

Therese Corsones, Vermont Bar Association
4/3/2020
Emergency Remote Notarization

Hi Gail:

It's my understanding that Sen. White has asked Chris Winters to report on the Emergency Remote Notarization Rules and the Guidance that the Secretary of State's Office recently issued. She mentioned the three questions about the Emergency Rules that came up in Senate Judiciary: the 180 days' time limit; the 7-year retention rule for audio/visual recordings; and, whether title insurance will cover transactions that involve remote notarizations. Benj Deppman and Jim Knapp are co-chairs of the VBA Property Law Section, and are available on Friday at 1:30 p.m. to answer any questions about the practical application of the Emergency Rules. Benj Deppman is a partner at Deppman Law, PLC in Middlebury. His email is bdeppman@middlaw.com and his phone is 802-388-6337. Jim Knapp is State Counsel for First American Title Insurance Company. His email is jknapp@firstam.com and his phone is 802-764-3065.

We haven't made any proposals regarding electronic signatures; I think I was asked to come on Tuesday as a courtesy when the VLCT and the WRPC electronic signature proposals were addressed. The memo I sent Tuesday (attached here) briefly explains why the real estate practitioners are opposed to electronic signatures for real estate transactions. They feel that the remote notarization rules provide a suitable vehicle for accomplishing real estate transactions during the COVID-19 crisis. The memo explains the other reasons why they believe electronic signatures wouldn't be feasible for real estate transactions, otherwise. Jim Knapp can answer any questions about the memo or electronic signatures regarding real estate transactions.

I'm sorry for a longer email, but wanted to clarify that Benj, Jim and I are very familiar with the Emergency Remote Notarization Rules (Chris Winters has been very good about involving us in the process), but we do not have any proposals regarding electronic signatures. We'll look forward to getting the zoom invitation for Friday at 1:30 p.m. Thanks, Gail!

Teri