

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Common Management and
Operating Provisions
1-CM (Revision 3)**

Amendment 28

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Background

In a continuing effort to address outstanding questions and concerns about signature authority and power of attorney policy and procedure, applicable clarification has been provided. This amendment also includes clarification and changes related to LLC's using Social Security numbers and changes about customer data changes in SCIMS.

B Reason for Amendment

Subparagraph 178.6 A has been amended to provide information about the restricted simultaneous use of Social Security numbers for LLC's and individuals.

Paragraph 198 has been amended to:

- expand acceptable documentation for changes made by trusted data sources
- provide mass address changes and related DD spot-checks.

Subparagraph 707 A has been amended to provide the following:

- information about non-FSA/CCC forms
- articles of organization and operating agreement to list of acceptable documentation

Subparagraph 709 A has been amended to provide using a statement from a general partnership for the first year in certain instances.

Subparagraph 710 A has been amended to provide spousal signature authority exception reference for a husband/wife joint venture.

Subparagraph 710 C has been amended to correct that a joint venture is not required to sign for a zero share on CCC-509.

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 710 D has been amended to provide “by” or “for” if individual is signing in a representative capacity.

Subparagraph 711 A has been amended to provide an exception for signature authority documentation for 1 person corporations.

Subparagraph 711 B has been amended to provide information about agents.

Subparagraph 716 B has been amended to provide “by” and “for” verbiage for individuals signing in a representative capacity.

Subparagraph 728 F has been amended to include FFAS-12.

Subparagraph 728 H has been amended to provide important policy change effective March 18, 2003.

Paragraph 729 has been amended to provide policy for incompetent individuals.

Paragraph 729.4 has been added to provide policy for incapacitated individuals.

Exhibit 51 has been amended to provide information about what constitutes a valid resolution and add additional paragraph references.

Exhibit 60 has been amended to update instruction for FSA-211.

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178.6 Establishing LLC's in SCIMS

A Purpose

LLC's shall be loaded in SCIMS using **either** of the following:

- a customer's Social Security number
- Federal employer (tax ID) number.

***--Note:** If a customer elects to use their personal Social Security number for LLC, that same Social Security number shall not be entered in SCIMS for the respective customer as an individual, nor shall they receive monetary benefits from FSA, as an individual using their personal Social Security number.--*

B Loading LLC in SCIMS

When entering a new or updating an existing LLC in SCIMS, Service Centers shall enter the customer's name followed by "LLC".

Example: Smith Farms LLC

LLC should be entered in SCIMS as a business customer with a Federal employer (tax ID) number or no tax ID number. If the customer uses the Social Security number, the customer must first be entered in SCIMS as an individual and submitted. After the customer has been updated, change the individual to a business by selecting "Limited Liability" as the business type in SCIMS.

Notes: If no tax ID number was entered in SCIMS, a legacy system customer ID number will be assigned. Legacy system customer ID numbers will not be eligible to receive payments.

--The change to LLC as a business type must be done in a timely manner.--

178.7 Establishing Irrevocable Trusts in SCIMS

A Purpose

Irrevocable Trusts shall be loaded in SCIMS using a Federal employer (tax ID) number.

B Loading an Irrevocable Trust in SCIMS

When entering a new or updating an existing Irrevocable Trust in SCIMS, Service Centers shall enter the Irrevocable Trust by using the customer's name followed by "Irrevocable Trust".

Example: James Jones Irrevocable Trust

The Irrevocable Trust should be entered in SCIMS as a business customer with a Federal employer (tax ID) number or no tax ID number.

Note: If no tax ID number was entered in SCIMS, a legacy system customer ID number will be assigned. Legacy system customer ID numbers will not be eligible to receive payments.

178.8 Establishing a Revocable Trust in SCIMS**A Purpose**

Revocable Trusts shall be loaded in SCIMS:

- using a Federal employer (tax ID) number, Social Security number, or no tax ID number
- selecting “Revocable Trust” as the business type in SCIMS.

B Loading a Revocable Trust in SCIMS

When entering a new or updating an existing Revocable Trust in SCIMS, Service Centers shall enter the Revocable Trust by using the customer’s name followed by “Revocable Trust”.

Example: James Jones Revocable Trust

The Revocable Trust should be entered in SCIMS as a business customer with a Federal employer (tax ID) number, Social Security number, or no tax ID number.

***--Notes:** If no tax ID number was entered in SCIMS, a legacy system customer ID number will be assigned. Legacy system customer ID numbers will not be eligible to receive payments.

If a customer whose SSN is used for the Revocable Trust is elected to serve on the COC, a Federal employer tax ID number will need to be obtained for the Trust so the customer will be able to use the SSN as an individual.--*

197 SCIMS to Name and Address Update Report (Continued)

C Messages and Actions (Continued)

*--

Message	Reason for Message	Action
Farm Loan Programs	Customer filed an application for farm loan programs, loan.	If customer is no longer a farm loan programs customer, flag must manually be set to "N".
Loans	Customer had a price support loan within the last 6 months.	None. Price Support runs a monthly edit to reset customers who have had no loan activity for 6 months and their outstanding balance is zero. Note: LDP's keep the IND-DEL-LOAN flag active for 1 year and 9 months.
CRP	This flag is currently not being checked when flagging a producer for deletion.	Ensure that producer has no active CRP participation when flagging for deletion.
Accounting	Customer's flag is set to "Y" in 1 of the following: <ul style="list-style-type: none"> • direct deposit • claims • receivables. 	If the flag is no longer applicable, reset the flag to "N". KC-ADC periodically runs edits to correct these.

Note: If a SCIMS to Name and Address Update Report prints with any of the above messages, then the customer is placed in a "Pending Delete" status.--*

198 Documenting Customer Data Changes in SCIMS

A Critical Producer Data Changes

Critical producer data is:

- customer name
- current mailing address
- tax identification number.

B Documentation

All critical producer data changes made in SCIMS shall be documented by the Service Center employee making the change according to the following table.

