501C.1014 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 sworn on oath says that:

1. Affiant is the trustee (one of the trustees) named in that certain Certificate of Trust (or Trust Instrument)

recorded ....., ..., as Document No. ..... (or in Book ..... of ....., Page .....) in the Office of the (County Recorder/Registrar of Titles) of ..... County, Minnesota,

OR

to which this Affidavit is attached,

executed by Affiant or another trustee or the settlor of the trust described in the Certificate of Trust (or set forth in the Trust Instrument), and which relates to real property in ..... County, Minnesota legally described as follows:

.....

.....

.....

.....

(If more space is needed, continue on back or on attachment.)

2. The name(s) and address(es) of the trustee(s) empowered by the Trust Instrument to act at the time of the execution of this Affidavit are as follows:

.....

.....

.....

3. The trustee(s) who have executed that certain instrument relating to the real property described above between ....., as trustee(s) and ....., dated ....., ...:

(a) are empowered by the trust instrument to sell, convey, pledge, mortgage, lease, or transfer title to any interest in real property held in trust; and

(b) are the requisite number of trustees required by the trust instrument to execute and deliver such an instrument.

4. The trust has not terminated and the trust instrument has not been revoked.

- OR -

4. The trust has terminated (or the trust instrument has been revoked). The execution and delivery of the instrument described in paragraph 3 has been made pursuant to the provisions of the trust.

5. There has been no amendment to the trust which limits the power of trustee(s) to execute and deliver the instrument described in paragraph 3.

6. The trust is not supervised by any court.

- OR -

6. The trust is supervised by the ..... Court of ..... County, ... All necessary approval has been obtained from the court for the trustee(s) to execute and deliver the instrument described in paragraph 3.

7. Affiant does not have actual knowledge 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. **Form of affidavit for testamentary trust.** An affidavit of a trustee or of trustees of a testamentary 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 sworn on oath says that:

1. The ..... Trust was created by the Last Will and Testament of ....., Decedent, dated ....., ... Decedent died on ....., ... Affiant, as trustee of the Trust, acquired by instrument or decree dated ....., ..., recorded in the office of the County Recorder/Registrar of Titles, ... County, Minnesota, as Document No. ....., an interest in real property in ..... County, Minnesota, legally described as follows:

.....

.....

.....

.....

(If more space is needed, continue on back or on an attachment.)

2. The name(s) and address(es) of the trustee(s) empowered by the terms of decedent's will to act at the time of the execution of this Affidavit are as follows:

.....

.....

.....

3. The trustee(s) who have executed that certain instrument relating to the real property described above between ....., as trustee(s) and ....., dated ....., ...:

(a) are empowered by the provisions of the trust under decedent's will to sell, convey, pledge, mortgage, lease, or transfer title to any interest in real property held in trust; and

(b) are the requisite number of trustees required by the provisions of the will to execute and deliver such an instrument.

4. The Trust has not terminated and the trust instrument has not been revoked.

- OR -

4. The Trust has terminated (or the trust instrument has been revoked). The execution and delivery of the instrument described in paragraph 3 has been made pursuant to the provisions of the Trust.

5. There has been no amendment to the Trust which limits the powers of the trustee(s) to execute and deliver the instrument described in paragraph 3.

6. The Trust is not supervised by any court.

- OR -

6. The Trust is supervised by the ..... Court of ..... County, ... All necessary approval has been obtained from the court for the trustee(s) to execute and deliver the instrument described in paragraph 3.

7. Affiant does not have actual knowledge 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. 3. **Effect.** An affidavit by the trustee or trustees under subdivision 1 or 2 is proof that:

(1) the trust described in the affidavit is a valid trust;

(2) either the trust has not terminated or the trust instrument has not been revoked or, if the trust has terminated or the trust instrument has been revoked, the conveyance described in the affidavit is made pursuant to the provisions of the trust;

(3) the powers granted the trustee or trustees extend to the real property described in the affidavit or attachment to the affidavit;

(4) 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;

(5) the requisite number of trustees have executed and delivered the instrument of conveyance described in the affidavit; and

(6) 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. 4. **Recording.** An Affidavit of Trustee or Trustees under subdivisions 1 and 2 may be recorded in the office of the county recorder for any county or in 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 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 as one document.

Subd. 5. **Affidavit of trustee.** An affidavit of a trustee or of trustees of an inter vivos trust or a testamentary trust in support of a personal property transaction may be substantially in the form of the affidavit provided in subdivision 1 or 2, as long as the affidavit sets forth a description of the personal property and includes paragraphs 2, 3(a) and (b), changing the property reference to the personal property described, 4, 5, 6, and 7 of the form of the affidavit provided in subdivision 1 or 2.

History: *2015 c 5 art 10 s 14; 2025 c 15 s 19*