CHAPTER 4
Completing the Notary Act

Chapter Objective:
This section will further elaborate several of the duties of a notary public and provide information as to how these duties may or must be performed. The student will have an opportunity to complete an Acknowledgment form. They will also understand more thoroughly the details of specific notary acts.

Part 1
Acknowledgments and Jurats

Without a question, the two most often performed duties of a notary are known as “taking or completing an acknowledgment” and “administering jurats”. When a client is required to have a document notarized, that document will usually require a notary to either complete an acknowledgment or administer a jurat. The notary will usually know which is required because the document to be notarized will usually have the indication or the signer may already know. Interestingly enough, the notary is not allowed to select which act is performed because to do so may place the notary in a position of illegally practicing law. When a client brings a document to a notary, if the proper verbiage is not preprinted on the form indicating which notary act to perform, the notary is supposed to ask the client which notary act he or she requires. If the client does not know, then the notary is to require the client to obtain an answer from the originators of the document.

Completing acknowledgments

In a nutshell, this notarial act means that the person who signed the document to be notarized must 1) personally appear before the notary at the time of the notary request and 2) must acknowledge that he or she signed the document in his or her authorized capacity, (i.e. CEO, Partner, individual) and 3) the document signer(s) must be properly identified by the notary.

If the notary is required to complete an acknowledgment, the document may be signed by the principal(s) at the time of notarization or may have been signed prior to appearing before the notary. If it has been signed prior to bringing the document before the notary, the notary must ask the signer to acknowledge that the signature is indeed his or hers. Whether the document was signed previously or in front of the notary, the notary is required to verify the identity of the person or persons signing a document either through personal knowledge or with satisfactory evidence such as a driver’s license.

When a document signer places his or her signature on a document, the notary must assume that the signer intends to execute the document. California notary law does not require a notary to verify the competency of the document signer nor is the notary required to make judgments concerning whether or not the document signer is being coerced in some manner. If the document signer insists that the notary notarize his or her signature, then regardless of suspicions, the notary must comply with that request. State law prohibits non-attorney notaries from giving legal advise or providing legal assistance of any kind. The notary is obligated to notarize the document if requested by the
document signer and the signer can present proper identification as well as the required fees.

Although very often violated in practice, it is an absolute legal requirement that the notary be able to speak the language of the signer. If a person signing a document cannot communicate to the notary in a language that the notary understands, the notary must refuse to notarize that document. The signer should be directed, if possible, to another notary who does speak their language. Utilizing an interpreter brought in by the client is not allowed since that interpreter might have ulterior motives and render an inaccurate translation or something may be lost in the translation itself.

**Proper acknowledgment verbiage**

Proper notarization includes the requirement that the notary fill out specific information in a particular format. This is known as notary verbiage and is usually, but not always, found pre-printed on the document itself or will be attached to the document. In California, it is illegal for a notary to place the notary seal on any document not containing notarial verbiage. As stated earlier, the document to be notarized will usually require either an acknowledgment or a jurat. These two notary acts are quite different from one another and will have associated verbiage which will be immediately recognizable by the notary. As we continue through this chapter, you will be introduced first to proper acknowledgment verbiage and then to proper jurat verbiage. Do not worry! Once you complete this chapter, you will immediately be able to recognize which notary act to perform for any document containing proper notarial verbiage. Remember that if a document contains no notarial verbiage at all, the notary must ask the client to inform him or her of which notary act he or she requires.

When someone brings a notary a document to notarize, the notary should first look the document over to ensure that it is not blank or incomplete as it is illegal to notarize blank or incomplete documents. If the document is blank or incomplete, return the document to the client for completion. Remember that you as a notary may never give legal advice so filling out the contents in the document for the client can be illegal.

The second piece of information to look for on the document is if the proper notary verbiage is already printed on the document. Depending on the type of documents you will be notarizing, most documents will already have notary verbiage on the form and will need to fill this portion out and seal it with your notary stamp. However, many documents either do not have proper verbiage or will not have any notary verbiage pre-printed on the form. If there is no notary verbiage preprinted on the form, you will need to add the verbiage. If you need to add acknowledgment verbiage to a document, you will use an additional form called an “All-Purpose Acknowledgment” form. An example of an All-Purpose Acknowledgment can be found on page A-1 in the back of this manual. All California notaries should carry these forms because many documents do not have the proper verbiage for California.

For an example of a typical document requiring an acknowledgment, please turn to page A-2 which is a Grant Deed. Once again, someone requiring this document to be notarized will already have it filled in completely prior to presenting it to you for notarization. It is not important that the notary be familiar with every kind of document requiring notarization as that would be rather impractical. There are hundreds if not thousands of different documents out there. Simply look the document over to ensure that
it is not obviously blank or incomplete. The only portion that may be incomplete is the notary verbiage which begins: The State of _________, County of ____________. This is the section the notary begins completing once the signature or signatures are obtained. If it has not been signed, request the signature or signatures of the clients prior to completing this section.

How to fill out an acknowledgment

Acknowledgment verbiage is very important especially with documents to be filed in California. All documents requiring a Certificate of Acknowledgment taken within the state of California, and especially those to be recorded in California should contain the following verbiage:

STATE OF __CA______

COUNTY OF (Name of County in which the notary act occurred)

On (Date of Notary Act) before me, (Notary’s name as on the commission)
“Notary Public”
(Name/Title, i.e. “Jane Doe, Notary Public)

Personally appeared (Name of person(s) acknowledging their signatures at the time of notarization) personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(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 authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(Notary Seal)

(Notice that your signature is placed underneath this phrase, not just anywhere on the document)

__________________________________

(SIGNATURE OF NOTARY)

Once again, please refer to the example of this on the Grant Deed found in the appendix section of this book, page A-2. As the notary, you will begin completing this notarial verbiage by filling in the state and the county in which you are physically located at the time of notarization. This portion of the acknowledgment is called the venue.

