



CAMPBELL & BRANNON
ACRISURE® PARTNER

Contract to Close

3 Hour Continuing Education Class

Presented by: Campbell & Brannon



Overview of Today's Class



Behind the Scenes Look

Take a behind the scenes look at the closing process



Team Member Roles

Explore the role of each Campbell & Brannon team member



Process and Procedures

Give insight into our process, procedures, and everything we need for a seamless closing experience



Contacting C&B Team Members

First initial and Last name @cb.law

i.e. John Smith – jsmith@cb.law

Do not include .com after .law!

www.cb.law

www.campbellandbrannon.com

Who Makes Up the C&B Team?



Core Team Members

File Intake
Title Examiner
Title Curative
Pre-Closer
Closer



Legal and Financial Experts

Attorney
Funder/Disburser
Recorder/Post Closer



Extended Team

And many many more!



Before Writing Your Contract

Reach Out to C&B

In some cases you should reach out to C&B prior to writing your contract:

- Request a legal description – attorneys@cb.law
- Confirm ownership! Who needs to sign your listing agreement and contract?
- Special stipulations

Why Contact C&B?

Contacting C&B before writing your contract can help ensure accuracy and completeness in your documentation, potentially avoiding issues later in the process.

Red Flags

The faster we know about these red flags the smoother the transaction will be.

- **Pre-Foreclosure**
- **Divorce**
- **Bankruptcy**
- **Short Sale**
- **Property Liens**
- **Death**



File Intake

Send us your contract immediately! We begin working on it right away even if due diligence hasn't ended. Some issues will take several weeks to clear so we need to get started ASAP. Do not wait until after due diligence to submit the contract!

- buckorders@cb.law -- Buckhead
- alphorders@cb.law -- Alpharetta
- cobborders@cb.law –Marietta West and East Cobb
- intownorders@cb.law -- Intown
- glenorders@cb.law -- Glenridge
- woodorders@cb.law – Woodstock
- sugarloaforders@cb.law – Sugarloaf
- braseltonorders@cb.law – Braselton
- northgaorders@cb.law – North GA
- oconeeorders@cb.law – Oconee
- orders@cb.law –not sure where to send it?



What to Send with Your Contract



Contract and Contact Information

Full contract and all exhibits, including the counteroffer
Buyer and Sellers email address and phone number
Lender contact



Survey Information

Is the buyer ordering a survey? If so, from whom?
Copy of seller's survey



Additional Documents

Any extra documents specific to this transaction
Estate documents, divorce settlement agreements, corporate documents, trust agreements, death certificates



Other Important Details

Termite information



Title Exam Overview

The title examiner searches for all documents related to the property that were recorded in the county records for the last 50 years!

The goal is to uncover all relevant matters in the chain of title so we can insure good and marketable title!

Title Exam Details

Property Information

A title exam will show:

- Ownership
- Open loans
- Boundary agreements
- Driveway agreements
- Encroachment agreements
- Easements
- Missing interests

Financial and Legal Aspects

- The prior owner's open loans and liens
- Materialman liens
- If the property is part of a mandatory HOA
- IRS liens
- GA Department of Revenue liens
- Property tax liens
- Pending litigation
- And more!



Property Tax Report



Tax Information

- Confirms the tax parcel ID
- Confirms the size and dimensions of the parcel
- Shows the most recently paid tax bill



Tax Status

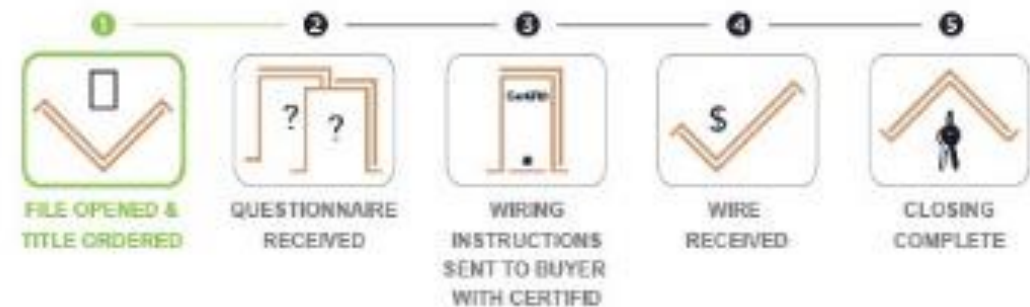
- Insures there is no outstanding tax bills
- Lists exemptions currently in place
- Alerts of any pending tax appeals

Title Exam and Tax Reports

- The time it takes to complete a title exam depends on a variety of factors
- Where is the property located?
- How big is it?
- Is it a platted subdivision or acreage?
- Does the the county have COVID restrictions in place limiting access to the deed records?
- If you know there are special circumstances or have a closing date that is in less than 15 business days, please alert us so we can order the title exam as a rush file.

