

TRID Rule Essentials Checklist

This checklist contains some important TILA RESPA Integrated Disclosures (TRID) Rule essentials designed to help a Settlement Agent (SA) review a transaction for compliance under the TRID Rule. As a reminder, the Loan Estimate (LE) and the Closing Disclosure (CD) are lender disclosure forms and in all cases the lender remains responsible for their accuracy.

General Essentials

- Verified that settlement agent did not act as a record retention or document repository holder for proof of timing delivery of Loan Estimate.
- Verified documents are not backdated.

Lender Instructions

- Received written instructions from lender providing signing/consummation date.
- Received instructions for all naming and fee placement on CD.
e.g. A proforma Closing Disclosure or a copy of the Loan Estimate for reference.

Closing Disclosure – Lender Prepared

- Confirmed delivery of the CD to Seller by obtaining a signed and dated copy.
**Note: In UT, MI, MO, MN, KS the Settlement Agent representing the Seller would send the CD to the Seller and contact the Settlement Agent representing the Borrower.*

Closing Disclosure – Settlement Agent Prepares Borrower CD

- Received written lender delegation instructions to prepare the borrower CD
- Verified the naming of the fees and placement mirrored the lender's Loan Estimate (LE).
- Verified the SA did not provide any type of CD estimate or draft to any party except the lender.
- Verified the CD was sent separately to the borrower and not included with any other documents.
- Confirmed delivery of the CD to Seller by obtaining a signed and dated copy.
**Note: In UT, MI, MO, MN, KS the Settlement Agent representing the Seller would send the CD to the Seller and contact the Settlement Agent representing the Borrower.*



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CD Changes

- Verified that all fees, credits and/or adjustments are reflected on the CD to avoid activity that might be perceived by the CFPB as incomplete or inaccurate disclosure to a lender.
- Verified the lender provided or approved any adjustments made to the borrower's CD.

Pre-Consummation/Signing

- Verified the borrower signed the CD prior to signing the Promissory Note.
- Verified Settlement Agent provided CD to the Seller on or before consummation (the day the borrower signs the loan documents).

Settlement Statements for Borrower and Seller (Texas will use the Texas Disclosure form)

- Issued a Settlement Statement to accurately reflect the charges, fee names, itemization, deposits and disbursements.
- Obtained a signed Settlement Statement from the Seller and Borrower.

Post Consummation Closing

- Verified all documents are recorded.
- Verified all title insurance policies are issued.
- Adjusted recording fees based on actual fees, if necessary.
 - Issued a revised Settlement Statement to appropriate party:
If Seller, issued a correct CD with copy to lender.
If Borrower, notified lender of the change and followed instructions provided by the lender.