STATE OF __CA______

COUNTY OF (Name of County in which the notary act occurred)

Many mobile notaries travel to different counties when completing a notary act. As a notary commissioned in California, you may notarize documents drawn either in
California or anywhere outside of California but you must be physically located somewhere within California at the time you notarize the document and must always comply with California law. Regardless of what county your bond and oath is on file, you must indicate the county where you are completing the notary act in this venue section. Sometimes, the venue will be already filled in because an escrow company or some other third party drew up the document and the venue is wrong. For example, if loan documents originated in the state of Texas, the escrow company filling out the form to be notarized may have already typed in the state of Texas in the venue. Simply cross out the wrong venue and write in the correct state and county.

On \textbf{(Date of Notary Act)} before me, \textbf{(Notary’s name as on the commission).} \textbf{“Notary Public”}\footnote{\textit{Name/Title}, i.e. “Jane Doe, Notary Public}}

Now you will fill out the correct date which is the date of notarization. This is always the date that the person or persons appeared in front of you and the notary act was completed. You may never notarize a document for someone who does not appear personally before you and you must never comply with any request to enter in a date other than the actual date of notarization. To do so is to subject yourself to criminal prosecution as well as personal liability.

Whenever you complete a date, try to write out or at least abbreviate the month. If you notarized a document on April 1, 2004, for example, and entered in the date of 4/1/04 instead of writing it out, it may be possible that if the document is sent to another country, the reader may conclude that the person appeared in front of you on January 4 and not April 1.

Follow this by clearly printing your name as the notary as it appears on your commission.

Personally appeared \textbf{(Name of person(s) acknowledging their signatures at the time of notarization) personally known to me (or proved to me on the basis of satisfactory evidence)}

Next you will clearly print the name or names of the persons who appeared before you and requested that their signatures be notarized. Sometimes, there will be more than one signature required on the form requiring notarization. Look again at page A-2, the Grant Deed. You will notice that two persons are signing this document and both persons are requiring that their signatures be notarized. The signers must sign the document exactly as their name appears within the document. In our example of the Grant Deed, you can see that both William A. Jones and Mary B. Jones both signed the document as their names appeared within. The notary must print their names in this section of the acknowledgment verbiage exactly as they appear within the document.

Because you must print the name or names of the persons who personally appeared before you on the acknowledgment, you will want to look at the signer’s identification to ensure that the names on the document match the names on the identification. Suppose, for example, the name on the document was William A. Jones, Jr. but when Mr. Jones presents his identification, you notice that there is no Jr. indicated on his identification. Unless you personally know the signer, how do you know if this person is Jr. or Sr? We will talk more about proper identification in the next chapter, but the general rule of thumb is that the identification used may contain more information than the signature but never less. If the signature contains “Jr”, and the identification does
not contain “Jr., you must use a different form of identification or you may not complete the notarization!

Let’s look at another important point about completing this section. Quite often a document requires the signatures of two or more parties, but only one party can appear personally at the time of notarization or can prove their identity satisfactorily. In this case, you may only indicate the name of the person or persons who personally appear at the time of notarization and are able to prove their identification either though personal knowledge or satisfactory evidence. If this section has already been filled out for you, say once again by an escrow company, you will need to cross the name of the party who did not appear before you or could not provide proper identification before completing the acknowledgment.

Once you are satisfied of the identity of the signer or signers and you have printed his/her or their names, you will complete the acknowledgment by indicating whether the signer or signers were personally known to you or proved to you with satisfactory evidence to be the persons named within the document. Simply note the correct response by circling or crossing out the incorrect response and continue.

to be the person(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 authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Throughout this section you will indicate the correct singular or plural forms as well as the correct pronouns. Since in our example on page A-2, we had both William A. Jones and Mary B. Jones personally appearing and both proved their identity to the notary, the notary has indicated so by selecting the plural forms on the acknowledgment. Completing this section is critical because any document to be recorded will most likely be rejected otherwise.

As you read through this section, you will notice the phrase “executed the same in his/her/their authorized capacity(ies)”. California law does not permit a notary to certify the capacity of a signer. That means if someone is claiming to sign a document as CEO of a company or a partner of a company, California notaries do not require the signer to prove to the notary that he or she holds the capacity claimed by the signer. Part of the acknowledgment in California is that the signer must simply “claim” his or her authorized capacity. There are still some states that require a notary to verify the capacity of a signer.

As a notary in the state of California, you may NOT complete any notary act which requires the notary to comply with a request which is not legal for a California notary to perform. One of these requests may be for a notary to either know or otherwise certify the capacity claimed by a document signer. If you are ever presented with a document which has notary verbiage requiring such certification, you may not complete this acknowledgment. Simply cross it out and attach a California All-Purpose Acknowledgment form to the document and place your notary seal on this completed acknowledgment instead. Do not place your notary seal impression on any document not containing proper notarial wording. Your seal impression must be placed on the form which contains the correct information concerning the notary act.
A very good example of an acknowledgment used by another state which the notary should not complete is shown below which is an excerpt from a Corporate Acknowledgment used in a different state.

STATE OF _______________

COUNTY OF _____________

On this __________ day of __________________, ______________, before me, the undersigned, a Notary Public in and for the State of ____________________, duly commissioned and sworn, personally appeared ___________________________________________ to me known or proved to me to be the ___ (capacity of signer; ie. CEO, CFO, Secretary) of ___ (name of company) ___, the corporation that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act of and deed of said corporation, for the uses and purposes therein mentioned…. (Continued)

Notice that this acknowledgment requires the notary to certify or personally know the capacity of the signer (such as CEO). You should use an All Purpose Acknowledgment form for documents with this acknowledgment verbiage. Cross out this acknowledgment with a single diagonal line and attach a Loose Certificate All Purpose Acknowledgment Form to the document. (See page A-1)

Finishing up the acknowledgment

WITNESS my hand and official seal. (Notary Seal)
(Notice that your signature is placed underneath this phrase, not just anywhere on the document)

(SIGNATURE OF NOTARY)

WITNESS my hand and official seal indicates that the notary should sign here as his or her name appears on the commission and place the notary seal close to the name.

