



Requirements for Transferring Servicing to SONYMA's Master Servicer (for Non-Servicing Sellers)

This document is intended to assist non-servicing Sellers in the procedures of transferring the servicing of Mortgage Loans to SONYMA's master servicer (currently, M&T Bank) (the "Master Servicer" or "M&T"). Non-servicing Sellers must comply with the below requirements. *Failure to do so may result in SONYMA suspending Seller from taking new loan applications.* Please note that any capitalized words or terms shall mean those as defined in the Seller's Guide. Further, the terms "Lender" and "Borrower", when used in this document, shall have the same definition as "Seller" and "Mortgagor", respectively, in the Seller's Guide.

A. NOTIFICATION TO MORTGAGOR OF SERVICING TRANSFER

SONYMA requires that Lenders transfer the servicing of all Mortgage Loans to the Master Servicer immediately upon closing. Lenders must advise Borrowers at or prior to closing that M&T Bank will be servicing their loan. Seller must not process any servicing transactions prior to transfer and any mortgage payments received are to be sent to M&T for processing. These Mortgage Loans must be inactive on Seller's servicing system at the time of transfer. Attached are samples of a good-bye letter and a notice of assignment of servicing that Seller may use as a prototype to advise Borrowers of the transfer. Providing the Borrower with these notices will suffice for this purpose.

B. SUBMISSION OF COPIES OF LOAN FILES AND FINAL DOCUMENTS TO MASTER SERVICER

Within five business days of Closing Date, the Master Servicer must receive a copy of each Mortgage Loan file, including the entire amount of escrowed funds and tax service fee check of \$68.50. Please ensure that each check is properly endorsed to M&T Bank. Each file should contain copies of all the documents listed on the attached M&T Bank Closing Transmittal for SONYMA Loans. Lenders should not confuse the copy documentation required on the M&T Closing Transmittal Form for SONYMA Loans with the original documentation required to be submitted to SONYMA as described in Appendix IV - Post-Closing File Review Specifications. All Mortgage Loan files are to be sent to the attention of:

M&T Bank
1 Fountain Plaza/4th Floor
Buffalo, NY 14203
Attention: Ms. Dayna Holmes
716-848-3565
Fax: 716-848-7113
dholmes@mtb.com

A copy of the recorded mortgage (including any recorded second mortgage for DPAL, if applicable), recorded assignment (including any recorded assignment of a second mortgage for DPAL, if applicable), final title policy, consolidation agreement where applicable, filed copies of UCC-1, UCC-3, and other filed documents, if required, must be forwarded to the Master Servicer at the same time the originals are delivered to SONYMA.

C. SELLER OBLIGATIONS REGARDING ESCROWS (INCLUDING OBLIGATIONS UNDER THE OWN IT, FIX IT NEW YORK! HOME MORTGAGE) AND CERTIFICATES OF OCCUPANCY

In accordance with the Seller's Guide and Mortgage Purchase Agreement, Seller is responsible and

obligated for ensuring that the terms of any escrow agreements (including escrow agreements made under the Own it, Fix it New York! Home Mortgage) are fully satisfied and where loans were closed with a temporary certificate of occupancy, that a permanent certificate of occupancy has been obtained. **It is not the Master Servicer's responsibility to monitor and satisfy these issues.** Copies of documentation to evidence satisfaction of the escrow agreement terms and copies of the permanent certificate of occupancy must be forwarded by Seller to the Master Servicer. Under the Own it, Fix it New York! Home Mortgage option, *within 30 days from the work completion date*, Lenders must submit to the servicer (as well as SONYMA, the MI company, and the pool insurer), a photocopy of the following documents:

1. Appraisal Update and/or Completion Report ([Fannie Mae Form 1004D](#)), completed by the property appraiser, evidencing that all work specified in the home improvement contract and subsequent changes approved by SONYMA have been completed fully and satisfactorily;
2. Title update showing no additional liens (i.e., mechanics' liens); and
3. Completed and fully executed SONYMA Own it, Fix it New York! Home Mortgage Final Accounting Form and Certification (Form #H4/10-10).

D. USE OF FLOOD INSURANCE VENDOR

M&T requires that all SONYMA lenders use the flood services of First American Flood Data Services, Inc. (FDSI). Any flood determination certificate obtained from a company other than FDSI will be converted by M&T to an FDSI certificate. The fee for each conversion is \$2.00. A billing invoice for these fees will be forwarded to Seller from M&T on a monthly basis.

