



# Momentum Title Agency, LLC

## Escrow Fees and Charges

Arizona

This Schedule of Fees and Charges shall supersede all Schedules of fees and Charges which have heretofore been displayed in our offices and filed with Arizona Department of Financial Institutions.

Effective Date: May 1, 2023

**A. Preface:**

Applicable fees for escrow, settlement or closing services shall be determined by the County wherein the escrow is handled and not by the county where the property is located, unless otherwise detailed. The fees are charged on a per-transaction basis and shall be apportioned among the parties to the transaction in accordance with their instructions. Fees or rates displayed herein are the amounts charged for those services performed by the escrow agent.

**B. Definition of Escrow:**

Escrow means any transaction wherein any property, money, written instrument or evidence of title or possession to real or personal property or other things 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 rights, title or interest therein in connection with the sale, transfer, encumbrance or lease of real or personal property, to be delivered or redelivered by that person upon the contingent happening or non-happening or 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, promise, promisor, obligor, oblige, bailor, or a designated agent of employee or any of them. Escrow includes subdivision trust (A.R.S. 6-801, as Amended)

**C. General Rules & Definitions**

**Commercial Escrow:** Property that is not considered Residential and real property not categorized as improved with a one-to-four family residential dwelling or condominium unit.

**Escrow:** Any transaction in which property is delivered with or without transfer of legal or equitable title, or both, and respective of whether a debtor/creditor relationship is created, to a person not otherwise having any right, title or interest herein in connection with the sale, transfer, encumbrance or 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, promisor, oblige, obligor, bailee, bailor, or any designated agent or employee or any of them. Escrow includes subdivision trusts. (A.R.S. 6-801)

**Escrow Agent:** Any person engaged in the business of accepting escrows. (A.R.S. 6-801)

**Escrow Business:** A commercial activity characterized by the regular and continuous carrying on or escrow transactions. (A.R.S. 6-801)

**Fair Value:** The sales price or the full consideration paid to a seller, including any encumbrances being assumed by a buyer. Wherein no sale is involved, the Fair Value shall be determined based on any available information. In no event shall the Fair Value be less than the sum of the monetary encumbrances to which the title is subject.

**Residential Escrow:** Improved one-to-four family residential property, or unimproved property that is intended for residential use.

**Short Sale Escrow:** A sale transaction in which the proceeds of the sale are insufficient to satisfy the outstanding encumbrances secured by the subject property and one or more creditors or lenders agrees to accept an amount less than the amount owed on the property in satisfaction of the outstanding loan or loan obligations.

**Fees for Services Not Provided Herein:**

- a) When escrow services are requested under conditions that have not been outlined in this schedule, a charge shall be made which in the opinion of the company appears to be consistent with the general pricing procedures as set for herein. The Company reserves the right to enter into contracts or agreements in writing, outlining negotiated rates to be charged for special projects or wherein or special rates may apply.
- b) Additional or different fees may be charged when unusual conditions are encountered in the transaction and for special services requested, subject to agreement by the customer and the company. The fee for additional escrow work when unusual conditions occur, or special services are rendered is a flat rate of \$100.00 per hour.
- c) The Company reserves the right to match escrow rates received for a competing Escrow Agent and or Title Company provided the rate is obtained in writing and is filed and approved rate by the Arizona Department of Financial Institutions.
- d) When percentages are used to calculate an escrow fee, the fee charged will be rounded up to the next highest dollar amount.
- e) Any Bundled Rate shall include the following fees: local Courier Fees, Overnight Delivery charges up to 3, one incoming and one outgoing wire fee, Recon Tracking for one loan only.
- f) These rates and fees shall supersede any previously filed rates.

**D. Escrow Rates**

**BASIC ESCROW RATE**

The minimum charge if 100% of the Basic Escrow Rate will be based upon the fair value of the property in the escrow. If additional charges are applicable, all such charges will be added to the Basic Escrow Rate. If discounts are applied, the escrow rate will not be lower than our minimum charge. Base escrow fee to be divided 50/50 between Buyer and Seller unless otherwise stated in purchase contract.

