

January 2018

# The National NOTARY®

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## Mobile Notaries On The Rise



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# The National NOTARY

Vol. LVIII, No. 1, January 2018 Magazine

Published by the National Notary Association

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The National Notary Association is committed to the education and service of Notaries throughout the United States. As the foremost authority on the American Notary office, we are dedicated to imparting knowledge, understanding and unity among all Notaries, and instilling in them the highest ethical standards of conduct and sound notarial practice.

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The National Notary Association serves its membership by promoting five essential core values that empower and protect Notaries when they assume their responsibilities of the office and perform their official notarial acts.

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The National Notary (ISSN 0894-7872), January 2018 Vol. LVIII, No. 1, is published bimonthly by the National Notary Association, 9350 De Soto Ave., Chatsworth, CA 91311, a non-profit organization, to educate Notaries about the legal, ethical and technical facets of performing notarial acts and to instill in them a sense of self-respect and professional pride in their important role of public servant. • ALL RIGHTS RESERVED. Reproduction in whole or in part without the express written permission of the publisher is prohibited. • SUBSCRIPTION to all NNA members in the United States and its possessions comes out of their \$59 annual dues. International subscriptions are \$76 annually. Six dollars of membership dues are designated for a one-year subscription to the publications. • For address changes, send new and old addresses including ZIP code, suite or apartment number, and mailing label, if possible, to the NNA. PERIODICALS POSTAGE paid at Chatsworth, CA, and at additional mailing offices. • POSTMASTERS: Please send address changes to Customer Service, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402.

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## Mobile Notaries On The Rise

*Michael Lewis*

The mobile Notary profession is relatively young. It largely emerged during the housing boom of the early 2000s. In those days, all you had to do to get started was obtain a Notary commission and post your contact on various NSA forums. But there have been many upheavals and changes since then, and making a living from loan signing assignments alone has become much harder. For many mobile Notaries, staying in business meant finding new ways to generate income. But is the profession still viable? The cover story of this edition seeks to answer that question and shed light on the new business model.

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## North Carolina's Blazing A Trail Of eClosings

*NNA Staff*

North Carolina is the first state in the nation to establish a statewide eClosing program, and mortgage industry firms are beginning to adopt the program. *The National Notary* recently spoke with North Carolina Secretary of State Elaine Marshall to discuss the program and its future.

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## NNA Hotline's Top Five

*Cindy Medrano*

Tricky notarizations arise when you least expect. The NNA Notary Hotline team receives more than 160,000 calls a year, and some questions come up more than others. In this edition, we take a look at five of the most common questions and offer guidance.

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## Remote Loan Closings: The Next Big Thing

*David Thun*

2017 was a benchmark year for the emerging trend of conducting loan signings online, without the borrower or NSA having to be in the same room. Several lenders closed loans this way, and other companies are taking a hard look at the technology. Supporters argue that online closings will be a major benefit to NSAs. Here's what you need to know.



## Keeping It Civil

**SOMETIMES THE EASIEST NOTARIZATION CAN** turn south fast. We asked Notaries nationwide how they keep things civil during stressful assignments.

By arriving prepared, on time, keeping a calm demeanor and a sense of humor. Confidence and competence help reassure people who may be fearful or on edge. Also, I try not to overbook myself. Some situations and people may need a little more time and patience, and if I am stressed about getting to my next appointment it will be sensed by the people in front of me.

**Valerie Watts, Alpine, CA**

As a Signing Agent, I firmly believe once we get to the closing we need to take control of the closing with professionalism and get the closing done in a timely manner.

**Michael Linderman, Morganville, NJ**

By being confident, cool headed and the voice of reason.

**Steven Bautista, Encino, CA**



## New Notaries Starting Businesses

**SHAUNA PEPITONE IS A NEW MOBILE NOTARY IN Santa Clara County, CA. She recently asked our Notary General Discussion Group on LinkedIn for advice on how to turn her commission into a full-time business. Some of the advice she received was great!**

Become a Notary Signing Agent and partner with legal firms. Once your reputation is solid, referrals will guarantee the future of your business.

**Elaine Wisz, Rio Vista, CA**

You will be most successful if you create a business plan that includes specialties you want to include such as NSA, Facilities,

Trusts/Legal documents, general mobile, etc. Also, develop a marketing plan for each kind as they are not the same. You may want to get a coach who already has successfully set up and run a Notary business to help you set and reach your goals.

**Laura Biewer, Modesto, CA**

I asked the Mobile Notary who facilitated our recent loan signing to act as a mentor. While he was somewhat reluctant to act on a "full-time" basis, he was a great sounding board for questions about equipment, pricing, etc.

**Cecily Ashmun, Redding, CA**

Do not say "No" to assignments. Drop your card off at hospitals, FedEx, and UPS. Apply to at least five title companies/signing companies a day. I was able to quit my other three jobs in six months from the day I started. Reinvest your proceeds into your Notary business (after expenditures) for the first year. This includes such things as dual-tray printers (you're going to want two) and a scanner that can scan 60-80 pages per minute. EBay will help tremendously. Do not buy OEM toner, instead buy remanufactured toner (much cheaper).

**Giano Saumat, Las Vegas, NV**

## Notary Vs. Pet



**LOVE THEM OR HATE THEM, MANY SIGNERS OWN PETS.** Some need the assistance of a service animal that cannot leave their side. We opened up the question if anyone ever had an issue with a pet or service animal during a notarization and the comments came rolling in!

A service animal should never pose a problem as they are meticulously trained. Other pets can cause a distraction. Most people

are courteous and put the pets in another room or outside. Occasionally, I get an overly-friendly pet. I don't mind. What's the worst though is... when the signers have a large dog that has horrible gas! Oh my goodness... I asked if they fed the dog chili.

**Catherine James, Jamestown, CA**

I love all the animals I meet while doing my job. I had one cat that sat in my lap the whole time, and as each paper was signed, she'd reach over and solemnly touch it with her paw, as if signing, too.

**Jodith Allen, Custer, WA**

To me, the more the merrier. It's a great ice-breaker, and they know you love animals. Give them your business card, and they will definitely call you in the future for their Notary needs. Just keep roller tape that takes hair off your clothes.

