



ADVOCATE

The Official Publication
of the New Jersey
Land Title Association

A Tale of Two Notaries

By: Dawn Lagowski and Ryan Trought

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the season of light, it was the season of darkness, it was the spring of despair, it was the winter of hope, we had everything before us, we had nothing before us, we were all going direct to closing heaven, we were all going direct the other way. Our apologies to Charles Dickens, but that eloquently describes the last 21 months in the title industry.

In a parking lot in New Brunswick, we had a buyer with an easy closing, and a title agent with a grimacing face; we also saw a buyer with a complex closing and a title agent with a content face, online in an office in Newark. In both closings,

it was clear that the closing process has changed.

As an Agent in the title industry, change is always nerve-racking. We finally get ourselves used to something and then we must pivot and learn something we already know but learn to function differently.

Do you remember a time when you would call in a search to a county searcher? Do you recall ordering judgment searches the night before so they would be in by the next morning (lest we forget setting up the feed paper for them to print on), or mailing checks to the tax office and assessment office? Now look at us, we push a button in a system we choose, order the searches and they are delivered back to our software, sometimes within minutes. No paper, no filing.

Change may be challenging, but the rewards are there.

We are now tasked with learning something new again, this time we all need to embrace technology and the advent of RON, Remote Online Notarization. The lenders want it and have the potential depths to embrace it. The younger generation buying homes, they want it. We cannot hold up progress. We too must want it and embrace it. The time to dive in is now.

We were introduced to notions of Remote Online Notarization (RON) and Remote Ink Notarization (RIN) in the 2020 Summer Edition of *Advocate*. At that time, the "What Have We Learned" article described it as "[an] incomplete and not very helpful solution [that will] disappear as soon as the governor decides not to renew the emergency

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A Tale of Two Notaries

continuation from cover

order creating the state of emergency for COVID-19 every 30 days.” Well, here we are, over a year later with the emergency legislation void and to paraphrase another 19th century author, the time has come to talk of many things: of RON, and RIN, and Notary Seals, of Continuing Ed, and things, and why the underwriters are writing bulletins, and whether pigs have wings.

On July 20, 2021, Governor Murphy signed A4250 into law (P.L. 2021, c. 179) revising The Notaries Public Act of 1979, which is known as the New Jersey Law on Notarial Acts, effective October 20, 2021, codified as NJSA 52:7-10 et seq. The law covers a number of issues, which we will explain here, but those of particular interest to the title industry are RON and RIN.

Let’s break it down for us as an agent. First, we need to start identifying a platform or multiple platforms we want to work in and make sure our in-house notaries and sub-contractors are trained to do closings in that system. It is a critical first step. You will need an electronic stamp, separate from the one you carry to a closing today. You are urged to investigate those options that are out there, as there are many. You also need to read and get familiar with the new Bill A-4250/S-2508 so that you understand the requirements you are bound to as a notary.

Using RON and RIN, a *Notarial Officer* (notary public, attorney, etc.) may perform a notarial act for a *remotely located individual* (one who is not in the presence of the notarial officer performing the notarial act) using *communications technology* (an electronic devise or process that allows for communication with each other simultaneously by sight and sound and facilitates communication with one who has a vision, hearing or speech impairment). The notarization of Wills and codicils are specifically excluded from the law.

There is one main distinction between RON and RIN: paper. With RIN, there will still be a lot of paper, which means that there will still be ink. The documents can still be touched, they are tangible. You can still use your favorite fountain or

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quill pen to acknowledge. Communications technology is used to witness the act traditionally done in person. With RON, everything is electronic; there is no need for paper or ink. The entire process can be completed using the computer.

To use RIN, a notarial officer must have personal knowledge of the identity of the signor; or obtained evidence of the signor’s identity through production of a driver’s license, passport or other government issued identification with signature and photo using communications technology; or obtained evidence of the signor’s identity using two different types of *identity proofing* (process or service by which a third person provides a means to verify the identity by a review of persons information from public or private data sources). The notarial officer must have access to review copies of the documents to be signed to reasonably confirm that the documents the signor is executing are one and the same, and the signor must show the documents being signed to the notarial officer. The notarial officer must also create

an audio-visual recording of the notarial act, and if the remotely located individual is outside the United States, they must confirm that the document relates to a matter subject to the jurisdiction of the United States, or property within the territorial United States, and the notarial act is not prohibited by the jurisdiction local to the signatory.

The signor must then execute a declaration, under pain of perjury, confirming that the document signed is the same one that the notarial officer witnessed being executed via communication technology. The documents must then be sent to the notarial officer within three days of the video conference, at which time the notarial officer will execute the acknowledgement which must reference that the notarial act was performed using communications technology. The recording of the RIN session will need to be preserved for ten years by the notarial officer (including their guardians, conservators, executors, or administrators).

A Tale of Two Notaries...cont. on page 18



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President's Message



By: Dawn A. Lagowski, NJLTA President

I want to first thank every past NJLTA board member for the guidance and leadership to get to this moment and place in time. Each one of you has provided me insight throughout my years and I am blessed to know all of you. Without you, I would not be honored to lead this great association which includes many wonderful past influential people, the current tireless owners and workers of agencies, our amazing underwriters, and the very supportive vendors.

