



TO: Alliant National Alabama Agents
DATE: April 30, 2020
SUBJECT: *Notarization Using Audio-Video Technology during COVID-19*

This Bulletin supplements and extends Alabama Bulletin 20-01 issued April 2, 2020. Because the social distancing measures aimed at minimizing the spread of COVID-19 continue, Alliant National is extending temporary authorization to use audio-video technology for notarization during the state of emergency **through May 31, 2020**, pursuant to the guidelines originally set forth in Alabama Bulletin 20-01 and restated below. We will continue to monitor proclamations issued by Governor Ivy, and the status of recommended safety protocols related to COVID-19, and will update this Bulletin as needed as the situation develops.

Key Provisions:

The Proclamation allows

1. Alabama Notaries ***who are licensed attorneys or operating under the supervision of licensed attorneys*** to notarize signatures through videoconferencing programs and to confirm the signatures of witnesses who participate virtually through the videoconferencing as though they were physically present at signing;
2. Any person who witnesses a document through videoconferencing technology may be considered an “in person” witness, provided that the presence and identity of the witnesses are validated by the notary at the time of signing by the same identifications required under current law;
3. The official date and time of the notarization shall be the date and time when the notary witnesses the signature via the videoconference technology; and
4. All documents must be returned to the notary for certification and execution.

Alliant National Title Requirements:

In order to use videoconferencing as authorized by the Supplemental Proclamation, the all of following requirements must be satisfied.

1. The transaction must be for property with a sales price or loan amount of \$1,000,000 or less. Any transaction over \$1,000,000 must be approved by underwriting counsel.
2. All signing parties must be physically located in the State of Alabama. The executing person(s) must sign a certification that they were physically located in the State of Alabama on the date the documents were executed.

3. The notary must be an Alabama Attorney or notary under the direct supervision of an Alabama attorney and physically located in the State of Alabama. The Notary must issue a certification of same.
4. Written authorization for videoconferencing technology must be obtained from the Lender and all parties to the transaction.
5. **The audio-video session must be recorded.** Zoom Pro, Zoom Business or GoToMeeting are considered by Alliant National to be sufficient to meet the requirements for this procedure.
6. **If the Issuing Agent is not the Attorney or Notary, the Issuing Agent must be a participant in the audio video session.**
7. The party or parties executing the documents (signers) must provide an acceptable photo ID during the audio-video session. A copy of the photo ID for each party executing documents must be returned with original documents to the Attorney/Notary.
8. The signer's identity must be additionally verified by at least one of the following:
 - a. The Notary must text a random 6-digit number to a known phone number of the signer. Signer must repeat back this number during the audio-video conference. The 6-digit number and the phone number used must be maintained as part of the closing file. 6-digit numbers can be created on www.numbergenerator.org
 - b. Notary may use personal data of the signer to ask a question during the audio-video conference that only the signer would know (e.g., another lender noted in the credit report, prior address, employer etc.)
 - c. If closing on a refinance, the borrower, or in the case of a sale, the seller, can display a copy of a utility or phone bill dated within the past 30 days showing the party's name and known address during the audio-video session.
9. The documents must be executed and placed in a sealed package by the signer in the presence of the Attorney/Notary during the audio-video session. The original documents must be returned to the Attorney/Notary by courier or overnight delivery.
10. Upon receipt of the original executed documents, the Attorney/Notary and relevant witnesses shall execute the original documents and date/time stamp the documents the date of the audio-video conference.
11. The agent MAY NOT insure without receipt of the original documents.
12. Disbursement MAY NOT occur until the agent has physical possession of the originally executed documents.
13. The recording of the audio-video session must be securely stored with the escrow file for as long as those records are kept by the Agent.

As always, please contact us with questions or comments.