E. SERVICING PROCEDURES

Below please find the guidelines to be used when transferring a loan to the Master Servicer. Each Mortgage Loan file, and the documents contained therein, must be identified by the assigned SONYMA loan number. The Seller retains all responsibilities and warranties as provided in the Mortgage Purchase Agreement including the requirement for repurchase of defective mortgage loans as described in Section 6 of the Mortgage Purchase Agreement. Adherence to the following will greatly enhance the likelihood of receiving more expeditious purchases of Mortgage Loans by SONYMA.

1. Interest

In the event the Closing Date and Purchase Date occur in the same calendar month, SONYMA will net out, on the Purchase Date, the prepaid interest due SONYMA. Seller will receive any interest due from the closing date through the day prior to the Purchase Date. Interest will be calculated as follows:

[(Original Loan Amount x Interest Rate) divided by 360 days] x (# of days commencing from the Purchase Date to the end of the month).

Example: If a Mortgage Loan with an interest rate of 7.50% and \$100,000 original loan amount was closed on May 2nd and purchased by SONYMA on May 10th, SONYMA would net from the purchase amount of the loan interest in the amount of \$458.33 [[((\$100,000 x 7.50%) divided by 360] x 22 days (May 10th through May 31st)].

If a Mortgage Loan is purchased in a subsequent month or months after the Closing Date, the Master Servicer will apply the above formula and reimburse any interest due Seller from the Borrower's payment(s) within thirty (30) days of receiving SONYMA's new loan trial balance for that Mortgage Loan.

The Master Servicer will report to the IRS all interest, except interim interest (interest collected at the closing and due from the Closing Date to the end of the month). Seller will be responsible for reporting any interim interest.

2. Escrow Requirements

An Initial Escrow Account Disclosure Statement, in accordance with current Real Estate Settlement Procedures Act (RESPA) requirements, must be delivered to the Borrower prior to transfer of servicing. This statement must include a 12-month balance projection. The initial escrow deposit must be calculated by using the Aggregate Accounting method required by RESPA. A photocopy of this statement must be provided in each loan file.

Note: Escrow is not collected for a DPAL.

The Master Servicer requires a two-month cushion to be collected on all new SONYMA loans. Please note that the PMI portion of the escrow payment is not included as part of the cushion amount:

For Example,

\$ 100	One-Twelfth of Total Taxes and Insurance
+ 35	Monthly PMI Premium
\$ 135	Total Monthly Escrow Payment

$(\$135 - \$35 = \$100 \times 2) \$200 =$ Two-month cushion amount required

Checks for the entire initial escrow deposit and the tax service fee should be made payable to M&T Bank and should be attached to the inside cover of the loan file.

A sample Initial Escrow Account Disclosure Statement is attached.

3. Taxes

If a tax bill has already been issued at the time of closing, Seller is responsible for ensuring that it is paid at the closing.

All village taxes are paid annually. If the second half is open as of the Closing Date, Seller must pay the tax.

New York City taxes are paid quarterly and the Master Servicer requires Sellers to include the frontage tax (if the property is not metered) in the escrow account. Seller must not collect for Pumping Stations and Meter charges.

The title search should include tax information, not just the face of the title policy.

4. Hazard Insurance

The original or a legible copy of the hazard insurance policy or binder along with a paid receipt for the first year's premium must be included in the file.

As of the Closing Date, the mortgagee clause of the Hazard Insurance Policy must read as follows:

State of New York Mortgage Agency
c/o M&T Bank
P.O. Box 5738
Springfield, OH 45501-5738

5. Flood Insurance

To comply with the National Flood Insurance Reform Act of 1994 (the Flood Act), all Lenders must obtain a life-of-loan flood zone determination certificate on any loans secured by real estate.

M&T Bank requires that Sellers use the flood determination services of First American Flood Data Services, Inc. (FDSI). The following is the address and the phone number to contact FDSI:

First American Flood Data Services, Inc.
11902 Burnet Road - Suite 400
Austin, TX 78758-2902
1-800-447-1772

Any flood determination certificate obtained from a flood determination company other than FDSI will be converted to an FDSI certificate. The fee for each conversion is \$2.00. M&T will forward an invoice directly to your company on a monthly basis for the conversion fees.

