



Shared Appreciation Agreements

Overview

Farm Service Agency (FSA) farm loan borrowers who apply for loan servicing and qualify to have their debt written down must sign a shared appreciation agreement (SAA). The use of SAAs is authorized under Section 353(e) of the Consolidated Farm and Rural Development Act.

The agreement allows the Government to recapture all or a portion of the amount written down if the real estate security increases in value during the term of the SSA. Recapture cannot exceed the amount of the writedown. Borrowers who received a writedown signed an SAA that provided that they would pay recapture, if any, according to FSA regulation 7 CFR 1951.914. Recapture is calculated 5 months before the expiration date of the SAA, or sooner if one of the following occurs:

- the property is conveyed, with the exception of transferring title to the spouse upon the death of a borrower;
- the FSA loans are repaid;
- the borrower or spouse ceases farming; or
- the account is accelerated.

Recapture Amounts

Recapture due under the SAA is 75 percent of the appreciation when one of the above events occurs within 4 years of receiving the writedown, and 50 percent of the appreciation afterward. If the amount of writedown is less than the percentage calculation, the amount due is the writedown amount.

Appraisals

Appreciation of the property's value is determined by appraisals, with deductions for certain capital improvements made during the term of the agreement. The borrower may appeal the Agency appraisal by obtaining a technical appraisal review of the Agency's appraisal. The issue of the appeal will be the compliance of the Agency appraisal with the Uniform Standards of Professional Appraisal Practice. Once appreciation has been calculated, the borrower is required to pay the amount of recapture due.

What if I Cannot Pay the Recapture Amount?

In some instances, borrowers will be unable to pay the recapture amount or obtain financing to do so. In such cases, provided that the borrower can show a positive cash flow, the recapture can be established as a loan and be repaid over a period of up to 25 years at a special low interest rate.

The United States Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or 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, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.