# BRAND TRANSFERS OF OWNERSHIP

With two exceptions, whenever a name is added to or deleted from a brand recorded in Colorado, a Deed of Livestock Brand (Deed) must be completed. The exceptions are explained in the section entitled "Name Changes" later in these instructions. What follows are instructions for completing the deed, a blank copy of which is attached. If you have any questions or need help completing the Deed, please call the Brand Office at the number shown at the end of these instructions.

**IMPORTANT.** *All signatures must be properly notarized, and the Deed must be accompanied by a check in the amount of $50.00 payable to the State Board of Stock Inspection Commissioners, representing the transfer fee.*

**Seller name(s)** – On the first line of the Deed, print the names of all owners currently recorded on the brand.

**Purchaser name(s)** – Print the names of each purchaser exactly as you wish the brand to be recorded. If you put **"and"** between the purchaser's names, all names must be included on the proceeds check for livestock sold. If **"or"** is indicated between the purchaser's names, the brand may be used separately by each brand owner if desired. Please note: Even with "or" between the owner's names, if the brand ownership is transferred at a later date, all owners on the brand must sign the transfer form. If you do not mark anything between the purchaser names, **"and"** will automatically be inserted. If the brand is being transferred to a Limited Liability Company, corporation, partnership or trust, please see below for details and requirements for the purchaser signature.

**Mailing address, city, state and zip code** – Print the complete mailing address where you wish the certified copy of the deed and future brand assessment notices to be mailed. Only the mailing address will be published in the Brand Book.

**Physical address, city, state and zip code** – Print the physical address where this brand will be used on livestock if it is different from the mailing address. If there are several different physical addresses, please put the "headquarters" address. A physical address and contact numbers will aid brand inspectors and law enforcement in locating livestock owners in the case of missing livestock or emergencies.

**Phone number(s)** – You may include as many phone numbers as you wish. Please be advised that phone numbers may be published in the Brand Book. Therefore, listing your phone number(s) is optional.

**Email address** – This information is optional and not required to transfer ownership of the brand. Email addresses may be used to contact brand owners at certain times possibly during the next brand assessment. Please try to limit to two email addresses per brand.

**County of range** – Indicate the county or counties where this brand will be used in Colorado. All brands registered in Colorado are recorded for the entire State of Colorado. However, this office does require brand owners to designate which county or counties the brand is used in to prevent similar brands from being recorded and to aid brand inspectors in determining ownership of stray livestock.

**Species** – Mark if this brand is recorded for cattle and horses **or** for sheep and goats.

**Brand drawing** – Draw the brand in the box indicated exactly as the brand is currently on record. The brand must be applied to the animal exactly as the brand is recorded in this office.

**Earmarks** – Fill in the earmarks if you wish them to show with your brand. Earmarks can be added, deleted or changed at any time on a brand recording. Any earmark changes are required in writing from the brand owner(s).

**Deed to be held as: Mark one of the boxes** provided to verify how this brand is to be recorded for the purchasers:

Joint Tenants- In the event of a brand owner's death, the living brand owner(s) become entitled to the deceased person's share of the brand. The deceased person's name may be removed from the brand recording with a copy of the death certificate.

Tenants in Common- In the event of a brand owner's death, the deceased person's share of the brand will be inherited by that person's heirs. The heirs are determined through the estate proceedings and a transfer form must be completed and submitted with the proper documentation to remove the deceased person's name from the recording of the brand. The transfer fee is charged. Any deed not designated for "joint tenants" or "tenants in common" will be presumed to be recorded as "tenants in common".

Individually- This box is **ONLY** to be marked if the brand is to be recorded to **one person**. Do not mark if the brand is recorded to more than one person.

**Limited Liability Company**, corporation, partnership or trust, etc- This box is to be marked if the brand is to be recorded to a corporation or Limited Liability Company, a limited partnership, a general partnership or a trust. Additional documents are required as listed below.

- Limited Liability Company or corporation: This office requires **certification** of the entity's formation from the Secretary of State's office. Certification consists of a certificate of good standing, a certified copy of the articles of organization, or a certified copy of the articles of incorporation. The managing member/manager of the Limited Liability Company, and the president or vice president of the corporation must sign the deed for those entities. **The signer must sign in his/her representative capacity. For example: "XYZ, LLC By: (signer)" or "XYZ, Inc By: (signer)"**
- Partnership: This office requires a copy of the partnership agreement showing the name of the partnership along with the members of the partnership. This office requires the signature of the general partner.
- Trust: This office requires a copy of the trust agreement showing the name of the trust and the trustees or a copy of the trust affidavit. This office requires the signatures of the trustees.

