

**ESCROW FEES AND CHARGES  
OF  
TITLE365 AGENCY, INC.**

**FOR THE  
STATE OF ARIZONA**

This Schedule of Fees and Charges shall supersede all Schedules of Fees and Charges which have heretofore been displayed in our offices.

## FORWARD

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The rules and procedures contained herein are in no manner, either express or implied, to be construed as establishing or changing the rules and procedures pertaining to the escrow practices followed by the Company, but are shown in order to properly apply the applicable Escrow Rate Table(s). The rates shown are for the processing of the various types of escrows as required by Arizona Revised Statute, Article 4, Sections 20-375 and 20-377, and do not include any additional service(s) unless otherwise noted or provided for in this schedule of fees and charges. Fees are based on the experience and judgment of Title365 Agency.

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## Section I – GENERAL DEFINITIONS

### 101. DEFINITIONS

“Escrow” means any transaction wherein any property, money, written instrument or evidence of title or possession to real or personal property or other thing of value is delivered with or without transfer of legal or equitable title, or both, and irrespective of whether a debtor/creditor relationship is created to a person not otherwise having any right, title or interest therein in connection with the sale, transfer, encumbrance of lease of real or personal property, to be delivered or redelivered by that person upon the contingent happening or non-happening of a specified event or performance or non-performance of a prescribed act, when it is then to be delivered by such person to a grantee, grantor, promisee, promisor, obligee, obligor, bailee, bailor, or a designated agent or employee or any of them. (A.R.S. 6-801)

“Escrow Agent” means any person engaged in the business of accepting escrow. (A.R.S. 6-801)

“Escrow Business” means a commercial activity characterized by the regular and continuous carrying on of escrow transactions. (A.R.S. 6-801)

“Fair Value”

- (1) When a sale is involved, the “fair value” means the full amount of the consideration paid to the Seller, including any encumbrances being assumed by the Buyer and/or, the “fair value” shall be determined from all available information (i.e., amount of encumbrances, assessed value, comparable sale date, etc.), and this optional selection for determining “fair value” is at the sole discretion of the Escrow Agent.
- (2) When a sale is not involved, the “fair value” shall be the principal amount of the loan.

### 102. COMPUTATION OF THE BASIC ESCROW FEE

The Basic Escrow Fee is based on the “fair value” of the property as defined above.

<b><u>Purchase Price or Loan Amount</u></b>	<b><u>Escrow Fee</u></b>
<\$200,000.00	\$600.00
\$200,000.01 - \$500,000.00	\$900.00
\$500,000.01 - \$1,000,000.00	\$1,325.00
<\$1,000,000.00	Quote based on fair value and work performed

### 103. MINIMUM FEES, CHARGES, AND SPECIAL RISKS

The fees herein are minimum charges. Additional charges shall be made when unusual conditions are encountered or when special services are provided as deemed necessary by reason of terms and conditions set forth in the escrow transaction.

In the event such charges are made, the deposit of final funds and the signing of final documents or the acceptance of the work performed shall constitute approval of the charges. In all other situations, acceptance by the customer of the work performed shall constitute approval of the charges made.

#### **104. RATES, FEES AND CHARGES IN EFFECT PRIOR TO FILING**

All rates and fees contained herein become effective when approved by the Superintendent of Banking or by operation of law.

### **Section II – SCHEDULE OF ESCROW FEES**

#### **201. BASIC CHARGE (SALE)**

The minimum charge of 100% of the Basic Escrow Fee shall be based upon the “fair value” of the property being conveyed in the escrow transaction. If additional charges are applicable, all such additional charges shall be added to the Basic Escrow Rate applicable.

#### **202. BASIC CHARGE (LOAN)**

The minimum charge of 100% of the Basic Escrow Fee shall be based upon the principal amount of the new loan(s).

#### **203. LOAN TIE-IN FEE**

A fee of \$75.00 per loan shall be charged in a sale escrow wherein the purchaser is obtaining financing through a lender. (The fee does not apply to seller financing.)

### **Section III – SPECIAL RATES**

#### **301. BASIC CHARGE—REFINANCE—RESIDENTIAL**

(A) Volume users, institutional lenders—1-4 family residences:

When handling a loan escrow, where no sale of real property is involved, the escrow fee charged shall be a “Flat Fee” of \$299.00, which shall include: one (1) reconveyance tracking fee, one (1) courier/delivery or express mail fee, two (2) wire fees, one (1) electronic document fee, and one (1) loan tie-in fee.

(B) Non-volume users—1-4 family residences:

For escrow services to customers other than volume users and institutional lenders and their borrowers, 70% of the Basic Escrow Fee shall apply, not to be less than \$420.00.

### 302. BASIC CHARGE—REFINANCE—COMMERCIAL

When handling a commercial loan escrow, where no sale of real property is involved, the escrow fee charged shall be 100% of the Basic Escrow Rate.