Pre-Closing: Introductory Email to Buyer

Pre-closing Introductory Email to Buyer



Thank you for choosing Campbell & Brannon for your closing and congratulations on finding a new home. I am your primary contact and have already started working toward your closing.

This is an exciting process and we appreciate the opportunity to walk you through your closing steps. Below are some of the requirements and milestones you'll need to be aware of:

1. The title exam and tax certification have already been ordered for your property.
2. **Complete the Buyer Information Sheet: Please complete this questionnaire at your earliest convenience.**



Pre-Closing: Buyer Questionnaire

Essential Information

- Street address of property
- Anticipated closing date
- Do you plan on attending closing?
- We encourage all buyers to attend closing personally

Personal Details

- Buyers' names and contact information
- Copy of their photo ID

This information helps us draft their documents correctly and send wire instructions:

Buyer Pre-Closing Questionnaire- Buckhead*

1 Questionnaire 2 Cash Engagement (if applicable) 3 Disclosures

Street address of property to be purchased: *

Anticipated closing date? *

 / /

MM DD YYYY

We encourage all Buyers to attend closing personally as GA is not an escrow state. If you are not attending closing, will you be signing loan documents while located in the state of Florida? If yes, a Florida tax may apply. *

- I am attending closing
- No
- Yes, I am getting a loan and signing in Florida

Purchaser 1 Name *

First Last

Middle Initial

Last 4 digits of social security number:

For name verification and a quicker closing, please upload a copy of your government issued photo identification (driver's license, passport).

No file chosen

Pre-Closing – Buyer Questionnaire

- Buyer Questionnaire: Continued from previous slide
- Additional questions for buyers to complete
- Important information gathering for closing process
- Ensures all necessary details are collected

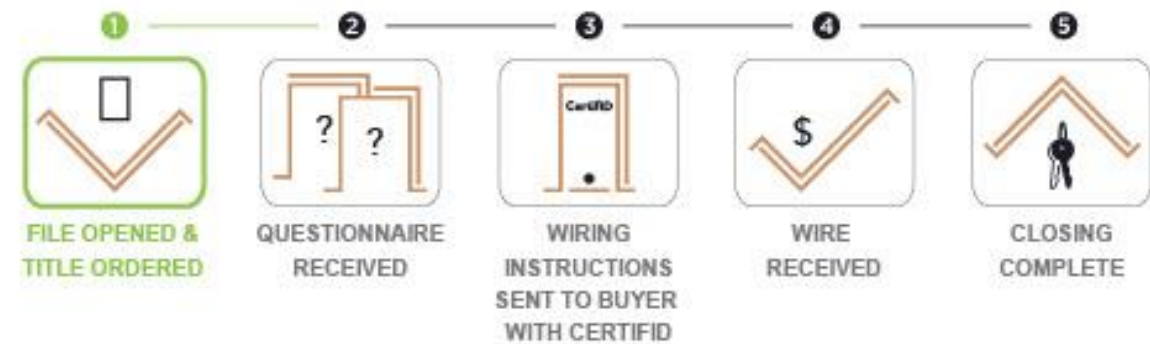


Pre-Closing: Introductory Email to Seller

Pre-closing Introductory Email to
Seller



CAMPBELL & BRANNON



We look forward to working with you on your upcoming sale. I am your primary contact and have already started working toward your closing.

This is an exciting process and we appreciate the opportunity to walk you through your closing steps. Below are some of the requirements and milestones you'll need to be aware of:

1. The title exam and tax certification has already been ordered for your property.
2. Seller Information Sheet: Please complete this questionnaire at your earliest convenience. This secure form

Pre-Closing – Seller Questionnaire

Our secure website allows you to quickly and safely submit information necessary for us to complete your sale.

You will need the following to complete it:

For security purposes this has to be submitted in one sitting – please complete it as soon as possible to avoid any closing delays!



Secure Online Submission
Submission

Copy of your mortgage statement
and full loan number



HOA Information

HOA contact info



Utility Details

Water company information



Identification

Sellers' IDs

Pre-Closing – Seller Questionnaire: Water Service

Water Bill Payment Options

Who do you pay your water bill through?

- Paid through Homeowner's Association?
- City of Atlanta Dept. of Watershed Management - Management - Please note: City of Atlanta requires prepayment to process, this will be collected at closing

Additional Options

- Fulton County
- Cobb County
- City of Roswell, Milton or Alpharetta
- Gwinnett County
- Others

Seller Questionnaire: Seller Proceeds Proceeds

Wire Authorization Form

If we do not receive the outgoing wire authorization form from the seller in person OR if you do not complete the CertifID wire verification, we must issue a check.

