

## WFG Underwriting Bulletin



To: All Georgia Policy Issuing Agents of WFG National Title Insurance Company

From: WFG Underwriting Department

Date: April 2, 2020

Bulletin No.: GA 2020-01

Subject: COVID-19 Emergency orders allowing temporary Real-Time Audio/Video Conferencing and Notarization Closings in Georgia

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Due to the declaration of a national emergency regarding the Coronavirus (COVID-19), the Governor of Georgia has signed an [Executive Order](#) allowing notarization of documents by real-time audio/video conference. Also, the Supreme Court of Georgia has authorized conducting a closing via real-time audio/video conference per the emergency order [“In re: Georgia Rules of Professional Conduct and Lawyer Participation in Closings of Real Estate Transactions”](#) dated March 27, 2020 (hereinafter known as “the Orders”) allowing remote closings in the state of Georgia effective March 31, 2020. Real-Time audio/video communication will allow all of the parties to communicate with each other simultaneously by sight and sound. In response to the Orders, WFG National Title Insurance Company (“WFG”) will insure remote closing transactions and the real-time audio/video notarization of documents pursuant to the Orders. Below are the requirements to proceed with the ability to insure title based on the Orders. This bulletin supplements the WFG Bulletin [NB 2020-04](#).

To insure, every transaction utilizing real-time audio/video conferencing must be in accordance with the Orders issued by the Governor and the State Supreme Court. Below are the following guidelines:

### **Requirements to close a transaction utilizing audio/video conferencing:**

- a. All parties must agree in writing to allow execution of documents and notarization of documents via video conferencing. For loan transactions, we will also require Lender’s written closing instructions and authorization to conduct the closing via real-time audio/video conferencing and to allow for notarization of the documents using the real-time audio/video conferencing technology platform employed by your office. If the transaction is a Fannie Mae or Freddie Mac backed loan, the lender may want to consider the guidance issued on March 31, 2020 by Fannie Mae and Freddie Mac.
  - i. [Fannie Mae Guidance](#) – March 31, 2020
  - ii. [Freddie Mac Guidance](#) – March 31, 2020

- b. While a title policy doesn't insure that a loan will be saleable in the secondary or GSE market that could be a concern for a lender.
2. The transaction is for \$1,000,000.00 or less. For transactions over \$1,000,000.00 please contact your local underwriter to discuss what options are available and approval.
3. Use of vendors
  - a. We have partnered with vendors to provide real-time audio/video technology to facilitate a real-time audio/video closing during this time. Here are approved WFG vendors to complete the transaction: [DocVerify](#); [Nexsys®](#); [Notarize](#); [NotaryCam®](#); [Pavaso®](#). These vendors provide for multi-factor authentication, are set up for E-SIGN consent, have an audit trail and have been vetted by WFG. If you find an alternative vendor please contact your underwriter to discuss additional requirements needed to utilize that vendor.
  - b. Zoom is another alternative to these providers so long as the platform is [Zoom Pro or higher](#) (utilizing the free version is not authorized due to possible hacking) and the complete transaction is recorded and preserved in the cloud for 7 years, our agent and/or employee is acting as the notary, the agent and/or employee can verify the identity of the party signing the document via real-time audio/video conferencing technology, the unofficial witness is present with the notary, the closing is done in accordance to the Supreme Court Order issued on March 27, 2020 and the person executing documents has an ID that complies with the Federal Real ID Act of 2005. If they do not, a secondary form of ID will be required. For buyers/borrowers, there should always be two valid forms of ID collected. Please ensure you have secure settings set up in Zoom.
4. The notary, witness and signers must physically be in the state of Georgia. In addition, the notary must be a Georgia notary. The unofficial witness can also be remote but must observe the signing of the documents simultaneously with the notary. We will require a certification of the notary and the signer that they are in the state of Georgia and are subject to penalties of perjury. As stated in the Order issued by the Supreme Court on March 27, 2020, the Attorney is directly responsible for the entire transaction. Sample forms attached. [Notary Certification](#), [Signer Certification](#)
5. All signers must have acceptable valid form of government issued ID and a secondary ID as if they were physically coming into your office to sign documents. You must be able to see clearly see the photo, ID number and expiration date of the identification(s) provided and verify it is the same person. The signer must provide a clear copy of their IDs when returning the executed documents to insure the transaction.
6. All documents must have wet signatures when returned to your office for the actual notarization of the documents. Copies are not acceptable. Dates of execution will be the date of the actual signing.

7. Signers must be able to receive and/or print all required documents and return all executed documents immediately and securely via courier, FedEx or UPS back to the agent's office if they chose to remote sign their documents. Signers should place the signed documents in the envelope and seal in the presence of the attorney during the audio/video conference. You are not authorized to disburse until the executed "wet signature" documents are received and properly executed. If they are unable to satisfy this requirement, then you are not authorized to provide this option to the parties. For borrowers this option is subject to approval by their lender.
  
8. **The closing and notarization must be completed within the timeframe of the Order which is set to expire on April 13, 2020 unless extended by an additional Order. Any transactions completed via real-time audio/video technology before or after the Orders are NOT insurable.**

**Note: Audio/video closings are not required at this time but is an option to provide to the parties where they have the ability to comply with the above requirements.**

### **Recording and Courthouse Closings**

If the courthouse is still accepting documents for recording electronically or via mail please continue to get your recordings in timely. If you have the ability to e-record in a county or the clerk is accepting paper documents, please continue to follow your recording procedures.

For searches, please reach out to your examiners to determine what their current policy is. If there are courthouses that will not allow access, online examinations are accepted at this time provided that you obtain the current owner's/lender's title policy and your examiner has current E&O coverage.

As stated in NB2020-04, for any county that is completely shut down and the clerk is not accepting e-recording or paper documents, WFG will **temporarily** allow you to insure without exception or requiring an indemnity from the buyer(s), seller(s) and lender.

### **Refinance closings with a rescission period:**

Certain refinances are subject to a three-day rescission period. In those cases, the normal practice is to have everything signed, deliver the rescission notices and wait the three days before recording and disbursing funds. During that time, our lenders are obligated to fund, and are entitled to rely on our commitment. Where the relevant recording office is closed during the three-day rescission period, you are authorized to complete the transaction and issue the final policy notwithstanding the inability to immediately record. The standard ALTA coverages will ensure this "Gap" for your lender.

Please also consult your lenders to ensure proper handling in light of possible delays in recording. It is highly recommended that you discuss the possible delay in recording prior to the closing of the transaction.

Keep in mind that other aspects of the process could delay the closing such as obtaining HOA letters, lien releases, tax payoffs, and other information need to close a transaction. Please contact your underwriting counsel if you have these issues.

The guidelines set forth above will remain in effect until the emergency orders expire which is April 13, 2020 or no later than **April 30, 2020** whichever is sooner. This is a fluid situation and there will be follow up bulletins as needed as we get direction from the state and national level.

Thank you for all that you do. Your underwriters are here to help navigate you through these uncertain times.

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**The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.**