**Stephanie Hulme, Huntington Beach, CA**

Pets are not so much of an issue. A client's cat kept jumping on the table and sitting on my paperwork. I think she was interested in becoming a Notary.

**Dan Stanick, Corona, CA**

## The Fastest Notarizations

**IT'S A BIRD! IT'S A PLANE!** It's the fastest notarization ever!

150 pages in about 20 minutes. The gentleman was

frantically signing without reading, and I was wondering what could possibly be going on that he wouldn't take time to read what he

was signing. As he neared the end of the stack he yelled into the next room "What's the score?"

**Becky Beckner, Grafton, IL**

I once did a complete loan signing in 14 minutes.

**Paul McCool, Yucca Valley, CA**

A few weeks ago, I was assigned a refi on a \$10 million dollar loan. The borrower, an attorney, signed as I pointed out the document and signature spot. Completed in under 20 minutes.

**Lovely Ma Ria**



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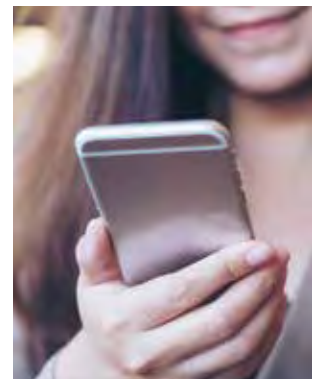
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Captain Espinoza (left) with Milt Valera

### Notary Community Gives \$50,000 For Disaster Relief Efforts

**THANKS TO THE GENEROSITY OF NOTARIES ACROSS THE COUNTRY, the National Notary Foundation presented \$50,000 to The Salvation Army's Captain Andres Espinoza on November 29. The funds will support relief efforts for victims of the devastating hurricanes last summer and the disastrous Mexico City earthquake.**

\$30,000 went to hurricane relief while \$20,000 went to earthquake relief.

Notaries donated thousands of dollars, and the NNF matched those donations and added more. Every dollar collected went directly to the relief fund, as all the NNF's operating costs are donated by the NNA.

"Notaries have always come together with the NNF for the greater good, and this campaign was no exception," said NNA Chairman Milt Valera. "The Army's rescue and

relief efforts are among the best in the world, and they need all the help we can give to continue their important work to save lives and give comfort."

"The money Notaries have raised will go directly for clothing, food and clean water for people at disaster sites. It's an amazing gift," said Robert Brennan, director of communications for The Salvation Army's Southern California Division.

### Mobile Notary Survey: NSA Certification Winners

A huge thank-you to everyone who participated in our recent mobile Notary survey. With thousands of responses from the Notary community, we were able to gather very reliable data to share with you. This issue's cover story includes some of our initial findings (see page 10), but we'll be using the data you've provided in a variety of other ways, too. We'll use it to create the kind of content that will help you start a business to grow and thrive for years to come.

Everyone who completed the survey was entered into a drawing for one of five free NSA Certifications or renewals, including the test, training and background screening. Congratulations to the winners: **Lauren Martin, CA; Rosetta Jordan-Pauli, IL; Pamela Roberts, CA; Pam Peterson, WI and Anita Cuellar, CA.**



### Conference Activities You Won't Want To Miss

**WHETHER YOU'LL BE JOINING US FOR THE FIRST TIME or 15th, make sure you get to NNA 2018 early. To celebrate our 40th annual Conference, we've added workshops on Sunday morning that are included as part of your regular registration. We'll also have check-in hours at our registration desk on Saturday evening, so you can easily join us for a full day of educational content on Sunday.**

Our Welcome Reception will be held on Sun-

day evening after the workshops are done. Traditional Conference workshops will begin on Monday morning following our Opening General Session.

If you plan to take the NSA certification course on Sunday, that is still the usual separate pre-conference activity and separate registration fee.

For more information and to register, visit [NationalNotary.org/NNA2018](http://NationalNotary.org/NNA2018).



## How To Reinvent Your Notary Business



**EVERY SELF-EMPLOYED NOTARY HAS TO STRUGGLE WITH BUSINESS SLUMPS** and lean times at some point. One way to help weather these dry spells is to diversify your business and offer other services in addition to your Notary work. Experienced Notary businesswoman Laura Biewer offered the following tips for Notaries seeking to reinvent themselves:

*Take a look at your other skills:* Many Notaries have education and training in other fields prior to receiving their Notary com-

missions. Don't forget that you can offer other services outside of notarizing documents. For example, if you are trained in sign language, consider offering interpreting services for the hearing impaired. Take a look at yourself in terms of your life experiences, and the contacts you had before you started mobile Notary work.

*Ask what other types of documents your customers need notarized:* Another way to supplement your income is to find local organizations and business that could use your services. For example, hospital patients often need medical documents notarized. While the work doesn't pay as highly as loan signings, it also takes less time, equipment and training.

*Don't be afraid to branch out:* Research your community to see what other services are needed, and get any training that might be required. Biewer, for example, has been studying to take the state fiduciary exam, which will qualify her to manage financial affairs for clients — another new service she can offer as part of her business.



## More Cities Stepping Up To Support Affordable Housing

**OFFICIALS IN SEVERAL MAJOR U.S. CITIES** pushed for more rules and regulations to make housing more affordable for residents in 2017, according to a report by the Urban Land Institute and PwC — a move that could help increase home sales and assignments for Notary Signing Agents if successful.

San Francisco, for example, recently passed a ballot initiative to expand requirements for affordable housing in new property developments. Other large cities such as Los Angeles, New York and Washington D.C. have introduced proposals to change zoning and other housing policies to encourage developers to offer more homes at lower prices.

The report, "Emerging Trends in Real Estate 2017" ([Bitly.com/RETrends2017](http://Bitly.com/RETrends2017)), covered developments in real estate during the past year in the U.S. and Canada.

