

**SAMPLE – NEW ENGLAND ESTATE PLANNING**  
**(www.newenglandestateplanning.com)**

**Deed Review Checklist**

**A.RE #2**

Date: \_\_\_\_\_ 20\_\_\_\_

Attorney:

Client: \_\_\_\_\_

Case worker:    \_\_

1. Is the instrument properly identified in its title?  Yes  No  I don't know
2. Are internal references within the deed consistent with the title?  Yes  No  I don't know
3. How is it titled? \_\_\_\_\_
4. If applicable, is it referenced as a Warranty Deed, Quitclaim Deed, PR Deed of Distribution, Trustee Deed etc.?
  - If the deed is being executed by a PR of an estate:
    - o Name of decedent: \_\_\_\_\_
    - o Docket Number: \_\_\_\_\_
    - o 10 Days prior notice was:  a) given  b) waived under will \_\_\_\_\_
    - o If **Intestate in Maine**, includes the language “ \_\_\_\_\_, duly appointed and acting personal representative of the estate of \_\_\_\_\_, deceased, as shown by the probate records of \_\_\_\_\_ County, Maine, by the powers conferred by law, and every other power, (in distribution of the estate) grants to \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, State of \_\_\_\_\_, whose mailing address is \_\_\_\_\_, being the person(s) entitled to distribution, the real property in \_\_\_\_\_, \_\_\_\_\_ County, Maine, described as follows:”
    - o If **Testate in Maine**, includes the language “ \_\_\_\_\_, duly appointed and acting personal representative of the estate of \_\_\_\_\_, deceased, whose will was duly admitted to probate in the probate court for \_\_\_\_\_ County, Maine, by the powers conferred by law, and every other power, (in distribution of the estate) grants to \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County, State of \_\_\_\_\_, whose mailing address is \_\_\_\_\_, being the person(s) entitled to distribution, the real property in \_\_\_\_\_, \_\_\_\_\_ County, Maine, described as follows:”
5. Are you sure that all other form requirements are satisfied?  Yes  No
6. Have you compared the deed to the Short Form Deed Act?  Yes  No

**SAMPLE – NEW ENGLAND ESTATE PLANNING**  
**(www.newenglandestateplanning.com)**

7. Check spelling of Grantors and Addresses:

Name:	Name:	Name:
Address:	Address:	Address:

8. Check spelling of Grantors (as Grantees) on prior deed.

What change, if any, is needed:

\_\_\_\_\_

9. Check spelling of Grantees and their mailing addresses:

Name:	Name:	Name:
Address:	Address:	Address:

- A mailing address must be stated in the granting clause in New Hampshire or the deed will be returned.

10. If the **Grantor** is a trust have you included the date of the trust?  Yes  No

11. If the **Grantor** is a trust, is the capacity of the grantor as “trustee” set forth on the execution line and acknowledgment form?  Yes  No

12. If the Grantee is a trust, have you included the date of the trust?  Yes  No

13. Check that marital status of **Grantor**(s) is  disclosed  Not applicable:\_\_\_\_\_

If married, spouse should sign off the property, even if his/her name is not listed as a grantor.