You are now finished this portion of the notary act. Even though it may look daunting to you at first, this process really only takes a few minutes.

If you find it necessary to complete the All-Purpose Acknowledgment for some of the reasons indicated above, you must attach that to the document you are notarizing. Be sure to fill out the optional information section as well. Although not required legally, if you do need to complete an All-Purpose Acknowledgment form you should fill out as much of this section as you can because it helps to further insure against potential fraudulent activities. This is crucial when filling out a loose certificate since without your remarks indicating the referencing document, the loose certificate may be attached to any form inadvertently or because someone is trying to take advantage of the signer.

Suppose, for example, a property owner wants to have their property homesteaded and completes the appropriate paperwork do so. When having the document notarized, the notary would need to use a loose certificate if the correct acknowledgment verbiage is not on the form.

But suppose the notary did not fill in the optional section? What might happen if a relative finds the notarized Homestead and, after tearing off the loose certificate from the
Homestead, attaches it illegally and fraudulently to a Grant Deed which now grants the property from the legal owner to himself or herself. After forging the grantor’s signature, the relative now has a loose certificate acknowledgment which was meant for a homestead now attached to an illegal grant deed.

Once the document is recorded the property transfer is complete at least until the fraudulent activity charges are filed and proven. The notary simply filling out the optional section of the acknowledgment form could have thwarted this fraudulent activity.

Filling out the optional section is quite simple. If the signer is claiming to be the president of a corporation, you should indicate that title as well as the name of the corporation in the indicated areas. If the signer is one or more individuals, indicate self or individual(s) in this section. Also be sure to fill out the areas requesting the Title of the Document and the Date of the Document.

Completing an acknowledgment for other states

As you have already seen, different states may have different forms with different acknowledgment verbiage. We have already mentioned that a notary is permitted to notarize documents from another state so long as the notary complies with California notary law. As long as the verbiage in the acknowledgment form does not require to notary to do something illegal, such as certify the capacity of the signer, the notary is permitted to use the acknowledgment verbiage provided on the form. The big exception to this is that ANY document which will be recorded in the state of California, regardless of where it was drawn MUST have the proper California acknowledgment verbiage including the section which indicates that the signer acknowledges signing the document in his or her “authorized capacity”. Many states do not have this on the form and even older forms from California do not have this verbiage. The recorder’s office will reject the filing if the acknowledgment verbiage is not complete. If the form does not have this verbiage already there, use an All-Purpose Acknowledgment form.

Completing Acknowledgments for faxed documents

Remember that the document must be present before the notary and the notary must complete the notary act at the time of notarization. It is permissible for a notary to notarize a document which has been photocopied, faxed or delivered in any other similar manner, as long as the signer is present before the notary at the time the notary seal is affixed and the notarial verbiage is completed, and the signature on the document is an original. It is illegal to notarize any document, whether faxed, mailed or otherwise delivered if the document signer is not present before the notary at the time of notarization. It is also illegal for a notary to not complete the notary act at the time of notarization. This includes the filling out of the notarial verbiage, sealing with the notary seal, signing the document as the notary and attaching the notary verbiage to the document, if necessary.

During your career as a notary, you may be asked to “backdate” a notarization or complete a notarization such as an acknowledgment for someone who is not personally appearing before you at the time you complete the notarization. This request is illegal and can subject the person making the request to criminal prosecution as it is a misdemeanor to request that a notary perform illegal services. It is, of course, also illegal for you to comply with such a request.
For example, suppose you notarize a set of loan documents for someone the day before and the lender calls you to inform you that they forgot to include an important form which also must be notarized. The lender informs you that they have had the borrowers sign the document and may request you to allow the new document to be faxed to you so you can complete the acknowledgment and fax it back to them so the loan will close on time. If you comply with this request, you are violating notary law and subjecting yourself to both criminal prosecution as well as personal liability should the documents be contested at a later time.

**Administering a Jurat**

Our discussion now brings us to the other frequently requested notary act known as “administering a jurat”. A jurat means that the notary has required that the party swear under an oath or affirmation that the contents of the document being notarized are true. The difference between an affirmation and an oath is the reference to God or a supreme being. There is no exact requirement for Jurat wording. A sample affirmation might be worded as follows: “Do you swear that the information contained in this document is true and correct to the best of your knowledge?” A sample oath might be, “Do you swear that the information contained in this document is true and correct to the best of your knowledge, so help you God?” You might have them raise their right hand but this action is not required. Whether you wish to administer an oath or affirmation is up to you as the notary, but you must do one of the two. Any jurat completed without an oath or affirmation can be overturned in court and the document can be voided until proper notarization.

As you can see, this process is intended to appeal to the conscience of the signer. You as the notary do not have to have evidence that the contents in the document are true as an affirmative statement from the document signer is sufficient. Remember that you, the notary never guarantee the truthfulness of the document in either an acknowledgment or a jurat. With a jurat, you are guaranteeing that the person appeared before you at the time of notarization and that you issued the oath or affirmation and that the signer responded affirmatively.

A **jurat** is identified by the wording “Subscribed and Sworn to” immediately above the place where the notary public signs his/her name. Please note the following requirements:

- The signer must personally appear before the notary on the date and in the county indicated.
- The signer must sign in the presence of the notary public.
- The notary public must administer the oath, for example, “Do you swear or affirm that the statements in this document are true?”
- Beginning 2005, the signer of a jurat must be properly identified.
How to Fill Out a Jurat

State of California
County of __________________

Subscribed and sworn to (or affirmed) before me on this (date of notarization) by (Name of Signer), personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me.