I want to extend my personal thanks to Cindy Mills for her amazing work as president. She served in a whole new arena, a pandemic, and she did so with grace and style. Never a complaint, just steadfast leadership. We are grateful to have had you during that time.

We all come into this role with hopes, dreams, and goals. My hope is that when I leave the leadership role, the association is stronger. Stronger can be in numbers, stronger can be in how we

think, stronger can be in how we accept the changes we are faced with each day. My hope is that we are stronger in all those ways and more.

This association offers so many opportunities to be a better title person by joining committees, taking an active part in the decision making, taking the classes to hone your knowledge and skill as a title professional. And there it is, the infamous word, Professional. We are all Professionals. When we offer the best we can do, regardless of the obstacles, when we treat not only customers with respect, but our co-workers, our competitors, our family, we show the true side of what we strive for. The NJLTA provides tools and friendships to help you be all you can be. Join a committee, make your voice heard for the greater good of those that will come after us. Help foster our industry by recruiting and teaching young people what a rewarding career being a "title person" can be.

I ask each of you that works in this industry, that you find your way to being a part of the NJLTA and don't just be a

person that gets credits. We as an association need to lead ourselves into the future, with all the uncertainties ahead, such as wire fraud, online notarization, remote working, and constantly changing laws, like Daniel's Law. We all need knowledge, and we are tasked with learning it and with teaching it for the future. We must find the right talent that wants to learn and wants to be a voice for our industry. Ask yourself, what qualities do I have that could benefit the association? Where can I make a difference? I promise you, getting involved takes time and commitment, but the rewards and knowledge you will bring to your office, your staff, and future leaders of the NJLTA will be invaluable.

I hope to see you at the next board meeting and Agency Section meeting. Everyone is invited. Make time to be all you can be. Make a commitment to be an active member. Make time so you can tell others when asked what you do..." I am a Title Professional" and I am proud of the work we do to ensure the American Dream of home ownership. ■



NJLTA Awards Dinner

By: Lisa Aubrey and Jana Segarra

On September 23, 2021, members of the New Jersey Land Title Association 'NJLTA' gathered at Forsgate Country Club in Monroe, New Jersey for an awards dinner to celebrate the hard work and dedication of some special members and their service to the title insurance industry in New Jersey. Due to the COVID-19 pandemic, the NJLTA was unable to hold the past two year's annual convention, where traditionally these awards would have been granted at the President's Gala. So, it seemed only fitting that the award recipients should be given an evening to be honored.

It was refreshing and heartwarming to meet again in person and it was apparent that attendees were happy to enjoy the camaraderie of their colleagues,

in addition to the lovely buffet dinner and open bar. Current president Dawn Lagowski presided over the ceremonies and quickly acknowledged in her introduction that while the dinner might not make up for the loss of two full conventions, the Awards Dinner was sure to make for an unconventional and enjoyable evening. Dawn started by introducing and recognizing past NJLTA president Jason Dombrowski, from 2019-2020. Jason awarded Maureen Crowley-Unsinn the honorary 2019 President's Award for her many years of service to the industry, especially for all her hard work on countless conventions. Jason also took the time to thank Dawn and Louise Haas, for all their efforts in trying to bring an in-person convention

together. Next, it was time for the current First Vice President, Jack Sudol, to introduce the immediate past president, Cindy Mills, who served for the 2020-2021 term. Cindy joked about serving in a Zoom world and said she was "sorry that she lost out on the opportunity to bang the gavel at the end of [the in-person] meetings". It was then Cindy's turn to bestow the honorary 2020 President's Award, which went to none other than industry veteran, Dave E. Ewan. David graciously accepted the award and quoted Bob Dylan's saying, **"A man is a success if he gets up in the morning and gets to bed at night, and in between he does what he wants to do."** Finally, to round out the awards, Lisa Dombrowski, as current Chair of



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the Agency Section Management Board, recognized Peter Casey Wall for his service as Chair of the Agency Section Management Board for 2018-2020 term.

While we were not able to enjoy the traditional NJLTA conventions for the past two years, this awards dinner, and those who attended, felt a little bit more like normal...whatever that means these days for you.

For those who were unable to attend, we thought we would share a few other 'industry friends' perspective on the evening:

"We are a small collegial industry. We are friendly competitors who treat each other with mutual respect. I think we all missed not getting together at the annual convention the past couple years. It was good to see some people I have not in a while, and to acknowledge and recognize several people who lead the NJLTA during challenging times."

Richard A. Wilson, CTP
Senior Vice President

"It was wonderful to see so many old friends and familiar faces after such a long spell, and certainly worth the price

of admission to hear many touching and funny speeches from some of our industry all stars. While it didn't make up for the loss of two full conventions, as outgoing President Dawn Lagowski said, it was a successful unConventional evening."

Patrick T. Roe
General Manager
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Until we see you again! ■

Jana and Lisa

By: George A. Stickel, Esq., C.T.P.

