



Ameritas Life, Acacia Life, Union Central Life
and affiliated companies

**Assumption Guidelines for Capmark Securitized Loans
1/1/2009**

Contact:

***Loan Administration Analyst, Cincinnati, OH – Union Central Mortgage Funding,
Inc. serviced loans***

I. Assumption Underwriting Package Requirements

A. Guarantor(s)

1. Financial statements
 - a. Should be signed and certified
 - b. Should be received for the existing and proposed Borrower(s)
 - c. All liquid assets of the proposed guarantor(s) must be verified via bank statements and brokerage statements.
 - d. Source of equity funds for the proposed transaction must be disclosed and must be verifiable as a condition precedent to the closing of the proposed transaction.
2. Schedule of Real Estate Owned
 - a. Include year to date financial statements and current certified rent rolls for all properties.
3. Credit Report

B. Key Principal(s)

1. Federal Tax Returns for previous two years
2. Credit Report
3. Statement of managerial experience
 - a. Address other properties managed by the principal (ie. number of units, type of property, experience, expertise, etc.)
4. Certified financial statements for previous two years

C. Proposed Borrower(s)

1. Credit Report
2. Financial statements for previous two years (if not a newly formed entity)
3. Entity documents
 - a. If it is going to be a single member LLC then the entity must be organized in Delaware due to its bankruptcy laws
4. Proposed organizational structure

D. Property Manager (if not proposed Borrower)

1. Copy of property management agreement
2. Resume

- E. Fully executed Purchase Contract
- F. Property Operating Statements
 - 1. Income and expense statements for the previous two years
 - 2. Year to date income and expense statement
 - 3. Current certified rent roll
 - 4. 12 month projected cash flow
- G. Market Update
 - 1. Rental/sales comparisons
 - 2. Summary of overall market and sub-market
- H. Written request from the existing Borrower

II. TIC Requirements

- A. TIC Agreement
 - 1. Must be acceptable to Lender
 - 2. Each tenant must be a single purpose entity
 - 3. One tenant must be appointed Manager
 - 4. Must stipulate that the property may not be partitioned
 - 5. While any portion of the Loan is outstanding any lien rights amount the TICs with respect to capital calls or otherwise shall be waived
 - 6. Shall not be amended, modified or terminated without Lender consent
- B. TICs will be jointly and severally liable on the Loan
- C. Each TIC will sign an assumption agreement and Guaranty (if applicable)
- D. Reserve
 - 1. An additional reserve of \$10,000 per tenant (maximum number of TICs is three)
 - 2. Form of cash or letter of credit with evergreen language
- E. Opinion letter from counsel regarding the formation of TIC
- F. Single Member LLC
 - 1. Any TIC that is a single member LLC must be formed in Delaware

III. Post-Approval

- A. Required Documents
 - 1. Fully executed counsel opinion letter
 - 2. Updated title report
 - 3. Property and liability insurance certificates
 - 4. Fully executed entity documents
 - 5. Transfer Deed
 - 6. Survey – if any material changes to the land or improvements have been made after closing of the original loan
 - 7. W-9 Form
 - 8. Settlement Statement