<u>Sales Price</u>	<u>Basic Escrow Rate</u>
Up to and including \$150,000.00	\$ 950.00
150,000.01 to \$500,000.00	\$1,350.00
\$500,000.01 to \$750,000.00	\$1,800.00
\$750,000.01 to \$1,000,000	\$2,100.00
Over \$1,000,000.01	add \$1.25 per \$1,000 or fraction thereof.
Over \$2,000,000.00	Please call for quote*

Basic Escrow Services includes any or all of the following services, as applicable to a particular transaction:

- Preparation of Escrow instructions
- Preparation of Estimated closing statements
- Ordering demands for payoff as reflected on the title commitment
- Payment of up to three unsecured debts as required by the lender on both refinance and sale transactions
- Amendments to the escrow, as required
- Disbursement of proceeds to borrower on refinance transactions
- Schedule signing appointments as required
- Standard documents preparation
- Receipt of buyer's earnest funds and issuing of all final disbursements
- Outgoing wire for seller proceeds (one wire only)
- Ordering of initial HOA documents as required by sales contract
- Scheduling mobile notary appointments.

Basic Escrow Services do not include the following services, the fees for which are designated within this rate schedule

- Check(s) returned for insufficient funds
- Interest bearing accounts set-up
- Mobile notary signing fee
- Inspection fees, if required
- Reconveyance and Recon Tracking fees
- Transfer tax or any other governmental fees on charges
- Sub Escrow fee
- Mobile Notary Signing fee, when applicable.

#### **1. Residential Escrow Fee – CASH SALE**

The basic escrow fee for services for a sale transaction is 100% of the basic escrow rate, based upon the Fair Value of the property being conveyed in the escrow transaction, subject to modifications as expressly provided in this Rate Schedule.

- 100% of the Basic Escrow Rate + Bundle Rate of \$200.00

NOTE: This bundled rate includes the following services: Local Courier fees, Overnight Delivery up to 3, Wire fee, Recon Tracking for 1 loan. Additional work charges may apply with any special or additional services.

**2. Residential Escrow Fee – SALE w/Concurrent Loan**

There is an additional fee for all sale escrow transactions closing simultaneously with a new loan (including a seller carry back loan) and when covering identical property.

- 100% of the Basic Escrow Rate + Bundle service rate of \$500.00

NOTE: This bundled rate includes the following services: Local Courier fees, Overnight Delivery up to 3, Wire fee, Recon Tracking for 1 loan + Loan tie in fee. Additional work charges may apply with any special or additional services.

**3. Residential Escrow Fee – New Loan/Refinance**

When handling a loan escrow, where no sale of real property is involved, the basic charges shall be as follows based on loan amount:

Amount up to and including	Bundled Escrow fee
Up to \$250,000.00	\$400.00
250,001.00 to \$500,000.00	\$550.00
500,001.00 to \$750,000.00	\$700.00
\$750,001.00 to \$1,000,000.00	\$850.00
Over \$1,000,000.01	Please call for quote*

NOTE: This rate includes the following services: Local Courier fees, Overnight Delivery up to 3, Wire fee, Recon Tracking for 1 loan. Additional work charges may apply with any special services.

**4. Residential Escrow Fee – (2<sup>nd</sup>) New Loan/Home Equity Loan**

A loan transaction which does not involve the transfer of title and in which a loan is closing in a second lien position and no payoff are made to any existing encumbrances.

- Escrow rate of \$250.00 + \$100 per any additional loan

NOTE: This bundled rate includes the following services: Local Courier fees, Overnight Delivery up to 3 and one Wire fee. Additional work charges may apply with any special or additional services.

**5. Residential Escrow Fee – Construction Loan**

A loan transaction which does not involve the transfer of title and in which a new construction loan applies:

- 100% of the Basic Rate + Bundled rate of \$200.00

NOTE: This rate includes the following services: Local Courier fees, Overnight Delivery up to 3, Wire fee, Recon/Tracking for one loan only. Additional work charges may apply with any special or additional services.

**6. Residential Escrow Fee – Leasehold Interest**

The escrow rate for a leasehold transaction shall be based on fair market value or the total amount of the lease payments, whichever is less

- Leasehold Basic Rate = 100% of the Basic Escrow Rate
- Oil, Gas or Mineral Lease = 200% of the Basic Escrow Rate

**7. Residential Escrow Fee – Escrow Only Transaction**

The escrow fee for a transaction designed as a residential dwelling in which no title insurance is to be issued.

- 200% of the Basic Escrow Rate
- Bundle rate services of \$200 (see Section D, #1 for details).

