

**State Bar of Georgia
Family Law Section**

**Recommended Protocol for Remote Notarization and
Attestation of Documents in Georgia**

The Executive Order 04.09.20.01 - Temporarily Allowing Remote Notarization and Attestation – provides that any requirement under Georgia law that a document be executed and/or witnessed in the physical presence of a notary public or other individuals may be satisfied by the use of **audio-video communication technology** or any similar **real-time** means of **electronic video conferencing** that allows all of the parties to communicate with each other simultaneously by sight and sound. The Order includes, but is not limited to, antenuptial agreements (O.C.G.A. §19-3-62).

The Family Law Section of the State Bar of Georgia recommends the following as procedure to follow for remote notarization and witnessing of documents in compliance with Executive Order 04.09.20.01:

1. The party signing the document (signer), notary public and witnesses must communicate with each other simultaneously by sight and sound using real-time audio-video communication technology (“remote execution session”).
2. The notary public is required to either:
 - i) be an attorney licensed to practice law in Georgia; or
 - ii) must operate under the supervision (employee, independent contractor, agent, or other representative or an attorney observes the execution of the documents in person or during the real-time process referenced herein) of an attorney licensed to practice law in Georgia.
3. The notary public must be physically located in Georgia during the real-time audio-video session.
4. The signer should present satisfactory evidence of identity pursuant to O.C.G.A. §45-17-8, if the signer’s identity is not based upon the personal knowledge of the notary public.
5. The signer should verbally affirm the document the signer is executing in the presence of the notary public and/or witness(es) with a description (ex. title) of the document.
6. If the document includes a space for the signer(s) to initial each page, the act of initialing should be readily visible to the notary public and witness(es) during the remote execution session. After initialing a respective page, the initialed page should be shown to the notary public and witness(es) to confirm that same has been initialed.

7. The document should be signed and dated (with time of signature) by the signer. The signer's act of signing the document should be sufficiently visible for the notary public and witness(es) to observe during the remote execution session.

IF WITNESSES ARE REQUIRED AS IN ACCORDANCE TO O.C.G.A. §19-3-62 OR OTHERWISE PROVIDED FOR IN THE DOCUMENT

8. After executing, the signer should transmit (by electronic communication, fax, or courier) a legible copy of the entire signed document directly to the notary public on the same calendar day.
9. The witness(es) should initial where indicated and sign including date and time the their copy of the document on the same calendar day that the signer signs during the remote execution session. The witness's act of signing the document should be readily visible to all participants (signer, witnesses and notary public) during the remote execution session. If more than one witness is required, each witness may execute remotely from alternate locations.
10. Each witness shall transmit (by electronic communication, fax, or courier) the document executed by the witness(es) to the signer. The witness shall also transmit (by electronic communication, fax, or courier) the document to the notary public.

FINALIZATION OF THE NOTARIZATION PROCESS

11. The documents signed and initialed by the signer and witnesses(es) shall be notarized via remote execution session on same date by the notary public and the notary public shall compile all signature pages received by the notary to achieve one fully executed document. As illustration, a possible result would be one executed signature page for signor; one executed signature page for witness; and one executed signature page for second witness. All three pages would be submitted as part and parcel of the entire fully executed document. The notary public's act of execution shall be readily visible to all participants (signer and witnesses) and shall include the date and time the notary and witnesses viewed the signer's execution of the document via the remote execution session, as well as certification that the all signature pages provided to the notary public and included in the document were received from the signer and witness(es) and compiled by the notary public on the same day of the signing. Suggested language: I hereby certify that I received the signature pages and compiled them to the fully executed document on the same date I have hereby notarized the document.
12. Along with the notary's signature date and certification of compilation consider a line or caption on the notary public's signature block that states "This [name of document] was notarized pursuant to Executive Order 04.09.20.01 using [insert technology name] as real-time audio-visual communication technology."
13. The official date and time of the notarization or witnessing ... shall be the date

and time when the notary and/or witness(es) witness the signature via the video conference technology.”

- Tip: Re-execution of the document signed pursuant to these procedures should be re-executed under ordinary procedures, when feasible, at a later time, provided that the effective date shall remain the date the document was first executed.
- Tip: No provision in these guidelines should be construed so as to prevent the parties from executing an antenuptial agreement in separate parts, as between the respective parties.

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