

1) Property Type Reportable under FinCEN AML; if none then not Residential Real Property and, thus not reportable; if yes, go to question 2

- 1–4 family structure or condo
- Vacant land zoned residential or Vacant Land where Transferee Buyer intends to build structures **intended** for 1-4 family occupancy (including builder projects)
- Co-ops
- Mixed-use properties like apartments over strip malls or full apartment buildings where the intent of the living space is for 1-4 family occupancy

2) Transaction Type – Non-Financed Reportable under FinCEN AML; if none then funds are coming from lender subject to BSA and thus, not reportable, if yes then go to question 3

- Is your transaction an “All-cash transaction” or is the transfer a gift, zero or no consideration?
- Does your transaction involve financing from private money lenders, hard money lenders, seller carrybacks, investor groups, IRAs, 401(k)s, private individuals?
- There are no funds for your Buyer coming from a recognized, large national financial lender, state or federal credit union or state or federal chartered bank – all of which are subject to the Bank Secrecy Act?

3) Transferee Buyer Type – A legal entity or trust (LLC, Corp, Partnership, Trust, Estates) Reportable under FinCEN AML; if none then Buyer is an individual and thus, not reportable; if yes, go to question 4

- Is the Transferee Buyer an entity: corporation, limited liability company, partnership or other similar business – domestic or foreign
- Is the Transferee Buyer a trust: a legal arrangement created when a person places assets under control of a trustee for benefit of a beneficiary or a specified purpose – domestic or foreign
- Transferee Buyer Entity or Transferee Buyer Trust is not registered with the Securities Exchange Commission (SEC) and thus, is not publicly traded nor is it a subsidiary of such entity or trust?

4) Transfer Type – Exceptions/Exemptions – Do any apply? If any are yes, then transfer is NOT Reportable under FinCEN AML; if none apply, then likely reportable (see questions 5 and 6)

- Is the transfer a grant or revocation of an easement?
- Is the transfer a result of death – like estate to beneficiaries?
- Is the transfer a result of a divorce – like spouses to the spouse entitled to property?
- Is the transfer to a bankruptcy estate?
- Is the transfer a result of a court order wherein the buyer is identified?
- Is the transfer for no consideration made by an individual (alone or with their spouse) – exactly as title is held - to a trust that this individual (or spouse) or both are the only settlor(s) or grantor(s)?
- Is the transfer TO a qualified intermediary as part of a reverse 1031 Exchange?

5) When is the new FinCEN AML Rule effective?

Applies to transfers occurring ON or AFTER March 1, 2026.

6) Who Files this information?

The Settlement Agent has reporting responsibility; see Reporting Cascade:

<https://www.fincen.gov/rre-facqs> or <https://www.stewart.com/en/fincen-aml/faqs>

7) Can I close my transaction without completely collecting FinCEN AML required data?

No, all data must be collected by all parties prior to closing.

Legal Disclaimer: This checklist is provided for general informational purposes only and is not all-inclusive. It does not constitute legal, compliance, or regulatory advice. This checklist should not be solely relied upon to determine federal reporting obligations. For the complete and most up-to-date requirements under the Financial Crimes Enforcement Network (FinCEN) Residential Real Estate Rule and Anti-Money Laundering (AML) regulations, please consult the official FinCEN website and all applicable federal guidance.