

DEATH, DIVORCE, TRUSTS & MORE



DOCUMENTATION REQUIRED BY TITLE

Just as no two properties are identical, no two transactions are identical. Different transactions may involve additional documentation or underwriting requirements.

If your transaction involves any of the situations discussed below, or anything other than buyers or sellers who are natural persons able to be physically present to sign documents for closing, please contact escrow to discuss further. Early identification of the requirements to underwrite and close your transaction will help keep your closing on schedule.

ONE OR MORE PROPERTY OWNER IS DECEASED

BASIC REQUIREMENT FOR ALL TRANSACTIONS:

- Certified copy of death certificate. May be necessary to record with county auditor. Customers do not need to provide a copy if one has previously been recorded.
- Additional information may be needed to verify that all state and federal tax obligations have been satisfied.

IF PROBATE HAS BEEN STARTED:

- Copy of will and letters testamentary appointing personal representative
- Personal representative must be available to sign documents.
- Possible additional requirements and/or documentation will be necessary if probate is pending in a state other than Washington.

IF ESTATE HAS NOT BEEN PROBATED:

- Copy of will.
- Surviving spouse and children, if any, will need to complete Lack of Probate Affidavit (escrow will provide). Lack of Probate Affidavit must be signed in presence of a notary public.
- Depending on family situation of deceased, additional surviving relatives may need to execute the Lack of Probate Affidavit.
- Surviving heirs must be available to sign documents. If property is to go to only some of the heirs, the others may need to execute deeds.
- In certain situations, there is no way to avoid probate.

DIVORCE

IF THE SELLERS HAVE DIVORCED SINCE FIRST ACQUIRING TITLE:

- Their decree of dissolution will have to be reviewed to confirm what it provides regarding title to property.
- If a deed is necessary to clear title, one of the former spouses must have their own attorney prepare it. Escrow cannot prepare the deed.
- If the decree requires one former spouse to execute a deed to the other to clear title, we cannot close the transaction if the former spouse refuses to cooperate. Escrow cannot get involved and the parties may need to retain counsel to resolve disputes.
- If the sellers are in the process of getting divorced, Underwriting will have to approve the transaction.

LEGALLY SEPARATED

- Copy of decree or order filed with the court. **NOTE:** escrow cannot prepare a quit claim deed when one party is attempting to buy property without the other party. It must be prepared by the attorney for one of them and we will record at closing.

TRUST

- Copy of trust document, along with all amendments or appointments of successor trustee(s). Title must be able to identify proper parties to sign for the trust.

LIMITED LIABILITY COMPANY OR CORPORATION

- Bylaws, Articles of Incorporation or Operating Agreement. Title needs to confirm identity and authority of parties to sign on behalf of the entity.

This flyer should be regarded as a starting point, with the understanding that there may be additional requirements driven by the facts of each transaction.

Contact your First American team for more information.

For more information please contact your First American representative

www.firstamedu.com



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