____________________________      (Place notary seal here)

Signature of Notary

Effective 2005, this wording is the proper verbiage for a Jurat and if it not pre-printed on the form, you will need to write it in or use a jurat stamp on the form. For acknowledgments, if the verbiage needs to be added, we usually use an All-Purpose Acknowledgment form, but jurat verbiage is small enough that you can usually get away with stamping the verbiage on the document itself. For this, we use a stamp conveniently known as a “Jurat Stamp”. You will then sign it as the notary and seal it with your notary stamp.

Another reminder that since a jurat is meant to appeal to the conscience of the signer because the signer must swear to the truthfulness of the contents of the documents, the document MUST be signed at the time of notarization, not before. If it has been signed before, you must require re-signing after you give the oath or affirmation and prior to placing your notary seal on the document.

Prior to 2005, identification of the document signer was not necessary, but as a general rule, notaries always obtained identification information from the signer regardless. New legislation now requires the notary to use the same identification rules as applicable to acknowledgments so for this reason, the example of the jurat above will differ from the sample jurat used on page A-3. Beginning 2005, all jurats must be completed in the new format which requires a statement regarding proper identification of the signer.

The distinction between jurats and acknowledgments

The essential purpose of a jurat differs from an acknowledgment in that the signer must swear an oath or affirmation that the contents of the document are true. This is not the case with documents requiring an acknowledgment. Additionally, a document requiring a jurat may only be signed in front of a notary since the notary must require the oath or affirmation from the document signer(s). If the document was signed beforehand, it must be re-signed at that time of notarization.

It is important to point out once again that for both acknowledgments and jurats, the signer or signers must personally appear before the notary at the time of notarization and must provide proper identification to the notary.

Unlike Acknowledgments, all jurats completed in California must have California verbiage without regard to where they will be recorded. If a document which requires a jurat does not have the new California verbiage, you will need to add it to or attach it to the document before sealing with the notary seal.

How will you know if a document requires an Acknowledgment or Jurat? Remember that this decision is not yours, it is the client’s. However, the intent is that if the document to be notarized contains wording in which the signer is swearing to the
truthfulness of the contents within the document, you will use a jurat unless otherwise instructed. In almost every instance, every other form requiring notarization will require an acknowledgment. Most documents presented before a notary will already include the proper verbiage; however, as previously discussed, not all document have the right verbiage. The notary is not supposed to advise the client as to which act to perform and to do so is considered to be practice of law. Of course, few people who are not notaries will know which act to perform, but remember that if you direct the client to a specific notary act and it turns out to be the wrong one, you may be held liable for losses arising from the improper act. You are supposed to require your client to refer to the advice of the originator of the document.

Part 2
Providing Certified copies of Power of Attorney

Let’s briefly discuss what a Power of Attorney is before we move on to certification of a Power of Attorney. A Power of Attorney is a document which delegates or legally allows one person to sign documents on behalf of another party. A General Power of Attorney may allow the person to sign almost any document without restrictions while a Specific Power of Attorney will specify which types of transactions are permissible. For example, a Power of Attorney may be used when a husband and wife are purchasing property and one of the two is not available at the time of loan signing. A Specific Power of Attorney may be granted by the absent spouse which allows the other spouse to sign the documents on his or her behalf. This is a specific power of attorney because it is specific to this particular real estate transaction.

When the person delegated with the right to sign on someone else’s behalf, the correct method of signing should be followed. Suppose Jane Doe has the Power of Attorney for John Doe. Jane Doe will sign the document: John Doe by Jane Doe, as his Attorney in Fact. The words, “as his Attorney in Fact” indicate that she has a Power of Attorney for John Doe and may legally sign the document on his behalf.

Sometimes a notary may be requested to provide a certified copy of a Power of Attorney. A certified copy means that the certifying person, has examined the original document and the copy and that the copy is a true and correct duplicate of the original document. If someone brings you a copy of a power of attorney to be certified, you must have in front of you both the original and the copy for comparison purposes. Most notaries will simply make their own copy and certify that copy rather than read and compare each word with the original.
Sample Certification of Power of Attorney

State of California

County of ______________

I ______________________ (name of notary), Notary Public, certify that on _____________ (date), I examined the original power of attorney and the copy of the power of attorney. I further certify that the copy is a true and correct copy of the original power of attorney.

__________________________
Notary Signature               (Notary Seal)

A copy Power of Attorney is the only document in California that a notary may certify other than copies of his or her own sequential journal.

Part 3
Required Notary Procedures

It might be easily argued that the most important duty of a notary is that all notarial acts performed are required to be recorded formally so that anyone questioning a signed document, whether it is soon after the signing or years later, can request a copy of the notary’s recorded information. Since the notary must retain specific information about every document signed in a Journal of Notarial Records, the notary journal becomes important evidence for the public. This notary procedure alone does much to assist in minimizing such fraudulent claims.

The Sequential Journal

A notary is required to obtain and use an official Journal of Notarial Records which will retain certain information concerning any notary act performed during the notary’s commission. A notary public is only permitted to keep one active sequential journal at a time which records of all official acts performed as a notary public. The journal must be kept in a locked and secured area, under the direct and exclusive control of the notary because failure to secure the journal may be cause for the Secretary of State to take administrative action against your commission. This means that your commission may be suspended or revoked at their discretion.

The journal should include the required information as listed below as well as any additional information the notary feels may benefit him or her should a notarial act be questioned in the future. For example, if a notary refuses to notarize a document, the notary may wish to record the details of that in their journal for later reference.

The journal must contain the following information:

1) Date & time the document is notarized
2) The type of notary act performed (acknowledgment or jurat)
3) The character (almost always the name) of the document notarized (such as Grant Deed)
4) A statement as to whether the person who acknowledged the signature was personally known to you or proved their identity to you.

