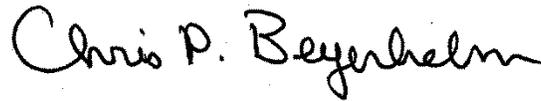


For: State and County Offices

1-FLP, 2-FLP, 3-FLP
4-FLP, 5-FLP

Guidance on Direct and Guaranteed Loan Making and Servicing Actions

Approved by: Deputy Administrator, Farm Loan Programs



1 Overview

A Background

Historic drought conditions and record feed costs have dramatically increased financial stress for many farmers/ranchers. Without assistance, many FSA direct and guaranteed farm loan borrowers will find it difficult or impossible to survive. FSA is committed to using all available authorities, consistent with prudent lending practices, to assist borrowers in surviving this period of unprofitability.

B Purpose

This notice provides guidance on:

- extending repayment terms for annual OL's for farmers/ranchers
- extending unequal repayment schedules for term OL's for farmers/ranchers
- releasing normal income security
- notifying borrowers of servicing options
- contacting guaranteed lenders to:
 - discuss direct loan making and loan servicing options available
 - remind lenders of loan making and servicing options under the Guaranteed Loan Program.

Disposal Date	Distribution
June 1, 2013 9-13-12	State Offices; State Offices relay to County Offices

Notice FLP-623

1 Overview (Continued)

C Contact

If there are questions about this notice:

- County Offices shall contact their State Office
- State Offices shall contact:
 - LMD at 202-720-3889 for loan making inquiries
 - LSPMD at 202-720-4572 for loan servicing inquiries.

2 Direct Loan Making

A Repayment Terms

3-FLP, subparagraph 204 B allows repayment of annual OL's to be scheduled beyond 18 months under extenuating circumstances including recovery from economic reversal. This provision is intended as a means to help borrowers survive through unique periods of financial difficulty. Since the current drought conditions are affecting many farmers/ranchers, this provision should be considered. When considering this provision, repayment terms for annual OL's:

- shall be repaid in the shortest timeframe possible, and consistent with cash flow projections
- may be extended beyond 18 months, only when necessary for a feasible plan, and must **not** exceed 7 years.

In assessing the decision to extend the repayment period beyond 18 months, the loan **must be secured by basic security** according to 3-FLP, subparagraph 204 B. Repayment of term OL's may include unequal repayment schedules under extenuating circumstances including recovery from economic reversal according to 3-FLP, subparagraph 204 C.

Note: Annual OL repayment periods exceeding 18 months or term loans with unequal installments shall be used only in unusual situations. With either repayment schedule, there must be adequate basic security. Borrower equity may be depleted and FSA's ability to provide additional loan assistance may be reduced. FLP staff should have a candid discussion with borrowers about the implications of using these payment structures for their operation during FBP development.

Notice FLP-623

2 Direct Loan Making (Continued)

B Determining Repayment Period

In addition to the current year FBP developed for applicants, a “feasible plan” requires the development of a typical cash flow budget in situations where the planned cash flow budget is atypical and the loan approval action exceeds 1 production cycle. Therefore, **two FBP’s** shall be prepared to:

- determine a feasible repayment period
- show the long-term viability of the operation.

C DLS

When obligating an annual operating loan for more than 18 months, Field Offices shall:

- use the Type of Assistance code (051, 106, 211 or 212) for OL-Term loans
- select Loan Purpose Code “08” to indicate annual operating expenses.

3 Direct Loan Servicing

A Releasing Normal Income Security for Essential Family Living and Farm Operating

Normal income security proceeds may be released according to 4-FLP, subparagraph 163 B and any additional guidance in approved State Supplements. Any portion of the proceeds planned for FSA FLP debt reduction may be released as needed for essential family living or farm operating expenses. County Offices shall revise FBP and FSA-2040 to account for the release of proceeds according to 4-FLP, subparagraph 162 E.

Note: Normal income security includes crop, milk, market livestock, and livestock product sales.

B Notifying Borrowers of Available Servicing Options

For counties designated as disaster areas, County Offices shall notify all active borrowers of DSA availability according to 5-FLP, Part 2.

