

## WFG Underwriting Bulletin



To: All Pennsylvania Policy Issuing Agents; all PA WFG Title Examiners and Offices

From: WFG Underwriting Department

Date: March 30, 2020

Bulletin No.: PA 2020-04

Subject: PA Governor Approves Limited Suspension of In-Person Requirements for Notaries and permits Remote Online Notarizations on a Temporary Basis.

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Under the authority of the Governor, the PA Department of State has temporarily suspended 57 Pa.C.S. § 306, which requires the personal appearance of the affiant before a notarial officer. This temporary authorization ([PA Department of State Notice](#)) establishes separate rules for residential and commercial transactions. Excerpts of that guidance and our underwriting standards (supplementary to our [NB 2020-04](#)), follows.

For residential transactions, it applies only for orders already in process (e.g. agreement of sale completed for residential property and only mortgage closing needs to take place.) For commercial transactions, it applies for both transactions that were already in process as well as new transactions during the emergency period.

Notaries must execute all notarial acts (including acknowledgments) in accordance with all other requirement of the [Revised Uniform Law](#) on Notarial Acts (RULONA). All notaries who are using audio-visual technology as an alternative to personal appearance (“RON”) must become an approved Pennsylvania electronic notary ([free application here.](#))

All RON notaries must indicate in the notary certificate that the notarial act was performed by means of communication technology. The following statement will satisfy that requirement – **“This notarial act involved the use of communication technology.”**

The only authorized vendors that can be used are:

- Doc-Verify (for general use),
- Safe-Docs (for general use), and
- Pavaso (for title companies and other real-estate transactions).

The RON may not use Skype, Facetime, Zoom, or any other communication technology for RON notarizations.

Agents are responsible to confirm, prior to closing, that the County where the real estate is located accepts electronically executed documents for filing, i.e., must accept “e-recordings”

All parties to the transaction: buyer/borrower, seller, and lender must agree, in writing, to the use of a RON. The lender's closing instructions must be reviewed carefully to ensure the closing instructions permit a RON acknowledged document(s). Many "standard" closing instructions are vague and/or inconsistent in a RON context. For example, we have seen closing instructions where the lender may require "wet signatures."

Please refer to our bulletin [NB 2020-04](#) for additional information.

The Pennsylvania legislature is moving a bill that authorizes Remote Notarization. When that bill goes into effect, we will provide updates to this Bulletin. As always, the WFG underwriting team is available to assist with any questions you may have.

**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.**