

PURCHASER ELIGIBILITY CERTIFICATION

Loan Number(s): _____

The purpose of the Purchaser Eligibility Certification is to identify Prospective Purchasers who are not eligible to purchase assets of failed financial institutions from the Federal Deposit Insurance Corporation under the laws, regulations and policies governing such sales. Completion of the Purchaser Eligibility Certification, **without modification**, is a prerequisite to any such purchase.

DEFINITIONS

Affiliated Business Entity. An Affiliated Business Entity of a Prospective Purchaser means its spouse, dependent child or any member of its household; or any entity that directly or indirectly is under the control of the Prospective Purchaser, controls the Prospective Purchaser or is under common control with the Prospective Purchaser.

Associated Person. An Associated Person of a Prospective Purchaser who is an individual is (1) the Prospective Purchaser's spouse or dependent child or any member of the household, (2) a partnership in which the Prospective Purchaser is or was a general or limited partner, or (3) a corporation of which the Prospective Purchaser is or was an officer or director. An Associated Person of a Prospective Purchaser that is an entity is (1) any individual or entity that, acting individually or in concert with one or more individuals or entities, owns or controls 25 percent or more of the Prospective Purchaser; or (2) a managing or general partner of the Prospective Purchaser.

Contractor. A Contractor is any individual or entity that has submitted an offer to the FDIC to perform services or has a contractual arrangement with the FDIC to perform services.

Delinquent Obligation. A Delinquent Obligation is any debt or duty to pay money to the FDIC in excess of \$50,000 (in the aggregate for all such debts or duties) that is more than 60 days delinquent, or any other failure to comply with the terms and conditions of a written agreement with the FDIC that continues for more than sixty (60) days following notice. A Delinquent Obligation does not include any debt that has been settled, nor any debt that has been sold or transferred by the FDIC, nor any debt for which the FDIC has reported forgiveness of debt through the issuance of an IRS form 1099, nor any debt discharged in bankruptcy.

Failed Institution. A Failed Institution is any bank or savings association that has been under the conservatorship or receivership of the FDIC or of the Resolution Trust Corporation. It includes any entity owned and controlled by such a bank or savings association.

FDIC. FDIC means the Federal Deposit Insurance Corporation, whether acting in its corporate capacity or as conservator or receiver of a Failed Institution.

Prospective Purchaser. A Prospective Purchaser is any individual or entity that has made or intends to make an offer to purchase assets of a Failed Institution from the FDIC. For all purposes of this Certification, an "entity" includes any entity with a legally independent existence, including, without limitation, a trustee; the beneficiary of at least a 25% share of the proceeds of a trust; a partnership; a corporation; an association; or any other organization or society.

Substantial Loss. A Substantial Loss is (i) any debt or duty to pay money to the FDIC or a Failed Institution that has an outstanding balance of more than \$50,000 and that is more than 90 days past due; (ii) an unpaid final judgment of more than \$50,000 regardless of whether it is forgiven in a bankruptcy proceeding; (iii) a deficiency balance following a foreclosure sale of more than \$50,000 regardless of whether it is forgiven in a bankruptcy proceeding; or (iv) any loss of more than \$50,000 reported on an IRS Form 1099-C (Information Reporting for Discharge of Indebtedness).

ELIGIBILITY CERTIFICATION

The undersigned hereby certifies that all of the following statements are true, correct and complete when made and will be true at closing of the sale.