## Remembering March Fong Eu, The American Notary's Most Influential Friend

**MARCH FONG EU, CALIFORNIA'S SECRETARY OF STATE FOR NEARLY 20 YEARS** and the American Notary's most influential political leader and ultimate achiever, passed away on December 21. She was 95. She will be missed, but never forgotten. The National Notary Association's Achievement Award is named in her honor for her tireless work for Notaries, and her persistence in creating the strongest and most effective Notary law in the country despite strong opposition from powerful real



estate, title, banking, legal and insurance interests.

It took her three attempts to get a comprehensive Notary law passed with the NNA as her only major supporter. She made it happen in 1978

after she declared, "I'm not going away until we have a strong Notary law in California."

"March Fong Eu was perhaps the most dynamic political leader in California during her term ... I am honored to have known her for more than 40 years and pleased that we were able to work closely together on this historic legislation," said NNA Chairman Milt Valera.

Read the full article in the Notary Bulletin: [Bitly.com/rememberingMFE](http://Bitly.com/rememberingMFE)



# Mobile Notaries On The Rise

By Michael Lewis

An interesting thing happened on the social news, trends and discussion website Reddit last December 7: Notaries made the front page.

Packed amid posts about celebrities, politics, video games and consumer reports, a user posted a discussion thread asking, “Where can I find a Notary?” For several hours it was the third most popular post on Reddit — the 5th most visited website in the U.S. with 1.6 billion users. Commenters offered suggestions and shared their experiences looking for a Notary, and becoming one. Nearly 400 opportunity-seeking people also recently dove into deep discussion about becoming a mobile Notary entrepreneur.

Notaries have never before been such a hot topic among the general public. But that is changing as the national demand for Notary services increases and, with that, the demand for mobile Notaries.

While mobile Notaries have been around for decades, public demand exploded with the housing boom of the early 2000s. The business model then was based overwhelmingly on loan signings, but the ebb and flow of the housing market proved that loan signings were not enough to sustain long-term success.

The realities of 21st century economic and consumer needs are redefining what it means to be a mobile Notary. So the question is: What does it take to succeed?

*The National Notary* conducted an in-depth survey of our community and interviewed dozens of mobile Notaries to answer that question.

### **The New Business Model**

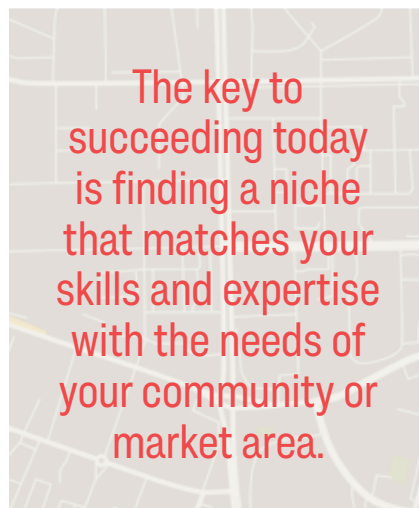
Being a mobile Notary is a viable, profitable business venture — especially as on-demand services become more popular. Thirty-nine percent of both full-time and part-time mobile Notaries said their businesses became profitable within a year. (See survey results on page 12.)

Overwhelmingly, the veteran mobile Notaries interviewed said they follow a simple business model:

- General Notary work
- Loan signings (Notary Signing Agent)
- Non-Notary services

For Cheryl Casebolt of Simi Valley, California, this model works well, although it took time and effort to develop. Before becoming a mobile Notary she spent several decades working in the corporate sector. “I had a lot of experience doing many different things, but I wanted a change. I figured I’d see if I could build a business out of that experience.”

Casebolt got her Notary commission in 2008 and immediately began marketing and networking. “I put ads in papers. I created a website. Put magnets on my car. Signed up on all the Notary listing websites. Started using social media to connect with potential clients. I did everything I could think of,” she said.



The work began to come in. But it really took off when she began visiting local businesses, including attorneys who did not have in-house staff. She soon picked up more Notary work, and also some paralegal work — an area in which she had experience. Her business continued to grow and she currently offers several types of services, including personal assistant, secretarial, paralegal and concierge services. “I’m doing something that I enjoy, and I’ll do it as long as I’m able,” she said.

Former law firm office manager Terri McKay of Powder Springs, Georgia, was inspired to become a mobile Notary after talking to the signing agent who handled the closing for a home she sold.

She initially became an NNA Certified Notary Signing Agent and dove into part-time loan signing work. But when her law firm closed she transitioned to full-time and expanded into general Notary work. Loan signings were too

cyclical with the ups and downs of the market, so to keep things going, she began buying ads on Google, visiting military bases, hospitals, social workers and other businesses.

“Today, 55 percent of my business comes from loan signings and 45 percent general Notary work,” she said, and she is working to continue the shift more toward general Notary work.

### **Niche Building**

Mobile Notaries of the early 2000s lived off loan signing work, today they follow a very different strategy rooted in general Notary work and non-Notary services. The key to succeeding today is finding a niche that matches your skills and expertise with the needs of your community or market area.

Notaries interviewed for this article had unique skills, backgrounds, or interests in industries like law enforcement, education, real estate, insurance, medical, social work and military service. And they are using those interests to create opportunities. Some find niches in handling I-9 verification forms. Another interviewee reported he found a niche in notarizing parental permissions slips for minors to get tattoos.

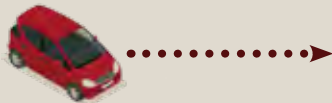
“You have to find your niche and keep a keen eye out for opportunities in your community,” said Liz Adams of Orlando, Florida, a Notary for 35 years and the NNA’s 2008 Notary of the Year. “That work can come in many forms.”

Adams has a degree in computer science and experience as a legal secretary and operations supervisor. She used that experience to develop her company, ETA Mobile Notaries, and its suite of services, which specializes in serving the mortgage finance industry, auto dealerships, hotels, banks, hospitals and the general public.

One of her services is as a wedding officiant — something the state of Florida considers a notarial act. After growing her experience solemnizing marriages,

# A Bright Business Outlook

More than 2,300 people took the 2017 NNA Mobile Notary Survey, and their responses show that the mobile Notary profession remains a viable, profitable option. Here are some key results.



