



TRUST AGREEMENTS

Is the title to your property held in a trust or are you looking to purchase property to be held in a trust? One of the many functions of Equity Title in it's risk assessment and reduction efforts is to ensure that the persons conveying the real property in question do in fact, have the right to do so under the Trust Agreement.

SELLERS

1. If your property is held in a Trust, pursuant to California Civil Code Probate Section 18100.5, you may present a notarized TRUST CERTIFICATION in order to establish the existence or terms of the trust rather than providing a copy of the trust instrument.
2. Upon assessing the risks in your property, Equity Title Company may require more than just the Trust Certification. The following portion/pages of the Trust may also be required:
 - a. Page(s) naming Trustee(s) and/or Successor Trustee(s);
 - b. Page(s) designating the name of the Trust;
 - c. Section(s) covering the powers of the Trustee(s); and
 - d. Signature page(s).
3. The Trustee of a Trust cannot issue/execute a Power of Attorney for anyone to act on its behalf, unless the Trust Agreement specifically provides as such.
4. In the case of death of the original Trustee, a Successor Trustee must provide a Copy of the Death Certificate of the original Trustee.

BUYERS

1. If you are planning on purchasing a property to be held in a Trust, you should be aware that many lenders will not lend to a Trust. Therefore, you may be required to deed out of your trust and obtain the loan as individuals. After close of escrow, it is permissible to convey back to your Trust. If you desire, please make certain your property is returned to your Trust following close of escrow or to the manner in which you prefer to hold title. It is recommended you contact your estate-planning attorney in this regard.
2. If you are purchasing a property paying ALL CASH for the property and want to hold title in a trust, you maybe required to provide the same documentation as described in the seller's portion above in order to properly convey title.

Muriel
Levin