

## WFG Underwriting Bulletin



To: All Louisiana Policy Issuing Agents of WFG National Title Insurance Company  
From: WFG Underwriting Department  
Date: February 1, 2022  
Bulletin No. LA 2022-01  
Subject: Louisiana Supplemental Underwriting Standards for Remote Online Notarization

---

WFG has issued national underwriting standards for Remote Online Notarization (“RON”) transactions. This bulletin supplements those standards for transactions involving Louisiana property.

Louisiana’s RON statute takes effect on February 1, 2022. Act 254 of the 2020 Regular Session amends and enacts various provisions in the Civil Code and Revised Statutes related to RON. Under the law, RON may not be used to execute authentic acts, donations, wills, trust instruments, matrimonial agreements and certain acts involving final spousal support. Because most real estate transactions must be executed as authentic acts to be valid, to be self-proving or to be entitled to certain remedies like executory process, the use of RON will be limited.

You MAY insure a transaction in which a document is executed by RON subject to all of the following conditions:

1. The document to be executed by RON is:
  - a. An affidavit (e.g., of death and heirship, of possession)
  - b. A special real estate power of attorney, but only in connection with an arm’s length sale for actual, stated and sufficient consideration.
  - c. Cash sale (deed) for actual, stated and sufficient consideration.
2. Obtain the advance written consent of the use of RON from all parties, including the lender if the transaction involves financing. Review the closing instructions carefully to confirm that RON is permitted.

The commitment and owner’s policy must include the following exception: “Any loss, damage or claim due to the use of remote online notarization or the failure of the instrument vesting Title in the Insured to be an authentic act.”

You must disclose this exception and obtain the buyer’s written acknowledgment prior to closing. If a loan policy will be issued, you may note on the commitment that this exception

**NOTE: This Bulletin is for the sole purpose of establishing underwriting positions and policies reflecting WFG National Title Insurance Company’s best business judgment. The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company’s Underwriting Department.**

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

pertains to the owner's policy only. Maintain the written consents and acknowledgement in your file.

3. The notary must be commissioned in Louisiana and authorized to perform RON by the Louisiana Secretary of State. The use of a non-Louisiana notary for a RON transaction requires underwriting approval.
4. The notary must use a RON platform from a list of providers approved by the La. Secretary of State which complies with all statutory and regulatory requirements for identity proofing, credential analysis, and secure communication technology. Skype, Facetime, Zoom, DocuSign or other similar video conferencing or e-signing software may not be used. For RON authorization requirements for notaries and approved technology providers, please visit the Secretary of State's website [here](#).
5. The notary must include in the act a statement that the act is a remote online notarial act.
6. Witnesses, if any, must be in the physical presence of a party. The parties, witnesses if any, and notary must affix their electronic signatures to the act. The notary must also digitally sign the act in a manner that renders any subsequent changes or modification to be evident.
7. The notary must maintain (i) electronic copies of the act with the ability to generate a paper copy and (ii) the audio and visual recording for at least 10 years after the date of the RON. The notary may designate its certified provider as the custodian of these records if the notary has unrestricted access to them.
8. You must verify prior to closing whether the clerk for the parish where the property is located will e-record the RON-executed document or accept a tangible "paper" copy. If a "paper" copy is recorded, it must include a certification from the notary before whom the act was executed that the tangible document is an accurate copy of the electronic record.

You MAY NOT use RON for:

1. Mortgages, credit sales, acts of immobilization, notarial acts of correction, donations, quitclaims for "\$10 and other valuable consideration" or other similar transfers without actual, stated and sufficient consideration, or for powers of attorney used in connection with any of the foregoing instruments.
2. Transactions where a party refuses, fails to, or revokes consent to use RON.
3. Any instrument if the parish clerk refuses to accept an electronic act or a tangible "paper" copy of the act.

We will continue to evaluate these standards as the law is implemented and evolves, and will consider deviations on a case by case basis. If you have any questions about these guidelines or a specific transaction, please do not hesitate to contact underwriting counsel.

**NOTE: This Bulletin is for the sole purpose of establishing underwriting positions and policies reflecting WFG National Title Insurance Company's best business judgment. The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company's Underwriting Department.**

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