

# Title

## FREQUENTLY ASKED ^ QUESTIONS

March 2013

**Q The seller in our transaction is not represented by an attorney. They have asked us to prepare the deed for them. May we?**

A No.

In New Jersey, the preparation of legal documents such as a deed is considered the practice of law which may only be undertaken by an Attorney at Law of the State of New Jersey. The only exception to that rule is that an individual representing him/herself may prepare his/her own documents.

Nor may a title agent retain an attorney to prepare conveyance documents for the parties to a transaction unless that attorney actually consults with the party for whom the document(s) will be drafted and that party provides a written request that such documents be drafted for them by the attorney. Naturally, a title company/agent may refer a party to a transaction to an attorney or attorneys for the purpose of drafting legal documents, but the party seeking the drafting of the legal document must independently retain that attorney and pay his/her fee.

This prohibition is not limited to deeds – it includes all forms of legal documents including but not limited to mortgages, notes, easements, releases, etc.

These prohibitions arise out of NJSA 17:46B-13 and In re Opinion No. 26 of the Committee on Unauthorized Practice of Law, 139 NJ 323 (NJ 1995).

As always, feel free to address any questions to a member of our underwriting staff.