

**Public Records Search Requirements**  
(Revised 8-28-2024)

These Public Records Search Requirements are referenced in the Freddie Mac Multifamily Seller/Service Guide (the “Guide”). All capitalized terms not defined in these Public Records Search Requirements have the meanings given to them in the Guide.

**PART I MINIMUM PUBLIC RECORDS SEARCHES REQUIRED IN THE ORIGINATION OF ALL MORTGAGES**

**A. Public Records Searches Chart.**

Search Type and Jurisdiction, if applicable	Borrower	Property Seller	Other Owner of Property*	Guarantor	Key Borrower Principal (KBP)	Borrower Principal other than Guarantor, KBP, or SPE Equity Owner	SPE Equity Owner	Property Management Company	Non-U.S.-Equity Holder	Property
Freddie Mac Exclusionary List	X	X	X	X	X	X	X	X	X	
FHFA SCP List	X	X	X	X	X	X	X	X	X	
OFAC SDN List and Consolidated Sanctions List	X	X	X	X	X	X	X	X	X	
Credit Report – <b>individuals only</b>				X						
Web Search	X		*	X	X(1)	X(2)		X	X	X
Bankruptcy – Property location	X		X							
Bankruptcy – State of Organization/Primary Residence	X		X	X	X		X			
State & Federal Tax & Judgment Lien – Property State	X		X							
State & Federal Tax & Judgment Lien – State of Organization/Primary Residence	X		X	X	X		X			
UCC-State of Formation	X	X	X				X			
UCC – Local – County/City of Property	X	X	X				X			
Litigation (pending and judgments)/Federal – Property State	X		X							
Litigation (pending and judgments)/Federal – State of Organization/Primary Residence	X		X	X	X		X			
Litigation (pending and judgments)/State & Local Courts – County/City, State – Property	X		X							
Litigation (pending and judgments)/State & Local Courts – County/City, State of Registered Office/Primary Residence	X		X	X	X		X			
+ Criminal litigation – <b>individuals only</b> /Federal–State of Primary Residence				X	X					
+ Criminal litigation – <b>individuals only</b> /State & Local Courts – County/City, State of Primary Residence				X	X					

\*e.g., Seniors Housing Operator, Master Tenant, Ground Lessor. If any of these entities are KBPs, then a web search is also required.

(See Notes to Public Records Searches Chart on the following page)

**Notes – Public Records Searches Chart:**

- (1) The following Public Records Searches are not required on entities formed within 90 days of Mortgage origination unless they are already transacting business: Bankruptcy, State & Federal Tax & Judgment Lien, UCC, and Litigation.
- (2) Property Seller searches are only required for acquisition loans.
- (3) **X(1)** =If a KBP is a Private Investment Fund, a Web Search is also required on the individual, revocable trust (including settlor/grantor and trustee of the revocable trust), or U.S. public company with Ultimate Control of the Private Investment Fund.
- (4) **X(2)**= Borrower Principals that are required to undergo Web Searches are:
  - The first Borrower Principal in the organizational structure that is not wholly owned by another entity
  - The last entity in the organizational structure with a direct or indirect aggregate equity interest in Borrower of ≥25% (i.e., an entity in which no owner also holds a direct or indirect equity interest of ≥25% in Borrower)
  - Any individual in the organizational structure with a direct or indirect aggregate equity interest in Borrower of ≥25%
- (5) Seller must also screen the Exclusionary List prior to Final Delivery of the Mortgage to Freddie Mac for each of applicable parties listed in Guide Sections 2.18 c. 2 B. and C. (e.g., surveyor, environmental consultant, Seller/Service’s counsel).

**B. Completion, Delivery and Retention Requirements for Public Record Searches required in the Origination of all Mortgages.**

Completion Requirements.

- Except for the UCC searches, all other Public Records Searches listed in the Public Records Searches Chart must be completed and dated no more than 60 days prior to the submission of the full underwriting package for a Mortgage using the standard delivery option.
- The UCC searches must be completed and dated no earlier than 30 days prior to the Origination Date.
- Exclusionary List, FHFA SCP List, and OFAC searches must also be completed and dated no more than 60 days prior to the submission of the preliminary underwriting package for a Mortgage using the early rate-lock delivery option.

