

Welcome to the May 9, 2019, Webinar

Remote Notarization

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Why we Notarize

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PRIA Webinar
May 9, 2019



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Why we Notarize



- Power of Official Impartial Witness
- Heightened identity validation
- Shield against duress, coercion
- Conveys solemnity of transaction
- Evidentiary Role: Seal and a Record

Key Terms



- Remote” and “online” notarizations are all eNotarizations or “electronic” notarizations
- An eSignature is an “original” signature
- “Presence” before the notary via audio-video communication
- “Identity verification” in the online world

Remote Notarization: New & Old



- Heightened identification, for example, knowledge-based authentication
- Signer is NOT physically present, so some of the notary's responsibilities are handled differently. "Identity verification" in the online world
- Provides the same assurances as traditional notarization.

Governing Law



- Federal E-Sign Act
- Uniform Electronic Trans. Act:
- Uniform Real Property Electronic Recording Act

Validity of electronic documents

A. If a law requires, as a condition for recording, that a document be an **original**, be on paper or another tangible medium or be in writing, the requirement is satisfied by an electronic document satisfying this article.

B. If a law requires, as a condition for recording, that a document be **signed**, the requirement is satisfied by an electronic signature.

Audit Trail/Evidence

➤ AZ HB 2656: A Qualified Custodian of a Electronic Will shall store:

- 4. SHALL STORE IN THE ELECTRONIC RECORD OF AN ELECTRONIC WILL EACH OF THE FOLLOWING:
- (a) A PHOTOGRAPH OR OTHER VISUAL RECORD OF THE TESTATOR AND THE ATTESTING WITNESSES THAT WAS TAKEN CONTEMPORANEOUSLY WITH THE EXECUTION OF THE ELECTRONIC WILL.
- (b) A PHOTOCOPY, PHOTOGRAPH, FACSIMILE OR OTHER VISUAL RECORD OF ANY DOCUMENTATION THAT WAS TAKEN CONTEMPORANEOUSLY WITH THE EXECUTION OF THE ELECTRONIC WILL . . .
- (c) AN AUDIO AND VIDEO RECORDING OF THE TESTATOR, ATTESTING WITNESSES AND NOTARY PUBLIC, AS APPLICABLE, TAKEN AT THE TIME THE TESTATOR, EACH ATTESTING WITNESS AND NOTARY PUBLIC, AS APPLICABLE, PLACED THE PERSON'S ELECTRONIC SIGNATURE ON THE ELECTRONIC WILL.

Consumer Benefits

- Ease of Document Review
- No overwhelming stack of paper
- Reduced errors
- Closing convenience

- Combining Convenience with Security
 - Fraud prevention
 - Identity validation
 - Transaction record
 - Transparency & audit trail
 - Secure, accessible & durable records

Remote Notarization

- Access documents & prove their identity
- Connect with on-demand notaries
- Documents signed and notarized



What it looks like

Kalli Simon

(Signature of Parent/Legal Guardian)

SWORN TO, OR AFFIRMED, IN PERSON BEFORE ME, this 4 day of

October

, 20 16, by

Aurimarie Gatell

(Print Name)

who is personally known to me, or, who produced satisfactory identification in the form of

Driver's License

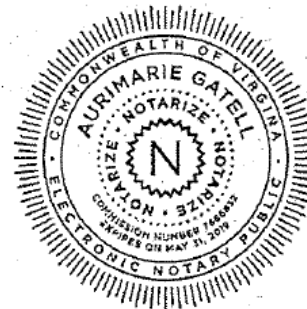
Aurimarie Gatell

(Signature of Notary)

Aurimarie Gatell

(Print Name of Notary)

Seal:



64E-28.009, F.A.C.

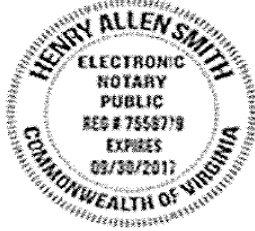
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What it looks like

Commonwealth of Virginia
County of Chesterfield

The foregoing installment was acknowledged before me this 2nd day of September, 20 16 by David Kressel.

Witness my hand and official seal.



A handwritten signature in black ink that reads "Henry Allen Smith". The signature is written over a horizontal line.