IF the request for changes is made...	THEN Service Center employee shall screen print applicable changes and...
in person	request that customer verify, initial, and date applicable changes.
by telephone	initial and date applicable changes and file documentation in a pending file for customer's review and initials upon their next visit to the County Office.
by mail or FAX	initial and date screen print and attach hard copy of mailed or FAXed request to screen print.
--by trusted data source including: <ul style="list-style-type: none"> • change of address notification from customer or USPS • "911" county-wide address changes 	attach copy of data source.--

C Maintenance

All critical producer data change documentation shall be filed according to 25-AS, Exhibit 22 in file ADP-5 SCIMS and maintained for a period of 10 years.

198 Documenting Customer Data Changes in SCIMS (Continued)

D DD Spot Check Procedure

DD shall be responsible for spot checking critical producer changes on a monthly basis according to the following:

- review all current critical producer data changes not previously reviewed in file AD-5 SCIMS to ensure that County Offices are complying with procedure in this paragraph

***--Exception:** Mass address changes because of "911" address update or ZIP Code changes do not require a review of all change documentation. DD shall review at least 5 percent of the address changes.--*

- prepare a written report to SED within 15 calendar days of review, reporting any discovered deficiencies or abnormalities related to critical producer data changes.

199-206 (Reserved)

Section 3 General Rules of Authority

707 Policy on Evidence of Authority and Signature Limitations

A General Rule for Signature Authority

[7 CFR Part 718.9] County Offices shall verify that a signature authority is on file in the County Office before accepting a signature on any program or related documents on behalf of another. See subparagraph B for special rules for spouses.

***--Note:** Evidence of signature authority related to non-FSA/CCC forms and documents such as, cash leases, is not required and does not have to be on file.--*

The following types of evidence for authorized signature may be acceptable, if dated on or before the signature date. COC may require any of the following for authentication:

- presentation of the original document, such as corporate charter, bylaws, court orders of *--appointment, trust agreement, last will and testament, articles of partnership, articles of organization, operating agreements--*
- FSA-211
- notarization
- an affixed official seal.

Example: Documentation, such as corporate charter, indicating who is authorized to sign for a corporation must be on file in the County Office before County Office may accept a signature on any program document for the corporation.

Note: Before July 20, 2004, certain properly executed affidavits may have been used as evidence of signature authority. Properly completed affidavits on file before July 20, 2004, shall continue to be honored as evidence of signature authority by State and County Offices.

County Office may also require the person receiving authority to:

- provide ID
- file a signature with the County Office.

B Maintaining Documentation

The entire document presented does **not** have to be maintained. However, all applicable pages that identify the entity, pertinent authority, and any limitations, etc, **must** be maintained.

Example: If the trust is represented to be an irrevocable trust, procedure in 1-PL requires review of the trust agreement to determine if it contains a provision that would result in the trust being considered a revocable trust for payment limitation purposes (see 1-PL, subparagraph 362 B). All pages needed for all programs **must** be maintained.

707 Policy on Evidence of Authority and Signature Limitations (Continued)

C Signature Authority for Spouses

Spouses:

- may sign documents on behalf of each other for FSA and CCC programs in which either has an interest, effective August 1, 1992, unless written notification denying a spouse this authority has been provided to the County Office
- shall not sign FSA-211 on behalf of the other
- shall not sign on behalf of the other as an authorized signatory for partnerships, joint ventures, corporations, or other similar entities

***--Exception:** Spouses may sign on behalf of each other for a husband/wife joint venture with a permanent tax ID number, unless written notification denying a spouse authority has been provided to the County Office (see subparagraph 710 F).--*

Note: See paragraphs 709 through 711.

- must have a power of attorney on file or sign personally for claim settlements, such as promissory notes.

Important: A spouse's authority to sign documents on behalf of the other spouse does **not**:

- override the FOIA/PA requirements of 5 U.S.C. 552 and 552A
- entitle a spouse to review or receive Agency records of the other spouse.

Note: See 2-INFO for more information about FOIA/PA requirements and Agency records.

County Office shall not provide Agency records of a producer to that producer's spouse unless written authority to provide such records has been provided to the County Office.

Example: Joe and Jane Black, husband and wife, may sign documents on behalf of each other because no written notification denying such authority has been provided to the County Office. Jane Black has requested a copy of Joe Black's Agency records. County Office shall not provide the records to Jane Black unless Joe Black provides the County Office written authority to release the records to Jane Black.

708 Individual (Continued)

B Acceptable Signatures for Spouses

The signature of a spouse on behalf of the other shall consist of both of the following:

- an indicator, such as “by” or “for”, illustrating that the individual is signing in a representative capacity
- 1 of the following:
 - name of individual signing in representative capacity
 - name of individual signing in representative capacity and name of spouse
 - name of individual signing in representative capacity followed by “spouse”.

C Spouse Signature Examples

Following are examples of signatures that may be accepted when one spouse signs on behalf of the other spouse.

Name on Document	Acceptable Signatures
John R. Smith	<i>by Sharon H. Smith</i> <i>John R. Smith by Sharon H. Smith</i> <i>by Sharon H. Smith, Spouse</i> <i>Sharon H. Smith for John H. Smith</i>
John R. Smith Sharon H. Smith	<i>John R. Smith</i> <i>by John R. Smith</i> <i>John R. Smith</i> <i>Sharon H. Smith by John R. Smith</i>

Note: Other forms may be accepted only if approved by DAFP.

709 General Partnership

A General Rules

A partnership must provide the Articles of Partnership. If no Articles of Partnership are available, IRS documents such as Form 1065 (Schedule K-1) showing member and their *--respective shares may be used. A written statement identifying all members and shares of the partnership and signed by all members of the partnership may be used as acceptable documentation the first year the partnership is in effect or if the membership of the partnership has changed and the partnership has not filed any IRS forms.--*

Note: Before July 20, 2004, certain properly executed affidavits may have been used as evidence of signature authority. Properly completed affidavits on file before July 20, 2004, shall continue to be honored as evidence of signature authority by State and County Offices.

Any member of a general partnership may sign for the general partnership and bind all members unless the Articles of Partnership are more restrictive.

Note: This policy is adopted by FSA because the majority of States have laws that provide for this; however, this is **not** the case for any other business enterprise.

A member of a general partnership may execute FSA-211 to appoint an attorney-in-fact to act on behalf of the general partnership and bind all members, unless the Articles of Partnership restrict member's authority.

Note: Certain FSA and CCC forms, such as CCC-502's, require each member's individual signature. Accordingly, each member or individual authorized by the members, **must** sign such forms regardless of whether an individual has authority to act on behalf of the general partnership.

Spouses shall **not** sign on behalf of each other as an authorized signatory for a partnership. Individuals that are appointed as an attorney-in-fact for another individual shall **not** sign for that individual as an authorized signatory for a partnership.

Example: John Smith is a member of ABC partnership. The articles of partnership provide John Smith the authority to sign for the partnership and bind all members of the partnership. John Smith's spouse is not a member of the partnership and shall **not** sign for John Smith as the authorized signatory for ABC partnership. John Smith appointed Bill Brown as his personal attorney-in-fact on FSA-211. Bill Brown shall **not** sign for John Smith as the authorized signatory for ABC partnership.

A spouse that is not a member of the partnership may sign on behalf of the other spouse's individual interest in a partnership, unless a written notification denying a spouse this authority is provided to County Office. Individuals that are appointed as an attorney-in-fact for another individual may sign for only that individual's interest in a partnership.

Example: John Smith and Fred Brown have formed a general partnership called JF Farms. Other than the 2 general partners, no other person has been authorized by JF Farms to sign on behalf of the partnership. John's wife, Sally Smith, may sign as attorney-in-fact for John's individual interest in the partnership. Sally **may not** sign for the general partnership as she has not been authorized to sign.

710 Joint Venture**A General Rules**

All members of a joint venture must sign for the joint venture unless an individual is authorized to act on behalf of the joint venture and bind all members.

Joint ventures that do not have an individual authorized to act on behalf of the joint venture may execute FSA-211 to appoint an attorney-in-fact to act on behalf of the joint venture and bind all members.

Important: When there is not an individual authorized to act on behalf of the joint venture, **all** members of the joint venture must sign FSA-211. The members of the joint venture are appointing an attorney-in-fact to act on behalf of the joint venture, not the members of the joint venture as individuals.

Note: Certain FSA and CCC forms, such as CCC-502's, require each member's individual signature. Accordingly, each member, or an individual authorized by the member, must sign such forms regardless of whether an individual has authority to act on behalf of the joint venture.

Spouses shall not sign on behalf of each other as an authorized signatory for a joint venture. *-(See exception in subparagraph 707 C for a husband/wife joint venture.) Individuals that--* are appointed as an attorney-in-fact for another individual shall not sign for that individual as an authorized signatory for a joint venture.

Example: Jack Green is a member of JJJ Joint Venture. All members of JJJ Joint Venture signed FSA-211 appointing Jack Green attorney-in-fact for the joint venture. Jack Green's spouse shall **not** sign for Jack Green as the authorized signatory for JJJ Joint Venture. Jack Green appointed Bill Brown as his personal attorney-in-fact on FSA-211. Bill Brown shall **not** sign for Jack Green as the authorized signatory for JJJ Joint Venture.

Spouses may sign on behalf of each other's individual interest in a joint venture, unless a written notification denying a spouse this authority is provided to County Office. Individuals that are appointed as an attorney-in-fact for another individual may sign for that individual's interest in a joint venture.

Example: Jill White is a member of WW Joint Venture. No member of WW Joint Venture is authorized to sign for the joint venture and bind all members; therefore, all members must sign documents for the joint venture. Jill White's spouse may sign for Jill White's individual interest in the joint venture. Jill White appointed Mike Jones as her personal attorney-in-fact on FSA-211. Mike Jones may sign for Jill White's individual interest in the joint venture.

710 Joint Venture (Continued)

*--A General Rules (Continued)

FSA payments may be issued to:

- a joint venture with a permanent tax ID number
- individual members of a joint venture, using the individual member’s ID numbers, when the joint venture does not have a permanent tax ID number.

B Acceptable Evidence of Signature Authority

Use the following table to determine acceptable evidence of signature authority for a joint venture.

IF the individual signing for the joint venture is...	THEN acceptable evidence of authority is...
a member of the joint venture	a valid power of attorney signed by all members of the joint venture. Note: Before July 20, 2004, certain properly executed affidavits may have been used as evidence of signature authority. Properly completed affidavits on file before July 20, 2004, shall continue to be honored as evidence of signature authority by State and County Offices.
an agent	a valid power of attorney signed by all members of the joint venture. Notes: See Section 4 for power of attorney. See paragraph 707 when the agent granted signature authority is an entity.

--*

710 Joint Venture (Continued)

C Examples of Signature Requirements for Joint Ventures (Continued)

Note: Because RST Joint Venture does not have a permanent ID number, payments cannot be issued to the joint venture. When a joint venture does not have a permanent ID number, payments must be issued to the individual members using their respective ID numbers.

* * *

Each member (Mr. Jackson, Mrs. Doe, and Mrs. Green) must sign for their individual interest on CCC-509.

D Acceptable Signatures

The signature for an individual authorized to sign for a joint venture shall consist of 1 of the following:

- individual's name
- individual's name and capacity
- individual's name, capacity, and name of the joint venture.

--Signatures shall also consist of an indicator, such as "by" or "for", illustrating that the individual is signing in a representative capacity.--

E Joint Venture Signature Examples

The following are examples of signatures that may be accepted for joint ventures.

Name on Document	Acceptable Signatures
Bob and Bill Joint Venture	<ul style="list-style-type: none"> • <i>by Joe Black</i> • <i>Joe Black for Bob and Bill Joint Venture</i>
Jones and Smith Joint Venture	<ul style="list-style-type: none"> • <i>by Jim Smith</i> • <i>Mary Brown, POA for Jones and Smith Joint Venture</i>

F Husband and Wife Joint Ventures

Spouses may sign documents on behalf of each other for a husband and wife joint venture with a permanent tax ID number, effective August 1, 1992, unless written notification denying a spouse this authority has been provided to the County Office.

