

ALTA

inSIGHTS

REAL TIME | ON-DEMAND



Collecting and Managing Data Under FinCEN's AML Rule

Dec. 17, 2025

Today's
ALTA Insights
Featured
Sponsor



Speakers



- Mickey Vandenberg | VP Escrow Operations | Stewart Title Guaranty Co.
- Steve Gottheim | General Counsel | ALTA



The Lawyers Made Us Add This

- This information is not a substitute for legal advice, is for your reference only and is not intended to represent the only approach to any particular issue. This information should not be construed as legal, financial or business advice and users should consult legal counsel and subject-matter experts to be sure that the policies adopted and implemented meet the requirements unique to your company.



Agenda

- Quick Overview
- Real Estate Reporting Form
- ALTA Collection Forms
- Operational Implementation
- Compliance
- How to engage with your customers



Quick Overview

FinCEN AML Rule is effective December 1, 2025 with reporting requirements starting on March 1, 2026

What transfers must be reported?

- All non-financed/cash transfers of residential real estate where the transferee is an legal entity or trust

Who must Report?

- 7 different reporting persons in the cascade, settlement agent is at the top

When?

- The later of the last day of the month following “closing” or 30 calendar days after closing

What must be Reported?

- Basic transaction information (closing date, purchase price, parties’ names, etc.)
- Transferor information, including Beneficial Ownership information if applicable
- Transferee information; including Beneficial Ownership information
- Information about payment for transfer of real property

How do you report?

- Electronically through a website using the “Real Estate Report”



Quick Overview

What transfers must be reported

All non-financed/cash transfers of residential real estate where the transferee is a legal entity or trust

- Residential real estate:
 - One-to-four family residences
 - Vacant land intended for future one-to-four family development
 - Units in buildings designed for one-to-four family occupancy
 - Shares in a cooperative housing corporation (co-ops)
- Non-financed
 - Any transaction that does not involve an extension of credit that is secured by the subject property and extended by a financial institution that is subject to an Anti-Money Laundering (AML) program and Suspicious Activity Report (SAR) obligations



Quick Overview

Who must report

Reporting Cascade

1. The person listed as the closing or settlement agent on the closing or settlement statement;
2. The person that prepares the closing or settlement statement;
3. The person that files with the recordation office the deed or other instrument that transfers ownership of the residential real property;
4. The person that underwrites an owner's title insurance policy for the transferee;
5. The person that disburses the greatest amount of funds in connection with the transfer;
6. The person that provides an evaluation of the status of the title; or
7. The person that prepares the deed or, if no deed is involved, any other legal instrument that transfers ownership of the residential real property, including, with respect to shares in a cooperative housing corporation, the person who prepares the stock certificate.



Quick Overview

When must the information be reported to FinCEN

- The later of the last day of the month following “closing” or 30 calendar days after closing



Quick Overview

What must be reported

- The reporting person's identifying information
- The legal entity (transferee entity) or trust (transferee trust) receiving ownership of the property
-
- The beneficial owners of the transferee entity or transferee trust
- Certain individuals signing documents on behalf of the transferee entity or transferee trust during the reportable transfer
- The transferor information
- The residential real property being transferred
- Total consideration and certain information about any payments made



Quick Overview

How do you report

- Electronically through the BSA E-Filing System using the “Real Estate Report”



Poll Question

Is reporting required for transfers to individuals?

- Yes
- No



Real Estate Reporting Form


- New Form (508C)
- To combat money laundering by increasing transparency in non-finance transfers to trusts and entities
- Secure database accessible to law enforcement and other authorized users



Real Estate Reporting Form

Real Estate Report FOR REFERENCE PURPOSES ONLY

Home Reporting Person & Property Information Transferee Information Transferor Information Payment Information

 **Real Estate Report** OMB No. 1506-0080 Version number: READ-ONLY Release Date: 12/01/2025

Report Preparation & Submission Instructions:

Instructions 1. Complete the report in its entirety with all required information. Click **Instructions** for help.

Validate 2. Click **Validate** to ensure all entered data is properly formatted and that all required fields are completed.

Finalize 3. Click **Finalize** to sign with your PIN and lock the entries in the report in preparation for submission. Click **Edit Report** to unlock and make edits as needed.

Save 4. Click **Save** to retain a local copy of the report (this can be done at any time during report preparation).

Print 5. (Optional) Click **Print** to print a hard copy of your finalized report.

Ready to File 6. Click **Ready to File** (activated after the report is finalized and saved locally) to [begin the submission process](#).