Borrowers who are in financial distress, or request primary loan servicing will be:

- notified according to 5-FLP, Part 3
- given all primary loan servicing options allowed.

Notice FLP-623

3 Direct Loan Servicing (Continued)

B Notifying Borrowers of Available Servicing Options (Continued)

Debt restructure may be considered while the borrower is still current under 5-FLP, Parts 2, 3, and 4. All restructuring options available for distressed borrowers will be considered, including the following:

- DSA
- rescheduling
- consolidation
- reamortization
- deferral for 1 to 5 years.

Attention should be given to the deferral authorities and procedures in 5-FLP, paragraphs 159 and 160 to ensure that deferral is considered in a manner that provides adequate time for borrowers to recover from the present situation while limiting interest accrual on the deferred balance.

Note: Borrowers who become delinquent will immediately be considered for debt writedown, and those that become 90 calendar days past due will be notified again of all options according to 5-FLP.

4 Guaranteed Loan Making

A Contacting Guaranteed Lenders

Authorized loan officials shall contact guaranteed lenders to explain the:

- direct loan making and loan servicing policies in this notice
- options available to assist guaranteed loan borrowers.

B Repayment Terms

2-FLP, paragraph 137 allows lenders to schedule repayment of annual OL's and lines of credit for up to 7 years when recovering from an economic reversal and to schedule unequal installments on term loans if needed to recover from an economic reversal. These extreme measures are authorized to assist producers with long-term viability in obtaining operating capital in difficult times. The policies are temporary and should be used with care and caution. Consistent with direct loan policies, the requirement to meet the definition of "feasible plan" using a typical plan also applies to guaranteed loans. Lenders shall structure repayment over the shortest period of time practical, based on cash flow budgets.

Notice FLP-623

4 Guaranteed Loan Making (Continued)

B Repayment Terms (Continued)

2-FLP, subparagraph 166 B provides the following:

- the lender **must** ensure that adequate collateral is obtained and maintained to protect the interests of the lender and Government

Note: When repayment of an annual production loan is scheduled over multiple years, the:

- borrower's expected normal income security will **not** be sufficient security
 - loan must be secured with basic security.
- additional security may be required if the cash flow margin is excessively tight.

Note: The amount of basic security needed above a 1:1 collateral ratio is dependent on the particular operation, considering the requirement for the lender to maintain adequate security. In no case will a loan or line of credit be extended beyond the current operating cycle without adequate basic security.

C Refinancing Lender's Debt

Lenders are to be cautioned against extensive use of refinancing their own debt to transfer risk of loss to the Government. In cases where a lender is refinancing their own debts, FSA is authorized to reduce the percent of guarantee based on the credit risk to the lender and FSA both before and after the transaction according to 2-FLP, subparagraph 195 A. OL and FO guarantees to CLP and Preferred Lender Program lenders will not be less than 80 percent. Authorized agency officials should consider this authority during this period of stress and ensure that available rates and terms for the refinancing improve the applicant's likelihood of success rather than simply transferring risk to the Government.

Notice FLP-623

5 Guaranteed Loan Servicing

A Releasing Normal Income Security for Essential Family Living and Farm Operating

Lenders are permitted to temporarily release normal income security. However, any releases beyond what is necessary to make the annual payments will require the lender to prepare a cash flow budget showing repayment in the year of the release or a typical year cash flow budget reflecting loan restructuring, including deferrals, that will be necessary to keep the operation in business. Documents shall be submitted according to the lender status requirements in 2-FLP.

Note: Normal income security includes crop, milk, market livestock, and livestock product sales.

B Loan Servicing Options

Lenders may consider all options under 2-FLP, Parts 11 and 12 including deferral and writedown to assist farmers/ranchers.

Requests for a subordination from lenders to advance additional funds against basic or additional security will be immediately forwarded to DAFLP for exception authority consideration according to 2-FLP, subparagraphs 278 A and B. The subordination request must document that it is for a farming/ranching operation experiencing distress.