



Notary Services Overview and Definitions

A comprehensive guide to the various notarial acts and services that notaries public are authorized to perform, including traditional in-person services, specialized certifications, and modern electronic notarization methods.

Acknowledgment

Signer verifies identity and confirms they signed the document voluntarily. Signature may be pre-signed.



Identity Verification

The notary confirms the signer's identity through valid identification documents.



Voluntary Confirmation

The signer acknowledges they signed the document of their own free will.



Pre-Signed Allowed

The signature may already be on the document before appearing before the notary.

Jurat

Signer swears or affirms the truthfulness of the document and signs in your presence. Requires oath or affirmation.

Key Requirements

- Signer must appear in person before the notary
- Document must be signed in the notary's presence
- Oath or affirmation must be administered
- Signer swears to the truthfulness of the content

When to Use

Jurats are required when the signer needs to attest to the truthfulness of the document's contents under penalty of perjury. This is common for affidavits, sworn statements, and depositions.

Oath or Affirmation (Standalone)

Administered when no document is being signed. Person swears or affirms a statement or testimony.

A standalone oath or affirmation is a verbal ceremony where the notary administers a solemn promise without any accompanying document signature.

This notarial act is used when someone needs to make a sworn statement or provide testimony without signing a physical document. The notary records the oath in their journal but does not attach a certificate to any paperwork.

Copy Certification

Notary confirms a photocopy is a true, accurate copy of the original. Allowed only in certain states. Cannot certify birth, death, or marriage certificates.

What Can Be Certified

Business documents, contracts, diplomas, transcripts, and other non-vital records that the notary can compare to the original.

State Restrictions

This service is allowed only in certain states. Notaries must verify their state permits copy certification before offering this service.

Prohibited Documents

Cannot certify birth, death, or marriage certificates. These vital records require certification from the issuing agency.

Signature Witnessing

Notary verifies identity and directly witnesses the signer sign the document. No oath required.



How It Works

The notary confirms the signer's identity through proper identification, then watches as the signer physically signs the document in their presence. Unlike a jurat, no oath or affirmation about the document's truthfulness is required.

This is a straightforward witnessing of the signing act itself, focusing on the identity of the signer and the authenticity of the signature.

Proof of Execution (Subscribing Witness)

A witness appears before the notary to confirm they saw the signer execute the document. Limited to specific states.

01

Original Signing

The principal signer executes the document in the presence of a subscribing witness, but not before a notary.

02

Witness Appears

The subscribing witness later appears before the notary to testify about witnessing the original signing.

03

Notary Certifies

The notary verifies the witness's identity and records their testimony about the execution of the document.

- 📄 This notarial act is limited to specific states and is typically used when the original signer cannot appear before a notary due to illness, disability, or other circumstances.

Protests (Notarial Protest)

Formal declaration used in commercial/financial instruments—typically checks or promissory notes—stating payment was refused. Mostly for banking contexts.



Purpose and Application

A notarial protest is a formal certificate that proves a negotiable instrument, such as a check or promissory note, was presented for payment or acceptance and was refused. This creates an official record of dishonor.

Common Uses

- Dishonored checks returned for insufficient funds
- Promissory notes where payment was refused
- Bills of exchange that were not accepted
- Commercial paper requiring formal notice of dishonor

This service is primarily used in banking and commercial finance contexts to establish legal proof of non-payment.

Credible Witness Identification

Notary uses one or two credible witnesses to identify a signer who lacks valid ID. Used when permitted by state law.



Signer Without ID

The principal signer lacks acceptable identification documents.



Credible Witness

One or two witnesses who know the signer personally appear before the notary.



Identity Confirmed

The witnesses swear to the signer's identity, allowing the notarization to proceed.

State laws vary on whether one or two credible witnesses are required, and whether the witnesses must be personally known to the notary or can present their own identification.

Certified Translations (Where Allowed)

Notary certifies the accuracy of a translation only if state allows. Most states prohibit notarizing translations unless the notary is also the translator and uses a jurat.

Important Restrictions

Most states prohibit notaries from certifying translations unless the notary personally performed the translation. Even then, the notary cannot certify their own work as accurate—they can only execute a jurat where they swear to the accuracy of their translation.

Proper Procedure

If permitted by state law and the notary is the translator, they must sign a statement affirming the translation's accuracy and then notarize their own signature using a jurat. The notary cannot act as a disinterested third party certifying someone else's translation.

Copy Certification of a Power of Attorney

In many states, notaries may certify copies of Powers of Attorney. Often used for financial and legal transactions.

Why This Matters

Financial institutions, healthcare providers, and legal entities often require certified copies of Powers of Attorney rather than accepting the original document. This protects the original while providing verified copies for multiple parties.

State Variations

In many states, notaries may certify copies of Powers of Attorney even when they cannot certify copies of other documents. This special exception recognizes the importance of these documents in financial and legal transactions. Notaries should always verify their state's specific rules before offering this service.

