



Subject: CIM #48 – CSC will allow Canadian FN borrowers to utilize a Canadian Notary solely for Florida loans	
Impacted Departments: UW, Funding, Retail, Wholesale and Correspondent Lending	Total Pages: 3
Effective Date: October, 15, 2021	

## Purpose

CSC's current policy does not permit remote online notarization of documents and requires that any documents notarized outside of the United States must be done in person, and a) notarized at a U.S. Embassy or Consulate bearing a U.S. seal / stamp; or b) via an Apostille in a foreign country that is a signatory to the Hague Convention of October 05, 1961 Abolishing the Requirement of Legalization for Foreign Public Documents (HCCH 1961 Apostille Convention).

Due to the COVID-19 pandemic resulting in closure of the border between U.S. and Canada as well as closure of U.S. Embassies in Canada and because Canada is not a signatory to the above-mentioned Hague Convention, CSC made a temporary allowance to accept documents notarized by Canadian notaries subject to certain requirements.

The purpose of this CIM is to update and formalize our policy allowing Canadian foreign national borrowers to utilize a Canadian notary operating with an official seal to notarize documents solely for Florida loans. CSC obtained an opinion of its Florida counsel Aldridge Pite, who confirmed that Florida Stat. 695.03(3) recognizes an official seal of a foreign country, which allows such foreign notarized documents, including but not limited to mortgages to recorded, recognizing them valid and enforceable. In addition, title insurance companies have also confirmed their acceptance of and that they will issue title policy for Florida mortgages notarized by Canadian notaries operating with an official seal.

Accordingly, this CIM provides an update to our Special Escrow Instructions and Section 3.10 of our most current Seller's Guide 2021.09.20, to accept documents notarized by a Canadian Notary for **Florida loans only**.

Florida Stat. Ann. § 695.03(3) states as follows:

OUTSIDE OF THE UNITED STATES OR WITHIN FOREIGN COUNTRIES.—An acknowledgment, an affidavit, an oath, **a legalization, an authentication**, or a proof taken, administered, or made outside the United States or in a foreign country may be taken, administered, or made by or before a commissioner of deeds appointed by the Governor of this state to act in such country; **before a notary public of such foreign country or a civil-law notary of this state or of such foreign country who has an official seal**; before an ambassador, envoy extraordinary, minister plenipotentiary, minister, commissioner, charge d'affaires, consul general, consul, vice consul, consular agent, or other diplomatic or consular officer of the United States appointed to reside in such

country; or before a military or naval officer authorized by 10 U.S.C. s. 1044a to perform the duties of notary public, and the certificate of acknowledgment, legalization, authentication, or proof must be under the seal of the officer. A certificate legalizing or authenticating the signature of a person executing an instrument concerning real property and to which a civil-law notary or notary public of that country has affixed her or his official seal is sufficient as an acknowledgment. For the purposes of this section, the term “civil-law notary” means a civil-law notary as defined in chapter 118 [[see, https://dos.myflorida.com/sunbiz/other-services/notaries/civil-law-notary/](https://dos.myflorida.com/sunbiz/other-services/notaries/civil-law-notary/)] or an **official of a foreign country who has an official seal and who is authorized to make legal or lawful the execution of any document in that jurisdiction, in which jurisdiction the affixing of her or his official seal is deemed proof of the execution of the document or deed in full compliance with the laws of that jurisdiction.** (Emphasis added).

Thus, for **Florida loans only**, CSC will accept documents executed by a Canadian citizen using a Canadian Notary provided that **ALL** of the following conditions are met:

1. Title Company must provide a copy of their requirements for the use of a foreign notary in writing prior to execution of documents
2. Title Company must approve in writing the notary or use of the notary once documents are executed
3. Title Company must confirm in writing the issuance title insurance covering the subject property and CSC lien
4. The Canadian notary is an accredited Canadian Attorney; and
5. A Certificate of Authentication or Form 10 - International Certificate of Identity issued by the Canadian government authority certifying the authenticity of the notary public's seal and signature by comparing the seal and signature to the seal and signature that they have on file for that particular notary public.

### **Impacted Departments and Personnel**

Underwriting; Funding; Retail, Wholesale and Correspondent lending groups.

### **Policy**

Section 3:10 of our Seller's Guide: "SPECIFIC CLOSING DOCUMENT REQUIREMENTS"

The following is an example of a Certificate of Authentication issued by Canadian authorities certifying the notary public's seal & signature:

  
Ontario

MINISTRY OF GOVERNMENT AND CONSUMER SERVICES

I HEREBY CERTIFY AS FOLLOWS:

**CHENG LI**

of the Province of Ontario, whose name is subscribed to the attached Instrument, was, at the time of subscribing thereto, a **NOTARY PUBLIC** in and for the Province of Ontario, Canada, duly commissioned and duly authorized by the laws thereof to administer oaths, to take affidavits and to certify the proof of deeds and other instruments in writing to be recorded within the said Province.

I FURTHER CERTIFY THAT I have compared the signature of the said **NOTARY PUBLIC** subscribed to the attached Instrument with the specimen signature of the said **NOTARY PUBLIC** filed in this office and verily believe the said signature to be genuine; and THAT I have compared the impression of the Seal of the said **NOTARY PUBLIC** appearing on the attached Instrument with the specimen of the Seal filed in this office and verily believe the impression of the Seal to be genuine.

IN TESTIMONY WHEREOF I have hereunto set my Hand and affixed the Seal of the Ministry of Government and Consumer Services of the Province of Ontario at the City of Toronto in the said Province this twenty-ninth day of June, A.D. 2021.

  
for the MINISTER OF GOVERNMENT AND CONSUMER SERVICES



Revision Date	Details	Compliance Approved
10/15/2021	Revised Sec 3:10 of <i>Seller's Guide</i> , dated May 01, 2021	Chetna Vora