

## WFG Underwriting Bulletin



To: All Illinois Policy Issuing Agents of WFG National Title Insurance Company  
From: WFG Underwriting Department  
Date: April 2, 2020  
Bulletin No.: IL 2020-04  
Subject: Illinois Underwriting Guidelines – RON Transactions Based on Emergency Executive Order 2020-14 Issued on March 26, 2020

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To All WFG Agents doing business in Illinois,

This State Bulletin supplements [WFG National Bulletin NB 2020-04](#)

Due to the declaration of a national emergency regarding the Coronavirus (COVID-19), Illinois Governor J.B. Pritzker issued [Executive Order 2020-14](#) (the “Order”) allowing notarization of documents by real-time audio/video communication. Real-time audio/video communication allows all of the parties to communicate with each other simultaneously by sight and sound. The Executive Order sets forth the minimum requirements to effectuate the execution and notarization of legal documents by and through audio-visual means, thus expanding the meaning of “appearing before” to a multi-site, simultaneous, recorded event.

In light of the issuance of the Governor’s Executive Order 2020-14 and as part of our constant commitment to the health and safety of our agents and the citizens of Illinois, WFG National Title Insurance Company will authorize the issuance of our policies in reliance upon documents notarized via audio/video communication in connection with a residential transaction provided the following conditions are met:

1. The notarial act performed using audio-video technology must take place between March 26, 2020 and April 30, 2020 unless extended by a supplemental order and further authorized by WFG National Title Insurance Company.
2. Written instructions and authorization for the use of notarization by means of audio-video technology must be obtained from the Lender and all other parties to the transaction.

3. For loan transactions, WFG will also require Lender's written closing instructions and authorization to allow for notarization of the documents using the real-time audio/video conferencing technology employed by your office.
  - a. 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 does not insure that a loan will be saleable in the secondary or GSE market, this could obviously be a concern for a Lender.
4. The transaction is for \$1,000,000 or less. For transactions over \$1,000,000, prior written approval to use the notarial process described herein must be obtained from the WFG's underwriting counsel.
5. The real estate to be insured must be located within the State of **Illinois**.
6. The notary must be an Illinois notary and both the notary and the signer must be physically present in the State of Illinois.
7. One of the following vendors must be used to facilitate the notarial act by audio-video technology: **DocVerify**; **Notarize**; **NotaryCam**; **Nexsys, Clear Sign**; and **Pavaso**. Other vendors who have partnered with these vendors may also be used, such as **DocMagic** and **DocuTech**. As an alternative, a vendor platform (**such Zoom Pro or higher**) who meets all of the following criteria may be used:
  - a. Voice and video recording are required and must be preserved for a minimum of 3 years either with the audio-video technology vendor or on the agent's servers; and,
  - b. Voice and video recording must be encrypted at rest if stored at a cloud provider; and,
  - c. Screen sharing content between participants must be encrypted at a minimum of AES 256 encryption; and,
  - d. Network connection between participants must be encrypted using a minimum of 256-bit TLS encryption.

8. The document(s) must be executed and placed in a sealed overnight package by the signer in the presence of the notary during the recorded audio-visual conference. The original executed document(s) containing the wet signature must be returned within twenty-four (24) hours to the notary via overnight delivery for certification and execution by the notary and affixation of the official stamp or seal. The date and time entered by the notary shall be the date and time of the wet signature of the signer during the audio-video conference. The form of the acknowledgement, oath or affirmation on the document(s) must indicate that the signer appeared before the notary remotely. The notary must send a signed copy of the document(s) back to the signer via fax or electronic means to the signer within twenty-four (24) hours of receipt.
9. The signer must affirmatively state on the two-way audio-video communication what document the signer is signing and show the notary, each and every page of the document(s) the signer is signing. The signer must initial each page.
10. The signer (person executing the document(s) and the notary must attest during the audio-video communication to being physically located in the State of Illinois during the two-way audio-video communication and must state their physical location, including full address, city, state, zip code, and county.
11. The person executing the document(s) must provide a government issued photo ID during the audio-video conference. A copy of the photo ID of the person executing the document(s) must be provided to WFG National Title Insurance Company or its agent along with the original notarized document(s).
12. The original document(s) with the original wet signatures of all persons executing the document(s) and of the notary must be submitted for recording. A copy of the document(s) may not be submitted for recording, either electronically, in person or otherwise. You may not insure without receipt of the original document(s) without underwriter approval.
13. The person executing the document(s) must sign a certification under penalties of perjury that they were physically situated in the State of Illinois when they executed the document(s) and identify the county in which they were situated when they executed the document(s); [a sample Signer Location Certification is attached.](#)

14. The notary must sign a certification under the penalties of perjury that the notary was presented with a valid photo ID during the video conference and that the notary engaged in direct interaction with the person signing the document(s). As the notary must comply with the law and regulations pertaining to notarial acts, the notary must certify that they were physically situated in the State of Illinois when they notarized the document(s) and identify the county in which the notary was situated when they witnessed the execution of the document(s); [a sample Notary Location Certification is attached.](#)
15. Disbursement cannot occur until the agent/settlement provider is in physical possession of the original fully executed documents.
16. Documents to be recorded outside of the State of Illinois may not be insured if the notarial act was performed using the audio-video technology process described above.

If you have any questions regarding this bulletin or if you need any additional information, please contact:



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