



WISCONSIN MOBILE LOAN CLOSERS NETWORK

www.WiMobileLoanClosers.com

NEWSLETTER

Winter 2007/2008



Greetings!

Welcome to our client newsletter! I hope you find it informative and maybe even a little entertaining. Our goal as a group is to keep informed of changes in our field and to provide excellence in our service to our clients. We do this by networking with each other and with you. By sharing information, we gain efficiency in our performance as well as expertise. Something we all strive for.

ALERT!

New Proposed Uniform Closing Instructions

The draft of the new proposed uniform closing instructions have been released and there is a lot of discussion going on about them. One important addition (as far as we are concerned) is the mention of the "Signing Agent". This is an important read for you! It will make you think about the qualifications of those you contract with to do your field signings. Here is the link:

http://www.alta.org/images/PDF/ugci_draft1.pdf

For a qualified Signing Agent in Wisconsin, go to:
www.WiMobileLoanClosers.com

NCCUSL TAKES A LOOK AT NOTARY LAW

By Zana Darrow RSA

The National Conference of Commissioners on Uniform State Laws is in the process of reviewing and revising the Uniform Law on Notarial Acts. Their goal in part is the revision of the law relating to notaries public to rationalize the large disparities in the law of the different states. They pointed out that these disparities contribute to public confusion about the role and responsibilities of notaries, as well as regulatory disagreement and differences in the regulation of notaries.

Industry representatives noted that the mortgage finance industry, particularly, is becoming nation-wide in scope and questions concerning notarization of real property conveyances and mortgages, amongst other records, have become hindrances to and increase the costs of transactions. Nationwide standards have been developed by the mortgage banking industry and Freddie Mac and Fannie Mae, yet local, disparate rules relating to notarization have slowed implementation of electronically-based transactions based on these standards. Michael Gordon, representing Freddie Mac, stated that they sought unification of state notarial law, noting that the notary is the only individual actually present to identify the customer. He stated that as high-dollar-amount transactions become more frequent and more widespread, the notary is central to the integrity of mortgage finance transactions.

The committee has had input from many interested parties including the NNA (National Notary Association) to Michael Gordon of Freddie Mac. With the exception of NNA, all participants expressed a strong desire for NCCUSL to undertake a drafting project that would address the law governing notaries public. The initial draft can be found on page 2.

Currently, there are at least 11 states that have adopted the UCC Code as their own. Wisconsin's Statutes reflect it verbatim with the exception of the newer electronic notarization laws. This is the first major overhaul of the UCC Code since 1982 and as you know, a lot has changed since then. For more information, you can view the draft at www.nccusl.org.

HR3915—Truth in Lending

HR3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007, was passed by the House of Representatives late 11/15/2007.

The House voted 291-127 to approve the HR3915 Bill which would bring new rules for lending standards, predatory lending and nationwide mortgage broker licensing.

Now on to the Senate who will do their own version, then a committee to reconcile the two versions, then on to the President to veto or not. Hey! We are talking 2 years minimum here! Wonder what we will end up with?

NCCUSL DRAFT POINTS

Appointment, including
Eligibility to serve
Minimum standards
Training, including who should conduct the training and ability to outsource,
Classes
Testing
Auditing of performance of duties
Retesting
Fees and appointment process
Bonding
Commissioning requirements, including issuing seals or other tokens and oaths
Responsibilities of notaries, including
Identification standards/practices
Notarization of electronic records
Journals and recordkeeping
Formalities for notarial act
Standard forms for jurats, etc.
Ethical standards, including witnessing relatives' signatures and conflicts of interest
Reasonable care standard
Satisfactory evidence
Disabled signers
Accountability of notaries
Fees
Role/responsibility of those relying on or confronting notarized signatures
Notarizing electronic records
Responsibility of notary [securing integrity of record?]
Biometrics
Should there be special requirements/training before authority to notarize electronic records?
Are issues/questions related to security or integrity of record or to signatures?
Remedies for improper acts, by notaries and others, and authority to penalize unauthorized acts.

Forecasting the economic changes for 2007 was expected but not as soon as it has occurred. For those whom are self employed, whether it be a 1099 employee and or the CEO of a Real Estate/ Mortgage Brokerage felt the raft of bad business. All that there is to hear these days are the horrors of mortgage meltdowns effecting appraisal, title & insurance companies nationwide. These things are all true indeed but this is where the old saying "*survival of the fittest*" comes into play. As we all look back to when our former President Ronald Reagan was in office these type of events occurred then, and quite frankly will continue to occur every 7 to 10 years. The Russell Rebalance really did it's job this year in putting the Libra back into the universe. *Dia Myles, CEO "The MECCA Group"*

WOW! What a Ride!

It's been an interesting year! The last 6 months have defiantly shaken us out of our complacency. It has served as a reminder to us that we need to attend to and adjust our business plans on a regular basis. Perhaps more than anyone else, we have the opportunity to spot some economic trends by taking notice of why people are borrowing money and what debt they carry and are paying off. We were witness to the potential for disaster from the grassroots level given the opportunity to see what a myriad of lenders were doing. The borrowers perspective was that they are unique in their situation, at least until it all hit the media. You have to admit that we saw this coming and hopefully planned for it. Our boom time was when all these subprime loans were being made. The sheer volume was cause for alarm. The complacency was in the belief that the housing values would continue to soar and those promised refinances would materialize when it was time to adjust the rates.

SO here is our wish for you. That you are counting your blessings at years end and that the insights gained in this turbulent year are a good foundation for new business in 2008. May those insights come easily and may all your closings fund.

