

Clayton County HOME Down Payment Assistance Program

Buyer Agreement

Buyer Name: _____ Buyer Name: _____

Property Address: _____

Lender will send with a copy of the Buyer Eligibility Letter to the Clayton Down Payment Assistance Office.

1. The Clayton Down Payment Assistance is limited to single family homes in Clayton County that meet HUD guidelines. Funds are provided through the HOME Investment Partnership grant to Clayton County. Maximum sales price of existing home is \$162,000 and new construction is \$200,000. Buyer must close on a home within 90 days of the date this agreement was signed by Clayton County.
2. Buyer must be income eligible by family size according to the current HUD income limits.
3. Buyer must complete a total of 8 hours of Home Buyer Education Counseling from a HUD approved agency prior to closing.
4. Buyer must occupy the home as their primary residence for the period of affordability, which is five years.
5. Buyer must apply with a Clayton County certified and HUD approved Lender prior to submitting an offer and must qualify for a standard home loan with fixed interest rate.
6. The Clayton County Down Payment Assistance amount will be \$4,000 for all eligible buyers and may be used for down payment and closing costs. Sales price of home may not exceed the appraised value. Home must meet the FHA minimum property standards as certified by the appraiser.
7. Buyer understands and agrees the full amount of down payment assistance is in the form of a **Soft Second loan**, with 0% interest, and a promissory note and deed to secure debt will be signed at closing. The Security Deed will be recorded after closing.

If the property is sold prior to 5 years, the full amount of the down payment assistance shall be repaid, if there are sufficient funds from the net proceeds of the sale. During such time buyer will be obligated to show proof of owner occupancy on an annual basis. This will be monitored by the Clayton County Community Development Department, HUD Programs Division, through annual letters mailed to the homeowner's address. Buyer must return the requested information to comply with the HOME regulations.

8. Buyer must use at least **\$1000** of their own funds as part of the purchase (*this can include Earnest Money but will not credit to the Buyer at closing*) to pay for the credit application, appraisal, inspection, or any cost associated with the purchase.
9. Clayton County recommends that the buyer select one of the two law firms from the Clayton County approved list of closing attorneys. In the event the recommended attorneys are not selected, you must provide the attorney's information to our office. If the attorney's office refuses the county's down payment package, then it is the buyer's responsibility to find another attorney that will use our package, or down payment will not be provided.

Clayton County HOME Down Payment Assistance Program

- Brochstein and Bantley, P.C.
Phone: (770) 507-1766 Fax: (770) 507-1085 Initial here: _____

- William A. Miller, P.C.
Phone: (770) 994-0440 Fax : (770) 994-0448 Initial here: _____

- Firm's Name: _____
Firm's Telephone Number: _____
Firm's Address: _____
Pre-Closer's Name _____
Pre-Closer's Email Address: _____
Pre-Closer's Telephone Number: _____

10. Buyer must have the home inspected by a qualified inspector and provide a copy of the inspection report to the CCDPA office.

11. Buyer and/or Buyer's representative is responsible for ensuring his/her Mortgage Lender will furnish a completed and signed **Sales Contract, CDPA Buyer Agreement, Buyer's Eligibility Letter, and Mortgage Lender Letter** to include all supporting documents. Documentation to include, but not limited to, a signed copy of the borrower's **Uniform Residential Loan Application and Good Faith Estimate/Truth in Lending, Initial Fees Worksheet, copy of the Appraisal Report, Certificate for the 8 hour homebuyer education class, and Inspection Report** to Clayton County Down Payment Assistance Program.

12. By their signature below, Buyer authorization is given for the release of the Uniform Residential Loan Application, and any other loan, credit, mortgage/rent, or employment information or verification, as needed for participation in the Clayton County Down Payment Assistance Program, along with any other documents that may be required by HUD and/or Clayton County Community Development Department, HUD Programs Division.

13. Any down payment assistance is contingent upon Clayton County HUD Programs Division final approval.

Buyer Signature

Date

Buyer Signature

Date

Clayton County HUD Programs Division/HOME

Date