

Vacation Owner Services

Title Agency, LLC

Statement on New FinCEN Compliance Process

Effective Date: All new files opened on or after November 30, 2025, or scheduled to close on or after that date, where the Grantee (Buyer/Transferee) is an entity or a trust, will be subject to additional compliance requirements under the U.S. Department of Treasury's Financial Crimes Enforcement Network (FinCEN) Anti-Money Laundering (AML) Rule.

Why This Process is Required

Federal regulations (31 CFR 1031.320) mandate reporting of certain residential real estate transactions involving all-cash purchases or transfers without institutional lender financing, when the buyer or transferee is a legal entity or trust. The rule is intended to increase transparency and prevent money laundering in real estate transactions.

Settlement agents and title agencies must collect and certify specific information about these entities and trusts, including details on beneficial owners, trustees, beneficiaries, and funding sources. To comply, additional documentation must be completed and submitted with each applicable transaction.

Required Documentation

For transactions falling under this rule, clients must complete and return the following forms (linked below for download):

- ALTA FinCEN Buyer Collection Form (attached)
- ALTA FinCEN Seller Collection Form (attached)

Note: Although the requirement is triggered when the Buyer/Transferee is an entity or trust, FinCEN also requires limited information from the Seller/Transferor, making both forms mandatory.

Administrative Fee

To cover the costs of compliance review, information collection, and reporting to FinCEN, our agency will charge a flat fee of \$250 per applicable transaction.

This fee applies only in cases where the Buyer/Transferee is an entity or trust, and it will be collected as part of the settlement process.

For More Information

<https://www.federalregister.gov/documents/2024/08/29/2024-19198/anti-money-laundering-regulations-for-residential-real-estate-transfers>

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.*

COMPLETING THIS COLLECTION FORM

This collection form has 5 parts:

- *Part 1* - information about the person completing this collection form.
- *Part 2* - information about possible exemptions to reporting.
- *Part 3* - information about the buyer/transferee in a covered real estate transaction – *Part 3 is broken into 2 parts: (a) for transferee entities and (b) for transferee trusts.*
- *Part 4* - information about the origin of the funds used to acquire the subject real estate.
- *Part 5* - certification of the accuracy of the information provided on behalf of the buyer/transferee. Note that the terms “buyer” and “transferee” are interchangeably used in this collection form.

TRANSFEEER ENTITIES AND TRUSTS

The regulation applies to purchases by:

- **Transferee entity** - any person other than a transferee trust or an individual. A transferee entity may be a corporation, partnership, estate, association, or limited liability company. Certain regulated entities are exempt from the reporting.
- **Transferee trust** - any legal arrangement created when a person places assets under the control of a trustee for the benefit of one or more persons or for a specified purpose, as well as any legal arrangement similar in structure or function, whether formed under the laws of the United States or a foreign jurisdiction.

TRANSFEEER ENTITY INFORMATION REQUIRED

This form collects information necessary to comply with the rule including information about the transferee entity including their legal name, current address, IRS taxpayer identification number if available (if not available other identifying information is required).

It also requires reporting of EACH **beneficial owner** of the transferee entity. Per the federal regulations, a **beneficial owner** of a transferee entity is someone who (i) exercises substantial control over the transferee entity, or (ii) owns or controls at least 25% of the transferee entity's ownership interests. This includes: full legal name, date of birth, complete current residential street address, citizenship and IRS taxpayer identification number if available (if not available other identifying information is required).

TRANSFEEER TRUST INFORMATION REQUIRED

This form collects information necessary to comply with the rule including information about the transferee trust including its legal name, date trust instrument executed, IRS taxpayer identification number if available (if not available other identifying information is required) and whether trust is revocable.

It also requires reporting of EACH **beneficial owner** of a transferee trust which includes (i) the trustee, (ii) a beneficiary of the trust who has the right to demand a distribution of, or withdraw, substantially all of the assets of the transferee trust, and (iii) a grantor or settlor who has the right to revoke the transferee trust. See Part 3(b) of this collection form for a complete list of who are beneficial owners of a transferee trust.

TRANSACTION 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.

Transaction Data	
Address of property being acquired by the Transferee Entity or Transferee Trust ("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 Transferee Entity (if you complete box 5 you don't need to complete box 6)	☐ Owner/LLC Member ☐ Corporate officer/LLC Manager ☐ Accountant ☐ Attorney ☐ Real Estate Agent ☐ Other _____
6	Relationship to the Transferee Trust (if you complete box 6 you don't need to complete box 5)	☐ Trustee ☐ Beneficiary ☐ Accountant ☐ Attorney ☐ Real Estate Agent ☐ Other _____

Part 2: Reporting Exemptions

If an exemption applies, complete this page and sign the certification in part 5. If none, skip to part 3.

