**STEPS FOR ELECTRONIC REMOTE NOTARIAL SERVICES**

1. Video conference must be initiated between the Notary and the signer. If the Notary is not the attorney, the attorney should also be on the conference. The video conference can use any service (Zoom, Facetime, Skype).

2. Signer shows Notary their driver’s license or other photo ID through video to prove who they are (unless Notary already knows the signer.)

3. If the person is signing in a capacity (i.e., manager of a company, trustee of a trust, etc.), provide the Notary with sufficient proof that the person has the right to sign. Signer should acknowledge their right to sign in the stated capacity.

4. Signer must state where they are physically located. Signer and Notary must both be in New York.

5. Notary administers Oath (if required).

“Do you solemnly swear that the contents of this affidavit subscribed by you is correct and true?”

Alternatively, the following affirmation may be used for persons who conscientiously decline taking an oath. This affirmation is legally equivalent to an oath and is just as binding:

“Do you solemnly, sincerely and truly declare and affirm that the statements made by you are true and correct?”

6. Signer signs the document and holds the signature up to the camera to make sure that the Notary can see it.

7. Signer sends Notary a scan or a fax of the document (they can take a picture of each page with their phone or use a scanner/fax machine and email it to Notary). **This MUST happen same-day.**

8. Notary prints the scan/fax and places their stamp and signature on it. ***The Venue is where the CLIENT is located and must be in NYS.*** **This MUST happen same-day.**

9. Notary sends a scan/fax of the fully executed (with notarization) document back to the signer. This is not legally required but is a best practice recommendation.

10. Signer sends the originally signed copy to the Notary. This must be received by the Notary within 30 days.

11. Notary may repeat the notarization of the originally signed document as of the date of execution if the original is received by the Notary **within 30 days of original execution.**

The transmitted copy with “dry” signature and “wet” Notary together with the full original makes up the completed document. However, it appears that the scan bearing signature and notarization can be used for e-filing.

The Notary should prepare **a statement of compliance** with the Executive Order as to the circumstances of the Notarization on its own page. See next page.

**Statement of Compliance with New York State Executive Order No. 202.7**

The execution of this document was accomplished via audio-video technology in accordance with the provisions of New York State Executive Order No. 202.7, issued March 19, 2020. The audio video technology utilized allowed for direct interaction between the signer and me. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ acknowledged that he/she/they were physically present in the State of New York at the time of the signing. A legible copy of the signed instrument was transmitted to me by electronic means and received by me on the same day it was signed.

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 NOTARY PUBLIC

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