**E. Commercial Escrow Rates**

**1. Commercial Escrow Fee – Cash Sale**

The escrow fee for a transaction designed as a commercial property when performed in conjunction with title services

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| • Up to \$3,000,000.00 | 70% of the Basic Escrow Rate |
| • Over \$3,000,001.00  | 60% of the Basic Escrow Rate |
| • Over \$10,000,001.00 | 50% of the Basic Escrow Rate |
| • Over \$20,000,001.00 | 40% of the Basic Escrow Rate |

**2. Commercial Escrow Fee – Sale w/Concurrent Loan**

When a Commercial Sale escrow transaction closes simultaneously with a new loan when covering identical property.

- Rate that applies in E-1 + Bundled rate of \$500.00

**3. Commercial Escrow Fee – New Loan or Refinance**

This rate applies to any commercial loan escrow transaction wherein there is no transfer of title and regardless of whether any existing encumbrances shall be paid.

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| • Up to \$1,000,000.00                 | \$750.00   |
| • Over \$1,000,000.00 - \$3,000,000.00 | \$1,000.00 |
| • Over \$3,000,000.00                  | \$1,500.00 |

NOTE: This bundled rate includes the following services: Local Courier fees, Overnight Delivery up to 3, Wire fee, Recon Tracking for 1 loan only. Additional work charges may apply with any special or additional services.

**F. Subdivider, New Home Builder, Commercial Developers:** The rate is available to home builder, contractors, developer or sub-divider customarily engaged in these types of transactions.

**1. Sale to consumer homebuyer or lot purchaser**

- 30% of the Basic Rate

**2. Sale to a non-consumer homebuyer or lot purchaser**

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|------------------------|------------------------------|
| • Up to \$5,000,000.00 | 70% of the Basic Escrow Rate |
| • Over \$5,000,001.00  | 60% of the Basic Escrow Rate |
| • Over \$15,000,000.00 | 50% of the Basic Escrow Rate |

NOTE: This bundled rate includes the following services: Local Courier fees, Overnight Delivery up to 3, Wire fee, Recon Tracking for 1 loan only. Additional work charges may apply with any special or additional services.

**G. REO Transactions:** An additional fee of \$650.00 will be charged in all counties. This charge is in addition to the Basic Escrow Rate and any Discounts associated with said rate. This fee will be split between the Buyer and Seller in the same manner as the minimum escrow rate or as instructed by buyer and seller.

**H. Short Sale Transactions:** This rate applies to a sale transaction involving one or more lenders accepting a payoff amount that is less than the amount owed for the encumbrance. This is referred to as a short sale.

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| • Sales Price up to \$100,000.00                 | Bundled rate of \$1,200.00 |
| • Sales Price up to \$100,000.00 to \$250,000.00 | Bundled rate of \$1,400.00 |
| • Sales Price up to \$250,001.00 to \$500,000.00 | Bundled rate of \$1,600.00 |
| • Sales Price up to \$500,001.00 to \$750,000.00 | Bundled rate of \$1,800.00 |
| • Sales Price over \$750,001.00                  | Bundled rate of \$2,000.00 |

**I. Discount Rates:** The discount rates in this section shall not be applied in addition to any other discount rate, so as to compound discount, nor in addition to first sales out of new subdivision by a developer.

- 1. Senior Citizen’s Rate:** A senior citizen (55 years of age and over) is entitled to a 30% discount on his/her normal portion of the escrow fee for residential owner-occupied property. **The customer must request the discount. This offer cannot be combined with any other discount.**

