

President  
Michael C. Savas, CTIP



Executive Vice President & CEO  
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April 9, 2020

The Honorable Greg Abbott  
Office of the Governor of Texas  
P.O. Box 12428  
Austin, Texas 78711-2428

Dear Governor Abbott:

The Texas Land Title Association (TLTA) continues to applaud your leadership during this unprecedented COVID-19 response. You and your staff are devoting many hours of hard work and sacrifice for the health of Texans and Texas, and we remain extremely grateful.

TLTA is a statewide trade association that represents the Texas title insurance industry and the 15,000 professionals who work for the safe and efficient transfer of real estate. Our membership comprises over 85 percent of all title insurance agents and underwriters licensed to do business in Texas with active members in 253 of 254 Texas counties.

We witnessed and appreciate your executive order pertaining to certain notarial acts, including executing a self-proved will, a durable power of attorney, a medical power of attorney, a directive to physician, or an oath of an executor, administrator, or guardian.

We appreciate your restraint in not expanding the approaches contained in that particular order to other notarial acts, including those involving real estate transactions. Real estate transactions are distinct and require a different treatment.

We do believe, however, that real estate transactions can be safely conducted by “remote witnessing” of signatures through contemporaneous audio-visual communication, but certain guidelines should be included in any order allowing for this method.

We further recognize that in the context of the COVID-19 crisis there is an acute need for a temporary accommodation allowing for remote transactions beyond our existing Remote Online Notary (RON) statute.

Therefore, we respectfully request that you issue an order allowing for remote witnessing of real estate related notarizations and include the attached elements and features in your order. The elements and features attached to this letter are designed to maximize the integrity of the process while still accommodating the practical realities facing Texans at this time.

The key features of our proposed proclamation include:

1. Allowing for the definition of “personal appearance” or “personally appear” to include the Notary remotely witnessing the signing of documents through use of two-way audio-video communication technology;

2. Requiring the Notary to subsequently affix the official Notarial stamp on the signed original document containing the “wet signature(s)”;
3. Requiring the Notary to record and store the audio-visual communication;
4. Limiting the duration of the order and tying the order to the “stay at home” orders (vs. a broader State of Emergency period); and
5. Requiring a statement on the acknowledgement that the notarization involved the use of a two-way audio-video communication.

TLTA believes these elements will greatly enhance the security of these transactions while accommodating the safety needs of title professionals and the public during this unprecedented time.

We note that Texas’s current RON statute creates a safe and consistent approach whereby an online Notary can electronically sign documents. Texas was one of the first states in the country to adopt RON laws, and our state’s statute has become the model for the nation. We do not view this short-term accommodation as being either in conflict with or a long-term replacement for the statutory RON framework. As technologies such as “e-notes” and “e-mortgages” become more commonplace, we anticipate that the existing RON statute will become a cornerstone of our real estate transactions in a more digital world. The RON statute contains important safety elements for the digital context that are distinct from the problems addressed by allowing for “remote witnessing” of traditional notarizations in the context of a state emergency.

Our industry members with great creativity continue to implement protocols at their business locations to maximize the health of the community while meeting the needs of consumers. This accommodation will no doubt enhance our ability to serve the public with great efficiency and safety.

Thank you for your consideration and assistance.

Respectfully,



Michael C. Savas, CTIP  
President