

## **Escrow Waiver of Term Grazing Permit Privileges**

(Reference FSM 2230 and FSH 2209.13)

CHECK ONE –  FIRST  SECOND (Only the Farm Services Agency is eligible to hold a second escrow waiver for the land or livestock.)

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 ESCROW WAIVER gives notice that:

**WHEREAS**, \_\_\_\_\_, of \_\_\_\_\_, 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 \_\_\_\_\_ National Forest or \_\_\_\_\_ National Grassland ('X' appropriate box), 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 , the *Permittee* conveyed a  first  second mortgage to

hereinafter, the *Lender*, for \_\_\_\_\_ head of \_\_\_\_\_ and \_\_\_\_\_ head of \_\_\_\_\_ permitted livestock  
and/or the following base property more particularly described as follows:

**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 \_\_\_\_\_, \_\_\_\_\_.

(Witness)

(Permittee)

(Witness)

(Permittee)

Verified this \_\_\_\_\_ day of \_\_\_\_\_ ,

Verified this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(First Lender)

(Second Lender)

Confirmed and accepted for filing this

Confirmed and accepted for filing this

\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

SIGNATURE OF AUTHORIZED OFFICER	NATIONAL FOREST OR GRASSLAND
---------------------------------	------------------------------

### Release From Escrow Waiver Of Term Grazing Permit Privileges

TO: Authorized Officer, \_\_\_\_\_  National Forest or  National Grassland ("X" the appropriate box)

(Mailing Address and Zip Code)

This RELEASE FROM ESCROW WAIVER gives notice that:

**WHEREAS**, \_\_\_\_\_ of \_\_\_\_\_, the  first  second lender ("X" the appropriate box), on \_\_\_\_\_ verified an escrow waiver of term grazing permit privileges executed by the Permittee, on \_\_\_\_\_.

**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 \_\_\_\_\_, \_\_\_\_\_.

(Witness)

(First Lender)

Executed at \_\_\_\_\_, State of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Witness)

(Second Lender)

### INSTRUCTIONS and REQUIREMENTS

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 labeled** 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 **for the land or the livestock**, 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 **for the land or the livestock**.
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 label removed from the folder** that previously indicated a confirmed Escrow Waiver was filed within.

**Burden Statement**

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 per response, including the time for reviewing instructions and requirements, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**Instructions for Completion of Form FS-2200-013, Escrow Waiver of Term Grazing Permit Privileges***(Reference FSM 2230 and FSH 2209.13)*

- 1) First or Second – Check the appropriate box for first or second escrow waiver.
- 2) Permittee – Enter Name of entity who is applying for an escrow waiver.
- 3) Address – Enter address of entity who is applying for an escrow waiver.
- 4) Permit Number – Enter the identifying number of the active permit held by the permittee.
- 5) Date – Enter the date the permit was signed.
- 6) Livestock Number (multiple fields) – Enter the number of permitted animals.
- 7) Livestock Kind (multiple fields) – Enter the appropriate livestock kind.
- 8) National Forest or Grassland Name – Enter the name of National Forest or Grassland where the active grazing permit is administered.
- 9) National Forest or Grassland – check the appropriate box.
  
- 10) Date – Enter the date the mortgage was conveyed.
- 11) First or Second – check the appropriate box.
- 12) Name – Enter the name of the lender that holds the mortgage.
- 13) City and State – Enter the city and state where the lender is located
- 14) Livestock Number (multiple fields) – Enter the number of permitted animals.
- 15) Livestock Kind (multiple fields) – Enter the appropriate livestock kind.
- 16) Description – Enter the legal description of the base property submitted for this permit.
- 17) Value – Enter the dollar amount of the loan.
- 18) Date – enter the date the loan is payable on.
  
- 19) Permit Number – Enter the identifying number of the active permit held by the permittee.
- 20) Livestock Number (multiple fields) – Enter the number of permitted animals.
- 21) Livestock Kind (multiple fields) – Enter the appropriate livestock kind.
  
- 22) Location – Enter the City where the waiver is being executed.
- 23) State – Enter the State where the waiver is being executed.
- 24) Day – Enter the day of the month the waiver is being executed.
- 25) Month – Enter the month the waiver is being executed.
- 26) Year – Enter the year the waiver is being executed.
- 27) Signature of Witness(s) – Enter the signature of the person witnessing the permittee's signing.
- 28) Signature of Permittee(s) – Enter the signature of the person authorized to waive the permit.
- 29) Signature of Witness(s) – Enter the signature of the person witnessing the purchaser's signing.
- 30) Signature of Purchaser(s) – Enter the signature of the person authorized to sign as the purchaser.
  
- 31) Day – Enter the day of the month the waiver is being executed.
- 32) Month – Enter the month the waiver is being executed.

- 33) Year – Enter the year the waiver is being executed.
- 34) First Lender – Enter the name of the first lender.
- 35) Day – Enter the day of the month the waiver is being confirmed.
- 36) Month – Enter the month the waiver is being confirmed.
- 37) Year – Enter the year the waiver is being confirmed.
- 38) Second Lender – Enter the name of the second lender.
- 39) Day – Enter the day of the month the waiver is being confirmed.
- 40) Month – Enter the month the waiver is being confirmed.
- 41) Year – Enter the year the waiver is being confirmed.
- 42) Signature of Authorized Officer – Enter the official signature of the approving officer.
- 43) National Forest or Grassland – Enter the name of National Forest or National Grassland of which the permit being waived is administered.

### **Release From Escrow Waiver Of Term Grazing Permit Privileges**

- 1) National Forest or Grassland Name – Enter the name of National Forest or National Grassland where the permit is administered.
- 2) National Forest or Grassland – Check the appropriate box.
- 3) Mailing Address – Enter the mailing address of the unit administering the permit.
- 4) Name – Enter the name of the lender that held the mortgage.
- 5) City and State – Enter the city and state where the lender is located.
- 6) First or Second – check the appropriate box.
- 7) Loan on – enter the information about what the loan was on.
- 8) Date – Enter the date that the Escrow Waiver was executed on.
- 9) Location – Enter the City where the release is being executed.
- 10) State – Enter the State where the release is being executed.
- 11) Day – Enter the day of the month the release is being executed.
- 12) Month – Enter the month the release is being executed.
- 13) Year – Enter the year the release is being executed.
- 14) Signature of Witness(s) – Enter the signature of the person witnessing the lender's signing.
- 15) Signature of lender(s) – Enter the signature of the person authorized to release the waiver from the lender.