- A. **FDIC Employees.** The Prospective Purchaser is not an FDIC employee, the spouse of an FDIC employee, or the minor child of an FDIC employee.
- B. **Delinquent Obligors.** Neither the Prospective Purchaser nor any of its Affiliated Business Entities has a Delinquent Obligation. *Under certain circumstances, the certification required in this paragraph may be waived. For more information about the waiver process and criteria, contact the FDIC sales representative. Note: If the sale is for FDIC real estate owned or items such as furniture, fixtures or equipment, artwork, automobiles or other tangible items, and the bid price will be less than \$250,000 (per item or per pool), then the certification set forth in this paragraph B is not required.*
- C. **FDIC Contractors.** Neither the Prospective Purchaser nor any of its Affiliated Business Entities is a Contractor that has performed services within the past three years relating to any of the assets that the Prospective Purchaser might buy, unless the contract for services allows for the purchase of such assets. *Under certain circumstances, the certification required in this paragraph may be waived. For more information about the waiver process and criteria contact the FDIC sales representative.*
- D. **Officers or Directors of Failed Institutions.** Neither the Prospective Purchaser nor any of its Associated Persons has ever been an officer or director of a Failed Institution or of an affiliate of a Failed Institution who (1) has participated in a material way in one or more transactions that caused a Substantial Loss to any such Failed Institution; *and* (2) in connection with such Substantial Loss has been found by a court or administrative tribunal, or alleged in a judicial or administrative action brought by the FDIC or any federal or state governmental entity to have (i) violated any law, regulation or order issued by a federal or state banking agency; (ii) breached a written agreement with a federal or state banking agency or with a Failed Institution; (iii) engaged in an unsafe or unsound practice in conducting the affairs of a Failed Institution; or (iv) breached a fiduciary duty owed to a Failed Institution.
- E. **Debarment from Participation in the Affairs of a Failed Institution.** Neither the Prospective Purchaser nor any of its Associated Person(s) has been removed from, or prohibited from participating in the affairs of a Failed Institution by a final enforcement action by the FDIC or any other federal banking agency (Office of the Comptroller of the Currency, Office of Thrift Supervision, or the Board of Governors of the Federal Reserve System).
- F. **Pattern or Practice of Defalcation.** Neither the Prospective Purchaser nor any of its Associated Person(s) has borrowed money or guaranteed loans in more than one transaction with the intent to cause a loss or with reckless disregard for whether such transactions would cause a loss to any financial institution insured by the FDIC, where these loans, in the aggregate, caused a Substantial Loss to one or more Failed Institutions.
- G. **Convicted of Certain Crimes.** Neither the Prospective Purchaser nor any of its Associated Person(s) (1) has been convicted of committing or conspiring to commit any offense under Section 215, 656, 657, 1005, 1006, 1007, 1014, 1032, 1341, 1343 or 1344 of Title 18 of the United States Code affecting any Failed Institution; *and* (2) has defaulted on any debt or duty to pay money (including any guaranty) owed to the FDIC or any Failed Institution to such an extent that a judgment has been rendered in favor of the FDIC or the property securing the debt has been foreclosed on.
- H. **If Seller Financing Is Used.** Neither the Prospective Purchaser nor any of its Associated Persons (1) has defaulted on any debts or duties to pay money (including any guaranty) to the FDIC or a Failed Institution that, in the aggregate, exceed \$1,000,000, to such an extent that a judgment has been rendered in favor of the FDIC or the property securing the debt has been foreclosed on; *and* (2) has made any fraudulent misrepresentations in connection with any of these debts or duties. *This representation is not required, and has no effect, if the Prospective Purchaser does not finance any portion of the purchase price through financing offered by the FDIC.*
- I. **Transactions Structured to Circumvent this Certification.** Neither the identity nor form of the Prospective Purchaser, nor any aspect of the contemplated transaction, has been created or altered with the intent, in whole or in part, to allow an individual or entity who otherwise would be ineligible to purchase assets from the FDIC to benefit directly or indirectly from the proposed transaction.

Seller / Borrower Name: _____ Loan Number(s): _____

PROSPECTIVE PURCHASER INFORMATION

| | | | |
|--|-------------------|----------------------|-------------|
| Name of Prospective Purchaser | | Tax ID Number or SSN | |
| <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Trust | | | |
| <input type="checkbox"/> Other (<i>Specify</i>) | | | |
| Physical Street Address (For Overnight Delivery) | | | |
| City | State or Province | Country | Postal Code |
| Contact Person and Title | | | |
| Telephone Number () | Fax Number () | E-mail Address | |

IN WITNESS WHEREOF, the undersigned has executed this Certification as of this

_____ day of _____, _____.

PROSPECTIVE PURCHASER

[Print Name of Prospective Purchaser]

[Signature]

[Print Name and Title of Authorized Signatory]

Notice Concerning Legal Action

Any person who knowingly or willfully makes false or fraudulent statements or disclosures in connection with this Certification will be referred to the Office of Inspector General and/or the appropriate law enforcement officials for investigation and legal enforcement and may be subject to fines and/or imprisonment (18 U.S.C. §§ 1001, 1007 and 1014).