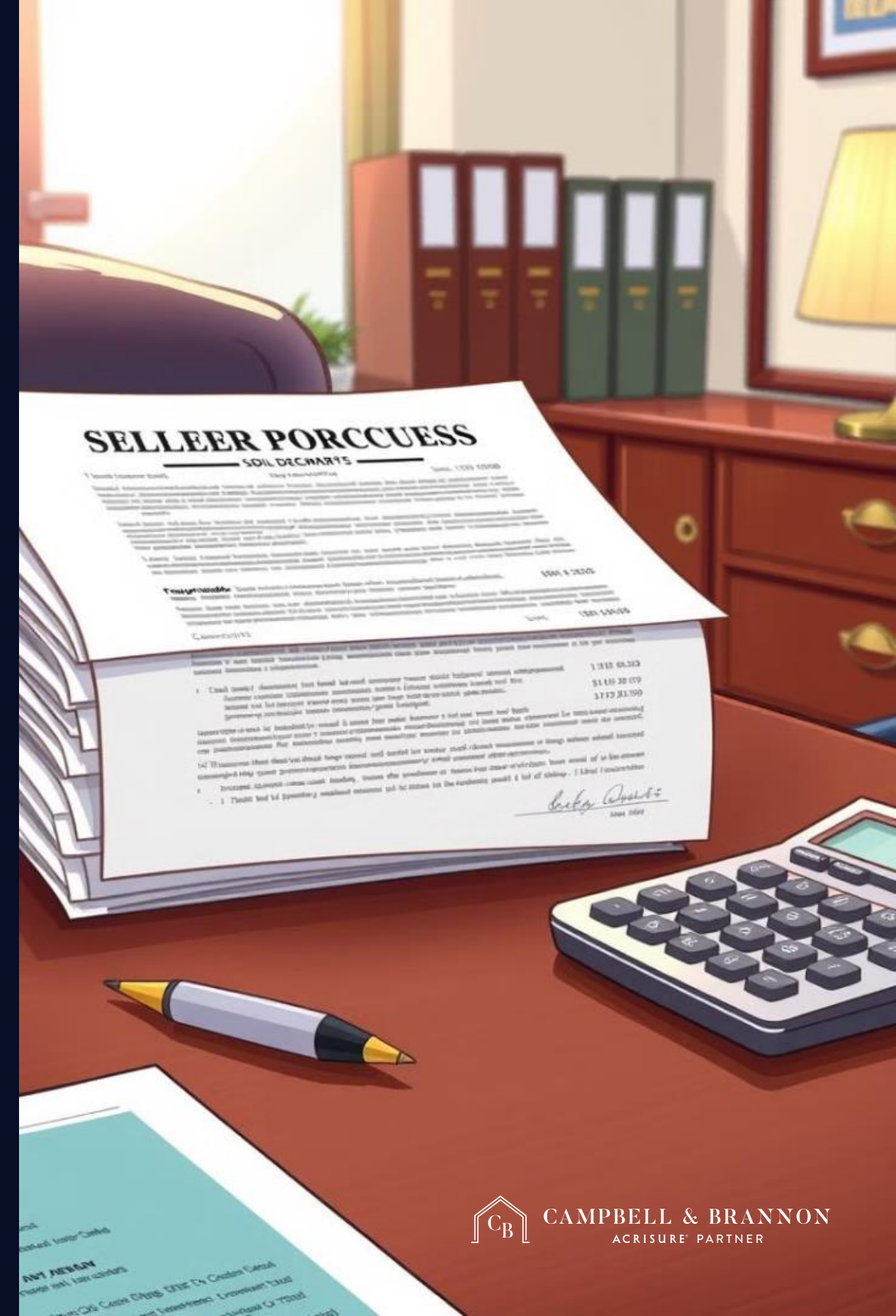
Options for Receiving Proceeds

- (1) Check at closing: Please note that some banks may put a hold period on check
- (2) Wire after closing
- (3) Apply funds to purchase that is being handled by Campbell & Brannon.

If you choose to have your proceeds wired, please do one of the following: Attach your wire wire instructions, bring your wire information, OR attach a voided check - Send us your wiring wiring instructions via secure email which we will confirm at closing.

Brokerage Accounts

For brokerage accounts (i.e. Charles Schwab, Merrill Lynch or Morgan Stanley), a voided check is not sufficient for wiring. Check with your banker/financial advisor for their official wiring instructions.





