

## **BACKGROUND**

Federal law requires that certain residential real estate transactions purchased with all cash or without institutional lender financing, where at least one buyer/transferee is a legal entity, LLC, corporation, partnership, trust, trustee or other non-natural person, be reported to United States Treasury Department's Financial Crimes Enforcement Network (FinCEN). This form requests information necessary to meet the reporting requirements. *For more information about FinCEN's Real Estate Report and what transactions are covered go to [alta.org/fincen](https://alta.org/fincen).*

## **COMPLETING THIS COLLECTION FORM**

This collection form has 4 parts:

- *Part 1* - information about the person completing this collection form.
- *Part 2* - information about potential exempt transactions
- *Part 3* – information about the seller in a covered real estate transaction – *Part 3 is broken into three sections, (a) for individual transferors (b) for transferor entities and (c) for transferor trusts.*
- *Part 4* - certification of the accuracy of the information provided on behalf of the seller/transferor. Note that the terms “seller” and “transferor” are interchangeably used in this collection form.

## **WHY DID I RECEIVE THIS FORM?**

If a transaction is subject to the rule described above, then the settlement agent is required to report some limited information about the seller.

## **ARE THERE ANY EXEMPTIONS?**

Transactions do not have to be reported if (a) the buyer is obtaining some mortgage financing from a licensed mortgage lender or (b) the buyers are natural persons. Additionally, there are some transactional exemptions for transfers incident to a divorce, dissolution of civil union, death of the seller or court order. If you think an exemption applies please reach out to us at [insert settlement company email].

<b>Transaction Data</b>	
Address of property being acquired by the <b>Transferee Entity</b> or <b>Transferee Trust</b> ("Property")	
Anticipated settlement date for the Property acquisition	
Sale Price	
Settlement Agent/Reporting Person File Number	

**Part 1: INFORMATION ABOUT THE PERSON COMPLETING THIS FORM**

1	Full Legal Name (First, M.I., Last)			
2	Physical Mailing Address - Street Address, City, State ZIP (do not list a P.O. Box)			
3	Phone Number			
4	Email			
5	Relationship to the <b>Seller/Transferor</b>	<input type="checkbox"/> Individual Seller <input type="checkbox"/> Accountant <input type="checkbox"/> Attorney <input type="checkbox"/> Real Estate Agent <input type="checkbox"/> Other _____		
6	If Seller is a Trust or Entity- Relationship to the <b>Transferor Entity or Trust</b>	<table border="0"> <tr> <td> <b>Transferor Entity</b>  <input type="checkbox"/> Owner/LLC Member  <input type="checkbox"/> Corporate Officer/LLC Manager  <input type="checkbox"/> Accountant  <input type="checkbox"/> Attorney  <input type="checkbox"/> Real Estate Agent  <input type="checkbox"/> Other _____               </td> <td> <b>Transferor Trust</b>  <input type="checkbox"/> Trustee  <input type="checkbox"/> Beneficiary  <input type="checkbox"/> Accountant  <input type="checkbox"/> Attorney  <input type="checkbox"/> Real Estate Agent  <input type="checkbox"/> Other _____               </td> </tr> </table>	<b>Transferor Entity</b> <input type="checkbox"/> Owner/LLC Member <input type="checkbox"/> Corporate Officer/LLC Manager <input type="checkbox"/> Accountant <input type="checkbox"/> Attorney <input type="checkbox"/> Real Estate Agent <input type="checkbox"/> Other _____	<b>Transferor Trust</b> <input type="checkbox"/> Trustee <input type="checkbox"/> Beneficiary <input type="checkbox"/> Accountant <input type="checkbox"/> Attorney <input type="checkbox"/> Real Estate Agent <input type="checkbox"/> Other _____
<b>Transferor Entity</b> <input type="checkbox"/> Owner/LLC Member <input type="checkbox"/> Corporate Officer/LLC Manager <input type="checkbox"/> Accountant <input type="checkbox"/> Attorney <input type="checkbox"/> Real Estate Agent <input type="checkbox"/> Other _____	<b>Transferor Trust</b> <input type="checkbox"/> Trustee <input type="checkbox"/> Beneficiary <input type="checkbox"/> Accountant <input type="checkbox"/> Attorney <input type="checkbox"/> Real Estate Agent <input type="checkbox"/> Other _____			

