

## Chapter CU 54

## REAL ESTATE MORTGAGES IN CREDIT UNIONS

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**Note:** Chapter CU 54 as it existed on December 31, 1979, was repealed and a new chapter CU 54 was created effective January 1, 1980.

**CU 54.01 Limitation on real estate mortgages.** (s. 186.09 (10), Stats.) Any credit union whose assets are in excess of \$500,000 may invest in real estate mortgage loans to members out of surplus funds only, subject to the following restrictions:

(1) The maximum individual loan shall be in ratio to total assets:

(a) Total assets of \$500,000 to \$1,000,000 — Maximum Loan — \$25,000;

(b) Total assets of \$1,000,001 to \$3,000,000 — Maximum Loan — \$50,000;

(c) Total assets of \$3,000,001 to \$5,000,000 — Maximum Loan — \$60,000;

(d) Total assets of \$5,000,001 to \$10,000,000 — Maximum Loan — \$75,000;

(e) Total assets of \$10,000,001 and over — Maximum Loan — \$100,000

(2) The aggregate of real estate mortgage loans shall not exceed 50% of total assets.

(3) (a) All mortgage loans shall be limited in amount to a maximum of 80% of the appraised value, not including premium for life insurance secured for the amount loaned.

(b) Credit unions with assets of \$1,000,000 or more may grant real estate mortgage loans within the limits of subsections (1) and (2) and in excess of 80% of the appraised value of the mortgaged property, but not more than 90% of the appraised value of the mortgaged property, provided this excess is insured by mortgage guaranty insurance.

(4) Such loans shall be made on improved real estate which is situated within the boundaries of the state of Wisconsin. In border cities such loans may be made in contiguous states, within a radius of 50 miles from the credit union office.

(5) (a) No real estate mortgage shall be made for a period in excess of 30 years. At the discretion of the board of directors, the mortgage may be amortized monthly.

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(b) A credit union may use an interest rate escalator clause to permit the credit union to increase or decrease the mortgage loan note interest rate within the amortization period of the real estate mortgage loan.

(6) A credit union may grant 2 real estate mortgage loans to any one member. In the case of multiple unit properties, the requirements shall be the same as for single units.

(7) At the discretion of the board of directors, a credit union may grant real estate mortgage loans to its members for the purchase of a condominium. Such loans shall be considered the same as other real estate mortgage loans.

**History:** Cr. Register, December, 1979, No. 288, eff. 1-1-80.

**CU 54.02 Mortgage repayments may include deposits for the payment of real estate taxes and insurance.** (1) The written lending policies of the credit union, as approved by its board of directors, shall include the requirements, if any, for deposits with the credit union for the payment of real estate taxes and insurance. The manner in which such deposits are applied and any interest to be paid thereon shall also be included in these written lending policies.

**History:** Cr. Register, December, 1979, No. 288, eff. 1-1-80.

**CU 54.03 Appraisal of property.** (1) All property on which real estate mortgage loans are made must be appraised by a certified appraiser; a licensed real estate broker; or by a person whose experience would indicate competence to make appraisals for loan purposes. No appraiser shall be an officer, director or employe of the credit union for which the property is being appraised and no appraiser shall be directly or indirectly interested in any property appraised.

(2) Neutral appraisals shall not be required when the mortgage loan application is less than 50% of the current assessed tax value and is supported by an appraisal by person (s) representing the board of directors.

(3) All appraisals shall be indicate separate values for land and improvements.

**History:** Cr. Register, December, 1979, No. 288, eff. 1-1-80.

**CU 54.04 Required supporting data.** Each mortgage loan made by a credit union shall be supported by the following documents and information:

(1) The note properly executed and the mortgage instrument properly signed and recorded;

(2) Abstract of title or owner's title policy showing title in the borrower and the mortgage to the credit union or a mortgage policy in favor of the credit union. In the case of an abstract of title, an attorney's opinion indicating that the mortgage to the credit union is a first lien;

(3) As a minimum, fire and extended coverage insurance shall be carried in an amount equal to the amount of the loan or to the full, replacement value of the buildings;

(4) (a) Original or copies of insurance policies or a certificate of insurance required by subsection (3) must be on file and must contain a mortgage clause in favor of the credit union;