

# Attorney-In-Fact

## REQUIREMENTS



### Evidence of Signing Authority

Minnesota Statutory Short Form Power of Attorney Form 100.1.1 (2014)



### Signing Execution Example

John Doe, Attorney-in-Fact for Jane Doe



### Purchase Agreement

- ✓ Confirm that the Power of Attorney grants authority to handle real estate transactions prior to signing the Purchase Agreement.
- ✓ Obtain a copy of the executed Power of Attorney.



### Closing

- ✓ Communicate your knowledge regarding use of the Attorney-in-Fact through your closing information sheet and/or email.
- ✓ Provide email and phone contact for the attorney-in-fact and the principal.
- ✓ Send a copy of the Power of Attorney along with your Purchase Agreement.
- ✓ If the attorney-in-fact will be signing the deed, the original Power of Attorney and Affidavit of Attorney-in-Fact will be required to be recorded at closing.
- ✓ An attorney-in-fact cannot assign Power of Attorney to another party.
- ✓ Proceeds can only be issued in the form of a check if the attorney-in-fact signs the Proceeds Authorization.
- ✓ Any originals will be returned post-recording to the forwarding address provided.

# Personal Representative

## REQUIREMENTS



### Evidence of Signing Authority

The Court Appointment of the Personal Representative (Letters Testamentary, Letters of General Administration, etc.)



### Signing Execution Example

John Doe, Personal Representative of the Estate of Jane Doe



### Purchase Agreement

- ✓ Confirm that the estate has completed the proper proceedings in probate court.
- ✓ Obtain a copy of the Court Appointment of the Personal Representative.
- ✓ Verify the type of deed selected by the purchaser is a Personal Representative's Deed, not a Warranty Deed.



### Closing

- ✓ Communicate your knowledge of the estate through your closing information sheet and/or email.
- ✓ Provide Tax ID (EIN) as well as phone and email contact for the personal representative and the probate attorney.
- ✓ Send a copy of the Appointment of Personal Representative and any other probate documents along with your Purchase Agreement to be forwarded for examiner review.
- ✓ The documents required to be recorded for closing will vary by probate type and may require communication between the probate attorney and TitleSmart, Inc.
- ✓ Proceeds will be issued in the form of a check. A wire transfer may be requested if the receiving bank account is held in the name of the estate (not an individual).
- ✓ Any originals will be returned post-recording to the forwarding address provided.

# Trustee

## REQUIREMENTS



### Evidence of Signing Authority

Trust Agreement, Certificate of Trust and Affidavit of Trustee



### Signing Execution Example

John Doe, Trustee of the John Doe Trust



### Purchase Agreement

- ✓ Confirm that the Trust Agreement identifies your signer as a trustee prior to signing Purchase Agreement.
- ✓ Obtain a copy of the Trust Agreement and/or Certificate of Trust.
- ✓ Verify the type of deed selected by the purchaser is a Trustee's Deed, not a Warranty Deed.



### Closing

- ✓ Communicate your knowledge of the trust through your closing information sheet and/or email.
- ✓ Provide Tax ID (EIN/SSN) as well as phone and email contact for the trustee(s).
- ✓ Send a copy of the Trust Agreement and/or Certificate of Trust along with your Purchase Agreement to be forwarded for examiner review.
- ✓ The Certificate of Trust, Trustee's Affidavit and Trustee's Deed will be required to be recorded at closing.
- ✓ If your client is only in possession of a Trust Agreement and/or Certificate of Trust, TitleSmart, Inc. can draft the remaining documents for the transaction.
- ✓ Proceeds will be issued in the form of a check. A wire transfer may be requested if the receiving bank account is held in the name of the trust (not an individual).
- ✓ Any originals will be returned post-recording to the forwarding address provided.

# Business Entity

## REQUIREMENTS



### Evidence of Signing Authority

- LLC • Operating Agreement
- INC • Articles of Incorporation

NOTE: If your client is not in possession of proper documentation, TitleSmart, Inc. can draft a Resolution upon disclosure of specific names and titles. Minnesota Secretary of State documents do NOT prove signing authority.



### Signing Execution Example

John Doe, CEO of Doe Investments, LLC



### Purchase Agreement

- ✓ Confirm that the business documents grant your client authority to sign the Purchase Agreement on behalf of the company.
- ✓ Obtain a copy of the Operating Agreement, Articles of Incorporation or Resolution.



### Closing

- ✓ Communicate your knowledge of the business entity through your closing information sheet and/or email.
- ✓ Provide Tax ID (EIN/SSN) as well as phone and email contact for the signer.
- ✓ Send a copy of the Operating Agreement, Articles of Incorporation or Resolution along with your Purchase Agreement to be forwarded for examiner review.
- ✓ Proceeds will be issued in the form of a check. A wire transfer may be requested if the receiving bank account is held in the name of the business (not an individual).