

NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: NC1-096-77-01

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 11/16/2022

ACTIVE ITEMS

These items, unless subsequently superseded, may be used by the agency to disposition records. It is the responsibility of the user to verify the items are still active.

All other items not listed below remain active.

SUPERSEDED AND OBSOLETE ITEMS

The remaining items on this schedule may no longer be used to disposition records. They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling. References to more recent schedules are provided below as a courtesy. Some items listed here may have been previously annotated on the schedule itself.

Item 2033-10/B/4/III was superseded by three newer items:

DAA-0572-2017-0001-0004

DAA-0572-2017-0007-0004

DAA-0572-2017-0008-0004

Item 2033-10/B/4/II was superseded by three newer items::

DAA-0572-2017-0001-0005

DAA-0572-2017-0007-0005

DAA-0572-2017-0008-0005

NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

NCO Copy

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS

(See Instructions on Reverse)

TO GENERAL SERVICES ADMINISTRATION, NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, D.C. 20408

1 FROM (AGENCY OR ESTABLISHMENT) U.S. Department of Agriculture

2 MAJOR SUBDIVISION Farmers Home Administration

3 MINOR SUBDIVISION County Office

4 NAME OF PERSON WITH WHOM TO CONFER Olin R. Hall 5 TEL EXT 72839

6 CERTIFICATE OF AGENCY REPRESENTATIVE

LEAVE BLANK DATE RECEIVED NOV 4 1976 JOB NO NC 1 - 96-77-1 NOTIFICATION TO AGENCY In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped 'disposal not approved' or 'withdrawn' in column 10 11-19-76 James B. Rhoads Date Archivist of the United States

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records, that the records proposed for disposal in this Request of 2 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified

10/15/76 [Signature] for Director, Business Services Division (Date) (Signature of Agency Representative) (Title)

Table with 4 columns: 7 ITEM NO, 8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods), 9 SAMPLE OR JOB NO, 10 ACTION TAKEN. Content includes: Attached is a combined file/disposition instruction for records maintained in 1,750 County Offices of the Farmers Home Administration. This Agency makes a variety of direct, insured, or guaranteed loans and grants to individuals, associations, partnerships, corporations, and public bodies in rural areas. In addition to the 1,750 County Offices mentioned above, it has 42 State Offices, a Finance Office in St. Louis, Missouri, and a National Office in Washington, D.C. The County Office records are broken down into two categories: (1) The official applicant/borrower case files, and (2) the operational files. The borrower case files contain all loan making and servicing documents from the inception of the loan until the time that it is paid in full. Documents in these case files are shown in Exhibit A of the instruction. The operational files are primarily of a general administrative housekeeping nature and have been scheduled for retention periods sufficient to meet County Office needs. The file codes, subject headings and retention requirements for operational files are shown in Section 2033.14(d) of the instruction. While none of the County Office records have historical value, there are some records retained in the County Office to meet Agency long-time needs.

Copy to Agency 11-23-76 (initials) Copies to 4AC, NCW & NCR 11-23-76 (initials)

140 items

TITLE - 7 AGRICULTURE
 CHAPTER XVIII - FARMERS HOME ADMINISTRATION DEPARTMENT OF AGRICULTURE
 SUBCHAPTER R - BUSINESS SERVICES
 PART 2033 - RECORDS
 SUBPART ^A_R - MANAGEMENT OF COUNTY OFFICE RECORDS

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PART 2033 - RECORDS

SUBPART A - MANAGEMENT OF COUNTY OFFICE RECORDS

§2033.1 Purpose.

Policies and methods are prescribed in this subpart for the management of Farmers Home Administration (FmHA) County Office records.

§2033.2 [Reserved].

§2033.3 Authorities and responsibilities.

(a) Authority. Federal regulations require a record of transaction of official business complete enough to (1) facilitate informed action by FmHA employees, (2) permit auditing and review, and (3) protect the legal, financial and other rights of the Government and of persons directly affected by FmHA activities.

(b) Responsibility. Adequate documentation in the official files of all official FmHA transactions of the County Office is required. This subpart permits flexibility in its application to accommodate necessary program and administrative variations between and within the individual States. Office Management Assistants are responsible for training the County Office staff in the application of this subpart and for a continuing review of County Office records management. They are also responsible for keeping the State Director and the Administrative Officer advised on problems concerning records management.

§2033.4 Definitions.

(a) Applicant. This means any person or group of persons seeking FmHA program assistance through written application or, for certain subsequent loans, by oral request.

(b) Individual borrower. This means a natural person who is receiving FmHA program assistance except Business and Industrial (B&I) and Multiple Family Housing (MFH) loans to individuals.

(c) Association borrower. As used in this subpart, "association" includes associations, organizations, cooperatives, municipalities, water districts, authorities, or any other group not eligible as a natural person for FmHA assistance, and all B&I and MFH loans made or guaranteed by FmHA to individuals, associations, or organizations.

(d) Case folders. These contain the total cumulative official records concerning a borrower.

(e) Initial and continuation case folders. The "initial" case folder contains the records needed for routine servicing of borrower accounts. The "continuation" case folder is an additional folder begun when necessary to hold infrequently used records.

(f) Closed case folder. This means the one or more case folders on a borrower who is classified as "paid-up" or "otherwise satisfied."

(g) Temporary folder. This is a substitute folder placed in the files during the absence of a regularly maintained case folder to hold records accumulated during the interim period.

§2033.5 Official records.

For the purpose of this subpart, the term "official records" means all documentary materials prepared, received or processed which indicate the policies, procedures, decisions, and essential transactions of the County Office in its conduct of FmHA programs.

(a) Withholding documents and papers from the official files is prohibited and NO exceptions to this policy will be made.

(b) The removal or transfer of official records from FmHA custody is prohibited except as expressly provided in this subpart, or unless a memorandum of approval from the National Office is obtained incident to the intended transfer action.

(c) The falsification, mutilation, destruction, or theft of official records by employees is punishable under public law.

(d) The loss, theft, damage or destruction of official records by fire, water or vandalism will be reported through the State Office to the National Office for advice and guidance concerning the action to be taken.

(e) All oral or written information of a confidential nature that may come to an employee's knowledge must neither be revealed to nor discussed with any person except when the employee's official duties require. This includes, but is not limited to, information obtained by employees from any source concerning the personal and financial affairs of applicants or borrowers, of fellow employees or other persons involved in FmHA activities.

(f) The availability of official records for public access and use is prescribed in the policies, requirements and restrictions set forth in FmHA Instruction 104.1, "Availability of Information," and FmHA Instruction 2015-E, "Availability of Information Under the Privacy Act." County Office employees are expected to be familiar with the restrictions of these Instructions to avoid violation of procedures. CAUTION: Records requested by the general public must be RETAINED until the request is fully processed even though the established retention requirements may have been met. *When necessary of information, records, the records will be retained in accordance with FmHA*

(g) The requirements of retention and destruction prescribed in this subpart for official records are mandatory and will not be changed *Exclusion 2015-E,* without prior National Office approval.

§2033.6 Utilization of filing equipment.

(a) Removal of records. In order to use filing space to its fullest extent, records that are eligible for destruction as prescribed in this subpart, MUST be removed from all filing equipment.

(b) Open shelf file units.

(1) Three-shelf unit. Use this unit for (a) closed borrower case files, (b) continuation case folders, and (c) other filing purposes which best meet the needs of the office.

(2) Five-shelf unit for printed forms. Use this unit for housing printed forms. For ease in locating forms, the form number, without the prefix letters, such as "FmHA," "AD," "SF," etc., may be hand printed horizontally on the folder label. If additional shelf space is available in the unit after all the forms stock has been transferred from the cabinet file sections, it may be used for the same purposes as a three-shelf unit.

§2033.7 Filing and cross-reference guides.

(a) Position filing. This is the segregated arrangement of records within a folder by assigning logically related items to the same classification grouping. The "filing position" is the specific place where the records are fastened within a folder. Accordingly, the top inside left cover is designated as filing position "1," the bottom inside left cover as position "2," the top inside right cover or the top of the insert leaf (eight position folder) as position "3," with the remaining filing positions designated by continuing this system. Further guides for borrower case folders are provided in Exhibit A of this subpart.

(b) Alphabetical filing.

(1) File names of individuals by surname first, the given name next, and the middle name(s) or initial(s) last. A dual surname, such as Garcia-Valdez, should be filed by the first surname.

(2) File names of associations and organizations, including municipalities, as written in their legal or official title. Words such as "the," "of," "for," or "and," should not be considered in determining correct file sequence.

(3) Names beginning with prefixes, such as "Mc," "O," or "Van," are considered as being one word and should be filed alphabetically as written beginning with the first letter.

(4) File abbreviations as though written in full.

(c) Cross reference.

(1) Form AD 170-4, "Cross Reference," (four-part form with carbon interleaved) may be used whenever a cross reference is needed for a single letter or memorandum pertaining to applicants or borrowers.

(2) Form FmHA 150-1, "X-Reference Card," is prescribed to indicate the exact file location of a folder when its label identification has been changed, such as a change of name.

(3) Form FmHA 150-2, "Out Card," may be used as a substitute for the case folder whenever there is a need to determine which employee is using a specific folder and it is likely the folder will not be returned to its place for several days.

§2033.8 Applications for program assistance.

The use of a filing code for these official records is not prescribed.

(a) Program assistance applications.

(1) Pending applications. Do not include applications which have been rejected or withdrawn, or those concerning loans which have been closed.

(i) The pending applications will be filed in one or more A-Z sets of third-cut folders. The application under consideration, together with its related material, will be

fastened together as a single assembly of papers. Pending application folders will be filed as a series generally preceding the current case folder series for "active" borrowers. They may be kept as a single alphabetical group or be further subdivided by those requiring County Committee action and those whose eligibility can be determined by the County Supervisor; by processing steps; by program-type assistance; by county; by guaranteed loans, or any combination thereof best serving County Office needs.

(ii) A separate folder may be established for an applicant at the discretion of the County Supervisor. If the applicant is already indebted when this determination is made, his INITIAL folder may be used for this purpose and Form FmHA 150-1 may be placed in the "pending" application series to indicate the location of his application.

(2) Loan docket folder. For loans that need to be submitted to the State Office for approval, all forms and other documents will be fastened in the designated positions in accordance with Exhibit ~~B~~^A, EXCEPT documents to be signed by the loan approving official and all other documents to be submitted to the Finance Office. The original and copy(ies) of documents to be signed in the State Office will be kept together in order for the name and title of the approving official to be typed thereon.