Yes  No

Has this been done?  Yes  No because\_\_\_\_\_

Name of spouse:\_\_\_\_\_

**SAMPLE – NEW ENGLAND ESTATE PLANNING**  
**(www.newenglandestateplanning.com)**

14. If a grantor or grantee is a corporation, the corporate name must be exactly as written in the charter; the state of incorporation and the location of its principal place of business should be shown.
15. The corporate deed should show the authority (i.e. an authorized officer) under which the conveyance is made.
16. Check the description of the property against the description in the deed granting the property to the seller.
- Use Dragons “Read that” feature: \_\_\_\_\_
- Compare line by line: \_\_\_\_\_
- Errors corrected: \_\_\_\_\_
17. Check town assessor records.
- Does property described resemble what you are deeding?  Yes  No
- Do the book and page numbers match?  Yes  No
18. Are there more than one lot?  Yes  No
19. Is lot merger a concern?  Yes  No
20. Mortgage. If the property is mortgaged, is the mortgage correctly described?  Yes  No
21. Does the buyer take subject to the mortgage, or does he take subject to the mortgage and assume and agree to pay the mortgage debt?  Yes  No
- Takes subject to: \_\_\_\_\_
- Assumes mortgage: \_\_\_\_\_
22. Liens and encumbrances. Are there any liens or encumbrances excepted in the deed, which are not provided for in any contract to sell?  Yes  No  I don't know

**SAMPLE – NEW ENGLAND ESTATE PLANNING**  
**(www.newenglandestateplanning.com)**

23. Is the conveyance subject to easements and restrictions of record?  Yes  No  
 I don't know

24. Obligations, which are to be fulfilled after closing, should be stated in the deed.

There are:  No such obligations  One or more obligations

---

25. Review Transfer Tax Form

- a. County: \_\_\_\_\_
- b. Municipality: : \_\_\_\_\_
- c. Grantee: \_\_\_\_\_
- d. Grantee's Address: \_\_\_\_\_
- e. Grantee's SSN: \_\_\_\_\_
- f. Grantor: \_\_\_\_\_
- g. Grantor's Address: \_\_\_\_\_
- h. Grantor's SSN: \_\_\_\_\_
- i. Property:
  - Map \_\_\_\_\_; Block \_\_\_\_\_; Lot \_\_\_\_\_; Sublot \_\_\_\_\_
  - Physical location: \_\_\_\_\_
  - Acreage: \_\_\_\_\_
  - Property Code: \_\_\_\_\_

**SAMPLE – NEW ENGLAND ESTATE PLANNING**  
**(www.newenglandestateplanning.com)**

**PROPERTY TYPE CODES**

**VACANT LAND**

Rural	101
Urban	102
Oceanfront	103
Lake/Pond front	104
Stream/Riverfront	105
Agricultural	106
Commercial Zone	107
Other	120

**RESIDENTIAL**

Rural	201
Urban	202
Oceanfront	203
Lake/Pond front	204
Stream/Riverfront	205
Mobile Home	206
2-4 Unit Apt.	207
Other	220

**COMMERCIAL**

Mixed Use	301
5+ Unit Apt.	303
Bank	304
Restaurant	305
Medical	306
Office	307
Retail	308
Automotive	309
Marina	310
Warehouse	311
Hotel/Motel/Inn	312
Nursing Home	313
Shopping Mall	314
Other	320

**INDUSTRIAL**

Gas and Oil	401
Utility	402
Gravel Pit	403
Lumber/Saw Mill	404
Pulp/Paper Mill	405
Light Manufacture	406
Heavy Manufacture	407
Other	420

**MISC CODES**

Government	501
Condominium	502
Timeshare Unit	503
Non-Profit	504
Mobile Home Park	505
Airport	506
Conservation	507
Current Use Classification	508
Other	520

26. Are transfer taxes due?  Yes  No  I don't know \_\_\_\_\_

27. If transfer taxes are not due, check appropriate exemption in box 6c: \_\_\_\_\_

28. If transfer taxes are due, who owes what?

Grantor: \_\_\_\_\_

Grantee: \_\_\_\_\_

The **transfer tax** is collected on the following two transactions. The rate of **tax** is \$2.20 for each \$500 or fractional part of \$500 of the value of the property being transferred. The **tax** is imposed ½ on the grantor, ½ on the grantee.

