



Last Update: April 24, 2019

## QUICK FACTS

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### **Notary Jurisdiction**

Statewide (EL 130).

### **Notary Term Length**

Four years (EL 130), effective July 18, 2001, pursuant to Chapter 171 of the laws of 2000. Formerly, the term of office for a New York Notary was two years.

### **Notary Bond**

Not required.

### **Notary Seal**

Not required.

### **Notary Journal**

Not required.

## ADMINISTRATION AND RULES

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### **Commissioning Official**

New York State Notaries are appointed, commissioned and regulated by the Secretary of State, who maintains records on them (EL 130).

### **Contact Information**

Department of State  
Div. of Licensing Services  
Alfred E. Smith Building  
P.O. Box 22001  
Albany, NY 12201-2001  
1-518-474-4429

(80 South Swan St., 10th Floor  
Albany, NY 12210)

Website: <https://www.dos.ny.gov/licensing/notary/notary.html>

### **Laws, Rules and Guidelines**

Laws: Most Notary rules are in the: Executive Law (EL), Sections 130 through 138; Public Officers Law (POL), Sections 3, 67, 69, 534; and Real Property Law (RPL), Sections 298 through 333.

Guidelines: Pertinent statutes and other guidelines for Notaries are compiled and issued by the Department of State in its “Notary Public License Law” (June 2016) publication, also available on the website.

## COMMISSION AND APPOINTMENT

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### Commission Process

**Qualifications:** An applicant for a commission as a New York Notary Public must: (a) be at least 18 years old, (b) be a person of good moral character, (c) be a resident of New York State or have an office or place of business in the state, (d) have the equivalent of a “common school education” and (e) not have been convicted of a crime, unless the Secretary of State makes a finding in conformance with all applicable statutory requirements, including those contained in Correction Law Article 23-A, that such convictions do not constitute a bar to appointment. In addition, “every person appointed as notary public must, at the time of his or her appointment, be a citizen or permanent resident alien of the United States ...” (website, “Frequently Asked Questions”). “Generally, a person convicted of felony cannot be appointed as a notary public. Also, certain misdemeanors are considered disqualifying. However, should a person convicted of any crime obtain an executive pardon, a certificate of relief from disabilities, or a certificate of good conduct from the parole board, he or she may be considered for appointment” (website, “Frequently Asked Questions”).

**Course:** Not required.

**Exam:** Every applicant must take a proctored, closed-book, one-hour examination, regularly scheduled at different sites around the state. Examination schedules are updated in January and July of each year and posted on the Department of State’s website. Applicants may register for the exam at the test center on the day of the exam, but seats are limited and assigned on a first-come-first-served basis. Late arrivals will not be admitted. The registrant must present one of the following government-issued photo IDs (driver’s license, state issued identification [ex. non-driver ID], military ID, United States Passport, United States INS issued ID, Certificate of US citizenship, foreign passport, IDNYC [NYC Resident ID card], or Brazilian, Mexican or Ecuadorian Consular ID). No books, notes or other aids are allowed at the test site. All test takers will be thumbprinted. A score of at least 70 percent is required to pass. The examination fee is \$15. A “pass slip” will be mailed to every successful test taker. Current licensed New York attorneys are exempted from the exam, as are court clerks of the Unified Court System, if the clerks are appointed to their positions after taking a civil service promotional exam.

**Application:** Application forms are available for download from the website but must not be submitted until after the applicant has successfully passed the exam and received a pass slip. A completed application form, along with the original exam pass slip and a \$60 application fee, must be submitted to the Department of State’s Division of Licensing Services. The application includes an oath of office, which must be sworn to and notarized.

After its approval and issuance by the Secretary of State, the new commission is mailed to the respective county clerk, along with the new Notary’s signature and original oath of office. “The public may then access this record and verify the ‘official’ signature of the notary at the county clerk’s office” (NPLL). Within four to six weeks of application, the new Notary will receive an identification card indicating the Notary’s name, address, county and commission term (EL 131[4]).

**Filing in Additional Counties:** A New York Notary may file a “certificate of official character” and a sample signature with the county clerk or registrar of any county in the state for a fee of \$10; authenticating certificates for that Notary would then be available in those counties (EL 132-134). (A certificate of official character may be issued by the Secretary of State for a fee of \$10, or by the clerk of the county where the Notary originally qualified for a fee of \$5.)



**Nonresidents:** Persons residing in other states but having an office or place of business in New York State may become New York State Notaries; these individuals have thereby authorized the New York Secretary of State to accept processes on their behalf (EL 130). The oath of office and signature of such Notaries must be filed in the New York State county where their office or place of business is located (NPLL). “Attorneys, residing out of State, who are admitted to practice in the State and who maintain a law office within the State are deemed to be residents of the county where the office is maintained” (NPLL).

**Reappointment:** A renewal application form will be sent to the Notary about three months prior to commission expiration. Renewals must be submitted, with the \$60 fee (payable to the county clerk’s office), to the county clerk rather than to the Department of State (EL 131[7]), as was the case with the original application. “A reappointed notary will receive a replacement identification card for the Department of State within six to eight weeks of the date the county clerk receives his or her renewal application” (website, “Frequently Asked Questions”).

### **Online Search**

The New York Department of State’s Index of Licensees and Registrants may be searched by the Notary’s name or ID number to determine any current Notary’s commission expiration date and business name and address. The Index is available on the Department of State’s home page through “Search Licensees and Registrants.”

### **Jurisdiction**

“The secretary of state may appoint and commission as many notaries public for the state of New York as in his judgment may be deemed best, whose jurisdiction shall be co-extensive with the boundaries of the state” (EL 130).

### **Term Length**

“The appointment of a notary public shall be for a term of four years” (EL 130).

### **Bond**

Not required.

### **Changes of Status**

**Address Change Out of State:** A Notary resident of New York State who moves out of state but still maintains a place of business in the state may remain a Notary; otherwise, the office of Notary is thereby vacated (EL 130). A Notary nonresident who ceases to have an office or place of business in New York State thereby vacates the office of Notary.

**Name or Address Change in State:** Upon receipt of fee of \$10 and a completed “Change Notice,” the Secretary of State will correct the public record to reflect a Notary’s change of name and/or address (EL 131[12]). “The \$10 fee is not required if the individual name change is the result in change of marital status” (website, “Frequently Asked Questions”). It is not mandatory to immediately notify the Division of Licensing Services of a name change or a change of address within the state. The name may also be changed upon reappointment for a new commission.