* Filing name

Filing Information

1. * Type of filing a. Initial report
 b. Correct/Amend prior report
Prior report BSA Identifier (BSA ID)
 c. FinCEN directed back-filing

2. Date prepared
(Auto-filled when report is finalized)

3. Note to FinCEN

PAPERWORK REDUCTION ACT NOTICE
Public reporting and recordkeeping burden for this collection of information (which includes the recordkeeping burden associated with a designation agreement, if applicable) is estimated to average 4 hours and 20 minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information to the Department of Treasury, Financial Crimes Enforcement Network, PO Box 39, Vienna, VA 22183.

- Filing information

- Type of Filing
- Date prepared
- Note to FinCEN



Real Estate Reporting Form

Real Estate Report
FOR REFERENCE PURPOSES ONLY

Home
Reporting Person & Property Information
Transferee Information
Transferor Information
Payment Information

Part I. Reporting Person Information

4. * Reporting person category

Legal name

5. * Last name or entity legal name

6. If entity

7. First name

8. Middle name

9. Suffix

Address: Principal place of business in the U.S.

10. * Street address (number, street, and apt. or suite no.)

11. * City

12. * U.S./U.S. Territory

13. * State/U.S. Territory

14. * ZIP code

15. * Date of closing

Part II. Property Information

1 of 1 + -

Address (U.S./U.S. Territory)

16. * Street address (number, street, and apt. or suite no.) No street address

17. * City

18. * U.S./U.S. Territory

19. * State/U.S. Territory

20. * ZIP code

Legal description

21. * Legal description type

Other description

22. * Legal description

(Enter the legal description of the property verbatim from the release deed in its entirety or the first 1000 characters)

- **Part I**
 - Reporting person category
 - Legal name
 - Address
 - Dated of Closing

- **Part II**
 - Address
 - Legal description type
 - Legal description



Real Estate Reporting Form

Real Estate Report FOR REFERENCE PURPOSES ONLY

Home Reporting Person & Property Information Transferee Information Transferor Information Payment Information

Part III. Transferee Information 1 of 1

23. * Transferee type 24. Date trust instrument executed 25. If revocable trust

26. * Total consideration paid (in U.S. dollars) \$.00 No consideration paid

27. * Legal name | Alternate name (if entity)

28. Alternate name

29. Foreign principal place of business with no U.S. location

30. Address type 33. * Country/Jurisdiction

31. * Street address (number, street, and apt. or suite no.) 34. State/U.S. Territory

32. * City 35. ZIP/Foreign postal code

36. * Identification type 38. Issuing jurisdiction (if foreign)

37. Identification number

Person(s) associated with this Transferee: 1 of 1

39. * Person type Beneficial Owner Signing Individual Trustee Legal Entity

If Beneficial Owner

40. Check if true Parent/guardian information instead of minor child

41. Category (check all that apply)

a. Individual trustee c. Sole permissible recipient of trust income or assets e. Beneficial owner of a legal entity or trust with authority to dispose of assets

b. Individual with authority to dispose of assets d. Grantor or settlor with the right to revoke or withdraw assets f. Beneficial owner of a legal entity or trust that is the sole permissible recipient of trust income or assets

g. Beneficial owner of a legal entity or trust that is a trustee h. Beneficial owner of legal entity or trust that is a grantor or settlor with the right to revoke or withdraw assets

42. Country/Jurisdiction of citizenship

If Signing Individual

43. Authorization capacity Other description

44. Name of employer, principal, or partnership

45. * Last name or entity legal name

46. Alternate name

47. First name 49. Suffix

48. Middle name 50. Date of birth

51. Foreign principal place of business with no U.S. location

52. Address type 55. * Country/Jurisdiction

53. * Street address (number, street, and apt. or suite no.) 56. State/U.S. Territory

54. * City 57. ZIP/Foreign postal code

58. * Identification type 60. Issuing jurisdiction (if foreign)

59. Identification number

• Part III. Transferee Information

- Transferee Type
- Total consideration paid
- Legal Name
- Address
- Identification
- Person(s) association with this Transferee



Real Estate Reporting Form

Real Estate Report FOR REFERENCE PURPOSES ONLY

Home | Reporting Person & Property Information | Transferee Information | Transferor Information | Payment Information

Part IV. Transferor Information 1 of 1

61. If transferor is not an individual, select the appropriate type 62. Date trust instrument executed

Legal name | Alternate name (if entity) | Date of birth (if individual)

63. * Last name or entity legal name

64. Alternate name

65. First name 67. Suffix

66. Middle name 68. Date of birth

Address: Principal place of business (if entity) | Residential (if individual) 69. Foreign principal place of business with no U.S. location

70. Address type 73. *Country/Jurisdiction

71. * Street address 74. State/U.S. Territory

(number, street, and apt. or suite no.)

