



eClosing System Provider:

Primary Contact Name:

Primary Contact Email:

Primary Contact Phone Number:

eClosing System Provider Questionnaire

Please respond to the following questions regarding your eClosing System. Terms not otherwise defined herein, have the meaning ascribed to them in the *MISMO eClosing System Certification Requirements*.

1. Does the eClosing System comply with state and federal laws, rules, and regulations concerning privacy, data security, record retention, and the content, display, presentation, and the format of Electronic Records? Please identify any exclusions.

Yes No

2. Does the eClosing System require Multi-Factor Authentication of signers? What methods of authentication are supported by the eClosing System to verify the identity of a signer?

Yes No

3. What types of Electronic Signature are supported by the eClosing System?

4. Does the eClosing System support the electronic signing of MISMO SMART Doc[®] electronic promissory notes (eNotes)?

Yes No



eClosing System Provider Requested Documentation

Please provide any available documentation (e.g., procedures, policies, workflows, or user guides), including third-party documentation if relevant, that describe any of the following aspects of the eClosing System:

- Application of a Tamper-Evident Seal to Electronic Records
- Prevention of unauthorized access or alterations to Electronic Records
- Steps taken if an Electronic Record is subject to unauthorized access or alterations
- Storage and Reproduction of Electronic Records
- Information security programs, including, but not limited to, disaster recovery, business continuity, redundancy, data back-up, and archival/retrieval capabilities, and the results of, any reviews or tests of such programs

As part of the MISMO eClosing System Certification process, you must provide a demonstration of the eClosing System, which is conducted at the direction of MISMO. From such demonstration, you will be required to provide the following artifacts:

- eClosing System Audit Trails.
- Copies of all electronically signed Electronic Records and eNotes.
- Copies of signer consents to the use of Electronic Signatures.



eClosing System Provider Attestations

I hereby attest that I am authorized by my organization, the eClosing System provider (“Provider”), to make the following attestations on its behalf regarding its eClosing System, that I am familiar with the features and functionality of the eClosing System, and I understand each of the attestations that I am about to make on the Provider’s behalf. To the extent there are any exclusions or limitations to/on a particular attestation, I have indicated such and provided details in the space that follows or in a separate attachment, if necessary. Further, I attest to the accuracy and completeness of the information provided by the Provider in response to the Questionnaire and throughout the course of the MISMO eClosing System Certification.

1. The eClosing System is designed in compliance with applicable federal, state, and local laws, rules, and regulations concerning privacy, data security, record retention, and the content, display, presentation, and format of Electronic Records.
2. The eClosing System presents Electronic Records in compliance with applicable federal, state, and local laws, rules, and regulations concerning, but not limited to, the content, format, or physical location of information displayed in the Electronic Record, and any requirements associated with how information is organized in the Electronic Record.
3. The eClosing System obtains a signer’s E-SIGN consent on the same date as the date he/she electronically signs any Electronic Record, even if a similar consent was obtained on an earlier date.
4. The eClosing System does not permit an Electronic Signature to be an audio or video recording or comprised solely of biometric data.
5. The eClosing System requires a separate Electronic Signature, or acknowledgment, for each instance requiring the signer’s signature or acknowledgment. It does not permit a signer to simultaneously apply multiple Electronic Signatures or acknowledgments.
6. A Tamper-Evident Seal is applied to any Electronic Record electronically signed via the eClosing System immediately after the last signer applies his/her Electronic Signature.
7. The eClosing System prevents unauthorized access or alterations to Electronic Records electronically signed in and maintained by the eClosing System, and in the event of such unauthorized access or alterations the Provider has procedures in place to promptly notify applicable parties.
8. Any reproduction of an Electronic Record by the eClosing System includes the contents, fonts, stylings, margins, and all other physical features required to comply under applicable state and federal laws, including an indication that it is a reproduction of an Electronic Record that was electronically signed.
9. Provider has a comprehensive information security program in place to ensure consumer data, privacy, and information security laws and regulations are satisfied. Such programs include, but are not limited to, sufficient and documented plans for disaster recovery, business continuity, redundancy, data back-up, archival/retrieval capabilities, and annual tests of these components.



Exclusions/limitations to the above attestations:

Signature:

Name:

Title:

Date: