

For: State and County Offices

State and County Office Developed Affidavits and Other Signature Authority Forms

Approved by: Deputy Administrator, Farm Programs



1 Overview

A

Background

1-CM provides that:

- 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 from one person on behalf of another

Note: See 1-CM, paragraph 707.

- all members of a partnership must sign for the partnership unless an individual is authorized to act for the partnership

Note: See 1-CM, paragraph 709.

- all members of a joint venture must sign for the joint venture unless an individual is authorized to act for the joint venture. See 1-CM, paragraph 710.

For partnerships, acceptable evidence of authority to act for the partnership includes:

- articles of partnership
- affidavit signed by **all** members of the partnership
- valid power of attorney.

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<p>Disposal Date</p> <p>April 1, 2003</p>	<p>Distribution</p> <p>State Offices; State Offices relay to County Offices</p>
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1 Overview (Continued)

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**Background
(Continued)**

For joint ventures, acceptable evidence of authority to act for the partnership includes:

- affidavit signed by **all** members of the partnership
- valid power of attorney.

For Corporations, Limited Partnerships, Limited Liability Partnerships, Limited Liability Companies, and other similar entities, acceptable evidence of authority to act for the entities includes:

- corporate charter, by laws, or partnership papers
- resolution by the corporation's board of directors, signed by the applicable corporate officer
- affidavit signed by **all** members of the entity.

3-AS provides procedures for clearing and approving forms and Privacy Act requirements.

The National Office has received several questions regarding State or County Offices developing affidavits or other forms to provide to partnerships, joint ventures, corporations, and other entities which would provide evidence of signature authority for the partnership, joint venture, corporation, and other entity.

The Farm Security and Rural Investment Act of 2002 (the Act) provides multiple new options and responsibilities to producers, especially land owners. The importance of obtaining valid signatures on program and related documents cannot be overstated.

B

Purpose

This notice:

- provides information about the development of forms
 - instructs that State and County Offices shall **not** develop or use State or County Office developed forms designed to provide existence of signature authority, including affidavits.
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2 Basic Information and Responsibility

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Privacy Act and Information Collection Procedures

Any form that collects data from a producer is subject to the Privacy Act and Information Collection Procedures, including clearance of such forms by the following offices:

- National Office program area
- MSD, Forms and Graphics Section
- Office of Management and Budget.

Note: See 3-AS.

B

State and County Developed Forms

Entity documents, such as partnership papers, corporate charter, by laws, articles of partnership, or other documents may provide specific requirements for the designation of signature authority for the entity. Further, State and local laws may provide specific requirements about the establishment and signature authority for entities.

Accordingly, the development and use by a State or County Office of forms to provide the existence of signature authority subjects FSA to certain liabilities and legal challenges.

C

Responsibility

It is the responsibility of the entity to provide the existence of signature authority for the entity.

FSA does not have the authority to provide or approve such forms.

3 Action

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State and County Office Action

State and County Offices shall **not** develop or use State or County Office developed forms that are designed to provide existence of signature authority, including affidavits.
