



Selling Notice

March 7, 2017

Using MERS® for Properties in Maine

The purpose of this notice is to advise lenders about an upcoming change regarding the use of the Mortgage Electronic Registration Systems, Inc. (MERS) for properties in the state of Maine. Lenders are advised that steps are being taken to suspend use of the “MERS as Original Mortgagee” authorized change to the Maine security instrument (Form 3020). When these steps are completed, including a clarifying revision to the MERS System Rules of Membership, any new mortgage lien on property in Maine will need to be recorded in the lender’s name only and assigned to MERS utilizing a specified Fannie Mae/Freddie Mac mortgage assignment form if that mortgage is to be registered in the MERS System. Failure to execute and record the specified assignment to MERS will render the MERS-registered loan in Maine ineligible for sale to Fannie Mae.

After Fannie Mae announces the new documentation requirements for MERS loans in Maine, lenders will be given an appropriate implementation period before the requirements become mandatory.

These steps are being taken in response to judicial developments in Maine challenging the use of MERS as nominee for a lender and lender’s assigns, and due to the absence of a legislative remedy that addresses prospective foreclosures and other mortgage-related enforcement actions.