# Bureau of Indian Affairs-Palm Springs Agency
# Checklist for Commercial Deed of Trust

| REVIEW | ITEMS TO CONSIDER | CROSS REFERENCE | STAFF COMMENTS / NOTES |
|---|---|---|---|
| Yes/No/NA | Lease Number | Tab 1 | Comments / Notes |
| Yes/No/NA | Master Lessor | Tab 1 | Comments / Notes |
| Yes/No/NA | Master Lessee | Tab 1 | Comments / Notes |
| Yes/No/NA | Trustee | Tab 1 | Comments / Notes |
| Yes/No/NA | Beneficiary | Tab 1 | Comments / Notes |
| Yes/No/NA | Loan Amount | Tab 1 | Comments / Notes |
| Yes/No/NA | Case initiation latter | Tab 1 | Comments / Notes |
| Yes/No/NA | Enter DOT into TAAMS as a proposal | Tab 1 | Comments / Notes |
| Yes/No/NA | Provide Deed of Trust Checklist to parties | Tab 1 | Comments / Notes |
| Yes/No/NA | Invoice Administrative Fee | Tab 1 | Comments / Notes |
| Yes/No/NA | Remit Administrative Fee | Tab 1 | Comments / Notes |
| Yes/No/NA | Landowner consent to encumber | Tab 1 | Comments / Notes |
| Yes/No/NA | Fees paid to landowner | Tab 1 | Comments / Notes |
| Yes/No/NA | Certified signed escrow instructions | Tab 1 | Comments / Notes |
| Yes/No/NA | Prepare Legal Instrument file for Deed of Trust | Tab 1 | Comments / Notes |
| Yes/No/NA | Request reconciliation from BIA Accounting and ensure lessee cures any monetary defaults | Tab 1 | Comments / Notes |
| Yes/No/NA | Borrower on Deed of Trust, Assignment of Rents, and Note must match the lessee on Title | Tab 1 | Comments / Notes |
| Yes/No/NA | Legal Description on Deed of Trust must match the legal description on the lease | Tab 1 | Comments / Notes |
| Yes/No/NA | Corporate Documents for Corporations / Corp.<br>____Articles of Incorporation<br>____Corporate Resolution with Authority to Sign<br>____Statement/List of Officers<br>____Financial Statement(s)<br>____Credit Report (if foreign Corp. or CA filing reports)<br>____Certificate of Good Standing<br>____Fictitious Name Filing | Tab 1 | Comments / Notes |

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|---|---|---|---|
| Yes/No/NA | Corporate Documents for Limited Liability Company / LLC<br>____Articles of Organization or Cert. of Formation<br>____Evidence of Authority to Sign<br>____Operating Agreement<br>____Financial Statement(s)<br>____Certificate of Good Standing<br>____Fictitious Name Filing | Tab 1 | Comments / Notes |
| Yes/No/NA | Corporate Documents for Partnership / Limited Partnership<br>____Partnership Agreement<br>____Financial Statement(s)<br>____Certificate of Limited Partnership<br>____Evidence of Authority to Sign<br>____Operating Agreement<br>____Financial Statement(s)<br>____Certificate of Good Standing<br>____Fictitious Name Filing | Tab 1 | Comments / Notes |
| Yes/No/NA | Corporate Documents for Public Entity<br>____Articles of Incorporation<br>____Powers of Board Members<br>____Financial Statement(s)<br>____Evidence of Authority to Sign<br>____Operating Agreement<br>____Fictitious Name Filing | Tab 1 | Comments / Notes |
| Yes/No/NA | Corporate Documents for Homeowner's Association<br>____Articles of Incorporation<br>____Powers of Board Members<br>____Financial Statement(s)<br>____Evidence of Authority to Sign<br>____Operating Agreement | Tab 1 | Comments / Notes |
| Yes/No/NA | Term on Deed of Trust may not exceed the expiration of the Lease (Sublease if applicable) | Tab 1 | Comments / Notes |
| Yes/No/NA | Review lender's appraisal to make certain that the Deed of Trust does not over-encumber the leasehold estate | Tab 1 | Comments / Notes |
| Yes/No/NA | Determine if there are any unapproved Deeds of Trust encumbering the leasehold | Tab 1 | Comments / Notes |
| Yes/No/NA | Review legal instruments folder to make certain that all approved deeds of trust do not over encumber the leasehold estate | Tab 1 | Comments / Notes |
| Yes/No/NA | Review the escrow instruction to verify there will be no other liens against the leasehold upon funding | Tab 1 | Comments / Notes |
| Yes/No/NA | Review all documents to ensure that there is no cross collateralization | Tab 1 | Comments / Notes |
| Yes/No/NA | Run a Title Status Report and ensure there are no other encumbrances | Tab 1 | Comments / Notes |
| Yes/No/NA | Prepare approval pages for Deed of Trust, Assignment of Rents and Note | Tab 1 | Comments / Notes |

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|---|---|---|---|
| Yes/No/NA | Realty Officer's Review | Tab 1 | Comments / Notes |
| Yes/No/NA | Deputy Superintendent's Review | Tab 1 | Comments / Notes |
| Yes/No/NA | Superintendent's review / approval | Tab 1 | Comments / Notes |
| Yes/No/NA | Regional Director's review / approval | Tab 1 | Comments / Notes |
| Yes/No/NA | Elevate the proposal to an approved encumbrance attached to the leasehold in TAAMS | Tab 1 | Comments / Notes |
| Yes/No/NA | Record Deed of Trust on Title | Tab 1 | Comments / Notes |
| Yes/No/NA | Provide original documents to parties | Tab 1 | Comments / Notes |
| Yes/No/NA | Send BIA County Recorded copies of Deed of Trust, Assignment of Rents and Note | Tab 1 | Comments / Notes |
| Yes/No/NA | | Tab 1 | Comments / Notes |
| Yes/No/NA | | Tab 1 | Comments / Notes |
| Yes/No/NA | | Tab 1 | Comments / Notes |
| Yes/No/NA | | Tab 1 | Comments / Notes |
| Yes/No/NA | | Tab 1 | Comments / Notes |