Real Estate Notarizations

Execution of deeds, mortgages, liens, releases, quitclaims, affidavits, and trustee documents. Usually acknowledgments.



Deeds and Transfers

Property deeds, quitclaim deeds, and transfer documents require notarization to be recorded with the county.



Mortgages and Liens

Mortgage documents, home equity loans, and lien releases must be notarized for legal validity.



Trustee Documents

Trust deeds, trustee certifications, and related real estate trust documents require proper notarization.

Real estate notarizations are typically acknowledgments where the signer confirms their identity and voluntary execution of the document. These notarizations are critical for recording documents with county recorders and establishing clear property ownership.

Affidavits and Sworn Statements

Signer swears the content is true. Always a jurat.

What Makes It a Jurat

Affidavits and sworn statements require the signer to take an oath or affirmation that the contents of the document are true and correct to the best of their knowledge. This sworn testimony makes the document legally binding and subjects the signer to penalties for perjury if the statements are false.



Signer Must Appear

The person making the sworn statement must personally appear before the notary.



Sign in Presence

The document must be signed in the notary's presence, not beforehand.



Oath Required

The notary must administer a verbal oath or affirmation about the truthfulness of the content.

Depositions

Notary administers oath to the deponent and may record testimony depending on state permissions.

The Notary's Role

In a deposition, the notary serves as an impartial officer who administers the oath to the deponent (the person giving testimony). The notary ensures the deponent swears or affirms to tell the truth before answering questions.

Recording Testimony

Depending on state law and the notary's qualifications, they may also be authorized to record the testimony. However, many states require special certification or limit this function to court reporters or certified deposition officers.

- 📄 Notaries should verify their state's specific requirements and limitations regarding depositions. Some states require additional training or certification beyond the standard notary commission.

I-9 Employment Verification (Authorized Representative)

Not an official "notarial act." Notary acts as an employer's authorized agent to complete Form I-9. No stamp. No journal.

Critical Distinction

This is **not** a notarial act. When completing Form I-9, the notary is acting as an authorized representative of the employer, not as a notary public. This is an important legal distinction.

No Notary Stamp

The notary must not use their notary seal or stamp on Form I-9. Doing so is prohibited by federal law.

No Journal Entry

This service should not be recorded in the notary's official journal because it is not a notarial act.

Employer's Agent

The notary signs as the employer's authorized representative, verifying they examined the employee's documents.

Wills and Trusts Notarization

Usually acknowledgments for trust documents; wills often require witnesses, not notarization, depending on state.

Trust Documents

Trust documents, including revocable living trusts, irrevocable trusts, and trust amendments, typically require acknowledgments. The grantor acknowledges their signature and voluntary execution of the trust instrument.

Wills and Testaments

Wills often require witnesses rather than notarization, depending on state law. Some states allow "self-proving" wills where the testator and witnesses sign affidavits before a notary, making the will easier to probate. However, the will itself may not require notarization—only the accompanying affidavits do.

State Variations

Requirements vary significantly by state. Some states require only witnesses, others allow notarization as an alternative, and some require both for certain types of wills.

Best Practice

Notaries should never provide legal advice about whether a will or trust requires notarization. Clients should consult an attorney for guidance on proper execution.

Adoption Documents

Often require jurats, acknowledgments, and identification verification, depending on agency requirements.



Consent Forms

Birth parent consent forms typically require jurats where the parent swears to their voluntary consent.



Identity Verification

Adoption agencies require thorough identity verification of all parties signing adoption-related documents.



Home Study Documents

Affidavits and statements in home study reports may require acknowledgments or jurats depending on the document.

Adoption documents are sensitive and legally complex. The specific notarial acts required depend on the adoption agency, court requirements, and whether the adoption is domestic or international. Notaries should carefully review each document to determine the appropriate notarial certificate.

Medical Documents

Advance directives, power of attorney for healthcare, HIPAA releases. Usually acknowledgments.

Common Medical Documents

- Advance directives and living wills
- Healthcare power of attorney (medical POA)
- HIPAA authorization and release forms
- Do Not Resuscitate (DNR) orders
- Physician Orders for Life-Sustaining Treatment (POLST)
- Mental health treatment directives

These documents usually require acknowledgments where the signer confirms their identity and voluntary execution. Medical documents are typically time-sensitive and emotionally significant, requiring notaries to be especially professional and compassionate while maintaining impartiality.

Financial and Business Documents

Loan agreements, corporate resolutions, contracts. Typically acknowledgments.



Loan Agreements

Personal loans, business loans, promissory notes, and loan modification agreements require notarization to establish authenticity and enforceability.



Corporate Resolutions

Board resolutions, corporate bylaws, and official company actions often require notarized acknowledgments from authorized signers.



Business Contracts

Partnership agreements, operating agreements, buy-sell agreements, and major business contracts may require notarization for added legal protection.