6. Private Mortgage Insurance (if applicable)

It is imperative that the file include the PMI certificate. At the time of closing, Seller is required to notify the PMI company that the coverage has been assigned to:

State of New York Mortgage Agency
c/o M&T Bank
Mortgage Servicing Department
P.O. Box 1288
Buffalo, NY 14240-1288

Note: PMI is not required for a DPAL.

The enclosed escrow information sheet must be completed and included with the Mortgage Loan file. If Seller has any questions pertaining to the escrow account, please contact Ms. Dayna Holmes at (716) 848-3565.

F. INFORMING MORTGAGOR WHO WILL BE SERVICING THEIR MORTGAGE

Attached are samples of a good-bye letter and a notice of assignment of servicing that Sellers may use as a prototype to advise Borrowers of the transfer of servicing to the Master Servicer. Please provide the Borrower with these notices on the Closing Date.

If Seller has any questions regarding the above outlined procedures, please contact Ms. Dayna Holmes of M&T Bank at (716) 848-3565.

G. IRS W-9 FORM

The Master Servicer is required by the Federal Government to solicit for tax identification numbers (Social Security Numbers) from new Mortgagors who will have an escrow account on which interest will be paid. They normally solicit for tax identification numbers at the loan closing by having the Mortgagor(s) complete an IRS W-9 form. Enclosed is a copy of this form as well as instructions on how it should be completed by the Mortgagor(s).

H. NYS FORM RP-954

New York State property tax collectors require a Form RP-954 to be submitted for mortgaged properties with a tax escrow account. The Form RP-954 provides authorization by the Mortgagor(s) for the Servicer to receive property tax bills. Enclosed is a sample copy of this form as well as instructions on how it should be completed by the Mortgagor(s).

**SAMPLE GOOD-BYE LETTER
(ON LENDER'S LETTERHEAD)**

November 2, 2010

Borrower
Borrower
Address
City, State ZIP

RE: Mortgage Account #: XXXXXXXXXX

Dear Customer:

We are writing to notify you that the servicing of your SONYMA mortgage loan [including any second mortgage for a Down Payment Assistance Loan (DPAL)] will be transferred from (*Lender Name*) to M&T Bank. This is a common practice in the mortgage industry and will not affect the terms and conditions of your mortgage.

To ensure a smooth transfer to your new servicer, beginning with your first payment, please make payable and mail all payments to M&T Bank. Payments and correspondence directed to M&T Bank should be sent as follows:

Payments

M&T Bank
P O Box 62182
Baltimore, MD 21264-2182

Correspondence

M&T Bank
Attn: Customer Service
P O Box 1288
Buffalo NY 14240-1288

In January 2012, (*Lender Name*) will send you a mortgage statement reflecting activity on your loan from January 1, 2011 through the date that SONYMA purchases your loan. M&T Bank will furnish you with a statement from SONYMA's purchase date through December 31, 2011. You will need to combine this information when filing your tax returns.

Please refer to the enclosed notice for more detailed information concerning this transfer. It has been our pleasure to have served you. Please feel free to contact us at 1-800-xxx-xxxx if you have any questions concerning this transfer.

Sincerely,

John Doe
Vice President
Residential Mortgages

SAMPLE

NOTICE OF ASSIGNMENT, SALE OR TRANSFER OF SERVICING RIGHTS

We are writing to advise you that the servicing of your mortgage loan, that is, the right to collect payments from you, is being transferred from (*Lender Name*) to **M&T Bank** effective (*closing date*).

The assignment, sale or transfer of the servicing of your mortgage loan does not affect any term or condition of the mortgage instruments, other than terms directly related to servicing your loan.

Except in limited circumstances, the law requires that your present servicer (*Lender Name*) send you this notice at least 15 days before (*closing date*). Your new servicer must also send you this notice no later than 15 days after (*closing date*).

M&T Bank is your new servicer. Their business address is: PO Box 1288, Buffalo NY 14240-1288. Their telephone number is: **1-800-724-2224**. If you have any questions relating to the transfer of servicing to your new servicer, please contact their Customer Service Department between 8:30 a.m. and 5:00 p.m.(EST) Monday through Friday. Your prior servicer is (*Lender Name*). If you have any questions relating to the transfer of servicing from your old servicer, please contact our Customer Service Department between 9:00 a.m. and 5:00 p.m.(EST) Monday through Friday at 1-800-xxx-xxxx.