For the Winter 2020 issue of *Advocate I* authored an article entitled: “Just Plain Wrong” which set forth oddities reflected on the public record. After that article was published, I found more items I thought might be of interest. So, here are some new little beauties.

First is a metes and bounds description from a 1964 deed for lands in Phillipsburg, Warren County, containing a third course which runs, **“thence, passing through a toilet, North 57 degrees 34 minutes East 4.25 feet to a point.”** This raises so many questions. Was the toilet in a building? Was it connected or was it just an old toilet out in the woods which served as a monument? The deed includes the following recital: “The above-described lot has an easement on the premises due to the use of a sewer

Smith Trust and Lillian Price, as Trustee of the Lillian Price Trust, as Tenants in Common.

A deed for property in Jamesburg recorded in Middlesex County on March 8, 1996, contains the following recital: **“This is a corrective Deed. The original Deed should have been filed 5-10-92. Lawyer was convicted and put in jail. Therefore, no documents were filed in a timely fashion.”** No wonder the title policy was late.

A single letter can make a big difference, as illustrated in the following recital: **“Josephine Collins and Mary Collins are the surviving heirs at law and next of kin of Julia Collins, widow, who died interstate on October 16, 1963...”**

Sadly, in reviewing older deeds we often realize that racial prejudice ran deep in

request for Plaintiff to reimburse the sum of \$95.00 for boots Plaintiff wrongfully took from Defendant and then sold is denied without prejudice pending final hearing. Defendant’s request for Plaintiff to return to the Defendant the grill Plaintiff wrongfully removed from the former marital home on March 5, 1999, is denied without prejudice pending final hearing. Defendant’s request for Plaintiff to reimburse Defendant the sum of \$139.72 representing telephone charges of the Plaintiff to the Psychic Hotline is denied without prejudice pending final hearing.” I trust the Psychic Hotline foresaw trouble in the marriage.

Similarly, a postnuptial property agreement recorded as a deed in Middlesex County contains this provision: **“The**

JUST PLAIN WRONG

and water pipes which said pipes are also used by the owner or tenant of said premises.” What does that mean? Is the toilet also shared?

There is a mortgage recorded in the Middlesex County Clerk’s Office showing the borrowers as **“Stephan Jones DDS and Venis Jones MD.”** The mortgage was originally indexed with the last names as DDS and MD, until caught and corrected; but I question why the preparer of the instrument felt it necessary to include the professional designations of the borrowers. Just call me George Esq.

Similarly, also in Middlesex County, a deed was recorded where the grantees were set forth as follows: **“Sarah Smith Trust and Lillian Price Trust, as Tenants in Common.”** You guessed it! The deed was indexed using the last name Trust. It would have been so much easier if the deed had been prepared showing the real intention. Title was to be held by Sarah Smith, as Trustee of the Sarah

New Jersey. There also existed ethnic exclusion such as the following from a 1911 Somerset County Deed for property in Bernards Township. After the usual residential restrictions, the scrivener included the following language: **“... nor shall said party of the second part, his heirs, executors, administrators or assigns convey or lease or allow said premises to be owned or inhabited by Italians or Hungarians.”** As you know, by virtue of the Federal Fair Housing Act any such restriction based upon race, color, religion, sex, handicap, familial status or national origin is unenforceable. Also, it is just plain wrong. The public land records on occasion reveal personal dirty laundry. A court order regarding an apparently nasty divorce was recorded in a Mortgage Book in the Middlesex County Clerk’s Office. The Order was recorded to confirm a \$5,000. lien on the subject lands covering the wife’s unpaid attorney fees. But the Order also contained the following provisions: **“Defendant’s**

parties have encountered difficulties in their marriage, specifically, Husband has been involved in an extramarital affair. In exchange for the covenants below, Wife has agreed to remain in the marriage and to attempt reconciliation with Husband.” The instrument then conveys the marital home to the wife. There is also a Schedule B consisting of two pages of hand-written personal property inventory of each room in the house, including estimated value of each item, all of which were to become the exclusive property of the wife. The 80 items included a \$20 wall clock, \$15 bathroom scale, \$200 rice steamer, and \$20 toaster. I sincerely hope the couple was able to work through their differences, although I doubt it. Rather than a lawyer, they should have hired Dr. Phil.

For soap opera fans, I offer Article Two from the Last Will and Testament of Nunzio Donato as probated in Monmouth County. **“I hereby give, devise and bequeath the following special**

gifts: One hundred dollars (\$100.00) to my estranged wife, Irene Donato; One hundred dollars (\$100.00) to my son, Cosmo Donato; One hundred dollars (\$100.00) to my son Vincent Donato. I make these minimal devises because I have had no contact with my wife or two sons for over thirty years. I was living with my beloved Mary D. Leone in New Jersey for a few years before meeting a woman named Irene (I do not remember her maiden name) in Centerville, Georgia, who became pregnant. Thereafter and although living with Mary D. Leone in New Jersey, I received the news of the birth of a son to Irene in Georgia, and I returned to Georgia and married Irene. I did not remain with Irene Donato but returned to New Jersey. A couple of years later, upon an offer by Irene Donato to



AGAIN

see my son, I visited Georgia and my second son was conceived. I have had little or no contact with my 'wife and two sons' since then. I have lived with Mary D. Leone for over thirty-seven years to this date (before and after my Georgia marriage to Irene Donato)."