- 2. Military Veteran or First Responder Rate:** A 30% discount rate is available to any First Responder or Military Veteran involved in a transaction. This includes Police Officers, Firefighters, Emergency Responders, Active or Retired US Military (Air Force, Marines, Navy, Army National Guard and Red Cross). **The customer must request this discount. This offer cannot be combined with any other discount.**
- 3. Teacher Rate:** A buyer or seller, employed as a teacher in the school district in which the property is located is entitled to a 30% discount on his/her normal portion of the escrow fee for residential owner-occupied. **The customer must request this discount. This offer cannot be combined with any other discount.**
- 4. First Time Homebuyer:** A first time home buyer will receive a 30% discount on his/her normal portion of escrow fee for a residential owner-occupied property. **The customer must request this discount. This offer cannot be combined with any other discount.**
- 5. Investor Rate:** A 30% discount rate is available to an investor who regularly invests in real estate so that the real estate may produce a revenue, income or profit. The rate is available to builders, contractors, developers, subdivides, licensed real estate brokers or agents, mortgage brokers, loan officers or other individuals. This rate is applicable only to the escrow fee which is being paid by the investor. **The customer must request this discount. This offer cannot be combined with any other discount.**
- 6. Employee Rate:** An employee of the company will not be charged an escrow fee for the purchase, sale or refinance of the employee's primary residence. The waiver shall only be applied to their portion of the total escrow fee customarily paid for by the employee and cannot be extended to benefit any other party to the transaction. The employee must be a principle to the transaction in order to qualify for the waiver of the escrow fee. **The customer must request this discount. This offer cannot be combined with any other discount.**
- 7. REALTOR MLS Listing Discount:** Momentum Title Agency will reduce the Basic Escrow Rate by 25% for buyer and seller, when realtor's MLS listing on all residential property reflects that the seller has agreed to the optional issuance of Title Commitment through Momentum Title Agency and the Listing Agent provides the available escrow rate discount. **The customer must request this discount. This offer cannot be combined with any other discount.**



8. **Negotiated Rates:** Momentum Title Agency reserves the right to negotiate fees and waive fees. Any such negotiated rate/waive fee agreement must be approved in writing by the Company Management and signed by all pertinent parties. A copy of said agreement is to be placed in each escrow file for which the rate applies. **The rate MAY NOT be used in conjunction with any other discounted rates contained in this chapter.**
9. **Competitor's Rates:** Momentum Title Agency reserves the right to match any written escrow rate quoted by a State of Arizona licensed title or escrow company. All such rate matches must be approved in writing by Company Management with a copy of the approval placed in each escrow file for which the rate applies. **This rate may not be used in conjunction with any other discounted rates contained in this chapter. Additional charges may be made for additional services set forth in Escrow related fees and charges.**

#### **Miscellaneous Escrow Services:**

1. **Checks:** Checks for payment of multiple credit cards, multiple bills, exceeding three: **\$15.00 per check.** Issuance of more than one seller proceeds check: **\$20.00 per check.**
2. **Mobile Home Affixture Processing Fee:** This fee in the amount of \$250.00 shall be assessed for the basic transfer of the ownership of a mobile home that has been previously affixed as real property. The certificate(s) of the Title must be in the name of the current owner and all required documents must be readily available. Said fee includes only the following services:
  - Collect mobile home certificate(s) of title and obtain signatures.
  - Prepare the Affidavit of Affixture and obtain signatures. If an Affidavit of Affixture is required.
  - Seller shall be responsible for obtaining any additional documentation to marketable title.
3. **NSF (Non-Sufficient Funds) Fee:** \$25.00 for any check payable to the Company which is returned by the payors bank for non-sufficient funds or other causes.
4. **Escrow Holdback for Pending Improvements/Repairs:** For transactions when Escrow Holder is instructed to hold funds, as per fully executed agreement in escrow, the initial fee for said hold is \$150.00. Said holding fee to be charged to the party as instructed in the written agreement in subject escrow file. For each additional 30 days after the initial holding period the fee charged will be an additional \$50 per 30-day period, or portion thereof, to be charged against the funds and deducted from the escrowed funds that are on deposit with the Escrow/Title Agent.

5. **Dormant Funds:** Pursuant A.R.S. 44-317, escrow agent will charge a service fee for the processing and administration coincidental with any unclaimed funds. This one-time charge will be earned by the Escrow Agent after the escrow agent has made diligent effort to locate the party which includes written notice. \$45.00 per check.
6. **Overnight Delivery Services:** There will be a charge of \$50.00 per package when an outside overnight courier service (i.e. UPS, Airborne, Federal Express, Express Mail, etc..) is required in a transaction and is a non-refundable fee.
7. **Wire Service Fee:** \$30.00 will be charged for each outgoing wire.
8. **Document Preparation:** In addition to Escrow Services, document preparation may be required to facilitate the Escrow process, for the following fees:
  - Deed of trust \$100.00 per document
  - Note and Deed of Trust \$200.00 per package
  - All-inclusive Note and Deed of Trust package \$400.00 per package
  - Agreement for sale package \$500.00 per package
  - All other documents \$50.00 per document

Document preparation may be required in some cases and under conditions of which no charge has been provided in this schedule. In such an event, a reasonable charge shall be made which in the opinion of the Company, appears to be consistent with the general pricing procedures as set forth herein and shall be approved by the customer.

