee is nonrefundable once

the real estate transaction to which it is attached is closed and recorded. This fee is earned concurrent with issuing the payoff funds at closing and shall be charged to the Seller in a resale transaction or a Borrower in a refinance transaction.

#### **5.6 Recording Service Fee:**

The Recording Service Fee includes costs incurred by the Company for items processed for recording, miscellaneous indexing, actual recording charges and the mailing of documents electronically recorded. The fee shall be a pass-through cost based on the actual flat-fee charges set by the state of Arizona by statute:

An additional fee of \$5.00 per document shall be assessed for costs incurred in the utilization of electronic recording.

#### **5.7 Stop Payment Fee:**

A fee of \$35.00 (per check) shall be charged when applicable for processing a stop payment on a check written from an escrow or operating account, except for stop payments placed on checks at the request of escrow personnel.

#### **5.8 Non-Sufficient Funds Fee:**

A fee of \$25.00 (per check) may be charged for any deposit returned due to insufficient funds, dishonor or a stop payment.

#### **5.9 Interest Bearing Escrow Account Fee:**

A fee of \$50.00 per account shall be charged when the Company is requested to establish a separate interest bearing account for any party to a transaction. This fee may be waived under certain conditions, such as commercial transactions or volume users.

#### **5.10 Manufactured Unit Title Transfer/Affixture Processing Fees**

For purposes of this section, the term UNIT shall mean a single manufactured dwelling, trailer or other modular or manufactured structure used for residential or commercial purposes and whether or not comprised of one or more sections, which requires the processing of Manufacturer's Certificate(s) of Origin, Certificate(s) of Title and/or Affidavit(s) of Affixture.

The charge for these services will be \$300.00 in addition to the otherwise applicable escrow rate charged for closing the transaction. Some of the services that are utilized in the processing of either the title transfer or affixture process may utilize the services of third-party providers.

#### **5.11 Dormant Funds Maintenance Fee**

There shall be a maintenance fee charge of \$25.00 per month for funds remaining in an escrow account 180 days following closing of the related transaction due to any payee's failure to negotiate funds evidenced by outstanding checks or rejected wire transfer.

A written notice of this fee will be provided at close of escrow.

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In the event the fees incurred meet or exceed the amount of the non-negotiated funds, the amount of the unclaimed funds shall be deemed payment in full.

### **5.12 Holdback of Funds Fee**

A fee of \$175 per holdback may be charged when a request is made to continue to hold funds to satisfy a post-closing condition.

This fee is non-refundable.

If additional services are requested in connection with the holdback, those services will be charged in accordance with this Chapter 5 - Residential Escrow Related Fees and Charges.

### **5.13 Hourly Work Fee:**

A fee of \$100.00 per hour, or fraction thereof, may be charged when special services or additional work is requested and/or required.

## **6 Special Rates for Transactions**

### **6.1 Builder/Developer Rate on Sale to a Home Buyer or Lot Purchaser:**

There are substantial efficiencies possible in handling sales of multiple units in a single residential subdivision, condominium or project. When individual units of a subdivision, condominium, PUD or other project are being sold by a builder, contractor, developer or subdivider (a “builder/developer”), the builder/developer’s share of the applicable rate established under Chapter 4 - Residential Property Escrow Rates shall be discounted by the percentages set forth in the table below.

The percentage discounts are based on the number of units in the project that have been committed to WFG for closing, as follows:

<b>Units committed to WFG</b>	<b>% Discount</b>
2 - 50 Units	40%
51- 200 Units	55%
201 or more Units	70%

If the builder/developer is contractually obligated to pay the buyer’s portion of the escrow fee, the discount to the builder/developer from the otherwise applicable escrow fee shall be 50% for 51 units or above.

This rate may not be used in conjunction with any other discounted rates contained in this chapter.

Additional charges may be made for additional services as set forth in Chapter 5 - Residential Escrow Related Fees and Charges.

### **6.2 Churches, Charitable, and Not-For Profit Organizations (“NPO’s) Rate**

The rate for escrow services for residential or commercial property purchased or sold within the normal scope of activities by Churches, Charitable, and Not-For Profit Organizations shall be discounted 30% of the otherwise applicable Escrow Rate under Chapter 4 - Residential Property Escrow Rates or 7 - Commercial/Industrial Escrow Transactions.

This rate may not be used in conjunction with any other discounted rates contained in this chapter.

Additional charges may be made for additional services as set forth in Chapter 5 - Residential Escrow Related Fees and Charges.

