



HOW TO PASS CALIFORNIA'S NOTARY EXAM

**State Approved
6-Hour
Seminar Guide**

Daniel C. Jones, MA.Ed; Notary Public
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HOW TO PASS CALIFORNIA'S NOTARY EXAM

CHAPTER 1

THE OFFICE OF THE NOTARY PUBLIC

Chapter Objective:

The goal of this chapter is to introduce the general duties of a notary public which will encompass new vocabularies for many students. Subsequent chapters will cover most of these duties in greater detail.

At the end of this chapter, the student will recognize the expected duties of a notary public and will be able to correctly answer general questions concerning these functions.

Introduction

WHAT IS A NOTARY PUBLIC?

A Notary Public is essentially a public servant whose office exists primarily as a measure to help protect the public against fraud and whose notary actions guarantee that certain minimum required standards have been met during the signing of documents.

A **NOTARY PUBLIC** is someone commissioned by the Secretary of State whose primary duties include certifying that:

- A. The signer(s) personally appeared before the notary at the time of notarization in the county and on the date indicated within the Certificate of Acknowledgment or Jurat.
- B. The signer(s) were properly identified.

- C. That if the document required the signer to swear to the truthfulness of the statements within the document, that the signer did so in front of the notary.
1. It is important that the notary always remains an **IMPARTIAL WITNESS** to the signing of documents which they notarize. As an impartial witness, a notary may never notarize documents for his or her own signature or any document which has a direct financial or beneficial interest to the notary.
 2. In California, a notary **may** notarize documents for a spouse or relative, but that document **may not have a direct beneficial or financial interest** to the notary. Notaries should be very careful in what documents they notarize for spouses in California because of the community property laws.
 3. The **California Secretary of State** commissions notaries for **4-year** terms after which the notary must retake the exam in order to be re-commissioned.
 4. Notaries who are commissioned in California may notarize documents **anywhere** within the state of California.
 5. Notaries are **governed by the laws of California**. If notarizing documents originating from other states or countries which require the notary to engage in any act which is illegal in California, the notary must not comply with that request.

DUTIES OF A NOTARY

Taking Acknowledgments

6. The most common duty of a notary is to **take an acknowledgment**. Taking an **acknowledgment** means that the document signer **personally appears before the notary at the time of notarization**, either signs the document in front of the notary or, if signed prior to presentation to the notary, **acknowledges that the signature is indeed his or hers** and **acknowledges to the notary that he or she signed the document in his or her authorized capacity** (i.e. CEO or company partner if applicable). Additionally, the notary is required to properly identify the document signer.

Beginning January 1, 2008, the Certificate of Acknowledgment is executed by the notary under penalty of perjury. A notary who willfully states as true any material fact known to be false can be subject to a civil penalty of up to \$10,000.

Administering a Jurat (or taking an Affidavit)

7. The second most often-completed notary act is when the notary must administer a jurat. A **jurat** is a specific notary act in which the signer **must personally appear before the notary at the time of notarization, swear an oath or affirmation to the notary regarding the truthfulness of the contents within the document and sign the document in front of the notary.** The document signer in this case can be referred to as an ***affiant*** since he or she is making an affidavit. Additionally, the notary is required to properly identify the document signer.

8. The notary is **never responsible** for the accuracy of the information within the document nor does the notary ever guarantee the document's veracity. This assumes, of course, that the notary is not aware of any fraudulent information contained within the document at the time of notarization. A notary who notarizes a document which contains information known by the notary to be false can be convicted of a misdemeanor which carries the potential for criminal prosecution, jail time and suspension or revocation of their commission.

Taking a Power of Attorney

9. A **Power of Attorney** is a document which grants the legal authority for someone else to sign on behalf of another person. Quite often, for example, a spouse may execute a Power of Attorney to the other spouse in case documents must be signed during a period of time when the spouse granting the Power of Attorney cannot appear before a notary at the time of notarization.

Certifying a copy of a Power of Attorney

10. Other than a copy of recorded items in the Notary Journal, a copy of a **Power of Attorney** is the only document in California that a notary may **certify**. Certification means that the copy was examined and compared to the original by the notary and is an exact duplicate of the original. A Certified Copy of a Power of Attorney will have the same force and effect as the original.

Taking an Advance Health Care Directive

11. When someone in California desires to formalize their wishes regarding their own health care, they can complete a document called an "Advance Health Care Directive". A notary is quite often called upon to notarize this document which often includes completing an acknowledgment.

Certifying Copies of Journal Entries

12. A notary is required to 1) Furnish Certified Copies of journal entries to the Secretary of State upon request. The notary must respond in the time provided in the request from the Secretary of State. 2) A notary is required to provide a copy of a line item from their journal within 15 business days after the receipt of the request from a member of public or acknowledge that no such item exists. 3) A notary must provide the journal for examination and copying in the presence of the notary upon receipt of a subpoena duces tecum* or a court order and must certify the copies if requested.

Demand Debts or Protest Non-Payment

13. Another duty of a notary in California is to “**demand payments of bills of exchange and to protest them in the event of non-payment**”. This duty is almost never requested of a notary today because of technological advances in such transactions. It is recommended that “protests” be issued only under direction of an attorney.

Check your knowledge

1. A notary public’s duties include certifying that the signer personally _____ before the notary and at the time of _____ and in the county indicated in the notarial certificate.
2. A notary must also certify that the signer presented proper _____ at the time of notarization.
3. A notary who willfully states as true any material fact known to be false can be subject to a civil penalty of up to _____.
4. Notaries in California receive their commissions from the California _____ of _____ and are governed by the laws of _____ regardless of the notary requirements in other states.
5. An Acknowledgment is a specific notary act which guarantees the signer personally _____ before the notary at the time of notarization, proved their _____ to the notary and acknowledged that they signed the document in his or her _____.
6. A jurat is a notary act which certifies that the signer personally _____ before the notary, _____ the document before the notary and took an _____ or _____ as to the truthfulness of the statements within the document. Additionally, the notary is required to properly identify the document signer.
7. An affiant is one who makes an _____ which is a sworn statement pertaining to the truthfulness of the contents within a document.

8. A certified copy of a power of attorney has the same force and _____ as the original.
9. A notary is required to furnish certified copies of journal entries to the Secretary of State upon request and to do so within the _____ specified in the request.
10. The only document that a notary may certify in the State of California is a copy of a _____ and a copy of their journal.

* A Subpoena duces tecum (Latin for “bring with you under penalty of punishment”) is a court summons to appear and produce tangible evidence for use at a hearing or trial.

Answers: 1. appeared, notarization 2. identification , 3. \$10,000, 4. Secretary of State, California 5. appeared, identification, authorized capacity 6. appeared, signed, oath, affirmation 7. affidavit 8. effect 9. time 10. Power of Attorney

CHAPTER 2

HOW TO BECOME A NOTARY

Chapter Objective:

This section will describe the process and the laws governing various aspects of becoming a notary. The student will be introduced to the proper steps and procedures of becoming a notary so that at any time following the course, the student will have sufficient information to complete their commissioning procedures.

1. **Qualifications to become a notary are:**
 - a) Must be at least 18 years of age
 - b) Pass a written exam with a score of 70% or greater
 - c) Be a legal resident of California
 - d) Pass a background check
 - e) All notary commissions issued after July 1, 2005 will require the completion of a state approved 6-hour notary course prior to commissioning. The applicant must submit a “Proof of Completion” to the Secretary of State along with the application. Subsequent commissioning will require a 3-hour refresher course prior to commissioning and also requires the submission of a “Proof of Completion”. The Proof of Completion is valid for two (2) years and the exam results are valid for one (1) year.
2. Since the exam results are valid for one year, a notary whose commission is expiring can take the exam no sooner than **one year** prior to the termination date of his or her commission.
3. The **original application fee is \$20 and the testing fee is \$20**. You will need to pay a total of \$40 at the testing site and must be in the form of a check or money order made payable to the Secretary of State. All notary applicants must also submit a 2” x 2” color passport photograph to the Secretary of State along with his or her application.
4. Background checks: You will complete an application for Notary commission at that time. This application will include information which will be used by the Secretary of State to complete your background check. Failure to list arrests or convictions on your application may be cause for denial. **Even convictions which have been dismissed must be disclosed.** The Secretary of State will recommend denial for conviction of a felony and any disqualifying misdemeanors where probation for that offence has been completed less than 10 years ago.
5. The test consists of 30 multiple-choice questions, and you can miss a maximum of 9 questions.

