



Register Of Deeds Association

WRDA

Est 1836

Heather Schwersenska

President

(920) 787-0444

heather.schwersenska@co.waushara.wi.us

Kyle Franson

1st Vice President

(715) 369-6150

kfranson@co.oneida.wi.us

Brent Bailey

2nd Vice President

(608) 355-3288

brent.bailey@saukcountywi.gov

Sarah Van Camp

3rd Vice President

(920) 832-5095

sarah.vancamp@outagamie.org

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WI ACT-125 was passed on March 3, 2020. On March 18, 2020, in response to COVID-19 public health emergency, DFI issued an emergency rule allowing for remote/online notaries to be conducted in the state of Wisconsin.

140.20 Notification regarding performance of notarial act for remotely located individuals; selection of technology; acceptance of tangible copy of electronic record. (1) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

(2) Before a notary public performs the notary public's initial notarial act for a remotely located individual under s. 140.145, the notary public shall notify the department that the notary public will be performing notarial acts for remotely located individuals under s. 140.145 and identify the technology the notary public intends to use. If the department has established standards for approval of technology pursuant to s. 140.27, the technology must conform to the standards. If the technology conforms to the standards, the department shall approve the use of the technology.

(3) A register of deeds may accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the notarial certificate certifies or attests that the tangible copy is an accurate copy of the electronic record.

History: 2019 a. 125.

As of the date of this notice, the following electronic notary public technologies have been approved by the WI department:

www.notarize.com, www.notarycam.com, Pavaso.com, Nexsys, and DocVerify

Papered-out electronically signed documents. On occasion, the following scenario may occur:

Title Company 1 executes the deed which has been electronically or remotely notarized and Title Company 2 executes the mortgage; because the preferred way to record the documents are together, Title Company 1 must print out the digitally signed deed and forward that to Title Company 2 which will then record the documents as a batch. If Title Company 2 submits the documents electronically you would never really know; however, the notary stamp must indicate how the document was notarized.

Furthermore, if Title Company 2 submits the documents via mail or delivery they are required to attach the notary public certification. A separate certification for each electronically signed/notarized papered-out document must be submitted with the document(s) for recording per Wis. Stat. 140.20(3). This certification will be attached as an exhibit to the each document electronically notarized. A digitally signed/notarized, papered-out document will not be recorded without the notary public certification per Wis. Stat. 140.20(3).

A general Notary Public Certification can be accessed via the following link: <https://www.wrdaonline.org/forms>

Margo Katterhagen

Secretary

(715) 537-6210

margo.katterhagen@co.barron.wi.us

Beth Pabst

Treasurer

(715) 386-4650

Beth.pabst@sccwi.gov

Carey Petersilka

Past President

(920) 746-2270

cpetersilka@co.door.wi.us

"Few things have to last as long as county records."