

Farm Service Agency (FSA) Power of Attorney Rules

Proper Form: Form FSA-211, Power of Attorney

Witnessed Signature: The grantor's signature on the FSA-211 must be acknowledged by a Notary Public or witnessed by a FSA employee.

Note: If the grantor is a corporation, the corporate seal may be used in lieu of a witness.

Authorizations: Grantors may authorize the attorney-in-fact to act on their behalf for all or specific:

- FSA or CCC programs
- permissible transactions
- crop insurance transactions
- farms.

Prohibited Transactions: A FSA-211 does not allow the attorney-in-fact to act on behalf of the grantor to:

- file another FSA-211 for the grantor
- participate in the COC election
- request electronic access.

Other Transactions: The following transactions are **only** allowed if specifically granted on the FSA-211:

- routing payments to financial institution accounts
- redeeming cotton pledged as collateral
- certifying adjusted gross income.

USDA is an equal opportunity provider and employer.

Frequently Asked Questions

1. Can any member of a general partnership sign FSA documents if the partnership agreement does not specify or restrict signature authority?

Yes. Montana State law allows any partner to sign and bind the partnership under these circumstances.

2. Can any officer of a corporation sign FSA documents if the articles or bylaws do not specify or designate signature authority?

No, a board of directors' resolution designating the signatory must be provided to FSA.

Note: A FSA-211 can be provided to designate a member to act on behalf of the corporation.

3. For a corporation, can an agent (non-owner) be designated as a signatory?

Yes. If the person authorized to sign for the entity is permitted redelegation authority, then a FSA-211 may be submitted. If the entity documents do not allow for redelegation, the agent may be granted signature authority through a FSA-211 signed by all officers or by resolution.

4. Does the trust agreement have to specifically provide signature authority to a trustee?

No. A trustee has signature authority. If co-trustees are designated, all trustees must sign for the trust

5. Under spousal signature authority, can the spouse of a trustee act on behalf of the trustee?

No. The spouse may only act on behalf of the individual's interests.

6. Who can sign for a joint venture?

Each member of a joint venture must sign FSA documents. For a husband and wife joint venture, an individual may sign for their own interest and sign again for their spouse's individual interest.



UNITED STATES DEPARTMENT OF AGRICULTURE
Montana State FSA Office

IS YOUR SIGNATURE CORRECT??



Contact your local FSA Office for additional information
regarding signature requirements for your farming
operation.

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Don't risk losing your Farm Service Agency (FSA) benefits because your contract was not properly signed!

Can an individual sign FSA documents on behalf of another individual or entity?

Yes, as long as acceptable evidence of authority is on file with FSA. However, if a document is signed by an individual without signature authority, any payments or benefits resulting from the improper signature may have to be refunded.

What documents must be provided as acceptable evidence of authority?

Legal documents designating signature authority. For most situations, a valid power of attorney may be provided if acceptable evidence of authority does not designate the signatory.

What is a valid Power of Attorney (POA) for FSA purposes?

The FSA power of attorney form is the "FSA-211". This form must be signed and properly witnessed, and will remain effective until cancelled by the grantor, or either party dies, becomes incompetent or incapacitated, or if an entity, is dissolved.

Note: Under limited circumstances (active military duty, or incompetent or incapacitated individuals), a non-FSA POA may be provided.

➡ **Bottom line: Ensure FSA has your proper signature authorization on file!**

Information provided in this pamphlet does not supersede national operating procedure or regulations provided in 7 CFR §718