6. It will take 7-10 working days for the CPS to send out a letter indicating whether a student passed or failed the exam. At around 10 working days from the date of the exam, you may be able to see your scores on line at: <https://notary.cps.ca.gov>. You may need to call the CPS at (916) 263-3520 in order to obtain a password during regular business hours. Do not call them for scores because they will not give them to you by phone due to the privacy acts.
7. Notary testing scores are valid for 1 year. **Re-testing fees are \$20.** In the event you do not pass the initial exam, you may **not retake the exam within the same calendar month.** When taking the re-examination, be sure to bring a copy of the fail letter you received along with your identification. Contact the Secretary of State at <http://www.sos.ca.gov/business/notary/notary.htm> or 916-263-3520 for testing dates and locations in your area.
8. Along with your pass letter from the State, you will receive information to have fingerprints taken via **live scan**. Locations for live scans will also be listed. Complete your live scan as soon as possible because it will take at least 6-8 weeks (possibly longer) for your background check to be completed.
9. All notary applicants must submit fingerprints to the DOJ and FBI for a background check. The Secretary of State will be notified of any results as well as any subsequent arrests.
10. Anyone not in compliance with child support payments may have their applications denied or may receive a temporary commission only. Notaries who do not remain in compliance with child support requirements may have their commissions suspended or revoked by the Secretary of State.
11. After passing your exam and your background check is approved, you will receive your letter of commission. You will have **30 days to take, subscribe and file an oath and bond** with the **Office of the County Clerk in the county in which you indicate on your application will be your principal county of business.** This may be done by certified mail or in person but you may not notarize documents until you do so as your commission is not valid without an oath and bond on file. If you cannot go directly to the County Clerk's office to take and subscribe your oath, you may use a notary within that county but you will need to ensure enough time for certified mailing to the County Clerk. You will need to take the "Oath of Office" form to the notary public, take your oath and subscribe your name on that form in front of the notary who will notarize your oath. You will be responsible for ensuring that it is sent to the County Clerk by certified mail. Your oath and bond **MUST** be on file within 30 days.

12. Your bond must be **purchased from a California admitted surety company and must be in the amount of \$15,000**. The notary is **personally** and **financially** liable for notarial acts completed improperly, illegally or through negligence. The bond offers protection to the **public in the event you are sued and in no way protects you**. Although it is not legally required, many notaries purchase a separate *Errors and Omissions* insurance for additional personal protection.

13. Your commission is not valid until you have satisfactorily taken, subscribed and filed the oath and bond. **Failure to file your oath and bond within 30 calendar days will result in voidance of your commission**. You will need to re-apply all over again and **pay \$20** for your application.

14. Along with your letter of commission from the Secretary of State, you will receive **an authorization** to manufacture your Notary Seal and a listing of authorized seal manufacturers. You will send your original authorization to the seal manufacturer of your choice. If, for any reason, you must manufacture additional seals anytime during your commission, **you must obtain authorization from the Secretary of State** who will forward you a new authorization to manufacture a notary seal.

15. Before taking your first assignment, you will need to obtain your notary seal and take with you the **“tools of the notary trade”**.
 - a) A notary journal- required for every notarial act
 - b) Acknowledgment pads- required frequently for acknowledgments
 - c) Jurat stamp- required frequently for jurat acts
 - d) Fingerprinting device- required when notarizing certain commonly notarized real estate documents which are recorded in the County records.

16. A notary’s commission lasts for 4 years after which the notary must complete the required education course, re-take the examination, file a new application and a new oath and bond should the notary desire to renew his or her commission.



Check your knowledge

1. List the qualifications indicated in this manual to become a notary:
 1. _____
 2. _____
 3. _____
 4. _____

5. _____
2. A notary commission lasts for _____ years after which you must re-take the examination, file a new application and a new oath and bond upon receiving notification of passing.
3. A notary whose commission is expiring may re-take the exam no sooner than _____ year prior to the termination date of his or her commission.
4. All notary applicants must submit fingerprints to the _____ and _____ for a background check. The Secretary of State will be notified of any results as well as any subsequent arrests.
5. Substantial and material misstatement on your application will be grounds for the Secretary of State to _____ your application to become a notary.
6. A notary failing to remain in compliance with child support requirements will have their commission _____ or _____.
7. Newly commissioned notaries must file a surety bond in the amount of _____ take, subscribe and file their oaths of office and bond with the County Clerk within _____ days as indicated in their letter of commission or their commissions will be void.
8. The \$15,000 bond protects the _____ should you as the notary be held liable for damages as a result of improper, illegal or negligent notary actions.
9. Important steps to becoming a notary are:
 - Submit an application at the examination site and pay the \$20 application fee, \$20 for the examination fee for first-time applicants and \$_____ for persons retaking the exam.
 - Pass the examination with a score of at least _____%
 - File your oath and bond within _____ calendar days of receiving your commission.
 - Order your notary seal; purchase a journal and a _____ device.

Answers: 1. Be at least 18 years old; pass a test with a score of 70% or greater; Be a legal resident of California; pass a background check; complete the required education course 2. four 3. one 4. DOJ; FBI 5. deny 6. suspended or revoked 7. \$15,000 ; thirty 8. public 9. \$20; 70; 30; fingerprinting

CHAPTER 3

INDEPENDENT NOTARIES VS. EMPLOYEE NOTARIES

Chapter Objective:

This section will distinguish between these two important types of notaries. Students will be able to understand their expected roles and obligations as a notary regardless of what category they find themselves.

1. Notaries who provide notary services on their own rather than through an employer are often referred to as independent notaries. These notaries must notarize a document for **anyone** who properly requests their services, able to present proper identification and is willing and able to pay for the services. This does not mean a notary is required to travel in order to fulfill a notary request.
2. Notaries who are notarizing documents in the capacity of an **employee** for the purposes of the employer may, upon arrangement with the employer, have their notarial services **limited** to the purposes of the employer during their hours of employment. This is based on an agreement with the employer as some employers may allow their notary employees to notarize documents for the public as well as for their business.
3. Notaries who are employees may negotiate with their employer the remittance of notary fees to the employer, except that notaries who are **employees of a public school or the government and have obtained their commissions upon the requirement of their employer, and who have had their commissioning fees and other associated fees paid for by their employer, must remit** any fees charged for notary services back to their employer.
4. All notaries **must obtain a seal** and keep an official record of every notary act performed in an approved **Journal of Notarial Records**. The notary journal and seal must be kept in a locked and secured area when not in use. If the notary wishes to notarize documents outside of regular business hours, **the same** journal must be used as the notary may only use one journal at a time regardless of what they are notarizing. **Failure to obtain a notary seal or properly maintain a journal can be cause for the Secretary of State to suspend or revoke the notary's commission.**
5. Notaries personally **own their commission, notary seal and bond** regardless of who paid for them. However, notaries are responsible to pay for their own filing fees when filing their oath and bond.
6. Notaries who are employees may still notarize documents for the public outside of their employment hours.

7. A notary may **not** turn over notarial journals or seals to their employers upon termination of their employment. If the employer wants a copy of the journal, the notary must supervise during the copying process taking care to copy only the journal entries relevant to the employer's business.
8. Should the employee notary elect to retain his or her commission after changing employment, **a change of business address must be filed with the Secretary of State by certified mail.** If the county of employment changes, they will not need to file a new oath and bond for that county unless they choose to do so. If the notary does decide to file a new oath and bond in a different county, then, the notary has 30 days to purchase another seal indicating the new county since this is where the current oath and bond will be filed. If the notary elects to resign his or her commission after changing employment, he or she must notify the Secretary of State in writing and turn in all notary journals to the **county clerk's** office within **30** days.
9. Notaries who received their commission specifically at the request and for an employer may retain their commission upon termination of their employment except for the following categories:
 Notaries commissioned on behalf of the city, county, state, public school districts or on behalf of a military reservation **MUST** resign their commissions when they terminate their employment.
10. With respect to **a financial transaction**, a notary, acting in the capacity of an attorney, agent, employee, insurer, escrow or lender for the person having a direct beneficial or financial interest in the document has **NO beneficial interest in the transaction and may notarize** the document.
11. With respect to **real-estate transactions only**, a notary who is named individually as **a grantor, grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, vendor, vendee, lessor or lessee** to the transaction is determined to have a beneficial or financial interest in the document and may **NOT** notarize that document.