Pre-Closing: Seller Questionnaire

Required Information

The seller questionnaire asks for essential details including the address address of property being sold, sellers' names, and a copy of your your photo ID.

Contact and Financial Details Details

You'll need to provide contact information, Social Security Number Number (encrypted and required for for tax purposes), and your loan number.

Additional Property Information

The questionnaire also requests HOA HOA information related to the property being sold.

Pre-Closing: Seller Questionnaire - Closing Closing Attendance

Importance of Attendance

Closings run more efficiently when all parties are present. Your presence will reduce closing and closing and funding issues.

Attendance Question

Will all sellers on title attend closing?

Options for Non-Attending Sellers

- Split closing: Seller signs in our offices at a different time prior to the buyer. There is a fee
There is a fee for this service.
- Email/Mail away: Seller signs documents sent via secure email. At minimum a printer, a witness and a notary public are required. There is a fee for this service.
- If the seller is abroad, please let us know ASAP as they may be required to set up a notary up a notary appointment with the US Embassy



Pre-Closing – Seller Questionnaire



Power of Attorney (POA)

Do you need a POA prepared?

If you choose a Power of Attorney, you must send wiring instructions in advance so we may initiate the CertifID wire and identify verification process.



Recommendations

If possible, we recommend you use a POA specific to this real estate transaction and drafted by our office.

If providing your own POA, we must approve the document well in advance. Please note that many durable and general POAs are not consistent with Georgia real estate law.

Pre-Closing – Seller Questionnaire



Tax Appeals

If a tax appeal is filed, the tax commissioner issues a bill for unresolved tax appeals at 85% of the maximum amount due based on the assessor's value.

Other Tax Matters

Are you filing a joint tax return?

If no, what percentage of the proceeds will each seller receive?

This is required for IRS purposes:

- Seller 1: 40%
- Seller 2: 60%



Closing Time

If your tax appeal is still active by closing time, we will need the final bill to disburse funds escrowed at closing for the tax appeal.

Pre-Closing – Seller Questionnaire: Georgia Withholding

Georgia Withholding Details

3% of the Net Taxable Gain

Exemptions

- Georgia Resident (you cannot lose residency until you establish residency somewhere else)
- Selling Primary Residence (2 of the last 5 years)

May be deemed a resident if:

- Filed GA tax returns for the past two years; AND
- Is an established business in GA and will continue to be continue to be a business establish in GA or has real real property in Georgia at the time of closing of equal of equal or greater value than the tax liability; AND AND
- Will report sale on their GA tax return; AND
- If seller is a corporation or limited partnership, seller is registered to do business in Georgia

Georgia Withholding

If you are not exempt the DOR withholds 3% of the net taxable Gain

Net taxable gain is determined by:

- Sale Price
- - Cost Basis
- - Selling Expenses

Net Taxable Gain





Pre-Closing – Seller Questionnaire

FIRPTA



Non-Resident Alien Status

Are you a non-resident alien?

If Yes, our office will contact you about the possibility of FIRPTA withholding.

If your seller is a non-resident alien let us know ASAP so we can refer them to individuals who specialize in FIRPTA withholding to determine their tax liability



Withholding Rates

- Sales Price \$300,000 or less and buyer acquires as principal residence
 - No Withholding
- Sales Price between \$300,001-\$1,000,000 and buyer acquires as principal residence residence
 - 10% Withholding
- All transactions—Any Sales Price and buyer NOT acquiring as principal residence
 - 15% Withholding

CertifID Overview

CertifID is an application that allows for real-time verification of devices (cell phones), individual identities, and bank account information. Think Big Brother and Big Data!

- Wires are insured for up to \$1 Million when using wire instructions received through CertifID.
- Enables real-time verification of:
 - Devices (cell phones)
 - Individual identities
 - Bank account information



Special Sellers

Trusts

Trust Agreement
Certificates of Trusts are acceptable.

LLC

Operating Agreement
If Sole Member we accept Sole Member Certification

Estates

Last Will & Testament and Letters Testamentary OR equivalent probate.
If Joint Tenants, we only need the Death Certificate.

INC

Corporate Resolution with Signing authority
Articles of Incorporation from Secretary of State website
By-Laws



Pre-Closing: Initial Contract Review

Look for all terms relevant to the closing

Insure we received all exhibits

Termite? Home warranty? Survey? Other items a party is paying for at closing?

Stipulations that will impact closing or the settlement statement

COMMUNITY ASSOCIATION DISCLOSURE
EXHIBIT “ _____ ”



2024 Printing

This Exhibit is part of the Agreement with an Offer Date of _____ for the purchase and sale of that certain Property known as: _____, Georgia _____ (“Property”).

