

Notary Public: Common Terms to Know

A Plain-Language Glossary for Texas Consumers

Prepared by: Bluerock Business & Financial Services, LLC, Delfino J. Flores, MBA, C-NSA
Texas Notary Public | Notary ID: 135524904 | Commission Expires: 07/22/2029 |
WWW.BLUEROCKBFS.COM | 1-800-918-6710 | INFO@BLUEROCKBFS.COM

Last updated: October, 2026

Important Notice and Disclaimer

*This document is for general informational purposes only. It is not legal advice. A notary public is a public officer commissioned by the State of Texas to witness signatures, administer oaths, and perform other official acts. A notary is **not an attorney** (unless separately licensed as one) and **cannot** give legal advice, explain the legal effect of a document, choose the type of notarial act for you, prepare legal documents, or advise you on which document you need.*

The definitions below are simplified summaries. Laws change, and their application depends on your specific facts. For questions about your legal rights, the contents of a document, or which document is right for you, please consult a licensed Texas attorney. Use of this glossary does not create an attorney-client relationship, and reliance on it is at your own risk.

The author makes no warranty about the accuracy, completeness, or timeliness of this document and is not responsible for any loss or damage arising from its use. Always verify current requirements with the sources listed at the end of this document.

How to Use This Glossary

Terms are grouped by topic and then listed alphabetically. Where helpful, a term notes whether a notary can perform the act and what you should expect at a signing.

Part 1: The Notary and Notarial Acts

Acknowledgment A notarial act in which a signer appears before the notary and confirms that they signed a document willingly and for the purposes stated in it. The signer does not have to sign in front of the notary, but must personally appear and acknowledge the signature. Commonly used for deeds, powers of attorney, and contracts.

Affiant The person who makes a statement in an affidavit and swears or affirms that it is true.

Affidavit A written statement of facts that the signer swears or affirms is true. An affidavit is typically signed before a notary, who administers the oath or affirmation.

Affirmation A solemn, formal declaration that a statement is true, made without invoking a deity. It carries the same legal weight as an oath and is an option for signers who prefer not to swear an oath.

Apostille A certificate issued by a government authority (in Texas, the Secretary of State) that authenticates a public document, including a notarized one, for use in another country that belongs to the Hague Apostille Convention. A notary cannot issue an apostille.

Certified Copy A copy of a document that an authorized official certifies as a true copy of the original. In Texas, a notary generally may **not** certify copies of public records such as birth certificates, death certificates, or marriage records. Those must be obtained from the issuing agency. Rules on what a notary may copy-certify are limited, so ask before assuming.

Commission The authority granted by the State of Texas that allows a person to act as a notary public. A Texas notary commission lasts four years.

Copy Certification (Certification of a Copy) See *Certified Copy*.

Credible Witness A person who personally knows the signer and swears or affirms to the notary that the signer is who they claim to be, when the signer does not have acceptable identification. Rules about credible witnesses are specific; ask your notary what is allowed.

Jurat A notarial act in which the signer **swears or affirms** before the notary that the contents of a document are true, and signs it in the notary's presence. Unlike an acknowledgment, the signer must sign in front of the notary. Commonly used for affidavits and sworn statements.

Notarial Certificate The written statement on a document that shows the notary performed a notarial act. It includes details such as the date, location, type of act, the signer's name, and the notary's signature and seal. The wording depends on the type of act.

Notary Public An impartial public official commissioned by the State to serve as a witness in preventing fraud in documents and to perform specific official acts.

Notary Seal / Stamp The official mark a notary places on a notarized document. In Texas, the seal includes the notary's name, the words "Notary Public, State of Texas," the commission expiration date, and the notary's ID number.

Notary Journal (Record Book) A record of notarial acts kept by the notary. Journal entries often include the date, type of act, signer's name and ID information, and the signature of the signer. Texas requires notaries to keep a journal of notarial acts, and notaries must protect the journal's contents. Review current rules for requirements.

Oath A solemn, spoken promise to tell the truth, made with an appeal to a higher power. A notary may administer oaths as part of an affidavit or jurat.

Personal Appearance The requirement that the signer be physically present with the notary (or, where authorized by law, present through approved audio-video technology) at the time of the notarial act.

Proof of Execution A notarial act in which a witness, rather than the signer, appears before the notary to swear that they saw the signer sign the document. It is used in limited circumstances.

Satisfactory Evidence of Identity The proof a notary relies on to confirm a signer's identity, which may include a current government-issued photo ID, personal knowledge of the signer, or other methods permitted by Texas law.

Signature by Mark When a person who cannot sign their name makes a mark (such as an "X") as their signature, usually with witnesses. Ask the notary about the specific steps involved.

Signer The person whose signature is being notarized.

Signing Agent (Notary Signing Agent) A notary who has specialized training to handle the signing of loan and real estate documents, often travelling to the signer's location. A signing agent is **not** an attorney or loan officer and cannot explain loan terms or advise on the transaction.