Check your knowledge

1. Notaries who have been commissioned for the purposes of an employer's business function may have their notary duties _____ to the employer's business transactions during his or her period of the employment day.
2. Notaries who have terminated their position with an employer who paid the necessary fees for the notary's commission, shall not _____ their journal or seal to their employer. Notaries must supervise any copies of journal entries made and must file a change of business address with the Secretary of

State. They will not be required to re-file their bond or change their county with the County Clerk unless they choose to do so.

3. Notaries who are notarizing documents as employees of a school or government office must _____ any fees when notarizing documents directly associated with the employer.
4. Notaries who have had their commission paid for by their employer are still _____ to notarize documents for the public outside of normal working hours. An agreement may be made between the notary and the employer regarding the disposition of notary fees.
5. With respect to a financial transaction, notaries who are acting in the capacity of an attorney, agent, employee, insurer, escrow or lender does _____ have a beneficial interest in the transaction and _____ notarize the document assuming that the notary is not named as a principal within the document.
6. With respect to real-estate transactions, a notary who is a grantor, _____, mortgagor, _____, trustor, _____, beneficiary, vendor, _____, lessor or _____ to the transaction is determined to have a beneficial or financial interest in the document and may _____ notarize that document.

Answers: 1. limited, 2.relinquish 3. remit 4.allowed 5.not; may 6. grantee, mortgagee, trustee, vendee, lessee; not

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.

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).**

1. 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 Certificate of Acknowledgment form, that form should be affixed to the document in order to complete the notary process.

Completing Acknowledgments for faxed documents

2. 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.

3. 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 and the notary can be prosecuted for forgery which could be either a misdemeanor or a felony. A notary public who willfully states as true any material fact he or she knows to be false shall be subject to a civil penalty not exceeding \$10,000 which may be brought by the Secretary of State in an administrative proceeding or a public prosecutor in superior court. The notary can also serve 2, 3 or 4 years in prison and may be required to repay any financial liabilities which may have resulted from the falsification.
4. 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.
5. 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.**
6. Acknowledgment verbiage is very important especially with documents to be filed in California. Beginning January 1, 2008, the wording on a Certificate of Acknowledgment completed in California for all documents except those to be recorded in another state must read as follows:

STATE OF CALIFORNIA

COUNTY OF _____

On _____ before me, _____,

personally appeared _____,
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

_____ (Notary Seal)

(SIGNATURE OF NOTARY)

- 7. 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.
- 8. 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)

- 9. 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.
- 10. 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

- 11. 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 2008, 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 wording is as follows:

State of California County of _____
Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20__ by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.
_____ Signature of Notary (Notary Seal)

Example of a Jurat Stamp effective 2008

12. 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?”
13. 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.
14. 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. **Be sure to always place your notary seal as close to your signature as possible!**
15. 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.
16. 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.
17. When completing the **VENUE section of either and acknowledgment or a jurat, indicate the state and county** where the document was actually notarized.

JOURNAL RECORDS

18. 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.
19. 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 the identity** of a person making an acknowledgment or taking an oath or affirmation which must be based on satisfactory evidence.
 - 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** is required for a Power of Attorney and for Deeds (for example, Warranty Deeds, Quitclaim Deeds, Grant Deeds) or Deeds of Trust affecting real property. ***Please note that not all documents with 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).
20. 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**. Failure to obtain a thumbprint when required is subject to a civil penalty of up to \$2,500.
21. Note that **addresses and birth dates are not required** for journal entry.

IMMEDIATE NOTIFICATION TO SECRETARY OF STATE

22. 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. Willful failure to report the theft or loss of a journal is grounds for suspension or revocation of the notary commission.
23. 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.**
24. Anyone who willfully destroys, conceals or defaces a notary journal (or any notarial record) may be charged with a misdemeanor as well as other relief or remedy as provided by law.
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.** A notary is required to provide a copy of a line item from their journal within 15 business days after the receipt of the request from a member of public or acknowledge that no such item exists.

10-DAY NOTIFICATION TO SECRETARY OF STATE

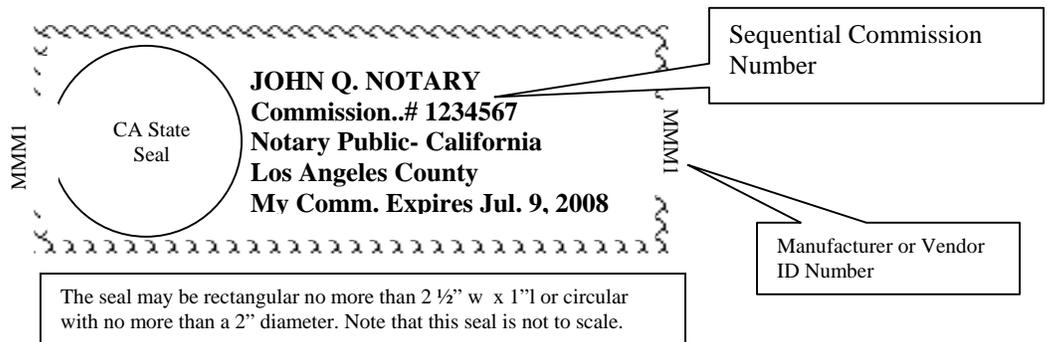
26. The notary is may not surrender the journal to any person, except the County Clerk, or to a peace officer who is acting in his or her official capacity and within his or her authority. The peace officer must have probable cause to believe the journal contains evidence of a criminal offence. The peace officer who seizes the journal must notify the Secretary of State within 24 hours or as soon as possible with the name of the notary public whose journal was seized.
27. The notary must comply with the request from the peace officer immediately or as soon as possible if the journal is not in his or her possession. The willful failure to provide the journal to a peace officer when requested is punishable by a civil penalty of up to \$2,500 from the Secretary of State or public prosecutor and suspension or revocation of the commission.
28. The peace officer, if acting within his or her authority, may also examine a notary public's pertinent records whether or not a request is made of the notary to surrender those records.

29. If the journal is surrendered, 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.

30. 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. **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. 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

31. 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

32. 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 or stolen seal can be cause for a \$1,500 fine.**

33. 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.
34. 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.**
35. 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. 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 a _____, Deed (such as Quitclaim Deed, Warranty Deed, or Grant Deed) and Deeds of Trust affecting real property.
8. A seal must be _____ reproducible when affixed to a document.
9. A seal must also have a _____ 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 to surrender his or her journal to a peace officer, 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 _____.

answers: 1. personally; acknowledges 2. verify 3. personally 4. jurat 5. oath 6. one 7. Power of Attorney 8. photographically 9. serrated 10. illegal 11. destroyed 12. ten 13. misdemeanor

CHAPTER 5 PROPER IDENTIFICATION

Chapter Objective

This section explains the proper and acceptable forms of identification in addition to explaining proper procedure should a person not have identification available. The student will know what kinds of identification documents are acceptable for notarizing signatures and will know the proper procedures for obtaining acceptable identification when identification documents are not available.

1. The methods for proving identity include
 - a. **Using acceptable identification documents**
 - b. **Using one or two Credible Witnesses**
 - c. **A Subscribing Witness**

2. **Personal knowledge alone between the document signer and the notary** is no longer acceptable identification. Even if the notary personally knows the document signer, proper identification documents must be presented to the notary. Failure to obtain proper identification documents for someone can subject the notary to a civil penalty of up to \$10,000.

3. **Acceptable identification documents:** Any one of the following, as long as the document is **current or has been issued within five years** and contains a **photograph and description of the person** named on it, is **signed** by the person, and **MUST bear a serial** or other identifying number.
 - a. **An identification card or driver's license** issued by the California Department of Motor Vehicles or any other State DMV or similar office (such as Bureau of Motor Vehicles).
 - b. **An identification card issued by any branch of the armed forces of the United States.**
 - c. A passport issued by the Department of State of the United States. (U.S. Passports do not require a physical description).
 - d. A passport issued by a foreign government which must be stamped by the United States Citizenship and Immigration Services. (The USCIS stamp is adequate to meet this requirement).
 - e. **A driver's license issued by a state other than California or by a Canadian or Mexican public agency** authorized to issue drivers' licenses.
 - f. **An inmate identification card** issued on or after January 1, 1988, by the Department of Corrections, if the inmate is in custody.

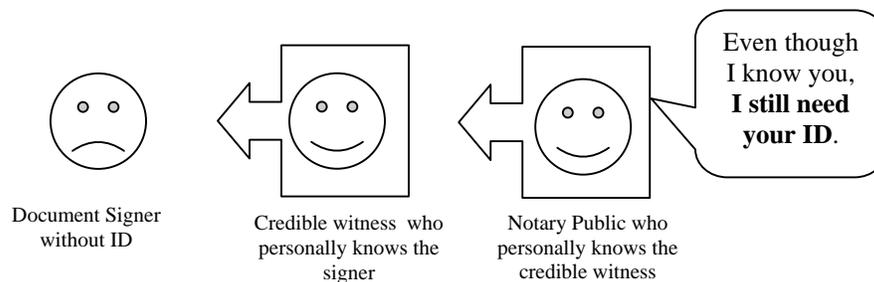
4. The signature on the document should match the name as it is referred to within the document. The identification document (for example Driver’s license) used for signature verification can contain **more** information than the signature, but never less. For example, if a document is signed with the name of *John S. Smith, Sr.*, the identification can include John S. Smith, Sr., or even John Stanley Smith, Sr. If, however, the identification document does not have the “Sr.” indication, the notary may not use that document for identification purposes. **Again, the identification document can contain more information than the signature, but never less.**

Document Signature:
Daniel C. Jones , III
Daniel C. Jones, III

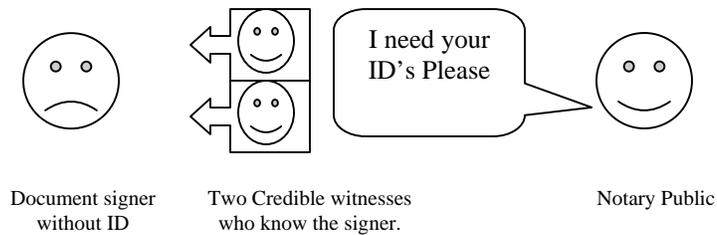
Driver’s License has:
Daniel C. Jones
Signed as:
Daniel C. Jones

We **must not** use this Driver’s License for documents signed as Daniel C. Jones, III since the name on the approved identification **MUST** contain the same or more information as the document signature, but never less. This driver’s license does not include the “III”, so we do not really know if this is Daniel C. Jones, III, II or even the Ist!

5. **The use of a credible witness as identification-** If someone is requiring a notary but lacks the proper identification, we can use a procedure called a obtaining a credible witness. A credible witness must **personally know the signer and must be personally known by the notary.**



If the notary does not personally know the credible witness, then **two credible witnesses** may be used whose identities are **proven** to the notary upon the presentation of satisfactory evidence.



6. Credible witnesses may **not** have any financial interest in the document, nor may they be named within the document!
7. The credible witness(es) **do not** sign the document but must sign the notary journal. Credible witnesses must swear to the notary that they personally know the document signer. This verbal oath is acceptable identification to the notary for the document signer. Be sure to enter the Credible Witness identifying information in the journal properly.

SIGNATURE BY MARK AND IDENTIFICATION OF THE SIGNER ONLY

8. If the signer of an instrument cannot write (sign) his or her name, that person may **sign by mark (x)**.
9. The signer's mark must be witnessed by **two persons** who must subscribe their own names as witnesses on the document.

Date: August 18, 2007 **Name:** x John Smith by: Mary Jones (Witness #1)

Peter R. Roberts (Witness #2)

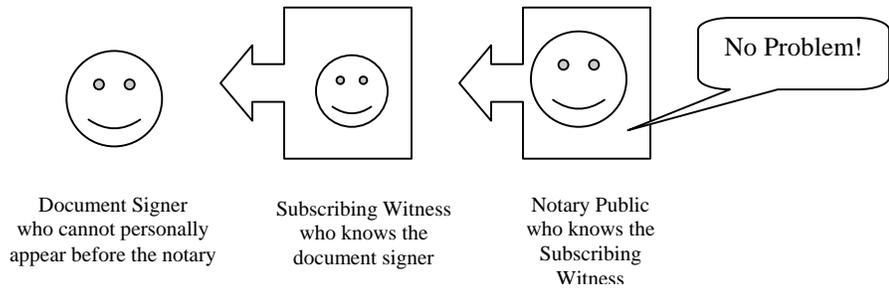
You should note **that only one witness** is required to subscribe the document signer's name, but both witnesses sign the document. The witnesses are only verifying that they witnessed the individual make his or her mark on the document.

10. A notary public is **not required** to identify the two persons who witnessed the signing by mark or to have the two witnesses sign the notary's journal.
11. When a notary completes a notarization for a person who is signing by mark, he or she must **still verify the identity of the person signing by mark**. In addition, that person must also sign the journal with his or her mark.

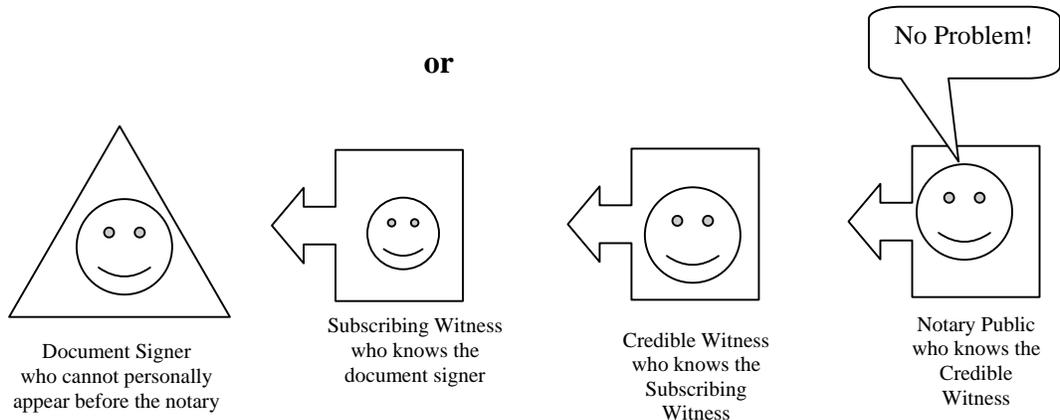
12. All persons signing a document must be able to sign under his or her own power.

Special circumstance for document signers who cannot appear before the notary at the time of notarization: use of a SUBSCRIBING WITNESS

13. **Subscribing witness** – When a document principal has signed or wishes to sign a document but **cannot personally appear before a notary**, the principal may request that a person sign the document as a witness to the principal signer’s signature and ask a notary to notarize the document. That person is used to prove the execution by the document principal (signer) and is called a **subscribing witness**. (You should remember that a document signer can also be referred to as the document executor or the signing document principal).
14. The subscribing witness must **swear under oath** that he or she either saw the principal sign the document or heard the signer acknowledge that he or she signed the document.
15. The subscribing witness must **know** the document signer and the notary public must personally know the subscribing witness. If the notary does not know the subscribing witness, then the subscribing witness must bring another person along whom the notary knows personally. **That third party is called a credible witness since he or she is verifying the identity of the subscribing witness through personal knowledge.**



or



16. Since the subscribing witness must be personally known by the notary public, or by one credible witness, paper identification such as a driver's license **is not used to verify** the subscribing witness' identity.

17. The **subscribing witness must sign the document as well as the notary's official journal**. In addition, if the identity of the subscribing witness was established by a third party, or credible witness, then the credible witness must also sign the notary's official journal.

18. A **Proof of Execution**, also called a Subscribing Witness Jurat, must be filled out and stamped to complete the notarization act. (See A-4).

19. A proof by a subscribing witness **may not** be used in conjunction with any **Quitclaim Deed, Grant Deed, Deed of Trust, Security Agreement or Mortgage Agreements**.

20. If the wording of a document purports to identify an affiant (signer of a written affidavit), and the document **includes** the birth date or age of the person and a photograph or thumbprint of the person, the notary **must require**:
 - a. A certified copy of the person's birth certificate or
 - b. An identification card or DMV issued license. If the form is required for immigration purposes, the notary may accept identification documents acceptable to the United States Citizenship and Immigration Services.

Check your knowledge

1. Some acceptable forms of identification include: a _____
 _____ or _____
 _____ issued by California or any other state, a passport issued by the _____, to name a only a few .

2. The rule of thumb when using identification documents is that they should have a photograph of the person, a physical description of the person and shall be _____ by the person. The document should also bear a _____ or other identifying number.

3. Foreign government passports, a driver's license issued by a state other than California or by a Canadian or Mexican public agency authorized to issue drivers'

licenses, an identification card issued by a state other than California, a United States Military ID card, and an inmate identification card if the inmate is in custody, are all acceptable forms of ID as long as they are either current or have been issued within _____ years and contain the aforementioned information.