(3) Rejected, withdrawn, canceled, or expired applications. When rejected, withdrawn, canceled, or expired, the application and related papers will be removed from the "pending" application series and maintained as follows:

(i) If any applicant is indebted for a loan at the time of rejection, withdrawal, cancellation, or expiration of an application, file such application and related papers, including Form FmHA 440-2, "County Committee Certification or Recommendation," when applicable, in his current case folder. *(EXCEPT those cancellations which are paragraph III - such may be returned to the borrower.)*

(ii) If an individual applicant is not indebted for a loan at the time of rejection, withdrawal, cancellation, or expiration of the application, the application and related papers, including Form FmHA 440-2, when applicable, will be placed in a Rejected, Withdrawn, Canceled or Expired A-Z file. Such an A-Z file may be set up each fiscal year. DESTROY two fiscal years after the end of the fiscal year in which the application was rejected, withdrawn, cancelled or expired.

(iii) If an association applicant is not indebted for a loan at the time of rejection, cancellation, or withdrawal, the folder containing the application and related papers will be marked "Rejected" or "Withdrawn," or "Canceled." (Withdrawn Water and Waste Disposal applications will be retained in the State Office.) Documents such as plat maps, plans and specifications, engineering data, etc., may be returned to the applicant when rejected provided these documents are not needed as a basis for the rejection. DESTROY remaining material two fiscal years after the end of the fiscal year in which the application was rejected or withdrawn. If the same association makes more than one application, retain all applications until two fiscal years after the end of the fiscal year in which the last application was rejected or withdrawn. *Possibility otherwise will be returned to the applicant.*

(b) Conditional commitment applications. Documents accumulated in accordance with FmHA Instruction 444.9 will be segregated into two categories and maintained as follows:

(1) Master file. A four-position folder will be established under the name and address of the commitment applicant. This folder will contain as a minimum: (a) The letter of application, and (b) any other material pertinent to the commitment applicant and overall project involved. This folder will be RETAINED.

(2) Individual dwelling folder. Establish an eight-position folder for each dwelling for which Form FmHA 422-8, "Property Information and Appraisal Report - Rural Housing Nonfarm Tract," is prepared. Initially, label this folder with the name of the commitment applicant and the address or block and lot number of the specific dwelling. When a qualified applicant applies for a loan to purchase a home on which a conditional commitment has been issued, this folder becomes the applicant's borrower case folder with the label changed accordingly. As a minimum, the dwelling folder will contain:

(i) Form FmHA 422-8 and any other appraisal documents.

(ii) Form FmHA 444-11, "Conditional Commitment."

(iii) Other pertinent material on the specific dwelling.

(3) Return of documents. If the commitment applicant's application is withdrawn or rejected, or the conditional commitment for any dwelling is not issued, is canceled, or expires, return

the plans, specifications, and related materials concerning the dwelling and/or property to the commitment applicant. Any remaining material will be kept in the commitment applicant's master folder.

§2033.9 Maintenance of borrower case folders.

CA Table of Contents will be used for each folder, position as given in Exhibit B of this subject.

(a) Arrangement of materials. Records are arranged within borrower case folders by using the "position filing" technique for eight different classes of items or transactions. Exhibit A prescribes the filing position for each of the eight classes of records included in the borrower case folder and lists the various documents within each class. All documents will be filed in the positions indicated in Exhibit A EXCEPT as follows:

- (1) Bond transcript document file. Where Bond Counsel is used, bond transcript documents as shown in FmHA Instruction 442.1, Appendix C, §1823.24, will be kept intact as received from Bond Counsel and will be placed and maintained in a separate container. Correspondence to and from Bond Counsel will also be placed in the Bond Transcript Document file.
- (2) Construction and engineering files for association borrowers. One or more separate containers, such as four- or eight-position folders, tubes or envelope jackets, will be used for construction and engineering records, including copies of contracts, plans, and specifications, when volume warrants.
- (3) Rights-of-way file. A separate container for evidence of rights-of-way may be established when volume warrants.
- (4) Feasibility studies and report. A separate container for these documents may be established when volume warrants.
- (5) Appraisals. A separate container may be established for these documents when volume warrants.
- (6) Litigation cases. A separate container may be established for cases involving litigation, such as bankruptcy cases.

(b) Folder maintenance standards.

- (1) Folders. Use right tab folder for all four-position and for all eight-position case folders.

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(i) If documents in the case file are too bulky, the items listed below are available for County Office use to make them more accessible:

	<u>Length</u>	<u>Diameter</u>
TUBES: Mailing and Filing (with metal ends)	36"	2"
	42"	3"
	42"	4 1/2"
	<u>Expansion</u>	<u>Overall Size</u>
ENVELOPE JACKETS:		
(Pocket-type with tape/tie)	1 3/4"	9 1/2" X 11 3/4"
	3 1/2"	9 1/2" X 11 3/4"

(ii) Form FmHA 121-1, "Request for Forms, Supplies, Equipment, or Services," will be submitted to the Finance Office for items considered necessary.

(2) Labeling. Label the one or more current case folders of a borrower to show:

- (i) Name and case number of the borrower.
- (ii) The borrower's classification of "active," "collection-only," or "judgment."
- (iii) The complete local address (if applicable) of the home-site of a nonfarm rural housing borrower.
- (iv) The continuation number ("___ of ___") when continuation folders are added.
- (v) When applicable, labels will also show the subject of a separate container as prescribed in paragraphs (a) (1) through (6) of this Section.

(A) Labels will be affixed to each tube or jacket container, and generally will show the same type information as shown on the folder label for that borrower. When a case file consists of folders,

jackets and tubes, the jackets will be identified as "JACKET _____ of _____" and the tubes as "TUBE _____ of _____." The type of contents will also be indicated on each container.

(3) Arrangement. Case folders of "active" borrowers should be arranged by name in a single alphabetical series. However, other arrangements better suited to County Office needs may be used provided active folders are kept separate from all "closed" folders, such as acquired real estate folders may be kept in a separate series. Case folders of "collection-only" and "judgment" borrowers should be arranged by name in a separate alphabetical series.

(4) Continuation folders. Full advantage should be taken of the "continuation" case folder system for filing infrequently used records. When this is done, the INITIAL folder is considered as the "1 of _____" case folder, the first continuation folder as the "2 of _____" case folder, and so forth depending on the total number of folders.

(5) Temporary folder. When case folders are occasionally required for use by the Regional Attorney or the State or National Office, a temporary folder should be placed in the files.

(6) Flagging folders. When a contingent liability may be established against an employee in connection with a borrower's account because the Government may suffer a loss, or for other actions, it is necessary to flag the case folder(s) of the borrower(s) involved to prohibit records disposal. The State Director is responsible for promptly notifying the County Supervisor to flag such case folders. On receipt of this notification from the State Director, the County Supervisor will affix on the face of the applicable folder(s) the legend "FLAGGED CASE - DO NOT DESTROY." This legend takes precedence over the records disposal authority applicable to closed case folders. When the flag is to be removed, the State Director will be notified by Form FmHA 052-2, "Memorandum for Official Use Only." On receipt of such notification, the State Director will promptly advise the appropriate County Office in writing to remove the flag, citing the names of the borrowers involved.

(7) Fastening materials. Record material filed in case folders will be fastened with metal prong fasteners to the prescribed filing position at the time of filing. The use of caps is optional.

(8) Divider sheets. Position dividers (plain paper) are used to separate records accumulated within the same case folder for different borrowers. Insert divider sheets in positions "1" and "2" for cases involving the assumption of debts for loans where only chattel security was pledged by the transferor (transferring borrower). Insert them in positions "2" and "5" for cases involving title conveyance or leasing while in Government inventory. In all these cases, divider sheets should indicate:

- (i) Name and case number of the borrower (transferor).
- (ii) Classification of the borrower (transferor) incident to the conveyance of title.
- (iii) If the transferor is reclassified to "collection-only" or "judgment," also show amount owed (principal and interest) on each loan included in such "collection-only" or "judgment" indebtedness.

(c) Folder maintenance routines. These are prescribed for the following special situations pertaining to title conveyance and foreclosure:

(1) Assumption transaction. In assumption transactions establish a new folder for the transferee and place Form FmHA 150-1 under the transferor's name in the "active" case folder series. Any needed loan servicing or reference material in the transferor's (transferring borrower) folder will be refiled in the transferee's folder. Insert divider sheets where required. Any remaining material in the transferor's file will be considered "closed," provided all of the FmHA loan indebtedness has been satisfied.

(2) Property acquisition. When property is taken into Government inventory through voluntary conveyance of title or foreclosure, continue the former borrower's case folder(s) in the "active" case folder series under his name and case number. Add the inventory advice number to the folder label(s).

- (i) When acquired real estate is leased while in Government inventory file the records on the lessee (leasing party) in the former borrower's initial case folder. Insert divider sheets where required. The lessee's name will be added in pencil on the folder label. Since no case folder is prescribed for the lessee, establish Form FmHA 150-1 under

his name in the active case folder series for active borrowers.

(ii) When acquired real estate in Government inventory is sold for cash, relabel the former borrower's case folder(s) with the name of the purchaser. If the sale is made on a payment basis, establish a new folder for the purchaser. Material in Positions 6 and 8, and any other needed records in the former borrower's case folder, will be refiled in the purchaser's file. Acquired property case folders will be considered closed as prescribed in §2033.12 (b). Until final payment is made, maintain Form FmHA 150-1 under the former borrower's name in the "active" case folder series. In those infrequent cases when the real estate is sold as individual parcels, the former borrower's folder(s) and the parcel purchaser's records will be maintained in a manner that will best serve the needs of the County Supervisor.

(3) Collection-only or judgment. In the event transferors of title by voluntary conveyance, assumption or through foreclosure action are reclassified to collection-only or judgment, a new case folder for the transferor will be established for the final collection and/or settlement of his indebtedness. Only the essential account servicing material and pertinent correspondence will be transferred from his previous folder(s). A cross reference to the transferee will be inserted in position 3 of this new folder.

§2033.10 Removal of material from active individual borrower case folders.

Each fiscal year a set of A-Z folders will be established and placed in the "closed" section to contain material that is eligible to be removed from the borrower case files when a specific note is paid in full. The fiscal year in which the note is paid will be entered in pencil on the folder label. For problem cases, the removal of material from an active borrower case folder is left to the discretion of the County Supervisor.

(a) Paid-in-full notes for borrowers remaining indebted for other FmHA loan(s). All material pertaining to each paid-in-full operating type note will be removed from an active borrower's case folder and placed in the A-Z series of files established for this purpose EXCEPT (1) the first Form FmHA 431-1, "Long-Time Farm and Home Plan," and Form FmHA 431-2, "Farm and Home Plan," developed for the borrower; and (2) documents pertaining to an existing note as well as the paid-in-full note. This material will be removed when the final Transaction Record

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is received from the Finance Office and the original note returned to the borrower. This material will be destroyed one fiscal year after the end of the fiscal year in which the note is paid.

(b) Receipts and correspondence. These records must be removed every third fiscal year following fiscal year 1974, the fiscal year in which the initial removal was accomplished.

(1) Forms FmHA 451-1, "Receipt for Payment." Receipts over five years old are eligible to be removed from all active borrower case folders and destroyed.