Directions for Filling Out This Community Association Disclosure (“Disclosure”). Seller must fill out this Disclosure accurately and completely. If new information is learned by Seller which materially changes the answers herein, Seller must immediately update and provide Buyer with a revised copy of this Disclosure up until Closing (see Section B for Seller’s payment obligations related to initial and updated Disclosures). Seller should ensure the disclosures being made are accurate by confirming the same with the Community Association (“Association”) and/or Association Manager(s).

Buyer’s Use of Disclosure. While this Disclosure is intended to give the Buyer basic information about the community in which Buyer is purchasing, Buyer should read the covenants and other legal documents for the community (“Covenants”) to fully understand Buyer’s rights and obligations therein. This Disclosure does not address all issues that may affect Buyer as the owner of a residence in the community. Assessments in community associations tend to increase over time. The Covenants can normally be amended to reflect the changing preferences in the community.

A. KEY TERMS AND CONDITIONS

1. TYPE OF ASSOCIATION IN WHICH BUYER WILL OR MAY BECOME A MEMBER (Select all that apply. The boxes not selected shall not be a part of this Exhibit)

- | | |
|---|--|
| <input type="checkbox"/> Mandatory Membership Condominium Association | <input type="checkbox"/> Mandatory Membership Age Restricted Community |
| <input type="checkbox"/> Mandatory Membership Community Association | <input type="checkbox"/> All units are occupied by person 62 or older. |
| <input type="checkbox"/> Mandatory Membership Master Association | <input type="checkbox"/> At least 80% of the occupied units are occupied by at least one person who is 55 years of age or older |
| <input type="checkbox"/> Optional Voluntary Association | <input type="checkbox"/> Voluntary Transitioning to Mandatory (Buyer shall be a <input type="checkbox"/> voluntary or <input type="checkbox"/> mandatory member) |

2. CONTACT INFORMATION FOR ASSOCIATION(S)

a. Name of Association: _____
Contact Person / Title: _____
Association Management Company: _____
Telephone Number: _____ Email Address: _____
Mailing Address: _____ Website: _____

b. Name of Master Association: _____
Contact Person / Title: _____
Association Management Company: _____
Telephone Number: _____ Email Address: _____
Mailing Address: _____ Website: _____

3. ANNUAL ASSESSMENTS

The total annual assessments paid to the above Association(s) is \$ _____ per calendar or fiscal year, depending on how it is collected (hereinafter “Year”) and shall be paid in installments as follows: (Select all of that apply. The boxes not selected shall not be a part of this Agreement) Monthly Quarterly Semi-Annually Annually Other:

Pre-Closing – CAD

Information on the CAD allows us to order the closing letter

Pre-Closing - Commission

Broker Compensation Agreement Exhibit (F259) &
Instructions to Closing Attorney (F255)

- Total commission?
- Commission Split?
- Contributing to closing costs?
- Paying for an item on behalf of the client?



Pre-Closing – The Lender

- Send title commitment to lender
- Confirms property taxes, HOA fees, transfer/intangible tax, recording fees, etc.
- Coordinate with lender's underwriter for any title related questions questions

Title Insurance

The one-time payment protects you and your heirs for as long as you own the property

Insures Good and Marketable Title – defends title and pays for claims from loss due to a covered risk

PROTECTS YOUR LARGEST INVESTMENT!

The Owner's Title Policy protects against defects that are missed or cannot be discovered in a routine title exam and title problems and title problems that are created after the title exam but before closing.

The seller only guarantees that they have not created a title issue. The purchaser has no recourse against the seller for problems created by prior owners. Title insurance provides this protection.

Owners vs. Lenders Title Policy

Enhanced Owner's Title Insurance



Comprehensive Protection

- Post-Policy Forgery
- Post-Policy Encroachments by Neighbors
- Post-Policy Adverse Possession
- Post-Policy Easement by Prescription
- Building Permit and Zoning Violations



Additional Coverage

- Vehicular and Pedestrian Access
- Restrictive Covenant Violations
- Policy amount increases 10% per year up to 150% of original policy amount
- Pays rent/expenses if you cannot live in your home due to a claim