## Part 2: Reporting Exemptions

*If an exemption applies, complete this page and sign the certification in part 4. If none, skip to part 3.*

1	Does an EXEMPTION from FinCEN reporting apply?	<input type="checkbox"/> No <input type="checkbox"/> Yes a <b>transactional</b> exemption (must complete box 2 below)
2	Which of the following <b>TRANSACTIONAL</b> exemptions is the reason you are selling the property? (see 31 CFR 1031.320(b)(2))	<input type="checkbox"/> Death of an individual including transfer pursuant to the terms of a will or trust <input type="checkbox"/> Divorce or dissolution of a marriage or civil union <input type="checkbox"/> Transfer to a bankruptcy estate <input type="checkbox"/> Court order or supervised by a court

**Part 3(a) –TRANSFEROR - Individual Information**

(Skip to Part 3(b) if the transferor is an entity or Part 3(c) if transferor is a trust)

1	Full Legal Name (First, MI, Last)	
2	Date of Birth	
3	Residential Street Address after settlement (do not list a P.O. Box)	
4	Unique ID:  <b>For U.S. Persons:</b> Taxpayer ID Number <i>(commonly Social Security Number)</i> <b>For Non-U.S. Persons:</b> Unique ID, Passport Number and Country of Issuance <sup>a</sup>	

**Part 3(b) –TRANSFEROR ENTITY INFORMATION**

1	Full Legal Name of Entity	
2	Trade name or “doing business as” name (if none, write N/A)	
3	Street Address for Principal Place of Business (do not list a P.O. Box)	
4	Unique ID:  <b>For U.S. entities:</b> Taxpayer ID Number <b>For Non-U.S. Entities:</b> Foreign Tax ID number or entity registration and name of the jurisdiction	

<sup>a</sup> In lieu of a passport number, Non-U.S. Persons may also provide a Social Security Number, an alien identification card number, or number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard.

**Part 3(c) –TRANSFEROR TRUST INFORMATION**

1	Full Legal Name of Trust (as listed on trust instrument)	
2	Date Trust instrument was executed  (this is commonly the date on the trust document)	
3	Unique ID:  <i>For US trusts, IRS TIN</i>  <i>For foreign trusts, a tax identification number issued by a foreign jurisdiction and the name of such jurisdiction</i>	

**TRANSFEROR TRUST – Trustee Information**

List each individual or entity who is a trustee of the transferor trust

Full Legal Name (for trustees who are legal entities, include Trade/Doing Business Name)	Address – residential street address for individuals;  Principal place of business for legal entities (must be a US address)	For U.S. Persons: IRS TIN (usually Social Security Number) For Non-U.S. Persons: Unique ID, Passport Number and Country of Issuance <sup>b</sup>

<sup>b</sup> In lieu of a passport number, Non-U.S. Persons may also provide a Social Security Number, an alien identification card number, or number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard.

## Part 4 – CERTIFICATION

**I hereby certify, to the best of my knowledge, that the information provided in this document is complete and correct. I acknowledge that the settlement agent or other reporting person will rely upon the information provided on this form to (a) determine whether the transaction is reportable and (b) submit the required report to the U.S. Department of Treasury’s Financial Crimes Enforcement Network (FinCEN). I agree to indemnify, defend and hold harmless the settlement agent or other reporting person against any and all losses, liabilities, damages, claims, fines, causes of action related to the reporting of information contained in this form to FinCEN under this regulation.**

Signature: \_\_\_\_\_

Type Name: \_\_\_\_\_

Date: \_\_\_\_\_

Legal Entity Identifier \_\_\_\_\_ (Optional)