While county recording offices are shutting down or limiting access across New Jersey, parties to real estate and loan transactions are wondering the impact the shut downs will have on the transaction. While this is a fluid situation that is changing daily, or even hourly, the facilitators of closings, including attorneys, title companies, and lenders are making every effort to see that transactions are not delayed.

As part of these efforts, the New Jersey State Assembly advanced a bill to permit remote notarization of documents by a notary public using communication technology. The bill (A-3864) is sponsored by Assemblywoman Joann Downey (D-Monmouth), Eric Houghtaling (D-Monmouth), and Lisa Swain (D-Bergen, Passaic) and passed the full Assembly on March 18, 2020 by a vote of 63-0. The notary public would be authorized to notarize a document executed by a remotely located New Jersey resident so long as the notary has:

1. Personal knowledge of the individual’s identity;

2. Satisfactory knowledge of the person’s identity by oath or affirmation from a
credible witness; and,

3. Uses at least two different types of identity as proof to obtain satisfactory evidence of the person.

An audio-visual recording of the act of notarization must be made and retained by the notary public for at least 10 years. Software is already available to facilitate remote notarization in other states that permit it, so once the legislation is passed, the changes could take effect immediately.

In addition, various county recording offices throughout the State of New Jersey have closed, which could affect the ability to record documents or conduct title searches. The American Land Title Association (“ALTA”) is actively coordinating the closure of county recording offices nationwide, status of e-recording, and the use of remote online notarization. For any questions on the status in a particular county, we recommend utilizing the ALTA website, which will have the most up to date information.

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