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## Trustee Requirements

STATE	RESTRICTIONS ON WHO MAY SERVE AS TRUSTEE ON A DEED OF TRUST	CITATIONS
<b>Alabama</b>	Not applicable since Mortgages are used in the state.	None.
<b>Alaska</b>	None. Although the title company who issues the title insurance policy generally acts as trustee.	Alaska Stat. § 34.20.070.
<b>Arizona</b>	Yes; The following: 1. Association or corporation, including its parent company, operating a bank, trust company, savings and loan association, credit union, insurance company, escrow agent, or consumer lender; 2. Attorney, real estate broker; insurance agent; 3. An association or corporation, including its parent company, licensed, chartered or regulated by the FDIC, the Comptroller of the currency, FHLB, NCUA, The farm credit administration; 4. Any corporation all the stock of which is owned by or held solely for the benefit of any such above-referred association or corporation; An individual who qualifies as a trustee under the above provisions may not be the beneficiary of the trust. However, such restriction may not preclude a corporate or association trustee qualified under the above provisions and acting in good faith from being the beneficiary, or after appointment may not be precluded from acquiring the interest of the beneficiary by succession, conveyance, grant, descent or devise.	Ariz. Rev. Stat. § 33-803.
<b>Arkansas</b>	Yes; The following: An Arkansas attorney, state or federally authorized or regulated: Bank, Savings and Loan Association, an Arkansas corporation authorized to conduct a trust business, or a state agency, and a beneficiary-appointed successor or substitute trustee.	Ark. Code Ann. § 18-50-102.
<b>California - CFL, REB/DRE and RML Licensees</b>	None. Any person may serve as trustee.	Crocker-Citizens Nat. Bank v. Younger, 4 Cal. 3d 202, 93 Cal. Rptr. 214, 481 P.2d 222 (1971).
<b>Colorado</b>	Yes; The following: A public trustee that each county is required to have. In order to take advantage of the statutory foreclosure process, the deed of trust must be granted to the public trustee.	Colo. Rev. Stat. § 38-38-101 et seq.
<b>Connecticut</b>	Not applicable since Mortgages are used in the state.	Conn. Gen. Stat. §§ 49-1 et seq.
<b>Delaware</b>	Not applicable since Mortgages are used in the state.	None.
<b>District of Columbia</b>	No; Any person may act as a trustee.	D.C. Code § 42-811; D.C. Code § 26-1101 et seq.
<b>Florida</b>	Not applicable since Mortgages are used in the state.	Fla. Stat. Ann. §§ 687.01 et seq.; Fla. Stat. Ann. §§ 494.001 et seq.
<b>Georgia</b>	Not applicable since Deeds of Trust are not used in the state.	None.
<b>Hawaii</b>	Not applicable since Mortgages are used in the state.	HI ST § 506-1.



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<b>Idaho</b>	Yes; The following: Members of the Idaho bar, state regulated and authorized banks and savings and loan associations, state or federally regulated and authorized corporations doing trust business, and Idaho-licensed title insurance agents and companies. A beneficiary may not be trustee.	Idaho Code § 45-1504; Idaho Code § 45-1502.
<b>Illinois</b>	Illinois is generally a mortgage state, but if a Deed of Trust is used, any person may serve as a trustee. However, Corporations must be qualified to administer trusts pursuant to the Illinois Corporate Fiduciary Act.	205 IL CS 620/1-1 et seq., 760 IL CS 5/2. Corporate Fiduciary Act.
<b>Indiana</b>	Not applicable since Mortgages are used in the state.	Ind. Code Ann. §§ 32-16-1-1 et seq.
<b>Iowa</b>	Not applicable since Mortgage are more commonly used then a security instrument.	Iowa Code §§558.1 et seq.
<b>Kansas</b>	Not applicable since Mortgages are used in the state.	Kan. Stat. Ann. §§ 58-2301 et seq.
<b>Kentucky</b>	Not applicable as Trust Deeds are not used.	None.
<b>Louisiana</b>	Not applicable as Trust Deeds are not used.	None.
<b>Maine</b>	Not applicable since Mortgages are used in the state.	None.
<b>Maryland</b>	Yes; The trustee must be a "natural person" in order to exercise the power of sale in the Trust Deed. Such a trustee need not be a resident. If a corporate trustee is used initially, an individual trustee must be substituted for the corporate trustee once a foreclosure action is contemplated. The custom in Maryland is to appoint individuals as trustees. Often an employee of the lender is appointed.	MD REAL PROP § 7-105(a).
<b>Massachusetts</b>	Not applicable since Mortgages are used in the state.	Mass. Gen. Laws Ch. 183.
<b>Michigan</b>	Residential mortgages in Michigan usually use a mortgage rather than a deed of trust. No specific requirements were found for a trustee of a deed of trust.	Mich. Comp. Laws Ann. §§ 445.1601 et seq.; Mich. Comp. Laws Ann. § 487.2051 et seq.; Mich. Comp. Laws Ann. §§ 445.1651 et seq.; Mich. Comp. Laws Ann. §§ 493.51 et seq.
<b>Minnesota [ILT]</b>	Not applicable since Mortgages, with the power of sale, are the security instrument used in Minnesota.	Minn. Stat. § 507.15 .
<b>Mississippi</b>	No; Any person may act as trustee and no person is disqualified because of his or her relationship to the beneficiary or any other party to the deed of trust. A corporation may serve as trustee, but generally, corporate trustees are not used in residential loan transactions in Mississippi.	Miss. Code Ann. § 89-1-63(2)
<b>Missouri</b>	Yes; Trustee under a deed of trust must be either a domestic corporation or an individual citizen of Missouri. A foreign corporation or individual may act as a trustee if either is named as co-trustee with a domestic corporation or an individual citizen of Missouri.	Mo. Rev. Stat. § 443.350.