PRIVACY ACT STATEMENT

The Federal Deposit Insurance Act (12 U.S.C. §§1819, 1821, and 1823), 5 C.F.R. Part 3201, 12 C.F.R. Parts 340 and 366, and Executive Order 9397 authorize the collection of this information. The FDIC will use the information to assist in the determination of whether a Prospective Purchaser is eligible to purchase assets under the laws, regulations and policies pertaining to the FDIC. The FDIC may disclose this information: 1) to other federal, state or local agencies and to contractors to assist in the marketing or sale of assets; 2) to appropriate Federal, State or local agency or responsible authority, to the extent that disclosure is necessary and pertinent for investigating or prosecuting a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by any statute, or by regulation, rule or order issued pursuant thereto; 3) to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings, when the FDIC is a party to the proceeding or has a significant interest in the proceeding and the information is determined to be relevant and necessary; 4) to a congressional office in response to a written inquiry made by the congressional office at the request of the individual to whom the record pertains; or 5) in accord with any other routine use appropriate for the FDIC's Insured Bank Liquidation Records, # 30- 64- 0013. Submitting this information to the FDIC is voluntary. Your failure, however, to submit all of the information requested and to complete the form entirely could result in your inability to bid on or purchase FDIC-held assets.

ESTIMATED REPORTING BURDEN

Public reporting burden for this collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Paperwork Reduction Act, Legal Division, FDIC, Washington, D.C. 20429; and to the Office of Management and Budget, Paperwork Reduction Project (3064-0089), Washington, D.C. 20503. Respondents need not respond to this request for information unless it displays a currently valid OMB Control Number.

IndyMac Mortgage Services, A Division of OneWest Bank, FSB
Loan Resolution Department
2900 Esperanza Crossing
Austin, TX 78758

Loan Number:

Property Address:

Thank you for contacting IndyMac Mortgage Services, A Division of OneWest Bank, FSB,, (IndyMac Mortgage Services) regarding the above referenced property. IndyMac Mortgage Services will review your request for assistance upon receipt of the following items:

If you are selling your property and would like IndyMac Mortgage Services to consider your request for a Short Sale or Pre-Foreclosure Sale, the following items are required for review:

- The completed Financial Statement and Hardship Explanation form. (Enclosed)
- Most recent checking and savings account statements for all borrowers.
- Proof of all sources of monthly household income, such as pay stubs for the last 30 days, or if self-employed, we need profit and loss statements for the last two quarters along with the most recent federal tax return. Leases and social security, pension, or disability statements are required if applicable.
- Any other documentation or information you feel may be relevant to the situation.
- Documentation showing the complete listing history for this property listing agreement(s).
- A sales contract signed by buyer & seller, **subject to IndyMac/Lender Approval.**
- Completed Purchaser Eligibility Certification form (Enclosed)
- An estimated settlement statement showing all proposed seller paid closing costs.
- Proof of Buyer's financing (i.e. pre-qualification letter, etc...)

Once you have obtained ALL of the required items, please write your name and loan number on every document, and submit your request via fax to: 626-583-1370.

Upon receipt of your complete request for assistance, a Workout Analyst will be assigned to review your file. You or your designated agent or realtor will be contacted. IndyMac Mortgage Services will need to determine the fair market value of your property. In order to do this we will be obtaining a BPO (broker price opinion). Your authorized third party will be contacted to schedule this inspection within 10 days of receipt of your **complete** request.