### **6.3 Senior Citizen Rate**

A customer who is at least 60 years of age shall be discounted 20% of the otherwise applicable residential Escrow Rate under Chapter 4 - Residential Property Escrow Rates on the purchase or sale of a residential property. Escrow shall verify that the customer qualifies for the discount.

This rate may not be used in conjunction with any other discounted rates contained in this chapter.

Additional charges may be made for additional services as set forth in Chapter 5 - Residential Escrow Related Fees and Charges.

### **6.4 Realtor, Public Servant or Military Rate**

Active Realtors<sup>®</sup>, active military, veterans and currently-employed public servants, including but not limited to: teachers, police officers, firefighters and emergency medical personnel, shall be discounted 30% of the otherwise applicable residential Escrow Rate under Chapter 4 - Residential Property Escrow Rates on the purchase or sale of a residential property.

This rate may not be used in conjunction with any other discounted rates contained in this chapter.

Additional charges may be made for additional services as set forth in Chapter 5 - Residential Escrow Related Fees and Charges.

### **6.5 Negotiated Rates**

The Company reserves the right to negotiate fees. Any such negotiated rate agreement must be approved in writing by Company management and signed by all pertinent parties. A copy of said agreement is to be placed in each escrow file for which the rate applies.

This rate may not be used in conjunction with any other discounted rates contained in this chapter.

### **6.6 Special Rule for VA Loans**

Regulations of the Department of Veterans Affairs contained in 38 CFR 36.4313 set strict limits with regard to charging loan closing or settlement fees or escrow fees in connection with a VA made, guaranteed, or insured loan, which limitations may change from time to time. Accordingly, the Company may negotiate and agree to an acceptable escrow fee(s) with the Department of Veterans Affairs or its approved lender(s) and shall be bound by the rate(s) so negotiated. All such rate matches must be approved in writing by Company Management with a copy of the approval placed in each escrow file for which the rate applies.

### **6.7 Competitor's Rates**

The Company reserves the right to match any written escrow rate quote from a State of Arizona licensed title or escrow company. All such rate matches must be approved in writing by Company Management with a copy of the approval placed in each escrow file for which the rate applies.

This rate may not be used in conjunction with any other discounted rates contained in this chapter,



Additional charges may be made for additional services as set forth in Chapter 5 - Residential Escrow Related Fees and Charges.

### **6.8 Employee Rates**

No charge shall be made to employees of the Company, its subsidiaries and affiliated companies for escrow services in connection with the financing, refinancing, sale or purchase of the employee's primary residence. Waiver of such charges is authorized only in connection with those costs which the employee would be obligated to pay as a party to the transaction.

### **6.9 Government Agencies and Affiliates**

Any government entity, including municipal corporations, will be charged a rate for escrow services which has been mutually agreed or which has been accepted in the form of a bid.

Additional charges may be made for additional services as set forth in Chapter 5 - Residential Escrow Related Fees and Charges or as agreed or set in the bid.

## **7 Commercial/Industrial Escrow Transactions**

### **7.1 Commercial Sale Escrow Rates**

Escrow services provided in connection with the sale or lease of any commercial property shall be charged based upon Fair Value in accordance with the following schedule:

Up to and including \$2,000,000	30% Discount of Basic Escrow Rate
\$2,000,001 - \$10,000,000	35% Discount of Basic Escrow Rate
\$10,000,001 - \$25,000,000	40% Discount of Basic Escrow Rate
\$25,000,001 - \$55,000,000	45% Discount of Basic Escrow Rate
\$55,000,001 - \$75,000,000	50% Discount of Basic Escrow Rate
\$75,000,001 and above	55% Discount of Basic Escrow Rate

### **7.2 Commercial Loan Escrow Rates**

Escrow services provided in connection with loans secured by any commercial property shall be charged based upon the loan amount in accordance with the following schedule:

Up to and including \$1,000,000	\$750.00
\$1,000,001 - \$3,000,000	\$1,000.00
Over \$3,000,000	\$1,500.00

### **7.3 Commercial Loan Escrow Service (Loan Tie-in-Fee) – Concurrent Loans in a Sale and/or Multiple Loans**

When a commercial loan escrow is closed concurrently with a commercial sale escrow of the same property, there shall be an additional escrow fee of \$150.00 charged per loan.

### **7.4 Special Courier and Delivery Charges**

This charge, on a per file basis, includes Federal Express, Airborne, UPS, Express Mail, special couriers, E- Doc fees and domestic wire transfer fees, and shall be as follows:

- Cash or Loan Transactions: \$200 for Cash Transactions and \$250.00 for Loan Transactions. This fee will be divided equally between Buyer and Seller, unless otherwise instructed in writing.