

## Resources

### The Future of Home Loans: eNotes and eMortgages

July 17, 2018

Please join Dykema for a discussion on digital mortgage loans, including the current state of industry use of eNote and eMortgages and an analysis of where originators, warehouse lenders, investors and servicers are for eNotes and eMortgages. In addition, we will analyze the legal risks and problems the industry may face related to eNotes and eMortgages. We also will discuss the need for servicers to re-tool various policies and procedures related to note and mortgage enforcement when eNotes and eMortgages are involved. Our discussion will include:

- An overview of the current state of eNote and eMortgage adoption
- Steps to complete a full eNote and eMortgage process – from application, processing and underwriting, pre-closing, closing, post-closing and subsequent transfers
- Use of eNotarization at closing
- What is slowing the adoptions of eNotes and eMortgages industry-wide?
- Industry use of a hybrid process (paper + “e” components)
- Legal risks involving the use of eNote and eMortgages
- The enforceability of eNotes and eMortgages including applying current paper note and mortgage case law to electronic documents
- The various legal requirements for the electronic execution of documents and the electronic delivery of mandatory disclosures, including E-SIGN (Electronic Signatures in Global and National Commerce Act), the Uniform Electronic Transfer Act and the Uniform Commercial Code
- Jurisdictional challenges to the use of eNotes and eMortgages
- Potential liability for originators, lenders, investors, and servicers related to eNotes and eMortgages
- Best practices for establishing and maintaining policies and procedures to ensure the enforceability of eNotes and eMortgages
- Understanding where eNotes are stored and who owns and controls the eNote
- Litigation trends and issues
- Case studies involving eNotes and eMortgages

**Tuesday, July 17, 2018**

1:00 p.m. – 2:00 p.m. EST

**Speakers:** Laura C. Baucus, Member, Bloomfield Hills; Erin F. Fonté, Member, Austin; Joseph H. Hickey, Member, Bloomfield Hills; Luke Sosnicki, Member, Los Angeles

[Click Here to Register](#)

CLE accreditation is anticipated for California, Illinois and Texas. We provide Uniform Certificates of Attendance and jurisdiction-specific information for those licensed in other jurisdictions. Please contact Sarah Minjoe at [sminjoe@dykema.com](mailto:sminjoe@dykema.com) with questions.

The Future of Home Loans: eNotes and eMortgages (Cont.)

### **Attorneys**

Laura C. Baucus

Joseph H. Hickey

### **Practice Areas**

Commercial Lending

Corporate Finance

Financial Services Litigation – Consumer  
Litigation

### **Industries**

Commercial Lending

Financial Industry Group