

E-Recording Made Simple WLTA Education Seminar

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Agenda

- What Is E-Recording?
- E-Recording Video
- Levels of E-Recording
- Legal Landscape of E-Recording
- How E-Recording Is Implemented
- Security
- Payment (ACH)
- The Benefits of E-Recording
- Business Improvements
- What Is EREET?
- Questions and Answers

What Is E-Recording?

E-Recording is the process of securely recording documents delivered via the Internet that would otherwise be sent by mail or courier.

Think of it as an electronic Federal Express

📩 Simply put...

- E-Recording is a document delivery service
 - > Think of it like any other courier service

- E-Recording vendors get documents and payment
 - from the submitter to the courthouse
 - > We don't control the content of the document
 - > We don't control the creation of the document
 - > We're just really fast delivery

1800'S



Federal and State Legislation

- E-SIGN Act
- UETA
- URPERA

E-SIGN Act

- Electronic Signatures in Global and National Commerce Act
- Federal Law
 - > Enacted June 30, 2000
 - > The general intent of the E-SIGN Act is that a contract or signature “may not be denied legal effect, validity, or enforceability solely because it is in electronic form”. This provides that electronic signatures and records are just as good as their paper equivalents.

UETA

- Uniform Electronic Transactions Act Proposed by the National Conference of Commissioners on Uniform State Laws (NCCUSL).
 - > Since then 47 States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands have adopted it into their own laws.
 - > Its overarching purpose is to bring into line the differing State laws over such areas as retention of paper records, and the validity of electronic signatures, thereby supporting the validity of electronic contracts as a viable medium of agreement.



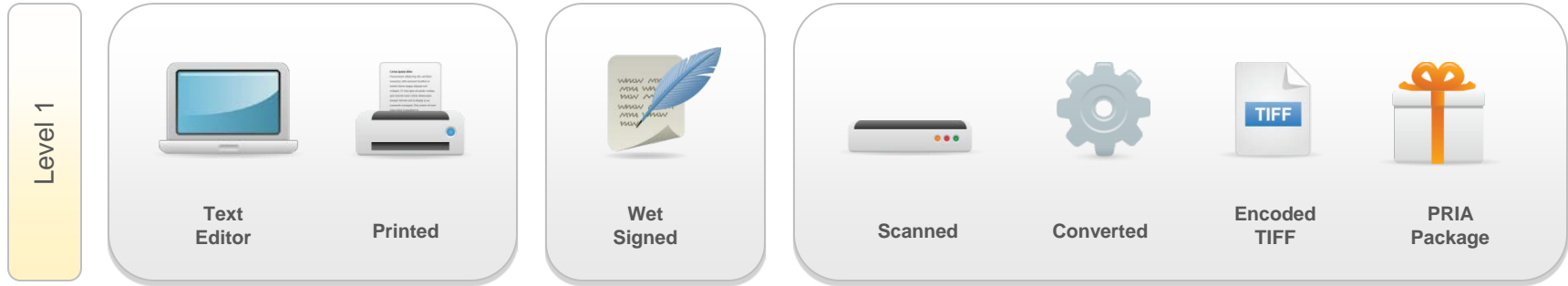
URPERA

- Uniform Real Property Electronic Recording Act
 - > Proposed by the National Conference of Commissioners on Uniform State Laws (NCCUSL).
 - > Adopted in over 20 states, and continues to be introduced by state legislatures for adoption.
 - > The act creates legislation authorizing land records officials to begin accepting records in electronic form, storing electronic records, and setting up systems for searching for and retrieving these land records.
 - > Generally regarded as not necessary to begin e-recording.

The Levels Of E-Recording

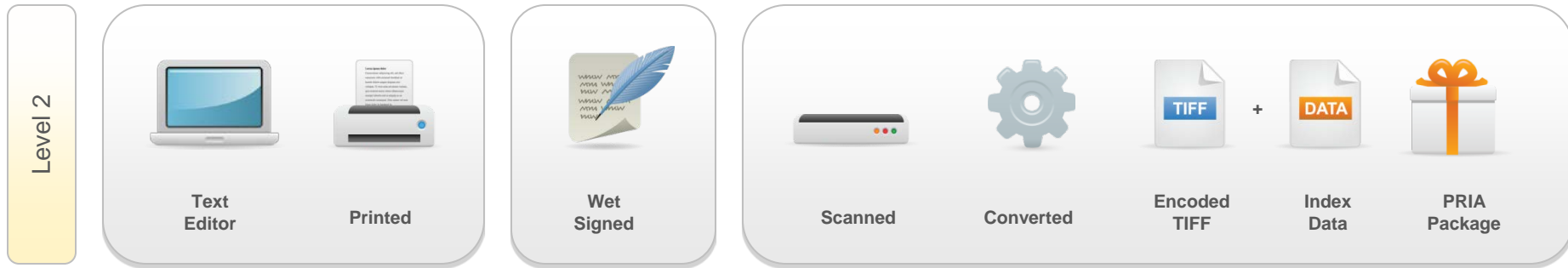
- The levels, or models of e-recording...
- Although levels are defined, in practicality, implementations fall somewhere in-between and can vary from document to document.

