

**From:** Charlie Boswell [cebiv@hotmail.com]  
**Sent:** Friday, September 17, 2010 2:22 PM  
**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, RESTART FAILED PROJECTS, and CREATE 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.

Sincerely,  
Charles E. Boswell IV  
201 Asheton Way  
Simpsonville, SC 29681  
864-627-8901

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#### SPECIAL NOTES

- A. Be Nice! Do not attack FHFA. If you do attack NAR or ALTA, keep it professional please. Inflammatory language or rants HURT the message.
- B. Make sure the subject line includes <sup>3</sup>Guidance on Private Transfer Fee Covenants No. 2010-N-11<sup>2</sup> or they won't know where to post it.
- C. Try to enlist the help of your congressional representatives. CALL THEM. It takes 5 minutes, but it makes a big difference. CALLS get more attention than emails.
- D. Please post responses on web sites. ALTA has hired a PR firm (Hildebrand Strategies) to pump out a lot of articles, and we need to make our voice heard.

As we noted in our last call, we have began to see success, but the opposition is in high gear. Policy-makers need to hear your voice.

Sincerely,  
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