(*Lender Name*) will not accept payments from you effective (*closing date*). M&T Bank will begin accepting payments from you on (*day after closing date*). Please send all payments due on or after that date to M&T Bank.

You should also be aware of the following information, which is set out in more detail in Section 6 of the Real Estate Settlement Procedure Act (RESPA) (12 U.S.C. 2605):

During the 60-day period following the closing date, a loan payment received by your old servicer before its due date may not be treated by the new loan servicer as late, and a late fee may not be imposed on you.

Section 6 of RESPA (12 U.S.C. 2605) gives you certain consumer rights. If you send a "qualified written request" to your loan servicer concerning the servicing of your loan, your servicer must provide you with a written acknowledgment within 20 Business Days of receipt of your request. A "qualified written request" is a written correspondence, other than notice on a payment coupon or other payment coupon or other payment medium supplied by the servicer, which includes your name and account number, and your reasons for the request. If you wish to send a "qualified written request," include your account number and your reasons for the request. If you wish to send a "qualified written request" regarding the current servicing of your loan, please send it to the following address:

Originating Lenders Name
Address
City, State ZIP

Not later than 60 Business Days after receiving your request, your servicer must make any appropriate corrections to your account, and must provide you with a written clarification regarding any dispute. During this 60-Business Day period, your servicer may not provide information to a consumer reporting agency concerning any overdue payment related to such period or qualified written request. However, this does not prevent the servicer from initiation foreclosure if proper grounds exist under the mortgage documents.

A Business Day is a day on which the offices of the business entity are open to the public for carrying on substantially all of its business functions.

Section 6 of RESPA also provides for damages and costs for individuals or classes of individuals in circumstances where servicers are shown to have violated the requirements of that Section. You should seek legal advice if you believe your rights have been violated.

Note to Lenders: Please fill in all information in *(brackets)*.

IRS W-9 FORM COMPLETION INSTRUCTIONS

Please review the instructions on both the front and back of this form to become familiar with the information required by the IRS. Briefly, the information required by the borrower includes (see attached example):

1. Name - Enter the borrower's name shown on the mortgage account. If a co-borrower, enter that name also.
2. Address - Enter the street address.
3. City, State and Zip Code - Enter the address, city name, state and zip code.
4. Account Number - Leave blank.
5. Taxpayer Identification Number - Enter either the borrower's Social Security number or the borrower's Employer Identification number. (See guidelines on back of W-9 form to determine which number to enter.)
6. Signature - The borrower, after entering the information at the top of the form, should sign on the signature line.
7. Date - The date the form was prepared should be entered.

FORM RP-954 COMPLETION INSTRUCTIONS

The information required by the borrower includes:

DATE - Enter the loan closing date.

1. Name(s) - Enter the mortgagor(s) name on the mortgage account.
2. Address of Property Subject on Tax Escrow Account - Enter property street address.
3. City/Town (4) State and Zip Code (5) County - Enter the city or town name, state, zip code, and county of the property address.
6. Property Identification - Enter the property tax identification number as shown on the property assessment roll.
7. Owner's Mailing Address - Enter the mortgagor's mailing address.
8. Signature(s) - The mortgagor(s) are required to sign on the signature line.
9. Date - Enter the date of the mortgagor(s) signature.

SAMPLE LETTER

Date

Name
Address
City, NY

Loan Number:

Initial Escrow Account Disclosure Statement

This is an estimate of activity in your escrow account during the next 12 months based upon payments anticipated to be made from your account.

Month	Payments to Escrow Account	Payments from Escrow Account	Description	Escrow Account Balance
Initial Deposit				\$252.72
Nov	\$43.89	\$252.72	County Tax	43.89
Dec	\$43.89			87.78
Jan	\$43.89			131.67
Feb	\$43.89			175.56
Mar	\$43.89			219.45
Apr	\$43.89			263.34
May	\$43.89			307.23
Jun	\$43.89			351.12
Jul	\$43.89			395.01
Aug	\$43.89	\$274.00	Insurance	164.90
Sep	\$43.89			208.79
Oct	\$43.89			252.68

(Please keep this statement for comparison with the actual activity in your account at the end of the escrow accounting computation year.)

Cushion Selected by Servicer: **\$43.89**

Your monthly payment for the coming year will be \$669.87 of which \$625.98 will be for principal and interest and \$43.89 will go into your escrow account.