Notaries who change their name through marriage may: (a) continue using the former name when functioning as a Notary; or (b) use the former name in the official signature and stamp, adding the new name in parentheses after the signature. Upon renewing the commission, however, the Notary must select one or the other name and use that name exclusively in performing notarizations (NPLL). “If you are

changing or have changed your name, you should use your new name when signing your renewal application” (website, “Frequently Asked Questions”).

“You must provide proof of your name change, e.g. a copy of one of the following: court order changing your name; marriage certificate; driver’s license, or a non-driver’s ID card; valid passport; or immigration documents. A change in the business name requires re-application” (website, “Frequently Asked Questions”).

## NOTARIAL ACTS

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### Authorized Acts

New York Notaries are authorized to perform the following notarial acts (EL 135):

- Take acknowledgments and proofs;
- Administer oaths and affirmations;
- Take affidavits and depositions;
- Demand acceptance or payment of foreign and inland bills of exchange, promissory notes and obligations in writing and protest the same for non-acceptance or non-payment; and
- Open and inventory the contents of safe deposit boxes (Banking Law 335).

### Acknowledgments

**Definition:** Taking an acknowledgment is defined as “[t]he act of the person named in an instrument telling the notary public that he is the person named in the instrument and acknowledging that he executed such instrument; also includes the act of the notary public in obtaining satisfactory evidence of the identity of the person whose acknowledgment is taken” and “[a] formal declaration before a duly authorized officer by a person who has executed an instrument that such execution is his act and deed” (NPLL).

**Standards:** “The notary public “certifies to the taking of the acknowledgment” when the notary signs his official signature to the form setting forth the fact of the taking of the acknowledgment” (NPLL).

### Proofs

**Definition:** A proof is defined as “[t]he formal declaration made by a subscribing witness to the execution of an instrument setting forth his place of residence, that he knew the person described in and who executed the instrument and that he saw such person execute such instrument” (NPLL).

### Oaths and Affirmations

**Definition:** An oath is defined as “[a] verbal pledge given by the person taking it that his statements are made under an immediate sense of this responsibility to God, who will punish the affiant if the statements are false” (NPLL).

An affirmation is defined as “[a] solemn declaration made by persons who conscientiously decline taking an oath; it is equivalent to an oath and is just as binding; if a person has religious or conscientious scruples against taking an oath, the notary public should have the person affirm” (NPLL).

**Standards:** “An oath or affirmation shall be administered in a form calculated to awaken the conscience and impress the mind of the person taking it in accordance with his religious or ethical beliefs” (Civil Practice Law and Rules 2309[b]).

“The person taking the oath must personally appear before the notary; an oath cannot be administered over the telephone (*Matter of Napolis*, 169 App. Div. 469), and the oath must be administered in the form

required by the statute (*Bookman v. City of New York*, 200 NY 53, 56)” (NPLL).

“The simplest form in which an oath may be lawfully administered is: ‘You do solemnly swear that the contents of this affidavit subscribed by you is correct and true?’ (*Bookman v. City of New York*, 200 N.Y. 53,56)” (NPLL).

“For an oath or affirmation to be valid, whatever form is adopted, it is necessary that: first, the person swearing or affirming must personally be in the presence of the notary public; secondly, that the person unequivocally swears or affirms that what he states is true; thirdly, that he swears or affirms as of that time; and, lastly, that the person conscientiously takes upon himself the obligation of an oath.

“A notary public does not fulfill his duty by merely asking a person whether the signature on a purported affidavit is his. An oath must be administered.

“A corporation or a partnership cannot take an oath; an oath must be taken by an individual.

“A notary public cannot administer an oath to himself.

“The privileges and rights of a notary public are personal and cannot be delegated to anyone” (NPLL).

Affirmation wording might be: “You do solemnly, sincerely, and truly declare and affirm that the statements made by you are true and correct?” (NPLL).

### **Affidavits**

**Definition:** An affidavit is “[a] signed statement, duly sworn to, by the maker thereof, before a notary public or other officer authorized to administer oaths” (NPLL).

**Standards:** “The venue, or county wherein the affidavit was sworn to should be accurately stated. But it is of far more importance that the affiant, the person making the affidavit, should have personally appeared before the notary and have made oath to the statements contained in the affidavit as required by law.” (NPLL).

“The distinction between the taking of an acknowledgment and an affidavit must be clearly understood. In the case of an acknowledgment, the notary public certifies as to the identity and execution of a document; the affidavit involves the administration of an oath to the affiant” (NPLL).

### **Depositions**

**Definition:** A deposition is “[t]he testimony of a witness taken out of court or other hearing proceeding, under oath or by affirmation, before a notary public or other person, officer or commissioner before whom such testimony is authorized by law to be taken, which is intended to be used at the trial or hearing”.

A deponent is “[o]ne who makes oath to a written statement. Technically, a person subscribing a deposition but used interchangeably with ‘Affiant.’” (NPLL).

Rule 3113 of the Civil Practice Law and Rules authorizes a deposition to be taken before a Notary Public in a civil proceeding (NPLL).

### **Protests**

**Definition:** “A protest is a certificate of dishonor made under the hand and seal of a United States consul or vice consul or a notary public or other person authorized to certify dishonor by the law of the place where dishonor occurs. It may be made upon information satisfactory to such person:” (Uniform Commercial Code 3-509[1]).

A protest is “[a] formal statement in writing by a notary public, under seal, that a certain bill of exchange or promissory note was on a certain day presented for payment, or acceptance, and that such payment or acceptance was refused” (NPLL).

**Standards:** “(2) The protest must identify the instrument and certify either that due presentment has been made or the reason why it is excused and that the instrument has been dishonored by nonacceptance or nonpayment.

“(3) The protest may also certify that notice of dishonor has been given to all parties or to specified parties.

“(4) Subject to subsection (5) any necessary protest is due by the time that notice of dishonor is due.

“(5) If, before protest is due, an instrument has been noted for protest by the officer to make protest, the protest may be made at any time thereafter as of the date of the noting” (Uniform Commercial Code 3-509[2]-[5]).

### Safe Deposit Box Openings

“If the rental fee of any safe deposit box is not paid, or after the termination of the lease for such box, and at least 30 days after giving proper notice to the lessee, the lessor (bank) may, in the presence of a notary public, open the safe deposit box, remove and inventory the contents. The notary public shall then file with the lessor a certificate under seal which states the date of the opening of the safe deposit box, the name of the lessee, and a list of the contents. Within 10 days of the opening of the safe deposit box, a copy of this certificate must be mailed to the lessee at his last known postal address” (Banking Law 335).

