March 2006

Oregon
Farm and Ranch Land Protection Program

Closing Checklists
March 2006

Conservation entities that have cooperative agreements with the NRCS to acquire a conservation easement have two methods in which to receive NRCS payment.

1) Entities that are unable to provide the full amount of the conservation easement at the time of closing can request an advance of funds from the NRCS. This option should be used only as a last resort as several additional requirements are necessary in order to comply with NRCS, National Finance Center and Commodity Credit Corporation regulations. To request an advance of funds, a waiver request must be submitted to the State Conservationist a minimum of 60 days prior to the scheduled date of closing. For more information on requesting an advance of funds, please contact Bill White, Leader for Programs.

2. The second (and preferred) alternative is to have the conservation entity make full payment to the landowner at the time of closing and submit a Request for Reimbursement (Form SF-270) to the NRCS along with the required closing documents. Upon receipt of the Request for Reimbursement and the necessary closing documents, payment will be made, via electronic transfer, usually within 72 hours.

Most of the forms and documents referenced in these checklists are available off the NRCS web page at: http://www.or.nrcs.usda.gov. Click on "Farmland Protection". Documents and forms are also available from the NRCS State Office.

If there are any questions or clarification needed on any of these requirements, please contact Bill White, Leader for Programs, at the above address.
Email address: bill.white@or.usda.gov

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Easement Name_____ **Tentative Closing Date**_____

Cooperating Entity_____ **Agreement No.** _____

Checklist 1 of 2

Required documents PRIOR to NRCS approving closing:

(Many of these documents are required to be submitted to the NRCS State Office, Portland, OR at least 60 days prior to any scheduled or desired closing date.)

☐ **1.** Confirm with NRCS that the conservation entity has registered for direct deposit with the National Finance Center. Direct Deposit Form 1199, with bank account information, should be forwarded to Willa Fletcher, Accounting Technician, NRCS,, 1201 NE Lloyd Blvd, Suite 900, Portland, OR 97232.
(This item is usually completed at the time the cooperative agreement is signed.)

☐ **2.** Conservation easement deed (the actual closing document) approved by NRCS. The easement acreage MUST agree with the final appraisal (item 8) and survey plot (Item 10).
(notarized acceptance page confirms approval. See item 4, below.)

☐ **3.** Baseline documentation approved by NRCS

☐ **4.** NRCS notarized acceptance page, agreeing to the terms of the conservation easement, and the baseline documentation, signed by the NRCS State Conservationist.

☐ **5.** Self-certification by landowner of compliance with the Highly Erodable Land and Wetland Provisions of the 1985 Food Security Act.
(Form AD-1026 completed at county FSA office)

☐ **6.** Self-certification by landowner and all related parties of being in compliance with income limitations of the 2002 Farm Bill. (Form CCC-526, completed at county FSA office). A separate form must be completed and signed my every individual that has a vested interest (part owners, all members of a corporation, etc.) in the property.

☐ **7.** NRCS Conservation Plan for the entire easement parcel.
(Completed and approved by the NRCS District Conservationist)

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☐ **8.** Preliminary Title Opinion provided by the U.S. Office of General Counsel (OGC). The title opinion is provided after OGC has reviewed and approved ALL of the following documents:

- ☐ **A.** Copies of all instruments which created rights, interests or encumbrances on the property
- ☐ **B**. A chain of title
- ☐ **C.** Preliminary title commitment. The title commitment must commit to including the "United States of America by and through the Secretary of Agriculture" as an insured. The amount of coverage must be for the full appraised market value of the conservation easement.

These title documents must be forwarded to the NRCS at least 60 days prior to any desired closing date, unless other arrangements have been approved by the NRCS FRPP program manager ahead of time.

☐ **9.** Complete copy of the easement appraisal, according to the Uniform Standards of Professional Appraisal Practice AND the Uniform Appraisal Standards for Federal Land Acquisition (Yellow Book). The easement acreage and parcel configuration identified in the appraisal MUST agree with the parcel boundary plot (Item 10**).** ***The final appraisal must be forwarded to the NRCS at least 60 days prior to any desired closing date, unless other arrangements have been approved by the NRCS FRPP program manager ahead of time.*** (Appraiser must be Certified General Appraiser licensed in the State of Oregon.)

☐ **10.** Disclosure statement signed by the certified appraiser completing the appraisal. (Template available from NRCS, or on NRCS web page.)

☐ **11.** Copy of parcel boundary plot specifically identifying the boundary of the easement parcel, any outlots, easements or other pertinent information. The parcel acreage and boundary configuration MUST agree with the final appraisal (Item 8) and the easement deed (Item 2) and the legal description identified in Appendix A of the easement deed.

☐ **12.** If the cooperating entity requests the NRCS payment to go to another organization or other bank account different than the one linked to the cooperating entity, a written waiver request must be forwarded to the NRCS State Conservationist, along with a completed Assignment of Payment Form (CCC-36) at least 60 days prior to any scheduled or desired closing date.

Checklist 2 of 2

The following list of closing documents must accompany the Request for Reimbursement (Item 13), to enable NRCS to approve payment:

- ☐ **13.** Request for Reimbursement; Form SF-270, filled out and signed by the conservation entity (cooperating entity) requesting payment.
- ☐ **14.** Conservation easement deed signed by all parties, date stamp or recording stamp by the County Registry of Deeds on every page.
- ☐ **15.** Copy of all closing documents and the settlement statement indicating all financial transactions and payment to landowner.
- ☐ **16.** Self-Certification on Confirmation of Matching Funds, signed by the conservation entity and the landowner. (Form NRCS-CPA-230)
- ☐ **17.** Copy of ALTA Owners title insurance policy. Policy must be for at least the appraised fair market value of the conservation easement (not the negotiated purchase price) and the "United States of America" must be listed as one of the insured.)
- ☐ **18**. Copy of all subordinations, releases and waivers, if any.
- ☐ **19**. Copy of reciprocal deed restriction, if needed.

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