Article Three of the Will goes on to bequeath the remainder of the estate to Mary D. Leone. Be sure to tune in again tomorrow for the further adventures of Nunzio Donato.

I recommend for your leisurely reading a certain Quitclaim Deed recorded in the Middlesex County Clerk's Office on July 8, 1994, in Deed Book 4163 page 516 consisting of 24 pages. There is so much going on in this deed I challenge you to explain it to me.

And finally, there is an instrument recorded in Middlesex County Deed Book 3046 page 449 entitled Deed of Trust Vow of Poverty. The intention appears to be a conveyance to a particular Order and Chapter of the Life Science Church

for all of Grantor's possessions, "real, personal and otherwise". This document is a real work of art. Apparently, this was a tax evasion scheme, quite popular in the 1970's and 80's and investigated by Rudolph Giuliani when he was U.S. Attorney for the Southern District of New York. Whatever happened to that guy?

Lastly, while not so much wrong, but rather coincidental, I happen to have in my collection an Essex County deed recorded on 8-18-25 in Book 818-25. ■

George A. Stickel, Esq., C.T.P. is a Third Generation, 45-year veteran of the title industry, now retired. George is a Past-President and Honorary Member of the New Jersey Land Title Association and a contributing writer for Advocate.

All the information in this article is based upon fact. Last names have been changed in the interest of privacy. Opinions expressed are those of the author alone, who is entitled to, and stuck with them.

NJLTA LEGISLATIVE UPDATE



LEGISLATIVE REPORT

By: Edward C. Eastman, Jr.,
Executive Director

NOTARIAL ACTS PERFORMED BY REMOTELY LOCATED INDIVIDUAL

N.J.S.A. 52:7-10.10

P.L. 2021, c179.

Effective October 20, 2021, the Legislature has approved notarial acts performed by remotely located individuals, which includes the following provisions:

1. the notary must utilize an electronic device that allows the notary and a remotely located individual to communicate with each other simultaneously.
2. the notary must either have personal knowledge of the identity of the individual or has satisfactory



evidence of the individual's identity by using at least two different types of identity proofing.

3. the notary is required to create an audio-visual recording of the performance of the notary's act.

The law does not apply to a record to the extent it is governed by a law governing the creation and execution of Wills and Codicils.

Upon receipt of the record and the individual's record, the notary must issue a certificate substantially as follows:

I [name of notary] witnessed by means of communication technology [name of remotely located individual] sign the attached record and declaration on [date].

If the state treasurer establishes standards or adopts rules and regulations pursuant to the Administrative Procedure Act, then the notary must comply with same. ■

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Agency Section Update

By: Lisa Dombrowski, 2020-2022 Chair

Being a member of the New Jersey Land Title Association ["NJLTA"] provides many opportunities to meet and engage with peers and colleagues who share the same trials and tribulations that we title industry professionals face on a daily basis. Trade associations are made up of people who share similar challenges and opportunities. This to me is the most important benefit of being involved in the NJLTA.

The NJLTA offers many committees that members can join. For example: the Legislative Committee, Technology Committee, and the Convention Committee. Please consider joining a committee; our involvement in our professional association will only benefit your business.

Why am I pointing out the benefits of
Agency Section Update...cont. on page 13



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Agency Section Update

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being a NJLTA member? Unfortunately, our last agency section meeting, which was to be held via Zoom, was not conducted as an official meeting because we did not have enough members in attendance to make quorum. I cannot stress enough the importance of attending these meetings. These meetings provide agents a chance to discuss issues impacting our businesses as well as inform us as to any upcoming laws/rules that will affect our businesses. I am sure being actively involved in the NJLTA will help make your business successful day in and day out.

Most of the title agents in NJ are small businesses, and as a small business owner you want to continually grow yourself and your team. I already mentioned the value it brings by expanding your network with like-minded professionals. Here are a few other points on being active in the NJLTA:

- If you are a veteran member, please

consider mentoring a new member. We have a wide variety of talent in the NJ title industry. No matter where you are in this industry, someone can learn from you.

- Join one of our committees. The knowledge you gain from discussions will make you a stronger business owner.
- Joining the NJLTA will help your reputation in the title industry.
- Our legislative committee regularly lobbies the government on our behalf. Advocating for our industry is important as we all share common issues that impact how we do business.
- Keep up with the Joneses! Keep your finger on the pulse of what is going on. Things are constantly changing. Being an active member helps you stay on top of the emerging trends and keep up to date on key information.
- Find new opportunities for your business. Being active can help open the door to professional development

opportunities for your business by meeting new people and building stronger relationships with our vendors and our underwriters.