5) Name of the identification document (such as driver’s license) or an indication that credible witnesses were used and pertinent identification information about the credible witness when required (see chapter 5). If personal knowledge was used, the notary must indicate that in the journal.

6) Serial number of the identification document, i.e. driver’s license number

7) Date of issue or expiration of the identifying document

8) Signature of the person

9) Fees charged for notary services

10) Right thumbprint for Deeds (for example, Warranty Deeds, Quitclaim Deeds, Grant Deeds) or Deeds of Trust affecting real property. ***Please note that not all documents containing the word Deed in their title require a right thumbprint! For example, Thumbprints are not required for Deeds of Reconveyance or for a Trustee’s Deed if the Property is in foreclosure. (When a property loan is paid in full, a Deed of Reconveyance is issued; a Trustee’s Deed is issued for transfer of property which has been placed into foreclosure.

If the right thumbprint is unavailable, use a left thumbprint or any available finger but be sure to indicate what was used. If the signer is unable to provide a print, the notary must document the inability and state an explanation as to why the fingerprint was unavailable. Also note that addresses and birth dates are not required for journal entry.

You will find a sample journal entry in the appendix of this study guide on page A-5.

Lost, Damaged or Surrendered Journals

If the journal is stolen, lost, destroyed, damaged, or otherwise rendered unusable, the notary public must immediately notify the Secretary of State by certified or registered mail. The notification must include 1) the period of the journal entries, 2) the notary public commission number, and 3) the expiration date of the commission, and 4) when applicable, a photocopy of any police report which may have been taken.

Any member of the public may request a copy of a journal entry, but they must include in their request the 1) name of the parties, 2) the type of document, and 3) the month and year in which notarized. The notary must provide a photocopy of the line item only and may not charge more than thirty cents ($0.30) per page. Simply cover the remaining entries on the page before photocopying.

The notary public may not surrender the journal to any person, except the County Clerk, or to a peace officer who is acting in his or her official capacity and within his or her authority, in response to a criminal search warrant signed by a magistrate and served upon the notary public by the peace officer.
If the notary is required to surrender his or her journal, the notary must obtain a receipt for the journal and notify the Secretary of State within 10 days by certified mail that the journal was relinquished to a peace officer. The notification must include: 1) the period of journal entries 2) the commission number of the notary public, 3) the expiration date of the commission, 4) and a photocopy of the receipt. If that journal is later returned, the notary may not make any additional entries in that journal.

If the notary resigns his or her commission or allows more than 30 days to pass after his or her commission expires without recommissioning, the notary must turn in his or her journal to the county clerk. It is not necessary for the notary to begin a new journal when recommissioning so long as less than the 30 days has passed between commissions.

The Notary Seal

Upon receiving your letter of commission from the Secretary of State, you will also receive an authorization to have your notary seal (stamp) manufactured. Included in your authorization will be a list of authorized seal manufacturers. Prices vary widely, so shop around. Your seal must be obtained from an “Authorized Seal Manufacturer”. In order for a document to be properly notarized, you must imprint your seal on the document. Any notarized document must contain the imprint of the seal in a clear, photographically reproducible manner regardless of the color ink used.

Your notary seal must be obtained from an “Authorized Seal Manufacturer”. The seal will include the following information:

a. The State Seal  
b. The words “Notary Public”  
c. Name of the Notary Public as shown on the commission  
d. County where the oath and bond are on file  
e. Commission expiration date  
f. Sequential identification number (commission number) assigned to the notary  
g. Manufacturer or Vendor Identification Number  
h. Serrated or milled edge border

The seal may be rectangular no more than 2 ½ “ X 1” or circular with no more than a 2” diameter. Note that this seal is not to scale.
California Sub-Division Maps

The only instance when an official notary seal is not required when notarizing a document is for an acknowledgment of a California Subdivision map. If you find yourself notarizing this document and cannot use your seal because of the texture or some other reason, you may write the information contained on the seal. You would include a) your name b) the county of your principal place of business c) commission expiration date all typed or printed below or immediately adjacent to the signature of the notary on the acknowledgment. The commission number is not required in this instance.

Requirements for the Notary Seal

The seal must be photographically reproducible when it is affixed to a document. This means the seal must be used with ink. Black ink is most common but is not required. The county will not accept the round embossers notaries used to use although many notaries continue to use embossers in addition to their acceptable seal for extra security. Inked seals can be easily copied and placed illegally onto another document. The seal must also contain the State Seal and the words “Notary Public” as well as your commission number, expiration date, the name of the county where the oath of office and bond are on file.

The seal must contain the identification number assigned to the manufacturer and finally it must have a serrated or milled edged border. This simply means that the seal does not have a geometrical border, rather the border usually looks like the edge of a steak knife might with wavy edges. The seal may be either round (2 inches max diameter) or rectangular (no larger than 1” x 2 1/2 “) as long as it is photographically reproducible. The County Clerk will not accept a document if the seal impression is not clear and precise. If you smudge the seal impression, simply re-seal with a clear impression. If the document does not allow enough room for you to place your seal without covering up text or signatures, you should add a loose certificate or place your Jurat stamp on another page and record all of the important information on that page pertaining to the document so it may not be removed and reattached to another document inappropriately.

No notary seal or press stamp may be manufactured, duplicated, sold, or offered for sale unless first authorized by the Secretary of State with a proper Authorization to Manufacture a Seal.

Seal is for Official Use Only

Of course, the notary may never use the official notarial seal except for the purpose of carrying out the duties of a Notary. You would never place your seal in an advertisement, for example nor would you put your seal on photographs or photocopies not containing proper notarial verbiage.

Similarly, a notary public also may never use the title “notary public” except for the purpose of rendering notarial services.