9. **Reconveyance Tracking (full or partial):** A Fee of \$35.00 (per loan payoff) shall be charged when applicable, for handling the payoff of a loan when 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 record 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.
10. **Recording Service Fee:** The Recording Service Fee includes all cost incurred by the company for items processed for recording, miscellaneous indexing, actual recording charges and the mailing of documents electronically recorded. The fee shall be charged as follows, for all residential transactions:
  - \$125.00 – Residential Sale Transaction
  - \$95.00 – Residential Refinance Transaction
  - \$150.00 – Commercial Sale Transaction
  - \$95.00 Commercial Refinance Transaction

Recording fees on commercial property transactions and where itemized recording is required in the lender's instructions shall be charged in accordance with the fees/costs set by the county recorder's office.

- 11. Stop Payment fee:** A fee of \$35.00 (per check) shall be charged when applicable for processing a stop payment on a check written from an escrow operating account, except for stop payments placed on checks at the request of escrow personnel.
- 12. FIRPTA Services:** Assisting the parties with delivery of funds and documents to the IRS, in connection with the Foreign Investment in Real Property Tax Act (FIRPTA) \$50.00 filing.
- 13. Courier Fee:** \$25.00 for local delivery.
- 14. Inspection Fee:** When an inspection of the subject property is required, the fee for said inspection shall be \$125.00 per inspection. In the event a rush is requested (completion within 48 hours), an additional \$25.00 may be charged.
- 15. Cancellation fee charges:** Momentum Title Agency does not charge a cancellation fee. However, reserves the right to charge a Special Services charge of \$100.00 per hour or \$25.00 per quarter hour, for work performed up until the date of cancellation. In the event an escrow transaction cancels, The Special Services charge shall be an amount which, in the opinion of the Company, is proper compensation for the services performed at a charge of \$100 per hour but in no case shall the Special Services charge exceed 100% of the basic escrow rate.
- 16. Loan TIE-IN Fee:** \$150.00 per new loan, charged to buyer, unless otherwise specified in writing.
- 17. Interest Bearing Account Set-Up Fee:** A \$50.00 fee will be charged for interest bearing accounts.
- 18. Sub-Escrow Fee:** Sub-escrow service shall be provided for a minimum charge of \$175.00 per escrow, when required:  
  
**Services available under this section include:**
  - The receipt and disbursement of funds
  - The receipt of funds and written instructions from the escrow holder and from the lender, whose loan will be insured
  - Acceptance and review of recordation documents
  - Submitting and confirming final recordation of all recording documents
- 19. Mobile Notary/Signing Agent fee:** When required, fee shall not exceed \$200.00 per signing appointment unless special circumstances exist which shall be defined and approved in subject transaction file.

**20. CYBER SECURITY SUPPLEMENTAL COVERAGE FEE:** Cyber security is the practice of protecting critical systems and sensitive information from digital attacks. Cyber security incidents around the world have put nation-states on alert. Now, public entities have the enormous task of ensuring that they are staying up to date and meeting these security industry standards. In an effort to provide the most efficient and extensive coverage to help protect you, our clients, from this risk, Momentum Title & Escrow Agency provides coverages exceeding the industry standard to provide the most dynamic and up to date supplemental cyber security coverage. Momentum Title Agency to charge each transaction a \$34.00 Supplemental Cyber Security Coverage fee.

### **In General**

When escrow services of any type are involved, all offices of the company will use the appropriate rate rules and Basic Escrow Rate schedule which are set for this manual.

The various escrow rates are minimum rates and additional charges may be made in the event unusual escrow risks are assumed, or unusual services are performed. In the event such charges are made, agreement thereto will be obtained from each person or entity obligated to any part of such charges, in writing, in advance with the use of a settlement statement.

**Federal rules and regulations:** Escrow fees may be waived, if necessary, in order to be in Compliance with any Federal rules and regulations with regards to federally insured loans.

**\*Negotiated pricing/quotes for fees must be documented and agreed upon by all concerned parties.**