(2) Correspondence. Correspondence filed in position 4 of the borrower case folder which is over five years old is eligible to be removed from all active borrower case folders and destroyed.

(c) Leases. All leases executed by the borrower are eligible to be removed from the active borrower case folder and destroyed two years after expiration or when they have served their purpose.

§2033.11 Removal of material from active association/organization borrower case folders.

Certain records for active association borrowers will be removed from the case folders and destroyed after they have met the retention period prescribed in Exhibit A of this Instruction. The initial removal should be completed by September 30, 1977. Subsequent removals should be made at least every third fiscal year thereafter. For problem cases, the removal of this material is left to the discretion of the County Supervisor.

§2033.12 Closed borrower case folders.

(a) Determining "closed" folders: Borrowers classified "paid-up" or "otherwise satisfied."

(1) When a borrower (active, collection-only, or judgment) is reclassified as "paid-up" by payment-in-full, his one or more case folders are considered "closed."

(2) When a borrower (active, collection-only, or judgment) is reclassified as "otherwise satisfied" as prescribed in FmHA Instruction 404.1, his case folders are considered "closed."

(3) Guaranteed loans will be considered "closed" when the Contract of Guarantee (Form FmHA 449-17) or the Loan Note Guarantee (Form FmHA 449-34) has been terminated and all obligations due the FmHA have been paid in full or otherwise satisfied.

(b) Determining "closed" folders: Acquired property cases.

(1) When acquired property is sold and the redemption period, if any, has expired, the former borrower's case folder will be considered "closed."

(2) When acquired property is sold for cash, the purchaser's folder will not be considered "closed" until the redemption period, if any, has expired.

(c) Determining "closed" folders: Grant cases.

(1) Grant-only case folders of individuals are considered "closed" when the construction has been completed and given a final inspection.

(2) Grant-only or combination grant and loan case folders for Farm Labor Housing are considered "closed" 50 years after the year in which the grant was made. However, if there is a default under obligation of the Labor Housing Grant Agreement and it is terminated by the Government, the folder(s) will be considered "closed" only when the Government's requirements are satisfied.

(3) Grant-only case folders for Comprehensive Areawide Water and Sewer plans are considered "closed" at the end of five years, after all funds have been properly accounted for, conditions of the grant agreement have been met, and the plan is serving the purpose for which it was developed. Documentation in the case folder must indicate that these conditions have been met.

(4) Grant-only case folders for Central Water and Waste Disposal Facilities development are considered "closed" at the end of five years after the facility is constructed, and it has been determined that the facility was constructed in accordance with approved plans and specifications and funds have been expended for authorized purposes. Documentation in the case folder must indicate that these conditions have been met.

(5) Grant-only case folders for Facilitating Development of Private Business Enterprises are considered closed when all of the grantee's grant obligations as shown in any grant agreement have been subordinated, released, satisfied or terminated.

(d) Maintenance and disposition of closed case folders.

(1) Labeling. Concurrent with determining a borrower's case folders to be "closed" label them with the legend "CLOSED CASE 19 ____" with the fiscal year inserted in the blank space. Also, for those recipients of certain types of loans and/or grants which remain subject to compliance review after "closing," make a notation, "Subject to Compliance Review" on the label of the case folder.

(2) Return of documents. When an account is closed, check the case folder for legal documents (deeds, leases, title opinions, abstracts, insurance policies, water stock or grazing certificates), or soil maps and plans prepared by the Soil Conservation Service, and final or "as built" plans and specifications. These materials should be returned to the borrower as they will have served their purpose in FmHA account servicing. When returning documents, use Form FmHA 140-4, "Transmittal of Documents," or other written means for establishing a record of their return.

(3) Arrangement. Closed case folders for which destruction is authorized in paragraphs (c) (5) (i) and (ii) of this section should be arranged by name in one or several series according to County Office needs but kept separate from "current" case folders.

(4) Salvage. When disposing of closed folder records, salvage reusable folders.

(5) Disposition.

(i) Destroy closed case folders limited only to the legend "CLOSED CASE 19 ____" one year after the end of the fiscal year in which closed.

(ii) Retain closed case folders for grants subject to civil rights compliance review. To prevent the inadvertent destruction of these folders during the review period, maintain them as a separate, clearly identified group.

(iii) Retain closed case folders marked "FLAGGED CASE - DO NOT DESTROY."

§2033.13 Section 504 housing assistance borrowers.

The total amount of Section 504 loan or grant assistance, including any prior Section 504 loans or grants, will not exceed \$5,000.

(a) Section 504 borrower list. A list of all borrowers, arranged by county, who have received Section 504 assistance will be retained indefinitely in the operational file folder "444 - Section 504 Loans and/or Grant Borrowers List." This list will include the following information recorded at the time a Section 504 loan or grant is made.

- (1) Borrower's name and case number.
- (2) Name of co-owner(s), if any.
- (3) Amount of the loan or grant.
- (4) Date loan or grant was made.

(b) Maintenance and disposition. Section 504 housing assistance case folders will be maintained, closed, and disposed of in accordance with Section 2033.9. The maintenance of the borrower list will permit destruction of closed Section 504 assistance case folders as prescribed in paragraph (d) (5) (i) of Section 2033.12.

§2033.14 Operational files.

(a) General. The operational files contain the official records of general administrative and program functions and activities. The operational files exclude (1) program assistance (applicant or borrower account) case folder records and (2) the unofficial file material included in Section 2033.15. The file code-subject headings prescribed for the operational files are based on the FmHA procedure classification system (Exhibit A of FmHA Instruction 2006-A.) They are similarly arranged with minor variations to insure continuity of required records.

(b) Code selection flexibility.

- (1) Although use of the prescribed one and two-digit file code-headings is mandatory, County Offices may use the three-digit file code-headings listed in paragraph (d) of this Section on

an "as needed" basis. The County Supervisor and County Office Assistant should reach a mutual understanding concerning those three-digit file code-headings which best meet the needs of the County Office. Care must be taken to select sufficient code-headings for use in order to avoid filing material of different subjects and retention periods in the same folder. Consolidation of identical digit file codes having different retention periods will not be made.

(c) Organization, servicing, and disposition.

(1) Only one set of perpetual-use four-position folders is needed for the maintenance of the operational files. Use left tab folders for one-digit file codes, center tab folders for two-digit codes and right tab folders for three-digit codes. Replace worn folders as necessary.

(2) Labeling. Inclusive dates (period covered by the records within the folder) may be shown on operational file folders.

(3) Continuation folders. Whenever the volume of records becomes too large for inclusion in the original operational file folder, a "continuation" folder will be added. All the folders will be labeled with "_____ of _____" continuation numbers in pencil.

(4) Arranging materials. Position filing, divider sheets and other means may be used to arrange and separate materials within an operational file folder by fiscal year, etc., for ease in records usage and disposition.

(5) Fastening materials. The use of metal prong fastener caps to fasten records in operational file folders is optional.

(6) Cross reference. Form FmHA 150-1 and AD 170-4 may be used as needed.

(7) Disposition.

(i) Destroy records maintained in the operational files as prescribed in paragraph (d) of this section. All retention requirements must be met before the records concerned are destroyed.

(ii) Records will be removed for destruction directly from the operational file folders unless the destruction of an entire individual folder is specifically authorized.

(d) List of prescribed operational file codes and subject headings.
The following prescribed operational file headings are printed in full caps and underlined.

0 - ADMINISTRATION. Destroy when 3 FY's old.

003 - INTER-AGENCY RELATIONS. Destroy when 2 FY's old.

004 - OFFICIAL MEETINGS. Destroy when 2 FY's old.

006 - CIVIL DEFENSE PROGRAM. Destroy when 3 FY's old.

006 - USDA COUNTY EMERGENCY BOARDS. (Organization, coordination, functions, and reports.) Retain latest membership listing. Other records, destroy when 3 FY's old.

02 - MANAGEMENT. Destroy when 3 FY's old.

021 - COUNTY OFFICE BULLETINS. Destroy when 1 FY old.

022 - AUTHORITY REDELEGATION AND DESIGNATION OF ACTING OFFICIAL.

Position delegations and redelegations destroy 5 FY's after revoked or revised, or position is eliminated.

Special delegations and redelegations destroy 5 FY's after (1) date specified in delegation; (2) delegate is separated, or removed from position with which the delegation is identified; (3) delegation is invalidated by regulations or other procedural issuances; or (4) delegation is revoked or revised.

Designation of acting. destroy 5 FY's after termination date of the designation. Continuing designations by County Supervisors of acting County Supervisors will be destroyed 5 FY's after designation is revoked in writing or the designated employee is separated or removed for any reason.

022 - DETAILED EMPLOYEES. (Limited to details without "acting" designations.) Destroy one fiscal year after end of the fiscal year in which the detail terminated.

- 026 - WORK MEASUREMENT SYSTEM. Includes reports. (Excludes the individual forms to which work time is posted.) Destroy when 1 FY old.
- 03 - BUDGETS. Destroy when 2 FY's old.
- 05 - AUDITS AND INVESTIGATIONS. Destroy 4 FY's after case is closed.
- 07 - INFORMATION. Destroy when one FY old.
- 071 - NEWS RELEASES & PUBLISHED NEWS ITEMS. Destroy when 1 FY old.
- 1 - BUSINESS SERVICES. Destroy when 1 FY old.
- 103 - MAILING OR DELIVERY OF BONDS AND INTEREST COUPONS. (Includes record of mailing or delivery and returned receipt.) Destroy LOSS CLAIMS 3 FY's after the claim has been satisfied. Other material destroy when 3 FY's old.
- 104 - PUBLIC AVAILABILITY OF MATERIALS AND RECORDS. (EXCLUDES material pertaining to exempt records denied, appealed decisions and records sought by compulsory process.) Destroy when 2 FY's old.
- 104 - EXEMPT RECORDS DENIED AND APPEALED DECISIONS. Includes material pertaining to (1) exempt records that have been denied, (2) those records that have been furnished to the requester after appeal to the Administrator, and (3) records sought by compulsory process. Destroy when 5 FY's old.
- 104 - FORMS FmHA 104-1, "PUBLIC INFORMATION TRANSMITTAL AND/OR RECEIPT." Destroy when 2 FY's old.
- 11 - SPACE. Destroy when 2 FY's old.
- 110 - (Location (city or town) of office). Use separate folder for each office. Destroy individual location folder one year after the end of the fiscal year in which office was closed or moved to a new location (different address).
- 12 - PROPERTY AND SUPPLY. Destroy when 1 FY old.
- 120 - FORMS FmHA 120-10 "SOLICITATION, QUOTATION, PURCHASE ORDER, INSPECTION, AND INVOICES." Destroy when 3 FY's old.