### Other Powers

For use in another jurisdiction, a New York Notary may also “exercise such other powers and duties as by the laws of nations and according to commercial usage, or by the laws of any other government or country may be exercised and performed by notaries public, provided that when exercising such powers he shall set forth the name of such other jurisdiction” (EL 135).

## STANDARDS OF PRACTICE

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### Personal Appearance

“The court again wishes to express its condemnation of the acts of notaries taking acknowledgments or affidavits without the presence of the party whose acknowledgment is taken for the affiant, and that it will treat serious professional misconduct the act of any notary thus violating his official duty.” (*Matter of Napolis*, 169 App. Div. 469, 472.)

“Upon the faith of these acknowledgments rests the title of real property, and the only security to such titles is the fidelity with which notaries and commissioners of deeds perform their duty in requiring the appearance of parties to such instruments before them and always refusing to execute a certificate unless the parties are actually known to them or the identity of the parties executing the instruments is satisfactorily proved.” (*Matter of Gottheim*, 153 App. Div. 779, 782.)

**Telephone Acknowledgments:** “Taking an acknowledgment over the telephone is illegal and a notary public is guilty of a misdemeanor in so acting. In the certificate of acknowledgment a notary public declares: ‘On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me came \_\_\_\_\_, to me known,’ etc. Unless the person purporting to have made the acknowledgment actually and personally appeared before the notary on the day specified, the notary’s certificate that he so came is palpably false and fraudulent (*Matter of Brooklyn Bar Assoc.*, 225 App. Div. 680)” (NPLL).



### Identification

Acknowledgers: “An acknowledgment must not be taken by any officer unless he knows or has satisfactory evidence, that the person making it is the person described in and who executed such instrument” (RPL 303).

“The thing to be known is the identity of the person making the acknowledgment with the person described in the instrument and the person who executed the same. This knowledge must be possessed by the notary (*Grossv. Rowley*, 147 App. Div. 529), and a notary must not take an acknowledgment unless the notary knows or has proof that the person making it is the person described in and who executed the instrument (*People v. Kempner*, 49 App. Div. 121). It is not essential that the person who executed the instrument sign his name in the presence of the notary” (NPLL).

Subscribing Witnesses: “When the execution of a conveyance is proved by a subscribing witness, such witness must state his own place of residence, and if his place of residence is in a city, the street and street number, if any thereof, and that he knew the person described in and who executed the conveyance. The proof must not be taken unless the officer is personally acquainted with such witness, or has satisfactory evidence that he is the same person, who was a subscribing witness to the conveyance” (RPL 304). The witness’ place of residence must be indicated on the Notary’s certificate (RPL 306).

### Refusal of Service

“The Penal Law (§195.00) provides that an officer before whom an oath or affidavit may be taken is bound to administer the same when requested, and a refusal to do so is a misdemeanor (*People v. Brooks*, 1 Den. 457.)” (NPLL).

### Blank or Incomplete Documents

“No one would question the utter impropriety of a notary taking the acknowledgment of a person who had affixed his signature to a blank piece of paper. It is no less improper to take an acknowledgment where the signature is affixed to a printed form which is obviously and entirely incomplete. The opportunities for fraud and deceit inherent in such a procedure are boundless....

Conveyances which were acknowledged before the grantee’s name was inserted have, under certain circumstances, been upheld in this State (*2409 Broadway Corp. v. Lange*, 128 Misc. 118; *Van Decar v. Streeter*, 136 Misc. 206); such instruments are probably of doubtful validity unless it clearly appears that the omission was supplied expressly by the act of the grantor. In any event, the practice is not to be commended....

It is my opinion that it is improper for a notary public or a commissioner of deeds to take the acknowledgment of a paper or a form which is executed entirely in blank. Before authenticating the notary’s signature, it is undoubtedly the duty of the County Clerk to see that the acknowledgment or proof of execution complies with the law and contains all of the requirements of the statute. Consequently, [the Clerk] should properly decline to attach [a] certificate of authentication under such circumstances. Manifestly, I cannot particularize the circumstances under which a notary public should refuse to act where the paper or instrument is not entirely in blank, but does have omissions or is otherwise incomplete” (New York Attorney General Opinion of February 2, 1939).

### Disqualifying Interest

Personal: “If the notary is a party to or directly and pecuniarily interested in the transaction, the person is not capable of acting in that case. For example, a notary who is a grantee or mortgagee in a conveyance or mortgage is disqualified to take the acknowledgment of the grantor or mortgagor; likewise a notary who is a trustee in a deed of trust; and, of course, a notary who is the grantor could not take his own acknowledgment. A notary beneficially interested in the conveyance by way of being secured



thereby is not competent to take the acknowledgment of the instrument. In New York the courts have held an acknowledgment taken by a person financially or beneficially interested in and a party to a conveyance or instrument of which it is a part to be a nullity; and that the acknowledgment of an assignment of a mortgage before one of the assignees is a nullity; and that an acknowledgment by one of the incorporators of the other incorporators who signed a certificate was of no legal effect” (NPLL).

*Armstrong v. Combs*, 15 App. Div. 246, held that the Notary shouldn’t take an acknowledgment of a document to which the Notary is a party in interest.

Thus, grantors and grantees cannot notarize their own conveyances; mortgagees and assignees cannot notarize their own mortgages; trustees cannot notarize their own deeds of trust; incorporators cannot notarize in their own corporation for other incorporators; and so on (NPLL).

Exceptions: Attorneys admitted to practice in New York State may, at their discretion, notarize for clients (EL 135);

Corporate stockholders, directors, officers and employees may notarize for other stockholders, directors, officers or employees if the notarizing officer is not a party to the transaction, either individually or as a representative of the corporation (EL 138).

### Unauthorized Practice of Law

“Unless a lawyer, the notary public may not engage directly or indirectly in the practice of law. Listed below are some of the activities involving the practice of law which are prohibited, and which subject the notary public to removal from office by the Secretary of State, and possible imprisonment, fine or both. A notary:

“1. May not give advice on the law. The notary may not draw any kind of legal papers, such as wills, deeds, bills of sale, mortgages, chattel mortgages, contracts, leases, offers, options, incorporation papers, releases, mechanics liens, power of attorney, complaints and all legal pleadings, papers in summary proceedings to evict a tenant, or in bankruptcy, affidavits, or any papers which our courts have said are legal documents or papers.

