



SIGNING OUT OF THE COUNTRY BY A MEMBER OF THE MILITARY

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Settlement agents often close transactions involving principals who may be actively serving in the United States Military and stationed abroad. The principal's commanding officer can act as the notary. The form acknowledgment is not one created by the settlement agent; instead it is created and attached by the commanding officer.

To the right is a sample acknowledgment used to acknowledge the signature of a member of military. Notice it does not have a notary seal. That is perfectly acceptable and it will not be rejected by the recorder's office for recordation. All recorder's offices have samples of acceptable acknowledgments, including the sample military acknowledgment to the right.



Sample form of Military Acknowledgment	
Before me personally appeared _____, who, having produced a Uniformed Services Identification Card, is known to me to be the identical person who is described therein, and who signed and executed the foregoing instrument on this ____ day of _____, ____ as a true, free and voluntary act, for uses, purposes, and considerations therein set forth. And I do further certify that I am a Commissioned Officer of the Armed Forces of the United States serving in the rank indicated below, that by Federal law I am authorized to exercise the powers of a notary without the requirement of a seal, and that this document is executed by me in accordance with those powers and in that capacity.	
_____ SIGNATURE OF OFFICER	Authority: 10 U.S.C. 1044a JAG Manual
_____ Rank, Branch of Service	NC Gen Stat 47-2 to 47-2.1
_____ Command	NO SEAL REQUIRED

Insight

E-FAX MACHINE

Originally posted by Fidelity National Financial on June 2018. The names of the individuals featured in this story have been changed from the original article by FNF:

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The fax machine, whether it is the old-fashioned version, internet fax, or e-fax solution, poses security risks when it comes to wire fraud, just like email. The connection may pose the security risk, the risk may be the lack of verification of the sender, or it may be where the transmittal is received. A seller on a recent transaction received a payoff statement from his lender. The seller was represented by an attorney. He emailed the payoff statement to the attorney.

The attorney responded with instructions to fax the payoff instead. The payoff statement was received via e-fax from the seller.

The law firm, in turn, provided the payoff statement to the settlement agent. The settlement agent placed the payoff statement in the file until it was ready to close. On the day before closing the settlement, the agent confirmed the contents of the letter with the payoff lender. The escrow officer did not confirm the wire instructions contained in the payoff statement since the title company sends hundreds of payoff funds to the lender every business banking day.

The settlement agent proceeded to post the outgoing payoff wire in the amount of \$326,939.58 to the production system. The outgoing wire was transmitted to the accounting center for processing. Jenny White, the accounting center representative, received the outgoing

wire for processing. She had read the April 2018 edition of Fraud Insights and knew payoff funds were now the target of the diverted wire scam.

Jenny paid close attention to the bank wire information as she processed the outgoing wire. While processing, she noticed the account number to which the funds were being sent was not the account she normally used when processing wires for this particular payoff lender.

Jenny stopped. She picked up the phone and called the bank the wire was being sent to. She wanted to verify that the account truly belonged to the payoff lender. The bank confirmed her suspicions. The account did not belong to the payoff lender. Jenny rejected the wire and called the settlement agent to let them know the payoff funds would not be transmitted until the wire information was correct.

Jenny's close attention to detail did not go unnoticed. The Company is so proud of her integrity and unique ability to detect wrong-doing, they sent her a letter of recognition along with a check in the amount of \$1,500.