72. * City 75. ZIP/Foreign postal code

Identification No identification (if true for transferor entity or trust only)

76. * Identification type 78. Issuing jurisdiction (if foreign)

77. Identification number

If the Transferor is a trust, then record the Trustee(s): 1 of 1

Legal name | Alternate name (if entity) | Date of birth (if individual)

79. * Last name or entity legal name

80. If entity

81. Alternate name

82. First name

83. Middle name

84. Suffix

Address: Principal place of business (if entity) | Residential (if individual) 85. Foreign principal place of business with no U.S. location

86. Address type 89. *Country/Jurisdiction

87. * Street address 90. State/U.S. Territory

(number, street, and apt. or suite no.)

88. * City 91. ZIP/Foreign postal code

Identification No identification (if true for entity only)

92. * Identification type 94. Issuing jurisdiction (if foreign)

93. Identification number

- Part IV. Transferor Information
 - Legal name
 - Address
 - Identification
 - Trustee Information (if transferor is a trust)



Real Estate Reporting Form

Real Estate Report FOR REFERENCE PURPOSES ONLY

Home Reporting Person & Property Information Transferee Information Transferor Information Payment Information

Part V. Payment Information

95. * Total consideration paid (in U.S. dollars) .00 No consideration paid

96. Check if true for the reportable transfer Hard money, private, or other similar loans involved in reportable transfer

97. Type of hard money, private, and other similar loans
Other description

Payment made by or on behalf of the Transferee entity/trust: 1 of 1

98. * Payment amount (in U.S. dollars) \$.00

99. * Payment method
Other description

100. If foreign payment method, select currency code
Other description

101. Check if true for this payment Payment is not from a financial institution account

102. Account number

103. Financial institution legal name

Transferee(s) associated with this payment

104. Check if true for this payment Payment associated with all recorded transferees in Part III

105. Associated transferee legal name

106. Check if true for this payment All payors are all recorded transferees in Part III or all recorded transferees in item 105

Payor(s) involved with this payment (if item 106 is not checked)

107. Last name or entity legal name

108. If entity

109. First name

110. Middle name

111. Suffix

• Part V. Payment Information

- Total consideration paid
- Type of hard money, private or other similar loans
- Payment amount
- Payment method
- Account number
- Financial institution legal name
- Transferees associated with the payment
- Payors information with the payment



ALTA Seller Collection Form

- 6 page collection form
- Includes explanation and certification questions
- Includes certification

ALTA
Anti-Money Laundering Information Collection & Certification Form - SELLERS
Pursuant to FinCEN Real Estate Report Rule 31 CFR 1031.320
2025 v. 01.01 (July 1, 2025)

BACKGROUND
Federal law requires that certain residential real estate transactions purchased with all cash or without institutional lender financing, where at least one buyer/transferee is a legal entity, LLC, corporation, partnership, trust, trustee or other non-natural person, be reported to United States Treasury Department's Financial Crimes Enforcement Network (FinCEN). This form requests information necessary to meet the reporting requirements. For more information about FinCEN's Real Estate Report and what transactions are covered go to [alta.org/fincen](#).

COMPLETING THIS COLLECTION FORM
This collection form has 4 parts:

- Part 1 - Information about the person completing this collection form.
- Part 2 - Information about potential exempt transactions
- Part 3 - Information about the seller in a covered real estate transaction - *Part 3 is broken into three sections. (a) for individual transfers (b) for transferor entities and (c) for transferor trusts.*
- Part 4 - Certification of the accuracy of the information provided on behalf of the seller/transferor. Note that the terms "seller" and "transferor" are interchangeably used in this collection form.

WHY DID I RECEIVE THIS FORM?
If a transaction is subject to the rule described above, then the settlement agent is required to report some limited information about the seller.

ARE THERE ANY EXEMPTIONS?
Transactions do not have to be reported if (a) the buyer is obtaining some mortgage financing from a licensed mortgage lender or (b) the buyers are natural persons. Additionally, there are some transactional exemptions for transfers incident to a divorce, dissolution of civil union, death of the seller or court order. If you think an exemption applies please reach out to us at [\[insert settlement company email\]](#).

