



## Closing in the Time of COVID-19

There is no doubt that in just the last few weeks all of us have had to re-evaluate our means and methods of business as a result of the COVID-19 pandemic. Fortunately, with creative solutions and technological advancements, there are options available to allow us to continue to meet and exceed our clients' expectations. Today's Title Talk Publication will provide you with links to all the recent ORT Bulletins on RON, will provide responses to some frequently asked questions, and will make suggestions for keeping your closing on track.

# Title Talk Florida



## Remote Online Notarization

How do you get documents signed, witnessed, and notarized when “social distancing?” A great option for many closings is remote online notarization (“RON”). What is RON? How does it work? Can you be a RON? The answers to these questions and a great introduction to RON can be found in the [December 30, 2019 Bulletin](#) and our recent [Title Talk: Special Edition](#). For a more comprehensive review of the RON statutes, please review our [RON webinar](#).

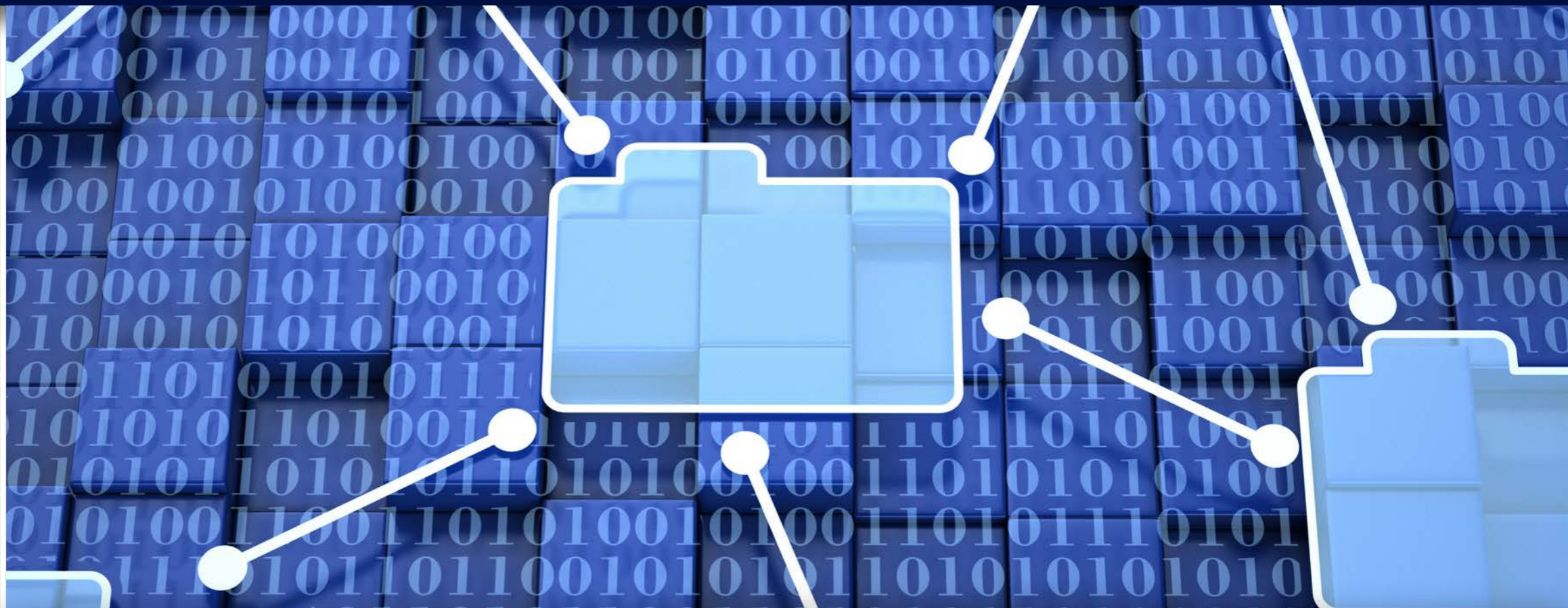
# Title Talk Florida



## Foreign Affairs

Whether your seller is in a foreign country or you receive a deed acknowledged by a RON from a different state, be sure that you are up to date on the underwriting guidelines associated with out-of-state RON notaries and for persons without a social security number. Review ORT's [January 6, 2020 Bulletin](#) on foreign notaries and foreign nationals.