1	Does an EXEMPTION from FinCEN reporting apply?	☐ No ☐ Yes a transactional exemption (must complete box 2 below) ☐ Yes an entity exemption (must complete box 3 below) ☐ Yes a trust exemption (must complete box 4 below)
2	The reason for the transfer is one of the following TRANSACTIONAL exemptions? (see 31 CFR 1031.320(b)(2))	☐ Death of an individual including transfer pursuant to the terms of a will or trust ☐ Divorce or dissolution of a marriage or civil union ☐ Transfer to a bankruptcy estate ☐ Court order or supervised by a court
3	The Transferee ENTITY is one of the following exempt entities? (including a wholly owned subsidiary)	☐ Securities reporting issuer defined in 31 CFR 1010.380(c)(2)(i) ☐ Governmental authority defined in 31 CFR 1010.380(c)(2)(ii) ☐ Bank defined in 31 CFR 1010.380(c)(2)(iii) ☐ Credit union defined in 31 CFR 1010.380(c)(2)(iv) ☐ Depository institution holding company defined in 31 CFR 1010.380(c)(2)(v) ☐ Money service business defined in 31 CFR 1010.380(c)(2)(vi) ☐ Broker or dealer in securities defined in 31 CFR 1010.380(c)(2)(vii) ☐ Securities exchange or clearing agency defined in 31 CFR 1010.380(c)(2)(viii) ☐ Exchange Act registered entity defined in 31 CFR 1010.380(c)(2)(ix) ☐ Insurance company defined in 31 CFR 1010.380(c)(2)(xii) ☐ State-licensed insurance producer defined in 31 CFR 1010.380(c)(2)(xiii) ☐ Commodity Exchange Act registered entity defined in 31 CFR 1010.380(c)(2)(xiv) ☐ Public utility defined in 31 CFR 1010.380(c)(2)(xvi) ☐ Financial market utility defined in 31 CFR 1010.380(c)(2)(xvii) ☐ Investment company as defined 15 U.S.C. 80a-3(a)
4	The Transferee TRUST is one of the following exempt trusts?	☐ A trust that is a securities reporting issuer defined in 31 CFR 1010.380(c)(2)(i) ☐ A trust in which the trustee is a securities reporting issuer defined in 31 CFR 1010.380(c)(2)(i) ☐ A statutory trust - defined as any trust created or authorized under the Uniform Statutory Trust Entity Act or as enacted by a State ☐ Estate planning trust where (1) the transfer is for no consideration and (2) the transferor/seller (and/or their spouse) is the also the settlor or grantor of the trust

Part 3(a) – TRANSFEREE ENTITIES – Entity Information

(Skip to Part 3(b) if the transferee is a trust)

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: <i>For US entities:</i> use Taxpayer ID Number <i>For non-US entities:</i> use foreign Taxpayer ID Number or foreign entity registration number and name of jurisdiction	

TRANSFeree ENTITY – Beneficial Owner Information

- List each individual who exercises substantial **control** over a reporting company, including executive officer or senior manager (e.g., Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Managing Member, General Partner, President, Vice President, Treasurer) as defined in 31 CFR 1010.380(d)(1).
- List each individual, if any, who on the date of closing, directly or indirectly, through any contract, arrangement, understanding, relationship or otherwise, **owns** 25 percent or more of the equity interests of the legal entity listed above as defined in 31 CFR 1010.380(d).
- List each individual who expects to **sign** documents on behalf of the transferee entity AND the signer's capacity. *Must have at least one person listed as a signor.*

**If beneficial owner is a minor child and you are a parent/guardian please add "parent/guardian" in Full Legal Name*

Full Legal Name	Date of Birth	Residential Street Address	Country of Citizenship	For U.S. Persons: Taxpayer ID Number <i>(commonly Social Security Number)</i> For Non-U.S. Persons: Foreign Tax ID number or, Passport Number and Country of Issuance ^a	Reason for Reporting Individual Control, Own or Sign (if signer, include signer's capacity) – select all that apply
					☐ Control ☐ Owns ☐ Sign: _____
					☐ Control ☐ Owns ☐ Sign: _____
					☐ Control ☐ Owns ☐ Sign: _____
					☐ Control ☐ Owns ☐ Sign: _____
					☐ Control ☐ Owns ☐ Sign: _____
					☐ Control ☐ Owns ☐ Sign: _____
					☐ Control ☐ Owns ☐ Sign: _____

