

PUBLICATION

Spotlight on Tennessee: Governor Lee Issues Executive Order Permitting Remote Execution of Legal Documents

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On April 9, 2020, Tennessee Governor Bill Lee issued Executive Order No. 26, "An Order Suspending Provisions of Certain Statutes and Rules in Order to Facilitate Remote Notarization and Witnessing of Documents" (sometimes, the "Order"). The Order specifically permits remote execution and notarization of many documents commonly used in estate planning, including trusts, wills, living wills, and durable health care powers of attorney. Documents commonly used in real estate transactions such as deeds are also specifically authorized to be executed remotely. The Order also provides more generally that "other legal documents" may be executed remotely.

The Order provides for the suspension of statutory provisions that otherwise require the "physical presence" of, or "while appearing before", a notary public or one or more witnesses. Acceptable procedures are prescribed and they include that execution must occur "via real-time audio and visual communication means" where the necessary signatory, notary, and witness(es) can all see and hear one another simultaneously, among other requirements. Care should be taken when executing documents that all required formalities are followed. Persons wishing to execute documents pursuant to the Order may do so in counterpart or by notarizing or witnessing the original document within ten days of the original signing. The Order is effective beginning 11:59 p.m., Central Daylight Time, on April 9, 2020 until 12:01 a.m., Central Daylight Time, on May 18, 2020.

The Order is a means for those residents of Tennessee wishing to engage in estate planning, real estate transactions, or other legal transactions during the COVID-19 crisis to execute their legal documents. If you need assistance with your estate planning or other transactions affected by the Order, please contact [Steve K. Wood](#) or one of our other tax attorneys. For more information and general guidance on how to address other legal issues related to COVID-19, please visit the [Coronavirus \(COVID-19\): What You Need to Know information page](#) on our website.