Delivery/Retention Requirements.

Search(es)	Delivery/Retention Requirement
Freddie Mac Exclusionary List, FHFA SCP List, OFAC SDN List and Consolidated Sanctions List	Seller must maintain evidence of screening of lists (e.g., screenshots of the searches) in Mortgage File
Web, Criminal-Individual, Bankruptcy, Tax & Judgment Lien, and Litigation	Seller must maintain copies of searches in Mortgage File
Credit Report - Individual	Seller must deliver with full underwriting package
UCC	Seller must deliver with Final Delivery Package

Period Covered. Criminal, bankruptcy, tax & judgment lien, and litigation searches must cover no less than a 10-year period and UCC searches must cover no less than a 5-year period.

### C. Search Results – Adverse Findings and Certification

Summary of Adverse Findings. Seller must include a summary of any Adverse Findings (as defined below) from the Public Records Searches in the Mortgage Transaction Narrative Analysis (“**MTNA**”) or other written form that is acceptable to Freddie Mac. This summary must contain the following information:

- Overview and description of the adverse finding, including the current status and disposition of any matter, as applicable.
- Potential risks and liability.
- Potential mitigants, if any, including insurance coverage as confirmed in writing by the insurance provider.

Scope of Adverse Findings.

- “**Adverse Findings**” include (1) any items required to be disclosed in Section B, Form 1115 and (2) for Web Searches, any items meeting the standards set forth in Guide Sections 9.3 b. and 9SBL.3 b.
- Adverse Findings do not include litigation matters occurring in the ordinary course of business (e.g., slip and fall matters or ordinary landlord-tenant disputes covered by insurance).

Certification. Seller certifies to Freddie Mac that (1) it has completed the Public Records Searches and (2) unless otherwise disclosed to Freddie Mac, no Adverse Findings are contained in the Public Records Searches, upon the delivery by Seller of

- the MTNA or other written form acceptable to Freddie Mac; and/or
- an updated organizational chart that modifies any parties required to be searched pursuant to these Public Records Search Requirements.

Material Litigation. Seller must also provide relevant information regarding any material litigation affecting Borrower, the Property, or Guarantor in the Legal Issues Analysis.

Exclusionary List, FHFA SCP List, OFAC Lists and UCC Searches. Seller must follow the requirements set forth in the Guide for the identification and reporting of party names on the Exclusionary List, FHFA SCP List, or OFAC Lists, and Guide Chapters 29 and 29SBL for handling UCC search results.

**PART II MINIMUM PUBLIC RECORDS SEARCHES REQUIRED FOR SERVICING MATTERS**

**A. Searches of the Freddie Mac Exclusionary, FHFA SCP, OFAC SDN and Consolidated Sanctions Lists - Transfers of Ownership in the Property or in the Borrower.**

For Transfers of Ownership in the Property or in the Borrower transactions, Servicer must screen the Exclusionary List, the FHFA SCP List, and the OFAC SDN and Consolidated Sanctions Lists for each of the applicable parties identified in the chart below. Servicer must maintain evidence of the screening (e.g., screenshots of the searches) in the Mortgage File and submit a Servicer’s OFAC/FHFA SCP certificate in accordance with Guide Sections 41.1(d) and 41SBL.1(d), as applicable.

Search Type	New Borrower	Existing Borrower	New Guarantor	Existing Guarantor	New Borrower Principal (other than Guarantor)	Existing Borrower Principal	New Property Management Company	Existing Property Management Company	New Non-U.S.-Equity Holder	Existing Non-U.S. Equity Holder
Freddie Mac Exclusionary List	X		X		X		X		X	
FHFA SCP List	X	X	X	X	X	X	X	X	X	X
OFAC SDN List and Consolidated Sanctions List	X	X	X	X	X	X	X	X	X	X

**B. Additional Public Records Search Requirements for Transfers of Ownership Requiring Freddie Mac Consent (as described in Guide Sections 41.4 and 41SBL.4).**

Exclusionary List, FHFA SCP List, OFAC Lists. The Public Records Searches required in Part II, Section A above must be completed prior to the submission of the Servicer’s application for approval as described in Guide Sections 41.4 and 41SBL.4. See Guide Sections 2.18, 2.23 and 2.24.

