Attorney-in-fact Deed

Only need examiner’s approval if an individual granted the power of attorney. Approval is not required for corporate attorney-in-fact deeds.

Required documents
- **Deed**—Warranty deed or quit claim deed is generally used. The form of acknowledgment of the deed should be in a representative capacity (“______ as attorney-in-fact for ______”). Minn Stat § 358.66 (a)(2)
- **Power of attorney**—any valid power of attorney form authorizing the attorney-in-fact to convey may be used. In general, use of the Statutory Short Form Power of Attorney is recommended—Minn Stat § 523.23; UCB Form 100.1.1
- **Affidavit of attorney-in-fact**— Minn Stat § 523.17, subd 1; UCB Form 100.2.1
- **Affidavit of authority of successor attorney-in-fact**—this affidavit must be submitted in addition to UCB Form 100.2.1, but is only needed if a successor attorney-in-fact signs the deed—Minn Stat § 523.16; UCB Form 100.2.2

Before you submit your documents, check to make sure:
- The affidavit is signed and verified the same day or after the deed is dated and acknowledged, whichever is later. Example: deed is dated January 1; deed is acknowledged January 4; the affidavit must be signed January 4 or later.
- The affidavit has the correct date of the power of attorney and name of principal (and recording information if already recorded).

General tips
- All documents submitted must be originals or certified copies.
- All documents must be complete and ready to be filed (signed, dated and notarized).
- Proof-read all documents and check that the acknowledgement/verification is complete and in the correct form. See Minn Stat § 358.66 for acknowledgment form.

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