



A FEDERAL COURT IN TEXAS HAS RECENTLY ISSUED A RULING TEMPORARILY SUSPENDING FINCEN REQUIREMENTS ON A NATIONAL BASIS. WE WILL ADVISE AS THE SITUATION EVOLVES.

### Information Notice

#### Required FinCEN Real Estate Report

Starting March 1, 2026, a FinCEN Real Estate Report must be filed with the U.S. Department of the Treasury when a **residential property** is transferred **without financing** to an **entity or a trust** unless an exemption applies. This rule applies in all states and to many no-consideration transfers, including gifts. See the decision tree on the next page for how the requirement for filing a report is determined. Based on the information you provided, a FINCEN Real Estate Report is required for your intended transfer. The report provides detailed information to FINCEN about all “beneficial owners” of the entities and/or trusts involved in the transfer.

When a FINCEN report is required, U.S. Deeds handles the collection of all necessary information and the filing of the report with FINCEN through a secure outside service specializing in FINCEN filings. You will receive an invitation email with a secure link to a short online form that you must complete prior to the recording of your deed. The system protects your information and guides you step by step. It takes about five minutes, and completing it promptly helps prevent delays in finalizing your requested transfer. If you do not want U.S. Deeds to file the FINCEN report for your transfer, you must assume responsibility for recording the deed, sign and return a Designation Agreement and file the FINCEN report yourself within the deadline period.

**Who** needs to provide identifying information as a “beneficial owner”?

**For the entity (like an LLC or corporation) taking title:**

Information will be required on the entity and anyone who owns 25 percent or more of the entity or has major decision power or who may sign on behalf of the entity. If no one owns 25 percent, list at least one person who makes key decisions. If another company owns part of the entity, list the real people behind that company.

**For the trust taking title:**

Information will be required on the trust, all trustees, any trust protectors and any beneficiaries who can demand a distribution or withdraw trust assets, and any grantors who can revoke the trust or withdraw trust assets. If a trustee is a company, list the real people who own or control that company.

**For the grantor(s) transferring title:**

Information will be required on each individual transferring title to the entity or trust as well as the beneficial owners of any entity or trust transferring title as described above.

**What** identifying information needs to be provided for grantors and beneficial owners?

The information required includes legal name, date of birth, home address, citizenship, taxpayer ID and ID documents. If any payment is being made by the grantee, payment and account information for the source of funds from grantee.

If you have questions before you receive the FINCEN report data collection link, please contact us. After you receive the link, you may use the support button in the report data collection portal. You may also reach out via the secure live chat for assistance in providing the information necessary for the report. We recommend opening the link on a computer if available to make the process easier.

## Decision Tree for FINCEN reporting

**Is transfer TO an entity or trust?**

(grantee is corp, LLC, partnership, estate, or trust)

**NO** → Non-reportable

**YES**

**Is the property residential?**

(a condominium, a share in a cooperative housing corporation, a structure designed for occupancy by 1 to 4 families, or land on which grantee intends to build a structure designed for occupancy by 1 to 4 families)

**NO** → Non-reportable

**YES**

**Is the transaction non-financed?**

(is the property being transferred for NO consideration, or if with consideration is it WITHOUT FINANCING from a bank, mortgage broker, or other regulated lender with anti-money laundering obligations?)

**NO** → Non-reportable

**YES**

**Does an exemption apply?**

Transfer by individual grantor to a trust created by grantor or their spouse for NO consideration  
Transfer incident to the death of an individual (per terms of will or trust, intestacy, surviving joint owners, TOD deeds)  
Transfer incident to divorce  
Transfer to bankruptcy estate  
Transfer ordered by a court  
Transfer of an easement only  
Transfer to a 1031 intermediary  
Transfer to a governmental entity  
Transfer to a public trust or other regulated entity

**YES** → Non-reportable

**NO**

**REPORTABLE TRANSFER**

**Client elects to have USD file FINCEN report?**

**NO** →

Designation agreement signed  
Client records deed  
Client files FINCEN report

**YES**

Required information collected  
Deed recorded by U.S. Deeds  
FINCEN report filed