

# Real Estate Contract Forfeiture Checklist (©Chuck E. Marunde 1998-2005)

Title Co. \_\_\_\_\_

Order No. \_\_\_\_\_

No.	Description of Document or Task	Date Completed
1a	Draft Retainer Agreement, Checklist and Questionnaire	
1b	Send Retainer Agmt to Client for signature	
1c	Received signed Retainer Agreement and \$800.00 Retainer from Client	
2	Add \$800.00 Initial Charge to Timeslips when we receive \$800.00 retainer from clients	
3	Notify Bank Escrow with Fax	
4a	Order Contract Forfeiture Guaranty by phone from Title Company	
4b	Receive Contract Forfeiture Guaranty from Title Company	
4c	If any easements or covenants subordinate to the REC being forfeited exist, what do we do if our client wants to remove them through this forfeiture?	
5	Send Contract Forfeiture Guarantee with invoice and copy of fax to escrow company to client with cover letter	
6	Draft Notice of Intent to Forfeit	
7	Letter to Title Co. recording Notice of Intent, order Date Down Endorsement from title company through recording of Notice of Intent	
7a	Actual Recording Date of Notice of Intent	
7b	Date Down Endorsement received from title company	
8a	<p>Within 10 days of recording Notice of Intent, mail Notice of Intent regular &amp; certified to Contract Purchaser and any successor in interest and any subordinate lienholders per title report (AND TO GUARANTOR OF A COMMERCIAL LOAN, IF APPLICABLE???? DOES THIS APPLY TO A REAL ESTATE CONTRACT?). May be mailed prior to recording Notice of Intent.</p> <p>If address for Purchaser not known, personal service or posting and publishing once each week for two weeks.</p>	
8b	If client wishes to foreclose out the interest of the tenant, if any, send a copy of the Notice of Intent to Forfeit via regular and certified mail to "Occupant" at the property address or specifically to the tenant, if name is known.	
9	Draft Declaration of Mailing	
10	Letter to Client with copy of Notice of Intent to Forfeit	
11	Mail special letter to IRS, if applicable, with copy of recorded Notice of Intent & IRS Lien & title report via regular and certified mail	

12	Mail Notice of Intent via regular and certified mail to any other interested parties disclosed by date down endorsement from title company	
13	Put reminder on calendar for Federal tax lien search date and date for drafting Declaration of Forfeiture (cannot be signed by client or recorded or mailed to Contract Purchaser until 93 (+ 1 for good measure) days after mailing and recording Notice of Intent)	
14a	Order Search for Federal Tax Liens (30 days prior to forfeiture date) (26 USC 7425 (b) 1)	
14b	Receive results of Fed. Tax Lien Search from title company	
15	Mail special letter to IRS, if applicable, with copy of recorded Notice of Intent & IRS Lien via regular and certified mail (Must be to IRS prior to 25 days before forfeiture date)	
16	Draft Declaration of Forfeiture and Excise Tax Affidavit. Paragraph (e) date = 10 days after recording of Declaration. Leave paragraph (e) blank until ready to record.  For Declaration Header, Grantor = Contract Seller, Grantee = Contract Purchaser. For Excise Affidavit, Grantor = Contract Purchaser, Grantee = Contract Seller. Have Chuck sign as agent for Grantor, have client sign as Grantee	
17a	Mail Declaration of Forfeiture to client for signature with cover letter	
17b	Receive signed Declaration of Forfeiture from client	
18a	Title Co. Letter recording Declaration of Forfeiture. Fill in date in paragraph (e). 10 days after recording of Declaration.	
18b	Actual Recording Date of Declaration of Forfeiture	
19	Within 3 days of recording Declaration, mail copy of Declaration to Contract Purchaser, all other interested parties, and tenant/occupant regular and certified mail. May be mailed before Declaration is recorded.	
20	Prepare Declaration of Mailing for Declaration of Forfeiture	
21	Add final charges for legal fees and expenses to timeslips and print final bill	
22	Final letter to client with copy of recorded Declaration of Forfeiture, fax to escrow company canceling escrow and final bill	
23	Fax letter to escrow collection company cancelling escrow - include copy of recorded Declaration.	
24	Change Abacus "Matter" and client "Name" to closed and inactive	