

Date: January 6, 2021
To: All Colorado Agents
From: David Dickard, VP, Western Region Underwriting Counsel
RE: Use of Statements of Authority

This bulletin is intended to notify agents of FNTI underwriting guidelines on the use of the Colorado statutory Statement of Authority on transactions where entities are selling, encumbering or purchasing real property.

A Statement of Authority created and executed pursuant to C.R.S. 38-30-172 may be relied upon in lieu of obtaining a copy of an entity's governing document (trust agreement, operating agreement, partnership agreement, etc.) on transactions where an entity is selling, encumbering, or purchasing real property in Colorado. A sample Statement of Authority is attached for your reference. The entity itself does not have to be located or domiciled in Colorado. The Statement of Authority must be recorded with the other transaction documents. Rather than relying upon the information in a Statement of Authority that has been previously recorded, FNTI requires that a new Statement of Authority be executed and recorded on each new transaction.

The guidelines set forth above do not apply to transactions involving land trusts. If you have a transaction involving a land trust, please contact your FNTI underwriter.

FNTI is dedicated to providing excellent service to our agents. Should you have any questions regarding this bulletin, contact your friendly FNTI underwriter.

This Underwriting Bulletin becomes a part of the principles and practices with which you are to comply under the terms of your Underwriting Agreement with First National Title Insurance Company. Should the content of this bulletin address the closing and escrow function, this information should be considered a directive and part of the principles and practices if non-compliance would result in liability to FNTI under either the insured closing service letter or policy of title insurance notwithstanding that the Underwriting Agreement does not include the closing and escrow functions of your agency.

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity¹ named _____ and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

2. The entity is a:

- corporation
- nonprofit corporation
- limited liability company
- general partnership
- limited partnership
- other: _____
- registered limited liability partnership
- registered limited liability limited partnership
- limited partnership association
- government or governmental subdivision or agency
- trust (Section 38-30-108.5, C.R.S.)

3. The entity is formed under the laws of:

4. The mailing address for the entity is:

5. The name position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is:

6.² The authority of the foregoing person(s) to bind the entity is not limited limited as follows:

7. Other matters concerning the manner in which the entity deals with interests in real property:

Executed this _____ day of _____.

BY: _____

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me on this _____ day of _____ 2020 by _____.

Witness my hand and official seal,

NOTARY PUBLIC
My Commission Expires _____

¹This form should not be used unless the entity is capable of holding title to real property.
²The absence of any limitation shall be prima facie evidence that no such limitation exists.
³The statement of authority must be recorded to obtain the benefits of the statute.