29. Is the Grantor a qualified resident of the state of Maine?  Yes  No

**SAMPLE – NEW ENGLAND ESTATE PLANNING**  
**(www.newenglandestateplanning.com)**

30. If the Grantor is not a resident of the state of Maine is withholding required?  Yes  No  
 I don't know

- 36 M.R.S. § 5250-A requires a buyer to withhold state income tax when real property located in Maine is acquired from a nonresident of Maine. The buyer must withhold and remit to the state tax assessor 2.5% of the consideration received by the transferor (seller) on the transfer. A completed Form REW- 1-1040 (for sellers who are individuals or sole proprietors), Form REW-1-1041 (for sellers that are trusts or estates), and/or Form REW-1-1120 (for sellers that are corporations) must accompany the remittance.
- Withholding is 2.5% of sale price
- See FORM REW-1-1041
- A buyer must report and remit the tax withheld to Maine Revenue Services with this form within 30 days of the date of transfer of the property.
- Send Form REW-1-1041 with payment directly to: Maine Revenue Services, Income/Estate Tax Division - REW, P.O. Box 9101, Augusta, ME 04332-9101 (do not send payment or Form REW-1-1041 with the real estate transfer tax declaration). Provide one copy of Form REW-1-1041 to the real estate escrow person, one copy to the buyer, and two copies to the seller.
- Seller's Filing Requirement. Generally, a seller that is a nonresident estate or trust must file a Maine income tax return for the tax year during which the sale of the Maine property occurred. Certain filing exceptions apply. See 36 M.R.S. § 5220(4). The seller must attach a copy of the REW-1 form to the Maine income tax return to ensure proper credit for real estate withholding paid. For more information on the Maine filing requirements, see the instructions for Form 1041ME at [www.maine.gov/revenue](http://www.maine.gov/revenue).

31. If income tax is not required to be withheld, check appropriate box 10: \_\_\_\_\_

- Qualified Maine resident \_\_\_\_\_
- A waiver has been received from the State Tax Assessor
- Consideration for property is less than \$50,000
- Foreclosure sale

32. What is the purchase price? \_\_\_\_\_

- If a gift, use FMV of property and enter "0" for purchase price.

33. What is the FMV of the property being conveyed? \_\_\_\_\_

- Appraised value: \_\_\_\_\_
- Assessed value: \_\_\_\_\_
- Other: \_\_\_\_\_

**SAMPLE – NEW ENGLAND ESTATE PLANNING**  
**(www.newenglandestateplanning.com)**

34. Exemptions

- State exemption description in place English.
- Exemptions are found at §4641-C:
  1. governmental entities
  2. mortgage deeds, deeds of foreclosure and deed in lieu of foreclosure
  3. deeds affecting a previous deed without additional consideration without changing ownership
  4. deeds between certain family members without consideration
  5. tax deeds
  6. deeds of partition
  7. deeds pursuant to mergers or consolidations
  8. deeds by subsidiary corporations
  9. deeds prior to October 1, 1975
  10. deeds by parent corporation
  11. deeds executed by public officials
  12. deeds to foreclosure and in lieu of foreclosure
  13. deeds given pursuant to bankruptcy code
  14. deeds to a trustee, nominee or straw
  15. certain corporate, partnership and limited liability company deeds,
  16. deeds to charitable conservation organizations
  17. limited liability company deeds
  18. change in identity or form of ownership
  19. controlling interests

35. Is title insurance being issued?  Yes  No  I don't know

36. Is title insurance advisable?  Yes  No  I don't know

37. Will deed complicate or destroy Galenstien basis step up?  Yes  No  I don't know

**Conveyance by shares of an interest in an entity**

38. Is the Grantee an entity?  Yes  No  I don't know

39. If the Grantee is an entity, have you prepared the "Controlling Interest Transfer Return/Declaration of Value" (Do not use this form for transfers of real property by deed)? \_\_\_\_\_  Yes  No  I don't know

**Massachusetts**

**SAMPLE – NEW ENGLAND ESTATE PLANNING**  
**([www.newenglandestateplanning.com](http://www.newenglandestateplanning.com))**

40. Review supplement MA checklist.  Yes  No  I don't know

SAMPLE