Transfer of Ownership Requiring Freddie Mac Consent Public Records Searches Chart. In addition to the Exclusionary List, FHFA SCP List and OFAC searches, the following searches are required for all new parties involved in a Transfer of Ownership requiring Freddie Mac consent as described in Guide Sections 41.4 and 41SBL.4:

*(see chart on the following page)*

Transfer of Ownership Requiring Freddie Mac Consent Public Records Searches Chart

Search Type and Jurisdiction, if applicable	New Borrower	New Guarantor	New Key Borrower Principal (KBP)	New Borrower Principal other than New Guarantor, KBP, or SPE Equity Owner	New SPE Equity Owner	New Property Management Company	New Non-U.S.-Equity Holder
Credit Report – <i>individuals only</i>		X					
Web Search	X	X	X(1)	X(2)		X	X
Bankruptcy –Property location	X						
Bankruptcy – State of Organization/Primary Residence	X	X	X		X		
State & Federal Tax & Judgment Lien –Property State	X						
State & Federal Tax & Judgment Lien – State of Organization/Primary Residence	X	X	X		X		
UCC-State of Formation	X				X		
UCC – Local – County/City of Property	X				X		
Litigation (pending and judgments)/Federal –Property State	X	X					
Litigation (pending and judgments)/ Federal –State of Organization/Primary Residence	X	X	X		X		
Litigation (pending and judgments)/ State & Local Courts – County/City, State - Property	X						
Litigation (pending and judgments)/State & Local Courts – County/City, State of Registered Office/Primary Residence	X	X	X		X		
+Criminal Litigation – <i>individuals only</i> /Federal –State of Primary Residence		X	X				
+Criminal Litigation – <i>individuals only</i> /State & Local Courts – County/City, State of Primary Residence		X	X				

**Notes:**

- (1) The following Public Records Searches are not required on entities formed within 90 days of Mortgage origination unless they are already transacting business: Bankruptcy, State & Federal Tax & Judgment Lien, UCC, and Litigation.
- (2) **X(1)** = If a KBP is a Private Investment Fund, a Web Search is also required on the individual, revocable trust (including settlor/grantor and trustee of the revocable trust), or U.S. public company with Ultimate Control of the Private Investment Fund
- (3) **X(2)** = Borrower Principals that are required to undergo Web Searches are:
  - The first Borrower Principal in the organizational structure that is not wholly owned by another entity
  - The last entity in the organizational structure with a direct or indirect aggregate equity interest in Borrower of ≥25% (i.e., an entity in which no owner also holds a direct or indirect equity interest of ≥25% in Borrower)
  - Any individual in the organizational structure with a direct or indirect aggregate equity interest in Borrower of ≥25%
- (4) Servicer must also screen the Exclusionary List prior to the closing date of the Transfer of Ownership for each of the applicable parties listed in Guide Section 2.18 c. 3. B. (e.g., surveyor, environmental consultant, Seller/Servicer’s counsel).

Completion of Searches other Than UCC Searches. Except for the UCC searches, the searches in the Transfer of Ownership Requiring Freddie Mac Consent Public Records Searches Chart must be completed and dated no more than 60 days prior to the submission of the review package as described in 41.4 and 41SBL.4, as applicable.

Completion of UCC Searches. The UCC searches must be completed and dated no earlier than 30 days prior to the completion of the Transfer of Ownership.

Delivery of Credit Report. The credit report must be delivered with the review package.

Evidence and Retention of Searches. Copies of the remaining Public Records Searches as required pursuant to the Transfer of Ownership Requiring Freddie Mac Consent Public Records Searches Chart must be maintained in the Mortgage File, together with evidence of the Exclusionary, OFAC, and FHFA SCP List screenings.