Surveys

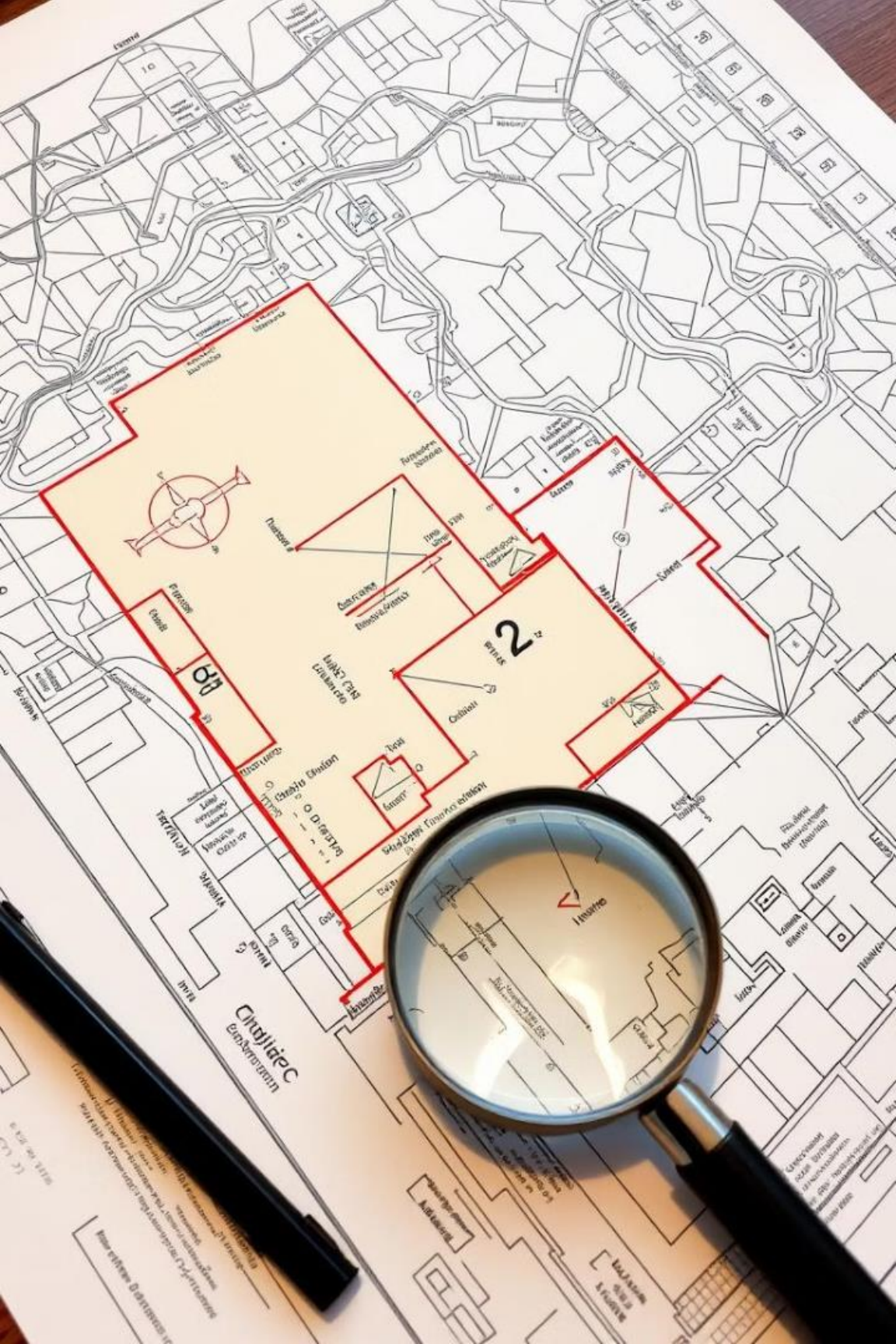
Georgia is a buyer beware state – buyer has a duty to inspect

Identifies boundary lines, set back lines, improvements, stream buffers, easements, encroachments, etc. It will also note if the property is in a flood zone .

Don't Rely on Old Surveys

- A surveyor's liability runs ONLY to the name(s) on the survey. Only survey. Only those named on the survey have recourse for a surveying mistake.
- An old survey is for information only.
- Stream buffers are newer and many older surveys do not show stream buffers. A stream (by the state definition) is difficult to determine by a buyer's visual inspection of the property.
- Newer surveys are conducted using more precise equipment.





Surveys in Due Diligence

Late Survey Implications

If a survey comes back **after** the due diligence period, buyers can object to title matters but have no recourse for non-title matters such as:

- Stream Buffers
- Flood Zone
- Easements that limit the possibility of building
- Property is not as big as you thought

Special Stipulation for Late Surveys

If the survey won't be back during due diligence you can include a special stipulation for survey for survey matters:

Should Buyer obtain a recent survey of the property, Buyer shall have the right to terminate the terminate the Purchase and Sale Agreement without penalty and with full refund of all Earnest Earnest Money if in Buyer's sole discretion any matters revealed by said survey are objectionable to objectionable to Buyer. Buyer shall notify Seller of such termination for matters revealed by said revealed by said survey no later than ___ days from Binding Agreement Date.