## How long did it take for your business to become profitable?

	Full-Time	Part-Time
0–11 months	39%	39%
1–2 years	32%	21%
3–4 years	16%	10%
5–6 years	4%	2%
More than 6 years	3%	3%
Not profitable yet	6%	25%

## What is your monthly income?

	Full-Time	Part-Time
Up to \$250	12%	49%
\$250–\$500	9%	15%
\$501–\$1,000	12%	16%
\$1,001–\$2,000	22%	13%
\$2,001–\$3,000	16%	3%
\$3,001–\$4,000	10%	3%
\$4,001–\$5,000	9%	1%
\$5,001–\$7,500	7%	1%
\$7,501–\$10,000	3%	0%
\$10,001 and more	0.4%	0.1%

## How much of your business comes from loan signings?

	Full-Time	Part-Time
All	30%	23%
More than half	48%	27%

## Do you provide non-Notary services?

	Full-Time	Part-Time
Yes	42%	37%
No	58%	63%

## What services do you charge for? (Check all that apply)

	Full-Time	Part-Time
Each signature notarized	67%	75%
Identity proofing	21%	16%
Handling legal documents/signings	47%	36%
Notarizing loan documents	91%	69%
Officiating at weddings	10%	44%
Mailing marriage documents	45%	4%
Courier service	20%	15%
Service at jails/secured facilities	20%	13%
Providing a statement that certain services were performed for special transactions such as adoptions	10%	6%
After hours/holiday charge	30%	26%
Copies	30%	25%
Faxing	33%	23%
Mileage/travel	63%	54%
Other	9%	7%

she saw a revenue-generating opportunity to add photography and wedding cake services to her officiant offerings. Another of her income streams came from verifying vehicle identification numbers and odometer readings on trucks and other vehicles being sold across state borders.

Another niche-building expert is long-time mobile Notary Laura Biewer of Modesto, California, who also mentors budding Notary entrepreneurs. Her business, At Your Service Mobile Notary, handles notarization requests for inmates and law enforcement personnel, international adoptions, advance health care directives, trusts, automotive signings, pension verification documents and more.

“I am here to provide a service based on what the customer’s needs are,” Biewer said. “I can come to them. I can work after office hours. That’s why people pay me.” Before 2008, when the housing market crashed, 95 percent of her business came from loan signings. Today, she said, loan signings account for a mere 15 percent of her business.

When Biewer comes across Notaries just getting into the mobile business, she now counsels them to start with general Notary work and find a niche.

“The competition in the general Notary world is not as heated as in the NSA world,” Biewer explained. It also doesn’t require the financial outlay for office equipment, supplies and other requirements. Once the business starts generating income, then invest in becoming a Signing Agent.

## Sweat Equity

The common theme mentioned by long-time mobile Notaries is sweat equity. That means putting in the time and effort to research what opportunities your community may offer. Then putting in the time and effort to market services you can provide.

From a business-building perspective, the biggest challenge is marketing.

# The Next Gen Mobile Notary

The current population of mobile Notaries definitely skews older. In fact, four out of five are over 40. But the profession could have great appeal for Millennials and Generation Z who may not have been exposed to Notaries but may be ideally suited to the work.

These generations are increasingly turning to the so-called gig economy, which relies heavily on Uber-like apps to connect tasks and short-term work with freelance labor. It would be a natural segue for many of these younger workers to get a commission and add Notary services to their offerings.

Most mobile Notaries spend less than an hour a week marketing, according to the survey. So it is not surprising that large majorities of both full- and part-timers want more business or are struggling to find assignments.

Posting a profile on Notary listing websites is the most common marketing method for full-timers and part-timers alike. These listing sites primarily cater to the mortgage industry. Creating social media pages is a distant second, followed by creating their own websites and

networking at professional/business organization meetings.

Shifting away from loan signings requires a different approach. The mortgage industry has a system set up to recruit, train and send assignments to Notaries. But that is not the case with general Notary work and non-Notary work.

Branching out requires an ongoing effort to get your name out in the community, find potential clients, and build and maintain relationships.

“Wherever I go, I make sure people know I’m a Notary,” Adams said. “I have pens with my information and give them away.”

“When I started, I did a lot of networking,” Casebolt said. “I put ads in papers. I signed up on all the Notary listing websites. You have to put your name out everywhere, and when you start getting clients, you keep in touch with them.”

She also became an active member of the local Chamber of Commerce and a women’s networking group.

Many recognize the need to redirect their energies. Pat Ramson, a retired federal employee from Las Vegas, Nevada, currently gets about 80 percent of his business from loan signings, 15 percent from general Notary work and five percent from performing weddings.

“I definitely would like to see more general work,” he said. “I drop off fliers at local hospitals, hand out business cards to everyone he can.” He also is looking to expand into handling non-Notary work such as I-9 assignments.

Connie Riddle of Roland, Oklahoma, a small town about 10 miles from the Arkansas border, plans to join various local chambers of commerce.

For many, the effort is more than worth the return. As McKay put it, “If it is important to have freedom and luxury to work for yourself, why not build your own dream rather than someone else’s.” ■

# Workplace Notaries In Transition

1/3

of the respondents to the 2017 NNA Mobile Notary Survey did not work as mobile Notaries, but their results showed a great deal of interest in the profession.

## Are you interested in working as a mobile Notary?

Yes 62%

No 38%

## Why do you want to be a mobile Notary?

To earn extra income 58%

To start a full-time business 13%

To have a part-time occupation for retirement 24%

Other 5%

## Do people outside of work ask you to notarize documents?

Yes 62%

No 38%

## Which best describes your activities?

I only notarize work-related documents 20%

I occasionally notarize personal documents for co-workers 10%

I occasionally notarize for co-workers and outside of work 38%

I primarily notarize documents that are NOT related to work 17%

Other 16%



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# NORTH CAROLINA'S BLAZING A TRAIL OF eCLOSINGS

**N**ORTH CAROLINA IS THE FIRST STATE IN THE NATION to establish a statewide eClosing program, and mortgage industry firms are slowly adopting the program. *The National Notary* recently spoke with North Carolina Secretary of State Elaine Marshall to discuss the program and its future.