“2. May not ask for and get legal business to send to a lawyer or lawyers with whom he has any business connection or from whom he receives any money or other consideration for sending the business.

“3. May not divide or agree to divide his fees with a lawyer, or accept any part of a lawyer’s fee on any legal business.

“4. May not advertise in, or circulate in any manner, any paper or advertisement, or say to anyone that he has any powers or rights not given to the notary by the laws under which the notary was appointed” (NPLL).

### Advertising

Non-English Advertising: “1. The provisions of this section shall not apply to attorneys-at-law, admitted to practice in the state of New York.

“2. A notary public who advertises his or her services as a notary public in a language other than English shall post with such advertisement a notice in such other language [containing] the following statement: ‘I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice.’

“3. A notary public shall not use terms in a foreign language in any advertisement for his or her services as a notary public that mean or imply that the notary public is an attorney licensed to practice in the state of New York or in any jurisdiction of the United States. The secretary shall designate by rule or regulation the terms in a foreign language that shall be deemed to mean or imply that a notary public is licensed to practice law in the state of New York and the use of which shall be prohibited by notary



publics who are subject to this section.

“4. For purposes of this section, ‘advertisement’ shall mean and include material designed to give notice of or to promote or describe the services offered by a notary public for profit and shall include business cards, brochures, and notices, whether in print or electronic form.

“5. Any person who violates any provision of this section or any rule or regulation promulgated by the secretary may be liable for civil penalty of up to one thousand dollars. The secretary of state may suspend a notary public upon a second violation of any of the provisions of this section and may remove from office a notary public upon a third violation of any of the provisions of this section, provided that the notary public shall have been served with a copy of the charges against him or her and been given an opportunity to be heard. The civil penalty provided for by this subdivision shall be recoverable in an action instituted by the attorney general on his or her own initiative or at the request of the secretary.

“6. The secretary may promulgate rules and regulations governing the provisions of this section, including the size and type of statements that a notary public is required by this section to post” (EL 135-b).

Advertising Rules: The New York Department of State adopted rules on non-English ads by Notaries to help implement EL 135-b. Effective December 11, 2012, a new Subchapter L (“Notaries Public”) was added to Chapter V of Title 19 of the New York Codes, Rules and Regulations (NYCRR), stating:

“A notary public who is not an attorney licensed to practice law in the State of New York shall not falsely advertise that he or she is an attorney licensed to practice law in the State of New York or in any jurisdiction of the United States by using foreign terms including but not limited to abogado, mandataire, procuratore ... and avoca.”

The NYCRR subchapter then provides translations in the following five languages for the disclaimer required in any non-English Notary ad by EL 135-b(2): Simplified Chinese, Traditional Chinese, Spanish, Korean and Haitian Creole. The Spanish-language translation reads as follows: “No estoy facultado para ejercer la profesion de abogado y no puedo brindar asesoria legal sobre immigracio o ningun otro asunto legal como tampoco puedo cobrar honorarios por la asesoria legal.”

### **Certifying Copies**

A certified copy is “[a] copy of a public record signed and certified as a true copy by the public official having custody of the original. A notary public has no authority to issue certified copies. Notaries must not certify to the authenticity of legal documents and other papers required to be filed with foreign consular officers. Within this prohibition are certificates of the following type:

“United States of America        )

“State of New York                ) ss.:

“County of New York            )

“I ....., a notary public of the State of New York, in and for the county of ....., duly commissioned, qualified and sworn according to the laws of the State of New York, do hereby certify and declare that I verily believe the annexed instrument executed by ..... and sworn to before ....., a notary public of the State of ....., to be genuine in every respect, and that full faith and credit are and ought to be given thereto.

“In testimony whereof I have hereunto set my hand and seal at the City of ....., this ..... day of ....., 20 .....(Seal) (Notarial Signature.)” (NPLL).

### **Solemnizing Marriages**

“A notary public has no authority to solemnize marriages; nor may a notary public take the acknowledgment of parties and witnesses to a written contract of marriage” (Domestic Relations Law 11).

## Last Wills

**Caution:** “A notary public is cautioned not to execute an acknowledgment of the execution of a will. Such acknowledgment cannot be deemed equivalent to an attestation clause accompanying a will” (NPLL).

An attestation clause is “[t]hat clause (e.g., at the end of a will) wherein the witnesses certify that the instrument has been executed before them, and the manner of the execution of the same” (NPLL).

In this caution to Notaries, the Department of State is advising that an acknowledgment certificate appended to a last will is not the equivalent of an attestation clause to a will. That is, the formalities of a properly executed attestation clause to a will cannot be satisfied by an acknowledgment certificate.

**Practicing Law:** “The execution of wills under the supervision of a notary public acting in effect as a lawyer, ‘cannot be too strongly condemned, not only for the reason that it means an invasion of the legal profession, but for the fact that testators thereby run the risk of frustrating their own solemnly declared intentions and rendering worthless maturely considered plans for the disposition of estates whose creation may have been the fruit of lives of industry and self-denial.’ (*Matter of Flynn*, 142 Misc. 7.)” (NPLL). This citation does not condemn the notarization of will per se, but Notaries “acting in effect as a lawyer.”

**Self-Proving Affidavit:** “1. In addition to other procedures prescribed for the proof of wills, any or all of the attesting witnesses to a will may at the request of the testator or after his death, at the request of the executor named in the will or of the proponent or the attorney for the proponent or of any person interested, make an affidavit before any officer authorized to administer oaths stating such facts as would if uncontradicted establish the genuineness of the will, the validity of its execution and that the testator at the time of execution was in all respects competent to make a will and not under any restraint. The sworn statement of a witness so taken shall be accepted by the court as though it had been taken before the court, unless:

“(a) a party entitled to process in the proceeding raises objection thereto or

“(b) for any other reason the court may require that the witness or witnesses be produced and examined.

“2. For the purposes of making the affidavit referred to in this section, after the death of the testator, the exhibition to the witnesses of a court-certified photographic reproduction of the will shall be deemed equivalent to the exhibition to them of the original will (Surrogate’s Court Procedure Act 1406).

