

From: bcastro619@aol.com
Sent: Wednesday, September 15, 2010 11:43 AM
To: !FHFA REG-COMMENTS
Subject: Guidance on Private Transfer Fee Covenants No. 2010-N-11

Dear Mr. Pollard,

I ask that you reject the proposed guidance, for the following reasons:

1. Despite widespread use of transfer fees for decades, there is no evidence of harm to consumers or lenders.
2. Passing the guidance will negatively impact millions of homeowners, who will find their property ineligible for low-cost financing.
3. Transfer fees are voluntary. No one is forced to pay the fee and they are easily recognizable through proper disclosure.
4. Developers use capital recovery fees to spread infrastructure costs. There is nothing unfair or inequitable about this practice. It is analogous to using road bonds to pay for roads.
5. Developers sell off the income stream (e.g. a development bond), and use the proceeds to PAY OFF LOANS, REDUCE NEGATIVE EQUITY, and RESTART FAILED PROJECTS - CREATING JOBS. In return, homeowners pay less up front.
6. HOAs use transfer fees to lower quarterly dues. Non-profits use the income to provide important community benefits.
7. These fees are embedded within deed restrictions, and cannot be easily removed in most cases - if at all. Some fees (to charity) run in perpetuity.
8. If the issue is protecting Fannie and Freddie, there is no basis for eliminating the use by subdivision developers. Lender liability bears no relationship to the ultimate use of the fee.
9. The guidance is being pushed almost exclusively by two special interest groups well known for lobbying hard for lax lending standards and subprime loans in pursuit of profits.
10. The guidance will not stop developers from using the fee. It will simply saddle homeowners with higher interest payments.
11. The bond market has dried up and is not coming back for years to come. This market was used to finance infrastructure improvements to amortize costs and make homes and commercial

space more affordable to consumers.

12. The arguments of ALTA & NAR are not valid. These organizations have no ownership interest in property, yet they seek to dictate the terms of sale.

13. I have been a Residential & Commercial Builder and real estate developer for 35 years.

Our business has been severely diminished by the Great Recession. There is no financing out there.

The Credit Markets are Frozen indefinitely. Government needs to open its eyes, see the reality and

be proactive for the private sector. Passing measures like the Guidance on Private Transfer Fees, that

further hinder a real estate developers ability to creatively finance, helps no one including ALTA & the NAR.

In conclusion, passing the proposed guidance will only stifle our potential business growth, while special interest groups with no skin in the game profit at our expense.

Sincerely,

Robert J. Castro

VENTIERRA RES, INC.
50855 Washington Street #216
La Quinta, CA 92253
760-409-9766 Cell
866-380-3924 Fax

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