Moving forward, I ask you to make the time to join our next meeting. The meeting dates and times are listed on our website. If you are unable to attend, perhaps you can ask a team member to attend in your place and share any issues or concerns that your office might be facing. I also challenge you to make the time to attend the annual convention. It is always a great time! The 2022 convention is being held right here in New Jersey! Hope to see you all at our next meeting! ■



2022 Convention Update: An OCEAN VIEW



By: Peter Casey Wall, Convention Committee Chair

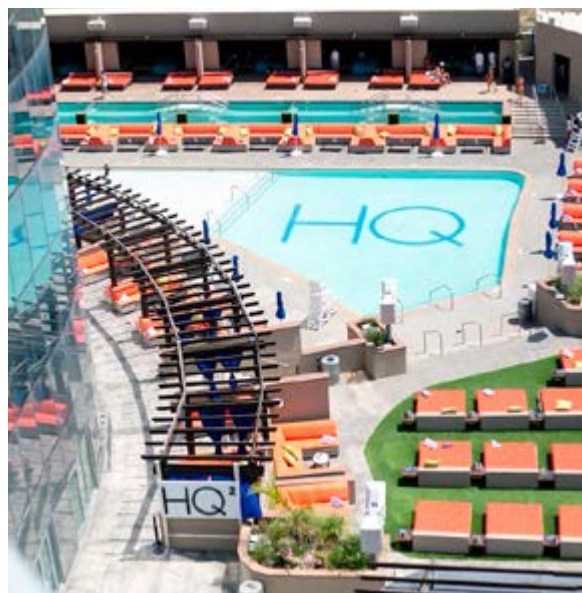
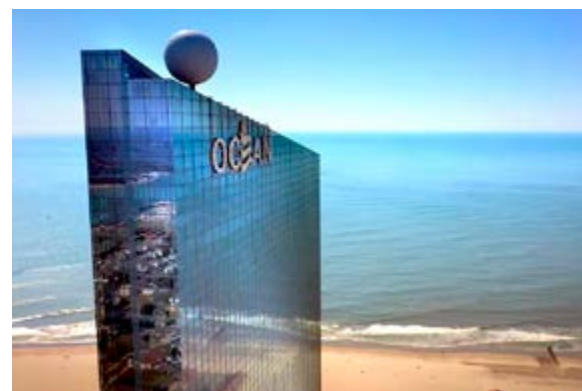
We are moving forward with a return to an in-person convention, the first since the COVID-19 pandemic forced us to cancel two consecutive conventions. For various reasons that probably don't require further explanation, the committee has opted to keep the convention in our home state. We have chosen the Ocean Casino Resort ["Ocean"] in Atlantic City as the site location and the convention will run from Sunday

June 12th to Tuesday June 14th, 2022.

I am not much of a gambler, and in all honesty, I don't remember the last time that I visited Atlantic City for leisure prior to scouting some locations for this event. I had no idea what the Ocean was all about, so if there's anyone out there like me, I'd like to share what I've learned with you here.

Ocean Casino Resort is the newest casino resort in Atlantic City and currently

one of the most popular. Originally opened in 2012 as Revel, the casino had a troubled beginning. Revel never met its expectations, struggled to pay back its debts, and ultimately filed for Bankruptcy in 2013. Revel officially closed in September of 2014. The casino was sold to other investors and struggled to reopen thereafter under both the names Revel and its subsequent name TEN Atlantic City. Sales to AC Ocean Walk and Luxor Capital



Group LP ultimately resulted in the renaming of Ocean Casino Resort in 2018, and a shifting of emphasis to its casino operation.

On our visits to Ocean and conversations with their team, we learned that since the pandemic restrictions on casinos were relaxed, demand for entertainment and rooms has been very strong and the casino is experiencing business that exceeds their pre-pandemic levels; very good news for the resort, and

for Atlantic City in general.

I think this emergence from adversity into success is a great Garden State story and a fitting thing for us all to celebrate as well. I am excited to see all of our colleagues joined together in celebration, education, and fellowship this upcoming summer, and I hope you are too, dear reader.

FUN FACTS:

- Ocean Casino Resort is the tallest structure in Atlantic City, and the fourth tallest in the State of New Jersey at 710 feet.
- Ocean is the second tallest casino tower in the United States!
- Every room has an ocean view with floor-to-ceiling windows making for spectacular panoramic views. ■



Partnerships Reframed



Almost two years ago, we began our journey in becoming the premier title services company. We knew in order to achieve that goal, and to become a better partner for our agents, we needed to make a few changes.

We have a new outlook on moving forward. We listened to the needs of our agents, and focused on finding opportunities to improve the way we serve you. We've developed better, more efficient solutions – investing in our technology integrations, partnerships and platforms that help streamline the transaction process. We've made strategic acquisitions that enhance our search capabilities, claims processing, and products and offerings. And we've taken the necessary steps to make it easier for our partners to do business with us.

As our steps have transformed into strides, we look forward to using the momentum we've gained in 2021 to continue moving full speed ahead. We are not stopping. We're well on our journey to become the premier title services company. Count on us to keep pushing ourselves so we can succeed together. This is the new Stewart. Redefined and moving ahead.

Contact us today.



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Agent Perspective

By: Scott Rutkay, President – Concourse Land Transfer

Explanations exist; they have existed for all time; there is always a well-known solution to every human problem - neat, plausible, and wrong – H.L. Mencken.

I am on the phone with a borrower and it's starting to occur to me that my job isn't exactly what people think it is. Title insurance for most people, even people in the mortgage industry, even for some realtors and few attorneys, is black magic voodoo. The whole job is shrouded in mystery. I have been described, when a problem situation comes up, as the angel of death for deals. A call from me means that something has gone horribly wrong. So wrong that someone walks into my office, says, Scott, can you give the loan officer a call? The Smith file has some issues.

Issues, in my office, is a very nice way of saying that a file has gone wildly out of control. I'm in the triage business, like an emergency room. I assess what's wrong and deploy people to work out the problems. However, sometimes the solution requires a specialist. What I specialize in is communication. Getting the facts quickly to my clients and figuring out how to solve the issue at hand is potentially what separates me from over 700 other owners in the state doing the same thing I do every day.

I've been on the lending side, managing a closing department closing around 1,000 loans a month having to deal with the other title insurance agencies/companies out there. Invariably, the day of closing, something comes up. Something that could have been handled days, maybe weeks before, but wasn't, which stops the loan from closing.

Empty apologies are thrown around a lot in this business. I heard every excuse from every title company we used back then. Had we only paid more attention, had we let you know sooner, this wouldn't have happened. We're sure that we have tightened up our processes, and it won't happen again. But sure as I was

sitting there, face getting hot with rage, it will, and it did, time after time after time, transaction after transaction.

Those experiences taught me a lot about what separates a good title company from one that struggles with their clients. We're all selling the same product. My title policies aren't better than any others. I use the same underwriters as others, the same software, the same searchers, but for me, the biggest difference is what happens when there's a problem.



Clients call me all the time and ask if they can run a scenario past me. You're not the title company the borrower is using but is it okay if we tell you what's going on. I've had relationships with some of my clients for 15 years - of course they can ask me. Title company X is doing Y and is really screwing up this deal. Most often this is a fundamental misunderstanding of the process. Most of the time, title company X isn't bad. They're doing a different function than a lender - they're selling insurance, not lending money, and those tasks, as connected as they are, don't always align.

Most often, had the title company brought up concerns earlier, this phone call wouldn't occur. Let's assume a refinance commitment can be completed in two to three days, a purchase in four to five for a single-family home. Most title companies will be waiting days, possibly weeks for the lender to get it to the finish line. My best client closes a loan roughly 36 days after they take the application. That means that, on average, we have around 32 days to identify any issue that a file has, let the client know what needs to be done to solve the issue, and get the

loan closed. What benefit is there, for us, or for them, to bring up issues days before the closing?

Worst of all, solutions are not always instant. Sure, we can order most payoffs instantly, we can call tax collectors and get a quick answer, call sellers' attorneys to find out if a septic inspection has been ordered. Those are all easy. What happens when we find an old mortgage from a long-closed bank? How about a sewage easement the seller forgot about, that only appeared on a survey delivered a day before closing? How about when we find out that the seller is married, but the husband moved out years ago, left the country and no one knows how to contact them? How do we tell the attorneys, the realtors, the mortgage company that a question we raised about a month ago, which they've done nothing but ignore, are holding everything up?

Most of the real estate business is a business of speed. Title insurance is a business of accuracy. Speed vs. accuracy, that's the business in a nutshell. Our struggle to make sense of those two concepts, often at odds, is what separates success and failure in this business, and it's something that I think about a lot. It's certainly one of the most important things I discuss with my staff.

Oftentimes they look at things differently than I do. They are the ones on the phones with clients. They're on the front lines, they're the ones getting screamed at all day. Where's the wire? Has the subordination been recorded? What do you mean that you didn't terminate the UCC yet? All of those questions could be on one transaction. They tend to align with the speed camp. Not that they don't want to be accurate - of course they do - but for the people that they interact with all day, speed is king.

However, what's most important to me is that we're accurate, early. That mimics speed. If we are able to give our clients exactly what they need, long before they know they need it, we're doing our job. If we're able to get everything set without anyone having to check up on us, we're doing a great job, and no longer angels of death. Selfishly, it would mean less calls I would have to make, and that's fine by me. ■

A Tale of Two Notaries

continuation from page 3



To use RON, all of the same rules apply. But as mentioned before, there should be no paper; all the documents will be electronic only. There should also be no ink; all the documents will be executed electronically with an electronic signature. To be able to do this, the notarial officer will subscribe to and use tamper-evident technology to perform the notarial act. Through the chosen portal, documents will be reviewed, signed and acknowledged.

RIN and RON may be used regardless of whether the signors are located in the state. A notarial act using RIN is considered a notarial act performed in New Jersey under the law. However, the various underwriters may impose additional underwriting requirements or restrictions using RIN and RON.

Now, don't just start RINning and RONning around acknowledging documents. Before a notarial officer can perform their first RON or RIN closing, they must notify the State Treasurer that they will do so and what technology will be used for communication, identity proofing and/or temper-evident technology.

The tools at our disposal to conduct closings has changed, but that is not the only thing the legislature had up its sleeves.

