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| #1 Licensing Establish and maintain current license(s) as required to conduct [the business of title insurance and] settlement services.  **Purpose**  Maintaining state mandated [ ] licenses and corporate registrations (as applicable) ensures that the company remains in good standing with the state. | | |
| **What You Should Know**  Residential real estate closings must be handled in compliance with Authorized Practice Advisory Opinion 2002-1, rev. January 26, 2012. This includes the preparation or aiding in the preparation of deeds, mortgages; abstracting or passing upon titles, assisting by advice, counsel, or otherwise in any legal work; and to advise or give an opinion upon a person’s legal rights. N.C. Gen. Stat. 84-2.1. Attorneys are required to remain licensed and in good standing with the North Carolina State Bar, [www.ncbar.gov](http://www.ncbar.gov), including attending continuing legal education, in order to practice law in North Carolina or to handle real estate transactions regarding North Carolina property. They must also practice in compliance with the Revised Rules of Professional Responsibility and the Ethics Opinions promulgated by the State Bar. Closing documents must be recorded prior to disbursement of closing funds, assuring priority of the clients’ interests. N.C. Gen. Stat. 45A-1 *et seq.* Attending professional meetings, conventions and CLE presentations adds professional skills and provides an opportunity to learn more about changes in the industry.  A title insurer may not issue a title insurance commitment or policy unless and until the title insurer has obtained the opinion of an attorney, licensed to practice law in North Carolina and not an employee or agent of the company, who has conducted or caused to be conducted under the attorney's direct supervision a reasonable examination of the title. N.C. Gen. Stat. 58-26-1(a).  Notary commissions must be renewed, official notarial seals protected and copies of the official current Notary Public Guidebook available at all times. N.C. Gen. Stat. Ch. 10B. |  | **Issues to Consider and Discuss**   * NC ethics opinions and Good Funds Settlement Act require that a NC licensed attorney supervise a real estate closing, assuring that title is as insured and documents recorded prior to disbursement of the closing proceeds. * How many in the office are licensed? * How many in your office are specialists? Do you highlight this in your firm publicity and display the certificates in the office? * What is your plan for vacations, medical leave, etc. to assure continued compliance? * How many in your office are certified paralegals? * Who should be licensed or certified? Anyone who interacts directly with a client? * How might the perception of your office be improved by the addition of more licensed or certified staff? * Do you advertise your professional designations? * How are individual licenses and certifications tracked? * Is your firm a professional limited liability company, limited partnership or corporation? How do you track filings with the Secretary of State? * Do you and others with licenses and certifications attend high quality continuing legal education, including RESPA and real estate focus, to maintain the best skills for your clients’ representation? * How many in your office are commissioned notaries? How do you assure they maintain current commissioning and protect notarial seals? Is official current Notary Public Guidebook in the office available to all? |
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