As discussed previously, the official seal of a notary public is the exclusive property of that notary public, and may never be surrendered to an employer upon the termination of employment, whether or not the employer paid for the seal, or to any
other person. The notary, or his or her representative, must destroy or deface the seal upon termination, resignation, or revocation of the notary’s commission.

What to do if your seal is lost.
If the official seal is lost, destroyed, or damaged, you will need to contact the Secretary of State through mail who will issue a new certificate of authorization upon request within five working days after receipt of the notice which you may then use to obtain a replacement seal. Once your notary commission is expired, you must destroy the seal to prevent possible fraudulent use by another.

Chapter Summary
COMPLETING THE NOTARY ACT
PERFORMING ACKNOWLEDGMENTS

1. A certificate of acknowledgment is completed when the document signer
   a. Personally appears before the notary at the county and date of the notary request which must be indicated on the certificate of acknowledgment. (This is the notary verbiage completed by the notary which MUST be completed at the time of notarization.)
   b. The signer must sign the document or acknowledge to the notary that he or she signed the document in his or her authorized capacity, (i.e. CEO, Partner, individual).
   c. The document signer must be properly identified by the notary (see next chapter).

2. Acknowledgments should never be completed for a document not presented in person by the document signer and the acknowledgment verbiage must be completed at the time the seal and notary’s signature are placed onto the document. If using a separate acknowledgment form, that form should be affixed to the document in order to complete the notary process.

Completing Acknowledgments for faxed documents
3. Remember that the document must be present before the notary and the notary must complete the notary act at the time of notarization. It is permissible for a notary to notarize a document which has been photocopied, faxed or delivered in any other similar manner, as long as the signer is present before the notary at the time the notary seal is affixed and the notarial verbiage is completed. The signature on the document; however, must be an original! It is illegal to notarize any document, whether faxed, mailed or otherwise delivered if the document signer is not present before the notary at the time of notarization. It is also illegal for a notary to not complete the notary act at the time of notarization. This
includes the filling out of the notarial verbiage, sealing with the notary seal, signing the document as the notary and attaching the notary verbiage to the document, if necessary.

4. During your career as a notary, you may be asked to “backdate” a notarization or complete a notarization such as an acknowledgment for someone who is not personally appearing before you at the time you complete the notarization. This request is illegal and can subject the person making the request to criminal prosecution as it is a misdemeanor to request that a notary perform illegal services. It is, of course, also illegal for you to comply with such a request.

5. California state law allows notaries to use the acknowledgment verbiage from other states if the document will be recorded in that other state. The acknowledgment verbiage may be different from the California verbiage but may be verbiage required in that other state. The critical issue here is that the verbiage may not require the notary to do anything illegal. For example, a California notary may not determine or certify that the signer holds a particular representative capacity. Acknowledgments made in California require that the signer simply claim their authorized capacity which is not necessarily known or proven to the notary. Other states may require that the notary know or otherwise certify the capacity of the signer.

6. Notaries commissioned in California are governed by the laws of California but a notary may notarize any document from any other state as well so long as the notary act is completed in California.

7. Acknowledgment verbiage is very important especially with documents to be filed in California. Effective January 1, 2006, if a document contains a suggested “certificate of acknowledgment,” the certificate may be used only if it is exactly the same as the statutory wording. If it is not, then a loose certificate of acknowledgment with the statutory wording must be used.

STATE OF _______
COUNTY OF _________________

On __________ before me, __________________________________________________________
(Name/Title, i.e. “Jane Doe, Notary Public)

personally appeared __________________________________________________________
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(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 authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

__________________________________
(SIGNATURE OF NOTARY)
8. See page A-1 for an example of an All-Purpose Acknowledgment. Also referred to as a “loose certificate”, and A-2 for an example of a properly executed acknowledgment on a Grant Deed.

9. An example of an acknowledgment which a notary in California may not complete is as follows:

STATE OF _______________
COUNTY OF _____________

On this __________ day of __________________, ______________, before me, the undersigned, a Notary Public in and for the State of ____________________, duly commissioned and sworn, personally appeared ___________________________________________ to me known or proved to me to be the ___(capacity of signer; ie. CEO, CFO, Secretary) of ___(name of company)___, the corporation that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act of and deed of said corporation, for the uses and purposes therein mentioned…. (Continued)

This is excerpt from an actual Corporate Acknowledgment used in at least one other state. Notice that this acknowledgment requires the notary to certify or personally know the capacity of the signer (such as CEO). You should use an All Purpose Acknowledgment form for documents with this acknowledgment verbiage. Cross out this acknowledgment with a single diagonal line and attach a Loose Certificate All Purpose Acknowledgment Form to the document. (See page A-1)

10. The notary may use one acknowledgment form for multiple signers, but each signer must personally appear before the notary at the time of signing. If notarizing a single document for multiple signers at different times, the notary must use a separate acknowledgment for each event.

11. The signer of an acknowledgment may have signed the document previously so long as the signer acknowledges that he/she/they signed the document.

ADMINISTERING JURATS

12. This notary act is sometimes also referred to as “taking an affidavit”. A jurat is used when the signer must swear to the truthfulness of the contents within the document to be notarized. Effective 2005, the new verbiage for Jurats must also include a statement that the signer provided acceptable identification to the notary upon signing. An example of an acceptable jurat stamp is as follows:
13. The notary must administer an oath or affirmation when completing a jurat. There is no exact required wording but an example might be: “Do you swear (or affirm) that the contents in this document are true?”

14. The signer of a jurat must sign the document at the time of notarization since he or she is “subscribing and swearing” an oath to the notary. A notary may not complete a jurat sent by mail, fax or otherwise unless the affiant is present at the time of notarization.

15. If the document to be notarized requires a jurat and the required jurat verbiage is not preprinted on the form, you may use a jurat stamp. Unlike Acknowledgments, all jurats completed in California must have California verbiage without regard to where they will be recorded. If a document which requires a jurat does not have the new California verbiage, you will need to add it to or attach it to the document before sealing with the notary seal.