711 Corporations, Limited Partnerships, Limited Liability Partnerships, Limited Liability Companies, and Other Similar Entities

A Authorization

*--A copy of any of the following applicable documents will authorize an officer, manager, or member to sign:

- the corporate charter, bylaws, articles of organization, operating agreement, or--* partnership papers executed according to State law, that designates the officer, member, or manager
- resolution by the corporation's board of directors, signed by the corporation's secretary or other officer other than the designated agent

*--**Exception:** For a **1 person corporation**, that person is authorized to sign for the corporation by default if documentation, such as a corporate charter, is on file in the County Office which **both:**

- identifies the "one person"
- validates that 100 percent of the corporation's shares are held by that "one person".--*
- signed corporate minutes.

Notes: The identification/listing of officers and/or shareholders of a corporation does not, by itself, provide sufficient evidence of who has authority to act on behalf of the corporation.

Before July 20, 2004, certain properly executed affidavits may have been used as evidence of signature authority. Properly completed affidavits on file before July 20, 2004, shall continue to be honored as evidence of signature authority by State and County Offices.

Spouses shall not sign on behalf of each other as an authorized signatory for a corporation, limited partnership, limited liability partnership, limited liability company, or other similar entity. Individuals who are appointed an attorney-in-fact for another individual shall not sign for that individual as an authorized signatory for a corporation, limited partnership, limited liability partnership, limited liability company, or other similar entity.

Example: Joe Blue is a member of B Inc. The charter for B Inc. authorizes Joe Blue to sign for the corporation. Joe Blue's spouse shall not sign for Joe Blue as the authorized signatory for B Inc. Joe Blue appointed Mary Smith as his personal attorney-in-fact on FSA-211. Mary Smith shall not sign for Joe Blue as the authorized signatory for B Inc.

711 Corporations, Limited Partnerships, Limited Liability Partnerships, Limited Liability Companies, and Other Similar Entities (Continued)

A Authorization (Continued)

Spouses may sign on behalf of each other’s individual interest in a corporation, limited partnership, limited liability partnership, limited liability company, or other similar entity; unless a written notification denying a spouse this authority is provided to County Office. Individuals who are appointed as an attorney-in-fact for another individual may sign for that individual’s interest in a corporation, limited partnership, limited liability partnership, limited liability company, or other similar entity.

Example: Jane Brown is a member of JBB Inc. The corporate charter for JBB Inc. requires all members to sign documents for the corporation. Jane Brown’s spouse may sign for Jane Brown’s individual member interest in the corporation. Jane Brown appointed Mike Black as her personal attorney-in-fact on FSA-211. Mike Black may sign for Jane Brown’s individual member interest in the corporation.

B Redelegation of Signature Authority

Use the following table to determine how an agent may be granted authority to sign for a corporation, limited partnership, limited liability partnership, limited liability company, or other similar entity.

IF...	THEN...
the entity documents allow for redelegation of signature authority	<p>the person authorized to sign for the entity according to subparagraph A may redelegate their authority to an agent on FSA-211.</p> <p>Notes: See Section 4 for power of attorney.</p> <p>*--An agent may be any individual including but not limited to an officer, share holder, partner, member, or manager of the applicable entry.--*</p> <p>See paragraph 707 if the agent granted signature authority is an entity.</p> <p>Important: The person authorized to sign for the entity according to subparagraph A shall not redelegate this authority if the entity documents do not allow for redelegation of signature authority.</p> <p>Example 1: The XYZ Corporation charter designates Mary Brown as the corporate officer with signature authority for the corporation. The corporate charter provides that the authority to sign for XYZ Corporation may be redelegated. Mary Brown may redelegate her signature authority for XYZ Corporation to an agent by completing FSA-211.</p> <p>Example 2: The ABC Corporation charter designates Mike Jones as the corporate officer with signature authority for the corporation. The corporate charter does not indicate that the authority to sign for ABC Corporation may be redelegated. Mike Jones shall not redelegate his signature authority for XYZ Corporation.</p>

711 Corporations, Limited Partnerships, Limited Liability Partnerships, Limited Liability Companies, and Other Similar Entities (Continued)

B Redelegation of Signature Authority (Continued)

IF...	THEN...
<p>the entity documents do not allow for redelegation of signature authority</p>	<p>the following may be used to authorize an agent to sign for the entity for:</p> <ul style="list-style-type: none"> • corporations, either of the following: <ul style="list-style-type: none"> • FSA-211 signed by all officers • resolution of the board of directors, signed by an officer of the corporation, providing name of agent authorized to sign for the corporation • limited partnerships, limited liability partnerships, and other similar entities, FSA-211 signed by all members of the entity • limited liability companies, FSA-211 signed by all members or authorized managers. <p>Notes: Before July 20, 2004, certain properly executed affidavits may have been used as evidence of signature authority. Properly completed affidavits on file before July 20, 2004, shall continue to be honored as evidence of signature authority by State and County Offices.</p> <p>An individual serving as agent may not individually redelegate that authority on FSA-211.</p> <p>Example: The ABC Corporation charter designates Mike Jones as the corporate officer with signature authority for the corporation. The corporate charter does not indicate that the authority to sign for ABC Corporation may be redelegated. Mike Jones shall not redelegate his signature authority for XYZ Corporation. However, an agent may be authorized to sign for ABC Corporation if all officers of ABC Corporation sign FSA-211.</p> <p>Notes: See Section 4 for power of attorney.</p> <p>*--An agent may be an officer, share holder, partner, member, or manager of the applicable entity.--*</p> <p>See paragraph 707 if the agent granted signature authority is an entity.</p>

716 Churches and Charitable Organizations**A Authorizations**

Either of the following documents will authorize an individual to sign on behalf of a church, charitable organization, society, or fraternal organization that is not a corporation:

- letter of authorization signed by either of the following:
 - legal head of the church or organization
 - head of the local church body, if applicable
- individuals authorized in this subparagraph may redelegate authority to an agent on FSA-211.

Notes: See Section 4 for power of attorney.

See paragraph 707 when the agent granted signature authority is an entity.

B Acceptable Signatures

The signature for an individual authorized to sign for a church, charitable organization, society, or fraternal organization, shall consist of 1 of the following:

- individual's name
- individual's name and capacity
- individual's name, capacity, and name of the church, charitable organization, society, or fraternal organization.

