Kansas Administrative Regulations

Office of the State Bank Commissioner

Article 24.—Mortgage Business

17-24-4. Record retention.

(a) In any mortgage transaction in which the licensee does not close the mortgage loan in the licensee's name, the licensee shall retain the following documents, as applicable, for at least 36 months following the loan closing date, or if the loan is not closed, the loan application date:

(1) The application;

(2) all written agreements with the consumer that describe rates, fees, broker compensation, and any other similar fees;

(3) an appraisal performed by a Kansas-licensed or Kansas-certified appraiser completed within 12 months before the loan closing date, the total appraised value of the real estate as reflected in the most recent records of the tax assessor of the county in which the real estate is located, or, for a nonpurchase money real estate transaction, the estimated market value as determined through an acceptable automated valuation model acceptable to the commissioner;

(4) the notice as required by K.S.A. 2024 Supp. 9-2208(b), and amendments thereto, and K.A.R. 17-24-1;

(5) all records and disclosures evidencing compliance with applicable federal lending laws and regulations;

(6) records of all consumer correspondence, including all written communications, electronic mail, instant messages and phone logs, any notes detailing contact with each consumer, and any phone conversation recordings or transcripts;

(7) any documentation that aided the licensee in making a credit decision, including a credit report, title work, verification of employment, verification of income, bank statements, payroll records, and tax returns;

(8) evidence of all compensation paid to loan originators and the compensation agreement that governs those payments; and

(9) all paid invoices for appraisal, title work, credit report, and any other closing costs.

(b) In any mortgage transaction in which the licensee provides any money to fund the loan or closes the mortgage loan in the licensee's name, the licensee shall retain the documents required in subsection (a) and the following documents, as applicable, for at least 36 months from the mortgage loan closing date:

(1) The high loan-to-value notice required by K.S.A. 2024 Supp. 9-2232, and amendments thereto;

(2) any credit insurance requests and insurance certificates;

(3) the note(s) and any applicable contract addendum or rider;

(4) a copy of the filed mortgage(s) or deed(s);

(5) a copy of the title policy or search; and

(6) the assignment of the mortgage and note.

(c) In any mortgage transaction in which the licensee engages in mortgage servicing or owns the mortgage servicing rights, the licensee shall retain the following documents, as applicable, for at least 36 months from the final entry to each account:

(1) All records and disclosures evidencing compliance with applicable federal lending laws and regulations;

(2) the note(s) and any other applicable contract addendum or rider;

(3) a copy of the filed mortgage(s) or deed(s);

(4) servicing history;

(5) any statements, disclosures, invoices, or information for each account, including, but not limited to, the following:

(A) Documentation supporting any amounts added to a consumer's account or evidence that a service was actually performed in connection with these amounts, or both, including costs of collection, attorney's fees, property inspections, property preservations, and broker price opinions;

(B) loan modification agreements;

(C) forbearance or any loan modification agreements;

(D) subordination agreements;

(E) foreclosure notices;

(F) evidence of sale of foreclosed homes;

(G) surplus or deficiency balance statements;

(H) default-related correspondence or documents;

(I) the notice of the consumer's right to cure;

(J) any property insurance advance disclosure;

(K) force-placed property insurance policies;

(L) notice and evidence of credit insurance premium refunds;

(M) records of consumer correspondence, including all written communications, electronic mail, instant messages and phone logs, any notes detailing contact with each consumer, and any phone conversation recordings or transcripts; and

(N) any other product or service agreements; and

(6) documents related to the general servicing activities of the licensee, including, but not limited to, the following:

(A) Historical records for all adjustable rate mortgage indices used;

(B) a log of all accounts sold, transferred, or assigned that details to whom the accounts were sold, transferred, or assigned;

(C) a log of all accounts in which foreclosure activity has been initiated;

(D) a log of all credit insurance claims and accounts paid by credit insurance; and

(E) a schedule of servicing fees and charges imposed by the licensee or a third party.

(d) In addition to meeting the requirements specified in subsections (a), (b), and (c), each licensee shall retain for at least the previous 36 months the documents related to the general business activities of the licensee, which shall include the following:

(1) Advertising records, including copies of advertisements or solicitations made by print or electronic means, including through the internet;

(2) the business account check ledger or register;

(3) all financial statements, balance sheets, or statements of condition;

(4) all escrow account ledgers and related deposit statements;

(5) all lease agreements for Kansas principal place of business and branch offices; and

(6) a schedule of the licensee's fees and charges.

(Authorized by K.S.A. 2024 Supp. 9-2209; implementing K.S.A. 2024 Supp. 9-2208, K.S.A. 9-2213, and K.S.A. 2024 Supp. 9-2216; effective Oct. 31, 2003; amended Oct. 2, 2009; amended, T-17-6-24-25, June 24, 2025; amended Oct. 17, 2025.)