COGENCYGLOBAL®

Process Agent Checklist

From Initial Draft Through Closing

A practical reference for keeping Process Agent appointments aligned with the transaction and closing timeline.

1. Early in the Transaction

- [ ] Engage the Process Agent early to confirm appointment requirements
- [ ] Identify the appointing parties, including any parties added as the transaction evolves
- [ ] Provide a deal name or transaction identifier to facilitate coordination across multiple appointments (i.e. MSN for aviation transactions)
- [ ] Confirm the jurisdiction of the appointment (i.e. New York, England and Wales, Hong Kong) and that the agent has a physical address there

2. Before Closing or Filing

- [ ] Provide target closing or filing date, as applicable
- [ ] Confirm appointment term, including survival periods (3–6 month tail may be required by lender)
- [ ] Confirm the scope of appointment under transaction documents (agent will review)
- [ ] Confirm fee structure and work with a Process Agent who understands their role
- [ ] Check any power of attorney for scope, and allow time for legalization where required (i.e. Mexico)
- [ ] Request signed acceptance of Process Agent appointment in advance of closing or filing

3. During the Appointment Term

- [ ] Maintain the executed Process Agent acceptance with the transaction records
- [ ] Monitor appointment expiration dates or renewal requirements (i.e. USA Patriot Act recertifications follow a 3-year cycle)
- [ ] Notify the Process Agent of changes to designated contacts for receipt of legal process
- [ ] Update the appointment following amendments, extensions, refinancing and/or changes of appointing parties

Choose a Process Agent That Understands

- That delivery of its acceptance is a condition precedent to closing, and ensures delivery in advance of the closing or filing date
- The scope of its appointment, and receives legal process only for the appointing parties in connection with the transactions for which it is named

The Cogency Difference: Global Support. Closing Certainty.

Our global Process Agent team provides 24-hour coverage and guarantees delivery of acceptance before closing or filing. Fees are per appointing party, per year, with no per-agreement, revision or expedite fees, and no payment due before closing.

Talk to a specialist: tell us about your transaction at cogencyglobal.com

30,000+
active Process Agent appointments

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