



*Bay Financial Co*

## **MORTGAGE LOAN ORIGATION AGREEMENT**

You, the applicant(s), agree to enter into this Mortgage Origination Agreement with BAY FINANCIAL COMPANY as an independent contractor to apply for a residential mortgage loan from a participating lender with which we from time to time contract upon such terms and conditions as you may request or a lender may require. You inquired into mortgage financing with BAY FINANCIAL COMPANY on \_\_\_\_\_ (date). We are licensed as a "Mortgage Broker" by California Department of Real Estate.

**SECTION 1. NATURE OF RELATIONSHIP.** In connection with this mortgage loan we are acting as an independent contractor and not as your agent. We will enter into separate independent contractor agreements with various lenders. While we seek to assist you in meeting your financial needs, we do not distribute the products of all lenders or investors in the market and cannot guarantee the lowest price or best terms available in the market.

**SECTION 2. OUR COMPENSATION.** The lenders whose loan products we distribute generally provide their loan products to us at a wholesale rate. The retail price we offer you – your interest rate, total points and fees – will include our compensation. In some cases, we may be paid all of our compensation by either you or the lender. Alternatively, we may be paid a portion of our compensation by both you and the lender. For example, in some cases, if you would rather pay a lower interest rate, you may pay higher up-front points and fees. Also, in some cases, if you would rather pay less up-front, you may be able to pay some or all of our compensation directly through a higher interest rate in which case we will be paid directly by the lender. We also may be paid by the lender based on (i) the value of the Mortgage Loan or related servicing rights in the marketplace or (ii) other services, goods or facilities performed or provided by us to the lender.

By signing below, applicant(s) acknowledge receipt of a copy of this Agreement and Certification.

## **CERTIFICATION**

The undersigned hereby jointly and severally certify, under penalty of perjury, that all statements, information and representations made and/or set forth in the loan application submitted, including, but not limited to, income tax returns and personal and/or corporate financial statements, together with the statements, information, and representation contained in any and all other documents supporting the application, are true and correct and that all such documents are prepared prior to and for the purpose of obtaining a loan on the property identified in the loan application.

The undersigned agree to hold harmless all brokers and agents representing BAY FINANCIAL COMPANY (as well as BAY FINANCIAL COMPANY itself) in the subject transaction and to defend and indemnify them from any claim, demand, action, or proceedings resulting from any omission or alleged omission by undersigned borrower(s) in any and all documents and actions associated with this transaction.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date