Subscribing Witness A person who sees the signer sign a document and then signs the document as a witness. A subscribing witness is different from a credible witness.

Venue The state and county where the notarial act takes place, written at the top of a notarial certificate (for example, "State of Texas, County of Cameron").

Witness A person who observes a signing and may sign the document to confirm they saw it. Some documents require witnesses in addition to, or instead of, a notary. A notary cannot tell you whether your document needs witnesses.

Part 2: Powers of Attorney and Advance Directives

Advance Directive A general term for written instructions about your future health care decisions or who should make them if you become unable to. In Texas, this can include a Directive to Physicians, a Medical Power of Attorney, and an Out-of-Hospital Do-Not-Resuscitate Order.

Agent (Attorney-in-Fact) The person you appoint in a power of attorney to act on your behalf. The agent does not need to be a lawyer.

Directive to Physicians and Family or Surrogates (Living Will) A document stating your wishes about life-sustaining treatment if you have a terminal or irreversible condition and cannot communicate. Texas has specific forms and signing requirements.

Durable Power of Attorney (DPOA) A power of attorney that stays in effect if you become incapacitated, so your agent can continue to handle the matters you authorized (usually financial or legal). In Texas, a durable power of attorney must include specific language showing that it is durable. A notary can notarize the signature but **cannot** tell you whether to sign or what powers to grant.

General Power of Attorney A power of attorney that gives the agent broad authority to act on the principal's behalf in many matters.

HIPAA Authorization A written authorization that allows health care providers to share your protected health information with the people you name.

Incapacity The inability to understand, make, or communicate decisions, as determined under applicable law. Only the proper authorities can determine this, not a notary.

Limited (Special) Power of Attorney A power of attorney that gives the agent authority only for specific tasks or a limited time, such as selling a particular vehicle or handling a single real estate closing.

Medical Power of Attorney (MPOA) A document that appoints an agent to make health care decisions for you if you cannot make them yourself. In Texas, a Medical Power of Attorney has specific disclosure and signing requirements, which may include witnesses or notarization. Ask an attorney or your health care provider about your situation.

Principal The person who creates and signs a power of attorney and grants authority to an agent.

Springing Power of Attorney A power of attorney that takes effect only when a specified event occurs, such as the principal's incapacity.

Statutory Durable Power of Attorney A durable power of attorney that follows the form and language provided by Texas statute.

Part 3: Estate Planning and Wills

Beneficiary A person or organization named to receive property, benefits, or assets from a will, trust, insurance policy, or account.

Codicil A written amendment to an existing will.

Estate The total property, money, and assets a person owns at death.

Executor / Independent Executor The person named in a will to manage the estate and carry out its instructions. Texas commonly uses an *independent* executor, who can administer the estate with limited court supervision.

Guardian / Guardianship A person appointed by a court to make decisions for another person (a minor or an incapacitated adult). Guardianship is a court process, not something a notary can create.

Heirs People who are entitled by law to inherit from someone who died without a valid will.

Holographic Will A will written entirely in the testator's own handwriting. Texas recognizes holographic wills if they meet specific requirements.

Intestate Dying without a valid will. State law then decides how the estate is distributed.

Last Will and Testament A legal document that states how a person wants their property distributed after death and may name an executor and guardians for minor children.

Living Trust (Revocable Trust) A trust created during a person's lifetime that can be changed or revoked by the person who created it.

Probate The court process of validating a will and administering a deceased person's estate.

Self-Proving Affidavit A sworn statement signed by the testator and witnesses, notarized, and attached to a will so the will may be admitted to probate without additional witness testimony. A notary can notarize it, but cannot advise whether you need one.

Testator The person who creates a will.

Trustee The person or institution that manages the assets held in a trust.

Part 4: Real Estate and Property

Affidavit of Heirship A sworn statement that identifies a deceased person's heirs and may be used to help establish ownership of property. Requirements are technical; consult an attorney.

Closing The final meeting in a real estate transaction where documents are signed and ownership is transferred.

Deed A written document that transfers ownership of real property. Common types in Texas include General Warranty Deeds, Special Warranty Deeds, and Quitclaim Deeds. A notary does not decide which deed to use.

Deed of Trust In Texas, the security instrument that secures a mortgage loan on real property, often involving a trustee.

Grantor / Grantee The grantor transfers (gives) the property; the grantee receives it.

Lien A legal claim against property, typically to secure payment of a debt.

Promissory Note A written promise to repay a loan under stated terms.

Quitclaim Deed A deed that transfers whatever interest the grantor may have in the property, without any guarantees about that interest.

Title Legal ownership of property.

Title Company A company that researches ownership records, issues title insurance, and often handles real estate closings.

Part 5: Business, Vehicles, and Everyday Documents

Bill of Sale A document that records the sale and transfer of personal property, such as a vehicle or equipment.

Consent to Travel (Minor Travel Authorization) A letter in which a parent or legal guardian gives permission for a minor to travel. Some travel authorities or airlines may or may not require notarization; check with them directly.

