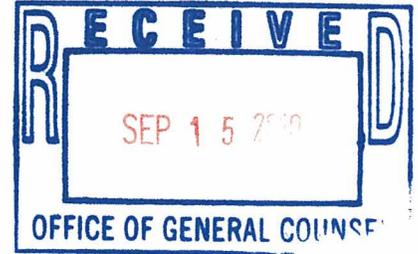




MICHIGAN ASSOCIATION OF
REALTORS

September 10, 2010

Alfred M. Pollard
General Counsel
Federal Housing Finance Agency
1700 G Street NW.
Fourth Floor
Washington, DC 20552



Dear Mr. Pollard,

I am writing on behalf of the Michigan Association of REALTORS® to support the Federal Housing Finance Agency's (FHFA's) proposed guidance on the use of private transfer fees for the Federal Home Loan Banks (FHLBs) and the Government Sponsored Enterprises (GSEs) Fannie Mae and Freddie Mac. We fully support the FHFA guidance that states the FHLBs and the GSEs should not purchase mortgage encumbered by private transfer fees and that such purchases are not prudent, safe or sound investments.

As you aware, a private transfer fee commonly occurs when a developer agrees to add a covenant to the deed of each new home, or when a homeowner agrees to add a covenant to an existing home's deed that requires future owners of the property to pay a percentage of the selling price to a designated beneficiary. While the percentage fee paid is tied to the home price, it does not correlate with any tangible benefit received by the home buyer. The transfer fee rule is a covenanted mandate which makes it extremely difficult to reverse the requirement once it is in place. In many cases, the fee is attached to the deed for up to 99 years which means several subsequent buyers may pay a fee where no service was rendered or where no benefit received.

Private transfer fees increase the cost of homeownership, provide no benefit to homebuyers, and do little more than generate revenue for developers or investors. They place an inappropriate drag on the transfer of property. Moreover, there is virtually no oversight on where or how proceeds can be spent, on how long a private transfer fee may be imposed, or on how the fees should be disclosed to home buyers. Already, one company is negotiating with institutional investors to "securitize" pools of transfer fees which would essentially create bonds that can be sold on a secondary market based on the future cash flows.

The Federal Housing Administration (FHA) recognizes the impact of private transfer fees. Furthermore, the US Department of Housing and Urban Development (HUD) General Counsel has confirmed that private transfer fees clearly violate HUD's regulations which prohibit legal restrictions on conveyance and require lenders to convey clear marketable title.

Thank you for your time and consideration of this matter.

Sincerely,

Bill Martin, RCE, CEO

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