Closer Responsibilities

Closer

Works with Lender to balance the CD and receives the final loan documents.

Balances the closing file and sends the settlement statement in advance to review.

Confirms receipt of all items referenced in the contract: termite, home warranty, HOA letter, insurance, water bills, etc.

Prepares, with the attorney, deeds, affidavits and other documents signed at closing.

Confirms receipt of wires

Closer - Taxes and Escrow

- **Estimated Taxes:**
 - For properties with more than homestead exemption or new construction, we ask lender if they need estimated taxes depending on time of year
 - Include estimated taxes for the following year on the title commitment
 - Review exemptions on tax report for any significant exemptions
 - New construction amounts should be based on % of completion as of January 1st
- **Tax Assessments:**
 - If assessment is released, use assessment amount for tax prorations prior to bill release rather than prior year

Closer: Parties Not Attending Closing

- **Seller Mail Away:**
 - Seller must be available on closing date for potential buyer's loan documents
 - Confirm seller can print documents (letter size paper)
 - Prepaid FedEx label provided
 - Copy of signed documents required for review before drop-off
- **CASH Buyer Mail Away:**
 - Documents can be signed via HelloSign
 - Originals not required

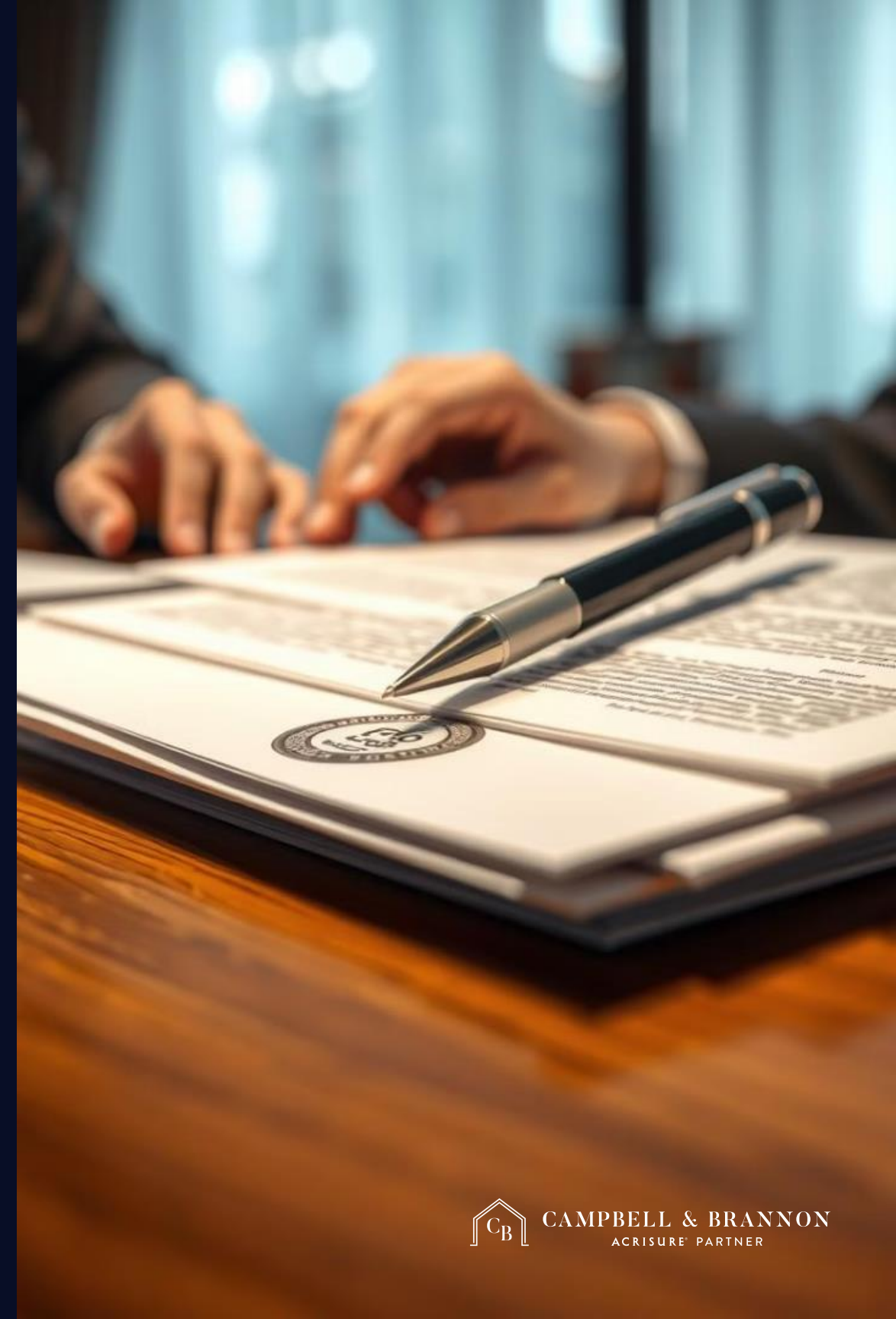
Closer: Loan Buyer Mail Away

We strongly discourage a mailaway with a loan package. A POA is typically a much better option.

