

# ESCROW TIP

## NOTARY REQUIREMENTS

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### **ESCROW TIP: Notary requirements for our company and signing out of country.**

1. The notary needs a sponsor. An employee of the company who is willing to attest to the notary's work ethics and be responsible for all updates and communications with the notary. If their operations allow it, the employee will give the notary the application to complete. Some of the primary requirements are:
  - a. Annual background check through NNA (National Notary Association) or our Company's Sterling portal;
  - b. E&O insurance in the minimum amount of \$100,000.00;
  - c. Two years of notary experience;
  - d. Need to be independent from all parties, they cannot be approved if they are a licensed Real Estate agent, Mortgage broker, or works for a lender.
2. The package is then given to the Escrow Operations Manager (or county manager) to obtain 1099 approval and management approval by signing the completed Notary Approval Request form.
3. Once all the documents are completed then it is submitted to Field Compliance for final approval.

### **OUTSIDE OF USA**

#### **U.S. TERRITORIES**

American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands are all territories of the United States. Documents notarized in these territories do not require any additional steps be followed. However, since they are U.S. Territories the Company's Document Execution Guidelines, Underwriting Bulletin 2015-RC-04 apply just as they do in any state of the United States. The challenge is the Company does not have a list of approved notaries, direct operations or title issuing agents in these territories. Therefore, in most cases the only option is for a signer to have their documents notarized under the supervision of an actively licensed attorney where the signing occurs. The attorney does not have to be a commissioned notary, they just need to supervise the signing.

#### **MEMBERS OF THE US. MILITARY**

Members of the U.S. Military Service and their dependents stationed abroad may have their signatures notarized by certain commissioned officers pursuant to 10 U.S.C. 936 (Article 136 of the Uniform Code of Military Justice). A form of acknowledgement should be attached. It must include the rank and commission/serial number of the officer. No seal is required.

# ESCROW TIP

## NOTARY REQUIREMENTS *cont'd*

### ***U.S. CITIZENS AND FOREIGN NATIONALS***

U.S. citizens and foreign nationals (anyone other than a citizen of the U.S.) can have their closing documents acknowledged by a commissioned notary at a local U.S. Embassy or Consulate General. Consular officials can provide a service similar to the services of a notary public in the United States. They will notarize documents for U.S. citizens and foreign nationals if the services are in connection with the document(s) for use within the jurisdiction of the United States.

If going to the embassy or consulate is inconvenient there are other options. First it must be determined whether the country is a party to the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents. Documents issued in a Convention country which have been certified by a Convention certificate called an Apostille are entitled to recognition in any other Convention country without any further authentication. A list of countries which are a member of this convention can be found at [http://www.hcch.net/index\\_en.php](http://www.hcch.net/index_en.php). From the home page, select English. Open the drop-down menu under Members & Parties found on the top and select HCCH Members. A list of the countries appears alphabetically. Select the Country in question. Settlement agents must verify they are a party to the Convention of 5.

### ***In summary, to notarize your documents at the U.S. Embassy, you must:***

- **Make an appointment.** All services are provided by appointment only. Appointments are made online.
- Please bring with you **government-issued photo ID** such as your passport.
- **You must have filled-in the documents** with the appropriate names, places and dates (but don't sign it; you'll sign it at the Consulate in front of the Consular Officer);
- **Make sure you understand your documents** as the Consular Officer is not allowed to explain the contents for you.
- **You will typically pay a fee** at the Consulate of U.S. \$50.00 per notarial signature/stamp and a \$50.00 fee for each authentication service provided by a U.S. Embassy or Consulate abroad.

For more information and to obtain a listing of U.S. Embassies and Consular General offices please visit [www.usembassy.gov](http://www.usembassy.gov).