FinCEN Real Estate Report Required?

START

Is this a Residential Transaction?

(31 CFR 1031.320(b))

1-4 Families Structure ((b)(i))
Intent to Build 1-4 Families Structure ((b)(ii))
Condo or Town Home ((b)(iii))
Co-op ((b)(iv))

NO → **STOP** Reporting NOT Required → File documented?

YES ↓

Is this a Non-Financed Transaction?

(31 CFR 1031.320(b))

YES → **Is the Buyer (Transferee) an Individual, Entity, or Trust?**

NO ↓

Does the Lender Have an Anti-Money Laundering (AML) Program?

(31 CFR 1031.320(i))

No Lender AML Program → **Is the Buyer (Transferee) an Individual, Entity, or Trust?**

YES ↓

STOP Reporting NOT Required → File documented?

Is the Buyer (Transferee) an Individual, Entity, or Trust?

Individual → **STOP** Reporting NOT Required

Entity or Trust ↓

Is there an exemption?

(31 CFR 1031.320(b)(2))

- Easement
- Transfer due to: death, divorce, or dissolution
- Transfer to a bankruptcy estate
- Court-supervised transfer
- Transfer for no consideration made by an individual, either alone or with the individual's spouse, to a trust of which that individual, that individual's spouse, or both of them, are the settlors or grantors
- 1031 exchange when a property is being transferred to the qualified intermediary (typically in a reverse exchange; the sale out of the exchange might be reportable)
- No reporting person

YES! → **STOP** Reporting NOT Required → File documented about applicable exemption?

NO, but is the Buyer's Entity excluded? ↓

NO, but is the Buyer's Trust excluded? ↓

Buyer (Transferee) Entity Exemptions

(31 CFR 1031.320(n)(10))

Securities reporting issuer; governmental authority; bank; credit union; depository institution; money service business; broker or dealer in securities; securities exchange or clearing agency; any other Exchange Act registered entity; an insurance company; a state-licensed insurance producer; a Commodity Exchange Act registered entity; a public utility; a financial market utility; an investment company; any legal entity controlled or wholly owned, directly or indirectly, by an entity described in this list.

YES! → **STOP** Reporting NOT Required → File documented about applicable exemption?

NO! → **Reportable Transfer**

Buyer (Transferee) Trust Exemptions

(31 CFR 1031.320(n)(11))

Securities reporting issuer Trustee is a securities reporting issuer Statutory Trust Entity wholly owned by the above

YES! → **STOP** Reporting NOT Required

NO! → **Reportable Transfer**

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