Loss Mitigation Department
Toll-Free: 1-877-736-5556

NOTE: SUBMITTING YOUR REQUEST FOR WORKOUT REVIEW DOES NOT STOP THE FORECLOSURE PROCESS. ALL NORMAL SERVICING INCLUDING COLLECTIONS AND/OR FORECLOSURE IF APPLICABLE WILL CONTINUE UNLESS YOU ARE OTHERWISE NOTIFIED IN WRITING BY INDYMAC MORTGAGE SERVICES, A DIVISION OF ONEWEST BANK, FSB.

Borrower Financial Statement

PART A: BORROWER INFORMATION

| | | | |
|---|----------------------|--|----------------------|
| Borrower Name | Social Security No. | Co-Borrower Name | Social Security No. |
| Borrower's Date of Birth : / / | | Co-Borrower's Date of Birth: / / | |
| Borrower's Phone Number- Daytime: Evening: | | Co-Borrower's Phone Number- Daytime: Evening: | |
| Primary Home Address (where you live) Street Address: | | Co-Borrower's Primary Address (if different than Borrower) Street Address: | |
| City: | ST: | Zip: | |
| City: | ST: | Zip: | |
| Employer: | Position: | Employer: | Position: |
| Employment Dates (from-to) | Annual Salary: \$ | Employment Dates (from-to) | Annual Salary: \$ |

PART B: ASSETS AND LIABILITIES

| | DESCRIPTION | ESTIMATED VALUE (A) | AMOUNT OWED (B) | NET VALUE (A - B) |
|----|---|------------------------|--------------------|----------------------|
| 1 | Cash | \$ | \$ | \$ |
| 2 | All Checking & Savings Accounts | \$ | \$ | \$ |
| 3 | Certificates of Deposits (CD's) | \$ | \$ | \$ |
| 4 | Stocks/Bonds/Mutual Funds | \$ | \$ | \$ |
| 5 | All Retirement Assets (401(k)s, IRAs, etc.) | \$ | \$ | \$ |
| 6 | TOTAL LIQUID ASSETS (add lines 1-6) | \$ | \$ | \$ |
| | DESCRIPTION | ESTIMATED VALUE (A) | AMOUNT OWED (B) | NET VALUE (A - B) |
| 7 | Primary Home | \$ | \$ | \$ |
| 8 | Other Real Estate | \$ | \$ | \$ |
| 9 | Automobile(s) | \$ | \$ | \$ |
| | Make Model Year | \$ | \$ | \$ |
| | Make Model Year | \$ | \$ | \$ |
| 10 | Cash Value of Life Insurance | \$ | \$ | \$ |
| 11 | Personal Property (computers/furniture, etc.) | \$ | \$ | \$ |
| 12 | Other Assets (Limited Partnerships, etc.) | \$ | \$ | \$ |
| 13 | TOTAL NON-LIQUID ASSETS (add lines 7-12) | \$ | \$ | \$ |
| 14 | TOTAL NET VALUE (add lines 6-13) | \$ | \$ | \$ |
| 15 | Other Debt Balances (credit cards, notes due, lines of credit)* | \$ | \$ | \$ |

*Explain in Detail:

Have you filed bankruptcy? If yes, Filing Date:
 Yes No Chapter 7 Chapter 13

Has your bankruptcy been discharged? Yes No If yes, please provide a copy of the discharge paper.

PART C: PROPERTY DESCRIPTION (If Subject Property is Rented)

Address of Property Involved in Workout:
 Street: City: ST: Zip:

| | | | |
|----------------------------|--------------|-------------------|--------------------|
| Tenant Name, If Applicable | Monthly Rent | Monthly Last Paid | Date Lease Expires |
| | | | |
| | | | |

PART D: DEPENDENTS

| Name | Relationship | Date of Birth | In Daycare (Y/N) |
|------|--------------|---------------|------------------|
| | | | |
| | | | |
| | | | |

