



CHICAGO TITLE
INSURANCE COMPANY



TITLE TALK By: Katie Button

FOREIGN EXECUTION AND ACKNOWLEDGEMENTS



Call or email
anytime with
questions!

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Check out our website for
additional information:
Nationalagency.fnf.com/NH

Encountering sellers and buyers who are out of the country whether they are in the military, travelling for business, have relocated, or just on vacation can throw a wrench in your closing. They still have to sign documents to complete the real estate transaction and a lot of these documents need to be acknowledged. Depending on where they are located and what you are doing, there are certain procedures and rules that govern how and where the document can be signed and acknowledged in order to be effective.

MILITARY

Members of the United States Military Service and their dependents stationed abroad may have their signatures notarized by certain commissioned officers. In such cases, a notarial seal is normally not required. However, the commissioned officer must include his/her rank and commission/serial number in the notarial certificate. Documents bearing a military notary acknowledgement should be approved by the title officer prior to closing. It is also prudent to obtain an affidavit for your file confirming the signor is a military service member or the dependent of one if it is not documented elsewhere.

NON-MILITARY

American Consulate

A document notarized at the American consulate is the preferred and easiest method. The party signing the document should contact the local American consulate, schedule an appointment to have the documents notarized, and inform the consulate the documents are related to a real estate transaction for property in the United States.

Local Notary

If notarizing at an American consulate is not possible, a duly appointed Notary Public of the country may be used but additional steps are required. The first step is to determine if the country is a member of both the Hague Convention Treaty and the convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents (ARLFPD).

A list of Hague member countries can be found on the Hague Conference on International Law website at:

<https://www.hcch.net/en/states/hcch-members>

To determine if the Hague Member country is also ARLFPD select the country from the list and then review the "Is a Contracting Party to" section.

Parties signing documents in a Hague Convention AND ARLFPD member country:

Go to a duly appointed Notary Public of that country, in which case each certificate of acknowledgement of a foreign notary must be authenticated with an Apostille. Apostille is a French word which means "a certification." Apostilles may only be issued by a competent authority designated by the state in whose territory the public document has been executed. Identifying that competent authority and the apostille form can also be found on the hcch.net website.

Parties signing documents in any other country:

Go to a duly appointed Notary Public of that country, in which case each certificate of acknowledgement of a foreign notary must be authenticated by a judge of a court of the country or from the government agency that regulates notaries in the country in which the acknowledgement was taken.

If you have any questions, call your underwriter.

What's your title question? Send us information on what you want answered in our future editions.

Check out our prior editions of Title Talk by copying this link to our website: <https://nationalagency.fnf.com/nh/Title-Talk>

Katie has started a presentation series on various title matters. If your firm or title company is interested in having us join you for an hour for an educational presentation, contact your Agency Rep to schedule a date and time for us to come into your office.