

Information for owner financing arrangements:

Bentley Title Company can prepare all documents required for your owner financing agreements. However, we do not retain copies of your documents. It is the responsibility of the participants to maintain and preserve records pertaining to private sales and owner financing agreements. You should retain all original documents, i.e. promissory notes, security agreements, mortgage documents (a/k/a deed of trust), payments records and any related correspondence in a secure place until the agreement is completed.

In addition to the usual mortgage paperwork, we are occasionally asked to prepare a "Quit-Claim Deed in lieu of Foreclosure" document on behalf of the mortgage holder. We do not recommend use of this type of instrument but if it is utilized in the event of default in payment of the buyer/borrowers obligation, before the deed is recorded the lien holder should consult an attorney. The purpose of this deed is to return title of the lands to the mortgage holder without going through foreclosure proceedings. Misuse of this instrument could result in costly litigation.

The vast majority of owner/financing agreements are completed without incident. Upon final payment in accordance with the original agreement, it is the mortgage holders' legal obligation to return to the buyer/borrowers his/their promissory note and/or other security agreements marked "paid in full". If a "Quit-Claim Deed in Lieu of Foreclosure" was given with the transaction, the original document should be marked "Void" and returned to the makers. In addition, a "Deed of Release" is required to remove the mortgage from record. Upon request, our office will prepare the necessary document for you.