4. If the document is a foreign passport, it _____ be stamped by the United States Immigration and Naturalization Service or the United States Citizenship and Immigration Services.
5. Proving identity on the basis of one credible witness requires that the credible witness knows the signer and that the credible witness be known by the _____. The credible witness must still provide proper identification documentation to the notary.
6. If the notary does not personally know the credible witness, two _____ may be used as long as both have proven their identity to the notary.
7. A _____ may be used when a person has signed a document but cannot personally appear before a notary. The _____ must personally know the subscribing witness or his or her identity must be established, or proven, by a third party called a credible witness who is known by the notary.
8. Since the subscribing witness must be personally known by the notary public, or by one credible witness, paper identification _____ be used in establishing the subscribing witness' identity.
9. A proof by a subscribing witness cannot be used in conjunction with any _____, _____, _____, _____, _____, _____, or _____.
10. If a signer is using Signature by Mark, that mark must be witnessed by _____ witnesses who must sign their name on the document. A notary is _____ required to identify the two persons who witnessed the signing by mark unless they are acting in the capacity of credible witnesses.
11. A credible witness may _____ have a financial interest in the document and may _____ be named within the document.

12. When notarizing a signature by mark, the notary must still verify the _____ of the one signing by mark.

answers: 1. driver's license, identification card, Department of State 2. signed; serial number 3. five 4. must 5. notary 6. credible witnesses 7. subscribing witness; notary 8. cannot 9. Quitclaim Deed, Grant Deed, Deed of Trust, Security Agreement, Mortgage 10. two; not 11. not; not 12. identity

CHAPTER 6

ADDITIONAL PROHIBITED ACTS AS A NOTARY

Chapter Objective

This section outlines some illegal notarial acts or practices. Students will be able to correctly identify improper notary procedures.

1. A non-attorney notary **may not** give legal advice in any manner. This includes situations when the document signer requires notary services but does not know whether to complete an acknowledgment or jurat. In these instances, the notary is to refer the client to the originator of the document for advice as to which one to complete.
2. A notary **should not notarize a will** unless an attorney recommended that the will should be notarized.
3. A notary may **NEVER** notarize any documents containing statements known by the notary to be false. A notary found guilty of doing so will be charged with a **misdemeanor** and depending on the document and circumstances, a felony. Any misdemeanor or felony charge is punishable with criminal prosecution, possible jail time and/or suspension or revocation of the notary's commission.
4. There are many differences between notaries in other countries and the United States which often lead to a **misunderstanding of the role of a notary** in the United States by clients from these other countries. Hence, a notary may not translate the term "Notary Public" into the following Spanish terms: *notario público* or *notario*.
5. If a notary advertises their services in another language other than English, the notary must also post along with that advertisement, the following statement in English and the other language: ***"I am not an attorney and, therefore, cannot give legal advice about immigration matters or any other legal matters"***. The notary must also post their fees which cannot exceed the legal fees for their services.
6. **Violation of these two requirements (see numbers 4 & 5) shall be cause for the Secretary of State to revoke or suspend the notary commission for not less than 1 year on the first offense and the commission will be revoked permanently on the second offense.**

7. A notary **may not** advertise in any manner whatsoever that he or she is a notary if the notary promotes himself or herself as an immigration specialist or consultant. While a notary may notarize immigration forms, only a person who is **qualified and bonded as an immigration consultant** under the Business and Professions Code may assist the client in completing immigration forms.
8. We **do not notarize photographs or copies of documents** such as academic records, birth certificates or any document which does not have a place for a person to sign. However, if the photograph or academic record is attached to a statement such as the one below which indicates that the attached document is a true and correct copy of the original, the notary can notarize that statement upon the oath and signature of the declarant. In such an example, the notary is not notarizing the photograph or the document reproduction, only the statement regarding such documents.

COPY CERTIFICATION BY DOCUMENT CUSTODIAN	
I, _____,	of legal age, being first duly sworn, hereby
<small>Name of document custodian</small>	
Swear (or affirm) that the attached reproduction of	

<small>Description of documents</small>	
Is a true and exact copy of the correct and complete original document.	

<small>Signature of document custodian (affiant)</small>	

This is an example of a statement which might be attached to a copy of a document should a client want to certify his or her own copy and request that their signature be notarized.

9. **Confidential Marriages** – Unlike some other states, California notaries **do not perform marriages**. However, when a couple wishes to be married through a Confidential Marriage, a notary, under the following conditions may **authorize the confidential marriage**. A Confidential Marriage is most often issued for persons who do not wish their record of marriage to be public knowledge. These records are sealed to everyone except the bride and groom or upon court order. If a notary wishes to **authorize** a confidential marriage, he or she must contact the County Clerk and request approval. As a condition of approval, the notary must attend a class offered upon arrangement with the County Clerk and any license issued for this reason is **valid for 90 days and may only be used in the county in which it was issued which also must be the county in which the notary resides**.
10. The notary would complete a **jurat** in this case indicating that the parties personally appeared before the notary, signed before the notary and that

the notary administered an oath or affirmation to the signers. **The notary authorizing the confidential marriage is not necessarily the official who performs the marriage.** A notary wishing to **perform** the marriage must be a member of the clergy or other official normally permitted to officiate marriages. The County Clerk may revoke approval if the notary does not follow required procedures or otherwise violates notary law.

11. The notary may **never** use the notary seal or the title for anything other than the rendering of notarial services.
12. The notary must not affix his or her seal to a document without the accompanying required **notarial verbiage** on the document.
13. It is illegal for a notary to notarize a **blank or an obviously incomplete document.**

Check your knowledge

1. Giving legal advice to a client is _____ unless the notary is an attorney.
2. You should _____ to notarize a will unless the client has been directed by an attorney to have the will notarized.
3. A notary may not translate the term “notary public” directly into the following Spanish terms: _____ or _____.
4. Only a person who is _____ and bonded as an _____ may assist the client in completing immigration forms.
5. Violation of direct translation into notario público or notario or failing to post fees in this instance is punishable by revocation or suspension of the notary’s commission for at least _____ year on the first offense .
6. A notary may not notarize photographs, or academic _____ and diplomas, birth certificates or other documents which have no indication for place where a signer would execute the document or swear to the truthfulness of the document.

Answers: 1. illegal, 2. refuse 3. notario público, notario 4. qualified; immigration consultant 5. one 6. records

CHAPTER 7

ADDITIONAL REQUIREMENTS A NOTARY MUST KNOW

Chapter Objective:

This section covers additional requirements for notaries concerning relocating, name changes and other miscellaneous provisions. Once again, the student will be able to recognize proper and improper notary procedures.

1. A notary may notarize a document in a **foreign language** that they are not familiar with, as a notary public is not responsible for the contents of the document. **The notary should be able to identify the type of document being notarized for entry in the notary's journal.** If unable to identify the type of document, the notary must make an entry to that effect in their journal, e.g. "a document in a foreign language."
2. If a notary changes his or her name (through marriage for example), the notary **must complete a name change application** and file it with the Secretary of State, whereupon an amended commission will be sent to reflect the new name. The notary will need to obtain a new stamp with the new name, however; **the sequential commission number and the expiration date will remain unchanged.** The notary must also change the name on their bond and re-file the amended bond with the county clerk within 30 days or the commission will not go into effect and will become void. The amended commission will not go into effect until the oath and amended bond are on file and the new notary seal must be obtained within 30 days of filing.
3. A notary public may not use a commercial mail receiving agency or post office box as his or her principal place of business or residence unless the notary public provides the Secretary of State with a physical street address as the principal place of residence.
4. If a notary changes his or her residence or principal place of business, the notary must inform the Secretary of State, in **writing by certified mail within 30 days.** The notary is not required to file a new oath and bond within a new county, but may elect to do so. The notification letter must include: 1) Name of the notary as on the commission, 2) commission number and expiration date of commission, 3) whether change of address is for the business, residence, and/or for mailing purposes, 4) new address, and 5) signed and dated by the notary. If the principal place of business address was changed in the application for name change, either a new bond or a duplicate of the original bond must be filed along with the amendment to the bond.

5. **Grounds for commission refusal, suspension and revocation.**

- Any conviction of a misdemeanor or felony including convictions resulting from a plea of nolo contendere (no contest), denial, revocation or suspension of any professional license as a result of misconduct or dishonesty.
- A notary's failure to properly carry out the required duties as a notary which can also result in criminal prosecution as well as personal liability in addition to commission suspension or revocation.
- Being found liable for damages if the suit was based upon fraud or misrepresentation.
- If the notary uses false or misleading advertising which suggests that the notary has rights or powers which are prohibited by law, the Secretary of State may suspend or revoke the commission.
- Willful failure to report the theft or loss of a journal.
- Making a false writing.
- Fraud relating to a Deed of Trust (if relating to a real property single-family residence, the notary may be subject to other relief or remedies provided to the parties by law).
- Unlawfully acting as a notary public
- Filing false or forged documents
- Forgery
- Embezzlement
- Falsely obtaining personal information.
- Willful failure to provide access to a journal when requested by a police officer.