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- 121 - FORMS FmHA 121-6, "NOTICE OF TRANSMITTAL AND RECEIPT." Includes correspondence. Destroy 1 FY after the end of the fiscal year in which all Forms FmHA 451-1, "Acknowledgment of Cash Payment," transmitted by a specific Form FmHA 121-6 have been used.
- 121 - SUPPLY MANAGEMENT. Destroy one year after the end of the fiscal year in which created. (If for property, use "122" folder; if for space services, use "110" location folder.)
- 122 - PROPERTY. (Nonexpendable). Destroy when 3 FY's old.
- 14 - COMMUNICATIONS. Destroy when 1 FY old.
- 15 - RECORDS. (Includes Form FmHA 150-4, "Annual Report on Records and File Equipment Inventory.") Destroy when 2 FY's old.
- 151 - RECEIPTS FOR VALUABLE DOCUMENTS. (To include receipted copy of Form FmHA 140-4, "Transmittal of Documents," as well as other receipts for valuable documents. Unreceipted copies of Form FmHA 140-4 will be filed in the borrower case file.) When a county or fractional part of a county is transferred to another jurisdiction, receipts relating to that county or fractional part of a county will also be transferred.) ~~RETAIN~~
Destroy when 50 years old or sooner if no longer needed.
- 16 - TRAVEL. (Includes energy report on motor vehicles and mileage.) Use "163" name folder if limited to one traveler only. (Use "406" folder for notice of visits and itineraries.) Destroy when 2 FY's old.
- 163 - (NAME OF TRAVLLER). Use separate folder for each traveler. Transfer folder if employee transfers to another FmHA office. Destroy material directly from folder on two-year disposal basis during continuous employment. Close folder upon separation and then destroy two years after year of separation. Form FmHA 163-1, "Travel Record," and copy of Travel Voucher will be kept by the traveler as his personal record.
- (18 - Port claims and 180) - Use case folder of borrower for loss of his abstract. Use "230" name folder, as applicable, for injury of regular employee or committeeman involving compensation by the Government.
- 2 - PERSONNEL. Destroy when 3 FY's old.

- 22 - HOURS--LEAVE--PAY. Destroy when 3 FY's old.
- 221 - (NAME OF EMPLOYEE). Form AD 321-2, T&A Reports with attachments. Use separate folder for each employee currently on the rolls. Transfer folder if employee transfers to another FmHA office. Destroy when 3 leave years old.
- 221 - FINAL FORMS AD-321-2--TERMINATED EMPLOYEES. Destroy when 10 leave years old.
- 221 - FORM AD 316 T&A REPORTS (COMMITTEEMEN). Destroy when 3 FY's old.
- 221 - FORM AD 342 T&A TRANSMITTALS. Destroy when 1 FY old.
- 221 - T&A HANDBOOK 2-A AMENDMENTS. (To include Page Control Charts and MDSC Transmittals. All of this material may be maintained in a binder.) Destroy when 2 FY's old.
- 23 - EMPLOYMENT. Destroy when 3 FY's old.
- 230 - (NAME OF REGULAR EMPLOYEE). Use separate folder for each. Transfer folder if employee transfers to another FmHA office. Destroy material directly from folder on three-year disposal basis during continuous employment. Close folder upon separation and then destroy one year after the end of the fiscal year in which closed.
- 236 - COUNTY COMMITTEE EMPLOYMENT - Followed by County or Area, as applicable. Use separate folder for each committee, if desired. If committee is appointed to serve only one county and that county is transferred to another county jurisdiction, also transfer "236" employment record of such committee. Retain employment record of current committeeman and, when separated, destroy 1 year after the end of the fiscal year of separation. Destroy any other material when 3 FY's old.
- 236 - FORM FmHA 236-7, "RECORD OF COUNTY COMMITTEE MEETINGS" - Followed by County or Area, as applicable. Use separate folder for each committee as desired. If limited to one county and that county is transferred to another county jurisdiction, also transfer Forms 236-7 for such county. Destroy when 2 FY's old.

- 24 - TRAINING. Use "24" folder except if applicable to one employee only, use "230" name folder. Destroy when 2 FY's old.
- 27 - LEAVE. Destroy when 2 FY's old.
- 29 - RETIREMENT AND INSURANCE. Destroy when 2 FY's old.
- 3 - COMPUTER PRINTOUT REPORTS. Computer reports in the 300 series may be maintained: (1) in the "3" series of the operational files, using the first three digits of the report number as the File Code and the full number and subject of the report as the Subject Heading (EXAMPLE: 389 FORM FmHA 389-6, "Report of Loans Made"); or (2) by subject in the "0," "1," "2," or "4" series of the operational files; or (3) in any manner that best serves the needs of the County Office. After the report has served its purpose, it may be destroyed unless further retention is required by FmHA Instructions. In any event, most reports should be destroyed when two years old.
- 4 - PROGRAM OPERATIONS. Destroy when 3 FY's old.
- 400 - CIVIL RIGHTS COMPLIANCE BY RECIPIENTS OF FmHA PROGRAM ASSISTANCE. (Includes compliance review memorandum reports covered by FmHA Instruction 400.2.) Destroy when 4 FY's old.
- 401 - OPERATIONS REVIEW. Destroy when 2 FY's old.
- 402 - SUPERVISED BANK ACCOUNTS. Destroy when 1 FY old.
- 405 - COUNTY OFFICE MANAGEMENT SYSTEM. (Includes borrower case classification). Destroy when 2 FY's old.
- 405 - FORMS FmHA 405-4, "APPLICATION AND PROCESSING CARD - INDIVIDUAL." (After removal from the County Office Management System Box.) Subdivide by type of loan if desired. Destroy when 2 FY's old.
- 405 - FORMS FmHA 405-11, "APPLICATION AND PROCESSING CARD - ASSOCIATION." (After removal from the County Office Management System Box.) Subdivide by type of loan if desired. Destroy when 2 FY's old.
- 405 - FORMS FmHA 405-14, "CREDIT COUNSELING TALLY." (After removal from the County Office Management System Box.) Destroy when 1 FY old.

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- 405 - FORMS FmHA 405-15, "SEMIANNUAL TALLY." (After removal from the County Office Management System Box.) Destroy when 1 FY old.
- 406 - WORK ORGANIZATION. (Includes Forms FmHA 406-1, "Monthly Calendar of Work," and itineraries.) Destroy when 2 CY's old.
- 406 - FORMS FmHA 406-6, "REPORT OF OMA'S COUNTY OFFICE REVIEW." Destroy when 3 FY's old.
- 409 - RURAL DEVELOPMENT. This code may be subdivided consistent with on-going rural development programs. Destroy when 2 FY's old.
- 409 - GRATUITOUS SERVICES. Destroy 3 FY's after termination of agreement.
- 410 - INQUIRIES, FmHA SERVICES. Destroy when 2 FY's old.
- 410 - INQUIRIES, CONGRESSIONAL (GENERAL). Destroy when 2 FY's old.
- 410 - CREDIT REPORTS. Destroy when 2 FY's old.
- 42 - REAL PROPERTY. Destroy when 2 FY's old.
- 422 - APPRAISALS. Includes Average Values. (Forms FmHA 422-9, "Real Estate Sales Data," will be kept in a card box and destroyed when it is determined that information is no longer of any value or after 5 FY's, whichever is earlier.) Destroy when 2 FY's old.
- 422 - (Name of Subdivision). To include copies of repetitive appraisals for subdivisions and related material. Destroy 2 FY's after completion of subdivision.
- 424 - CONSTRUCTION, DEVELOPMENT, AND REPAIR. Destroy when 2 FY's old.

- 424 - LABOR CLASSIFICATION AND WAGE RATES. Davis-Bacon Act labor requirements. Destroy when 2 FY's old.
- 424 - CONSTRUCTION CONTRACT COMPLAINTS - Followed by name of builder. To contain a history of actions taken on complaints from date of receipt to date of final disposition. Destroy material on each complaint three fiscal years after the end of the fiscal year of final disposition. (It may be necessary to prepare additional copies of correspondence, etc., to provide documentation for this file and also the applicable borrower case file.)
- 424 - FEE CONSTRUCTION INSPECTOR CONTRACTS. Destroy 2 FY's after termination of contract.
- 425 - TAXES. (Includes lists of real estate borrowers with unpaid taxes.) Destroy when 2 FY's old.
- 426 - PROPERTY INSURANCE. Destroy when 2 FY's old.
- 426 - NATIONAL FLOOD INSURANCE. To include all material pertaining to designated areas eligible for National Flood Insurance. ~~RETAIN.~~
Destroy when 50 years older sooner if no longer needed.
- 426 - MASTER INSURANCE POLICY. Destroy one FY after expiration of policy.
- 427 - TITLE CLEARANCE AND LOAN CLOSING. Retain current designations and Forms FmHA 427-14, "Agreement to Provide Loan Closing Services," and Forms FmHA 427-18, "Fidelity Bond for Loan Closing Attorneys." Destroy terminated designation one fiscal year after termination. Destroy remaining material on three-year disposal basis. See Exhibit C of this Instruction for handling abstracts for which the County Supervisor is custodian.
- 43 - PLANNING AND SUPERVISION (INDIVIDUALS - ASSOCIATION/ORGANIZATION). Destroy when 2 FY's old.
- 430 - PLANNING AND SUPERVISION (INDIVIDUALS). Keep all current key practices and destroy those that have been suspended. All other material, destroy when 2 FY's old.
- 430 - PLANNING AND SUPERVISION (ASSOCIATION/ORGANIZATIONS). Destroy when 2 FY's old.
- 44 - LOAN AND GRANT MAKING AND DOCKET PROCESSING. Destroy when 3 FY's old.

440 - EVIDENCE OF INDEBTEDNESS. Maintain in one set of A-Z folders. Includes original promissory notes, renewal promissory notes, assumption agreements, stock certificates, accelerated repayment agreements, and grant agreements. RETURN all such instruments to borrower when loan has been paid in full or otherwise satisfied EXCEPT as follows:

- (a) Transfer of security by assumption, attach the original assumption agreement to the original note(s) covered by the agreement and keep in this file under the name of the transferee.
- (b) Documents evidencing debts canceled without application, transfer to borrower case folder.
- (c) Charged-off notes without release from personal liability, transfer to file code "440 - CHARGED-OFF NOTES," with Form FmHA 456-2, "Cancellation or Charge-Off of FmHA Indebtedness," or Form FmHA 456-3, "Journal Voucher for Write-Off or Judgment," received from the Finance Office attached.
- (d) In the event the promissory note and/or other evidences of indebtedness cannot be returned to the borrower due to address unknown, they will be transferred to file code "440 - EVIDENCE OF INDEBTEDNESS FOR ADDRESS UNKNOWN BORROWERS" with the evidence that the whereabouts of the borrower is unknown.

The appropriate legend, such as "Paid in Full," "Satisfied Thru Surrender of Security and Released from Liability," or "Satisfied Thru Foreclosure," and the date, will be stamped or typed on the original document when the final action is taken. This same information and the date the original document is returned to the borrower, will be shown on the copy in the borrower case folder. CAUTION: For maximum protection, these folders must remain in the file cabinet except when in actual use.

