

MASSACHUSETTS DETERMINATION OF BORROWER'S INTEREST WORKSHEET

Borrower Name(s):

Date:

Loan Number:

Property Address:

Unless loan is exempt, Massachusetts General Law Chapter 183§28C requires that a lender shall not knowingly refinance a home loan that was consummated within 60 months, unless the refinancing is in the borrower's interest.

- A home loan is in compliance with 209 CMR 53.03 if it meets any of the following (check all that apply):

The new home loan is guaranteed, originated, or funded by the Federal Housing Administration, the Department of Veterans Affairs, or other State or federal housing finance agencies;

The annual percentage rate of the new home loan at consummation does not exceed by more than two and one half (2.50) percentage points for closed-end first-lien home loans, or by more than three and one half (3.50) percentage points for closed-end subordinate-lien home loans, the yield on United States Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application for the extension of credit is received by the lender;

The new home loan is an open-end home loan and the annual percentage rate under the agreement will not exceed at any time the Prime rate index as published in the Wall Street Journal plus a margin of one percentage point; or

The borrower is able to recoup the costs of refinancing the home loan within two years, taking into account the costs and fees, and the interest rate on the new home loan is reduced without increasing the amortization period of the new home loan compared to the original amortization term of the old home loan.

The new home loan is a Safe Harbor Qualified Mortgage.

This loan does not meet any of the 209 CMR 53.04(1) criteria set forth *above*. A lender making a home loan which does not meet any of the 209 CMR 53.04(1) criteria, must determine that the refinancing is in the borrower's interest. Factors to be considered in determining if the refinancing is in the borrower's interest include (check all that apply):

**Lender's
determination of
favorable interest to
borrower***

1. The borrower's new monthly payment is lower than the total of all monthly obligations being financed, taking into account the costs and fees.
2. There is a change in the amortization period of the new loan compared to the original amortization term of the old home loan.
3. The borrower receives cash in excess of the costs and fees of refinancing.
4. The borrower's note rate of interest is reduced.
5. There is a change from an adjustable to a fixed rate loan, taking into account costs and fees.
6. The refinancing is necessary to respond to a bona fide personal need or an order of a court of competent jurisdiction.

Loan #:

- 7. The time it takes to recoup the costs of refinancing, taking into account the costs and fees.
- 8. Other:

***All** of the foregoing factors have been considered. For those factors marked "x," it is the lender's opinion that such factors are in borrower's interest.

Taking all of the *above* factors into consideration, lender has determined that this new home loan is in the borrower's interest.

Pursuant to 209 CMR 53.08, borrower agrees not more than thirty (30) days prior to the filing of any action instituted by the borrower alleging that the lender violated Subsection (a) of Section 28C of Chapter 183 of Massachusetts General Laws, to mail or deliver to the lender a written demand for relief, identifying the borrower and reasonably describing the violation of said Section 28C and the injury suffered.

Acknowledgement

Borrower acknowledges that the lender is using this Determination of Borrower's Interest Worksheet for the purpose of determining whether this refinancing is in my interest. Borrower also acknowledges that Borrower has received a copy of this Determination of Borrower's Interest Worksheet.

Lender Representative

Date

Borrower Date

Co-Borrower Date