

## WFG Underwriting Bulletin



To: All Texas Policy Issuing Agents of WFG National Title Insurance Company  
From: WFG Underwriting Department  
Date: May 1, 2020  
Bulletin No.: TX 2020-08  
Subject: Temporary Permitted Use of Remote Ink-Signed Notarizations (“RIN”)

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Due to the COVID-19 pandemic, on April 27, 2020, Governor Abbott temporarily suspended the statutory requirement regarding the physical appearance before a notary public to acknowledge real estate instruments, such as deeds and deeds of trust. The Governor’s Press Release is available [HERE](#). This suspension **temporarily** permits the use of two-way audio-video communication for the notary public to observe and communicate with the signatory from a remote location, while still acknowledging a “wet signature,” and affixing the notary seal at a later time (known as “Remote Ink-Signed Notarizations” or “RIN”).

While this may appear similar to a Remote Online Notary (“RON”), it is **NOT** the same thing, and the normal RON guidelines still apply to RON transactions, which are outlined in Bulletins [TX 2018-06](#) and [TX 2020-02](#).

WFG will insure transactions acknowledged via the RIN process outlined by Governor Abbott and Texas Attorney General Ken Paxton [HERE](#) to enable its agents to continue closing and insuring title during this difficult period, provided that full compliance is made with the following requirements and guidelines. Please note that the first five (5) conditions below were added by WFG for purposes of insuring title:

- All parties, including the lender, must authorize in writing the use of the two-way audio-video communication notary process for each transaction.
- The two-way, real-time audio-video technology used for RIN should be one that is considered secured for the exchange of Non-Public Information (“NPI”).
- At the notary’s direction, the signatory should verbally state what documents they are signing and date them as of the then current date.

- Documents to be executed and notarized should be provided to the signatory in advance of the audiovisual conference session, either by email, fax, Federal Express, UPS or USPS mail. Instructions should be included to NOT sign the documents UNTIL instructed to do so by the notary during the audio-video communication session. In addition, a prepaid, addressed return envelope should be included for the signatory's use.
- At the time of the audio-video communication session, the signatory's identity must be validated by at least TWO (2) sources/methods:
  1. Driver's License, U. S. Passport, or other government-issued identification shown to the camera, including both front and back; and
  2. At least one of the following options:
    - a. The notary can use a two-factor authentication method at the start of the audio-video communication. This can be done by sending a text to a verified mobile device with a random set of numbers or a phrase. Once received by the signatory, they must verbally repeat back to the notary the number or phrase they received. Several code generators can be used, which will auto generate a random a six-digit number or phrase for such purposes; or
    - b. The notary can ask the signatory a question during the audio-video communication session, gleaned from personal data contained in the loan file that only the signatory would know; or
    - c. A borrower in a refinance transaction, or a seller in a sale transaction, during the audio-video communication session, the signatory can display a copy of a utility bill dated within the last 30 days for the party's known address in the name of the signatory; or
    - d. The use of a third-party identity verification service with evidence of same retained in the file.
- A notary public shall use two-way audio-video communication technology that allows for direct and contemporaneous interaction between a person signing a document and the notary public by sight and sound.

- A notary public shall verify the identity of a signatory at the time the signature is taken by using two-way audio-video communication technology. A notary public may verify identity by:
  - personal knowledge of the signatory;
  - analysis based on the signatory's remote presentation of a government-issued identification credential, including a passport or driver's license, that contains the signature and a photograph of the signatory, and is of sufficient quality to allow for identification; or
  - an introduction of the signatory by oath of a credible witness who personally knows the signatory, and who is personally known to the notary public.
- During the two-way audio-video communication:
  - the notary public shall attest to being physically located in Texas;
  - the signatory shall attest to being physically located in Texas;
  - the signatory shall affirmatively state what documents are being signed;  
and
  - the signatory's act of signing shall be close enough to the camera for the notary public to observe it clearly.
- A recording of the two-way audio-video communication of the notarial act shall be kept by the notary public for two (2) years from the date of the notarial act.
- The signatory shall send the original signed documents by courier, U.S. Mail, or overnight carrier directly to the notary public for the notary public to sign and to affix the official stamp or seal.
- The official date and time of the notarization shall be the date and time when the notary public witnessed the signatory signing the documents during the two-way audio-video communication.
- The documents shall include, whether in a notarial certificate, a jurat, or an acknowledgement, language substantially similar to the following: **"This notarization involved the use of two-way audio-video communication pursuant to the suspension granted by the Office of the Governor on April 27, 2020, under section 418.016 of the Texas Government Code."**

In addition, please note that the Texas constitutional requirements regarding home equity loans still apply. Therefore, RIN cannot be used for that purpose.

This suspension of statute and temporary use of RIN is in effect until either May 30, 2020, or the termination of the March 13, 2020 disaster declaration, whichever occurs first.

For your assistance, without endorsing any particular vendor, the following are possible service providers, which offer audio-video communication technology, with the ability to record such communication sessions:

Cisco Webex: <https://help.webex.com/en-us/nzpa89j/Manage-Cisco-Webex-Meetings-Recordings>

GoToMeeting: <https://www.gotomeeting.com/features/online-meeting-recording>

Microsoft Teams: <https://support.office.com/en-us/article/record-a-meeting-in-teams-34dfbe7f-b07d4a27-b4c6-de62f1348c24>

Please contact a WFG Texas Underwriter with any questions.

**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.**