--Signature shall also consist of an indicator, such as "by" or "for", illustrating that the individual is signing in the representative capacity, if applicable.--

717 Indian Tribal Ventures and BIA

A Indian Tribal Venture Authorizations

A copy of tribal bylaws designating members authorized to sign and bind other members of the venture will authorize a member to sign and obligate other members of the Indian tribal venture.

* * *

***--Note:** Before July 20, 2004, certain properly executed affidavits may have been used as evidence of signature authority. Properly completed affidavits on file before July 20, 2004, shall continue to be honored as evidence of signature authority by State and County Offices.--*

B BIA Authorizations

Management of tribal and allotted lands is regulated by statute.

Any duly authorized representative for BIA may sign for BIA.

C Acceptable Signatures

The signature for an individual authorized to sign for Indian tribal ventures or BIA shall consist of 1 of the following:

- individual's name and capacity
- individual's name, capacity, and name of tribal venture
- individual's name, capacity, and BIA.

718-727 (Reserved)

728 Policy for Powers of Attorney (Continued)**E Designating Power of Attorney by FSN**

A grantor may appoint an attorney-in-fact to act on their behalf on specific FSN's. Enter FSN's that the attorney-in-fact is responsible for on FSA-211, item 7, under Section B, Transactions for FSA and CCC Programs.

Example: Sandy owns the following farms: FSN 22, FSN 35, FSN 43 and FSN 49. Sandy would like Tracey to be her attorney-in-fact on FSN 22 only. Enter "ON FSN 22 ONLY" on FSA-211, item 7, under Section B, Transactions for FSA and CCC Programs.

F Routing Payments to Financial Institution Accounts

An individual may route payments to financial institution accounts, such as completing SF-1199A or SF-3881, on behalf of another **only** when FSA-211 signed by the grantor provides both of the following:

- grantor selects item 7, "Other", under Section B, Transactions for FSA and CCC Programs, of FSA-211
- item 7, "Other", specifies "routing payments to financial institution accounts".

Important: If FSA-211 does not meet both of the requirements, the appointed attorney-in-fact shall **not** be authorized to:

- *--complete SF-1199A, SF-3881, or FFAS-12 on behalf of the grantor--*
- establish or change a direct deposit account for the grantor
- route payments to financial institution accounts on behalf of the grantor.

728 Policy for Powers of Attorney (Continued)

G Executing CCC-605 to Redeem Cotton Pledged as Collateral

An individual may execute CCC-605 on behalf of another **only** when FSA-211 signed by the grantor provides **all** of the following:

- grantor selects 1 of the following under Section A, FSA and CCC Programs, of FSA-211:
 - item 1, “All current programs”
 - item 2, “All current and all future programs”
 - item 8, “Marketing Assistance Loans and Loan Deficiency Payments”
- grantor selects item 7, “Other”, under Section B, Transactions for FSA and CCC Programs, of FSA-211
- item 7, “Other”, specifies “Executing CCC-605”.

Important: If FSA-211 does not meet all of the requirements, the appointed attorney-in-fact shall **not** be authorized to execute CCC-605 on behalf of the grantor.

Producers must be fully aware that appointing an attorney-in-fact to execute CCC-605’s grants that agent the authority to further delegate authority to another agent.

An agent appointed attorney-in-fact on FSA-211 shall **not** execute FSA-211 to further delegate this authority.

H Executing CCC-526 to Certify Adjusted Gross Income

*--An individual may execute CCC-526 on behalf of another **only** when **both** of the following are provided by the grantor on FSA-211:

- grantor selects item 7, “Other”, under Section B, Transactions for FSA and CCC Programs--*
- item 7, “Other”, specifies “Executing CCC-526”.

Important: If FSA-211 does not meet both of the requirements, the appointed attorney-in-fact shall **not** be authorized to execute CCC-526 on behalf of the grantor.

*--**Exception:** CCC-526’s executed before March 18, 2003, which used a valid FSA-211 on file at that time are considered valid.--*

***--728.5 Signature Requirements for Powers of Attorney (Continued)**

C Spouse Signature Requirements

Effective August 1, 1992, spouses may sign documents on behalf of each other for FSA and CCC programs in which either has an interest, unless written notification denying a spouse this authority has been provided to the County Office. See paragraph 707.

Exceptions: Spouses:

- shall not sign FSA-211 on behalf of the other
- shall not sign on behalf of the other as an authorized signatory for a partnership, joint venture, corporation, or other similar entity
- must have a power of attorney on file or sign personally for claim settlements, such as promissory notes.

Important: See paragraph 707 about spouses' requests for agency records of the other spouse.--*

729 Policy for Incompetent * * * Individuals**A General Policy**

Producers wishing to appoint an attorney-in-fact to act on their behalf must execute and submit FSA-211. See paragraph 728. Exceptions apply according to subparagraph B and paragraph 729.6.

FSA-211 signed by an individual after that individual has been declared incompetent:

- is **not** valid
- shall **not** be processed or recorded by FSA.

When an individual is declared incompetent and a conservator has been appointed by the court to act on behalf of the incompetent individual:

- the conservator may act on behalf of the incompetent individual for FSA and CCC programs
- neither FSA-211 nor non-FSA power of attorney form is required for the conservator to act on behalf of the incompetent individual
- the County Office shall:
 - enter the applicable data in the automated fiduciary file according to Section 6
 - **not** enter the conservator or incompetent individual in the automated power of attorney file.

Important: Before an individual may sign as a conservator, a copy of the court order must be provided to the County Office. See paragraph 713.

--729.4 Policy for Incapacitated Individuals--**A Acceptable Non-FSA Power of Attorney Forms for an Incapacitated Individual**

County Offices may process and record a non-FSA power of attorney form for incapacitated individuals **only** when **all** of the following are met:

- grantor cannot complete FSA-211 because of incapacitation
- conservator for the grantor has not been appointed by the court
- individual appointed as attorney-in-fact by the non-FSA power of attorney form **signs and dates** the Non-FSA Power of Attorney Certification in Exhibit 62
- County Office is provided a legible copy of the non-FSA power of attorney form to maintain on file
- regional attorney reviews and approves the non-FSA power of attorney form to ensure that the form meets both of the following:
 - provides legally sufficient authority for the attorney-in-fact to act on behalf of the grantor for FSA and CCC programs
 - compliance with applicable State and local laws.