6. Notarization of electronic signatures is acceptable, but the notary must also sign electronically. Except for a California subdivision map, current law requires a notary seal on the document in order for the document to be properly notarized, but there are exceptions made if the document is electronic. If there is no notary seal present with the notary's electronic signature, new California law ((Government code section 27931(e)(2004)) permits the county recorder to accept the document for recording without the seal as long as the document contains the following information:

- a. The name of the notary.
- b. The words "notary public".
- c. The name of the county where the notary's bond and oath are on file.
- d. The sequential identification number of the notary (commission number).
- e. The seal manufacture's number.

- Check your knowledge
1. A notary _____ notarize a document in a foreign language, but the notary should attempt to identify the type of document if possible.
 2. Upon completing a name change application, the notary will receive a new authorization to manufacture a seal. The name will be changed but the commission number will be the _____.
 3. If a notary changes his or her name (through marriage for example), the notary must complete a _____ application and file it with the Secretary of State
 4. A notary has _____ days to notify the Secretary of State if they change their residence or place of business and must do so by _____ or _____ mail.
 5. A California notary may _____ authorize confidential marriages unless first approved to do so by the County Clerk.

Answers: 1. may 2. same 3. name change application 4. thirty, certified; registered 5. not

CHAPTER 8 ALLOWABLE NOTARY FEES

Chapter Objective:

This section lists the prescribed fees a notary may charge for his or her services.

1. Below are the maximum allowable fees for notary services. Notaries are not required to charge a fee. If no fee is charged, the notary is still required to enter \$0 into their journal. Travel fees are not limited and are not included in these amounts.
2. Acknowledgments, Jurats and Proofs of Execution (Subscribing Witness Jurat)- **\$10/** signature.
3. Deposition - **\$20** plus **\$5** for the oath and **\$5** for the certificate. (Notaries rarely perform depositions in California because that function is typically carried out by a Court Reporter)
4. Filling out immigration forms- **\$10** plus signature charges.
 - a. Notaries may fill out immigration forms only if they are licensed and bonded as an immigration consultant.
5. Certifying copies of a Power of Attorney - **\$10**
6. Copy of a journal entry- **\$.30**
7. Protesting a non-payment -\$10 (See page 12, #16)
8. Serving a protest- \$5 (See page 12, #16)
9. Recording a Protest- \$5 (See page 12, #16)
- 10. No fees may be charged for verifying **public election (voting) materials or a circulator's affidavit.** A circulator's affidavit is an affidavit sworn to by someone who collects signatures for a public petition.**
- 11. No fees may be charged to a veteran for notarizing military pension and benefit documents.**
12. No fees may be charged by notaries appointed to a military or naval reservation.
13. Notaries who notarize documents on behalf of a county or judicial district are required to provide receipts when requested.

Check your knowledge

1. A notary may never charge _____ than the prescribed fees for his or her services.

2. _____ fees may be charged for notarizing _____, _____, military _____ or _____ documents.
3. Only a notary who is licensed and bonded as an immigration consultant may assist a client in completing _____ documents.
4. The charge for notarizing three signatures on a single acknowledgment cannot exceed _____ dollars.
5. A copy of a journal entry may be charged at _____ per copy.

Answers: 1. more 2. no; voting materials; pensions; benefit 3. immigration 4. \$30 5. \$.30

CHAPTER 9

VIOLATIONS AND PENALTIES

1. Violation of Notary laws can result in serious consequences which can include:
 - a. Civil penalties levied by Secretary of State and local and state prosecutors
 - b. Administrative actions levied by the Secretary of State
 - c. Criminal prosecution of a felony, misdemeanor or infractions.

Civil Penalties levied by Secretary of State

2. The Secretary of State may levy penalties of up to \$1,500 for notarial misconduct. **These penalties may be in addition to suspension or revocation of the notary commission** (*Government Code* § 8214.15(a)). The penalties of up to \$1,500 may apply in the following circumstances:
 - a) The use of false or misleading advertising wherein the notary public has represented that he or she has duties, rights, or privileges that he or she does not possess.
 - b) Commission of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit the notary public or another, or substantially injure another.
 - c) Execution of any certificate as a notary public containing a statement known to the notary public to be false.
 - d) Violating the prohibition against a notary public who holds himself or herself out as an immigration specialist or consultant advertising that he or she is a notary or violating the restrictions on charging to assist in the completion of immigration forms.
 - e) Violating the restrictions on advertising notarial services in a foreign language or literally translating the phrase “notary public” into Spanish

\$750 Penalties levied by the Secretary of State

The Secretary of State may levy penalties of up to \$750 for notarial misconduct. **These penalties may be in addition to suspension or revocation of the notary commission** (*Government Code* § 8214.15(b)). The penalties of up to \$750 may apply in the following circumstances:

- a) Charging more than the fees prescribed by law.
- b) Failure to complete the acknowledgment at the time the notary’s signature and seal are affixed to the document.
- c) Failure to administer the oath or affirmation as required by law.
- d) The **negligent** failure to discharge fully and faithfully any of the duties required of a notary public

Additional Civil Penalties \$1,500 levied by state or local prosecutors.

A separate provision of the law permits the Attorney General, a district attorney, city attorney or a prosecutor in any city and county to bring a civil action to recover a civil penalty not to exceed \$1,500 for each violation. from

- a) Violators of the provisions relating to the unauthorized manufacture, duplication, sale and related offenses concerning the notary seal.

\$2,500 Civil Penalties: A civil penalty of up to \$2,500 may be brought by the Secretary of State in an administrative proceeding or by a public prosecutor in superior court.

- a) Failure to obtain a thumbprint when required.
- b) Willful failure to provide a peace officer with a journal when requested.

\$10,000 Civil Penalty: A civil penalty of up to \$10,000 may be brought by the Secretary of State in an administrative proceeding or by a public prosecutor in superior court.

- a) Failing to obtain proper evidence of identification of a person making an acknowledgment.
- b) Falsifying an acknowledgment (perjury)

Criminal Penalties

3. Aside from civil penalties and administrative actions by the Secretary of State, notary misconduct can result in criminal prosecution.

Felonies – Some notary misconduct is serious enough to qualify for prosecution as a felony. Other than committing perjury, which is a felony for everyone, not just notaries, felonies are limited to dishonest or fraudulent actions with respect to encumbering someone into property.

- a) Any notary act performed with the intent to defraud in relation to a Deed of Trust.
- b) Any person acting as a notary without being duly commissioned and their action places an encumbrance on a party affecting title to real property (such as with a Deed of Trust).
- c) Anyone who knowingly makes a false sworn statement to a notary for a document which affects transfer of property title or places an encumbrance on a party is guilty of a felony. Any person filing with the county recorder false or forged documents of this nature is guilty of a felony and the fine on this action can be up to \$75,000.
- d) Any notary who commits perjury (punishable by state imprisonment of 2, 3 or 4 years.)

Misdemeanors- Some notarial violations are classified as misdemeanors; however, even these violations can carry a possible fine as well as possible incarceration in a city or county jail.

- a) It is **misdemeanor** for a notary to notarize any document, other than documents relating to a Deed of Trust (see felonies) that contains information known by the notary to be false.
- b) Any person acting as a notary without being duly commissioned
- c) Destruction, concealment or defacing notary records.
- d) Soliciting or coercing a notary to perform an illegal or an improper act.
- e) Making false statements to a notary.
- f) Failing to submit notarial journals to the County Clerk within 30 days after a notary commission is no longer valid and the notary does not obtain reappointment.
- g) Willfully fails to properly maintain his or her notarial journal.
- h) Willfully fails to notify the Secretary of State if his or her notarial journal is lost, stolen, rendered unusable or surrendered to a peace officer.
- i) Willfully fails to permit a lawful inspection or copying of his or her notarial journal.
- j) Willfully fails to keep his or her notarial seal under direct and exclusive control.
- k) Willfully surrenders his or her notarial seal to any person not authorized to possess it.
- l) Any person who solicits, coerces, or influences a notary public to improperly maintain the notary public's journal.

