



Settlement Terms

Going to a settlement and signing a contract on a new home can be bewildering. Home buyers are usually required to sign a seemingly endless pile of documents, most of which are written in legalese. While you may not understand all of the details involved in the settlement process, there are certain important items you should know about so that you can achieve the best possible terms for yourself in the transaction. Some the more common terms found in your contract include:

Appraisal Fee

An appraisal is an estimate of the fair market value of your home. Appraisals help both the lender and the buyer to determine if the sales price is consistent with the actual value. An appraiser inspects the house and the neighborhood and makes an estimate based on the price of comparable houses and other factors. The appraisal provides no guarantee that the property is free of defect. Lenders insist on an appraisal to see how much they could recover by selling your house if you default. The fee for this service may vary considerably depending on the specific characteristics of your house.

Attorney's Fees

If the lender requires an attorney to draw up any of the settlement documents, you may be charged a fee—a flat amount or a percentage of the loan. If you hire a lawyer to assist with the settlement, you will have to pay an additional fee at or immediately following settlement.

Credit Report

The lender may charge a fee for investigating your credit history.

Earnest Money

Earnest money is a deposit paid to a seller to show you are serious about buying a house. Your receipt for this payment is called a binder. If you later buy the home, the earnest money is applied to your downpayment. If not, the earnest money is returned, minus expenses for processing. Understand refund procedures before you make a deposit.

Escrow Fees and Accounts

Escrow involves having a third party hold funds and/or documents until you and the seller complete settlement. Depending on the circumstances of your loan, you may be asked to make monthly payments to an escrow account after you purchase your home. Money in the account may be used to pay taxes, insurance and any other regular assessments as they fall due. Such accounts serve a similar purpose to withholding income tax from your paycheck—by putting aside money each month, you avoid large annual or semiannual payments. You may be charged a fee for the service. Escrow accounts may draw interest.

Sometimes, escrow agents handle settlements. Rather than you and the lender meeting to sign all of the documents and transfer money, the agent works with you and the lender separately to ensure that everything is done properly. Once again, a fee is required for this service.

Loan Origination Fee

A lender will charge a fee for the cost of processing the loan, usually calculated as a percentage of the loan amount.

Loan Discount (Points)

The largest of your settlement costs may be the “points” lenders require to make the yield on your loan more profitable. A point is one percent on your loan amount. If you are borrowing \$50,000, one point equals \$500. Points are tax deductible if they are paid separately and not deducted from the loan amount. For VA loans, you can be charged a maximum of one point, but the number of points can be higher for FHA and conventional loans.

On a 30-year loan, each point that you pay reduces your interest rate by roughly 1/8 of a percent. You may be faced with a choice between two mortgages in which one has lower monthly payments but involves paying more points up front. Annual percentage rate calculations include buyers’ points, so ask for the annual percentage rate (APR) to help you make your assessment. Keep in mind that an APR is a 30-year composite figure. If you sell your new home after a few years, the average annual cost of your points will be much higher than is reflected in the APR. If you plan to move soon, you might be better off with a loan that had a slightly higher rate but fewer points.

Property Survey Fee

You may have to pay to have your lot surveyed, especially if there is a question about the boundaries. The cost will depend on the complexity of the survey.

Recording Fee

Because title is changing hands, the transaction must be recorded with your city, county or other appropriate branch of government. The fee covers administrative costs.

State and Local Transfer Taxes

Most jurisdictions levy taxes on the transfer of property or real estate loans.

Settlement and Costs Between Buyer and Seller

Your builder may have already paid the annual property taxes on your new home or filled up your fuel tank. When title changes hands, you must reimburse the builder for a proportional share of the taxes, any fuel that remains in the tank, and any other prepaid costs.

Title Search and Insurance

A title search involves having someone look through public records to see if anyone else has a claim to your property. A lender does not want to lend you money only to learn in the event of foreclosure that somebody other than you has a prior claim to the property.

You will normally be required to purchase lenders’ title insurance to guard against a faulty title search as well as hazards that even the most thorough search will not reveal—such as a forged deed that does not transfer title, claim by a previously undisclosed relative of a former owner, or a mistake in the records. For a one-time premium at closing, title insurance will clear up title problems, pay the lender’s legal expenses for defending against an attack on title, or pay claims on property the lender may lose.

Lenders’ title insurance does not compensate buyers for any legal expenses they might incur, or the value of property they might lose. A separate owners’ title insurance is available to safeguard the buyer. Whether the seller or the buyer pays for owners’ title insurance depends on local custom.

The list of settlement terms above is not all-inclusive. You may also be charged fees for notarizing documents and other miscellaneous items.