Note: If the County Office has documentation of a previous review and approval of non-FSA power of attorney by a regional attorney, the County Office is not required to resubmit the non-FSA power of attorney form for regional attorney review. CED shall review the regional attorney's approval to ensure the approval did not contain any limitations. The non-FSA power of attorney must be resubmitted if the regional attorney noted any limitations that could affect the new programs authorized by the Farm Security and Rural Investment Act of 2002.

Important: The State Office shall contact the National Office if the regional attorney declines to review non-FSA power of attorney forms.

--729.4 Policy for Incapacitated Individuals (Continued)--**A Acceptable Non-FSA Power of Attorney Forms for an Incapacitated Individual (Continued)**

County Offices shall:

- submit a copy of the non-FSA power of attorney form and the signed and dated Non-FSA Power of Attorney Certification to the State Office for regional attorney review
- attach both of the following to the non-FSA power of attorney form, and maintain all of the following on file:
 - **signed and dated** Non-FSA Power of Attorney Certification
 - regional attorney determination
- notify applicable individuals of regional attorney determination
- **not** process any document signed by the attorney-in-fact until regional attorney review and determination is received
- enter the applicable non-FSA power of attorney data in the automated power of attorney file **only** if the regional attorney reviews and approves the form
- **not** enter the applicable non-FSA power of attorney data in the automated power of attorney file if the regional attorney determines the form is not acceptable.

State Offices shall:

- ensure that the Non-FSA Power of Attorney Certification is signed and dated by the individual appointed as attorney-in-fact by the non-FSA power of attorney form
- submit a copy of the non-FSA power of attorney form and the signed and dated Non-FSA Power of Attorney Certification to the regional attorney for review

--729.4 Policy for Incapacitated Individuals (Continued)--**A Acceptable Non-FSA Power of Attorney Forms for an Incapacitated Individual (Continued)**

- **not** submit the non-FSA power of attorney form to the regional attorney if the Non-FSA Power of Attorney Certification is **not** signed and dated by the individual appointed as attorney-in-fact by the non-FSA power of attorney form
- **not**, under any circumstance, make a determination about the acceptability of a non-FSA power of attorney form

Important: The State Office shall contact the National Office if the regional attorney declines to review non-FSA power of attorney forms.

- provide the County Office with a copy of the regional attorney determination.

B Incapacitation

For the purposes of accepting a non-FSA power of attorney form, an individual is incapacitated when the individual is physically or mentally incapable of executing FSA-211.

Note: See paragraph 729.5 when the producer's signature cannot be obtained by a program deadline and there is no valid power of attorney on file.

C False Certification of Incapacitation

If COC determines that the certification is erroneous:

- non-FSA power of attorney is invalid for FSA and CCC purposes
- grantor may complete FSA-211.

D Redelelegation of Authority to Act on Behalf of the Grantor

An attorney-in-fact appointed using a non-FSA power of attorney shall not:

- appoint another attorney-in-fact to act on behalf of the grantor
- further delegate authority to act on behalf of the grantor.

Example: John Smith is incapacitated and cannot complete FSA-211. Mr. Smith has a valid regional attorney reviewed and approved non-FSA power of attorney form on file in the County Office appointing Mary Brown as his attorney-in-fact. The County Office shall not process FSA-211 or other non-FSA power of attorney form completed by Mary Brown on behalf of John Smith. Only John Smith may grant someone authority to act on his behalf.

--729.5 Policy for Limited Case Waivers--

* * *

A Limited Case Waivers for Power of Attorney

A limited case exists when **both** of the following are met:

- a producer's signature cannot be obtained by a final program date because of an unexpected emergency
- the producer does not have a valid power of attorney on file.

COC is **not** authorized to approve limited case waivers. County Offices shall send limited cases to the State Office when the foregoing requirements are met.

STC, with regional attorney approval, may grant a limited case waiver when it is ensured that the proper signature authority is being obtained. A limited case waiver may only be granted:

- to immediate family members
- for **specific** program functions.

Program benefits shall be withheld until proper signature authority is provided to the County Office.

Example: The final date to submit an application for 2000 LAP is May 4, 2001. Jim White was unexpectedly hospitalized on April 27, 2001, and will be incapable of completing any applications or documents for 30 calendar days. Jim White does not have a valid power of attorney on file in the County Office. Jim White's father requests to complete the applicable 2000 LAP documents for his son and states that Jim White will complete FSA-211 appointing him attorney-in-fact when he is capable of completing FSA-211. The County Office sends STC the applicable 2000 LAP documents signed by Jim White's father and the father's statement that FSA-211 will be completed appointing him attorney-in-fact for Jim White. If the waiver is approved by STC and the regional attorney, the County Office shall process the application. However, all program benefits shall be withheld and COC shall not approve any document until Jim White completes FSA-211 appointing his father as attorney-in-fact to act on his behalf.

730 FSA-211 Authority**A Representative Capacities**

The authority to act for corporations, limited partnerships, limited liability partnerships, limited liability companies, and other similar entities may be redelegated by the entity's authorized representative only if the entity's documents allow for this redelegation. If redelegation is allowed by the entity documents, FSA-211 must be filed by the authorized representative to redelegate authority to an agent to act for the entity.

Note: See paragraph 713 for redelegation authority for trusts, estates, conservatorships, and guardianships.

An agent that has been delegated authority to act for an entity by the entity's authorized representative cannot further delegate authority to another agent.

***--Example:** The authorized representative for XYZ Corporation is Mike Jones. The corporate charter allows for redelegation of the authority to act for XYZ Corporation. Mike Jones completes FSA-211 appointing Jill Brown to act for XYZ Corporation. Jill Brown cannot further redelegate authority to act for XYZ Corporation to any other person.--*

B Rules on Filing

An entity that has operations in multiple counties may file 1 original power of attorney for each agent if:

- the original power of attorney designating an agent is properly negotiated and filed with the designated control County Office
- the entity provides the control County Office a list of County Offices where the agent is authorized to represent the entity
- the entity's headquarters office issuing the original power of attorney provides copies to each County Office where the agent is authorized to represent the entity
- the entity immediately updates each power of attorney, and list if applicable, as changes of authority for an agent occur
- the entity assumes all responsibility for actions resulting from not providing the necessary updates.

