

Notary Basics by Mary Roque

#NOTARYBABE

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Let's start with the Notary Basics

What is a Notary Public?

A Notary Public is a public servant and an officer of the state. The duties of a notary are to administer oaths, have the signer appear before the notary at the time of the notarization, verify the signer's identity, execute a true and correct notarial certificate, and record the notarization in a notary journal, or digital journal, if applicable. You, the Notary, must be impartial, meaning there is no benefit for you in any of your signings.

The two most commonly notarized documents are acknowledgements, and jurats.

What is an acknowledgment?

- The purpose of this document is to acknowledge that the signer willingly signed the document.

What is a jurat?

- The purpose of this document is for the signer to swear to/affirm the truth of a document to you, the notary. More on these two documents in a moment.

How to perform a successful notarization

Make sure the signer appears before you.

First the signer must appear in person before you at the time of the notarization. You shall verify the signer's identity by checking his ID, and willingness to sign the documents.

Identify the signer.

Next, verify the signer's identity, correctly, means you have zero doubts in your mind about his identity. Verifying a signer's identity is one of the main reasons a notarization is required.

Here are some of the typical methods used to identify a signer:

An identification card, and the most reliable include;

- A picture of the signer,
- The signer's physical description; for example, brown hair, brown eyes,
- A signature, and
- A serial number, like a driver's license number.

These are the most common types of identification cards:

- IDs
- Driver's licenses
- Passports, and
- Federal Identification Cards, like military IDs

Don't accept these as a method of verifying identification:

- Birth certificates, and
- Social security cards, or
- Credit Cards.

Three other methods to use when a signer doesn't have an ID:

- Having personal knowledge of the signer is accepted, this means you are familiar with the signer, and there is no doubt in your mind who he is.
- Using a credible witness is also another method of verification. This witness must personally
(a) know the signer, (b) is willing to swear that they know the signer, and (c) you must personally know the witness as well. Think about this as a **chain of trust**, where the signer, you, and the witness know each other. If you don't personally know the witness, then the third option is for the signer to use two creditable witnesses.
- When you the signer uses two credible witnesses – both witnesses must provide an ID and swear that they know the signer, that's it.

Check the document for wording, missing information, or blank spaces.

Check the entire document for these four things:

1. An acknowledgement has the words, "before me", and "acknowledged". On a jurat, the words are, "subscribed, and sworn".
2. Make sure that the document is filled out, don't read it in detail, just make sure it's complete.
3. Are there any missing pages? Some documents are numbered towards the bottom of the page. Check to see if there are any missing numbered documents.
4. Look for any blank spaces before you sign and seal the document.

How to verify the document.

Moving on to verifying the document. Although a signer can bring a document already signed, the signer must acknowledge that they willingly signed. For example, you can ask, "Do you acknowledge that you signed this document, and for the purposes stated in this document?" Once the signer says, "Yes", then you can continue with the process.

If the document is not signed when it comes to you, then you don't have to ask, because they will sign in front of you.

Now for a jurat, the signer personally appears before you, same as an acknowledgement. You, the Notary, will check the document, verify identity, same as an acknowledgement, but unlike the acknowledgment, a Notary must witness the signer sign the document. The signer must swear that the content of the document is true, and they must verbally state so. For example; you ask the signer to take the oath by asking, "Do you swear that the statement in this document is true?" The signer must answer, "Yes."

Complete the Notary certificate.

There are two types of certificates:

- Preprinted, and
- A certificate form, and this form can be stapled to the back of the document.

A preprinted certificate

What is makes up the certificate?

- Venue; state, and county where the notarization took place.
- The Body; includes the name of the signer, date, and information about the notarial act. For example, the body could read as follows: “**...On (this date), (signer’s name) personally appeared before me, and acknowledged executing this document.**”
- Also, there will be a place for your signature. Remember to sign your name exactly as it appears on your seal.
- Lastly, and not all states require a Notary to have a seal, or stamp, but most do. Make sure there is a place on the certificate for your seal if required.

As previously mentioned, there are two types of certificates; preprinted, and a certificate form.

Use a certificate form when:

- A document has no preprinted wording
- The preprinted wording does not comply with state law

Each certificate:

- Certifies a different set of facts
- Has unique wording

Here are the differences between wording on certificates:

An acknowledgment

1. **Venue**; state, and county where the notarization took place.
2. “**Before me**” means the signer appeared before you in person.
3. “**Acknowledged**” means the signer acknowledged his signature, as already mentioned, if the document comes to you already signed, you ask the signer, “***Is this your signature, and did you sign this document willingly?***” The signer must answer, “***Yes.***” If it’s not signed you don’t have to ask, and they don’t have to verbally acknowledge that the signature is theirs, because they signed in front of you.

A jurat

1. Like an acknowledgement, it also has the **Venue**; state, and county where the notarization took place.
2. Like an acknowledgement, it also has the wording “**before me**” which means the signer appeared before you in person.
3. “**Subscribed and sworn to**” means the signer took the oath and signed in front of you. Again, this when you ask the signer to take the oath by asking, “***Do you swear that the statements in this document are true?***” The signer must answer, “***Yes.***”

About your Notary Seal

The seal signifies that the notary is a public officer.

Once you have filled out the venue, and body, the last step is to sign and place your seal on the document and placed as close to your signature as possible. Avoid placing your seal on preprinted wording, especially a signature. Also, your seal should be kept in a secured, and locked location, so that no one has access to it other than yourself.

About your Notary Journal

Your notary journal is a public record.

A detailed description of the type of notarization that took place in your journal is important, it can be used in case a notarized document is lost or challenged. Record each document that was signed, if there are multiple documents, enter them separately in your journal. Protect your journal in a locked, and secure location. Only you should have access to it, because it has sensitive, and personal information.

Note that if a document was prepared anywhere outside of your state, you must obey the laws of your state first.

Check your Secretary of State website regularly for changes on notary state law.

Thank you for watching and taking the step to invest in yourself! Ready to become a Tax Boss and master the art of preparing taxes? Visit **MaryRoque.com** for all the resources and information you need to get started.

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