Transaction Data

Address of property being acquired by the Transferee Entity or Transferee Trust ("Property")	
Anticipated settlement date for the Property acquisition	
Sale Price	
Settlement Agent/Reporting Person File Number	

THE PERSON COMPLETING THIS FORM

Name (last)	
Address	
Phone (area code and number)	
Relationship to Seller/Transferor (select one)	
<input type="checkbox"/> Individual Seller <input type="checkbox"/> Accountant <input type="checkbox"/> Attorney <input type="checkbox"/> Real Estate Agent <input type="checkbox"/> Other _____	
<input type="checkbox"/> Owner/LLC Member <input type="checkbox"/> Corporate Officer/LLC Manager <input type="checkbox"/> Accountant <input type="checkbox"/> Attorney <input type="checkbox"/> Real Estate Agent <input type="checkbox"/> Other _____	<input type="checkbox"/> Trustee <input type="checkbox"/> Beneficiary <input type="checkbox"/> Accountant <input type="checkbox"/> Attorney <input type="checkbox"/> Real Estate Agent <input type="checkbox"/> Other _____

Additional Information Collection & Certification Form - SELLERS
Pursuant to FinCEN Real Estate Report Rule 31 CFR 1031.320
2025 v. 01.01 (July 1, 2025)

Complete this form if the transferee is a trust or if the transferee is an individual including transfer pursuant to the terms of a will or dissolution of a marriage or civil union or transfer to a bankruptcy estate or if the transferee is a trust or supervised by a court.

Form Information
 If transferee is a trust
 If transferee is an individual including transfer pursuant to the terms of a will or dissolution of a marriage or civil union or transfer to a bankruptcy estate or if the transferee is a trust or supervised by a court.

Additional Information Collection & Certification Form - SELLERS
Pursuant to FinCEN Real Estate Report Rule 31 CFR 1031.320
2025 v. 01.01 (July 1, 2025)

Form Information
 If transferee is a trust
 If transferee is an individual including transfer pursuant to the terms of a will or dissolution of a marriage or civil union or transfer to a bankruptcy estate or if the transferee is a trust or supervised by a court.

Additional Information Collection & Certification Form - SELLERS
Pursuant to FinCEN Real Estate Report Rule 31 CFR 1031.320
2025 v. 01.01 (July 1, 2025)

Form Information
 If transferee is a trust
 If transferee is an individual including transfer pursuant to the terms of a will or dissolution of a marriage or civil union or transfer to a bankruptcy estate or if the transferee is a trust or supervised by a court.

Additional Information Collection & Certification Form - SELLERS
Pursuant to FinCEN Real Estate Report Rule 31 CFR 1031.320
2025 v. 01.01 (July 1, 2025)

Form Information
 If transferee is a trust
 If transferee is an individual including transfer pursuant to the terms of a will or dissolution of a marriage or civil union or transfer to a bankruptcy estate or if the transferee is a trust or supervised by a court.

Information provided in this document is complete and accurate. The reporting person will rely upon the information provided in this document for the purposes of reporting to the Financial Crimes Enforcement Network (FinCEN). The reporting person is not responsible for any action taken by FinCEN or any other reporting person against any person as a result of the reporting of information provided in this document.

Optional

For U.S. Persons: IRS TIN (usually Social Security Number)
For Non-U.S. Persons: Unique ID, Passport Number and Country of Issuance



Poll Question

Can the Real Estate Reporting Form be submitted via mail?

- Yes
- No



Operational Implementation

- **Options**

- In house Option
- Vendor Option

- **Selection Criteria**

- Security & Data Privacy
- Scalability and Volume
- FinCEN Filing Expertise
- Customer experience



Operational Implementation

- Create a comprehensive implementation plan:
 - Estimate of transactions affected by the AML Rule
 - Changes to workflow
 - Staffing resources
 - Cost impact
 - Technology
 - Develop clear policies and procedure
 - Integrate policies and procedures into operational workflow
 - Review and update often
- Automate and centralize where possible



How to engage with your customers

- How and when to collect from customers
- Customer has “legal” questions that need to be answered
- What to do when customers refuse to provide information
- What to do when customers provide incomplete or conflicting information
- What are the consequences of ignoring the requirements?
 - Negligent violation \$1,394 per violation up to \$108,489 for a pattern of negligent activity
 - Willful violations \$250,000 criminal fine or 5 year imprisonment or both



Compliance

- Policies and Procedures
- Training requirements
- Operational Best Practices
 - Data security considerations
 - Data storage after closing
- File reviews/audits
- Update company requirements based on file reviews and audit findings



FinCEN Bootcamp

- Jan. 22-23, 2026
- Virtual
- [MEETINGS.ALTA.ORG/BOOTCAMP](https://meetings.alta.org/bootcamp)



Q&A



Contact Us

- Mickey Vandenberg | mickey.Vandenberg@stewart.com
- Steve Gottheim | sgottheim@alta.org

