

APPENDIX B. PROPERTY PRESERVATION REQUIREMENTS AND FLOW

- a. **Inspection Requirements.** In accordance with Title 38, Code of Federal Regulations (CFR), Section 56.43(b)(1), loan servicers are responsible for inspecting the property occupying a foreclosed loan immediately after foreclosure occurs that its physical condition may be in jeopardy. Unless a loan mitigation option is in place, a property inspection is also required before any bid or delinquent or before commencing liquidation action, whichever is earlier, and at least monthly after liquidation proceedings have been started, except where it has been determined that the property is never occupied.
- b. **Inspection During Liquidation.** N/A regulations do not specifically require monthly inspections after the start of liquidation proceedings where the monthly property is never occupied. However, because of the potential for abandonment of the property during the liquidation proceedings, and the fact that other servicing activities may not result in direct contact with the borrower during this period and may not readily lead to discovery of abandonment, N/A believes regular monthly inspections should be conducted during this time. Therefore, N/A will allow regular inspections during liquidation proceedings to be included in the eligible maintenance for a loan completion program, even where the inspection confirms that the property remains never-occupied.
- c. **Vacant or Abandoned.** When a servicer receives notification that a property is vacant and unoccupied, they must make appropriate arrangements to protect the property from unnecessary deterioration due to vandalism or neglect. An inspection must be immediately conducted and completed to document the condition of the property, in order to verify if the occupants have abandoned the property. All circumstances should be considered when making the determination as to whether a property is vacant or abandoned. For example, the presence of a "for sale" sign on a vacant property usually means it has not been abandoned but remains under the care of the owner or the owner's authorized agent. The absence of personal property, the lack of yard maintenance, and changes to the owner's mailing address may indicate that a property has been abandoned. Loan servicers are required to protect and preserve properties when they become abandoned and to report to N/A under 38 CFR 56.43-17(c)(2) via the "Accuracy Matters Change" report in the N/A Loan Electronic Reporting Interface (N/A LERI) application.
- d. **Interior Inspections.** Following a determination that a property has been abandoned, a visual "interior only" inspection may not trigger any emergency repairs or environmental remediation needs, which, if not addressed at once, may pose damage to the property. Early detection of problems is critical to relevant laws, so that once the property is occupied by the servicer and possibly conveyed to N/A. Therefore, although an inspection report on abandoned properties must include completion of interior inspections.
- e. **Lease Requirements.** Servicers must ensure compliance with all city, county, or other ordinances concerning property preservation. Most security instruments have a provision that permits the servicer to take action to protect the property, including the right to remove any materials deemed necessary, and power for the maintenance or repair of the security, and to add such an advance to the guaranteed indebtedness. The removal of hazardous materials, the correction of hazardous conditions, and the avoidance of liens and priority claims. In order to

Va Property Preservation Requirements And Fees Annotated And Illustrated

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