## Validation of Notarial Acts

“1. Except as provided in subdivision three of this section, the official certificates and other acts heretofore or hereafter made or performed of notaries public and commissioners of deeds heretofore or hereafter and prior to the time of their acts appointed or commissioned as such shall not be deemed invalid, impaired or in any manner defective, so far as they may be affected, impaired or questioned by reason of defects described in subdivision two of this section.

2. This section shall apply to the following defects:

(a) ineligibility of the notary public or commissioner of deeds to be appointed or commissioned as such;

(b) misnomer or misspelling of name or other error made in his appointment or commission;

(c) omission of the notary public or commissioner of deeds to take or file his official oath or otherwise qualify;

(d) expiration of his term, commission or appointment;

(e) vacating of his office by change of his residence, by acceptance of another public office, or by other action on his part;

(f) the fact that the action was taken outside the jurisdiction where the notary public or commissioner





(SIGNATURE AND OFFICE OF PERSON TAKING ACKNOWLEDGMENT, ALONG WITH REQUIRED PRINTED, TYPED OR STAMPED DATA)

\* "Person" Defined: "For the purposes of this section, the term 'person' means any corporation, joint stock company, estate, general partnership (including any registered limited liability partnership or foreign liability partnership), limited liability company (including a professional service limited liability company), foreign limited liability company (including a foreign professional service limited liability company), joint venture, limited partnership, natural person, attorney in fact, real estate investment trust, business trust or other trust, custodian, nominee or any other individual or entity in its own or any representative capacity" (RPL 309-a[4]).

Uniform Proof by Subscribing Witness within New York State (RPL 309-a[2])

On September 1, 1999, the following certificate, or any substantially similar form, became mandatory for all proofs of execution taken within the state on any document affecting real property located within the state:

State of New York )
) ss.:
County of \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in \_\_\_\_\_ (if the place of residence is in a city, include the street and street number, if any thereof); that he/she/they know(s) \_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that said subscribing witness, was present and saw said \_\_\_\_\_ execute the same; and that said witness at the same time subscribed his/her/their name(s) as witness thereto.

(SIGNATURE AND OFFICE OF PERSON TAKING PROOF, ALONG WITH REQUIRED PRINTED, TYPED OR STAMPED DATA)

Address of Subscribing Witness: The certificate for a proof of execution must state the address of the subscribing witness's residence, including city, street and street number, if applicable (RPL 304 and 306).

Uniform Acknowledgment for Signer of Any Capacity outside New York State (RPL 309-b[1])

For acknowledgments taken outside New York State, the following certificate may be used on documents affecting real property located within New York State, not excluding use of other forms authorized in the place where the acknowledgment is taken:

State, District of Columbia, Territory,
Possession or Foreign Country \_\_\_\_\_) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to



me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.\*

(SIGNATURE AND OFFICE OF PERSON TAKING ACKNOWLEDGMENT, ALONG WITH ANY REQUIRED SEAL OR PRINTED, TYPED OR STAMPED DATA)

\* "The inclusion within the body (other than a jurat) of a certificate of acknowledgment or proof made under this section of the city or other political subdivision and the state or country or other place the acknowledgment was taken shall be deemed a non-substantial variance from the form of a certificate authorized by this section" (RPL 309-b[6]).

Uniform Proof by Subscribing Witness outside New York State (RPL 309-b[2])

For a proof of execution by subscribing witness taken outside New York State, the following certificate may be used on documents affecting real property located within New York State, not excluding use of other forms authorized in the place where the proof is taken:

State, District of Columbia, Territory,  
Possession or Foreign Country \_\_\_\_\_) ss.:

On the \_\_\_\_ day of \_\_\_\_\_ in the year 20 \_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she resides in \_\_\_\_\_ (if the place of residence is in a city, include the street and street number, if any, thereof); that he/she knows \_\_\_\_\_ to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said \_\_\_\_\_ execute the same; and that said witness at the same time subscribed his/her name as a witness thereto.\*

(SIGNATURE AND OFFICE OF PERSON TAKING PROOF, ALONG WITH ANY REQUIRED SEAL OR PRINTED, TYPED OR STAMPED DATA)

\* See note with acknowledgment form immediately above.

Acknowledgment by Corporation without Seal Not Affecting Real Property (RPL 309)

Starting September 1, 1999, the following certificate may be used on documents signed by any corporation without a seal that do not affect real property located within the state:

State of New York        )  
  ) ss.:  
County of \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_ in the year 20 \_\_\_\_ before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn, did depose and say that he/she/they reside(s) in \_\_\_\_\_ (if the place of residence is in a city, include the street and street number, if any, thereof); that he/she/they is (are) the \_\_\_\_\_ (president or other officer or director) of the \_\_\_\_\_ (name of corporation), the corporation described in and which executed the above instrument; and that



he/she/they signed his/her/their name(s) thereto by order of the board of directors of said corporation.

(SIGNATURE AND OFFICE OF PERSON TAKING ACKNOWLEDGMENT, ALONG WITH REQUIRED PRINTED, TYPED OR STAMPED DATA)

Acknowledgment by Corporation with Seal Not Affecting Real Property (RPL 309)

Starting September 1, 1999, the following certificate may be used on documents signed by any corporation with a seal that do not affect real property located within the state:

State of New York )
) ss.:
County of \_\_\_\_\_ )

On the \_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_ before me personally came \_\_\_\_\_ to me known, who, being by me duly sworn, did depose and say that he/she/they reside(s) in \_\_\_\_\_ (if the place of residence is in a city, include the street and street number, if any, thereof); that he/she/they is (are) the \_\_\_\_\_ (president or other officer or director) of the \_\_\_\_\_ (name of corporation), the corporation described in and which executed the above instrument; that he/she/they know(s) the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he/she/they signed his/her/their name(s) thereto by like authority.

(SIGNATURE AND OFFICE OF PERSON TAKING ACKNOWLEDGMENT, ALONG WITH REQUIRED PRINTED, TYPED OR STAMPED DATA)

**Acknowledgment by Corporation**

“The acknowledgment of a conveyance or other instrument by a corporation, must be made by an officer or attorney in fact duly appointed, or in case of a dissolved corporation, by an officer, director or attorney in fact duly appointed thereof authorized to execute the same by the board of directors of said corporation” (EL 309).

**Instructions from Department of State**

Instructions from the Counsel’s Office of the New York Department of State (website, “Legal Memorandum LI03”) provide the following directions regarding use of notarial certificates:

“The new uniform acknowledgment and the new uniform proof (RPL 309-a) are to be used (1) only on documents relating to a conveyance or other instruments with respect to real property located in New York State, and (2) only for acknowledgments or proofs taken within the State of New York.

