



Signing Off! Proper Signatories to Contracts

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Q1. Does the Husband AND Wife both have to sign real estate contracts?

A1. If both are on recorded title - yes! Let's go to the law! NRS 123 is the chapter that governs the rights of married couples. NRS 123.230 states that "neither spouse may sell, convey or encumber the community real property unless both join in the execution of the deed *or other instrument by which the real property is sold, conveyed or encumbered*, and the deed or other instrument must be acknowledged by both." The listing agreement is an instrument used to sell the property - it's the sales contract and both need to sign it!

A follow-up question into the Legal Information Line is: **Q. What if only one spouse is on recorded title? Do both spouses still need to sign?** Most likely! That's because Nevada is a community property state, meaning all property "acquired after marriage by either husband or wife, or both, is community property *unless otherwise provided.*" (NRS 123.220). There's a caveat, and that's consideration to spousal separate property not included in community property. Separate property is all the property of a spouse owned before marriage, and that was acquired afterwards by gift, bequest, devise, descent or by an award for personal injury damages, with the rents, issues and profits thereof (NRS 123.130). If a spouse is claiming the property is separate property or that they have an agreement otherwise, *agents exercising reasonable care and skill should get further documentation that supports the statutory exemption before moving forward with only one spouse!*



Q2. How should trustees sign real estate contacts?

A2. The trustee(s) need to disclose their identity as trustee(s) whenever he/she/they are acting for the trust, such as: **[Name of Trust] by [Signature] as Trustee.**

A follow-up question into the Legal Information line is: **Q. How should agents acting under Power of Attorney authority sign?** As identified in the preceding paragraph, *disclosure is important!* Whenever an agent is acting for the principal by writing or printing the name of the principal, the law requires the agent to sign their name in the following manner: **[Principal's Name] by [Your Signature] as Agent. (NRS 162A.620).**

Remember! If the client has any questions about the scope, power or authority, or any other legal questions surrounding the trust or power of attorney, defer to their attorney! If clients need an attorney, the Nevada State Bar offers a free lawyer referral service:

Call 702-382-0504 or toll-free at 800-789-LRIS (5747)

Online Referrals 24/7, see website: <https://nvbar.org/for-the-public/find-a-lawyer/lrs/>

Importantly! Check out our Legal Minute video on Things an Agent Needs to Know When Presented With a Power of Attorney: [LEGAL MINUTE: Power of Attorney - YouTube](#)

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