

PROPER DOCUMENT EXECUTION



Listed below are some of our company's best practices when it comes to document signing and execution:

- The Company prefers all documents to be signed in the presence of an employee. If this is not possible, a company-approved notary public will be assigned.
- It is acceptable for documents to be signed in the funding lender's office. The person acting as the notary needs to prove that they are an employee of the funding lender.
- Document signing can be conducted under the supervision of an actively licensed attorney. The attorney does not also have to serve as the commissioned notary.
- Approved title issuing agents are able to conduct signings and are regularly used for signings in remote areas of the country.
- If the signer requires a sign language translator, they need to select the party they trust to translate the documents otherwise the signer and notary can communicate via a Telecommunications Device for the Deaf (TDD).
- If the principal has no identification, their identity can be established under some states' notary statutes by the oaths of one or two credible witnesses. The notary public first must establish the identities of the credible witnesses by the presentation of paper identification documents.
- Settlement agents often close transactions involving principals who may be actively serving in the U.S. Military and stationed abroad. The principal's commanding officer can act as the notary.
- U.S. citizens and foreign nationals (anyone other than a citizen of the U.S.) who are outside the U.S. can have their closing documents acknowledged by a commissioned notary at a U.S. Embassy or Consulate.
- If the principal is located in a foreign country that is a member of the Hague Convention and has adopted the Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents, the principal can appear before any duly appointed notary and they will attach an Apostille as evidence of the acknowledgment.
- If the country where the principal is located is not a member of the Hague Convention or has not subscribed to the convention of 5 October 1961, the principals may go to a duly appointed notary public in that country and the notary will attach a Certificate of Acknowledgment which must be authenticated by a judge.
- If the signer is incarcerated, the prison should have a commissioned notary on-staff to conduct the signing with the prisoner.
- An attorney-in-fact cannot execute an occupancy affidavit nor re-direct proceeds to themselves.

To learn more about the notary laws in your State, consult with your local Chicago Title offices.