If the company or ranch is not filed with the Secretary of State's office, this office will require the brand to be recorded in the individual's name(s) "doing business as" the ranch or company name. This does allow the brand owner(s) to sell livestock under the ranch or company name but the ownership of the brand is under the individual name(s). One of the other three boxes must be marked to indicate how the deed will be held under the individual name(s).

**Signature of seller(s)** – All owners currently recorded on the brand must sign the form as sellers of the brand. Please be sure to sign exactly as the brand is currently on record with a full middle name, initial, etc. All seller signatures must be notarized properly on the transfer form in the notary box provided. The back of the form may also be used for additional signatures and additional notary space. The notary must show the exact names of the signatures they notarized and the entire notary box must be completed by the Notary Public.

Please follow the instructions below for transferring brands when: one or more brand owners are deceased; the brand is recorded to a Limited Liability Company, corporation or ranch name; the brand is being transferred by an appointed "Power of Attorney"; or the brand is currently recorded in a trust.

- **Estate documents** – If any of the brand owners are deceased, additional documents will be required to complete the transfer. Please refer to the list below for instructions.

  - **Individual ownership** - If the brand is recorded to only one person and that person is deceased, this office will require the signature of the decedent's appointed personal representative or heir as seller on the transfer form. This office will require proof of the representation in the form of a properly executed last will and testament, "Letters Testamentary" or "Letters of Administration", or any other similar, legally recognized final, personal testaments or a small estate affidavit. A copy of the decedent's death certificate will be required with the last will and testament or the small estates affidavit. This office will require all co-personal representative signatures on the deed if there is more than one personal representative appointed.

  - **Joint ownership** – If the brand is recorded to two or more owners and one or more of those owners are deceased, please contact this office to determine if the brand is recorded as joint tenants or tenants in common.
    - **Joint tenants** – If the brand is recorded as joint tenants, this office will require a copy of the death certificate for the deceased owner(s) and the signatures of the remaining owners as sellers on the transfer form.
    - **Tenants in common** – If the brand is recorded as tenants in common, this office will require proof of the representation for the decedent in the form of a properly executed last will and testament, "Letters Testamentary" or "Letters of Administration", or any other similar, legally recognized final, personal testaments or a small estates affidavit. A copy of the decedent's death certificate will be required with the last will and testament or the small estates affidavit. The surviving owner(s) of the brand will need to sign as seller(s) on the transfer form.

  **Small estates affidavit** – This affidavit stipulates that the estate of the decedent was under $50,000, that at least ten days has elapsed since the death of the decedent, and that no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction. The heir(s) completing and signing the "small estates affidavit" must sign the transfer form as seller(s) of this brand for the decedent. This office will also require a copy of the death certificate for the decedent. A blank "small estates affidavit" may be obtained from this office or your local court house.

  **Last will and testament** – This office will accept a copy of the decedent's last will and testament that shows who is to receive possession of the decedent's personal property. That person will need to sign the transfer form as seller of this brand for the decedent's estate. If more than one person received possession of the personal property, this office will require all signatures on the transfer from as sellers. Please be sure the signature is exactly as stated in the will. This office will require a copy of the death certificate for the decedent.

- **Limited Liability Company, corporation or ranch** – If the brand is currently recorded in the name of a Limited Liability Company, corporation or ranch, this office will require the signature of the managing member/manager of the Limited Liability Company, and the president or vice president of the corporation. The signer must sign in his/her representative capacity. **For example: "XYZ, LLC By: (signer)" or "XYZ, Inc. By: (signer).** If the Limited Liability Company, corporation or ranch is NOT filed with the Secretary of State's office, this office will require two signatures as sellers for the entity.
- **Trust agreements** – If the brand is recorded in the name of a trust, this office will require the signature(s) of the appointed trustee(s) as seller(s) on the transfer deed.
- **Power of Attorney** – This office will accept a fully executed "Power of Attorney" if it specifically authorizes the transfer of disposition of personal property. A "power of attorney" will not be accepted after the death of a brand owner.

**Signature of purchaser(s)** – All purchasers must sign the form exactly as their name is printed at the top of the deed. All purchaser signatures must be notarized properly on the transfer form in the notary box provided. The back of the form may also be used for additional signatures and additional notary space. Please refer to the instructions on the first page titled "deed to be held as" for Limited Liability companies, corporations, partnerships, ranches or trusts and the signatures required on the transfer deed. Signatures for Limited Liability Companies or corporations must be signed according to instructions on the first page. A parent or guardian may sign for a minor child if the deed is notarized as such. The notary must show the exact names of the signatures they notarized and the entire notary box must be completed by the Notary Public.