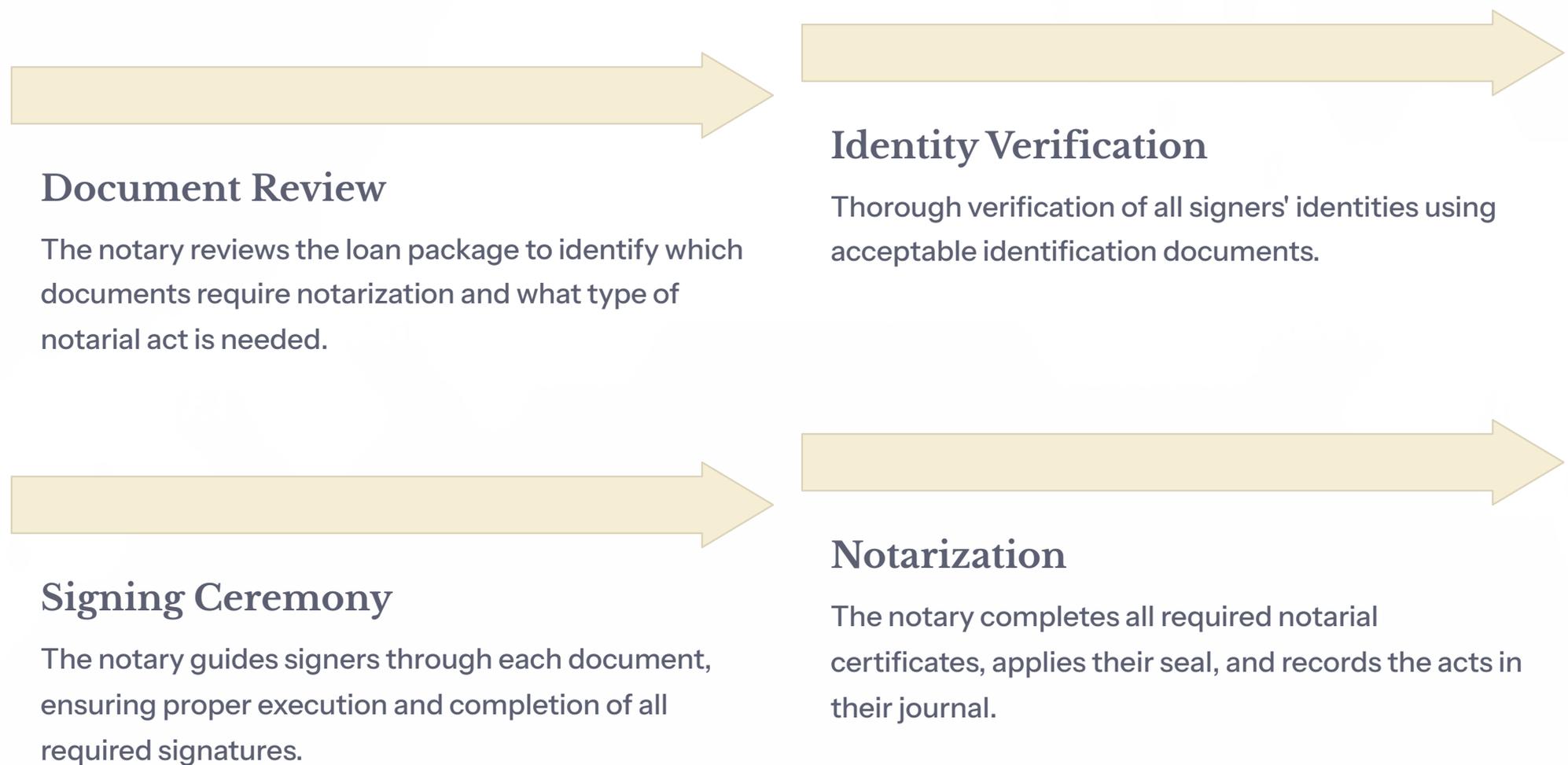
Financial and business documents typically use acknowledgments rather than jurats. The signer acknowledges their signature and confirms they signed voluntarily, but they are not swearing to the truthfulness of the document's contents.

Loan Signing / Real Estate Closings

Notarization of multiple documents: deeds, affidavits, trust certificates. Involves identity verification and detailed signing procedures.

The Loan Signing Process

Real estate closings involve notarizing a comprehensive package of documents that transfer property ownership and establish mortgage terms. This specialized service requires notaries to have additional training and attention to detail.



Common Documents in Loan Packages

- Deed of Trust or Mortgage
- Promissory Note
- Settlement Statement (HUD-1 or Closing Disclosure)
- Truth in Lending Disclosure
- Occupancy Affidavit
- Name Affidavit
- Trust Certification
- Right to Cancel Notice

Loan signing agents often receive specialized training and certification beyond their basic notary commission to handle the complexity and responsibility of real estate closings.

*All of this is for learning purposes only. For legal advice or application it is important to contact the secretary of state for your state.