North Carolina Secretary of State Elaine Marshall

### What do you hope to accomplish with the eClosing pilot program?

We wanted to demonstrate that North Carolina's legal infrastructure fully supports a completely electronic mortgage closing. We also wanted to have several eClosings conducted in North Carolina using the standards developed by the North Carolina Secretary of State's Office

and industry thought leaders who partnered with the Department to develop those standards.

These accomplishments were realized when North State Bank funded the first ever fully electronic mortgage closing in North Carolina on May 5, 2017, in Hickory, North Carolina. That first eClosing was a refinancing. The next two conducted by North State were fully electronic purchase mortgages.

Another goal was to partner with a large number of industry and regulatory interests. We accomplished this by forming the Electronic Mortgage Closing Advisory Committee — which includes representatives from major financial institutions, electronic mortgage closing providers, land title experts, real estate attorneys, Government Service Enterprise members and others. The Committee was set up to advise on best practices and encourage mortgage industry sectors to participate.

We also wanted to show the banking industry and regulators a better way to conduct business with the Millennial generation. Millennial habits and expectations clearly favor transacting business electronically. Banks need to know their customers and be able to reach out to them in many ways if they want to keep or increase their market shares. Similarly, regulators and administrators need to do similar outreach to connect successfully with this new generation.

We believe electronic mortgage closings will be a win-win-win for lenders, borrowers and government. Home buyers will win by having the opportunity to review their loan closing documents much sooner than with the traditional paper process, having the closing performed at a location that is convenient to them, and getting the keys to their new homes faster.

The mortgage industry wins through reducing loan processing times, which frees up capital to generate more loans — which has the potential to transform the mortgage industry. Government will see a win through transactions that are completed quickly and securely, and by demonstrating its willingness to conduct its duties with the options that people expect to see.

### What is the current status of the program?

There have been several electronic mortgage closings, including purchases, since the first refinancing eClosing. The organizations that pioneered this process continue to transact mortgages electronically as a normal part of their business. In fact, other local and national mortgage lenders planned to offer electronic mortgages by the end of 2017.

The Advisory Committee is working to develop an Electronic Mortgage Closing Best Practices Guide to give those interested in pursuing an electronic mortgage program step-by-step guidance on how to successfully engage in this process. The Advisory Committee will also educate the interested parties on the importance of in-person electronic notarizations in electronic mortgage closings.

We are pleased to be the first state in the nation to apply the statutory building blocks adopted over the past 20 years, as a concrete, state-wide electronic mortgage closing initiative.

### With North Carolina's history of embracing eCommerce and eNotarization practices, why

### did it take so long to launch a pilot program?

North Carolina's legal infrastructure surrounding eCommerce and eNotarization is the most comprehensive of its kind in the country. We are proud that 90 percent of our state's population lives in counties that accept electronically recorded documents. We hope to reach 100 percent soon. Without this foundation, we would not have this ambitious statewide initiative for electronic mortgage closing.

In the early 2000s we were moving fast toward practical eCommerce applications for mortgages, but then the "Great Recession" of 2008 hit — one of the worst recessions in the nation's history. This event caused economic decline in the mortgage industry. It also caused a decline in the number of eNotaries, as the real estate market contracted. The effort picked up steam again as the real estate market in North Carolina rebounded and the number of eNotaries started increasing. These Notaries are a key element of our effort. We dutifully continued working to ensure we

We believe electronic mortgage closings will be a win-win-win for lenders, borrowers and government.



had the legal infrastructure in place, county by county, to support electronic mortgage closings as stability was restored to the industry.

We launched our pilot program shortly after the U.S. Consumer Financial Protection Bureau completed its electronic mortgage closing study, finding that it was a beneficial process for consumers.

### **Do you see this as a viable alternative to remote eClosings?**

North Carolina's electronic mortgage process is a superior alternative to remote eClosings in terms of security and assurance. We believe that in-person electronic notarization is at the heart of secure electronic mortgage closings. North Carolina's electronic Notary process requires in-person interaction between the electronic Notary and the borrower. This is consistent with the National Association of Secretaries of State's National Electronic Notarization standards. These standards have been largely adopted by 23 states that have electronic notarization provisions for Notaries, including the requirement for personal appearance of the signer. This stands in stark contrast to the four states that have recently passed legislation allowing for remote appearance of the borrower before an electronic Notary Public.

We do not believe a remote process is a viable alternative to our form of electronic notarization, given the legitimate concerns about the potential for fraud. After all, a real estate purchase is often the most valuable asset a family may have.

### **What advantages does the North Carolina program have over remote closings?**

In this day of heightened concerns about identity theft, and data breaches at companies like Equifax, it is irresponsible for vendors to

supplant the time-tested process of verifying the signer's identity in person.

Having the signer appear before a Notary Public to establish their identity, willingness, and competence is not something that should be taken for granted, and its importance should not be minimized by introducing an inferior process. It introduces unnecessary risk and uncertainty into the electronic mortgage closing process.

Some believe that capturing video in remote closings makes it a superior process. But the in-person process for establishing identity, volition and competence is the preferred method by the vast majority of law enforcement and business disciplines. Conflicting state laws, combined with the potential difficulty of bringing remote participants to North Carolina to address potential criminal or civil problems in the courts, adds unnecessary burdens.

When mortgage industry professionals take a practical look at the best interest of home buyers, they realize that keeping the safeguards, protections and the trust inherent in an in-person, electronic notarization process far outweigh any negligible benefits of abandoning this time honored and trusted practice.

There is no reason to inject a process fraught with the potential for fraud in an otherwise secure transaction that delivers on the promise of speed, efficiency and trust that is going to transform the mortgage industry.

### **What are the challenges/obstacles to widespread adoption of North Carolina's eClosing model?**

The current challenge is increasing adoption. We are reaching out to warehouse lenders, electronic note servicers, regulatory entities, attorneys, realtors, mortgage lenders, Registers of Deeds, the North

Carolina Administrative Office of the Courts and all relevant stakeholders to ensure that we have educated everyone on the opportunity, processes, laws, security mechanisms and everything they need to do to get engaged in this industry transforming process.

