

From: [Nate Heward](#)
To: [Director - FASB](#)
Subject: File Reference No. EITF0901
Date: Monday, December 28, 2009 7:14:08 PM

This Exposure Draft appears to stipulate that modifications of loans that are accounted for within a pool under Subtopic 310-30 would not result in the removal of those loans from the pool even if the modification of those loans would otherwise be considered a troubled debt restructuring.

Codification paragraph 310-40-50-5 responds to circumstances when a loan is restructured into two (or more) loan agreements. That paragraph introduces the concept of separate recognition (in years after the restructuring) based on separate legal distinction from the original loan.

While a "pool of loans" does not enjoy separate legal distinction, the pooled loans do enjoy the distinction of originating from a single purchase. But once a loan within that pool is restructured into one (or more) new loan agreements, it appears that the restructured loan is now separately distinct from the original purchase.

It appears that the concept of separate distinction in the event of loan restructuring is inconsistently applied in circumstances of restructuring an individual loan vs. circumstances of restructuring activities within a pool of loans.

I may be missing something. Or this apparent inconsistency may have been considered and warranted by more important factors in pursuit of meaningful financial reporting. Thought I'd bring it up anyway.

This e-mail message may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

To ensure compliance with U.S. Treasury rules, unless expressly stated otherwise, any U.S. Tax advice contained in this communication (including attachments) is not intended or written to be used, and cannot be used, by the recipient for the purpose of 1) avoiding penalties that may be imposed under the Internal Revenue Code, and 2) promoting, marketing, or recommending to another party any tax-related matters addressed in this communication.