

**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.

Unless otherwise instructed in writing by the parties, the escrow charges and recording/filing fees shall be paid one-half by Buyer and one half by Seller.

Unless otherwise instructed in writing by the parties, any charges incurred for miscellaneous or additional services provided or requested by the parties shall be charged to the person who requested such service(s) or who will benefit by such service(s).

<u>Purchase Price or Loan Amount</u>	<u>Escrow Fee</u>
<\$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	Add \$4.00 per \$5,000 or fraction thereof

### **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 even 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**

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 identified and described separately on the final settlement statement/closing disclosure.

### **201. 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).

#### **201.1 SECOND/SUBSEQUENT LOAN CONCURRENT WITH A FINANCING ESCROW**

When a financing or re-financing transaction includes a second or subsequent loan closed in conjunction with the new first loan, there shall be an additional fee for each additional loan processed in excess of the first loan. This fee is in addition to the applicable rate charged for the loan transaction.

\$130.00 for all transactions **except** Builder’s  
\$100.00 for Builder’s transaction

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

A fee of \$100.00 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, 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.

#### 303.1 HOME EQUITY ESCROW SERVICES – CENTRALIZED NATIONAL PROCESSING UNIT

For the purposes of this section only, “Home Equity Limited Escrow Services” shall mean the following services: ordering demands and making payoffs on up to two (2) previous loans and disburse balance of proceeds, by either check or wire transfer, to up to three (5) payees. A Flat Fee charge of \$145.00 shall be applicable for Home Equity Limited Escrow Service in connection with a home equity loan transaction up to a \$500,000 loan amount.

### 304. SUB-ESCROW FEE

Sub-escrow services may be provided in support of a primary holder of an escrow transaction or an institution lender. The escrow fee shall be \$150.00 for the following sub-escrow services: 1) the receipt of funds and written instructions from the primary holder of the escrow or from a lender whose loan is to be insured, 2) the disbursement of such funds for the elimination of matters affecting title, and 3) accommodation signings, but only to the extent authorized under such instructions. This \$150.00 sub-escrow fee shall be earned and nonrefundable upon payment. Any additional or different services shall be charged as Additional Work.

### 304.1 SUB-ESCROW SERVICES - COMMERCIAL

A sub-escrow fee will be charged for any of the services listed below at the rates indicated. If multiple services are performed, the sum total of the fees will be the total fee charged. These rates may not be charged in conjunction with or in addition to the Commercial Rate as set forth in this manual except when such services are provided after closing or when such services exceed the normal scope of work included in the Commercial Rate. These rates do not include any applicable county recording charges due to the County Recorder.

Receipt and Disbursement of Funds	\$250.00
Ordering Payoff Statements	\$75.00 each
Document Recordation	\$250.00
Wire Transfers	\$25.00

### 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, 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	Add \$4.00 per \$5,000 or fraction thereof

### 306.1 REO CLOSING MANAGEMENT FEE – CENTRALIZED NATIONAL PROCESSING

This rate is \$175.00 and shall be charged to the seller.

### 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, 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.

<u>Purchase Price or Loan Amount</u>	<u>Escrow Fee</u>
<\$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	Add \$4.00 per \$5,000 or fraction thereof

### 308. BUILDER'S RATE

#### Commercial, Industrial Developer's 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.

<u>Purchase Price or Loan Amount</u>	<u>Escrow Fee</u>
<\$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

#### Builder's Rate (1-4 Family Residence)

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, and domestic wire 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. A copy of the agreement shall be maintained outside of the filed escrow rates.

### **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**

A fee of \$35.00 shall be charged when applicable for processing a stop payment on a check written from an escrow, except for stop payments placed on checks at the request of escrow personnel.

### **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. RECONVEYANCE TRACKING FEE**

A fee of \$100.00 shall be charged per loan payoff when applicable, if the release is not furnished at close of escrow. This charge covers the additional record keeping expense of monitoring the follow through with the paid lender and recording keeping for a delayed reconveyance, and the charges that may be incurred by employing a third party vendor to provide this service to the Company. The Reconveyance Tracking Fee is nonrefundable once the real estate transaction to which it is attached is closed and recorded. This fee is earned concurrent with issuing the payoff funds at closing and shall be charged to the party requiring this service.

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

The charge for this special handling, which may include Federal Express, DHL, Airborne, UPS, Express Mail and special couriers, shall be \$25 per delivery. If the actual charge exceeds \$25.00, the actual amount of the fee shall be charged.

#### **408. RECORDING SERVICE FEE**

This fee will be charged when applicable on all residential escrow transactions involving the recordation of documents and includes all costs for items processed for recording, miscellaneous indexing, actual recording charges and the mailing of documents electronically recorded. The Company reserves the right to charge actual recorded fees, as agreed upon with approved written agreements placed in each escrow file.

Residential Sale Transaction	\$75.00
Residential Refinance Transaction	\$55.00

##### **408.1 RECORDING SERVICES – CENTRALIZED NATIONAL PROCESSING**

Charges for the recording of documents will be the actual charges incurred and will not be based on average pricing. Although estimated pricing may be used at closing, actual charges will be corrected to the transaction once the correct amounts are known, with any overages refunded to the appropriate party.

Recording fees on commercial property transactions shall be charged in accordance with the fees/costs directly associated with the recording action and as set forth by the County Recorder's office.

**409. CANCELLATION OF SERVICE**

In the event service(s) are cancelled, the Company reserves the right to charge the following fee(s):

Escrow Cancellation fee: \$300.00

**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.

**413. COMPETITORS' RATES**

The Company reserves the right to match any written escrow rate quote from a State of Arizona licensed title/escrow company. All such agreements must be approved in writing by the County Manager of the appropriate County and signed by all pertinent parties. A copy of said agreement is to be placed in each escrow file for which the rate applies.