730 FSA-211 Authority (Continued)**C Farm Records Transferred**

Powers of attorney shall be transferred to the new control County Office when a farming operation is moved to a different county.

731 Representatives for Certain Commodity Buyers**A Acceptable Representative's Signatures**

For representatives of cotton, rice, or peanut buyers, accept the signature of an individual:

- who is acting as a representative of a:
 - cotton buyer in executing CCC-605
 - rice buyer
 - peanut buyer.
- whose name is included in a list of authorized representatives:
 - on file in the County Office
 - by letter from the buyer
 - *--on the Cotton Merchant Registry at http://intranet.fsa.usda.gov/psda--*
 - signed by the president of the entity or other officer authorized to sign for the entity.

Reports, Forms, Abbreviations, and Delegations of Authority

Reports

None

Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1026			750, 753
AD-2017	Service Center Information Management System (SCIMS) Access Form	141	Ex. 2
CCC-10	Representations for Commodity Credit Corporation or Farm Service Agency Loans and Authorization to File a Financing Statement and Related Documents		177
CCC-36	Assignment of Payment		211, 934
CCC-37	Joint Payment Authorization		211, 934
CCC-64	Surety Bond (Minor)	677	
CCC-184	CCC Check		679, 779
CCC-392	Redelegation/Revocation of Authority to Sign or Countersign CCC Payments		680
CCC-501A	Member's Information		753
CCC-502			753
CCC-526	Payment Eligibility Average Adjusted Gross Income Certification		72, 753
CCC-605	Designation of Agent - Cotton		728, 731
CCC-633 LDP	Loan Deficiency Payment Certification and Application		680
CCC-1099-G	Report of Payments to Producers		276
CRP-1	Conservation Reserve Program Contract		211

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
FFAS-12	Electronic Funds Transfer (EFT) Hardship Waiver Request		728
FSA-211	Power of Attorney	Ex. 60	Part 25, Ex. 2
FSA-211-1 <u>1/</u>	Power of Attorney for Husband and Wife		728
FSA-211A	Power of Attorney Signature Continuation Sheet	Ex. 60	728
FSA-325	Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent	779	
FSA-410-1	Request for Direct Loan Assistance		177
FSA-476	Notice of Acreage Bases, Payment Yields and CRP Reduction		83
FSA-570	Waiver of Eligibility for Emergency Assistance	802	801
FSA-2301	Request For Youth Loan		177
I-151	Alien Registration Receipt Card		178, 932
I-551	Alien Registration Receipt Card		178, 932
SF-256	Self-Identification of Handicap	Ex. 13	179
SF-1055	Claim Against the United States for Amounts Due in the Case of a Deceased Creditor	780	
SF-1199A	Direct Deposit Sign-Up Form		728
SF-3881	ACH Vendor/Miscellaneous Payment Enrollment Form		728
UCC-1	UCC Financing Statement		681
UCC-1F	Effective Financing Statement		681
W-7	Application for IRS Individual Taxpayer Identification Number		127

1/ FSA-211-1 is obsolete.

Signature Authority/Power of Attorney Questions and Answers

A Signature Authority

Question: When signing documents with pre-printed legal names on them, such as James David Doe, would Jim D. Doe be an acceptable signature?

Answer: Yes, per subparagraph 678 A, signatures may contain variations that do not cause the signature to be in disagreement. Jim D. Doe would be acceptable in this case.

Question: A County Office is required to review and maintain entity documents to make signature authority determinations. Is it required that County Offices copy the entire entity document and keep them on file?

Answer: The entire document does not have to be maintained. However, all applicable pages that identify the entity, pertinent authority, and any limitations, etc. are maintained.

Example: If the trust is represented to be an irrevocable trust, procedure in 1-PL requires review of the trust agreement to determine if it contains a provision that would result in the trust being considered a revocable trust for payment limitation purposes (see 1-PL, subparagraph 362 B). At a minimum, all pages needed for all programs **must** be maintained.

Question: During a County Office review, it was discovered that copies of proper signature authority documentation were not on file to validate a customer's signature; for example, on an application, contract, or report. Can the County Office obtain the missing documentation after the fact?

Answer: The County Office may secure the documentation, after the fact, to validate the applicable signatures **only** if the respective documentation is valid and was in existence at the time the signature was obtained. If documentation that includes FSA-211 was not in existence, the signature is invalid.

Question: Can any member of a General Partnership sign on behalf of the partnership without specific authorization?

Answer: Yes, any member of a General Partnership may sign on behalf of the partnership and bind all members, unless the articles of partnership are more restrictive (see paragraph 709).

Question: Do trust agreements have to bear signatures or a certification by the officer of the issuing court?

Answer: No, trusts are exempt from this requirement (see subparagraph 713 B).

Signature Authority/Power of Attorney Questions and Answers (Continued)

A Signature Authority (Continued)

Question: Several paragraphs in procedure indicate that a properly executed affidavit on file before July 20, 2004, may continue to be used as acceptable signature authority. Why can affidavits no longer be used as acceptable signature authority?

Answer: An affidavit is a written declaration of facts confirmed by the oath or affirmation of the party making the declaration or statement of fact and is **not** an instrument that is used to convey authority upon an individual or entity; therefore, we no longer consider them as acceptable evidence for signature authority.

Question: What constitutes a valid resolution? Do they have to be notarized or witnessed?

*--**Answer:** A resolution is a determination of policy of a corporation by the vote of its board of directors baring the signature of the corporation secretary or other authorized officer. Generally, resolutions are clearly stated, however if the intent of a resolution or it's authenticity is questionable, a copy of supporting documents, such as by laws and/or corporate charter, may be required to determine it's validity.

A resolution does not have to be notarized, but must either bare the corporate seal or a witnessed signature.--*

Question: If a trust or an estate appoints co-trustees or co-executors, do we need to obtain both applicable signatures?

Answer: Generally only 1 signature would be required, although County Offices should thoroughly review applicable documents to ensure that multiple signatures are not specifically required and/or other signature restrictions do not apply.

Question: When someone is signing in a representative capacity, is a "by" or "for" required to accompany their signature?

