Successor in Interest

What is a Successor in Interest?

- The Consumer Financial Protection Bureau (CFPB), defines a successor in interest as the recipient of ownership interest in a property securing a mortgage loan as a result of:
    - The death of a co-borrower on the mortgage secured by the property;
    - The death of a relative who is a mortgagor on the property;
    - Transfer by a spouse or parent;
    - Transfer as a result of a divorce or legal separation;
    - The establishment of a living trust;

What action do I need to take?

- If an individual believes they are a successor in interest, complete, sign, and return the following:
    - Successor in Interest application
    - Copy of Driver's License or State Identification Card
    - Applicable documentation to your situation
       (see application for list of acceptable documents)

Where do I send the Successor in Interest application and documents?

- Please send the Successor in Interest application and documentation to one of the following:
    - Email: CustomerCare@GatewayLoan.com
    - Fax: 918-236-2066
    - Mail: Gateway Mortgage
      ATTN: Customer Care RE: Successor in Interest
          244 South Gateway Place
          Jenks, OK 74037

What should I expect after submitting the application and documentation?

- Gateway Mortgage will review the submitted documentation. If additional information is required, we will notify you. Please allow Gateway up to 30 days to process your request.

How will I know this is complete?

- Once we confirm all documents are received and you are added as a successor in interest, a confirmation letter will be sent.

I am already an authorized party on the loan, will this remain?

- If you are currently an authorized third party and the borrower(s) is deceased, the authorization will remain in place for 60 days. After 60 days, if we have not received the required documentation for successor in interest, you will be removed as an authorized third party.

Can I receive loan information if I'm not a family member?

- Yes, as long as you are a successor, trustee, or appointed as a fiduciary of the deceased customer's estate.

Does owning a property and being liable for mortgage payments mean the same thing?

- No—you can be the property owner without being liable for making payments. However, the property is still subject to the terms of the mortgage, and payments should be made to keep the loan in good standing. If the loan is not kept up to date, it could affect your ownership.

What does the SII application mean by "Keep the property – Assume"?

- An Assumption (assume the loan) allows an individual to keep the existing mortgage and put the loan in their name. If interested in an Assumption, Gateway Mortgage will advise of the next steps if you are added as a Successor in Interest. This option is only available in some cases and may require credit qualification. Please note, there may be a fee up to $1,800 varies by investor, plus closing costs.

What does the SII application mean by "Keep the property – No Assumption"?

- If approved as a Successor in Interest, you will be added as Successor on the loan, but the loan will remain in the original borrower's name. However, normal monthly mortgage payments will still be due.

What does it mean to "Surrender the property"?

- If an individual does not want to keep or sell the property. Gateway associates are available to discuss options for surrendering the property, such as a deed-in-lieu.

What is a Quit Claim Deed?

- A quitclaim deed is commonly used to transfer the title of real estate between parties. It is a legal document that must be recorded with the county or other municipality. An example of when a quit claim (or QC) deed is utilized would be in the case of a divorce, with one party signing over ownership interest to the spouse who is awarded the home. Even though a quit claim deed removes a person's name from a title of the property, it does not absolve the person of responsibility for the mortgage debt.

What is a Beneficiary Deed?

- A Beneficiary Deed is a type of real estate transfer deed that takes effect upon the death of the property owner. It must be recorded in the county where the property is located while the property owner is still alive.

Does a Deed remove a divorced party from liability on the loan?

- No, the signed note supersedes the divorce decree and both parties are financially liable until an assumption or refinance occurs.

Can a refund check, such as for an escrow surplus, be issued in only 1 borrowers name?

- No, we are obligated to distribute funds to all borrowers listed on the loan.

What if I want to assume liability for the mortgage so payments will report to my credit?

- Once you are confirmed as a successor in interest, an associate will contact you with options. Please note that not all loan types are assumable.

How do I get a copy of the executed deed for the property?

- Request a copy from the county recorder's office in which the property is located.

I am already a co-borrower on the mortgage, and I am requesting to remove the deceased borrower(s) name, how do I do this?

- See the required documentation on the Successor in Interest Application for "Transfer resulting from the death of a co-owner of the property". You do NOT need to submit the application or ID since you are already a co-borrower on the mortgage.

I am divorced and need to have an escrow refund check from Gateway Mortgage reissued in my name only.

- Gateway is not able to remove a name from a check for this reason – please refer to your divorce attorney for assistance with this matter.

I am selling the property, why do I need to submit this documentation?

- We can provide a payoff statement once you are confirmed as a Successor in Interest. However, since this document contains loan-specific information, you must first become authorized on the loan. Executors & trustees can become authorized once applicable documentation has been submitted to Gateway.

How can I tell if the loan is current?

- Once confirmed as a Successor in Interest, Gateway Mortgage can provide you with updated information on the loan status.