FSA Signature Requirements			
Operation Type	Authorized Signatory	Acceptable Evidence of Authority	Acceptable Signature Examples
Individual	Individual	None needed.	<i>Joe Smith</i>
	Spouse (unless written notification denying this authority has been provided)	None needed. Note: Spouses shall not sign on behalf of each other as an authorized signatory for partnerships, joint ventures, corporations or other similar entities. Spouses may only sign on behalf of each other's individual interest.	<ul style="list-style-type: none">• <i>by Mary Smith</i>• <i>Joe Smith by Mary Smith</i>• <i>by Mary Smith, spouse</i>• <i>Mary Smith for Joe Smith</i>
	Attorney-in-Fact or Agent	FSA-211	<ul style="list-style-type: none">• <i>by Linda Rose</i>• <i>by Linda Rose, POA (or Agent)</i>• <i>Linda Rose, POA for Joe Smith</i>
General Partnership	Partnership Member named in Agreement or IRS Form 1065 and Schedule K-1 for each member	<ul style="list-style-type: none">• Partnership agreement (articles of partnership)• Amended partnership agreement• IRS Form 1065 and Schedule K-1 for each member.• FSA-211 signed by all members. <i>In cases in which the partnership agreement does not designate or restrict signature authority, FSA will allow any partner to sign documents as permitted by State Law.</i> NOTE: Each Member must sign CCC-502	<ul style="list-style-type: none">• <i>by Ed Forrest</i>• <i>by Ed Forrest, Partner</i>• <i>3F Farms, by Ed Forrest</i>• <i>by Jonathon Johnson, Agent</i>• <i>3F Farms by Jonathon Johnson, Agent</i>• <i>Jonathon Johnson, Agent for 3F Farms</i>
	Agent	<ul style="list-style-type: none">• FSA-211 signed by all members• FSA-211 signed by a member authorized to sign for the partnership, unless redelegation is prohibited.	
Joint Venture (JV)	IRS Form 1065 and Schedule K-1 for each member	JV's with a Tax ID Number: IRS Form 1065 and Schedule K-1 for each member. NOTE: Each Member must sign CCC-502.	<i>by Liza Mills, POA, for Hurricane Farms Joint Venture</i> <ul style="list-style-type: none">• <i>Ken Oaks, member</i>• <i>Mae Oaks, member</i>• <i>Ken Oaks</i>• <i>Mae Oaks by Ken Oaks, spouse</i>• <i>Oaks JV, by Ken Oaks, agent</i>
	Agent or Attorney-in-Fact	After receipt of IRS Form 1065 and Schedule K-1 for each member, FSA-211 signed by all members may be used to designate Agent.	
	All members must sign FSA document	JV's without a Tax ID Number: Each member must sign for their individual interest. An agent for the JV, as granted by a FSA-211 signed by all members, may sign only for the JV's interests. NOTE: Each Member must sign CCC-502	
Corporation, Limited Partnership, Limited Liability Company & Other Similar Entities	Authorized Officer or member	<ul style="list-style-type: none">• The corporate charter, bylaws, or partnership agreement• A resolution by a Corporation's board of directors• A properly executed affidavit filed prior to July 20, 2004• FSA-211 signed by all officers/members	<ul style="list-style-type: none">• <i>Sleepy Hollow Farms Inc. by Leigh White</i>• <i>By Leigh White, President</i>• <i>By Leigh White</i>• <i>Jeff Woods, Agent, for Sleepy Hollow Farms Inc.</i>• <i>by Jeff Woods, Agent</i>
	Attorney-in-Fact or Agent	<ul style="list-style-type: none">• FSA-211 signed by all officers/members• FSA-211 signed by an officer/member with authorization to redelegate• resolution by a Corporation's board of directors designating the agent.	
Estate, Trust, Conservatorship, or Guardianship	Administrator, executor, trustee, guardian, receiver, or conservator Note: These positions do not require specific signature authority designation.	<ul style="list-style-type: none">• documents signed or certified by an officer of the issuing court that the evidence is in full force and effect:<ul style="list-style-type: none">• orders of appointment• court-approved certificate or letter of administration• trust agreement, or last will and testament that established the trust• similar document approved by OGC.	<ul style="list-style-type: none">• <i>Estate of Jason Buford by Tom Taylor, Administrator</i>• <i>by Anne Grant, Trustee</i>
	Attorney-in-Fact or Agent	FSA-211 signed by authorized individual.	
Other Types	Contact your local FSA Office.		