Notary Public Official Signat

Notary

Public Official
Signature

Seal

Commission# 7558779

Expiration Date: September 30, 2017

Interstate Recognition

- Virtually every state recognizes and accepts documents duly notarized by notaries in other states
- Recorders have been recording documents notarized in other states under these laws for many years
- Any jurisdiction equipped to accept electronic filings can accept electronically notarized documents
- For non-e-recording jurisdictions, paper print outs may or may not be accepted depending on governing legal guidance

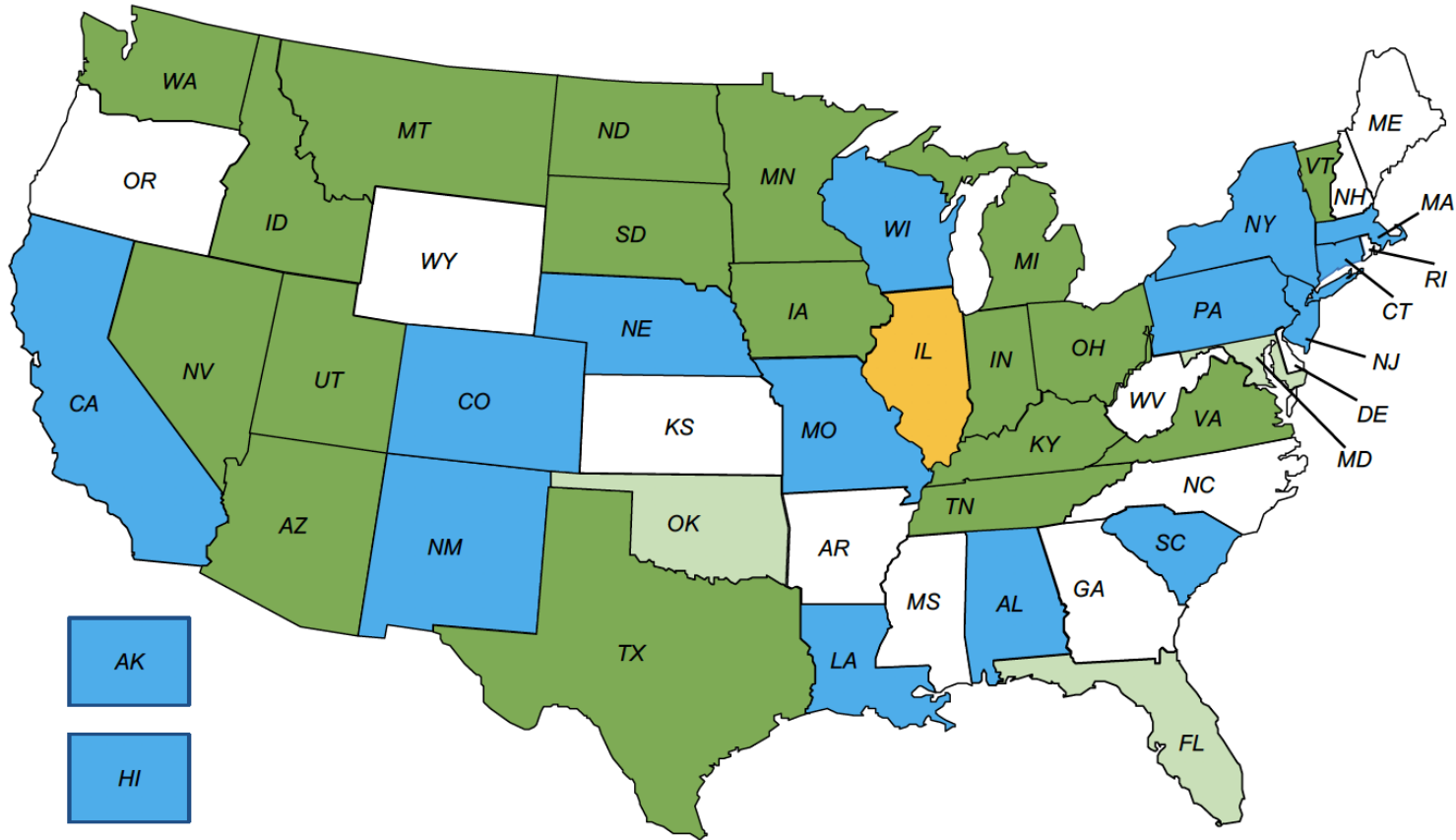
Model Laws & Regulations

Model Laws: Remote Notarization

- Uniform Law Commission: RULONA amendment
- Mortgage Bankers Association/American Land Title Association
- NNA's Model Electronic Notary Act (MENA)

Legislative Developments

2018-19 Remote Notarial Legislative Activity



How It Actually Works

Time for a Demonstration of the Process.

See also this online video for a simple overview:

<https://www.notarize.com/signer/how-to>

Remote Notarize eBook

<https://www.notarize.com/guide-to-remote-online-notarization>



Thank You

Thank you for attending today's
webinar.

Stay on the line for Q&A

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