↓ 📁 Level I Documents



Key Characteristics: Paper-based, Wet signed, Scanned image (TIFF of wet-signed document),
No indexing data

↓ 📦 Level 2 Documents

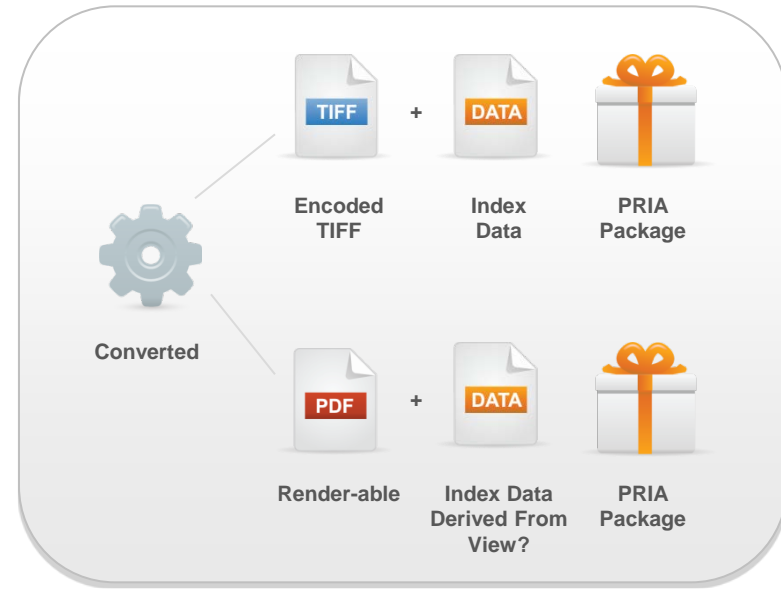
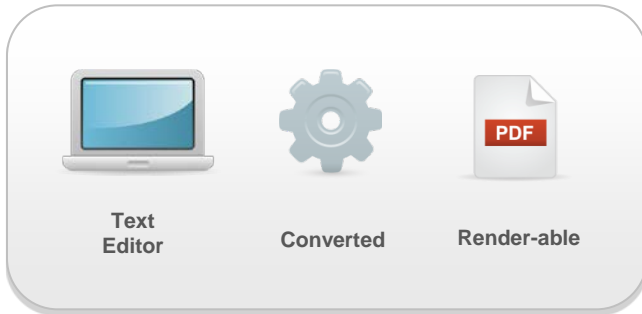


Key Characteristics: Paper-based, Wet signed, Scanned image (TIFF of wet-signed document), Includes indexing data



Level 3 Documents

Level 3



Key Characteristics:

Never exists on paper

Digitally signed and notarized

Render-able view (are there limits to legit formats?)

ALL indexing data (derived from render-able view or explicitly added?)

How E-Recording Is Implemented

- E-Recording Vendor connects with the County.
- Submitter Side
 - > Simple account set up with an e-recording vendor
 - > Web-based user interface
 - > Minimal technology requirements
 - PC
 - Internet Access
 - Scanner
 - > Quick training



Closing is completed

Step 1



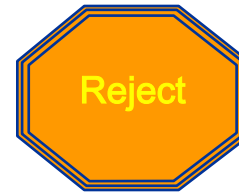
Scan and submit documents to recorder

Step 2



Imaged package is received by Recorder and reviewed.

Step 3

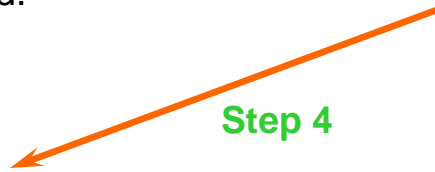


If rejected, whole package returned to title company for corrections



If accepted, recording stamp is applied and fees are withdrawn from recording account.

Step 4



Recordings are returned to the title company within minutes

Step 5



Original recordings are available to the customers before they leave!

Security

- Use secure website (“https”)
- Employ all of the same security as on-line banking and financial transactions
- “128 bit encryption” protect the documents during the submitting and return process
- Documents can NOT be modified once scanned, only recorded (and then become public record)
- Submitters sign MOU to use electronic recording

ACH

- Automated Clearing House
 - same process used by banks, credit unions and credit card companies across the nation
 - Follows the same path or process as a written check
 - More secure than a written check
 - Detailed reports summarize each transaction

Benefits

- No mailing costs, traffic, and wasted time
- Increased document security
- Eliminated check writing expenses
- Increased effectiveness and efficiency
- Shortened the recording gap
- **Green!** Reduces carbon footprint
- Quick document rejection repair and recording

Business Improvements

- Better customer service to clients
- Workflow Improvements save processing time
- Improved Lender Servicing
- Streamlined post-closing processes
- Reduced per-transaction costs
- Fewer costly file touches
- Improved funds handling

Creating the Win-Win

- Win for Submitters
 - > Increased efficiency
 - > Lower cost
 - > No “incorrect” check amounts
 - > Quicker rejection/recording turn-around
 - > Better customer service

- Win for Counties
 - > Increased efficiency
 - > Lower cost
 - > Reduces lines, parking and visiting

What is EREET?

- EREET Is the electronic transmission of the county excise tax affidavit to the treasurers office
- The Department of Revenue wants all excise tax affidavits sent to them in an electronic form instead of paper. (counties in WA have been given grant money from the state to develop a system to gather and store this data to be sent to the DOR at the end of every month)

Questions and Answers