False Acknowledgments/Forgery (Felony or Misdemeanor)— The law may make a notary public **guilty of forgery** if he or she issues an acknowledgment knowing it to be false. A person who falsifies the acknowledgment of a notary public may also be guilty of forgery. Forgery is punishable by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year. (False certification by a notary public may also be a misdemeanor pursuant to *Government Code* § 6203.)

Infractions

- a) Willful failure to notify the Secretary of State of a name change is punishable as an infraction by a fine of up to \$500.
- b) Willful failure to notify the Secretary of State of a change of address is punishable as an infraction by a fine of up to \$500.

4. Administrative actions levied by the Secretary of State resulting in possible commission denial, cancellation, suspension or revocation

- a) Any conviction of a misdemeanor or felony including convictions resulting from a plea of nolo contendere (no contest), denial, revocation or suspension of any professional license as a result of misconduct or dishonesty.

- b) A notary's failure to properly carry out the required duties as a notary can result in criminal prosecution as well as personal liability in addition to commission suspension or revocation.
- c) The notary also risks suspension or revocation as a result of being found liable for damages if the suit was based upon fraud or misrepresentation.
- d) If the notary uses false or misleading advertising which suggests that the notary has rights or powers which are prohibited by law, the Secretary of State may suspend or revoke the commission.
- e) Making a false writing.
- f) Fraud relating to a Deed of Trust (if relating to a real property single-family residence, the notary may be subject to other relief or remedies provided to the parties by law).
- g) Unlawfully acting as a notary public
- h) Filing false or forged documents
- i) Forgery
- j) Embezzlement
- k) Falsely obtaining personal information.
- l) Willful failure to provide access to a journal when requested by a police officer.
- m) Failure to secure or misuse of the notary stamp (seal)
- n) Failure to secure the notary journal
- o) Failure to remit court ordered judgments
- p) Failure to submit a payment demanded by the Secretary of State
- q) Failure to report the theft or loss of a journal
- r) Writing an insufficient funds check for the application or exam will result in a likely the cancellation of your application.

5. The person affected will have a right to a hearing prior to a revocation or suspension or after a denial of a commission, or prior to the imposition of a civil penalty.

6. The person will **not** have a right to a hearing after a denial of an application for a notary public commission in either of the following cases:

- a. The Secretary of State has, within one year previous to the application denied or revoked the applicant's application or commission.

7. Resignation or expiration of commission will not stop investigation or disciplinary proceedings.

8. Criminal Convictions/Court Revocation of Commission — If a notary public is convicted of a crime related to notarial misconduct, including the false completion of a notarial certificate (*Government Code* § 6203), or of **any felony**, the **court** must revoke the notary public's commission and require the notary public to surrender to the court the notary seal. The court will then forward the notary public's seal to the Secretary of State.

Hopefully, you will find the following table beneficial in recalling the fines and penalties for the exam. You are encouraged to study this chapter well before taking the exam!

	Fine Amount	Summary Notes
Violating the prohibition against a notary public who holds himself or herself out as an immigration specialist or consultant advertising that he or she is a notary or violating the restrictions on charging to assist in the completion of immigration forms.	\$1,500 S or R	Improper advertising, immigration consultant limitations or Spanish translation of Notary or Notary Public
Violating the restrictions on advertising notarial services in a foreign language or literally translating the phrase "notary public" into Spanish	\$1,500 S or R	
The use of false or misleading advertising wherein the notary public has represented that he or she has duties, rights, or privileges that he or she does not possess.	\$1,500 S or R	
Violators of the provisions relating to the unauthorized manufacture, duplication, sale and related offenses concerning the notary seal.	\$1,500	Unauthorized duplication or sale of seal
Failure to notify the Secretary of State that a notary seal is lost, stolen, etc.	\$1,500 S or R	Failure to notify the SOS of a lost, stolen ...seal
Commission of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit the notary public or another, or substantially injure another.	\$1,500 R	Fraud or dishonesty by the notary
Execution of any certificate as a notary public containing a statement known to the notary public to be false.	\$1,500 R	
Charging more than the fees prescribed by law.	\$750 S or R	
Failure to complete the acknowledgment at the time the notary's signature and seal are affixed to the document.	\$750 S or R	Negligent failure regarding any notary act and especially failure to complete the Ack or Jurat properly
Failure to administer the oath or affirmation as required by law.	\$750 S or R	
The negligent failure to discharge fully and faithfully any of the duties required of a notary public	\$750 S or R	
Failure to obtain a thumbprint when required.	\$2,500	
Willful failure to provide a peace officer with a journal when requested.	\$2,500	
Failing to obtain proper evidence of identification of a person making an Acknowledgment.	\$10,000 S or R	Falsifying an acknowledgment (forgery) and failing to obtain proper evidence of identification of a person making an Acknowledgment.
Falsifying an acknowledgment is forgery punishable by imprisonment in the county jail for up to 1 year	\$10,000 R, M or F	
Perjury is punishable by imprisonment for 2,3 or 4 years	\$10,000 R, F	
Literal Spanish translation of the phrase "notary public"	\$1,500 S or R	Minimum 1 yr on 1st and permanent revocation on 2nd
Improper advertising procedures in foreign languages	\$1,500 S or R	

1) **Felonies can be remembered** as those violations which usually involve fraud when documents are being recorded or relate to a Deed of Trust. A notary charged with forgery can be charged with a misdemeanor or felony. When charged with forgery as a felony, this charge also includes perjury which carries a possible prison term of 2,3 or 4 years.

2) **There are a host of misdemeanors.** Misdemeanors are violations which involve in particular the WILLFUL neglect of a notary to complete something required of him or her. Most violations that carry a potential for criminal prosecution are misdemeanors.

3) **There are two infractions** which are summed up as the failure to notify the state of a name or address change.

4) **Revocation** can be the result of willful failure, dishonesty or unauthorized practice of law.

5) **Suspension or Revocation** for most violations

CHAPTER 10

THE TEST

Chapter Objective:

This section describes what to expect concerning the State Exam and registration process.

You will need to register for the exam and select an examination site. You can register on line at <https://notary.cps.ca.gov> or by phone at 1-916-263-3520 Mon thru Fri 8am-5pm. Walk-in registration is also available but not guaranteed.

Be sure to arrive 30 min prior to the exam time. The fee for first time examinees or those renewing their commission is \$40. The fee for those who have previously taken the test and failed is \$20.00. Fees must be made with check or money order. The Cooperative Personnel Services (CPS) is contracted with the state to administer the test and their Proctors do not accept cash since all monies are forwarded to the Secretary of State.

Take your completed application to the examination site. This application is then also forwarded to the Secretary of State for qualifying information. If taking a seminar, this application will be available for you at the seminar site. Be certain to submit your “Proof of Completion” for the mandatory educational requirements or you will not receive a commission even if you pass the examination.

Testing will be a maximum of 50 minutes; the CPS proctor administers the test and they will require you to bring identification (driver’s license, DMV ID card, passport or US military card). **Do not ask the CPS Proctors notary questions because as Proctors for the Notary Examination, they are not permitted to be notaries themselves.** If you are retaking the exam, you should also bring in a completed application form and the fail letter notification. Bring two #2 pencils (not required at our seminar site).

Finally, the actual test is a closed-book exam with 30 questions.

SAMPLE NOTARY EXAM
30 Questions- Select the BEST answer

The idea on the notary exam is that the **BEST** answer is the right answer. This requires that you read the question very carefully and then read **EVERY** answer before making your selection. Just because an answer is sometimes right depending on the situation does not mean that it is the best answer available to you. Perhaps another answer is right in every circumstance and therefore that answer becomes the **BEST** and most correct answer.

Some questions will be written in a complex manner and the best answer may sometimes be obscured by the other answers that may seem correct. If you do not know the answer, eliminate the ones you absolutely know cannot be correct. Then, from the remaining answers, try to place them in a scenario which utilizes the knowledge you have acquired through this course. If all else fails, select your best guess. Never leave an answer blank. Take the time to review your answers after you are finished to make sure that you haven't misread the question. Answers will be discussed during the seminar. Good luck!