Answer: All signature examples in 1-CM about someone signing in a representative capacity note that an indicator, such as "by" or "for", is required to illustrate that the individual is signing
--in a representative capacity (see subparagraphs 681 B, 708 B, 709 D, 710 D, 711 C, 712 A, 713 D, 714 A, 715 D, 716 B, and 728.5 A & B).--

--FSA-211, Power of Attorney and FSA-211A, Power of Attorney Signature Continuation Sheet--

A Completing FSA-211

Use the following instructions to complete FSA-211. It is the producer's responsibility to provide a copy of FSA-211 to the applicable crop insurance agent.

Item Number/ Section	Instructions
1	Enter the name of the person to whom power or attorney is being granted (attorney-in-fact).
2	Enter the address of the person to whom power of attorney is being granted (attorney-in-fact).
3	Enter the county of the person to whom power of attorney is being granted (attorney-in-fact).
4	Enter the State of the person to whom power of attorney is being granted (attorney-in-fact).
5	<p>If an:</p> <ul style="list-style-type: none"> • individual is granting authority to act on their behalf, enter the name of the person granting the power of attorney authority (Grantor) • entity, such as corporation, partnership, trust, joint venture, or other similar entity is granting authority to act for the entity and bind all members, enter the name of the entity granting the power of attorney authority (Grantor).
A	<p>Check the applicable CCC and FSA programs for which the appointed attorney-in-fact will have the authority to act on behalf of the grantor.</p> <p>To have the appointed attorney-in-fact act on specific CCC and FSA programs not listed, enter the specific CCC and FSA programs in item A 11, "Other".</p>
B	<p>Check the applicable CCC and FSA transactions for which the appointed attorney-in-fact will have the authority to act on behalf of the grantor.</p> <p>To have the appointed attorney-in-fact act for specific transactions not listed, only specific farms, or only in specific counties, enter the specific CCC and FSA transactions, farm numbers, and/or counties, as applicable, in item B 7, "Other".</p> <p>Important: The appointed attorney-in-fact shall not have the authority to route payments to financial institution accounts on behalf of the grantor unless both of the following are met according to paragraph 728:</p> <ul style="list-style-type: none"> • grantor selects item B 7 • grantor enters "routing payments to financial institution accounts".
C	<p>Enter the specific FCIC crops for which the appointed attorney-in-fact will have the authority to act on behalf of the grantor.</p> <p>To have the appointed attorney-in-fact act for all FCIC crops, enter "ALL".</p>
D	<p>Check the applicable FCIC transactions for which the appointed attorney-in-fact will have the authority to act on behalf of the grantor.</p> <p>To have the appointed attorney-in-fact act on specific FCIC transactions not listed, enter the specific transactions in item D 6, "Other".</p>

FSA-211, Power of Attorney and FSA-211A, Power of Attorney Signature Continuation Sheet
(Continued)

A Completing FSA-211 (Continued)

Item Number/ Section	Instructions
6 A-C	<p>*--If the grantor is an individual, the person granting the authority must sign, enter effective date,--* and enter their Social Security number in items 6 A, B, and C, respectively.</p> <p>If the grantor is an entity, such as a general partnership, trust, joint venture, or other similar entity, and there is no individual already authorized to act for the entity, all members of the entity must sign FSA-211.</p> <p>*--If the grantor is a corporation and their corporate documents do not provide for redelegation of authority, all officers of the corporation or members of the entity must sign FSA-211. If there are * * * more than 2 member/officer signatures * * * required:</p> <ul style="list-style-type: none"> • check box in item 6D • attach completed FSA-211A to FSA-211. <p>Note: Check the box in item 6D only when FSA-211A will be attached to FSA-211.</p> <p>Important: See item 7 if the grantor is an entity and there is an individual already authorized to act for the entity.</p> <p>Signature must be witnessed by an FSA employee who verifies the identity of the grantor according to item 8. Alternatively, FSA-211 may be acknowledged by a valid Notary Public according to item 9.</p>
7 A-D	<p>If the grantor is an entity, such as a corporation, partnership, trust, or joint venture, the person or persons granting the authority must sign, enter their official title, date, and enter the identification number of the entity in items 7 A, B, C, and D, respectively. See item 6 for individuals.</p> <p>Important: Signatures must be witnessed by an FSA employee who verifies the identity of the grantor according to item 8. Alternatively, FSA-211 may be acknowledged by a valid Notary Public according to item 9.</p>
8 A-C	<p>At least one FSA employee must witness the signature in item 6 or 7, as applicable. The FSA employee must verify the grantor's identity by either personal knowledge or by reviewing the grantor's government-issued picture identification, such as a valid driver's license. The employee must sign, date, and enter his or her official position in items 8 A, B, and C, respectively.</p> <p>Notarized FSA-211's may be accepted instead of forms witnessed by an FSA employee. See item 9. When the grantor is a corporation, the corporate seal of the grantor may be accepted in place of FSA employee witness or notarization.</p>

FSA-211, Power of Attorney and FSA-211A, Power of Attorney Signature Continuation Sheet
(Continued)

A Completing FSA-211 (Continued)

Item Number/ Section	Instructions
9 (a)-(c)	<p>If the signatures in item 6 or 7, as applicable, are not witnessed by at least one FSA employee, FSA-211 must be acknowledged by a valid notary public in item 9. The notary public's signature, State and county of commission, and certification are required.</p> <p>*--Notes: In general, a notary public's certification must include:</p> <ul style="list-style-type: none"> • acknowledgement ("acknowledged or subscribed before me") • State and county of commission • signature • date • the notary's embossing seal or stamp • the notary's commission expiration date. <p>Questions specific to State law requirements about notary publics should be directed to the Regional Attorney's office or applicable Secretary of State's office.--*</p>
10 (a)-(e)	<p>Enter the county and State of the County Office the FSA-211 is served in items 10 (a) and (b), respectively. Enter the day, month, and year the properly completed FSA-211 was served to the County Office in items 10 (c), (d), and (e), respectively.</p> <p>Note: FSA-211 is effective only when all the following are met:</p> <ul style="list-style-type: none"> • all required items are completed • a valid signature and date is obtained, and witnessed or notarized • FSA-211 is served to the County Office.

