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elcome to the second issue of our quarterly newsletter. We invite your suggestions of topics you would like to see covered in the newsletter. Additionally, if you would prefer to receive the newsletter by e-mail, please send us your e-mail address, and we will be happy to send it to you on-line.

ASSOCIATE PROFILES



Leslie Howell

Leslie Howell graduated from the University of Missouri with a B.S.W. in 1987. In 1991, she received her J.D. (cum laude) from St. Louis University School of Law. Upon graduation from law school, Leslie joined the St. Louis law firm of Thompson and Mitchell (now Thompson and Coburn), where she practiced in the

commercial litigation department.

Since relocating to Atlanta, Leslie has served as a judicial law clerk and as an adjunct professor of law at Emory School of Law. Leslie joined Franzén and Salzano as an associate in January of 1998.

Leslie and her husband, Tom, have a son and a daughter, ages 3 and 6. She and her family enjoy camping, swimming and reading.

John Bedard Jr.

received his B.S. degree in Economics with High Distinction from Pennsylvania State University in 1995 and graduated from the Syracuse University College of Law in 1998. While in law school John clerked for the Sullivan County Legal Aid Society



John Bedard Jr.

in Monticello, New York and for a sole practitioner in Syracuse, New York. Upon graduation from law school, John joined Franzén and Salzano. In his spare time, John enjoys fishing the Chattahoochee River and traveling.

"TALKING THE TALK"

In **August**, Terry Franzén addressed the Consumer Finance Committee at the annual American Bar Association Conference. In **September** she will address the Georgia Association of Mortgage Brokers at their monthly luncheon. On **October 8**, she will speak at the Conference on Consumer Finance Law in Dallas regarding defense strategies in Fair Debt Collection Practices Act litigation. She will speak on federal preemption at the NHEMA Attorneys' Round Table meeting on **October 21** in Chicago. On **November 3**, she will speak to the Mortgage Bankers Association of Georgia regarding PMI.

In **November** Loretta Salzano will be traveling to New Orleans to address the Southeastern Mortgage Brokers Conference.

DID YOU KNOW?

In addition to providing legal services related to the lending industry, the firm also helps our clients with employment law and general business law matters. Please call our office if you would like additional information.

Points of Interest IN LEGISLATIVE AND REGULATORY DEVELOPMENTS

NORTH CAROLINA

In late July, the Governor of North Carolina signed legislation referred to as the “Predatory Lending Law.” This new law significantly impacts mortgage lenders and brokers doing business in North Carolina. The law revises permissible fees for certain loans and imposes restrictions on high cost home loans. The law also prohibits certain activities by mortgage lenders and brokers and includes a number of consumer protection provisions.

FLORIDA

Florida recently enacted changes to its Mortgage Brokerage and Mortgage Lender Licensing Act so as to require registration of loan originators and eliminate the in-state office requirement.

GEORGIA

The Georgia Department of Banking amended the regulations implementing the Georgia Residential Mortgage Act. The new rules place the burden of providing the good faith estimate on the mortgage broker in many instances. Mortgage brokers who table fund loans must now provide the Georgia Mortgage Loan Foreclosure Statement. Previous law required only lenders to provide this notice. The Regulations also require a broker to retain credit reports and appraisals ordered by the broker. The Department has specified a number of requirements for audited financial statements and has clarified the circumstances under which the terms “closing” or “settlement” may be used. The new rules add penalty provisions for two types of prohibited conduct.

LOUISIANA

Louisiana has adopted an extensive new law, the Residential Mortgages, Brokers and Lenders Act. The law establishes permissible fees and interest rates. The new Act also requires licenses for mortgage lenders and brokers and imposes bond, education and testing requirements.

KANSAS

New Kansas law substantially changes the permissible rates, terms and conditions of certain consumer loans, including real-estate secured loans.

TEXAS

Texas has adopted a new Mortgage Broker Licensing Act. The Act exempts certain mortgage bankers.

PROPOSED REVISION TO REG B

The Federal Reserve Board has published proposed revisions to Regulation B, which implements the Equal Credit Opportunity Act. These revisions eliminate the prohibition on collecting race and gender information on non-mortgage loans and require creditors to retain records on criteria used to select pre-screened marketing lists. The proposal expands from 12 to 25 months the record retention period for most business credit applications. The Board is also proposing revisions to the official staff commentary to Regulation B.

For more information on any of these matters, please contact our office.

Publisher’s Note

Points of Interest is published by Franzén and Salzano, P.C. for clients and colleagues in the lending industry and should not be construed as legal advice. The contents are for general information purposes only. You are urged to consult legal counsel concerning any specific situation or legal issue.

Terry Franzén’s e-mail address: tfranzén@franzén-salzano.com

Loretta Salzano’s e-mail address: lsalzano@franzén-salzano.com



**FRANZÉN AND
SALZANO, P.C.**

ATTORNEYS AT LAW

3169 Holcomb Bridge Road
Suite 202
Atlanta, Georgia 30071-1315