

## **March submission**

Real Estate Transactions: Individuals Living or Traveling Outside our Borders – Patriot Act

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In today's world, even when dealing with the most local of transactions, we can often be dealing with individuals living or traveling outside our borders.

Federal laws, including The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, better known as the "USA Patriot Act," contain restrictions governing business activates with those oversees. There are also specific rules governing the signing of documents by those oversees. If you don't follow the rules, you could find your transaction delayed because you need to get documents properly signed, or worse, you could find yourself in trouble for dealing with folks the federal government says we cannot conduct business with.

You may find the following information helpful for international notarization of documents and regarding the USA Patriot Act generally:

### **U. S. Embassy or Consulate - usembassy.gov**

United States Embassies and Consulates offer notary and signing services, and often on their website you can find a contact person, cost information and availability and appointment information.

### **Apostille, the International Notary - apostilla.com**

An Apostille is a simplified international certification of public documents as ratified by the Hague Convention. There are over 60 countries that are member states of the Hague Convention including: Mexico, Germany, United Kingdom, Italy, Spain and South Korea, to name a few.

### **U. S. Military Bases**

Certain officers of the U. S. armed forces may provide notarial services for military personnel and their families, civilian employees, retirees and others eligible for legal assistance.

### **Judge or Court of Record Process**

If you are in a country that is not a party to the Hague Convention, such as Canada, a Judge or Court Record Process may be an option. This option may be challenging as each country will have a different process and their courts may not be accessible.

### **US Financial Crimes Enforcement Network - [www.fincen.gov/statutes\\_regs/patriot](http://www.fincen.gov/statutes_regs/patriot)**

FinCEN's mission is to safeguard our financial system from illicit use and to promote national security. It publishes lists of prohibited person and countries with whom you may not be allowed to do business.

You can also contact your local title company who can assist you with any questions regarding international signings and notaries. Asking the right questions and doing a little research in advance will assist in the process of getting your Deal Done!

This information has been provided by the Mortgage Bankers and Brokers Association of New Hampshire (MBBA-NH) in conjunction with the New Hampshire Union Leader. Any questions about the content should be directed to the MBBA-NH at 6 Garvins Falls Road, Suite 106, Concord, NH 03301, e-mail at [info@mbba-nh.org](mailto:info@mbba-nh.org), website [mbba-nh.org](http://mbba-nh.org). Article supplied by: Martha Cossey, Certified Mortgage Professional (CMP), Regional Vice-President/Title Office, Market Street Settlement Group. Martha is currently President Elect of the Mortgage Bankers & Brokers Association of NH. The Certified Mortgage Professional (CMP) is a designation accredited by the MBBA-NH. This prestigious designation is bestowed upon career-minded mortgage professionals who have experience, knowledge, and a code of conduct that sets them apart from others. <http://www.cmpnh.org>.