

Guidelines for Applying for a Building Permit on Behalf of a Trust

The following guidelines have been developed in order to assist the public with the process of applying for building permits for property owned by a trust. These guidelines are intended only to serve as a general guide and should in no way be construed as offering legal advice or a legal opinion. To obtain legal advice or opinion, the applicant is advised to obtain the services of his or her own attorney.

To issue permits to individuals applying for building permits on behalf of a property-owning trust, the Monroe County Building Department must receive **either**:

- 1.** An **Affidavit of Authority Under Trust**, which should contain the information appearing in the Monroe County **sample Affidavit of Authority Under Trust**; **or**
- 2.** **Sufficient documentation from the trust instrument itself** that:
 - 1)** **Clearly identifies/Names the person** representing that he or she is authorized to obtain building permits on behalf of the property-owning trust; **and**
 - 2)** **Clearly identifies the subject property or, in lieu of that, a copy of the recorded deed** showing that the named trust owns the subject property; **and**
 - 3)** **Clearly evidences that the trust grants the person seeking the building permit authority to do so on behalf of that trust.**

--- NOTE ---

It is **much less time-intensive**, for both the applicant and Building Department staff, for applicants to submit an **Affidavit of Authority Under Trust**, instead of providing staff with documentation from the trust instrument itself.

Examples of an **insufficient Affidavit of Authority Under Trust** would be:

- An **Affidavit of Authority Under Trust** that **incorrectly identifies the subject property**.
- An **Affidavit of Authority Under Trust** that **incorrectly identifies the trust that owns the subject property**.
- An **Affidavit of Authority Under Trust** where the person who executed it **fails to attest** (failed to take an oath according to Affidavit's notary block) that he or she has authority to obtain building permits on behalf of the property-owning trust.
- An **Affidavit of Authority Under Trust** that **isn't executed by the person representing that he/she is authorized to obtain building permits on behalf of the property-owning trust** (for example, an **Affidavit of Authority Under Trust** that was executed by that person's contractor or another third-person/entity).
- An **Affidavit of Authority Under Trust** that is **notarized incorrectly**.

Examples of **insufficient documentation from a trust instrument** would be:

- Assuming that the applicant does **not** submit a copy of the recorded deed showing that the named trust owns the subject property, documentation **that fails to clearly identify the subject property**.
- Documentation that **fails to clearly identify the person** representing that he or she is authorized to obtain building permits on behalf of the property-owning trust.
- Documentation that **fails to clearly evidence that person's authority to obtain building permits on behalf of that property-owning trust**.

--- NOTE ---

Contractors and other third-parties should be aware that if they intend to seek permits **as agents for an individual authorized to obtain permits on behalf of a property-owning trust**, staff must receive:

(1) Either:

- a.** An **Affidavit of Authority Under Trust** executed by the (non-contractor/non-third party) person authorized to obtain permits on behalf of that trust; **or**
- b.** Sufficient documentation from the trust instrument itself satisfying **No. 2.(1)-(3.) < above >**.

(2) And:

- a.** A properly executed **Agent Authorization** form authorizing that contractor or other third-party to act as an agent for that individual authorized to obtain permits on behalf of that trust.

Return to:
Monroe County
Growth Management Division
2798 Overseas Highway
Marathon, Florida 33050

Prepared by:
John Doe
1508 Silver St.
Key West, FL 33040

AFFIDAVIT AS TO AUTHORITY UNDER TRUST

I, _____, **THE UNDERSIGNED**, first being duly sworn, deposes and states:
(Print Name)

1. **THAT** I am the designated (*write-in or check*): _____

Authorized Official Capacity Under Trust

Beneficiary; Grantor; Executor; Co-Executor

Sole Trustee; Co-Trustee; Settlor; Co-Settlor of the _____
(Full Legal Name of Trust)

_____ (hereinafter the "Trust") and have personal knowledge of the facts set
(Full Legal Name of Trust (cont'd))

forth in this Affidavit.

2. **THAT** part of the Trust corpus includes real property located in Monroe County, Florida (hereinafter the "Real Estate"), more particularly described as:

Lot(s): _____ **Block:** _____

Subdivision: _____

Key: _____ **Plat Book:** _____ **Page:** _____

Approximate Mile Marker: _____

Real Estate Number(s): _____

3. **THAT** the real estate was transferred to the Trust by means of the: Quitclaim Deed;

Special Warranty Deed; Statutory Warranty Deed; Warranty Deed;

_____; _____; which was recorded on the
(Other Instrument) Judgment

_____ day of _____, _____, at Official Records Book _____,
(Month) (Year)

Page _____, of the Public Records of Monroe County, Florida.

4. **THAT** consistent with the foregoing, **I, the undersigned**, swear under penalty of perjury that under the Trust, said Trust’s terms, and (if any) all amendments thereto, **I (the undersigned)** am duly authorized to execute in relation to the aforesaid real estate (*select one*):

_____;
(Name and No. of Monroe County Building Department or Monroe County Planning & Environmental Resources Department Permit Application, Form, or Other Development Approval Instrument)

All Monroe County Building Department and Monroe County Planning & Environmental Resources Department Permit Applications, Forms, and Other Similar Monroe County Development Approval Documents and Instruments

5. **IN WITNESS WHEREOF**, I have executed this Affidavit under penalty of perjury on this _____ day of _____, _____ (Month) _____ (Year).

WITNESSES TO ALL:

AUTHORIZED TRUST OFFICIAL:

Witness No. 1 (Print Name)

Authorized Official (Print Name)

Witness No. 1 (Signature)

Authorized Official (Signature)

Witness No. 2 (Print Name)

Witness No. 2 (Signature)

STATE OF FLORIDA
COUNTY OF _____

The foregoing Affidavit, was acknowledged before me this _____ day of _____, 2_____, by _____, who is/are personally known to me or produced _____ as proof of identification and did take an oath.

Notary Public (Print Name)

Notary Public Seal

Notary Public (Signature)