Contract An agreement between parties that creates legal obligations.

Notarized Letter A letter signed by the author before a notary. A notary notarizes the signature and does not verify the truth of the letter's content unless it is a jurat.

Power of Attorney for Vehicle Transactions A document authorizing another person to handle certain vehicle title or registration matters. Agencies may require their own forms.

Vehicle Title Transfer The process of transferring ownership of a motor vehicle, typically handled through the Texas Department of Motor Vehicles (TxDMV) or a county tax office. Notarization is not required for every vehicle transaction.

Part 6: Remote and Electronic Notarization

Electronic Notarization (eNotarization) Notarization of an electronic document using an electronic signature and electronic seal.

Remote Online Notarization (RON) A notarial act performed using audio-video technology when the signer and notary are in different locations. In Texas, notaries must be separately approved by the Secretary of State to perform online notarizations and must follow specific identity-proofing and recording requirements.

Identity Proofing The process of verifying a signer's identity during an online notarization, which may include credential analysis and knowledge-based authentication.

Credential Analysis A technology-based review of a government-issued ID to confirm it is genuine.

Audio-Video Recording The recording of an online notarization session, which a Texas online notary must retain as required by law.

Part 7: Other Common Terms

Attestation The act of witnessing and confirming that something is true or that a signature is genuine.

Capacity A person's mental ability to understand and sign a document. A notary may decline to notarize if the signer seems confused, coerced, or unable to understand what they are signing.

Coercion / Duress Being forced or pressured to sign against your will. A notary may refuse to notarize if there are signs of coercion.

Conflict of Interest / Disqualifying Interest A situation in which the notary has a personal or financial interest in the transaction. A notary generally may not notarize a document if they are a party to it or will receive a direct benefit from it.

Fraud Intentional deception for personal gain. Notaries help deter fraud by verifying identity and following required procedures.

Incomplete Document A document with blank spaces. A notary should not notarize a document that is missing required parts. Do not sign a document with blanks you do not understand.

Notary Fees Texas law sets maximum fees for certain notarial acts. Ask your notary about fees before the appointment. Mobile travel fees are generally separate and agreed upon in advance.

Unauthorized Practice of Law (UPL) Performing legal services, such as giving legal advice or preparing legal documents for another person, without being a licensed attorney. Notaries who are not attorneys must avoid this. Texas notaries are also limited in how they may advertise services (for example, restrictions on translating the term "notary public" as "notario publico" without the required disclosure).

What to Bring to a Notary Appointment

1. **The complete, unsigned document.** Do not sign until you are in front of the notary, unless the notarial act is an acknowledgment.
2. **A valid, government-issued photo ID** (such as a driver's license, state ID, or passport). Check with your notary about acceptable IDs.
3. **All signers** must be present.
4. **Any witnesses**, if your document requires them (the notary cannot tell you whether it does).
5. **Payment** for the notary fee, as agreed in advance.

What a Notary Public Cannot Do

A notary public in Texas cannot:

- Give legal advice or explain the legal effect of a document
- Choose the type of notarial act for you

- Prepare or draft legal documents for you (unless the notary is also a licensed attorney acting in that capacity)
- Notarize their own signature or a document in which they have a disqualifying interest
- Notarize a document if the signer cannot be properly identified
- Notarize an incomplete document
- Certify copies of certain public records
- Guarantee that a document is valid, enforceable, or accepted by another agency

Sources and Further Reading

Please verify all information against current official sources. Laws and rules change.

- **Texas Secretary of State, Notary Public Unit:** sos.state.tx.us (or sos.texas.gov), including the *Texas Notary Public Handbook* and online notarization guidance
- **Texas Government Code, Chapter 406** (Notaries Public and Commissioners of Deeds)
- **Texas Government Code, Chapter 406, Subchapter C** (Online Notarization) and related administrative rules (Title 1, Texas Administrative Code, Chapter 87)
- **Texas Civil Practice and Remedies Code, Chapter 121** (Acknowledgments and Proofs of Written Instruments)
- **Texas Estates Code** (wills, estates, guardianship, durable and medical powers of attorney)
- **Texas Health and Safety Code, Chapter 166** (Advance Directives)
- **Texas Property Code** (real property and deeds)
- **Texas Department of Motor Vehicles (TxDMV):** txdmv.gov
- **State Bar of Texas:** texasbar.com, including attorney referral resources
- **Texas Law Help:** texaslawhelp.org, free legal information for Texans

Copyright and Use Notice

© 2026 Bluerock Business & Financial Services, LLC. All rights reserved. This document may be downloaded and shared for personal, non-commercial use, provided it is distributed in full, without alteration, and with this notice and the disclaimer intact. Any other reproduction or commercial use requires written permission. CORPORATE@BLUEROCKBFS.COM

Not legal advice. Not a substitute for an attorney. If you need help understanding a legal document, contact a licensed Texas attorney.