# eSigning and eLeasing: What Do You Want To Know?

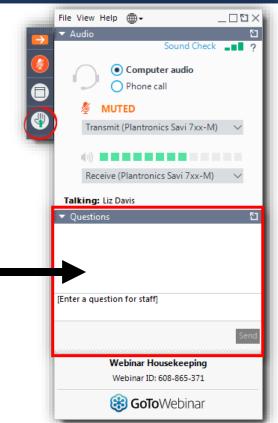


## Housekeeping



Today's web seminar is being recorded.

All questions should be submitted via the Questions Panel.



## Our Panelist



**Steve Bisbee** *Founder* 





Robert S Cohen
Partner





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# **E-Signature**

e-Signature refers to many things but conceptually it refers to:

How documents are electronically:

- Signed
- Stored
- Managed



## **Electronic Documents Are Enforceable**

- Uniform Electronic Transactions Act (UETA)
- Electronic Signatures in Global and National Commerce Act (E-SIGN)
  - an "electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record."

    UETA & 2(8); ESIGN & 106.
  - Absence of an ink signature does not make the agreement unenforceable
  - Applies to UCC Articles 2 and 2A
  - UCC 9-203(b)(3) separately enables electronic signatures
- Consider
  - Commercial & Consumer Transactions
  - State law/regulatory environment
  - Notarized Documents



# **Enforceability**

Electronic documents are open to the same challenges and risks as paper contracts:

- Was the document signed?
- Who signed the document?
- Which document was signed?







# Adoption

The proper development and implementation of an e-Signature program will:

- have advantages over the traditional ink or "wet" signatures which are often overlooked; and
- reduce the risk of forgery and fraud.



## Your Questions Formed Today's Agenda

#### 1 eSignature

- What is an eSignature?
- Understanding electronic chattel paper
- Enforcement

#### **9** eVaulting

- Electronic chattel paper and eVault
- Audit trails
- Management
- Cost
- Paper documents and eVault

#### Secondary Markets

- Securitization and syndication of eSigned documents
- Acceptance of electronic chattel paper by capital markets

#### / ROI

- Online notarization of documents such as power of attorney, DMV documents, real estate
- · Emergence, visibility and enforceability of eNotary
- Notary options via eSignature

#### 5 Q&/





## Wrap up

- This web seminar has been recorded and will be available, along with the slides, on the ELFA website later this week.
- Please complete the post-event survey it will be sent to you shortly after today's web seminar.

### Thank you to our sponsor!



