

- b. The service is actually rendered,
- c. Payment is reasonable and customary,
- d. The broker's fee is included in form HUD-92434M, and
- e. Borrower submits a letter to HUD identifying the fee paid, the name of the broker, the reasons why it was necessary to employ a broker, and certifying that there is no identity of interest between Borrower/Sponsor and the broker, or between Lender and the broker.

11.5**Title Matters****A. Air Rights and Other Shared Interest Projects**

1. A three dimensional air rights map for air rights projects is required. The existence of adequate vertical ways to the ground for required services, e.g., utility and fire suppression lines, chimneys, trash chutes, elevators and emergency exit stairs must be verified. In addition, there must be an acceptable discharge to a public way from all building egresses, including emergency exits, and services, e.g., trash removal.
2. Maintenance, joint use, easement and other agreements may be required. In cases where common facilities exist between the insured parcel and an adjacent parcel, Mortgagor must provide for recordation of an agreement for the common use land and facilities, e.g., common drives, common lobbies, elevators, walkways, utility roads, parking structures, recreation facilities, storm water management facilities (retention ponds detention ponds, swales and culverts) or other air rights project common facilities. The agreement must grant rights to the HUD project site and its residents to use the common facilities. If the HUD project is subject to property/homeowner association documents such as with a cooperative, these documents may provide for maintenance, access and cost sharing.
3. The Hub Director must:
 - a. Assure that the integrity and maintenance of air rights platform foundations and other structural members are defined as the air rights provider's responsibility.
 - b. Verify that shared maintenance/operating costs are equitable and that enforcement rights protect the project interests.
 - c. Require easements, cross easements or other documents to provide the HUD project and its residents the right to use the common facilities.

11.6**Mortgagor Entity's Organizational Documents****A. Mortgagor Entity's Organizational Documents**

1. General. Organizational documents for the mortgagor entity are required to be submitted at closing. The specific documents required for each type of mortgagor entity are set forth in the FHA Housing Closing Guide checklist. These requirements apply to all types of closings including initial, initial/final, and final endorsements. For multi-tier entities, mortgagor entities