



TO: All Alliant National Agents
DATE: March 24, 2020
SUBJECT: *Remote Online Notarization during COVID-19*

With the spread of COVID-19, many of your customers have concerns or restrictions relating to social interaction and proximity, and are looking for alternative methods to complete their transactions. To address this concern, Alliant National is temporarily authorizing the use of remote online notarization (RON) on residential and commercial transactions **through April 30, 2020**, pursuant to the guidelines set forth below.

Although the use of technology is more in demand than ever, RON is still not fully accepted across the country, and there are limitations that are imposed by state laws, by lenders, and by recording jurisdictions.

Many states have already enacted laws authorizing the use of RON technology, and are using RON technology, to close real estate transactions. In some states that have not yet enacted legislation, governors are taking emergency actions to enable the use of RON technology during this extraordinary time. Likewise, the American Land Title Association (ALTA) is working with Congress in an attempt to enact federal legislation that would expand the availability of RON nationwide. This federal legislation, the SECURE Notarization Act, would authorize the use of RON even in states where no state-enabling legislation has been passed. Should this federal law be enacted, all states would be able to utilize RON technology to conduct closings by following federal minimum standards.

Alliant National is monitoring the RON developments closely, and will issue state bulletins or update our national bulletin as needed in response to this fluid situation.

Guidelines for RON Transactions

Alliant National's guidelines for transactions involving RON technology are:

- All parties must expressly authorize the use of RON technology. This authorization may be contained in the closing instructions or in a separate written instrument, as long as the consent in the separate written instrument does not conflict with the closing instructions.
- All parties must also provide a separate, electronic written consent prior to the execution of documents electronically. This is obtained from the vendor providing the RON platform.
- It is not necessary to record the consents in the public records, but you must retain a copy in your electronic records.
- Confirm that the county recorder in the state and county where the property is located accepts electronic documents for recording, or that they will allow "papering out" of the electronic documents for recording.
Note: In the states in which Alliant National is licensed, RON documents can be papered out (printed to paper) and recorded in accordance with state law in Florida, Minnesota, Oklahoma, Tennessee, and Texas. All other jurisdictions must have the capacity to electronically record the RON documents.
- Each person whose signature will be notarized must be a United States citizen or permanent resident.
- If signers are neither United States citizens nor permanent residents, obtain prior underwriting approval from Alliant National.

- Each person whose signature will be notarized must successfully pass the multi-factor authentication administered by the RON vendor platform.
- In addition to any state-specific requirements specifically addressing RON, a RON transaction must comply with all state notarial law requirements.
- RON cannot be used if state-specific laws would result in invalid documents (e.g., RON cannot be used in Texas for a home equity loan). Contact your local underwriter if you have questions.
- When using a jurat during a RON session, the remote online notary must ensure that the oath is administered, and a verbal confirmation is captured as part of the video/audio recording.
- The form of acknowledgment and attestation must conform to the laws of the state where the subject property is located.
- RON must be conducted on an Alliant National-approved RON vendor's platform. The following vendors have been approved by Alliant National:

Nexsys: www.nexsystech.com/clear-sign/

Notarize: www.notarize.com/mortgage/title-agents

Notary Cam: www.notarycam.com/eClose360/

Pavaso: www.pavaso.com/ron/

DocVerify: <https://www.docverify.com/>

Digital Delivery: <https://www.digitaldeliveryinc.com/>

- If the notary performing the RON is licensed by and acting under the state laws of the same state where the property is located, no policy exception is required (e.g., Texas Property with a Texas RON).
- If the notary performing the RON is NOT licensed by and acting under the state laws of the same state where the property is located, the following policy exception is required (e.g., Florida Property with a Virginia RON).
 - Owner policy exception: Any defect, lien, encumbrance, adverse claim, or other matter created by or arising out of the use of remote online notarization [and/or remote witnessing] in the transaction vesting the Title.
 - Loan policy exception: Any invalidity, unenforceability, lack of priority, adverse claim, or other matter created by or arising out of the use of remote online notarization [and/or remote witnessing] in the transaction vesting the Title or creating the lien of the Insured Mortgage.

If you have questions about this topic or the circumstances related to a particular transaction, please contact your local underwriter to discuss.

As always, please contact us with questions or comments.