16. If a person signing a document cannot communicate to you in your language, the notary must refuse to notarize that document and instruct the person to find a notary who does speak their language. Utilizing an interpreter brought in by the client is not permissible since the interpreter may have ulterior motives or something important may be lost in the translation.

17. The certificate of acknowledgment or the jurat, whether pre-printed or an attached loose certificate must be filled out and completed at the time that the notary’s seal and signature are affixed. Failure to do so can result in suspension or revocation of your commission.

18. When completing the VENUE section of either an acknowledgment or a jurat, indicate the state and county where the document was actually notarized.
JOURNAL RECORDS

19. The notary is required to keep a **sequential journal of records**. A notary public is only permitted to keep one active sequential journal at a time which records of all official acts performed as a notary public. The journal must always be kept in a **locked and secured area**, under the direct and exclusive control of the notary when not in use.

20. The journal must contain the following information:
   a. **Date & time** the document is notarized
   b. **The type** of notary act performed (acknowledgment or jurat)
   c. **The character** (almost always the name) of the document notarized (such as Grant Deed)
   d. A **statement** as to whether the person who acknowledged the signature was personally known to you or proved their identity to you.
   e. **Name of the identification document** (such as driver’s license) or an indication that credible witnesses were used and pertinent identification information about the credible witness when required (see chapter 5). If personal knowledge was used, the notary must indicate that in the journal.
   f. **Serial number** of the identification document, i.e. driver’s license number
   g. **Date of issue or expiration** of the identifying document
   h. **Signature** of the person whose name is being notarized
   i. **Fees** charged for notary services
   j. **Right thumbprint** for Deeds (for example, Warranty Deeds, Quitclaim Deeds, Grant Deeds) or Deeds of Trust affecting real property. ***Please note that not all documents containing the word “Deed” in their title require a right thumbprint! For example, Thumbprints are not required for Deeds of Reconveyance or for a Trustee’s Deed if the Property is in foreclosure.*** (When a property loan is paid in full, a Deed of Reconveyance is issued; a Trustee’s Deed is issued for transfer of property that has been placed into foreclosure).

21. If the right thumbprint is unavailable, use a left thumbprint or any available finger but be sure to indicate what was used. If the signer is unable to provide a print, the notary must document the inability and state an explanation as to why the fingerprint was unavailable.

22. Also note that **addresses and birth dates are not required** for journal entry.
IMMEDIATE NOTIFICATION TO SECRETARY OF STATE

23. If the journal is stolen, lost, destroyed, damaged, or otherwise rendered unusable, the notary public must immediately notify the Secretary of State by certified or registered mail.

24. The notification must include 1) the period of the journal entries, 2) the notary public commission number, and 3) the expiration date of the commission, and 4) when applicable, a photocopy of any police report which may have been filed.

25. Any member of the public may request a copy of a journal entry, but they must do so in writing and include the 1) name of the parties, 2) the type of document, and 3) the month and year in which notarized.

10-DAY NOTIFICATION TO SECRETARY OF STATE

26. If the notary is required to surrender his or her journal upon receiving a warrant to do so by a peace officer, the notary must obtain a receipt for the journal and notify the Secretary of State within 10 days by certified mail that the journal was relinquished to a peace officer. The notification must include: 1) the period of journal entries 2) the commission number of the notary public, 3) the expiration date of the commission, 4) and a photocopy of the receipt. If that journal is later returned, the notary may not make any additional entries in that journal.

27. If the notary resigns his or her commission or allows more than 30 days to pass after his or her commission expires without recommissioning, the notary must turn in his or her journal to the County Clerk’s office where the oath is on file and the Secretary of State should be notified. It is not necessary for the notary to begin a new journal when recommissioning so long as less than the 30 days has passed between commissions. Failure to do so could result in a misdemeanor. Documents delivered to the Secretary of State will be returned to the sender. If the notary is unable to deliver the journals (either through illness or death), someone appointed on the notary’s behalf should follow this requirement on behalf of the notary.

THE NOTARY SEAL

28. Your notary seal must be obtained from an “Authorized Seal Manufacturer”. The seal will include the following information:
   a. The State Seal
   b. The words “Notary Public”
   c. Name of the Notary Public as shown on the commission
   d. County where the oath and bond are on file
   e. Commission expiration date
f. Sequential identification number (commission number) assigned to the notary

g. Manufacturer or Vendor Identification Number

h. Serrated or milled edge border

Example of a Notary Seal

29. If seal is lost, the notary must obtain another authorization from the Secretary of State in order to order a new seal. Upon receiving the request to manufacture a new seal, the Secretary of State will send the notary authorization within 5 business days for a seal replacement. **Neglecting to notify the Secretary of State of a lost seal can be cause for a $1,500 fine.**

30. In order for a document to be properly notarized, you must imprint your seal on the document. Any notarized document **must contain the imprint of the seal in a clear, photographically reproducible manner.** You should not affix your seal over a printed or written portion of the document.

31. The only instance when an official notary seal is not required when notarizing a document is for an acknowledgment of a California subdivision map. When notarizing this document, simply sign and directly underneath or next to your signature, type or print the following:

   a. Notary’s name

   b. The county of the notary’s principal place of business (this is the county where the oath and bond are on file)

   c. Commission expiration date.

   The commission number is not required for California sub-division maps.

32. When the notary public commission is no longer valid the notary public seal must be destroyed to protect the notary from possible fraudulent use by another.
Check your knowledge

1. One of the most common duties of a notary is to take an acknowledgment. An acknowledgment means that the person who signed the document appears before the notary and that they signed the document.

2. Additionally, the notary must the identity of the signer when completing an acknowledgment.

3. For both the acknowledgment and the jurat, the person signing the document must appear before the notary. The acknowledgment may be signed beforehand since the person appearing before the notary will acknowledge his or her signature, but the signer of a jurat must sign in front of the notary since he or she must be given an oath or affirmation at the time of signing.