### **Is there a need for standards for eNotarization?**

Yes, absolutely. The National Association of Secretaries of State identified this issue years ago. It developed and adopted standards for electronic notarization in 2006 and has expanded and reaffirmed them, most recently in the summer of 2016. The 23 states that have electronic notarization laws have adopted the majority of the standards included in the NASS National Electronic Notarization Standards. ■



North Carolina has long been a leader and advocate for electronic commerce and eNotarizations. Milestones include:

- Statewide electronic signature law, 1998
- The North Carolina Uniform Electronic Transactions Act, 2000
- Electronic Recording Act and the Electronic Notarization Act, 2005
- Electronic recording standards and rules for electronic notarization, 2007



# TOP FIVE HOTLINE QUESTIONS FROM NOTARIES

By Cindy Medrano

**T**RICKY NOTARIZATIONS ARISE WHEN YOU LEAST EXPECT. Notaries nationwide rely on the support and guidance of the NNA Notary Hotline to answer their most challenging questions. The Hotline team receives more than 160,000 calls a year! They provide answers to all notarization questions.

The following are the five most common questions they receive from new and experienced Notaries:

## 1. It's my first time notarizing. How do I notarize a document?

A question all too common for new Notaries seeking to understand how to perform a notarization. A notarization can be completed in five easy steps.

- Require a signer to personally appear before you.
- Scan the document for certificate wording that will tell you what type of notarization you are to complete.
- Verify your signer's identity through proper identification and make sure they are acting of their free will.
- Record your journal entry with details of the notarization, including the signer's signature.
- Complete, sign, and seal the notarial certificate following all requirements of law in your state.

An important tip new Notaries must remember is to never give legal advice or assistance regarding the signer's document.

## 2. How do I locate the Notary wording on a document?

Completing a notarial certificate may seem like a simple task, but often confuses many. The wording of certificates varies from state to state. There will always be a space for the Notary to sign. You should sign your name exactly how it appears on your commission. You will affix your seal next to your signature. Make sure the seal image is clear and legible.

## 3. Can I notarize via webcam?

Video and audio technology allow signers to personally appear before and communicate with the Notary during a notarization. However, this process is only permitted in four states — Virginia, Montana and Florida (for certain law enforcement officers only) and Ohio (until February 20, 2018, when it is no longer in effect). On July 1, 2018, two more states — Nevada and Texas — will allow Notaries to perform webcam electronic notarizations.

If you are commissioned in any other state, you are prohibited from conducting online notarizations and signers must physically appear before you.

## 4. Can I notarize for a relative?

When asked to notarize for family members, always check your state laws. There are a few states that ban Notaries

from notarizing for most family members. In Florida and Massachusetts for example, a Notary is not allowed to notarize signatures for their spouse, parents or children.

If your state doesn't prohibit you from notarizing for relatives, a key thing to remember is if you'll benefit, don't notarize it.

If you do not have any restrictions in your state, remember to follow all the rules for identifying signers. Just because you know someone personally, doesn't mean you can skip steps to complete the notarization. The family member must still appear before you and sign your journal entry if it is required by your state.

## 5. What type of documents can I notarize?

The types of documents a Notary will encounter varies and is dependent on the type of notarial act.

Acknowledgments are generally used for documents related to the exchange of goods and services. They include contracts, deeds, and mortgages to name a few.

Completing a notarial certificate may seem like a simple task, but often confuses many.

Jurats are performed on documents dealing with our civil and criminal justice system. Those documents are affidavits, depositions and interrogatories.

Some documents that may require copy certifications are diplomas, driver's licenses, leases, contracts, vehicle titles, Social Security cards, medical records and bills of sale. Although a common notarial act, many states don't allow Notaries to certify copies. Make sure to look back at your state laws and guidelines before doing so.

If you are commissioned in Maine, Florida, Nevada or South Carolina, you may perform a marriage rite as a notarial act. In Nevada, you must qualify with the county clerk's office before you officiate marriage ceremonies.

This is a snapshot of the type of questions Notaries nationwide are asking the Hotline team. If you are unsure how to proceed with a notarization, NNA members have unlimited access to our trained counselors to help with all notarial questions. No question will ever be too far-fetched. ■



# REMOTE CLOSINGS: **THE NEXT BIG THING**

By David Thun

**I**N OCTOBER 2017, STEWART INFORMATION SYSTEMS CONDUCTED an electronic loan closing for a signer traveling in Africa, while the Notary was in the United States. Using remote communication technology, the signer was able to see, hear and speak to the Notary online, present identification and have the documents signed and notarized electronically.

Stewart isn't the first company to launch a successful, remote, electronic loan document signing and closing — a process that just a few years ago was unthinkable. Last summer, Michigan lender United Wholesale Mortgage completed an electronic remote closing for an Illinois family using technology provided by the online notarization service Notarize.

While the technology is still in its early stages of testing and development, industry experts say that remote closings just might change the way that Notary Signing Agents perform their assignments.

### **Potential Benefits For Notaries And Signing Agents**

Rick Triola, CEO of NotaryCam — the company that provided the electronic notarization platform used for Stewart's remote Africa closing — said that one of the biggest benefits of remote closings is convenience. In contrast with a paper closing, Triola said that a remote closing eliminates the need for the Notary to travel long distances to meet the borrower in person, or ensure that the completed package is mailed and safely delivered.

Henry Smith, NotaryCam's Director of Notary Operations, originally worked as a Notary in Virginia when he was approached by Triola to perform remote closings. Smith said he was highly skeptical, but after doing it himself he thinks the change could be positive.

"I think it will open opportunities for Notaries to do more notarizations, and do them more conveniently," he said. "I don't think paper closings are ever going to go away completely. But the main convenience for remote closings is being able to work from home. You can meet with clients at any time of day, and you don't have to worry if signers don't want a stranger visiting their home. It's more convenient for the Notary, and for the client as well."