In all other cases, use a form of acknowledgment or proof that has been acceptable in the past. For example, the section 309 forms for corporations or a traditional form of acknowledgment or proof for individuals, representatives and other entities may be used.”

Acts outside New York State: The instructions further specify that, for acknowledgments and proofs executed outside New York State for any principals except corporations, “Use any form that has been acceptable in the past under New York law or a form that conforms to the law of the place where the acknowledgment [or proof] is taken.” Forms provided by RPL 309-b may be used when real property in New York State is involved.



The instructions additionally specify that, for acknowledgments and proofs executed outside New York State by corporations, “Use the Real Property Law, Section 309, form or a form that conforms to the law of the place where the acknowledgment [or proof] is taken.”

In instances where a certificate of acknowledgment or proof from another jurisdiction is used, a “certificate of conformity” attesting to the form’s compliance with the law of that other jurisdiction may need to be attached if the notarized document affects real property and is to be recorded in New York State.

For questions about notarial certificate selection, call the Department’s Office of General Counsel at (518) 474-6740.

### **Jurat**

“A jurat is that part of an affidavit where the officer (notary public) certifies that it was sworn to before him....

“The following is the form of jurat generally employed:

“Sworn to before me this ..... day of ....., 20 .....”

“Those words placed directly after the signature in the affidavit stating that the facts therein contained were sworn to or affirmed before the officer (notary public) together with his official signature and such other data as required by § 137 of the Executive Law (NPLL).

### **False Certificate**

“A person is guilty of issuing a false certificate when, being a public servant authorized by law to make or issue official certificates or other official written instruments, and with intent to defraud, deceive or injure another person, he issues such an instrument, or makes the same with intent that it be issued, knowing that it contains a false statement or false information.

Issuing a false certificate is a class E felony” (Penal Law 175.40).

According to the “Notary Public License Law,” a Notary Public who knowingly makes a false certificate that a deed or other written instrument was acknowledged by a party thereto is guilty of forgery in the second degree, which is punishable by imprisonment for a term not exceeding seven years (Penal Law 170.10 and 70.00[2][d]).

According to the “Notary Public License Law,” “[a] notary public will be removed from office for preparing and taking the oath of an affiant to a statement that the notary knew to be false. (*Matter of Senft*, August 8, 1929; *Matter of Trotta*, February 20, 1930; *Matter of Kibbe*, December 24, 1931.)”

## **SEAL AND SIGNATURE**

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### **Seal Requirement**

Not required.

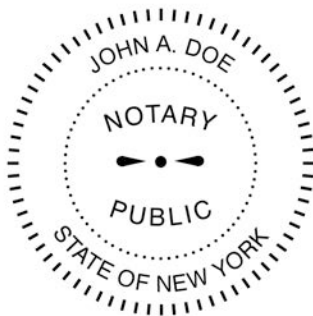
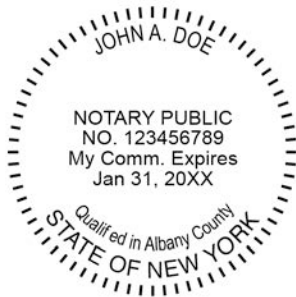
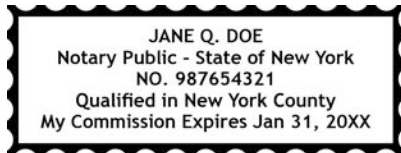
### **Optional Seal**

“The laws of the State of New York do not require the use of seals by notaries public. If a seal is used, it should sufficiently identify the notary public, his authority and jurisdiction. It is the opinion of the Department of State that the only inscription required is the name of the notary and the words ‘Notary Public for the State of New York’” (NPLL).



### Examples

Below are typical examples of an optional embossing Notary seal (bottom) and of the information that must be printed, typewritten or stamped beneath the Notary's signature in black ink, whether or not appearing in a seal. Formats other than these may also be seen.



### Notary Commission Information

On every notarial certificate, a Notary must “print, typewrite, or stamp beneath his signature in black ink” the following (EL 137):

1. Notary's name;
2. “Notary Public State of New York” or, if applicable and preferred, “Attorney and Counselor at Law State of New York”;
3. Name of county where Notary originally qualified for commission;
4. Notary's commission expiration date;
5. Wherever required, name of county in which Notary's certificate of official character is filed, using the words, “Certificate filed ... County”.

### Notary Signature

“A notary public must sign the name under which he was appointed and no other” (NPLL).

### Official Numbers

“A notary public who has qualified or who has filed a certificate of official character in the office of the clerk in a county or counties within the city of New York must also affix to each instrument his official number or numbers in black ink, as given to him by the clerk or clerks of such county or counties



at the time such notary qualified in such county or counties and, if the instrument is to be recorded in an office of the register of the City of New York in any county within such city and the notary has been given a number or numbers by such register or his predecessors in any county or counties, when his autographed signature and certificate are filed in such office or offices pursuant to this chapter, he shall also affix such number or numbers. No official act of such notary public shall be held invalid on account of the failure to comply with these provisions” (EL 137).

### **Married or Religious Name**

“When a woman marries during the term of office for which she was appointed, she may continue to use her maiden name as notary public. However, if she elects to use her marriage name, then for the balance of her term as a notary public she must continue to use her maiden name in her signature and seal when acting in her notarial capacity, adding after her signature her married name, in parentheses” (NPLL).

“A member of a religious order, known therein by a name other than his secular cognomen, may be appointed and may officiate as a notary public under the name by which he is known in religious circles (Op. Atty. Gen., Mar. 20, 1930.)” (NPLL).

## **RECORDS OF NOTARIAL ACTS**

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New York Notaries Public are not required by law to keep a record of the notarial acts they perform.

## **FEES FOR NOTARIAL ACTS**

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### **Maximum Fees**

The maximum fees that a New York Notary may charge for a notarial act are (EL 136):

1. Taking an acknowledgment or proof: \$2 per person, plus \$2 for each witness sworn in;
2. Administering an oath or affirmation including, as applicable, any jurat certificate: \$2 per person (except where another fee is specifically prescribed by statute);
3. Executing a protest: 75 cents per protest and 10 cents per notice of protest, not exceeding five notices (EL 135).