Should you have additional questions concerning this statement, please contact our Customer Service Department at 1-800-724-2224.

Documents

- 37. Verification of Deposit or equivalent
- 38. Credit Report
- 39. Federal Tax Returns (3 years, signed)
- 40. Subsidy Documents
- 41. Unrecorded Assignment of Mortgage (Form 202)
- 42. Unrecorded Assignment of 2nd Mtg. for DPAL (Form 202)
- 43. Final Title Policy or Preliminary Title Insurance Report
- 44. Property Plat or Survey or equivalent
- 45. Loan Funding Certification (Form 229)
- 46. Disclosure Statement
- 47. Good Faith Estimate
- 48. Certificate of Occupancy
- 49. Satisfactory Completion Certificate
- 50. Tax Search
- 51. Copy of Mortgagee Clause Change to Hazard Ins. Co.
- 52. Copy of Mortgagee Clause Change to PMI Company
- 53. Copy of Mortgagee Clause Change to Flood Ins Co
- 54. DPAL Recapture Notification (Form D4)
- 55. Sec. 8 Homeownership Voucher & Counseling Cert.
- 56. Other Section 8 documentation
- 57. Other _____

Required	Enclosed	Comments
X		
X		
X		
If applicable		
X		
If applicable		
X		
If applicable		
X		
X		
X		
X		
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X		
X		
If applicable		
If applicable		
If applicable		
If applicable		
If applicable		
If applicable		

IF ANY OF THE ABOVE REQUIRED DOCUMENTS ARE NOT ENCLOSED, PLEASE EXPLAIN WHY:

Additional/Alternative Documents for Cooperative Share Loans only

Documents

- 1. UCC1 - filed by Lot and Block - valid until termination
- 1a. Filed UCC1 for the DPAL
- 2. Filed UCC1CAAd
- 2a. Filed UCC1CAAd for the DPAL
- 3. UCC3
- 3a. UCC3 for the DPAL
- 4. Stock Certificate
- 5. Proprietary Lease
- 6. SONYMA Security Agreement
- 7. SONYMA Stock Power
- 8. Recognition Agreement
- 9. SONYMA Cooperative Loan Note
- 10. SONYMA Acceptance of Assignment and Assumption of Lease
- 11. SONYMA Assignment of Lease to Lender
- 12. SONYMA Assignment of Loan
- 13. DPAL Coop Enforcement Note & Security Agmt. (Form D2)
- 14. SONYMA Assignment of DPAL Note & Security Agreement
- 15. Lien Search of the Apartment
- 16. SONYMA No Lien Affidavit
- 17. Consent
- 18. Other _____

Required	Enclosed	Comments
X		
If applicable		
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If applicable		
If applicable		
If applicable		
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If applicable		
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If applicable		

Please submit copies of each of the above documents to:

Ms. Dayna Holmes
M&T Bank
1 Fountain Plaza, 4th Floor
Buffalo, NY 14203
716-848-3565 Fax 716-848-7113
dholmes@mtb.com

Updated 5/11

Request for Taxpayer Identification Number and Certification

**Give form to the
 requester. Do not
 send to the IRS.**

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)	
	Business name, if different from above	
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶ <input type="checkbox"/> Exempt from backup withholding	
	Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	City, state, and ZIP code	M&T Bank P.O. Box 1288 Buffalo, NY 14240
List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number												
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Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here	Signature of U.S. person ▶	Date ▶
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Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments (after December 31, 2002). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 4 for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules regarding partnerships* on page 1.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line. Check the appropriate box for your filing status (sole proprietor, corporation, etc.), then check the box for "Other" and enter "LLC" in the space provided.

Other entities. Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt From Backup Withholding

If you are exempt, enter your name as described above and check the appropriate box for your status, then check the "Exempt from backup withholding" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

Exempt payees. Backup withholding is not required on any payments made to the following payees:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
 2. The United States or any of its agencies or instrumentalities,
 3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
 4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
 5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,
 7. A foreign central bank of issue,
 8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
 9. A futures commission merchant registered with the Commodity Futures Trading Commission,
 10. A real estate investment trust,
 11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
 12. A common trust fund operated by a bank under section 584(a),
 13. A financial institution,
 14. A middleman known in the investment community as a nominee or custodian, or
 15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt recipients listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt recipients except for 9
Broker transactions	Exempt recipients 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt recipients 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt recipients 1 through 7 ²

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees; and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-owner LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter your SSN (or EIN, if you have one). If the LLC is a corporation, partnership, etc., enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.socialsecurity.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer ID Numbers under Related Topics. You can get Forms W-7 and SS-4 from the IRS by visiting www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Writing "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see *Exempt From Backup Withholding* on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or single-owner LLC	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship or single-owner LLC	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one). If you are a sole proprietor, IRS encourages you to use your SSN.

