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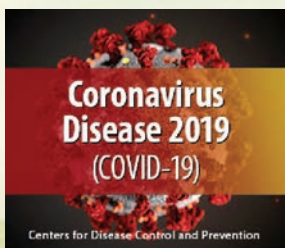
## Esignature Documents & Notarization:

Drafting  
Consideration for  
EClosing Real Estate  
Transaction



FLOWERS DAVIS

## Paper to Electronic



# eClosing: Part of the Digital Mortgage Process

| In-Person Electronic Notarization | Hybrid Signing & Notarization  | Remote Online Notarization | Remote Ink Signed Notarization |
|-----------------------------------|--------------------------------|----------------------------|--------------------------------|
| Where? In Person                  | Where? Remote or In-Person     | Where? Remote              | Where? Remote                  |
| Signature? Electronic             | Signature? Ink or Electronic   | Signature? Electronic      | Signature? Ink                 |
| Notary? Electronic                | Notary? Ink or Electronic      | Notary? Electronic         | Notary? Ink                    |
| Documents? Electronic             | Documents? Electronic or paper | Documents? Electronic      | Documents? Paper               |

## E-Sign

(Electronic Signatures in Global and National Commerce Act)

15 U.S.C. §§ 7001-7031

Federal Law  
enacted  
in 2000.

Affects people doing business  
electronically in all 50 states.



Parties must consent  
to doing business  
electronically.



Not applicable to:

- × Wills, codicils, and trusts;
- × Adoption, and family law matters; and
- × Uniform Commercial Code.



# UETA

## Uniform Electronic Transactions Act

Permits transaction of business electronically and ability to contract via an electronic signature.

Enacted  
in 2000.



Parties must consent  
to doing business  
electronically.

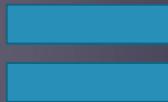


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- × Wills, codicils, and trusts; and
- × Uniform Commercial Code.

# UETA

## Uniform Electronic Transaction Act



A signature will not be denied legal effect or enforceability solely because it is electronic.

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## Title search: Esignature Documents & Notarization: Drafting Consideration for EClosing Real Estate Transaction

Also available as part of the eCourse

[2020 Hot Topics in Mortgage Lending and Servicing: Escrow and Title Theft; Workout Documentation; LIBOR and More](#)

First appeared as part of the conference materials for the  
54<sup>th</sup> Annual William W. Gibson, Jr. Mortgage Lending and Servicing Institute session  
"SB 2128 Electronic Execution and Recording Documents"