# THE STATE OF GEORGIA

## EXECUTIVE ORDER

BY THE GOVERNOR:

**WHEREAS:** On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and

**WHEREAS:** The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 15, 2020; and

**WHEREAS:** The number of COVID-19 cases in Georgia continues to rise; and

**WHEREAS:** Certain legal documents for real estate transactions require the in-person services of a notary public or a witness and such interactions should be avoided to the maximum extent possible in order to promote social distancing and the mitigation of the spread of COVID-19; and

**WHEREAS:** Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS:** Code Section 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessaiy action in coping with the emergency or disaster; and

**WHEREAS:** Upon consideration, I have determined that the following temporary actions are necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and provide a safe and secure method by which to execute legal documents.

**NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY**

**ORDERED:** Any purported requirement under the laws of this state that the attestation of a recordable instrument under Code Sections 44-2-1 *et seq.* and 45-17-1 *et seq.* must occur in the physical presence of the notary public may be satisfied by the use of real-time audio-visual communication technology or any similar real-time means of electronic video conferencing that allows the parties to communicate with each other simultaneously by sight and sound.

**IT IS FURTHER**

**ORDERED:** That any requirement under Code Section 44-2-1 *et seq.* that an in-person witness attest or acknowledge an instrument, document, or deed may be satisfied by the use of real-time audio-video communication technology or any similar real-time means of electronic video conferencing that allows all of the parties to communicate with each other simultaneously by sight and sound.

**IT IS FURTHER**

**ORDERED:** That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

**IT IS FURTHER**

**ORDERED:** All provisions of the Order shall become effective upon signature and shall expire at the conclusion of the Public Health State of Emergency declared in Executive Order No. 03.14.20.01. If the Public Health State of Emergency declared in Executive Order No. 03.14.20.01 is renewed, this Order shall carry forward with the Public Health State of Emergency until such state of emergency is terminated or ceases to be renewed by the Governor.

This 31st day of March 2020 at 11:31 A.M.

B. P. Kemp

**GOVERNOR**