### **Oath of Office**

A Notary may not charge a fee for administering an oath of office to any public officer or employee, or to a military officer (POL 69).

### **County Office**

“Each county clerk shall designate from among the members of his or her staff at least one notary public to be available to notarize documents for the public in each county clerk’s office during normal business hours free of charge. Each individual appointed by the county clerk to be a notary public pursuant to this section shall be exempt from the examination fee and application fee required by § 131 of the Executive Law” (County Law, 534).

## **ELECTRONIC NOTARIZATIONS**

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### **Electronic Signatures on Real Property Records**

A law taking effect September 23, 2012 (Chapter 549 of the Laws of 2011 [Senate Bill 2373]), puts in

place statutory provisions that enable the recording of electronic documents, largely based on the *Uniform Real Property Electronic Recording Act (URPERA)*. It includes this provision:

“Where a law, rule or regulation requires, as a condition of recording, that an instrument affecting real property or a signature associated with such an instrument be notarized, acknowledged, verified, witnessed or made under oath, the signature requirement is satisfied if: (i) the digitized image of a wet signature of the person authorized to perform that act and any stamp, impression or seal required by law to be included, appears on a digitized paper document of such instrument; or (ii) the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with an electronic record of such instrument, provided, however that no physical or electronic image of a stamp, impression or seal shall be required to accompany such electronic signature” (RPL 291-i[c]).

### eNotarization Rules

Pursuant to Chapter 549 of the Laws of 2011, regulations promulgated by the state’s Office of Information Technology Services (ITS) set guidelines for recording electronic real property documents (i.e., digitized paper documents or electronic documents bearing electronic signatures), including standards for electronic notarization of these documents. Effective September 19, 2012, these rules became sections of Part 540, Title 9, of the New York Codes, Rules and Regulations (NYCRR). Many of these new technical standards and guidelines conform to those established by the Property Records Industry Association (PRIA), particularly the PRIA security rules.

Notably, NYCRR 540.7(e) now requires an electronic signer’s personal appearance before the Notary during notarization of an electronic real property record, and it requires the electronic signature used by the Notary to render such a document tamper-evident:

“A notary shall perform a notarization of an instrument affecting real property that exists as an electronic record only where the signatory appears in person before the notary at the time of notarization to execute the record or to affirm a prior execution, as permitted by New York State Law. The methods that a notary uses to identify a signatory shall be as prescribed by New York State law. Electronic signatures used by a notary on an instrument affecting real property shall comply with section 291-i(c) of the Real Property Law, and shall be:

- (1) unique to the notary;
- (2) capable of independent verification;
- (3) under the notary’s sole control;
- (4) attached to or logically associated with, the electronic record in such a manner that it can be determined if any data contained in the electronic record has been changed subsequent to the electronic notarization; and
- (5) implemented in accordance with New York State law, rules and regulations and PRIA Notary version 2.4.1, October 2007 standards.”

County Recording Officials: Among the many NYCRR rules for New York county recorders in recording electronically notarized real property documents are these (NYCRR 540.7[f] and [g]):

“A recording officer is not required to verify or authenticate electronic signatures or notarizations on an instrument affecting real property....

Recording officers who elect to accept electronic recording of instruments affecting real property shall accept such electronic instruments only from registered submitters whose identity has been electronically verified and authenticated. A recording officer shall maintain a listing of persons so registered by the recording officer.”

## REAL ESTATE PRACTICES

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### Notary Signing Agents

Currently, there are no statutes, regulations or rules expressly governing, prohibiting or restricting the operation of Notary Signing Agents within the state of New York.

### Recording Requirements

Acknowledgment or Proof: “A conveyance of real property, within the state, on being duly acknowledged by the person executing the same, or proved as required by this chapter, and such acknowledgment or proof duly certified when required by this chapter, may be recorded in the office of the clerk of the county where such real property is situated, and such county clerk shall, upon the request of any party, on tender of the lawful fees therefor, record the same in his said office” (RPL 291).

Certificate of Acknowledgment or Proof: See “Certificate Forms” above for the certificates of acknowledgment or proof that are required for a conveyance of real property to be recorded.

## RECOGNITION OF NOTARIAL ACTS

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In addition to Notaries Public, the following officers have power to take acknowledgments and proofs for conveyances of real property situated in the state (RPL 298):

### Acknowledgments and Proofs in New York

“The acknowledgment or proof, within this state, of a conveyance of real property situate in this state may be made:

“1. At any place within the state, before (a) a justice of the supreme court; (b) an official examiner of title; (c) an official referee; or (d) a notary public.

“2. Within the district wherein such officer is authorized to perform official duties, before (a) a judge or clerk of any court of record; (b) a commissioner of deeds outside of the city of New York, or a commissioner of deeds of the city of New York within the five counties comprising the city of New York; (c) the mayor or recorder of a city; (d) a surrogate, special surrogate, or special county judge; or (e) the county clerk or other recording officer of a county.

“3. Before a justice of the peace, town councilman, village police justice or a judge of any court of inferior local jurisdiction, anywhere within the county containing the town, village or city in which he is authorized to perform official duties” (RPL 298).

Free Services at County Clerk Office: Each county clerk must make available at least one staff member to notarize for the public free of charge during normal business hours (County Law, 534).

### Acknowledgments and Proofs in U.S. State or Jurisdiction

“The acknowledgment or proof of a conveyance of real property situate in this state, if made (a) without the state but within the United States, (b) within any territory, possession, or dependency of the United States, or (c) within any place over which the United States, at the time when such acknowledgment or proof is taken, has or exercises jurisdiction, sovereignty, control or a protectorate, may be made before any of the following officers acting within his territorial jurisdiction or within that of the court of which he is an officer:

“1. A judge or other presiding officer of any court having a seal, or the clerk or other certifying officer thereof.

“2. A mayor or other chief civil officer of any city or other political subdivision.

“3. A notary public.

“4. A commissioner of deeds appointed pursuant to the laws of this state to take acknowledgments or proofs without this state.

“5. Any person authorized, by the laws of the state, District of Columbia, territory, possession, dependency, or other place where the acknowledgment or proof is made, to take the acknowledgment or proof of deeds to be recorded therein” (RPL 299).

### **Acknowledgments and Proofs in Foreign State**

“The acknowledgment or proof of a conveyance of real property situate in this state may be made in foreign countries before any of the following officers acting within his territorial jurisdiction or within that of the court of which he is an officer:

“1. An ambassador, envoy, minister, charge d’affaires, secretary of legation, consul-general, consul, vice-consul, consular agent, vice-consular agent, or any other diplomatic or consular agent or representative of the United States, appointed or accredited to, and residing within, the country where the acknowledgment or proof is taken.

“2. A judge or other presiding officer of any court having a seal, or the clerk or other certifying officer thereof.

“3. A mayor or other chief civil officer of any city or other political subdivision.

“4. A notary public.

“5. A commissioner of deeds appointed pursuant to the laws of this state to take acknowledgments or proofs without this state.

“6. A person residing in, or going to, the country where the acknowledgment or proof is to be taken, and specially authorized for that purpose by a commission issued to him under the seal of the supreme court of the state of New York.

“7. Any person authorized, by the laws of the country where the acknowledgment or proof is made, to take acknowledgments of conveyances of real estate or to administer oaths in proof of the execution thereof” (RPL 301).

**Certificate of Conformity:** “An acknowledgment or proof made pursuant to the provisions of section three hundred one of this chapter may be taken in the manner prescribed either by the laws of the state of New York or by the laws of the country where the acknowledgment or proof is taken. The acknowledgment or proof, if taken in the manner prescribed by the laws of such foreign country, must be accompanied by a certificate to the effect that it conforms with such laws. Such certificate may be made by

“(a) An attorney-at-law admitted to practice in the state of New York, resident in such foreign country, or by

“(b) A consular officer of the United States, resident in such foreign country, under the seal of his office, or by

“(c) A consular officer of such foreign country, resident in the state of New York, under the seal of his office, or by

“(d) Any other person deemed qualified by any court of the state of New York, if, in any action, proceeding, or other matter pending before such court, it be necessary to determine that such acknowledgment or proof conforms with the laws of such foreign country; or by the supreme court of the state of New York, on application for such determination.

“The justice, judge, surrogate, or other presiding judicial officer shall append to the instrument so acknowledged or proved his signed statement that he deemed such person qualified to make such certificate” (RPL 301-a[1]).

**Acknowledgments and Proofs in or with the Armed Forces of the United States**

“The acknowledgment or proof of a conveyance of real property situate in this state, if made by a person enlisted or commissioned in or serving in or with the armed forces of the United States or by a dependent of any such person, wherever located, or by a person attached to or accompanying the armed forces of the United States, whether made within or without the United States, may be made before any commissioned officer in active service of the armed forces of the United States with the rank of second lieutenant or higher in the Army, Air Force or Marine Corps, or ensign or higher in the Navy or Coast Guard, or with equivalent rank in any other component part of the armed forces of the United States”

“In addition to the requirements of [RPL] sections three hundred and three, three hundred and four, and three hundred and six of this chapter, the certificate of an acknowledgment or proof taken under this section shall state (a) the rank and serial number of the officer taking the same, and the command to which he is attached, (b) that the person making such acknowledgment or proof was, at the time of making the same, enlisted or commissioned in or serving in or with the armed forces of the United States or the dependent of such a person, or a person attached to or accompanying the armed forces of the United States, and (c) the serial number of the person who makes, or whose dependent makes the acknowledgment or proof if such person is enlisted or commissioned in the armed forces of the United States. The place where such acknowledgment or proof is taken need not be disclosed.

“No authentication of the officer’s certificate of acknowledgment or proof shall be required.

“Notwithstanding any of the provisions of this section, the acknowledgment or proof of a conveyance of real property situate in this state may also be made as provided in sections two hundred ninety-eight, two hundred ninety-nine, two hundred ninety-nine-a, three hundred one, and three hundred one-a, of this chapter” (RPL 300).

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**AUTHENTICATION OF NOTARIAL ACTS**

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**County Clerk**

Authenticating certificates for a Notary are obtained at the office of the county clerk where the Notary’s commission is filed (EL 134).

For a given Notary, an authenticating certificate may additionally be available in other counties, if the Notary has filed a certificate of official character and a sample signature in those other county clerks’ offices. “Notaries who expect to sign documents regularly in counties other than that of their residence may elect to file a certificate of official character with the other New York State county clerks” (NPLL).

Fee: \$3.

**Secretary of State**

Certificates authenticating the county clerk forms that authenticate notarial acts are issued by the Department of State at the Albany and New York City locations listed below. The Department also authenticates documents signed by state officials.

Fee: \$10 for a certificate of authentication or an *apostille*, payable to “New York State Department of State.”

Albany Address: Mail Delivery  
New York Department of State  
Division of Licensing Services  
Apostille and Authentication Unit



99 Washington Ave., 6th Flr.  
P.O. Box 22001  
Albany, NY 12201-2001

Telephone: 1-518-474-4429

New York City Address: Hand Delivery Only  
New York Department of State  
Division of Licensing Services  
123 William St., 2nd Flr.  
New York, NY 10038

Procedure: After obtaining a county clerk's certificate, needed even for an *apostille*, mail or present in person the original notarized document, along with the clerk's certificate, the appropriate fee and an "Apostille/Certificate of Authentication Request" form, downloadable on the website noted below. (This form is available in seven languages: English, Spanish, Korean, Russian, Chinese, Haitian Creole and Italian.) Attach documents to be authenticated to this form. To expedite, include an addressed, stamped envelope. "The processing of documents submitted by mail is usually completed within 4 business days. The processing of documents submitted in person is usually completed while you wait" ([www.dos.ny.gov/corps/apostille.html](http://www.dos.ny.gov/corps/apostille.html)).

Education Documents: "Educational documents submitted to the New York Department of State for an Apostille or Certificate of Authentication must first be certified by an official at the educational institution attesting that the document is an official record or a true copy of the original document. The official's signature then must be notarized by a notary public. The notary public's signature must then be certified by the County Clerk in the county where the notary public is qualified" ("Apostille/Certificate of Authentication Request" form). This applies to educational documents "such as transcripts, diplomas or certificates," according to the online instructions of the Department.

Other Documents: "All other documents (such as a power of attorney) must first be notarized. The notary's signature must then be certified at the County Clerk's office where the notary is qualified" ("Apostille/Certificate of Authentication Request" form).

In-State Documents: "The need for a certificate of a county clerk as a prerequisite to recording or use in evidence in this State of the instrument acknowledged or proved has been abolished. The certificate of authentication may possibly be required where the instrument is to be recorded or used in evidence outside the jurisdiction of the state" (NPLL).