^a 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(b) –TRANSFEREE TRUST – 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>	
4	Is the Trust revocable?	☐ No ☐ Yes

TRANSFeree TRUST – Beneficial Owner Information

List each individual who, on the date of closing, is any of the following of the transferee trust:

- a. An individual who is a trustee of the transferee trust
- b. An individual other than a trustee with the authority to dispose of transferee trust assets
- c. A beneficiary who is the sole permissible recipient of income and principal from the transferee trust or who has the right to demand a distribution of, or withdraw, substantially all of the assets from the transferee trust
- d. A grantor or settlor who has the right to revoke the transferee trust or otherwise withdraw the assets of the transferee trust
- e. A beneficial owner of a legal entity or trust that is a trustee or the transferee trust
- f. A beneficial owner of a legal entity or trust with authority to dispose of transferee trust assets in a manner other than as a trustee of a transferee trust
- g. A beneficial owner of a legal entity or trust that is the sole permissible recipient of income and principal from the transferee trust or who has the right to demand a distribution of, or withdraw, substantially all of the assets from the transferee trust
- h. A beneficial owner of legal entity or trust that is a grantor or settlor with the right to revoke the transferee trust or otherwise withdraw the assets of the transferee trust
- i. An individual who expects to sign documents on behalf of the transferee trust

**If beneficial owner is a minor child and you are a parent/guardian please add "parent/guardian" in Full Legal Name*

Full Legal Name (for trustees who are legal entities, include Trade/Doing Business Name)	Date of Birth (N/A if trustee is a legal entity)	Address – residential street address for individuals; Principal place of business for legal entities (must be a US address)	Country of Citizenship – for individuals, N/A for legal entities	For U.S. Persons: <i>IRS TIN (usually Social Security Number)</i> For Non-U.S. Persons: Unique ID, Passport Number and Country of Issuance ^b	Reason for Reporting Individual using the categories in a-i above (if signer, include <u>signer's capacity</u>) – include all that apply

^b 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 – FUNDS USED FOR ACQUISITION OF THE PROPERTY

Complete this section with information about each account that has or is expected to transmit funds on behalf of the buyer/transferee to the settlement agent to complete the acquisition of the Property. Please include any amounts not transmitted to the Settlement Agent's/Reporting Person's escrow/trust account (paid outside of closing).

If this is a gratuitous transfer that is not an exempt transfer, then indicate N/A in the first box below.

Originating financial institution name	Account number	Payor (name listed on account)	Method of payment (wire, check, other)	Dollar amount of payment	Funds transmitted to Settlement Agent escrow/trust account
					☐ Yes ☐ No
					☐ Yes ☐ No
					☐ Yes ☐ No
					☐ Yes ☐ No
					☐ Yes ☐ No
					☐ Yes ☐ No

Part 5 – CERTIFICATION

I acknowledge on behalf of the buyer/transferee that:

- ☐ No funds have been, or will be, transferred or paid outside of the control of the Settlement Agent/Reporting Person who is facilitating the acquisition of the Property.
- ☐ Any funds that have been or will be transferred between the parties outside of the control of the Settlement Agent/Reporting Person who is facilitating the acquisition of the Property have been reported in Part 4.

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)

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.*

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].

Transaction Data	
Address of property being acquired by the Transferee Entity or Transferee Trust ("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 Seller/Transferor	☐ Individual Seller ☐ Accountant ☐ Attorney ☐ Real Estate Agent ☐ Other _____	
6	If Seller is a Trust or Entity- Relationship to the Transferor Entity or Trust	Transferor Entity ☐ Owner/LLC Member ☐ Corporate Officer/LLC Manager ☐ Accountant ☐ Attorney ☐ Real Estate Agent ☐ Other _____	Transferor Trust ☐ Trustee ☐ Beneficiary ☐ Accountant ☐ Attorney ☐ Real Estate Agent ☐ 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?	☐ No ☐ Yes a transactional exemption (must complete box 2 below)
2	Which of the following TRANSACTIONAL exemptions is the reason you are selling the property? (see 31 CFR 1031.320(b)(2))	☐ Death of an individual including transfer pursuant to the terms of a will or trust ☐ Divorce or dissolution of a marriage or civil union ☐ Transfer to a bankruptcy estate ☐ 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: For U.S. Persons: Taxpayer ID Number (commonly Social Security Number) For Non-U.S. Persons: Unique ID, Passport Number and Country of Issuance ^a	

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: For U.S. entities: Taxpayer ID Number For Non-U.S. Entities: Foreign Tax ID number or entity registration and name of the jurisdiction	

^a 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 ^b

^b 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)