

affirmative escrow

c o r p o r a t i o n

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SELLER IN A TRUST

If you are working with a Seller that holds title in a trust, there are a few important things to know that will help you to have a smooth escrow transaction. It is advisable to verify this information at the time you take the listing.

1. Sellers are in a trust and all original trustees are available to sign. The following items will be required by escrow and title:
 - a. Trust Certification executed by all trustees of the trust (this form is provided to Seller during escrow).
 - b. All Trustees of the trust will be required to execute all escrow documentation and the grant deed, unless the trust has a specific provision that allows either trustee to act independently. A copy of the trust would be required in the event only one trustee is going to sign.

2. Sellers are in a trust (usually husband and wife) and one of the original trustees is deceased. The following items will be required by escrow and title:
 - a. Trust Certification executed by surviving trustee named in the trust (this form is provided to Seller during escrow).
 - b. A complete copy of the trust.
 - c. Surviving trustee will be required to execute all escrow documentation and the grant deed.
 - d. An original certified copy of the death certificate for the deceased trustee.
 - e. An Affidavit Death of Trustee will be prepared by Escrow for the surviving trustee to execute.
 - f. A complete copy of the trust may be required by the title company.

3. Sellers are in a trust and all original trustees are deceased. The following items will be required by escrow and title:
 - a. Trust Certification executed by the Successor Trustee named in the trust (this form is provided to Seller during escrow).
 - b. A complete copy of the trust.
 - c. The Successor trustee will be required to execute all escrow documentation and the grant deed.
 - d. An original certified copy of the death certificate for the deceased trustee(s).
 - e. An Affidavit Death of Trustee will be prepared by Escrow for the Successor trustee to execute.
 - f. A Tax ID will be required
 - g. Proceeds from the sale must be wired to an account in the name of the trust

It is also important to note that most often a Trust does not allow the use of a Power of Attorney.