PART E: MONTHLY INCOME

| | DESCRIPTION (MONTHLY) | Borrower | Co-Borrower | TOTAL |
|----|---|----------|-------------|-------|
| 1 | Gross Salary Wages | | | |
| 2 | Overtime Wages | | | |
| 3 | Commissions (how often paid) | | | |
| 4 | Bonuses (when paid) | | | |
| 5 | Social Security | | | |
| 6 | Disability (short term or long term) | | | |
| 7 | Other Income (interest, rental, etc.) | | | |
| 8 | Alimony** | | | |
| 9 | Child Support** | | | |
| 10 | TOTAL MONTHLY INCOME (add lines 1-9) | | | |
| 11 | Less: Federal, FICA, and State Income Tax | | | |
| 12 | Other Deductions (401k, etc.) | | | |
| 13 | TOTAL DEDUCTIONS (add lines 11 & 12) | | | |
| 14 | NET PERSONAL INCOME (line 10 minus line 13) | | | |

** Notice: Alimony, child support, or separate maintenance income need not be revealed if the Borrower or Co-Borrower does not choose to have it considered for repaying the mortgage.

PART F: MONTHLY EXPENSES

| | DESCRIPTION (MONTHLY) | MONTHLY PMT | BALANCE DUE | # of MOS. DELINQUENT |
|----|--|-------------|-------------|----------------------|
| 1 | Primary Home Mortgage (including taxes & insurance) | | | |
| 2 | Taxes on primary home (if not included in #1) | | | |
| 3 | Insurance on primary home (if not included in #1) | | | |
| 4 | Rent Payment (if owner not occupying subject property) | | | |
| 5 | Maintenance on primary home | | | |
| 6 | Other Mortgages | | | |
| 7 | Automobile Loan(s) | | | |
| 8 | Other Loans | | | |
| 9 | Credit Cards (minimum payment) | | | |
| 10 | Alimony | | | |
| 11 | Child Support | | | |
| 12 | Child Care | | | |
| 13 | Utilities (water, electricity, gas, etc.) | | | |
| 14 | Telephone | | | |
| 15 | Insurance (automobile, health, & life) | | | |
| 16 | Medical expenses (uninsured) | | | |
| 17 | Car expenses (gas, maintenance, parking) | | | |
| 18 | Groceries and Toiletries | | | |
| 19 | Dry Cleaning and Clothing | | | |
| 20 | Spending Money | | | |
| 21 | Cable TV | | | |
| 22 | Entertainment (hobbies, dinner, movies, etc.) | | | |
| 23 | Vacations | | | |
| 24 | School Tuition | | | |
| 25 | HOA Fees | | | |
| 26 | Dependent Care | | | |
| 27 | Other Monthly Expenses* | | | |
| | *Explain: | | | |
| | | | | |
| | | | | |
| 28 | TOTAL PERSONAL EXPENSES (add lines 1-27) | | | |

EXPLANATION OF HARDSHIP

What changes or events have occurred since your loan originated that have caused you to fall behind?

How did this impair your ability to afford you mortgage payments?

When did the change(s) and/or event(s) occur?

Do you anticipate any improvement in your financial situation in the near future? _____ yes _____ no

If yes, please explain:

How much are you able to contribute towards your loan as of today? _____

How much are you able to contribute towards your loan in thirty (30) days? _____

Check the box below indicating the current amount of your liquid assets. Liquid assets are any non-retirement funds available for withdrawal from any financial institution or brokerage, including checking and savings accounts, CDs (even if held for an extended time}, mutual funds, money market funds, stocks or bonds.

Less than \$100,000 or \$100,000 or more.

ACKNOWLEDGEMENT AND AUTHORIZATION

I (we) agree that the financial information provided is an accurate statement of my (our) financial status. I (we) understand and acknowledge that any action taken by the lender of my (our) mortgage loan on my (our) behalf will be made in strict reliance on the financial information provided. I (We) authorize verification or re-verification of any information contained in this Financial Statement at anytime by the lender, its agents, successors and assigns, either directly or through a third party, including but not limited to a credit reporting agency, from any source named in this Financial Statement or otherwise submitted in connection therewith. My (Our) signature(s) below grants the lender the authority to contact my realtor, credit counseling service representative (if applicable), or any third party with respect to matters represented in this Financial Statement.

By: _____ Date: _____
Signature of Borrower

By: _____ Date: _____
Signature of Co-Borrower