Smith said NotaryCam regularly works with self-employed Notaries who are trained to perform remote closings, and those Notaries get a fee just like traditional closings. While the fees for performing a remote closing are usually lower than a traditional closing, this is offset

by the savings that come from eliminating the need for travel and other additional tasks, like printing and faxing physical documents.

### **How Does A Remote Closing Change The Notary Process?**

Remote closings redefine one of the longest-standing rules of traditional notarization — the requirement that the signer physically appear before the Notary. Instead, during a remote closing, the signer and Notary use audio-visual technology, such as webcams, to see and communicate with each other.

"The process itself is pretty simple," said David Samson, Vice President and National Title Manager for appraisal, title and closing service provider Accurate Group. "The Notary still contacts the borrower and coordinates with

the borrower for a time and date to meet for the loan signing. The difference is that they don't have to agree on a physical location, but must meet online. The Notary and borrower interact online, and the video and audio of the meeting is recorded."

Samson said Accurate Group's own eNotarization system, NotaryWorks, was modeled closely on the guidelines for remote notarization used in

Virginia, the first state to authorize its Notaries to perform remote notarizations. Samson — who is a commissioned Notary himself — said the loan signing is conducted in almost the same manner as a paper closing except the documents are signed and notarized using electronic signatures. The signed and notarized electronic documents can then be sent directly back to the title company or closing agent. Once finished, the Notary is responsible for keeping the audio and visual recording of the loan signing, which can be used to verify details of the transaction if questions are asked about the closing.

Obviously, one of the first questions a Notary would ask is, "How am I going to verify the signer's identity if we aren't face-to-face?" Many Notaries have raised concerns that if they aren't physically in the presence of a signer, it will be difficult to determine if the signer is committing fraud or being coerced by a third party out of camera range.

The Notary and borrower interact online, and the video and audio of the meeting is recorded.

One solution is an identification method called “Knowledge-Based Authentication” or “KBA.” KBA technology retrieves information about a signer from various databases based on their credit history. It also generates a series of questions the signer must answer to verify their

other security features on a driver’s license and use third party credential analysis service providers to confirm that the license is legitimate, Samson added.

### What Does The Future Hold?

Because Virginia was the first state to authorize notarizations using remote audio-visual communication, most Notaries performing notarizations are currently commissioned in Virginia.

However, it’s

very likely that once other states authorize remote notarizations, more companies will want to use

local Notaries for remote closings, Samson said.

“Companies want to work with local Notaries as much as they can,” he said. “While legally it makes no difference, people feel better about it.”

Samson expects that companies will seek out experienced Signing Agents to perform remote closings as states enact new laws permitting them to do so, because veteran Notaries are familiar with the loan signing process and less likely to make errors during the process. “We want qualified, certified Notaries who understand local laws and requirements,” he said. “We don’t want people with tech skills we can train to do closings. We want Notaries who are good at closings that we can train to use this technology.” ■

“Companies want to work with local Notaries as much as they can”

— David Samson, VP and National Title Manager, Accurate Group

identity. Some remote closings also use special ID verification applications that can scan a bar code or

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# A Guide To Notarizing For Physically Impaired Signers



There may be times when you encounter someone who is physically unable to write their name. It could be the result of any number of medical conditions, but that doesn't mean the notarization can't proceed. Depending on your state's laws, there may be ways to accommodate the physical impairment.

### Signature By Mark

If the signer is alert, coherent and appears willing to sign — but can't write a full signature due to an injury or other physical impairment — the signer can make an 'X' or similar mark in lieu of a signature. This is called "signature by mark," which many states permit. For a signature by mark, the signer does not have to write out a full name. Instead, they make an 'X' or similar mark in front of witnesses, which can then be notarized.

Depending on the state, you may need one or two witnesses in order to notarize a signature by mark. For example, **California** requires two witnesses be present if a signer wishes to make a signature by mark. In California, the witnesses

to a signature by mark do not need to present identification for themselves unless they are also serving as credible identifying witnesses vouching for the signer's identity.

When using signature by mark, the signer must be able to make the mark on their own. Neither you nor a third party may physically hold and 'guide' the signer's hand to help them make a signature. If someone asks you or another person to do this, you must tell them no.

### Directing Someone Else To Sign For The Impaired Person

If the customer is completely unable to write or make a mark, some states permit the Notary or another individual present to sign the document as directed by the customer. This is sometimes called "signature by proxy." For example, if a person in **Florida** who is physically unable to sign wants the Notary to sign on their behalf, the signing must take place in the disabled person's presence, with two other witnesses present who have no interest in

the document being notarized. **Texas** also allows a Notary to sign on a disabled person's behalf, but only requires one disinterested witness to be present.

**Montana** does not allow a Notary to sign on behalf of a disabled person, but a disinterested third party may sign by proxy if the instruction is given in person by the disabled individual and in the presence of the Notary. If you're not certain how to proceed, contact your state Notary regulating agency or the NNA Hotline for help.

### Powers Of Attorney And Representative Signers

In some situations, another person may be given power of attorney to sign documents on behalf of the disabled individual. This other person is known as a "representative signer" or "attorney in fact" (though the representative does not necessarily have to be an actual lawyer).

In these cases, the notarization would be performed normally, but you are notarizing the signature of

the representative signer. The representative signer would present proof of identity, and their name would be entered in the Notary certificate. However, be aware that, in most cases, a representative signer can't swear an oath or affirmation in the name of the disabled individual.

Some states, such as **Colorado** and **Nevada**, require Notaries to use special certificate wording when notarizing for a representative signer. **Oregon**, **Hawaii**, **Montana** and **Utah** require the representative signer to show the Notary proof that they have the authority to sign on behalf of the person in question.

### If There Are No Options Available, Don't Proceed

If the requirements for alternative methods of signing cannot be met, then do not proceed with the notarization. The customer will need to contact an attorney or other agency qualified to provide legal advice on acceptable alternatives to signing the document.



## Notarizing Passports, Multiple Signatures, Consular ID Cards, Name In Acknowledgments

**NOTARIES NATIONWIDE RELY** on the NNA's Notary Hotline to answer their most challenging questions. The following are among the thousands our Information Services Team receives each month.