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules regarding partnerships* on page 1.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.



**TAX ESCROW ACCOUNT DESIGNATION OF
MORTGAGE INVESTING INSTITUTION
TO RECEIVE TAX BILLS**
(Real Property Tax Law, sec. 954)

I DESIGNATE THE BANK OR OTHER MORTGAGE INVESTING INSTITUTION LISTED BELOW, ITS AGENTS, SUCCESSORS AND ASSIGNS TO RECEIVE ALL TAX BILLS FOR MY REAL PROPERTY (DESCRIBED BELOW) FOR SO LONG AS THE REAL PROPERTY TAX ESCROW ACCOUNT NOW BEING ESTABLISHED SHALL REMAIN IN EFFECT.

DATE _____

(1) _____
NAME(S)

(2) _____
ADDRESS OF PROPERTY SUBJECT TO TAX ESCROW ACCOUNT

(3) _____
CITY/TOWN (4) STATE & ZIP CODE (5) COUNTY

(6) _____
PROPERTY IDENTIFICATION (AS SHOWN ON TAX BILL OR TAX ROLL)

(7) _____
OWNER'S MAILING ADDRESS (IF DIFFERENT FROM # 2, ABOVE)

(8) _____
SIGNATURE(S) (9) DATE



(1) **M&T Bank**

MORTGAGE INVESTING INSTITUTION

(2) **First American Real Estate Tax Service**

TAX SERVICE ORGANIZATION (IF ANY)

(3) **3136 Winston Road South**

MAILING ADDRESS

(4) **Rochester NY 14623**

POST OFFICE (5) STATE (6) ZIP CODE

INSTRUCTIONS

A LEGIBLE, PRINTED OR TYPEWRITTEN, ENTRY MUST BE MADE IN EACH BLANK EXCEPT AS INDICATED IN # 7.

BY COMPLETING AND SIGNING THIS FORM, AN OWNER OF REAL PROPERTY DESIGNATES A MORTGAGE INVESTING INSTITUTION (MOST COMMONLY A BANK) TO RECEIVE ALL TAX BILLS RELATIVE TO THE REAL PROPERTY WHICH IS SUBJECT TO THE MORTGAGE.

THE MORTGAGE INVESTING INSTITUTION THEN ASSUMES THE RESPONSIBILITY FOR PAYMENT OF REAL PROPERTY TAXES LEVIED ON THE REAL PROPERTY SUBJECT TO THE MORTGAGE ESCROW ACCOUNT.

STATEMENT OF MONTHLY OR BIWEEKLY PAYMENTS
AND REQUIREMENTS FOR ESCROW ACCRUAL

No. _____

Mortgagor _____
 Address _____
 Re: Property _____

INSURANCE	EXP. DATE	TERM	PREMIUM	PAYMENT	NO. MOS.	TOTAL ACCRUAL
Fire						
Flood						
P.M.I. or F.H.A.						
TAX	DUE		ANNUAL AMOUNT			
City or Village Tax						
Sewer Rent						
County Tax						
School Tax						
Escrow Accrual						
Principal and Interest						
Total Payment						

Plot and Parcel Number or Tax Number _____

Township _____

School District _____

City of Village _____

IT WILL BE NECESSARY FOR YOU TO PAY THE FOLLOWING TAX BILL WHICH WILL BE DUE AND PAYABLE WITHOUT PENALTY ON _____.

_____ CITY TAX _____ SCHOOL TAX _____ COUNTY TAX _____ VILLAGE TAX

Thereafter, all real estate taxes in connection with this mortgage will be paid by M&T Bank, from the tax escrow account established on your behalf.

It is required by M&T Bank that the entire bill be paid by that date.

The undersigned agrees to pay the above tax by _____ and mail a copy of the paid bill to:

M&T Bank
 Escrow Department
 P.O. Box 1288
 Buffalo, New York 14240

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