4. Beginning 2005, the notary is also required to verify the identity of the signer of an affidavit when the notary completes a .

5. A notary must administer an or an affirmation when completing a jurat. This act is not negotiable! A jurat document signed without the oath or the affirmation can be nullified in court.

6. A notary should only keep active journal at any time. The journal is the exclusive property of the notary. Failure to secure the journal can be cause for the Secretary of State to take administrative action against the notary’s commission.

7. The notary must require a right thumbprint (left if the right is unavailable) if the document is , , , or affecting real property.

8. A seal must be reproducible when affixed to a document.

9. A seal must also have or milled edged border.

10. Using the seal on any document not containing the proper notarial wording is . The seal must not be used for any other purpose other than the rendering of a notarial service.

11. When the notary public commission is no longer valid, the notary public seal must be to protect the notary from possible fraudulent use by another.

12. If a notary is issued a warrant for his or her journal, the notary must notify the Secretary of State in writing within days.
13. Failure to submit journal records with the county clerk or notify the Secretary of State within 30 days after the completion of your commission (without recommissioning) can result in the charge of a_____________________.

CALIFORNIA ALL-PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

State of ____________________ )

County of ____________________ )

On __________________ before me, __________________________________________________________
(here insert name and title of the officer)

personally appeared ________________________________________________________________________

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(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 authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

________________________________________
Signature of Notary Public

(Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

________________________________________
(TITLE OR DESCRIPTION OF ATTACHED DOCUMENT)

________________________________________
(TITLE OR DESCRIPTION OF ATTACHED DOCUMENT CONTINUED)

Number of Pages _____ Document Date__________

________________________________________
(ADDITIONAL INFORMATION)

CAPACITY CLAIMED BY THE SIGNER

☐ Individual (s)
☐ Corporate Officer

____________________________________________________________________
(TITLE)

☐ Partner(s)
☐ Attorney-in-Fact
☐ Trustee(s)
☐ Other ________________________________

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

• State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
• Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
• The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
• Print the name(s) of document signer(s) who personally appear at the time of notarization.
• Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
• The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
• Signature of the notary public must match the signature on file with the office of the county clerk.
  • Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  • Indicate title or type of attached document, number of pages and date.
  • Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
• Securely attach this document to the signed document.
GRANT DEED

Joint Tenancy

FOR VALUABLE CONSIDERATION, receipt of which is acknowledged, I (we) William A. Jones and Mary B. Jones, (NAME OF GRANTOR(S))

Husband and wife

grant to John Doe and Jane Doe, husband and wife (NAME OF GRANTEE(S)), AS JOINT TENANTS,

all that real property situated in the City of Los Angeles (or in an unincorporated area of) Los Angeles County, State of CA, described as follows (insert legal description):

Lot 21 of Tract 345, as per plat recorded in book 17 of pages 28 and 29 inclusive of records of said county.

Assessor’s Parcel No: 323-98-1234

Executed on January 3, 2004 at San Diego, CA, (CITY AND STATE)

STATE OF CA

COUNTY OF San Diego

On January 4, 2004 before me, John Q. Notary (Name/Title, i.e. “Jane Doe, Notary Public) personally appeared William A. Jones and Mary B. Jones, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person or persons whose names are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

John Q. Notary (SIGNATURE OF NOTARY) (SEAL)

DOCUMENTARY TRANSFER TAX $ ___________________________ computed on full value of property covered, or computed on full value less liens and encumbrances remaining at time of sale.

Signature of Declarant or Agent Determining Tax Firm Name

OPTIONAL

CAPACITY CLAIMED BY SIGNER(S)

☐ INDIVIDUAL(S)
☐ CORPORATE OFFICER(S)
☐ PARTNERS
☐ LIMITED
☐ GENERAL
☐ ATTORNEY IN FACT
☐ TRUSTEE(S)
☐ GUARDIAN / CONSERVATOR
☐ OTHER:

SIGNER IS REPRESENTING:
John P. Smith, of legal age, being first duly sworn, deposes and says:

That Ann D. Smith, the decedent mentioned in the attached certified copy of Certificate of Death, is the same person as named as one of the parties in that certain Grant Deed, dated Jan 4, 1983, executed by Kenneth Jefferson and Margaret N. Jefferson to John P. Smith and Ann D. Smith, husband and wife, as joint tenants, recorded as Instrument No. __172299________________________ on Jan 5, 1983, in Book __35_________________, Page ____2_______, of Los Angeles Records of Los Angeles County, California, covering the following described property situated in the said County, State of California:

Lot 21 of tract 4055

John P. Smith

(Signature of Affiant)

State of California
County of San Diego } ss

Subscribed and sworn to (or affirmed) before me on this 3rd of January, 2004 by John P. Smith, personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature of Notary Public  (Notary Seal)
### Journal Entry Left Page

- **Document date is not necessarily the date of notarization.**
- **Type of notary act performed.**
- **Time and date that the person PERSONALLY appeared before you.**

### Journal Entry Right Page

- **Address not required but can be very helpful later if someone needs to contact the signer.**
- **Signature required. The signature should be exactly as the name within the document.**
  We must assume that since John D. Signer signed the journal, the name in the document was not John D. Signer, Sr. for example.  
- **Notary fees only! Not travel fees if any.**
- **Thumbprints for Deeds are required!**

### Table

<table>
<thead>
<tr>
<th>Complete Address of Person(s)</th>
<th>Signature of Person(s)</th>
<th>Notary Fee</th>
<th>Right Thumbprint as Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1234 MAIN ST, LOS ANGELES, CA 90023</td>
<td>JOHN D. SIGNER</td>
<td>10-</td>
<td>1</td>
</tr>
</tbody>
</table>