Summary of Adverse Findings. Any Adverse Findings must be summarized in the PLIM submitted in connection with the servicing request and include counsel's recommendation for mitigating any associated risk (or an explanation of why mitigation may not be necessary or possible).

**C. Additional Public Records Searches Required for Servicers.**

Triggering Event	Search(es) Required	Party(ies)
New Property Management Company (Guide Section 2.18 and Chapter 43)	<ul style="list-style-type: none"> <li>Freddie Mac Exclusionary List</li> <li>OFAC SDN List and Consolidated Sanctions List</li> <li>FHFA SCP List</li> <li>Web Search</li> </ul>	<ul style="list-style-type: none"> <li>new property management company</li> </ul>
Periodic/Annual OFAC Screening (Guide Section 43.28)	<ul style="list-style-type: none"> <li>OFAC SDN List and Consolidated Sanctions List</li> </ul>	<ul style="list-style-type: none"> <li>Borrower, Borrower Principal (includes Guarantor, Key Borrower Principal, and SPE Equity Owner), and Non-U.S. Equity Holder related to Mortgages that the Servicer services for Freddie Mac</li> </ul>
Upon receipt of any Borrower request for lender consent to a transaction (Guide Section 43.28)	<ul style="list-style-type: none"> <li>OFAC SDN List and Consolidated Sanctions List</li> </ul>	<ul style="list-style-type: none"> <li>Borrower, Borrower Principal (includes Guarantor, Key Borrower Principal, and SPE Equity Owner), and any Non-U.S. Equity Holders</li> </ul>
Delivery of a Default Analysis (Guide Section 44.5(a))	<ul style="list-style-type: none"> <li>OFAC SDN List and Consolidated Sanctions List</li> </ul>	<ul style="list-style-type: none"> <li>Borrowers, Borrower Principal (includes Guarantor, Key Borrower Principal, and SPE Equity Owner), Non-U.S. Equity Holders, and property management company</li> </ul>
	<ul style="list-style-type: none"> <li>FHFA SCP List</li> </ul>	<ul style="list-style-type: none"> <li>Borrower, Borrower Principal (includes Guarantor, Key Borrower Principal, and SPE Equity Owner), and property management company</li> </ul>

### PART III ADDITIONAL PUBLIC RECORDS SEARCHES AND REQUIREMENTS

- A. **Screening Employees and Contractors of the Seller/Servicer.** Seller/Servicer must ensure no individual or entity whose name is on the Exclusionary List is employed by or contracted to the Seller/Servicer for the purpose of working on sales or servicing transactions involving Freddie Mac Loans. (see Guide Section 2.18 c. 1.)
- B. **Multifamily Restricted Vendor List.** Seller/Servicer must approve, evaluate, and monitor any third party to whom functions relating to a Mortgage or REO are outsourced or assigned including consulting the Multifamily Restricted Vendor List. (see Guide Section 2.19)
- C. **Prudent Lender Standard.** In addition to the Public Records Searches described in these Public Records Search Requirements and the Guide, the Seller/Servicer must satisfy a prudent lender standard when determining if any additional or updated searches are required for each Mortgage or Servicing transaction. Additionally, Freddie Mac reserves the right, in its sole discretion, to require Seller/Servicer to update searches or complete additional searches, including searches on parties not otherwise required pursuant to these Public Records Search Requirements.

Bankruptcy, Tax & Judgment Lien, UCC, and Litigation (including Criminal Litigation) searches must be conducted by a reputable third-party search company (such as First American Title or Wolters Kluwer Lien Solutions) for accuracy and thoroughness. Copies of these search results must be provided directly from the third-party search company to the Seller/Servicer or their counsel at the same time they are delivered to the party ordering the searches.

### PART IV ADDITIONAL INFORMATION

- A. **Web Search Tool.** While its use is not mandatory, the Web Search Tool found on our Originate & Underwrite webpage under the Org Chart, KYC, Due Diligence Search Resources drop-down is a helpful tool to assist with Web Searches.