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PART 4287—SERVICING

Subpart A [Reserved]

Subpart B—Servicing Business and Industry Guaranteed Loans

Sec.

- 4287.101 Introduction.
- 4287.102 Definitions.
- 4287.103 Exception authority.
- 4287.104–4287.105 [Reserved]
- 4287.106 Appeals.
- 4287.107 Routine servicing.
- 4287.108–4287.111 [Reserved]
- 4287.112 Interest rate adjustments.
- 4287.113 Release of collateral.
- 4287.114–4287.122 [Reserved]
- 4287.123 Subordination of lien position.
- 4287.124 Alterations of loan instruments.
- 4287.125–4287.133 [Reserved]
- 4287.134 Transfer and assumption.
- 4287.135 Substitution of lender.
- 4287.136–4287.144 [Reserved]
- 4287.145 Default by borrower.
- 4287.146–4287.155 [Reserved]
- 4287.156 Protective advances.
- 4287.157 Liquidation.
- 4287.158 Determination of loss and payment.
- 4287.159–4287.168 [Reserved]
- 4287.169 Future recovery.
- 4287.170 Bankruptcy.
- 4287.171–4287.179 [Reserved]
- 4287.180 Termination of guarantee.
- 4287.181–4287.199 [Reserved]
- 4287.200 OMB control number.

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Subpart A [Reserved]

Subpart B—Servicing Business and Industry Guaranteed Loans

§ 4287.101 Introduction.

(a) This subpart supplements part 4279, subparts A and B, by providing additional requirements and instructions for servicing and liquidating all Business and Industry (B&I) Guaranteed Loans. This includes Drought and Disaster (D&D), Disaster Assistance for Rural Business Enterprises (DARBE), and Business and Industry Disaster (BID) loans.

(b) The lender will be responsible for servicing the entire loan and will re-

main mortgagee and secured party of record notwithstanding the fact that another party may hold a portion of the loan. The entire loan will be secured by the same security with equal lien priority for the guaranteed and unguaranteed portions of the loan. The unguaranteed portion of a loan will neither be paid first nor given any preference or priority over the guaranteed portion of the loan.

(c) Copies of all forms, regulations, and Instructions referenced in this subpart are available in any Agency office. Whenever a form is designated in this subpart, that designation includes predecessor and successor forms, if applicable, as specified by the field or National Office.

§ 4287.102 Definitions.

The definitions and abbreviations contained in § 4279.2 of subpart A of part 4279 of this chapter apply to this subpart.

§ 4287.103 Exception authority.

Section 4279.15 of subpart A of part 4279 of this chapter applies to this subpart.

§§ 4287.104–4287.105 [Reserved]

§ 4287.106 Appeals.

Section 4279.16 of subpart A of part 4279 of this chapter applies to this subpart.

§ 4287.107 Routine servicing.

The lender is responsible for servicing the entire loan and for taking all servicing actions that a prudent lender would perform in servicing its own portfolio of loans that are not guaranteed. The Loan Note Guarantee is unenforceable by the lender to the extent any loss is occasioned by violation of usury laws, use of loan funds for unauthorized purposes, negligent servicing, or failure to obtain the required security interest regardless of the time at which the Agency acquires knowledge of the foregoing. This responsibility includes but is not limited to the collection of payments, obtaining compliance with the covenants and provisions in the Loan Agreement, obtaining and analyzing financial statements, checking on payment of taxes and insurance