## 501B.57 AFFIDAVIT OF TRUSTEE IN REAL PROPERTY TRANSACTIONS.

Subdivision 1. **Form of affidavit for inter vivos trust.** An affidavit of a trustee or of trustees of an inter vivos trust in support of a real property transaction may be substantially in the following form:

STATE OF MINNESOTA	)	AFFIDAVIT OF TRUSTEE
	) ss.	
COUNTY OF	)	
, being	first duly swo	orn on oath says that:
1. Affiant is the trustee Trust Instrument)	(one of the tro	ustees) named in that certain Certificate of Trust (or
		ent No (or in Book of, Page) in the istrar of Titles) of County, Minnesota,
OR		
to which this Affidavi	t is attached,	
•	st Instrument)	he grantor of the trust described in the Certificate of , and which relates to real property in County,
(If more space is neede	d, continue or	n back or on attachment.)
2. The name(s) and add the time of the execution of		e trustee(s) empowered by the Trust Instrument to act at are as follows:
3. The trustee(s) who h	ave executed	that certain instrument relating to the real property
		as trustee(s) and, dated,:
(a) are empowered by the transfer title to any interest is	_	of the trust to sell, convey, pledge, mortgage, lease, or y held in trust; and
(b) are the requisite nur deliver such an instrument.	nber of trustee	es required by the provisions of the trust to execute and
4. The trust has not terr	ninated and h	as not been revoked.
- OR -		

	`	en revoked). The execution and delivery of the en made pursuant to the provisions of the trust.
5. There has been no an and deliver the instrument de		the trust which limits the power of trustee(s) to execute ragraph 3.
6. The trust is not super	vised by any o	court.
- OR -		
<u> </u>	-	Court of
7. Affiant does not have	actual knowle	edge of any facts indicating that the trust is invalid.
		, Affiant
Subscribed and sworn to bef day of		
Notary Stamp or Seal		Signature of Notary Public or Other Official
This instrument was drafted	hv.	
	•	
	lavit for testa	mentary trust. An affidavit of a trustee or of trustees property transaction may be substantially in the
STATE OF MINNESOTA	)	AFFIDAVIT OF TRUSTEE
	) ss.	
COUNTY OF	)	
, being first duly	sworn on oath	says that:
, Decedent died on or decree dated, fi	led in the officement No	e Last Will and Testament of, Decedent, dated ffiant, as trustee of the Trust, acquired by instrument the of the County Recorder/Registrar of Titles,

(If more space is needed, continue on ba	ack or on an attachment.) stee(s) empowered by the terms of decedent's will
to act at the time of the execution of this Affi	\ / I
3. The trustee(s) who have executed that described above between, as trustee(s)	t certain instrument relating to the real property and, dated
(a) are empowered by the provisions of t mortgage, lease, or transfer title to any interest	he trust under decedent's will to sell, convey, pledge, st in real property held in trust; and
(b) are the requisite number of trustees redeliver such an instrument.	equired by the provisions of the will to execute and
4. The Trust has not terminated and has	not been revoked.
- OR -	
4. The Trust has terminated (or has been instrument described in paragraph 3 has been	revoked). The execution and delivery of the made pursuant to the provisions of the Trust.
5. There has been no amendment to the execute and deliver the instrument described	Trust which limits the powers of the trustee(s) to in paragraph 3.
6. The Trust is not supervised by any co	urt.
- OR -	
± • • • • • • • • • • • • • • • • • • •	Court of County All necessary the trustee(s) to execute and deliver the instrument
7. Affiant does not have actual knowledge	ge of any facts indicating that the Trust is invalid.
	, Affiant
Subscribed and sworn to before me this day of	
	Signature of Notary Public or Other Official
Notary Stamp or Seal	- ,
This instrument was drafted by:	

- Subd. 2. **Effect.** An affidavit by the trustee or trustees under subdivision 1 or 1a is proof that:
- (i) the trust described in the affidavit is a valid trust;
- (ii) either the trust has not terminated or been revoked or, if the trust has terminated or been revoked, the conveyance described in the affidavit is made pursuant to the provisions of the trust;
- (iii) the powers granted the trustee or trustees extend to the real property described in the affidavit or attachment to the affidavit;
- (iv) no amendment to the trust has been made limiting the power of the trustee or trustees to sell, convey, pledge, mortgage, lease, or transfer title to the real property described in the affidavit or attachment to the affidavit, if any;
- (v) the requisite number of trustees have executed and delivered the instrument of conveyance described in the affidavit; and
  - (vi) any necessary court approval of the transaction has been obtained.

The proof is conclusive as to any party relying on the affidavit, except a party dealing directly with the trustee or trustees who has actual knowledge of facts to the contrary.

Subd. 3. **Recording or filing.** An Affidavit of Trustee or Trustees under subdivisions 1 and 1a may be recorded in the office of the county recorder for any county, or filed with the office of the registrar of titles for any county with respect to registered land described in the affidavit, or in the Certificate of Trust or Trust Instrument referred to in the affidavit, and may be recorded or filed as a separate document or combined with or attached to an original or certified copy of a Certificate of Trust or Trust Instrument, and recorded or filed as one document.

**History:** 1992 c 548 s 3; 1996 c 338 art 2 s 1; 1998 c 254 art 1 s 107; 1998 c 262 s 5,6