### 303. BASIC CHARGE—REFINANCE—CENTRALIZED NATIONAL PROCESSING UNIT VOLUME

When handling a HARP loan escrow, where no sale of real property is involved, the escrow fee charged shall be a "Flat Fee" of \$350.00, which shall include: one (1) reconveyance tracking fee, one(1) courier/delivery or express mail fee, two (2) wire fees, one (1) electronic document fee, one (1) mobile notary signing fee, and one (1) loan tie-in fee. Services included are negotiable by the Lender.

### 304. LIMITED ESCROW FEE

Fees for limited escrow services shall be \$150.00 and only includes payoff processing, property tax payment(s) and any other lien payoff(s).

### 305. INVESTOR/REALTOR/LENDER RATE

This rate is 70% of the applicable rate and is available upon request by a person who, in the ordinary course of their business, invests money in real estate that may produce revenue, income or profit. The rate shall also be available to real estate brokers, real estate agents and mortgage lenders licensed in the State of Arizona.

The rate is only applicable to those fees which are being paid by the investor/realtor/lender.

### 306. REO (REAL ESTATE OWNED)

Special Note: This fee shall be charged to the buyer and/or seller as negotiated by the parties on all residential REO transactions. The fee includes: overnight mail, courier charges, electronic documents, reconveyance tracking and wire fees. When charging this fee, individual line item charges for the same costs may not be charged.

<u>Purchase Price or Loan Amount</u>	<u>Escrow Fee</u>
<\$200,000.00	\$900.00
\$200,000.01 - \$500,000.00	\$1,200.00
\$500,000.01 - \$1,000,000.00	\$1,650.00
<\$1,000,000.00	Quote based on fair value and work performed

### 307. SHORT SALE ESCROW FEE

The fee shall be charged to the buyer and/or seller, as negotiated by the parties on all residential short sale transactions. The fee includes: overnight mail, courier charges, electronic documents,

reconveyance tracking and wire fees. When charging this fee, individual line item charges for the same costs may not be charged. The fee is inclusive of the Basic Escrow Fee.

<b><u>Purchase Price or Loan Amount</u></b>	<b><u>Escrow Fee</u></b>
<\$200,000.00	\$1,200.00
\$200,000.01 - \$500,000.00	\$1,500.00
\$500,000.01 - \$750,000.00	\$1,950.00
\$750,000.01 - \$1,000,000.00	\$2,350.00
<\$1,000,000.00	Quote based on fair value and work performed

**308. BUILDERS RATE**

Commercial, Industrial Developers Escrow Fee

This rate is available to commercial developers, volume users and investors. Builders, sub-dividers, developers, investors or other entities or persons customarily involved in real estate investments shall be deemed volume user(s). This rate shall apply to all or any portion of the escrow fee paid by the commercial developer, volume user or investor.

<b><u>Purchase Price or Loan Amount</u></b>	<b><u>Escrow Fee</u></b>
<\$2,000,000.00	70% of the applicable rate
\$2,000,000.01 - \$15,000,000.00	65% of the applicable rate
\$15,000,000.01 - \$25,000,000.00	60% of the applicable rate
\$25,000,000.01 - \$85,000,000.00	55% of the applicable rate
<\$85,000,000.00	50% of the applicable rate

Limited Builders Rate (1-4 Family Residence) Builders

Escrows handled in connection with the sale, resale or lease of subdivided residential properties, including improved and unimproved lots, condominiums or other residential developments, except for timeshare projects, where individual units are offered for sale, the seller’s one-half portion of the escrow fee allocated to the builder/developer, per unit, shall be computed at 25% of the amount of the Basic Escrow Rate otherwise applicable to the seller’s portion.

**309. ESCROW ONLY**

The rate on transactions with the Agency elects to provide escrow services only, without the concurrent issuance of title insurance, shall be 200% of the basic rate.

### **310. EMPLOYEE RATE**

There shall be no escrow fee charged to an employee of the Agency for transactions closed in connection with the financing, refinancing, sale or purchase of the employee's primary residence. This rate is limited to one transaction per year, per employee.

### **311. PROCESSING FEE (SALE/RESALE/PURCHASE TRANSACTIONS)**

A flat rate of \$175.00 shall be charged as negotiated by the parties to the transaction. The fee includes: overnight mail, courier charges, domestic wire fee and e-document retrieval fee. When charging this fee, individual line charges for the same costs may not be charged.

### **312. FILE TRANSFER FEE**

In the event an escrow is transferred to another escrow company, a transfer fee will be imposed on the Escrow Company to which the file is being transferred. The file transfer fee shall be \$250.00 and shall be received prior to the file transfer.

### **313. RELOCATION ESCROW FEE**

Escrow fee charged to a relocation company shall be 70% of the basic escrow fee.

### **314. NEGOTIATED RATE**

In certain circumstances, the Agency reserves the right to negotiate fees. Any such negotiated rate must be in writing, signed by the parties to the agreement, and approved by Agency management.