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<b>Montana</b>	<p>Yes; As to deeds of trust governed by the Small Tract Financing Act of Montana, trustee must be one of the following: (a) an attorney licensed to practice law in Montana; (b) Montana or federally regulated and authorized bank, trust company, or savings and loan association; or (c) a title insurer or title insurance producer or agency authorized to do business in Montana under the laws of Montana.</p> <p>For a deed of trust governed by Montana's general mortgage laws, there are no restrictions concerning who may serve as trustee.</p>	Mont. Code Ann. § 71-1-306(1).
<b>Nebraska</b>	<p>Yes; Trustee must be: (a) a member of the Nebraska State Bar Association or a licensed real estate broker of Nebraska; (b) any bank, building and loan association, savings and loan association, or credit union authorized to do business in Nebraska under the laws of Nebraska or the United States; (c) any corporation authorized to conduct a trust business in Nebraska under the laws of Nebraska or the United States; or (d) Any title insurer authorized to do business in Nebraska under the laws of Nebraska. Also, the trustee shall not be the beneficiary named in the trust deed unless the beneficiary is qualified to be a trustee under the above listed (b) or (c).</p>	Neb. Rev. Stat. § 76-1003.
<b>Nevada</b>	<p>Yes; Nevada statutes do not specifically indicate who may serve as trustee of a deed of trust. A mortgage broker and any partnership, corporation, or limited-liability company, or any of its officers, directors, or employees who are holders of a beneficial interest may not act as trustee. Foreign banks are expressly disqualified unless acting as a co-fiduciary with a banking corporation whose principal place of business is in Nevada. Typically, local licensed escrow or title companies act as the trustees under deeds of trust.</p>	NV ADC 645B.250; Nev. Rev. Stat. § 662.245.
<b>New Hampshire</b>	<p>New Hampshire is generally a mortgage state, which does not require a trustee.</p>	NH ST § 479:1 et seq.
<b>New Jersey</b>	<p>Not applicable since Mortgages are used in the state.</p>	None.
<b>New Mexico</b>	<p>Yes; However, mortgages are the common form of security instrument. Under a Deed of Trust, trustee must be: (a) an organization doing business under the laws of New Mexico as a bank, trust company, savings and loan association, escrow company or title insurance company including an agent or underwriter, (b) an individual who is a member of the State Bar of New Mexico, (c) an organization which is licensed, chartered or regulated by the FDIC, the OCC, the OTS, the Federal Home Loan Bank or the Bureau of Federal Credit Unions, or (d) the parent corporation of any association or corporation referred to in this paragraph all the stock of which is owned by or held solely for the benefit of such association or corporation. No trustee of a deed of trust or parent corporation or subsidiary corporation of a corporate trustee which is a trustee of a deed of trust shall be the beneficiary of the deed of trust.</p>	N.M. Stat. Ann. § 48-10-6(A).
<b>New York</b>	<p>Not applicable since Mortgages are used in the state.</p>	NY Real Prop §§ 240 et seq.
<b>North Carolina</b>	<p>No; However, it is advisable to use an individual as a trustee, because a corporate trustee may be required to have trust powers and to qualify as a foreign corporation to transact business in North Carolina.</p>	None.