440 - CHARGED-OFF NOTES. To contain original promissory notes charged-off without release of liability. Destroy 6 FY's after charged off.

- 440 - EVIDENCE OF INDEBTEDNESS FOR ADDRESS UNKNOWN BORROWERS:
To contain paid-in-full or otherwise satisfied evidences of indebtedness which cannot be delivered to borrowers due to address unknown. Destroy 10 FY's after paid in full or otherwise satisfied.
- 441 - OPERATING AND EMERGENCY LOAN PROGRAMS.
Destroy when 2 FY's old.
- 441 - DISASTER AREA RECOMMENDATIONS: This includes Form FmHA 441-27, "Report of Natural Disaster." If area is designated, remove applicable material, including Form FmHA 441-27, and refile under control code "441 - Disaster Area Designation No. _____." Destroy when 2 FY's old.
- 441 - DISASTER AREA DESIGNATION NO. _____: Includes Forms FmHA 492-7, "Report of EM Loan Applications." Destroy 2 FYs after "final" report is made.
- 442 - ASSOCIATION AND ORGANIZATION LOAN AND GRANT PROGRAMS (GENERAL).
Destroy when 2 FY's old.
- 442 - DOMESTIC WATER AND WASTE DISPOSAL SYSTEMS. This includes Comprehensive Planning. Destroy when 2 FY's old.
- 442 - SHIFT-IN-LAND-USE PROJECTS. Destroy when 2 FY's old.
- 442 - RECREATIONAL FACILITIES. Destroy when 2 FY's old.
- 442 - EO COOPERATIVE ASSOCIATIONS. Destroy when 2 FY's old.
- 442 - TIMBER DEVELOPMENT. Destroy when 2 FY's old.
- 442 - IRRIGATION AND DRAINAGE AND OTHER S&W CONSERVATION MEASURES. Destroy when 2 FY's old.
- 442 - COMMUNITY FACILITIES. Destroy when 2 FY's old.
- 442 - INDUSTRIAL DEVELOPMENT GRANTS. Destroy when 2 FY's old.
- 443 - FARM OWNERSHIP PROGRAMS (GENERAL). Destroy when 2 FY's old.
- 443 - FARM OWNERSHIP LOANS. Destroy when 2 FY's old.

- 443 - FO TRACT SUBDIVISION - Followed by name of tract.
Use Separate folder for each tract to be subdivided. Close tract folder the fiscal year the seller was paid in full for tract. Destroy closed tract folder three years after the end of the fiscal year in which closed. See Exhibit C of this Instruction for handling certain abstracts of which the County Supervisor is custodian.
- 443 - SOIL AND WATER LOANS. Destroy when 2 FY's old.
- 443 - LAND CONSERVATION DEVELOPMENT (LCD) LOANS. (Appalachian States only.) Destroy when 2 FY's old.
- 443 - RECREATION LOANS (RI). Destroy when 2 FY's old.
- 444 - RURAL HOUSING LOAN AND GRANT PROGRAMS (GENERAL).
Destroy when 2 FY's old.
- 444 - RURAL HOUSING LOANS (SECTION 502). Destroy when 2 FY's old.
- 444 - INTEREST CREDIT ASSISTANCE. Destroy when 2 FY's old.
- 444 - SECTION 504 LOAN AND/OR GRANT BORROWER LIST. (See §2033.13 of this subpart) ~~RETAIN~~.
Destroy when 50 years old or sooner if no longer needed.
- 444 - RURAL HOUSING SITE LOANS. Destroy when 2 FY's old.
- 444 - RURAL COOPERATIVE HOUSING LOANS. Destroy when 2 FY's old.
- 444 - CONDITIONAL COMMITMENTS FOR RURAL HOUSING LOANS.
Destroy when 2 FY's old
- 444 - SELF-HELP MUTUAL HOUSING PROGRAM. Destroy when 2 FY's old.
- 444 - FARM LABOR HOUSING LOANS. Destroy when 2 FY's old.
- 444 - RURAL RENTAL HOUSING LOANS. Destroy when 2 FY's old.
- 444 - INELIGIBLE, SUSPENDED OR DEBARRED PERSONS DEALING WITH RH APPLICANTS OR PARTICIPANTS. RETAIN current listing and supplements.
- 446 - RESOURCE CONSERVATION AND DEVELOPMENT (RCD) LOAN PROGRAM. Destroy when 2 FY's old.

- 447 - WATERSHED LOANS. Destroy when 2 FY's old.
- 447 - WATERSHED PROTECTION AND FLOOD PREVENTION MEASURES. This includes Agricultural Stabilization and Conservation Service (ASCS) approved watershed plan reports and Soil Conservation Service work plan report. RETAIN one copy of each report. *Nonrecord*
- 449 - GUARANTEED LOAN PROGRAM. Destroy when 2 FY's old.
- 449 - BUSINESS AND INDUSTRIAL LOAN PROGRAM. Destroy when 2 FY's old.
- 449 - FARMER PROGRAMS. Destroy when 2 FY's old.
- 449 - COMMUNITY SERVICES. Destroy when 2 FY's old.
- 45 - ACCOUNT SERVICING. Destroy when 2 FY's old.
- 450 - FORMS FmHA 450-5, "APPLICATION TO MOVE SECURITY PROPERTY AND VERIFICATION OF ADDRESS." (Transferring - office copy only.) Use "45" folder for other material. Destroy when 3 FY's old.
- 450 - FORMS FmHA 450-14, "ANNUAL STATEMENT OF LOAN ACCOUNTS." (May be kept in any manner best serving the needs of the County Office EXCEPT for problem cases and State or District Director review cases will be filed in borrower case folder.) Destroy when 2 FY's old.
- 451 - COLLECTIONS. Destroy when 3 FY's old.
- 451 - FORMS FmHA 451-1, "ACKNOWLEDGMENT OF CASH PAYMENT." Keep County Office copy in receipt book. VOIDED receipts keep original and copy in book. Destroy when 2 FY's old.
- 451 - FORMS FmHA 451-2, "SCHEDULE OF REMITTANCES." (When Form FmHA 451-2 is used in transmitting Form FmHA 104-1 use "104" folder.) Destroy when 5 FY's old.
- 451 - ASSIGNMENT "CHECK PAYMENT STUBS." Also applicable to any form of transmittal lists serving the same purposes. Destroy when 6 months old.
- 451 - FORM FmHA 451-24, "RESULTS OF BORROWER GRADUATION REVIEW BY COUNTY COMMITTEE AND COUNTY SUPERVISOR." Destroy when 3 FY's old.

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- 451 - FORM FmHA 451-27, "REVIEW OF COLLECTION-ONLY ACCOUNTS." Destroy when 2 FY's old.
- 452 - RENEWAL - OPERATING LOANS. Destroy when 2 FY's old.
- 456 - DEBT SETTLEMENT. Destroy when 2 FY's old.
- 46 - SECURITY SERVICING. Destroy when 2 FY's old.
- 460 - SPECIAL SERVICING - DELINQUENT AND PROBLEM LOANS. Destroy when 2 FY's old.
- 462 - FORM FmHA 462-3 AND BORROWER LIST, FORM FmHA 462-14. (These documents may be maintained in the manner which best serves the needs of the County Office.) Destroy when 1 FY old.
- 462 - CHATTEL PROPERTY. (Includes Liquidation). Destroy records of acquired chattels on a five-year disposal schedule and remaining records on a three-year disposal basis.
- 465 - REAL PROPERTY. Destroy when 3 FY's old.
- 47 - INSURED LOANS - LENDER RELATIONSHIP. Destroy when 2 FY's old.
- 49 - REPORTS. Destroy when 2 FY's old.
- 492 - FORMS FmHA 492-3, 492-A3, 492-5, AND 492-6. (Use separate folder, if desired.) Destroy when 2 FY's old.
- 492 - TRUTH IN LENDING. (Annual report). Destroy when 2 FY's old.

§2033.15 Unofficial Files:

(a) Unofficial (non-record) files generally consist of "information-type" or reference publications in the format of books, booklets, pamphlets or fact sheets; commercial advertising matter, or stenographic notes and "rough" drafts used to prepare official records.

(1) Maintenance.

(i) Unofficial (non-record) material will not be intermingled with official records nor will it be made a part of the official files.

(ii) LIMIT unofficial files to the minimum necessary for County Office needs.

(iii) Maintenance methods for unofficial files during the period of use will be the option of the user.

(iv) Published engineering specifications and other technical reference materials may be placed in folders as necessary and filed under appropriate headings such as the following:

Cost Data	Sanitation
Houses	Service Buildings
Land Development	Water Supply

(2) Disposition. DESTROY unofficial files material on an item basis when each item has served County Office needs.

§2033.16 County Office annual records management and file equipment report:

Between September 15 and September 30 of each year, the County Office staff will review official files and remove, measure and report records eligible for destruction at the close of the fiscal year just ended. Not later than the third workday following the close of the fiscal year, the County Office will prepare and forward Form FmHA 150-4, "Annual Report on Records and File Equipment Inventory," as prescribed by the FMI.

§2033.17 Destroying official record and unofficial files material: All materials eligible for destruction MUST be promptly destroyed.

(a) Precautions. The confidentiality of the information in disposable records must be maintained whatever destruction method is used. The County Supervisor should be certain of the complete obliteration of record information during the destruction process.

(b) Destruction methods.

(1) Destroy file material as trash. This may be done by the County Office or by services available through local public refuse disposal facilities.

(2) File material may be sold or donated as waste paper.

(3) Where local non-profit groups collect wastepaper for recycling purposes, wastepaper may be donated for recycling, provided no storage, transportation or other costs, or the possible disclosure of confidential information is involved.

Attachments: Exhibits A, B, and C

POSITION FILING - BORROWER CASE FOLDER RECORDS

I Records are arranged within borrower case folders by using only one filing position for all transactions or items logically within one of eight different classes. This Exhibit designates the specific filing positions for each of these classes and lists their respective documents for various types of program assistance. Only forms currently in use are shown; however, obsoleted forms will be continued in their originally designated filing position. Generally, record materials will be placed in date order with the most recent date on top, except for those related documents which the County Office may prefer to maintain together for convenience of reference. For example, documents relating to an election process which may span several weeks should be maintained together as though they were one item, without intermingling other items.

II Current INITIAL or "1 of ____" borrower case folders should contain only those records essential to meet the supervisor's needs for routine office and out-of-office servicing. This requires a mutual determination concerning the documents needed by the County Supervisor and the County Office Assistant. Any special filing or retention requirements will be shown in parentheses below the document concerned. Periodic review of the INITIAL folder will aid the timely retirement of infrequently used records to a continuation folder. Accordingly, full use should be made of continuation folders.

III When acceptable to the Office of the General Counsel, conformed or certified copies of documents such as Certificate of Incorporation, Articles of Incorporation, and by-laws, may be filed in the loan docket in lieu of the original documents. Original documents will be returned to the borrower at the time of loan closing or as soon as possible thereafter in order to avoid liability for them. Pending delivery of such documents to the borrower, they may be kept in the place and manner best serving the needs of the County Supervisor and the County Office Assistant.

