

New Executive Order Allows For Remote Notarization Bodman PLC Has Remote And Witnessing Capability

The latest executive order from Governor Whitmer encourages the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic. [Executive Order 2020-41](#) will facilitate the completion of legal documents that are more crucial now than ever, but were otherwise difficult or impossible to handle during the pandemic. Bodman PLC can assist clients with remote notarization and remote witnessing of critical documents by using our secure WebEx based network. Bodman, PLC can provide remote notarization and witnessing in manner which complies with the Executive Order and meet requirements beyond the ability of many clients and notaries. Should you need assistance with remote notary services contact us. Arrangements can be made to assist you with this critical but at times especially important process to complete time critical legal documents

Here are the highlights:

- Strict compliance with the rules and procedures of the Uniform Electronic Transactions Act and the Michigan Law on Notarial Acts is temporarily suspended under specified conditions.
- Any requirement under Michigan law that an in-person witness attest to or acknowledge an instrument, document, or deed may be satisfied by the use of two-way real-time audiovisual technology, under detailed conditions spelled out in the order. The recording must be kept for at least three years, or a different period of time required by law.
- State laws requiring an individual to appear personally before or be in the presence of either a notary at the time of a notarization or a witness at the time of attestation or acknowledgment are satisfied if the necessary persons can communicate simultaneously by sight and sound via two-way real-time audiovisual technology at the time of the notarization, attestation, or acknowledgment.

- Financial institutions and registers of deeds must not refuse to record a tangible copy of an electronic record on the ground that it does not bear the original signature of a person, witness, or notary, if the notary before whom it was executed certifies that the tangible copy is an accurate copy of the electronic record.

The executive order, which took effect immediately, continues through May 6, 2020.

For more information, please contact your Bodman attorney or Glen Zatz at (248) 743-6020 or gzatz@bodmanlaw.com or Greg Gamalski at (248) 743-6036 or ggamalski@bodmanlaw.com. Bodman cannot respond to your questions or receive information from you without first clearing potential conflicts with other clients. Thank you for your patience and understanding.