

Electronic Loss Mitigation Documents Quick Reference Guide

Interested in offering electronic loss mitigation documents and electronic signatures to borrowers? This quick reference guide can help. It provides the guidelines for offering electronic loss mitigation documents. Servicers must comply with all the applicable provisions of the *Freddie Mac Single-family Seller/Servicer Guide (Guide)*, and other purchase documents, along with the requirements outlined in this guide.

Electronic Loss Mitigation Documents

Freddie Mac allows servicers to leverage electronic loss mitigation documents provided that:

- The document is not intended to constitute a formal notice of default.
- The document is permitted to be created and executed electronically pursuant to the security instrument (i.e. deed of trust or mortgage).
- The servicer's systems can create valid, enforceable electronic records and electronic signatures in compliance with applicable state and federal laws, E-SIGN and UETA.
- The borrower(s) express consent in accordance with E-SIGN and UETA is obtained before they receive electronic documents and sign those documents electronically.
- The borrower has not withdrawn consent to receive electronic notices and communications.

Related Guide Sections

- For general requirements related to electronic transactions between servicer and borrower, please refer to Guide Section [1401.17](#).
- Electronic modification agreement:
 - Please refer to Guide Section [9206.19](#) about requirements for an electronic modification agreement created for a paper note.
 - Please refer to Guide Section [1402.11](#) about requirements for an electronic modification agreement created for an eNote.
- Electronic payment deferral agreement:
 - Please refer to Guide Section [9203.27](#) about requirements for an electronic payment deferral agreement created for a paper note.
 - Please refer to Guide Section [1402.11](#) about requirements for the electronic payment deferral agreement created for an eNote.
- For requirements for borrower solicitation and communication, please refer to Guide Section [9102.5](#)