**Q** I'm often asked to notarize a copy of a passport. What verbiage should I use?

*L.B., Texas*

**A** Sample forms containing the language you may use for a copy certification may be found on, and downloaded from, the Secretary of State's website. The following is a sample form for a copy certification:

State of Texas

County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, I certify that the preceding or attached document is a true, exact, complete, and unaltered copy made by me of \_\_\_\_\_ (description of document), presented to me by the document's custodian, \_\_\_\_\_, and that, to the best of my

knowledge, the photocopied document is neither a public record nor a publicly recordable document, certified copies of which are available from an official source other than a Notary.

\_\_\_\_\_  
(Notary Public Signature)  
(SEAL)

**Q** I have a document that requires two different people to sign in two separate places (two people, four signatures). Can I use one acknowledgment form for both people and all four signatures?

*S. R., California*

**A** Perhaps. If one acknowledgment certificate appears on the document at the very end and all signers are present, you may use that one certificate. If the certificate is not present, the decision to use one or more certificates should be made by the party issuing the document. If all signers are not present, you'll need to use additional certificates if you notarize the signatures of these individuals later.

**Q** Am I able to verify a signer's identity using the Mexican consular ID Card?

*G. F., Pennsylvania & A.R., Arizona*

**A** In Pennsylvania, yes you may. Effective October 26, 2017, an acceptable ID must be a current, government-issued identification card bearing a photograph or signature, and that is satisfactory to the Notary. The Mexican *matricula consular* ID card may be accepted because it meets these requirements, but the new law gives you the final say.

In Arizona, no, you may not because the Mexican *matricula consular* does not qualify as an identification card an Arizona Notary can accept. The







type of identification documents an Arizona Notary may accept are:

- An unexpired driver's license that is issued by a state or territory of the United States;
- An unexpired passport that is issued by the United States Department of State;
- An unexpired identification card that is issued by any branch of the United States armed forces;
- Any other unexpired identification card that is issued by the United States government or a state or

tribal government, that contains the individual's photograph, signature and physical description that contains the individual's height, weight, color of hair and color of eyes; and

- Specifically for real estate conveyance or financing transactions, a valid passport issued by the United States or a national government other than the U.S. and that is accompanied by a valid visa or other documentation that is issued by the U.S. government and that is necessary to establish an individual's legal presence in the U.S.

**Q** When completing an acknowledgment certificate, what name should be filled in for the signer — the name on the document or the name on the signer's ID?  
*K.C., California*

**A** The wording on the California acknowledgment requires the Notary to certify that the individual whose identity is proved to the Notary is the person whose name is subscribed to the document and who acknowledged signing it. The name that is to be filled in on the Notary acknowledgment is the name on the

document. Before doing so, however, the Notary must verify that the individual's ID supports certifying an acknowledgment in that name.

**Q** If I am notarizing two different documents for the same individual, does he need to sign my journal twice? Or is it just one signature noting two different documents?

*R.A., Maryland*

**A** You have two options. You can create two full journal entries and have the signer sign each entry. If, however, both documents are notarized at the same time, you may use acceptable shortcuts to record both journal entries. If you are using the NNA's Official Journal of Notarial Acts, you would create a full journal entry for the first documents and use ditto marks in the entry immediately below for the information that is the same for both documents. In the signature columns, you may insert a diagonal line between both columns and have the signer sign along the diagonal line.





# How To Complete An Acknowledgment

Even though an acknowledgment is one of the most common types of notarizations, it often confuses many Notaries — new or experienced. The purpose of the acknowledgment is to positively identify the signer and verify that the signature is theirs.

Acknowledgments are required for all types of documents, such as adoption documents, parental permission slips, mortgages, deeds of trust and powers of attorney.

Here are five steps to performing an acknowledgment:

### 1. Require Personal Appearance

The signer must personally appear before you at the time of the notarization, though the document may be signed prior to the signer appearing before you. [Note: Currently only Montana and Virginia allow the personal appearance requirement to be satisfied via webcam under specific circumstances.]

### 2. Review The Document

Scan the document to make sure it is complete, has no blank spaces

or missing pages, and includes a Notary certificate. The certificate tells you what type of notarization to perform. Without it, the signer will need to confirm to you what notarial act they want, and you'll need to provide and attach the appropriate certificate form.

### 3. Screen The Signer And Verify Identity

Screen the signer's identity according to your state's requirements and ask them if they signed or are signing willingly. If the document has already been signed, the signer must acknowledge to you that the signature is theirs. If there is no signature, watch the signer sign the document. Be alert for clues that the signer is confused, unwilling to sign, or appears to be pressured or coerced by other people present in the room. If there is reason to believe the signer is unwilling or unaware, or the signer cannot communicate with you clearly and directly, do not proceed with the notarization.

### 4. Record The Notarization

Complete a detailed record

in your journal about the facts of the notarization: the date and time, a description of the document, the type of notarization, the signer's name and address, how the signer was identified, the fee collected, and the signer's signature. Some states require specific information to be recorded in the journal entry; if so, be sure to follow these requirements.

### 5. Complete The Notarization

Fill out, sign, and affix your official seal to the Notary certificate. The wording requirements for acknowledgment certificates vary from state to state. Some states require specific wording while other states provide Notaries general guidance. In California, for example, an acknowledgment certificate must be worded exactly as it appears in state law. Florida does not

require exact wording, but the certificate must include elements spelled out in Florida Statutes 117.05[4], including the venue, name of signer, type and date of notarization, form of identification used, the Notary's signature, name and seal, and a statement the signer personally appeared before the Notary. Georgia, on the other hand, does not prescribe specific wording for acknowledgment certificates. Make sure to review and follow your state's requirements.

Always remember that the Notary may not decide what type of notarial act is appropriate for a given document. If there is no certificate provided that tells you what to do and the signer is uncertain, refer them back to the person or agency that provided or will receive the document for instructions.

Learn more about best practices and procedures in the NNA's Notary Essentials course:  
[NationalNotary.org/notary-essentials](https://www.nationalnotary.org/notary-essentials)

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