

ESCROW WAIVER OF TERM GRAZING PERMIT PRIVILEGES

FIRST SECOND (CHECK ONE - Only the Farm Services Agency is eligible to hold a second escrow waiver.)

(Reference FSM 2230 and FSH 2209.13)

NOTE: The information requested on this form is voluntary; however, all the data requested is necessary if you wish to be considered for an escrow waiver of term grazing permit privileges. The data is requested under authority of 5 USC 301, 36 CFR 222.3.

This MEMORANDUM witnesseth that:

WHEREAS, _____, of _____, hereinafter, the *Permittee*, received Permit Number _____ on date of _____, from the U.S. Department of Agriculture, Forest Service, authorizing the grazing of _____ head of _____ and _____ head of _____ on the _____ ('X' appropriate box) National Forest National Grassland, and

WHEREAS, such permit includes a priority for renewal from one term period to the next provided that the permittee fully complies with the terms and conditions of the expiring permit; and

WHEREAS, on _____, 20____ the *Permittee* conveyed a first second mortgage to _____ of _____, hereinafter, the *Lender*, for _____ head of _____ and _____ head of _____ permitted livestock and/or the following base property more particularly described as follows:

as collateral security for a loan in the amount of \$_____ payable on _____, 20__;

NOW, THEREFORE, the undersigned permittee surrenders to the Forest Service all privileges associated with Permit Number _____ as to _____ head of _____ and _____ head of _____ except the privilege to continue to graze the permitted livestock pending satisfaction of the mortgage(s) and a written statement from the lender that it no longer relies upon this escrow waiver. The permittee further understands that the privileges herein surrendered shall be restored upon the satisfaction of the mortgage and a written statement from the lender that it no longer relies upon the escrow waiver. The permittee also acknowledges that in the event the lender acquires title to all or part of the permittee's livestock, base property, or both identified in Part 1 of the permit by foreclosure, the permittee hereby forfeits the permit or portion thereof and all privileges connected therewith, including but not limited to the privilege of applying for nonuse. In the event the lender acquires the permittee's permitted livestock, base property, or both through foreclosure, the Authorized Officer will inform the lender that it will be a preferred applicant until the permittee's right of redemption expires according to state law. Where applicable, a Second Lender will be considered the preferred applicant for a term grazing permit only after the First Lender is satisfied.

Executed at _____, State of _____ this _____ day of _____, 20____.

Witness: _____

Permittee

Witness: _____

Permittee

Verified this _____ day of _____, 20__.

Verified this _____ day of _____, 20__.

(First Lender)

(Second Lender)

Confirmed and accepted for filing this _____ day of _____, 20__.

Confirmed and accepted for filing this _____ day of _____, 20__.

AUTHORIZED OFFICER (SIGNATURE)

NATIONAL FOREST OR GRASSLAND

RELEASE FROM ESCROW WAIVER OF TERM GRAZING PERMIT PRIVILEGES

TO: Authorized Officer, _____ (“X” the appropriate box) National Forest National Grassland

(Mailing Address and Zip Code)

This MEMORANDUM witnesseth that:

WHEREAS, _____ of _____,
the first second lender (“X” one), on _____, 20__, verified an escrow waiver of term
grazing permit privileges executed by the *Permittee*, on _____, 20__.

WHEREAS, the mortgage on which this escrow waiver was based has been satisfied and discharged and/or the lender has determined that it no longer relies on the Escrow Waiver;

NOW THEREFORE, the lender releases the Permittee from the Escrow Waiver.

Executed at _____, State of _____
this ____ day of _____, 20__.

Witness: _____
First Lender

Executed at _____, State of _____
this ____ day of _____, 20__.

Witness: _____
Second Lender

INSTRUCTIONS

1. The permittee will execute this Escrow Waiver in the presence of a witness. The permittee shall forward the executed and witnessed Escrow Waiver to the lender.
2. The lender will verify the permittee’s executed Escrow Waiver and shall forward it to the Authorized Officer who shall confirm it and file it in the permittee’s Term Grazing Permit folder. The folder shall be tagged in such a way as to conspicuously indicate that the contents include a confirmed Escrow Waiver.
3. The Authorized Officer shall send copies of the confirmed Escrow Waiver to the lender, the permittee, and appropriate Forest Service personnel. Incomplete forms shall not be confirmed or accepted for filing by the Authorized Officer and shall be returned to the permittee or lender, whichever is appropriate.
4. In order to confirm a second Escrow Waiver, the first Escrow Waiver of Term Grazing Permit Privileges form must be released by the First Lender and the replacement Escrow Waiver must be verified by both the First and Second Lenders. Only the Farm Services Agency (FSA) can be confirmed as the Second Lender.
5. When the mortgage has been satisfied or the lender no longer desires to rely on the Escrow Waiver, the lender will execute the release portion of the Escrow Waiver and send it to the Authorized Officer, who will then notify appropriate Forest Service personnel that the lender has released the Escrow Waiver and the permittee’s term grazing permit privileges have been restored.
6. The Release from Escrow Waiver shall be filed in the permittee’s Term Grazing Permit folder and the tag removed from the folder that previously indicated a confirmed Escrow Waiver was filed within.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0003. The time required to complete this information collection is estimated to average 20 minutes, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.