The lender must send us the loan package at least 3 days prior to closing in order to receive the originals back before closing.

We will set the buyers up with a mobile notary. The fee for a mobile notary varies and will be collected from the buyer on the settlement statement.

A copy of the signed documents must be returned to the closer to review prior to returning the original package.





Wiring Funds

Wire funds at least one day prior to closing!

A buyer should contact their bank to confirm wiring procedures - most banks require you appear in person to initiate a wire.

If funds are coming from an investment account the wire may need to be need to be initiated more than one day before closing.

A buyer should only rely on wire instructions provided through CertifID and confirmed over the phone via an independently verified number.

ACH Transfers

- **NO closing attorney can accept an ACH transfer for closing funds.** Our account automatically rejects ACH wires.

Key Differences Between ACH & WIRE TRANSFERS

AUTOMATED CLEARING HOUSE	WIRE TRANSFERS
Transfer Speed Typically takes two to three business days to complete.	Transfer Speed Wire transfers move funds from one bank to another within one business day.
Certainty and Safety ACH transfers are also quite safe, but ACH transfers into your account can be reversed.	Certainty and Safety Wire transfers are a relatively safe way to get paid, and unlike cashier's checks, they aren't often faked.
Cost ACH transfers are almost always free for consumers—especially if you're receiving funds in your account.	Cost Banks and credit unions typically charge between \$10 to \$35 to send a wire within the United States, and international transfers cost more.

Closing Day: Buyers Checklist

Essential Documents

- Unexpired government issued photo id
- Second form of id (not a credit card)
- Original Power of Attorney, if applicable

Financial Preparations

- Confirmation that funds have been received by Campbell and Brannon
- A check or checkbook

Closing Day: Sellers Checklist

- **Unexpired Government Issued Photo ID**
Sellers must bring a valid, unexpired government issued photo identification to the closing.
- **Keys and Access Items**
Bring keys, garage door openers, amenity cards, and garage codes to hand over to the new owners.
- **Original Power of Attorney**
If applicable, sellers need to bring the original Power of Attorney document.
- **Wire Instructions**
Sellers should have their wire instructions ready for receiving the proceeds from proceeds from the sale.



Closing Day: Agents Checklist

Client Preparation

- Ensure your clients are aware of office location and closing time
- Communicate any special needs to Campbell and Brannon (any disability needs, babies, pets, etc.)

Financial Matters

- Earnest Money, if needed



CAMPBELL & BRANNON

ACRISURE® PARTNER

Introducing

CBee



Your New **Virtual Assistant**

AskCBee...

GENERAL QUESTIONS

- What is title insurance?
- Where is my closing?
- When is my closing?
- Do you accept checks?

FOR COST ESTIMATES

- Rates/Fees
- Seller Net Sheet
- Buyer Cost Estimate
- Refinance Cost Estimate

Ask CBee

ABOUT A CURRENT CLOSING

- Who is my pre-closer?
- What are your hours?
- Who orders the survey?
- How can I send my earnest money?
- Are we funded?
- Are we recorded?
- Show me my active closings
- Did you receive the contract?
- Show my closed transactions for 2022

24/7

DOCUMENT RETRIEVAL

- Buyer closing package (BUYER ONLY)
- Seller closing package (SELLER ONLY)
- Signed settlement statement (ALL PARTIES)
- Recorded deed (ALL PARTIES)
- First payment letter (BUYER ONLY)
- Tax proration agreement (BUYER ONLY)
- Home warranty (BUYER AND AGENTS ONLY)
- HOA letter (SELLER ONLY)
- Payoff statements (SELLER ONLY)
- 1099 (SELLER ONLY)



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- **TIP:**
- Make sure all contracts include your current cell phone number.



Add CBee
To Your Contacts



CAMPBELL & BRANNON
ACRISURE® PARTNER

Thank You!

We appreciate your time and attention during this presentation. Please feel free to reach out to us with any additional questions or additional questions or feedback. We're here to support you throughout the closing process.

Email: Attorneys@CB.Law