# Title Talk Florida



## Delivery of Electronic Documents for Recording

Many of you may be asking how deeds and other recordable transactional documents are delivered when they are executed with RON. There are two options available:

1. If your office receives the fully executed electronic document directly from the RON platform (i.e. Pavaso, NotaryCam, Notarize, etc.), you can e-record the electronic document with the clerk in the appropriate county.
2. If hard copies of the electronic documents are being provided, a notary in the office that receives the fully executed electronic document directly from the RON platform must print the document and affix a Certificate of Original Electronic Document to the document as an additional page prior to delivery for recording. [The Certificate of Original Electronic Document form can be found here.](#)

# Title Talk Florida

## Interim Solutions for RON Backlog



As you likely are aware, all RON service providers and platforms are seeing a monumental rise in new account and onboarding requests. We understand that some platforms are projecting significant lag times between the request and their ability to complete onboarding. First, while we encourage you to continue your efforts to connect with a RON provider, you need to be planning short term solutions for your closings in the upcoming few weeks. Here are a few suggestions for you to consider and warnings of things not to do.

### *Drive Thru Closings*

One of the challenges with RON is that not all parties have the required technology to use RON or just simply are not technologically savvy enough to confidently complete a transaction online. One of our agents recently completed a “drive thru closing,” that may be a good option for those times when RON is not feasible or advisable.

The first step is to deliver hard copies of all closing documents and schedule a virtual meeting with your client where you can go over each of the documents contained within the package and can sign all those documents which do not require witnesses or notarization. You may want to consider flagging all signatures and initials with one color tab and flag documents requiring witnesses and/or notarization in another color. Once this process is complete, the client would drive to your office at an appointed time. Once they arrive, you (and one additional person to serve as the second witness) go out and watch them sign the remaining documents in their car with their own pen. They then hand you the documents out the window, you return to the office, you and the witness sign, and you affix your stamp. Extra precautions like gloves, masks, and disinfecting the papers can certainly be utilized, if deemed necessary.

Continued on next page

# Title Talk Florida

## Interim Solutions for RON Backlog *(Continued)*

### *RON Limitations*

Many people assumed when RON went into effect earlier this year and any notary could now watch the signatory sign a document via FaceTime and then simply add their signature once the document was mailed to them and back date the acknowledgment to the date the signatory signed. This is not authorized by Florida law and would be considered a defective acknowledgment in all states that currently have RON statutes.

Florida law requires that all documents with an acknowledgment be notarized either in person or by means of a RON specialized platform. These platforms provide the required credential analysis (confirm the driver's license or passport is real) and knowledge-based authentication questions in order to prove the identity of the signatory. They also provide the necessary record keeping, journaling, and tamper proof security necessary to preserve the integrity of the public records. All documents containing an acknowledgment (deeds, mortgages, etc.) must be either executed in person or with the assistance of a RON platform.

All of that said, the Supreme Court of Florida recently issued an order relaxing the requirements relating to execution of Affidavits. Please review our [March 24, 2020 Bulletin](#) regarding execution of affidavits.



# Title Talk Florida



## To Be or Not to Be a RON

Another thing to consider as you research RON service providers is whether you, personally, want to become licensed to perform remote online notarizations or if you just want the ability to be connected with a RON licensed professional. Some platforms provide you the ability to do both, others exclusively provide for the connection to a vendor to provide your RON services which may or may not be a Florida RON.

If you decided that you or someone within your organization would like to become licensed to become a Florida RON, please review the December 30, 2019, Underwriting Bulletin, to get a full list of the qualifications and requirements. You will note that a 2-hour RON course must be completed as part of your registration with the Department of State. While Old Republic will offer a course in the future, the FLTA has a course available now for a fee of \$20.00. [You can sign up here for the FLTA course.](#) Next you will need to reach out to a RON platform and begin the onboarding process. Many of our agents are using Pavaso, NotaryCam and Notarize. Finally, once you have obtained the necessary bond and E&O coverage you must fill out the Department of State's Application and pay the registration fee. [Here's the link to the State of Florida website for RON.](#)

# Title Talk Florida



## GAP Coverage

We are aware that many of our competitors are requiring additional affidavits, hold harmless and indemnity agreements relating to the potential delay in recording during this time. As you know, it is business as usual at ORT. We have always insured the gap and we will continue to do so. Our [March 19, 2020 Bulletin](#) provides additional information on the gap coverage.



# Title Talk Florida



## Essential Services

As cities and counties issue, and begin enforcement of, stay-home orders, ORT urges you to abide by all federal, state, and local guidelines. In the event that you must go into the office or attend an in-person closing during this time, the attached letter from the Department of Treasury classifies those persons “who are needed to process...financial transactions and services,” as essential and, thus permitted to leave their homes for business purposes. [Click here to obtain the Memorandum for Financial Services Sector.](#)

# Title Talk Florida



## Vendor Information

A list of approved vendors for your electronic closing needs can be found [here](#).