

Date: December 20, 2013

To: All Texas Agents

From: Ellen Wied, VP/Underwriting Counsel

RE: PASS-THROUGH NOTARY FEES

Number 5 SPECIFIC AREAS AND PROCEDURES (*Texas Title Insurance Basic Manual*-Section V) was amended at the last hearing before the Commissioner of Insurance with respect to the pass-through of notary fees on a settlement statement for an affiliated notary service. The amendment is effective **January 1, 2014**.

This procedure already authorized the pass-through of notary fees for an unaffiliated notary service provided that the title agent gave prior written notice of the amount of the notary fees and obtained the required written request from the customers that agreed to pay for the absentee notary services. A sample request form is attached for your convenience.

The revision has been expanded to include affiliated notary services within the scope of the rule provided the title agent gives advance notice of the affiliated relationship.

Specific Areas and Procedures (SAP) No. 5 was amended to read as follows:

If actual charges for such products or services are not known by the time of closing, only reasonable estimates of such charges should be shown on closing statements and charged. The actual charge for an absentee notary sign-up may be passed through, if the notary is a third party [not affiliated with the licensee that is closing the transaction] and that licensee, prior to closing the transaction, receives a written request signed by the borrower, buyer or seller making the request and agreeing to pay for an absentee sign up by a notary as an accommodation to the requester after the licensee provides the requester with written notice of the amount of the notary fee or a reasonable estimate of the fee, if not known by the licensee. **If the third party notary is affiliated with the licensee, the licensee will provide notice of the affiliated relationship to the requester prior to the absentee notary sign-up service being provided.**