POSITION 1 - CHATTEL SECURITY RECORDS, OPERATING REPORTS, ASSOCIATION
ANALYSES, PROCESSING CHECK LISTS, PROJECT SUMMARIES, SPREAD SHEETS, AND AUDITS.

FmHA 071-2	Project Information Card
FmHA 430-1	Monthly Business Report (Destroy after 5 years)
FmHA 430-4	Five Year Progress Report (Destroy after 5 years)
FmHA 440-4	Security Agreement (Chattels and Crops) (May be kept as second item from the top)
FmHA 440-4A	Security Agreement (Crops)
FmHA 440-6	Severance Agreement (Chattel security only)
FmHA 440-12	Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees (Attach to related document)
FmHA 440-13	Report of Lien Search
FmHA 440-15	Security Agreement (Insured Loans to Individuals)
FmHA 440-15) FmHA 441-2) (Series)	Crop and/or Chattel Security instruments as applicable to the particular State (May be kept as second item from the top)
FmHA 440-21	Appraisal of Chattel Property (Destroy after 5 years)
FmHA 440-25	Financing Statement (May be kept with Form FmHA 462-7, "Continuation Statement")
FmHA 440-26	Consent and Subordination Agreement
FmHA 440-32	Request for Statement of Debts and Collaterals
FmHA 440-50 (AD-561)	Crop-Share-Cash Farm Lease
FmHA 440-51 (AD-561-1)	Crop-Share-Cash Farm Lease (With Subordination Agreement)

POSITION 1 - CHATTEL SECURITY RECORDS, OPERATING REPORTS, ASSOCIATION ANALYSES,
PROCESSING CHECK LISTS, PROJECT SUMMARIES, SPREAD SHEETS, AND AUDITS (Cont.)

FmHA 440-52 (AD-562)	Cash Farm Lease
FmHA 440-53 (AD-562-1)	Cash Farm Lease (With Subordination Agreement)
FmHA 440-4	Security Agreement (Chattels and Crops)
FmHA 440-4A	Security Agreement (Crops)
FmHA 440-4 (Series)	Security Agreement (May be kept as second item from the top)
FmHA 440-6	Severance Agreement (Chattel security only)
FmHA 440-12	Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees (Attach to related document)
FmHA 440-13	Report of Lien Search
FmHA 440-15	Security Agreement (Insured Loans to Individuals)
FmHA 440-15 FmHA 441-2	Crop and/or Chattel Security instruments as applicable to the particular State (May be kept as second item from the top)
FmHA 440-21	Appraisal of Chattel Property (Destroy after 5 years)
FmHA 440-25	Financing Statement (May be kept with Form FmHA 462-7, "Continuation Statement")
FmHA 440-26	Consent and Subordination Agreement
FmHA 440-32	Request for Statement of Debts and Collaterals
FmHA 440-50	Crop-Share-Cash Farm Lease
FmHA 440-51 (AD 561-1)	Crop-Share-Cash - Farm Lease (With Subordination Agreement)
FmHA 440-52 (AD 562)	Cash Farm Lease

POSITION 1 - CHATTEL SECURITY RECORDS, OPERATING REPORTS, ASSOCIATION ANALYSES,
PROCESSING CHECK LISTS, PROJECT SUMMARIES, SPREAD SHEETS, AND AUDITS (Cont.)

FmHA 440-53 (AD 562-1)	Cash Farm Lease (With Subordination Agreement)
FmHA 440-54 (AD 563)	Livestock-Share Farm Lease
FmHA 440-55 (AD 563-1)	Livestock-Share Farm Lease (With Subordination Agreement)
FmHA 440-56 (AD 564)	Annual Supplement to Farm Lease
FmHA 441-5	Subordination Agreement
FmHA 441-8	Assignment of Proceeds From the Sale of Agricultural Products
FmHA 441-10	Nondisturbance Agreement
FmHA 441-12	Agreement for Disposition of Jointly-Owned Property
FmHA 441-13	Division of Income and Nondisturbance Agreement
FmHA 441-17	Certification of Obligation to Landlord
FmHA 441-18	Consent to Payment of Proceeds from Sale of Farm Products
FmHA 441-25	Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest
FmHA 442-4	District Supervisor Report - Association - Organization Borrowers (Destroy after five years)
FmHA 442-39	Processing Check List (Other Than Public Bodies) (Keep as top item until loan is closed. Destroy after five years)
FmHA 442-40	Processing Check List (Public Bodies) (Keep as top item until loan is closed. Destroy after five years)

POSITION 1 - CHATTEL SECURITY RECORDS, OPERATING REPORTS, ASSOCIATION ANALYSES,
PROCESSING CHECK LISTS, PROJECT SUMMARIES, SPREAD SHEETS, AND AUDITS (Cont.)

FmHA 460-1	Partial Release (Chattel security only)
FmHA 460-2	Subordination by the Government (Chattel security only) (While in effect keep as top item; then file in date order.)
FmHA 460-4	Satisfaction (Chattel security only)
FmHA 460-6	Partial Release (UCC States)
FmHA 460-7	Termination Statement
FmHA 460-8	Notice of Termination of Security Interest in Farm Products
FmHA 462-1	Record of the Disposition of Security Property (Keep as top item, except while Form FmHA 460-2 is in effect.)
FmHA 462-2	Statement of Conditions on Which Lien Will Be Released
FmHA 462-4	Assignment, Acceptance and Release
FmHA 462-6	Affidavit of Extension and Renewal
FmHA 462-7	Continuation Statement (May be kept with Form FmHA 440-25, "Financing Statement.")
FmHA 462-8	Wheat and Feed Grain Programs - Assignments
FmHA 462-9	Temporary Amendment of Consent to Payment of Proceeds from Sale of Farm Products
FmHA 462-12	Continuation or Termination Statement
FmHA 465-1	Application for Partial Release, Subordination, or Consent (When applicable to chattel security only)

POSITION 1 - CHATTEL SECURITY RECORDS, OPERATING REPORTS, ASSOCIATION ANALYSES,
PROCESSING CHECK LISTS, PROJECT SUMMARIES, SPREAD SHEETS, AND AUDITS (Cont.)

Annual Audit Report

Borrower Financial Statements

B&I Special Ten-Point Narrative Report on Loans of \$1 million or more

Chattel Security Instrument

Monthly Reports (B&I)

Pre-Closing Audit Report

Report - Exhibit B, Instruction 2015-C

State B&I Special Sheets and Analysis

Applicant's Certification of Prior Indebtedness

Memorandum of Understanding for Interim Financing by Lender and FmHA

POSITION 2 - LOAN AND GRANT ADVANCES AND REPAYMENTS, AND OTHER FINANCIAL RECORDS

AD-627	Report of Federal Cash Transactions
AD-629	Outlay Report and Request for Reimbursement for Construction Programs (Keep with Form FmHA 440-11) (Destroy after five years)
FmHA 363-1	Collection Memo
FmHA 402-1	Deposit Agreement
FmHA 402-2	Statement of Deposits and Withdrawals (Maintain in binder(s) until bank account is closed.)
FmHA 402-5	Deposit Agreement (Non FmHA Funds)
FmHA 402-6	Termination of Interest in Supervised Bank Account
FmHA 403-1	Debt Adjustment Agreement
FmHA 404-1	Case Reclassification
FmHA 405-1	Management System Card - Individual (When maintenance in card box is no longer required)
FmHA 405-A1	Operating Type Loan Maturity Schedule (When maintenance in card box is no longer required)
FmHA 405-5	Management System Card - Individual (Rural Housing Only) (When maintenance in card box is no longer required)
FmHA 405-10	Management System Card - Association or Organization (When maintenance in card box is no longer required)
FmHA 440-1	Payment Authorization
FmHA 440-9	Supplementary Payment Agreement
FmHA 440-10	Cancellation of Loan or Grant Check and/or Obligation
FmHA 440-11	Estimate of Funds Needed for 30-Day Period Commencing _____ (Destroy after five years)
FmHA 440-16	Promissory Note (Insured Loan)
FmHA 440-22	Promissory Note (Association or Organization)

POSITION 2 - LOAN AND GRANT ADVANCES AND REPAYMENTS, AND OTHER FINANCIAL RECORDS (Cont.)

FmHA 440-39	Insurance Endorsement (For Tax-Exempt <u>Non-Coupon Serial Bonds</u> or Single Bond or Note)
FmHA 440-40	Insurance Endorsement (For Serial Coupon Bonds Issued by a Public Body)
FmHA 440-41	Loan Disclosure Statement
FmHA 440-41A	Disclosure Statement for Loans Not Secured by Real Estate
FmHA 440-42	Credit Sale Disclosure Statement
FmHA 440-43	Notice of Right to Rescind
FmHA 440-48	Association or Organization Activity Report
FmHA 440-57	Acknowledgment of Obligated Funds
FmHA 440-57A	Supplemental Installment Information
FmHA 441-1	Promissory Note
FmHA 441-7	OL-EM and Other Credit Analysis
FmHA 442-14	Association Project Fund Analysis
FmHA 442-31	Association Water or Sewer System Grant Agreement
FmHA 442-50	Grant Agreement (Public Bodies) for Facilitating Private Business Enterprises in Rural Areas
FmHA 442-51	Determination of Grant Amount
FmHA 443-12	Farm Ownership and Individual Soil and Water Fund Analysis
FmHA 443-17	Agreement to Sell Nonessential Real Estate

POSITION 2 - LOAN AND GRANT ADVANCES AND REPAYMENTS, AND OTHER FINANCIAL RECORDS (Cont.)

FmHA 443-18	Recreation Loan Fund Analysis
FmHA 444-2	Housing Fund Analysis
FmHA 444-3	Promissory Note (Insured RH Loan)
FmHA 444-5	Multiple Housing Fund Analysis
FmHA 444-6	Interest Credit Agreement (Section 502 RH Loans)
FmHA 444-7	Interest Credit Agreement (RRH and RCH Loans)
FmHA 444-8	Tenant Certification
FmHA 444-9	Certification and Payment Transmittal
FmHA 444-15	Interest Credit Agreement Cancellation (Section 502 RH Loans)
FmHA 449-7	Assumption Agreement for Guaranteed Loans (New Terms)
FmHA 449-8	Assumption Agreement for Guaranteed Loans (Same Terms)
FmHA 449-14	Conditional Commitment for Guarantee
FmHA 449-16	Request for Contract of Guarantee
FmHA 449-17	Contract of Guarantee
FmHA 449-18	Lenders or Holders Request for Approval
FmHA 449-19	Guarantee Fee Report
FmHA 449-20	Report of Loss
FmHA 449-25	Request for Contract of Guarantee (EM Livestock Loan)
FmHA 449-27	Contract of Guarantee (EM Livestock Loan)
FmHA 449-31	Emergency Livestock Loan Analysis
FmHA 449-34	Loan Note Guarantee

POSITION 2 - LOAN AND GRANT ADVANCES AND REPAYMENTS AND OTHER FINANCIAL
RECORDS (Cont.)