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<b>North Dakota</b>	Deed of Trust are not commonly used, but there is no prohibition on their use. If a Deed of Trust is used, there are no restrictions on who can be a trustee.	None.
<b>Ohio</b>	Not applicable as Trust Deeds are not used.	None.
<b>Oklahoma</b>	Not applicable since Mortgages are used in the state.	None.
<b>Oregon</b>	Yes; Trustee must be: (a) an active member of the Oregon State Bar; (b) an Oregon state-chartered or national bank, trust company or savings and loan association; (c) a title insurance company licensed to do business in Oregon; (d) a U.S. government agency; and (e) a licensed escrow agent.	Or. Rev. Stat. § 86.790(1).
<b>Pennsylvania</b>	Not applicable since Mortgages are used in the state.	21 Pa. Stat. §§ 621 et seq.
<b>Rhode Island</b>	Not applicable since Mortgages are used in the state.	R.I. Gen. Laws §§ 34-11-11; R.I. Gen. Laws § 34-11-12.
<b>South Carolina</b>	Not applicable since Mortgages are used in the state.	None.
<b>South Dakota</b>	Not applicable since Mortgages are used in the state.	None.
<b>Tennessee [both ILT and RML Licensees].</b>	Yes; A person not a resident of this state or whose principal place of employment is not in this state, and any corporation not incorporated under the laws of this State or of the United States and with its principal place of business not in this state may not serve as a trustee, unless the state where the individual trustee resides or where the corporate trustee was organized and maintains its principal place of business permits a resident of Tennessee to be a trustee under a deed of trust filed in that state.	Tenn. Code Ann. § 66-24-123.
<b>Texas</b>	Yes; Trustees under deeds of trust are expressly excluded from the Texas Trust Code. Accordingly, Texas case law governs who may act as a trustee. It is our understanding that, while corporations have not been prohibited from serving as trustee, common practice is to appoint a Texas resident as trustee.	Tex. Prop. Code § 111.003.
<b>Utah</b>	Yes; Trustee must be: (a) any active member of the Utah State Bar who maintains a place within Utah where the trustor or other parties may meet to: (1) Request information about what is required to reinstate or pay off the obligation secured by the trust deed; (2) Deliver written communications to the lender as required by both the trust deed and by law; (3) Deliver funds to reinstate or pay off the loan secured by the trust deed; or (4) Deliver funds by a bidder at a foreclosure sale to pay for the purchase of the property secured by the trust deed; (b) A Utah or federally chartered depository institution or insurance company; (c) A Utah or federally chartered trust company that is actually conducting a trust business in Utah; (d) A title insurance company or agency that: (1) Holds a certificate of authority or license under Title 31A, Insurance Code, to conduct insurance business in the state; (2) Is actually doing business in Utah; and (3) Maintains a bona fide office in Utah; (e) Any agency of the U.S. government; or (f) Any association or corporation that is licensed, chartered, or regulated by the Farm Credit Administration or its successor.	Utah Code Ann. § 57-1-21.
<b>Vermont</b>	Not applicable as Trust Deeds are not used.	None.



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Virginia	Yes; Only Virginia residents may be named or act as trustees. Also, no corporation may be named or act as trustee unless it is chartered under the laws of Virginia or of the United States of America, and unless its principal office is within Virginia.	Va. Code § 55-58.1.
Washington	Yes; Trustee must be: (a) any domestic corporation incorporated under certain provisions of Washington law; or (b) any title insurance company authorized to insure title to real property under Washington law, or the company's agent; or (c) any attorney who is an active member of the Washington state bar association at the time the attorney is named as trustee; or (d) any professional corporation incorporated under Washington's professional service corporation statute, any professional limited liability company formed under ch. 25.15 [professional limited liability company statute], any general partnership including limited liability partnerships formed under ch. 25.04 [partnership statute], provided all of the owners of those entities are licensed attorneys, or any domestic corporation wholly owned by any of these entities; or (e) any agency or instrumentality of the United States government; or (f) any national bank, savings bank, or savings and loan association chartered under the laws of the United States.	WA ST § 61.24.010. Also, except for an agency of the United States government, no person, corporation, or association may be both trustee and beneficiary under the same deed of trust. WA ST § 61.24.020.
West Virginia	Yes; Trustee must be residents of West Virginia. No corporation may be named or act as the trustee unless its principal office is within West Virginia and it is chartered under the laws of West Virginia or of the United States of America.	W. Va. Code § 38-1A-2.
Wisconsin	Not applicable since Mortgages are used in the state.	Wis. Stat. Ann. §§ 706.001 et seq.
Wyoming	Deed of Trust are authorized, but are not commonly used. Wyoming laws impose no trustee requirements.	Wyo. Stat. § 34-2-122.