### **315. DIRECT TRANSACTIONS**

In addition to the applicable Escrow Fee as set forth herein, the basic charge of \$125 shall apply for each escrow processed by the Agency which originates directly from a seller/buyer (for sale by owner) transaction, or from a borrower/lender for a private money loan transaction.

### **316. GOVERNMENT CONTRACTS**

When the Agency has entered into an agreement with a government agency, quasi-government agency, public utility company or other government sponsored or funded organization for the furnishing of escrow services, for the sale or financing of real property, the charge shall be 65% of the otherwise applicable escrow rate.

### **317. SENIOR CITIZEN'S RATE**

This rate of 80% of the Basic Escrow Rate shall apply to Senior Citizens (age 65 and over).

### **318. PUBLIC SERVANT/MILITARY RATE**

This rate of 70% of the Basic Escrow Rate shall apply to public servants and active military, including, but not limited to, policemen, firefighters, teachers and first responders.

## **Section IV – MISCELLANEOUS CHARGES**

### **401. ESCHEAT SERVICING FEE, PURSUANT TO A.R.S. 44-317 AND ESCROW ACCOUNTING FEE**

A fee of \$25.00 shall be charged as an escheatment fee for the processing and administration coincidental with any unclaimed escrow funds. This one-time \$25.00 charge will be earned by the Agency after the Agency has made a diligent effort to locate the party which includes written notice at the time of escheatment.

### **402. NON-SUFFICIENT FUNDS (NSF) CHECK FEE**

There shall be a charge for processing Non-Sufficient Funds (NSF) returned checks in the amount of \$25.00, plus actual bank charges, if any, for each NSF returned check. Actual banking charges for NSF returned checks shall be documented.

### **403. STOP PAYMENT AND CHECK RE-ISSUE FEE**

If, at the request of a party to a transaction, it is necessary to place a Stop Payment order on any check previously issued and re-issue the check, a Stop Payment charge of \$25.00 shall be assessed to the requesting party.

### **404. FUNDS HOLDBACK AND MAINTENANCE FEE**

(A) Holdback Fee: When funds remain in an escrow subsequent to the date of closing, an initial setup fee of \$150.00 shall be charged, plus \$25.00 per month shall be charged for maintenance of said funds until such time of disbursement or escheatment.

(B) Maintenance/Inactive Fee: Accounts with dormant funds (as evidenced by stale dated checks and inactive escrow accounts) shall be charged \$25.00 per month as a maintenance fee beginning six (6) months from the date the initial check was disbursed for stale dated checks, or from closing for dormant funds. Maintenance is defined as at least one (1) written notice mailed to the last known address within three (3) months prior to the implementation of the charge.

### **405. DEPOSIT OF ESCROW FUNDS INTO INTEREST-BEARING ACCOUNTS**

A party to the transaction may request, in writing, that the company deposit escrow funds into an interest-bearing account. Such request shall be evaluated based on company procedures and the provisions of the Arizona Revised Statutes. The fee for this service is \$35.00. This fee is for opening, servicing, and closing the account.

### **406. TRACKING FEE**

The charge for reconveyance, satisfaction, lien release tracking fee shall be \$75.00, per transaction. This charge applies to the tracking of reconveyances, satisfactions and lien releases not in escrow at the time of closing. The fee also includes recording of said documents and is non-refundable.

#### **407. DELIVERY AND EXPRESS MAIL CHARGE**

The charge for this special handling, which may include Federal Express, Airborne, UPS, Express Mail and special couriers, shall be as follows:

\$25.00, per delivery. If the actual charge exceeds \$25.00, the actual amount of the fee shall be charged.

#### **408. RECORDING SERVICES**

This rate is the minimum for recording documents with the applicable County Recorder. If the actual charge by the Recorder's office exceeds amounts specified below, the actual charge shall be that which is charged by the Recorder's Office.

Residential:

Sales Transaction - \$60.00

Refinance Transaction - \$40.00

Commercial:

Sales Transaction - \$150.00

Refinance Transaction - \$100.00

#### **409. E-DOCUMENT RETRIEVAL FEE**

A fee of \$25.00 per download shall be charged for electronic documents received by the Agency where printing, reformatting, and/or editing is needed.

#### **410. BILL PAYMENT PROCESSING**

A fee of \$10.00 per check (over the initial three checks) shall be charged for credit card and personal debt payments.

#### **411. WIRE TRANSFER**

A fee of \$40.00 shall be charged for each outgoing international wire.

A fee of \$25.00 shall be charged for each outgoing domestic wire.

#### **412. EXTRA WORK CHARGE**

When a complex escrow requires extra time, attention and/or document preparation, the Agency shall charge an extra work fee, at a one (1)-hour minimum, at the rate of \$125.00 per hour. In the event the extra work exceeds one (1) hour, the charge for same will be based on the \$125.00 per hour rate, but will be charged in 15 minute increments.