Some of the main changes are: You must use your stamp, no handwriting of missing notary information is allowed; You will need to complete an approved class to renew your License; You need to keep a journal unless your work falls under the category of title insurance and the work

you do will be kept as part of the title file records; It further requires the journal to be a bound book with consecutively numbered lines and pages with specific criteria to be noted; The journal must be kept for 10 years; The allowable fees may change that can be charged, pending the state treasurer's updated guidelines not yet set forth. This just touches on some of the most important changes of which you should be aware. I urge you read the Bill, talk to your underwriters. Each underwriter will have their own requirements of when you can use RON. Lest we not forget, you must confirm the county clerk/register will record the documents you present.

Moving on from there, you must consider the change in the closing process. Who is initiating the request? Who is the keeper of the recording of the closing? Who is communicating with the buyers and their attorney's or realtors, depending which section of the state you

service? You will need to be certain the buyers have the correct tools to accept a remote closing, as well as their attorney that more than likely will want to be present in the remote closing room. The new law provides many changes, but it also provides you a chance to capitalize on the change with your customers. Be the one that goes out and talks to them and explains the new processes. Talk to them about the part you will play as the title agent, closing agent/notary and they can play as the Buyers Counsel. Do you know you can no longer hand write your notary information on a document; it must have your stamp? Do you know next year you will need to take a class to renew your Notary License? That aspect of the Bill goes into effect next July.

Our old path is rapidly aging. Get comfortable with the new ways. Allow your mind to accept the new. For as stated by Bob Dylan "for the times, they are a-changin'," and we get to set the course of change in how well we accept the change and implement it amongst our industry at large. ■



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ALTA

Advocacy Update

Fall 2021

By: David Penque

The American Land Title Association keeps us up-to-date with the ever-changing events and articles affecting our industry. Here are some of the news items that were found most relevant over the last quarter. Join the association today by going to <http://www.alta.org/membership/> and become a part of ALTA. Articles compiled by David E. Penque, First Jersey Title Services Inc.

Consumers Call Remote Online Notarization Process Safe, Secure

August 5, 2021

<https://tinyurl.com/278zz8r4>

According to a survey issued by ALTA member company Champion Title, 97% of consumers who closed on transactions in Virginia using RON said the process was safe and secure. Additionally, 95% said they would recommend the

RON process to others. Read on.

Need to Hire? Utilize ALTA's Sample Job Descriptions and Advertisements

August 17, 2021

<https://www.alta.org/human-resources/>

The housing market continues to churn along at historic levels. Maybe you need to add to your staff but don't have time to develop job descriptions and summaries. ALTA has you covered and provides information for more than 30 positions in its Human Resources Library. The descriptions include job summaries, as well as suggested duties and responsibilities, knowledge and skills, and other information for each position. Check out what's available in the library.

When it Comes to Wire Fraud, Are We Asking Enough Questions?

September 8, 2021

<https://tinyurl.com/236dhatv>

Authentication and training are important, but why aren't we thinking about attacking the threat from other angles

as well? Read on as Paymints.io CEO Jason Doshi discusses solutions to wire transfer fraud.

ALTA Policy Forms: Technical Correction Issued for Homeowner's Policy

September 23, 2021

<https://tinyurl.com/u48b92yk>

New 2021 ALTA Policy Forms collection were published July 30. Since being published, a technical correction has been issued for the ALTA Homeowner's Policy. Read on to access the forms and updated Homeowner's Policy, as well as redlines and comparison charts. To prepare for the new forms, title companies should participate in training and guidance from their underwriters. Agents will also want to work with their production software providers to ensure that the updates have been made after forms have been appropriately filed and approved by state regulators and authorized by their underwriters.

ALTA Advocacy Update...cont. on page 22

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ALTA ADVOCACY UPDATE

continuation from page 21

U.S. Property Records: Sometimes a Disaster

October 5, 2021

<https://tinyurl.com/ypawenvc>

The U.S. land records system is quirky. It's essentially an 1850s system with some automation built around it, but no real modernization like many other advanced countries. Read on to learn how Geographic Information Systems can help improve the property records systems across the country and facilitate the identification and documentation of property ownership including Black and Native American-owned land.

Happy Closings. Happy Customers. More Business.

October 7, 2021

<https://tinyurl.com/23rucj6d>

The last touch point with consumers before they get the keys to their new home is the closing. As their representative, you want to make sure this process goes as seamless as possible. To help give your

customers a great closing experience, they need to know what to expect. Real estate closings are changing across the country with more states allowing remote online notarization. Wire fraud threats continue to mount. Share this video with your customers to let them know how closings have changed during COVID.

Is the Solution to Today's Title Challenges Hiding in Plain Sight?

October 12, 2021

<https://tinyurl.com/jy5va25t>

Title companies face multiple, intensifying challenges—from staffing shortages to volatile revenues to processes that are riddled with manual labor. But there is relief available if they know where to look.

ICE Launches New E-signing Solution to Simplify Notary Experience

October 14, 2021

<https://tinyurl.com/54a85bh8>

Simplifile eSign Events offers agents a streamlined signing workflow, including in-person electronic notarization and

remote online notarization.

