

WFG Underwriting Bulletin



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

From: WFG Underwriting Department

Date: March 26, 2020

Bulletin No.: TX 2020-02

Subject: 2020 Texas Remote Online Notarization Guidelines

This Bulletin supplements WFG Bulletins NB-2020-04, dated March 23, 2020, Temporary Underwriting Standards for Remote Online Notarizations and TX 2018-06, dated July 16, 2018, Texas Remote Online Notaries

In light of the concerns posed by COVID-19, WFG encourages its agents to utilize Remote Online Notarization (“RON”) and electronic recording where possible. On July 16, 2018, WFG issued its Texas Bulletin 2018-06, outlining the basic requirements for electronic notaries and RON transactions in Texas, available [HERE](#). On March 23, 2020, WFG issued its National Bulletin 2020-04, outlining temporary underwriting standards and requirements for the use of RON, available [HERE](#). This Bulletin serves as a Texas-specific supplement to the national bulletin and the original Texas bulletin.

WFG will insure a transaction involving Texas real property that is closed and acknowledged via RON where the following guidelines are met:

1. The real property may be residential or commercial;
2. RON may **NOT** be used for the following documents:
 - a. Any document to be used in connection with a home equity loan closing;
 - b. A power of attorney to be used in connection with a home equity loan, and obtain underwriting counsel approval for any other type of power of attorney to be notarized via RON;
 - c. A will, codicil or a document regarding a testamentary trust; and
 - d. Any document to be used in connection with a reverse mortgage unless you have first secured the lender’s consent to do so and to make the required deletions in coverage on the T-43 reverse mortgage endorsement;
3. Obtain the advance written approval to the use of RON by the parties to the transaction, including any lender;

4. Ensure that the parties have sufficient audio/video technical capabilities, including reliable internet service, to participate in the RON closing;
5. You may insure a RON transaction in which documents are acknowledged by an electronic notary commissioned by another state, except for Virginia and South Dakota electronic notaries. If using a Texas-commissioned electronic notary, the notary must be within the state of Texas at the time of the notarization;
6. The following RON vendors are approved for WFG-insured transactions. If you intended to use a different RON provider, you must obtain underwriting counsel approval;
 - a. Nexsys – www.nexsystech.com
 - b. Pavaso - www.pavaso.com
 - c. Notarize – www.notarize.com
 - d. Notarycam – www.notarycam.com
 - e. DocVerify – <https://www.docverify.com/>
7. The electronic notarial certificate for an online notarization must include a notation that the notarization is an online notarization; and
8. Determine whether the County Clerk’s office accepts electronic filings. If not, the electronically notarized documents must be printed out for recording (“papered out”) and a Declaration of Authenticity must be notarized and attached to the paper copy of the electronic document, pursuant to Texas Property Code § 12.0013. Attached as **Exhibit A** is a list e-recording county, and attached as **Exhibit B** is a sample Declaration of Authenticity.

If you have any questions, please contact Texas underwriting counsel at SWLegal@wfgnationaltitle.com.

NOTE: 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.

Follows are some of the Counties in which you may e-record:

1. Bastrop
2. Bell
3. Bexar
4. Brazoria
5. Brazos
6. Burnett
7. Calhoun
8. Cameron
9. Carson
10. Chambers
11. Coleman
12. Collin
13. Comal
14. Cooke
15. Dallas
16. Denton
17. Eastland
18. Ector
19. Fort Bend
20. Galveston
21. Grayson
22. Grimes
23. Guadalupe
24. Harris
25. Harrison
26. Hays
27. Hemphill
28. Henderson
29. Hidalgo
30. Hockley
31. Hood
32. Hunt
33. Jefferson
34. Jim Wells
35. Johnson
36. Kaufman
37. Kendall
38. Kerr
39. Lavaca
40. Leon
41. Liberty
42. Limestone
43. Lubbock
44. McLennan
45. Medina
46. Midland
47. Milam
48. Montgomery
49. Nacogdoches
50. Nueces
51. Parker
52. Potter
53. Randall
54. Refugio
55. Robertson
56. Rockwall
57. Scurry
58. Smith
59. Starr
60. Tarrant
61. Taylor
62. Tom Green
63. Travis
64. Upshur
65. Val Verde
66. Victoria
67. Waller
68. Webb
69. Wichita
70. Williamson

EXHIBIT B

DECLARATION OF AUTHENTICITY

State of Texas

County of _____

The attached document, _____ (insert title), dated _____ and containing ___ pages, is a true and correct copy of an electronic record printed by me or under my supervision. At the time of printing, no security features present on the electronic record indicated any changes or errors in an electronic signature or other information in the electronic record after the electronic record's creation or execution. This declaration is made under penalty of perjury.

Signed this ___ day of _____, ____.

(signature of notary public or other officer)

(seal of office)

(printed name of notary public or other officer)

My commission expires: _____