

APPROVED ESCROW HOLDERS

The following entities are “approved escrow depositories” within the context of Idaho Code, section 54-2042 of the *Idaho Real Estate License Law and Rules*:

1. A state or federally chartered bank and/or trust company;
2. A state or federally chartered savings and loan;
3. A properly licensed title company;
4. An actively licensed attorney at law;
5. Other entities specifically approved by the Commission:

Any other entity wishing to be considered as an “approved escrow depository” should submit the following information:

1. Corporate financial structure;
2. Amount and terms of Errors and Omissions insurance and any bonding;
3. Copy of last audit and financial statement;
4. If the entity or person is regulated (or has been issued some type of license), send a copy of that license or certificate;
5. Any other information which will help the Commission make its determination.

The broker is responsible for all entrusted funds, regardless of where they are deposited. Refer also to Guideline #15 on establishing real estate trust accounts.

IDAHO REAL ESTATE LICENSE LAW

54-2042. Creation Of Noninterest-bearing Trust Accounts-Requirements.

A broker may establish one (1) or more real estate trust accounts but each account must meet all requirements of this chapter, including the following:

(1) Each trust account must be established at an approved depository, and must be noninterest-bearing, except as allowed in section 54-2043, Idaho Code, or as otherwise may be provided by law. Approved depositories are state or federally chartered banks and trust companies, state or federally chartered savings and loan associations, properly licensed title insurance companies, or an actively licensed attorney at law.

(8) An entity not specified as an approved escrow depository in subsection (1) of this section, may be accepted and approved by the Commission as an escrow depository upon disclosure of the following:

- (a) The details of the entity's financial structure;
- (b) The amount and terms of Errors and Omissions insurance and any bonding;
- (c) A copy of the entity's last audit and financial statement;
- (d) A copy of any license or certificate issued to the entity; and
- (e) Any other information which will help the Commission make its determination.