

"Certificate of Trust Existence and Authority"

A Certificate of Trust Existence and Authority contains specific information about an existing Trust agreement. You will need one if you want to transfer assets that are titled (such as real property) into and out of the Trust; open a bank account in the name of the trustee; transfer any investment accounts in the name of the trust, etc. A party will be relying upon the information contained in a Certificate of Trust Existence and Authority for the transfer of assets that are titled to the Trust.

To transfer assets in and out of a Trust, a "Certificate of Trust Existence and Authority" is needed. This is a summary or quotation of selected parts of the trust. Its purpose is to allow a party to know the correct name of the trust and to be sure that the trust has power over its assets. It usually does not identify the beneficiaries or the assets, so that information is kept confidential. Attorneys prepare both the Trust and a Certificate of Trust Existence and Authority most likely at the same time. And an Attorney will be needed to update the Certificate of Trust Existence and Authority to keep it current, this is very important.

When you wish to sell / mortgage real property from your Trust, you will be asked for a copy of the **Trust** and a **current Certificate of Trust Existence and Authority** (dated within the year). Know that this request will be for every transaction where a trust is evident. Thus, for example each time a refinance transaction takes place, you will be asked for a copy of the **Trust** and a **current Certificate of Trust Existence and Authority** (dated within the year).

When asking to purchase Title Insurance for a transaction to sell / mortgage real property there will be requirements at minimum for a copy of the Trust and a current Certificate of Trust Existence and Authority (dated within the year). Know that the original current Certificate of Trust Existence and Authority (dated within the year) will be recorded at the proper Register of Deeds office for the transaction you are conducting.



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