**Certified copy of deed** – The purchaser of the brand will receive a certified copy of the transfer deed along with a receipt for the transfer fee and a brand card to be carried with each brand owner. The original signed and notarized transfer form will be kept on file in this office.

**Name changes** -If a brand is recorded to two or more owners and one of the owners is deceased and the remaining owners wish to remove the decedent's name and leave their names on the recording of the brand, please contact this office to determine if the brand is recorded as joint tenants or tenants in common. If the brand is recorded as joint tenants, this office can remove the decedent's name from the recording of the brand free of charge with a copy of the death certificate and the surviving owner's written authorization to remove the decedent's name from the brand. This authorization form may be obtained from this office. If the brand is recorded as tenants in common, this office will require a completed transfer form to change ownership of the brand and the transfer fee of $50.00. Please refer to the top of this page for further instructions under the title "estate documents, joint ownership".

If a brand owner wishes to change their last name due to marriage, divorce, adoption, etc, this office can make that name change free of charge with a copy of the legal name change document and the brand owner's written authorization to make the change on the brand recording. This authorization form may be obtained from this office.

**Contact this office** – If you have any questions concerning transferring a brand or these instructions, please contact this office:

Brand Inspection Division – Colorado Department of Agriculture – Cara Wells, Office Manager – Chris Whitney, Brand Commissioner
4701 Marion Street, Suite 201, Denver CO 80216-2139 Phone: 303.294.0895 Fax: 303.294.0918
Website: www.colorado.gov/ag/brands Email: cara.wells@state.co.us chris.whitney@state.co.us

COLORADO DEPARTMENT OF AGRICULTURE
BRAND INSPECTION DIVISION
4701 MARION STREET, SUITE 201
DENVER CO 80216-2139
PHONE 303-294-0895 FAX 303-294-0918
www.colorado.gov/ag/brands

Form X-65 (Revised 7/2008)
Transfer fee $50.00

Receipt Number: _____

Brand Number: _____

# DEED OF LIVESTOCK BRAND

Know all men by this deed, that _____ seller(s) in the State of Colorado, for and in consideration of _____ dollars paid in hand, the receipt whereof is hereby aknowledged by this deed, does/do grant and convey the following described livestock brand to:

Purchaser Name(s): _____

Mailing Address: _____

City, State, Zip Code: _____

Physical Address: _____

City, State, Zip Code: _____

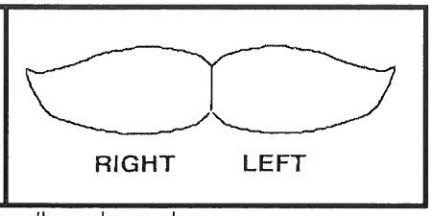
Phone Number(s): _____

Email Address: _____

County of range: _____

☐ bovine/equine brand OR ☐ ovine/caprine brand

**BRAND** **EARMARKS**




Brand must be applied to the animal exactly as drawn above.

**Deed to be held as: (please mark only one)**

☐ Joint Tenants (right of survivorship)
☐ Tenants in Common (see instruction sheet)
☐ Individually (recorded to only one person)
☐ Limited Liability Company, Corporation, Partnership, or Trust ** additional documents required - see below

Signature of seller _____ Additional signature(s) of seller(s) _____

State of: _____
County of: _____
My commission expires: _____

The foregoing instrument was acknowledged before me this _____ day of _____, _____
by _____
List name(s) of sellers acknowledged
Witness my hand and official seal

Notary Seal

**Notary Public must complete the entire notary box.**

Signature of Notary Public _____

Signature of purchaser _____ Additional signature(s) of purchaser(s) _____

State of: _____
County of: _____
My commission expires: _____

The foregoing instrument was acknowledged before me this _____ day of _____, _____
by _____
List name(s) of purchasers acknowledged
Witness my hand and official seal

Notary Seal

**Notary Public must complete the entire notary box.**

Signature of Notary Public _____

Please complete between the double lines only. Reverse side may be used for additional notarized signatures and if additional notary space is needed.

Recorded at the State Board of Stock Inspection Commissioners, on _____

in Brand Deed Book _____, Page(s) _____.

_____
Brand Commissioner

** Additional documents are required before the deed may be recorded. Please refer to the instruction sheet