Department of Financial Institutions  
Attn: Ashley Sutherland

Division of Consumer Services  
150 Israel Rd SW

Tumwater WA 98501

Re: Request for Waiver of Licensing Provisions of Washington Consumer Loan Act

Dear Ms. Sutherland:

I am writing on behalf of my clients, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to request a waiver of the licensing provision of the Washington Consumer Loan Act, under the authority granted to the Director of the Department of Financial Institutions by RCW 31.04.025(3).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ are offering assistance to their \_\_\_\_\_\_\_\_\_\_\_, in order for them to refinance the current loan on their home, which address is\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will be making payments on the loan.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ are not in the business of providing loans to third parties. They are trying to help \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ refinance their personal residence. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ are not acting as brokers. The funds will be used to pay off an existing mortgage on the property and are coming from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s own personal funds and not from a bank or other source.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ now seek a waiver of the licensing requirements under the Washington Consumer Loan Act to allow them to loan money to and place a Deed of Trust against \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s property.

The S.A.F.E. Act (12 U.S.C. 5101 et. seq.) and the Washington Consumer Loan Act both allow for the exemptions or waivers. The federal regulations promulgated under the S.A.F.E. Act give guidance as to activities that are or are not “engag[ing] in the business of a loan originator.” Appendix B to 12 CFR 1008 states, in part,

“An individual who acts (or holds himself or herself out as acting) as a loan originator in a commercial context and with some degree of habitualness or repetition is considered to be ‘engage[d] in the business of a loan originator[.]’ An individual who acts as a loan originator does so in a commercial context if the individual acts for the purpose of obtaining anything of value for himself or herself, or for an entity or individual for which the individual acts, rather than exclusively for public, charitable, or family purposes. The habitualness or repetition of the origination activities that is needed to ‘engage in the business of a loan originator’ may be met either if the individual who acts as a loan originator does so with a degree of habitualness or repetition, or if the source of the prospective financing provides mortgage financing or performs other origination activities with a degree of habitualness or repetition. This Appendix provides examples to aid in the understanding of activities that would not constitute engaging in the business of a loan originator, such that an individual is not required to obtain and maintain a state mortgage loan originator license…

(a) … the following examples illustrate when an individual generally does not ‘engage in the business of a loan originator’:

(6) An individual who does not act as a loan originator habitually or repeatedly, provided that the source of prospective financing does not provide mortgage financing or perform other loan origination activities habitually or repeatedly.”

Subsection (6) is quoted above because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ have no intention of engaging in the business of a loan originator, and in fact have no intention of making loans in any context aside from providing help for their son and daughter in law. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ have no intentions of engaging in loan origination activities habitually or repeatedly and the source of the loan funds is their own money.

In light of the foregoing, I hereby request on behalf of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, that you exercise your authority under RCW 31.04.025(3) to waive applicability of the licensing provisions of the Washington Consumer Loan Act with regards to the lending of funds to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ acknowledge the requirement that any foreclosure that may be necessary under the Deed of Trust must fully comply with the provisions of RCW 61.24 in the event of a non-judicial foreclosure or RCW 61.12 in the event of a judicial foreclosure. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ further acknowledge that as a condition of a waiver of the licensing requirement under the Washington Consumer Loan Act, they must provide a disclosure to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ pursuant to WAC 208-620-511(5) and personally hold and service the promissory note evidencing the loan.

Thank you for your consideration. Please let me know if any additional information is required in order to fully process this request.