FmHA 450-1	Statement of Account
FmHA 450-2	Statement of Account
FmHA 450-10	Advice of Borrower's Change of Address or Name
FmHA 450-11	Detail Analysis of Charges/Credits to Loans Receivable
FmHA 451-7	Request for Change in Application
FmHA 451-8	Journal Voucher for Loan Account Adjustments
FmHA 451-10	Request for Statement of Account
FmHA 451-11	Statement of Account
FmHA 451-20	Notice and Acknowledgment of Final Payment
FmHA 451-21	Request for Reamortization of Real Estate Loan
FmHA 451-25	Status of Account
FmHA 451-33	Reamortization Request (Association Loan)
FmHA 451-34	Direct Payment Plan Change
FmHA 451-37	Additional Partial Payment Agreement
FmHA 452-1	Renewal Promissory Note
FmHA 455-1	Request for Legal Action
FmHA 455-2	Evidence of Conversion
FmHA 455-17	Report on Deceased Borrower
FmHA 455-20	Notice of Judgment
FmHA 455-21	Notice of Acceleration and Demand for Payment

POSITION 2 - LOAN AND GRANT ADVANCES AND REPAYMENTS, AND OTHER FINANCIAL
RECORDS (Cont.)

FmHA 455-22 Information for Litigation

FmHA 456-1 Application for Settlement of Indebtedness

FmHA 456-2 Cancellation or charge-off of FmHA Indebtedness

FmHA 456-3 Journal Voucher for Write-off or Judgment

FmHA 460-5 Assumption Agreement (New Terms)

FmHA 460-9 Assumption Agreement (Same Terms - Eligible
Transferee)

FmHA 460-10 New Promise to Pay

FmHA 465-7 Report on Real Estate Problem Case

FmHA 465-8 Release from Personal Liability

FmHA 465-17 Advice of Crop Percentage Rental Charge (Acquired
Real Estate)

FmHA 471-6 Reinsurance and Repurchase Agreement (Automatic
Renewal)

FmHA 471-7 Notice and Acknowledgment of Sale of Insured Loan

FmHA 492-19 Characteristics of Approved Applicants

SF-1034 Public Voucher for Purchase and Services Other
than Personal

Copies of Bonds (Insured)

Lender's Loan Agreement

Promissory Notes (B&I)

Approval of Protective Advances

Bond (Specimen), Bond Ordinances, Bond Transcript or Similar Items

POSITION 2 - LOAN AND GRANT ADVANCES AND REPAYMENTS, AND OTHER FINANCIAL
RECORDS (Cont.)

Designated Bank - Collateral Pledge

Labor Housing Grant Agreement

Deposit Slip (to be filed in any manner in this position best
serving County Office needs.)

POSITION 3 - APPLICATION, ECONOMIC JUSTIFICATION, PLANNING,
BUDGET, AND FARMER PROGRAM ANALYSES RECORDS

For individual borrowers, this position will contain APPLICATION AND FARM
PLANNING RECORDS.

For association or organization borrowers, this position will contain
APPLICATION, ECONOMIC JUSTIFICATION, OPERATING PLANS, ENVIRONMENTAL IMPACT,
PRIVACY ACT, AND BUDGET RECORDS.

AD-621	Preapplication for Federal Assistance
AD-622	Notice of Preapplication Review Action
AD-624	Application for Federal Assistance for Construction Programs
FmHA 400-4	Nondiscrimination Agreement
FmHA 410-1	Application for FmHA Services (Keep supporting correspondence attached to application.)
FmHA 410-4	Application for Rural Housing Loans (Non-Farm Tract) (Keep supporting correspondence attached to application.)
FmHA 410-5	Request for Verification of Employment
FmHA 410-8	Applicant Reference Letter
FmHA 410-9	Statement Required Under the Privacy Act
FmHA 410-10	Privacy Act Statement to References
FmHA 431-1	Long-Time Farm and Home Plan (Keep immediately below latest Form FmHA 431-2.)
FmHA 431-2	Farm and Home Plan (Keep immediately below running case record.)
FmHA 431-3	Family Budget

POSITION 3 - APPLICATION, ECONOMIC JUSTIFICATION, PLANNING, BUDGET, AND
FARMER PROGRAM ANALYSES RECORDS (Cont.)

FmHA 431-4	Business Analysis - Nonagricultural Enterprise
FmHA 440-2	County Committee Certification or Recommendation
FmHA 440-45	Nondiscrimination Certificate (Individual Housing)
FmHA 440-46	Environmental Impact Assessment
FmHA 441-22	Statement of Production Losses and Certification
FmHA 441-26	County Supervisor's Calculations and Verification of Qualifying Production Losses
FmHA 441-29	ASCS Verification of Farm Production History and Repayment
FmHA 442-1	Forecast of Cash Receipts and Disbursements (Operating Budget) (Destroy after five years)
FmHA 442-2	Statement of Income and Expense for the Fiscal Year to Date (Destroy after five years)
FmHA 442-3	Balance Sheet (Destroy after five years)
FmHA 442-7	Initial Operating Budget (Destroy after five years)
FmHA 442-12	Financial Statement (Destroy after five years)
FmHA 442-17	Membership List (Grazing Association)

POSITION 3 - APPLICATION, ECONOMIC JUSTIFICATION, PLANNING, BUDGET, AND
FARMER PROGRAM ANALYSES RECORDS (Cont.)

FmHA 442-29	Manager's Agreement (Grazing Association)
FmHA 442-36	Application for Membership in Grazing Association (Keep supporting correspondence attached to application.)
FmHA 442-37	Management Agreement (Grazing Association)
FmHA 442-46	Letter of Intent to Meet Conditions
FmHA 444-11	Conditional Commitment
FmHA 444-12	Check Sheet for Rural Housing Package
FmHA 444-16	Notice of Loan Approval
FmHA 447-1	Application for Watershed Loan (Keep supporting correspondence attached to application.)
FmHA 447-4	Budget for Watershed Loans and Advances
FmHA 449-1	Application for Loan and Guarantee
FmHA 449-4	Statement of Personal History
FmHA 449-5	Personal Financial Statement
FmHA 449-6	Application for Guaranteed Loan (Farmers Programs)
FmHA 449-9	Request for Conditional Commitment to Guarantee Loan
FmHA 449-10	Applicant's Environmental Impact Evaluation
FmHA 449-13	Denial Letter
FmHA 449-22	Certification of Non-Relocation and Market Capacity Information Report

POSITION 3 - APPLICATION, ECONOMIC JUSTIFICATION, PLANNING, BUDGET, AND
FARMER PROGRAM ANALYSES RECORDS (Cont.)

FmHA 449-24 Loan Subsidy Claim

FmHA 449-26 Certificates of Lender and Loan Applicant

FmHA 449-33 Small Loan Certification

FmHA 462-10 FmHA's Answer to Request for Information

FmHA 492-15 Progress Report on Active Individual Borrowers for
 Calendar Year 19__

Running Case Record
 (Keep as top item.)

Evidence of Exemption from Federal Income Tax

Letter of Condition

Market Analysis Information

State Director's Determination of Level of Income

Association Loan User Survey Sheet

Applicant's and Lender's Preapplication Letter

Lender's Evaluation and Recommendations

Cost Estimates and Forecasts for Contingency Funds

Dun and Bradstreet Reports

Coporate Financial Statement of Guarantors

S.E.C. 10K Report

Pro-forma Balance Sheet

POSITION 3 - APPLICATION, ECONOMIC JUSTIFICATION, PLANNING, BUDGET, AND
FARMER PROGRAM ANALYSES RECORDS (Cont.)

Current Profit and Loss Statements

Projections of Gross Revenues and Net Earnings

Cash Flow Statements (3 Years) with Assumptions

Financial Statements for Last 3 Years

Sales Projections Indicating Percentage of National Local Market

Complete Debt Schedules

Interim Financial Statements

Aging and Turnover of Receivables and Inventory

Credit Reports

Record of Any Pending or Final Regulatory Legal Action

A-95 Comments

Flood or Mudslide Hazard Area Statement

National Historic Preservation Act Statement

State Review Board Minutes

Certificate of Need (For Health Care Facilities)

Miscellaneous Management Reports (B&I)

Clean Air and Water Pollution Control Act Requirement Statement

POSITION 4 - CORRESPONDENCE

Unless provided for in one of the other positions, ALL CORRESPONDENCE will be maintained in this position, except correspondence to and from Bond Counsel. (Material filed in this position will be destroyed when five years old.)

FmHA 140-4	Transmittal of Documents (unreceipted copy)
FmHA 426-3	Notice of Expiration of Insurance
FmHA 426-6	Transmittal of Property Insurance Mortgage Clause
FmHA 450-6	Notice of Transmittal of Form FmHA 450-5
FmHA 450-7	Address Inquiry
FmHA 450-8	Double Postal Card (when concerning Borrower's address only)
FmHA 450-9	Inquiry to Postmaster Concerning Borrower's Address
FmHA 462-11	Request for Continuation Statement Filing Fee

Correspondence
(Excluding Closing Instructions)

Notification of Character Evaluation

Department of Labor Certification

POSITION 5 - REAL ESTATE RECORDS, ORGANIZATIONAL DOCUMENTS AND REGULATIONS

For individual borrowers, this position will contain REAL ESTATE RECORDS (EXCLUDING APPRAISALS).

For association or organization borrowers, this position will contain REAL ESTATE INSTRUMENTS, ORGANIZATIONAL DOCUMENTS AND REGULATIONS such as property options, evidence of acquired property or property rights; property title opinions; evidence of bonds, stock and/or membership certificates pledged as security to the Government; legal and regulatory evidence of the organization to conduct business, issuance of public bonds, stock and/or membership certificates; evidence of officers and membership, including meetings, resolutions, meetings waived, and proxy voting; evidence of the release and disposition of pledged security; and Regional Attorney's closing instruction and other closing records.

FmHA 400-7	Compliance Review for Recreational Loans to Associations (FmHA Borrowers)
FmHA 400-8	Annual Compliance Review (Nondiscrimination by Recipients of Financial Assistance Through Farmers Home Administration)
FmHA 427-1	Real Estate Security Mortgages and/or Deed of Trust Instruments
FmHA 427-3	Rider to Real Estate Mortgage or Deed of Trust - Homestead Entryman or Contract Purchaser (Direct or Insured Loan)
FmHA 427-4	Transmittal of Title Information
FmHA 427-5	Affidavit of Borrowers (or Transferees)
FmHA 427-6	Affidavit of Sellers (or Transferors)
FmHA 427-8	Agreement with Prior Lienholder
FmHA 427-9	Preliminary Title Opinion
FmHA 427-10	Final Title Opinion
FmHA 427-11 or 12	Warranty Deed

POSITION 5 - REAL ESTATE RECORDS, ORGANIZATIONAL DOCUMENTS AND REGULATIONS
(Cont.)

