

Committee Opinion
May 11, 1999

UPL Opinion No. 193.

**Lay Trustee, As Sole Trustee of Land Trust
Preparing Deeds And/Or Deeds of Trust for Conveyance
Of Real Estate To Which Said Trustee Holds Title.**

You have asked whether a lay trustee of a Virginia land trust may prepare deeds and/or deeds of trust for the conveyance of real estate to which he holds title as trustee of the land trust without engaging in the unauthorized practice of law. In the facts you present, a California resident, who is not an attorney, is the sole trustee of two Virginia land trusts, each owning real estate in a separate subdivision in a Virginia county. The beneficial owners of Land Trust A are thirteen retirement fund trusts, of which the land trustee, individually, and a California corporation of which he is the sole shareholder and president, are trustees.

The sole beneficial owner of Land Trust B is a Virginia limited liability company, the members of which are the land trust trustee, individually, and the California corporation of which he is the sole shareholder and president. You have provided the Committee with copies of the executed agreements for Land Trust A and Land Trust B. Under the terms of these agreements, the trustee takes title to the subject properties and is empowered to sell and convey the subject properties as directed by the beneficiaries, one of whom is the lay trustee.

Parties to a real estate transaction may prepare their own legal instruments. UPR 6-103 (A)(1); UPL Op. 183. Since the lay trustee is the only party holding legal title to the trust property, the lay trustee may prepare the legal instruments, i.e., contracts, deeds of trust, etc., necessary to sell or encumber real estate to which he holds the legal title.

Therefore, assuming that the lay trustee is a party necessary to execute a deed conveying the subject property to a third party, then it would not be the unauthorized practice law for the lay trustee to prepare and execute such a legal instrument. Similarly, if the lay trustee is a party necessary to execute a deed of trust to secure a loan made to the land trust, then it would not be the unauthorized practice of law for the lay trustee to prepare such an instrument.