

1000.318 (a)

(3) A Mutual Help or Turnkey III unit not conveyed after the unit becomes eligible for conveyance by the terms of the MHOA may continue to be considered Formula Current Assisted Stock only if a legal impediment prevented conveyance, the legal impediment continues to exist, the Tribe, TDHE, or IHA has taken all other steps necessary for conveyance and all that remains for conveyance is a resolution of the legal impediment, and the Tribe, TDHE, or IHA made the following reasonable efforts to overcome the impediments:

- i. No later than four months after the unit becomes eligible for conveyance, the Tribe, TDHE, or IHA creates a written plan of action, which includes a description of specific legal impediments as well as specific, ongoing, and appropriate actions for each applicable unit that have been taken and will be taken to resolve the legal impediments within a 24 month period, and
 - ii. The Tribe, TDHE, or IHA has carried out or is carrying out the written plan of action, and
 - iii. The Tribe, TDHE, or IHA has documented undertaking the plan of action.
- iv. No Mutual Help or Turnkey III unit will be considered FCAS 24 months after the date the unit became eligible for conveyance, unless the Tribe, TDHE, or IHA provides evidence from a third party, such as a court or state or federal government agency, documenting that a legal impediment continues to prevent conveyance. FCAS units that have not been conveyed due to legal impediments on the effective date of this regulation shall be treated as having become eligible for conveyance on the effective date of this regulation.