FmHA 427-13	Waiver of Encumbrances, Exceptions, and Reservations
FmHA 427-15	Loan Closing Instructions
FmHA 427-16	Notification of Loan Closing
FmHA 427-17	Loan Closing Statement
FmHA 440-34	Option to Purchase Real Property
FmHA 440-35	Acceptance of Option (Vendor to furnish abstract)
FmHA 440-59 (HUD-1)	Settlement Statement
FmHA 442-8	Resolution of Members or Stockholders
FmHA 442-9	Association Loan Resolution (Security Agreement)
FmHA 442-20	Right-of-Way Easement
FmHA 442-21	Right-of-Way Certificate
FmHA 442-22	Opinion of Counsel Relative to Rights-of-Way
FmHA 442-30	Water Purchase Contract
FmHA 442-47	Loan Resolution (Public Bodies)
FmHA 442-48	Grazing Association Loan Resolution
FmHA 443-2	Option for Purchase of Farm - Land to be Subdivided (Duplicate of tract folder copy)
FmHA 443-3	Assignment of Interest in Option (Land to Be Subdivided (Duplicate of tract folder copy)
FmHA 443-4	Designation of Assignee of Interest in Option (Land to be Subdivided) (Duplicate of tract folder copy)
FmHA 443-5	Short-term Lease of Optioned Land

POSITION 5 - REAL ESTATE RECORDS, ORGANIZATIONAL DOCUMENTS AND REGULATIONS (Cont.)

FmHA 443-6	Short-term Lease (Between Purchaser and Seller)
FmHA 443-7	Temporary Cropping License
FmHA 443-8	Agreement (Between Seller, Purchaser and Tenant)
FmHA 443-10	Acceptance of Option by Assignee (Land to be Subdivided) (Duplicate of tract folder copy)
FmHA 443-11	Acceptance of Option by Buyer (Land to be Subdivided) (Duplicate of tract folder copy)
FmHA 443-16	Assignment of Income from Real Estate Security
FmHA 447-2	Resolution of Governing Body of Applicant
FmHA 449-2	Statement of Collateral
FmHA 449-35	Lender's Agreement
FmHA 449-36	Assignment Guarantee Agreement
FmHA 450-12	Bill of Sale (Transfer by Withdrawing Member)
FmHA 451-18	Consent and Release of Interest of the United States (Insured Farm Ownership Loan)
FmHA 460-1	Partial Release (When real estate security is involved)
FmHA 460-2	Subordination by the Government (When real estate is involved)
FmHA 460-4	Satisfaction (When real estate security is involved)
FmHA 465-1	Application for Partial Release, Subordination, or Consent (Real estate security only)

POSITION 5 - REAL ESTATE RECORDS, ORGANIZATIONAL DOCUMENTS AND REGULATIONS (Cont.)

FmHA 465-2	Lease of Security Property
FmHA 465-3	Caretaker's Agreement (Real property only)
FmHA 465-4	Offer to Convey Security
FmHA 465-5	Transfer of Real Estate Security
FmHA 465-6	Advice of Mortgaged Real Estate Acquired
FmHA 465-10	Invitation, Bid and Acceptance - Sale of Real Property by the United States
FmHA 465-11	Accelerated Repayment Agreement
FmHA 465-12	Quitclaim Deed
FmHA 1955 C-2	Non-exclusive Real Property Master Listing Agreement

Closing Instructions

Mortgagee Title Insurance Policy

(May be filed in Position 7 if a title insurance company's services are not used for loan closing.)

Agreement for Service through Individual Facility

Agreements: Membership or Technical Services

Amendments: To Bylaws, Resolutions, or Regulations; Certified Copies of Articles of Incorporation, Bylaws, and Regulations or Charter; Certified Copy of

Certificate of Membership or Users Certificates; copies of

Certificate of Incorporation

Evidence of filing or submitting periodic report to State agencies or others as required, to maintain legal entity

POSITION 5 - REAL ESTATE RECORDS, ORGANIZATIONAL DOCUMENTS AND REGULATIONS (Cont.)

Evidence of Organizational Meetings (includes minutes of meetings)

Lists of: Association Members and interest held by each; and Officers and Directors

Subscription Agreement

Occupancy Agreement

Water and/or Sewer User's Agreement

Evidence of Other Security Pledged (Example: Life Insurance Policies)

Foreclosure Notice Actions

Leases, Permits, Assignments, and other evidence of contact

Personal Liability (for loan)

Purchase Contract or Agreement, Certified Copy of

Survey of Land

Inventory Breakdown (B&I)

Lender Security Agreements

FmHA Security Agreements

Lender Mortgages or Notes

Partnership Agreements

Schedule of Stock Ownership

Franchise Agreement

POSITION 6 - CONSTRUCTION, DEVELOPMENT, AND FACILITIES MAINTENANCE

This position contains construction, development, and facilities maintenance records such as evidence of technical and engineering feasibility studies; working drawings, specifications, bids, and contractors; development and inspection reports, and release of contractors; and evidence of maintenance and repair of physical facilities.

AD-425	Contractor's Affirmative Action Plan for EEO
FmHA 120-10	Solicitation, Quotation, Purchase Order, Inspection and Invoice
FmHA 120-11	Solicitation, Quotation, Purchase Order Continuation Sheet No. _____
FmHA 400-1	Equal Opportunity Agreement (Destroy five years after primary contractor is released from liability)
FmHA 400-3	Notice to Contractors and Applicants (Destroy five years after primary contractor is released from liability)
FmHA 400-6	Compliance Statement (Destroy five years after primary contractor is released from liability)
FmHA 424-1	Development Plan
FmHA 424-2	Dwelling Specifications
FmHA 424-3	Service Building Specifications
FmHA 424-5	Invitation for Bid (Construction Contract) (Destroy five years after primary contractor is released from liability)

POSITION 6 - CONSTRUCTION, DEVELOPMENT, AND FACILITIES MAINTENANCE (Cont.)

FmHA 424-6	Construction Contract
FmHA 424-7	Contract Change Order (To be attached to or filed with the Form FmHA 424-6 which it changes.)
FmHA 424-8	Performance and Payment Bond
FmHA 424-9	Certificate of Contractor's Release
FmHA 424-10	Release by Claimants
FmHA 424-11	Statement of Labor Performed (Deliver to borrower when all items of development have been completed and the supervised bank account closed.)
FmHA 424-12	Inspection Report (Destroy five years after primary contractor is released from liability)
FmHA 424-13	Certificate of Actual Cost of Construction
FmHA 424-16	Record of Pre-Construction Conference (Destroy five years after primary contractor is released from liability)
FmHA 424-18	Partial Payment Estimate (Destroy five years after primary contractor is released from liability)
FmHA 424-19	Builder's Warranty
FmHA 424-20	Request for Subdivision Feasibility Analysis
FmHA 440-21	Notice of Expiration of Builder's Warranty (Destroy five years after primary contractor is released from liability)

POSITION 6 - CONSTRUCTION, DEVELOPMENT, AND FACILITIES MAINTENANCE (Cont.)

FmHA 440-27 Labor Standards Provisions
 (Destroy five years after primary contractor is
 released from liability)

FmHA 440-28 Labor Standards Interview Report
 (Destroy five years after primary contractor is
 released from liability)

FmHA 442-19 Agreement for Engineering Services
 (Destroy five years after primary contractor is
 released from liability)

FmHA 442-33 Shift In Land Use Plan
 (Destroy five years after primary contractor is
 released from liability)

FmHA 449-11 Certificate of Acquisition or Construction
 (Destroy five years after primary contractor is
 released from liability)

Contractor's Bills, Invoices, and Statements of Labor Performed
(An envelope may be used temporarily for this material. Deliver to
borrower when all items of farm development have been completed, all
bills have been paid, and supervised bank account closed.)

DHUD-FmHA or VA construction inspection reports

Approval By State and Local Agencies, evidence of

Bid Documents
(Destroy five years after primary contractor is released from liability)

Bonds, Performance and Payment
(Destroy five years after primary contractor is released from liability)

POSITION 6 - CONSTRUCTION, DEVELOPMENT, AND FACILITIES MAINTENANCE (Cont.)

Construction Contracts and Documents (includes architectural and engineering)
(Destroy five years after primary contractor is released from liability
or one year after warranty period, whichever is later)

Evidence of Concurrence and Compliance with Construction Requirements of
State, County, and Municipal Governments (includes Building Permits)

Evidence of Board of Health approval

Evidence of Concurrence with State Pollution Control Agency

Evidence that project is consistent with comprehensive area water and
sewer plan

Maps (before and after)

Preliminary Plans & Engineering Reports (including specifications, cost
estimates, and proposed manner of construction)
(Destroy five years after primary contractor is released from liability)

Plot Plans

Utility Availability Documents

POSITION 7 - PROPERTY AND MORTGAGEE TITLE INSURANCE, PROPERTY TAX
RECORDS, AND POSITION FIDELITY SCHEDULE BONDS

FmHA 426-1	Valuation of Buildings
FmHA 426-2	Property Insurance Mortgage Clause (Without Contribution) (Keep with related insurance policy.)
FmHA 426-7	Insurance Binder (Retain until replaced by an Insurance Policy - then deliver binder to borrower.)
FmHA 440-24	Position Fidelity Schedule Bond
FmHA 447-3	Tax and Assessment Data

Insurance Policies - Property and Public Liability or Declaration Page (when a master policy is in effect)

~~(Deliver to borrower after cancellation or expiration of the policy unless there is a loss pending. On a loss pending case, deliver policy to borrower only after settlement of the claim.)~~

~~Receipts for Payment of Property Insurance~~

~~(Deliver to borrower at time of releasing expired or canceled policy)~~

Mortgagee Title Insurance Policy

(May be filed in Position 5 if a title insurance company's services are used for loan closing.)

(Return to FP and Section 502 RH borrowers after the first year of the loan, all other borrowers, return

POSITION 8 - APPRAISAL AND FEASIBILITY RECORDS

FmHA 422-1	Appraisal Report (Farm Tract)
FmHA 422-2	Supplemental Report, Irrigation, Drainage, Levee, and Minerals
FmHA 422-3	Map of Property
FmHA 422L3	Map of Property
FmHA 422-4	Township Plat Map
FmHA 422-6	Multiple Township Plat Map
FmHA 422-7	Appraisal Report for Multiunit Housing
FmHA 422-8	Property Information and Appraisal Report (Rural Housing Nonfarm Tract)
FmHA 422-10	Appraiser's Worksheet for Study of Comparable Properties
FmHA 422-11	Appraiser's Worksheet for Study of Comparable Properties (Nonfarm)
FmHA 442-10	Appraisal Report - Water and Waste Disposal Systems

Appraisals (B&I)
Feasibility Studies and Reports