ALTA Registry Expedites Process to Verify Agent E&O Data

October 14, 2021

<https://tinyurl.com/uza6475d>

The new free feature allows title and settlement companies to upload their E&O information to the ALTA Registry. Underwriters can then access the data to quickly verify the information. This tool includes document level automatic scrubbing using malware removal technology and data extraction via artificial intelligence powered document processing technology.

ALTA Installs New President, Board of Governors

October 19, 2021

<https://tinyurl.com/c625urez>

ALTA installed Dan Wold as president as well as its Board of Governors for the 2020-2021 year, during ALTA ONE in New Orleans. Read on to learn what priorities ALTA's leadership will focus on over the next year. ■

Thankful FOR OUR AGENTS

The FNF Family of Companies is thankful for all the work our team and agents have done in 2021. It's been an exciting and busy time for all of us. You've leaned on FNF to provide the guidance, knowledge and resources needed to navigate through it all, and our strong, flexible experts delivered in every way possible.

When it comes to your title journey, you can trust us to lead the way thanks to all our great teams from sea to shining sea. No matter what 2022 has in store, FNF is here for you and your customers. Together, we can keep doing great things.





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January 2022

19th NLTA Board of Governors
www.njlta.org for location and/or login information

February 2022

2nd NJLTA Agency Section Meeting and Seminar
www.njlta.org for location and/or login information

March 2022

15th-16th ALTA Springboard
Tampa Marriott Waters Street Hotel
Tampa, Florida

16th NLTA Board of Governors
www.njlta.org for location and/or login information

April 2022

6th NJLTA Agency Section Meeting and Seminar
www.njlta.org for location and/or login information

May 2022

16th-18th ALTA Advocacy
Hilton Washington, D.C., National Mall,
Washington, D.C.

18th NLTA Board of Governors
www.njlta.org for location and/or login information

Would you like your event or continuing education class included on this calendar? If so, please contact Maureen Crowley (Maureen.Crowley@fnf.com or 732-545-1172) for information. Thank you!

On the Move

CONGRATULATIONS AND BEST WISHES

Onboard!

Fidelity National Financial Family of Companies announced that **Samantha Pekas** has joined its NJ agency operations team as **Underwriting Counsel**. In that capacity, she will join the rest of underwriting team in meeting the needs of the FNF agency network in the state.

Retirements:

Fidelity National Financial Family of Companies has announced the retirement of **Lawrence (Larry) Fineberg, Esq.**, Senior Vice President and Counsel for its National Agency Operations. He is well-known in NJ title circles for his many accomplishments, which include president of the NJLTA (1992-93), Certified Title Professional [CTP] designation (1992), NJLTA's Distinguished Service Award (2008), and Presidential Award (2018), trustee of the New Jersey Land Title Institute [NJLTI] and author of *New Jersey Title Practice*.

Nancy Koch, Esq., CTP, former NJLTA President (1994-1995), recipient of Distinguished Service Award (2007) and President's Award (2015) retired over the summer. She also received the Certified Title Professional [CTP] designation

and administered the John R. Weigel Scholarship. Nancy was Vice President, Underwriting & Counsel at Fidelity National Financial Family of Companies.

Congratulations! AmTrust Title Insurance Company's Agency Division named **John A. Cannito** as New Jersey Underwriting Counsel. His responsibilities will include providing counsel to AmTrust's independent agents in New Jersey.

Impressive! Maureen Crowley, CTP, Assistant Vice President – Agency Support Manager, Fidelity National Financial Family of Companies, was awarded the ALTA TIPAC Outstanding State Trustee Award at the 2021 ALTA One Convention in New Orleans. This award goes to the person or people who increased their state's contribution total. In 2019, New Jersey raised \$6,800 from 22 contributors and in 2020 contributions increased to \$8,720 from 14 contributors.

Moving Up. Charles Jones LLC has announced that **Steve Goldstein** has been promoted to Vice President of Sales.

Welcome New Affiliates Member

Nicholas Stefanelli
Stefanelli Insurance Brokerage
Montville, NJ 07045

Notes from the Editor By: Heather R. Manfredi, Editor-in-Chief

As the leaves fall and the colors change our industry will also see yet another change, adding a virtual element to the closing process which was very much built on being handled in person between the parties. I remember a time when sellers, buyers, lenders, title agents and brokers all sat around the table together for at least an hour, sharing war stories and waiting for the notorious funding approval. We have slowly moved away from that over the last five to seven years (can't tell you the last time I have had a seller at a closing) and with the introduction of the new notary laws it seems we may say goodbye to it forever!

Alternatively, we begin to see the return of in-person meetings and celebrations after such a long, hard hiatus. Hopefully this continues and we can also say goodbye to the changes we have all endured over the last two years.

Enjoy the chilly air, beautiful colors, family meals and holiday season as we all look toward the new year and what new challenges and changes it may bring.

We are always on the lookout for the next agency for an Agent Spotlight Interview. Please reach out and let me know if you are interested in being interviewed and having your company under the spotlight for our next issue. ■

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