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#4 Settlement Policies and Procedures

**SAMPLE: Documents for Recording**

**DEEDS & DEEDS OF TRUST**

Name & Address of NC attorney who prepared document

Address to which to return document after recording

**Deed:** Consideration recited & applicable excise tax stamps and transfer stamps

(actual consideration should be used on an administrator's, executor's or guardian's deed)

**Deed of Trust:** Verify amount of loan to be secured, that borrower is exactly same as Grantor (or address

if hypothecated security or spousal joinder only), future advance provisions and maximum amount to be insured.

Address of property

Name and address of the Grantor consistent with chain of title (see notes below for particular Grantors)

Name and address of the Grantee (see notes below for particular Grantees)

**Deed of Trust:** Identify Trustee

Dated

Legal description – consistent as the title opinion, contract, commitment, tax/GIS and survey

PIN# match the tax records

**Deed:** Grantor residency statement

Signatures, consistent with Grantor block, title opinion, title commitment, match typed name beneath

Notarized

* County of notary commission
* State referenced in acknowledgment
* County in which acknowledgment taken
* Notarial Commission Expiration
* Individual who appeared before notary and acknowledged / swore or affirmed
* Date of acknowledgment
* Printed Notary Name
* Clear affixation of notarial seal
* Clear signature by notary, consistent with seal and commission

**GRANTOR - INDIVIDUALS**

Marital status stated?

Does the grantor have the capacity to convey? *i.e.,* not a minor, incompetent or other legally disabled person

If titleholder is married, spouse must sign to waive marital rights

**GRANTOR - PARTNERSHIPS**

Deed must recite the state in which the partnership was formed

Verify name from partnership agreement (for general partnership)

Verify name with Secretary of State records (for limited partnership)

Verify partner(s) with the authority to sign the Deed – from the partnership agreement or,

for limited partnership, from records filed with the Secretary of State

Record Assumed Name Certificate

* Terms of the Partnership Agreement
* Copy of the Agreement
* Copy of any Amendments, if any

**GRANTOR – CORPORATIONS**

Deed must state the state of incorporation

Certified copy of the Corporate Resolution authorizing the conveyance of the property

or the mortgage

Corporate Articles and By-laws, to verify authority of officers for the transaction

Verify name with Secretary of State records

Certificate of Good Standing

**GRANTOR - RELIGIOUS ENTITIES**

How is title held? Do you know who is authorized to sign the Deed?

* Non-Profit corporation? Review Secretary of State records
* Trustees? Verify current trustees as of last election and authority for this transaction
* Unincorporated nonprofit association? Assure recording of appropriate Certificate

Review By-laws, denominational requirements (if any)

Resolution passed by the members of the party in title authorized the conveyance

Proper procedure: Form of notice, meeting, attendance/quorum, number of votes at election

**GRANTOR - LIMITED LIABILITY COMPANY**

Deed must recite the state in which the company was formed

Certificate of Good Standing

Articles of Organization

List of managers or members from last filed Annual Report

Certification that no event of dissolution has occurred

**GRANTOR – POWER OF ATTORNEY**

Deed must recite the recording information of Power of Attorney

Affidavit of Attorney in Fact

**GRANTOR – TRUST**

Deed must recite the Trustee and authority

Certificate of Trustee

**GRANTOR – DECEDENT’S ESTATE**

Deed must recite the estate information

Grantors to include:

* Personal Representative
* Heirs/devisees, and spouses

Open Estate Affidavit