- 1) Charging someone more than the allowable fees as prescribed may result in:
 - a) A fine of up to \$750
 - b) A fine of up to \$1,500
 - c) A suspended or revoked commission
 - d) a & c

- 2) The office of the Notary Public is authorized through a written commission from:
 - a) The Federal Government Notary Commission
 - b) Cooperative Personnel Services (CPS)
 - c) Secretary of State, California
 - d) None of the above

- 3) Notaries who are commissioned within the State of California are permitted to notarize documents:
 - a) Anywhere in the state of California.
 - b) Only in the county where the notary has filed a bond and oath.
 - c) In any state as long as the document venue states that it was completed in California.
 - d) Anywhere in the United States

- 4) Upon receiving the letter of commission, where should the notary should file their oath and bond?
 - a) The Secretary of State.
 - b) In the county of residence.
 - c) In the county where the notary maintains his or her principal place of business.
 - d) All of the above

- 5) The \$15,000 notary bond:
- a) Provides the minimum required amount of liability insurance for the notary.
 - b) Limits the maximum amount of recoverable monetary award against a notary in a civil lawsuit.
 - c) Must be obtained through a California admitted surety company.
 - d) All of the above.
- 6) When a notary completes either a jurat or acknowledgment, they are:
- a) Guaranteeing that the signer proved their authorized capacity before the notary.
 - b) Assuring the truth and accuracy of the contents within all documents.
 - c) Guaranteeing that the signer personally appeared before the notary at the time of notarization.
 - d) All of the above.
- 7) A non-attorney notary may never give legal advice. An example of a notary giving legal advice is:
- a) Requiring identification for an acknowledgment.
 - b) To require a solemn oath from the signer as to the truthfulness of the document's contents.
 - c) Determining the notary act to be performed .
 - d) All of the above.
- 8) When completing a signature by mark, under what circumstances must the notary verify the identity of the document principal?
- a) Never
 - b) Only when the two witnesses also are used as credible witnesses.
 - c) If one witness is used as a credible witness and is personally known to the notary.
 - d) Always
- 9) Failing to properly identify the signer of an acknowledgment can result in a charge of which of the following?
- a) A fine of up to \$10,000
 - b) Suspension or revocation of the commission
 - c) Personal liabilities
 - d) All of the above
- 10) If a notary is issued a license to authorize a confidential marriage, it is valid only:
- a) For 90 days and only in the county of the notary's principal place of business.
 - b) For 90 days and only in the county in which the license was obtained which must also be the notary's place of residence.
 - c) For 90 days and statewide.
 - d) None of the above
- 11) Mary Smith falsely informs a notary that her husband has passed away and gives the notary a newly completed Grant Deed which transfers the property into her name. She

even provides a falsified Affidavit of Death of Joint Tenancy to the notary stating that her husband had died. The notary is obligated to notarize the new Grant Deed since there is no indication that the notary is aware of the deception, but, when the matter is investigated in the future, Mary Smith may face which type of prosecution according to notary law?

- a) A misdemeanor punishable by up to 1 year in prison.
- b) A felony with a possible fine of up to \$75,000.
- c) A felony punishable by up to 1 year in prison.
- d) A felony punishable by up to 1 year in prison and a possible fine of up to \$75,000.

12) The VENUE specifically indicates:

- a) The state and county where the document was physically notarized.
- b) The state and county where the document was drawn.
- c) The state and county where the notary has filed his or her bond and oath.
- d) The state and county which has reference within the document.

13) Suppose a husband and wife wishes to notarize a grant deed transfer to a third party who accompanies them to your office. Upon signing, the husband explains that someone had stolen his wallet and the only identification he has is a DMV temporary license, which does not have his photograph on it. The temporary license also states that it is not an approved form of identification. His wife and the grantee are there with him, however, and you suggest that since there are two other persons with him, they could act in the capacity of credible witnesses and still have his signature notarized. Were you right?

- a) Yes, because you may use two credible witnesses if someone does not have ID.
- b) No, credible witnesses may only be used if they both know the notary and the signer. There is no indication that the witnesses know the notary.
- c) Yes, credible witnesses may used even if they are related to the signer.
- d) None of the above

14) Suppose a document is signed as Jason W. Smith, Jr. and the identification document presented lists Jason Wilson Smith, the notary should:

- a) Accept the identifying document since the middle name for Jason W. Smith is completely spelled out and the identifying document can have more information than the signature, but never less.
- b) Complete the notarization as long as Mr. Smith swears to the truthfulness of the identifying document.
- c) Notarize the document as requested
- d) Require an alternative form of identification based on insufficient evidence for the principal's identification.

15) David E. Jones and Carolyn S. Jones, recently married, both personally appear before the notary and request notary services relating to a Deed of Trust. Upon presentation of their identification, the notary notices that Carolyn's identification document still has her

maiden name but Carolyn quickly presents a copy of a marriage certificate showing that her name has been changed to Jones. The notary must:

- a) Refuse to notarize the document since acceptable identification is not presented for Carolyn.
- b) Require that they both return when she has an acceptable form of identification.
- c) A & B
- d) None of the above

16) When using one credible witness to verify the identity of the signer, the credible witness :

- a) Must also show identity to the notary.
- b) May be known by either the signer or the notary, but not necessarily both.
- c) May not have a beneficial or financial interest in the document being notarized.
- d) A & C

17) Thumbprints are required in the notary's sequential journal for:

- a) All document signers, credible witnesses and/or subscribing witnesses.
- b) All acknowledgments, but not jurats.
- c) Power of Attorney, Deeds, deeds of trust and quitclaims affecting real property (not on Deeds of Reconveyance or Trustee's Deeds if property is in foreclosure).
- d) Any notarization regardless of the nature of the document.

18) When a document requires the signatures of two persons, and both signatures require notarization, both signers:

- a) Must be present before the notary at the same time during signing.
- b) Can appear at different times, but the notary should only complete only one notarial certificate (acknowledgment or jurat).
- c) Must request a certified copy of the completed document showing that both signatures have been notarized.
- d) Can appear at different times, but the notary should complete a separate notarial certificate (acknowledgment or jurat) for each signer.

19) A first offense for failing to comply with legislation regarding the posting of proper verbiage in both English and non-English, including the posting of fees (if a notary is advertising his or her services in any non-English language) will result in:

- a) Immediate and definite revocation of the notary commission.
- b) There is no such legislation.
- c) A 6-month suspension of the notary commission.
- d) None of the above

20) When notifying the Secretary of State within 10 days that a journal has been surrendered due to the issuance of a warrant, the notary must also include:

- a) A copy of the receipt for the journal.
- b) The period of journal entries.
- c) The commission number and expiration date of the notary.
- d) All of the above

- 21) Some (but not necessarily all) information that the journal entries must include are:
- a) Birth date of the signer, signature of the signer, fee charged, date, time.
 - b) Signature of the signer, fee charged, serial number and expiration date of the identifying document used or some indication of how the signer was identified.
 - c) Fee charged, name of the document, thumbprint for all documents notarized.
 - d) Names of all document principals for every document notarized.
- 22) Allowable fees for notary services include:
- a) \$10/notarized signature, \$20 for depositions, \$.30 for copies of notary journal entries, \$10 for protesting a non-payment, \$5 for serving the protest and \$5 for filing the protest, \$10 for certifying a copy of a Power of Attorney.
 - b) \$10/ notarized signature, \$10 for depositions, \$.30 for copies of notary journal entries, \$10 for protesting a non-payment, \$5 for serving the protest and \$5 for filing the protest, \$10 for certifying a copy of a Power of Attorney.
 - c) There are no limitations of fees.
 - d) None of the above
- 23) A fine of up to \$750 may be issued to the notary for which of the following
- a) Notarizing documents without being commissioned.
 - b) Acting as an attorney.
 - c) Failing to give the oath when required, failure to complete an acknowledgment at the time of notarization, charging more than the prescribed fees or negligent failure to perform duties required of a notary.
 - d) b & c only
- 24) Negligent failure to fully carry out your notary duties as required can result in:
- a) A felony
 - b) Suspension or revocation
 - c) \$750 fine
 - d) b & c
- 25) Finally, you have received the letter from the Secretary of State which contains your Certificate of Commission. You have sent your letters of authorization to an approved seal manufacturer and have received your notary seal back before you have had time to file your bond and oath. A friend brings you a Deed of Trust to notarize and since he is your friend, you go ahead and notarize the document since you are planning on filing your bond and oath in a few days anyway. You are guilty of:
- a) A misdemeanor punishable by a \$1,500 fine.
 - b) A misdemeanor
 - c) A felony punishable by a \$1,500 fine
 - d) Nothing since you already have received your commission.
- 26) Suppose Mr. Jones's house had been burglarized and the insurance company asked Mr. Jones to provide notarized photographs of any items claiming to be stolen in order to back up his claim. Mr. Jones brings in the photographs and attaches them to a statement which states that he swears that the photographs are true and correct. He

then requests that you notarize each photograph along with the statement in order to prove to the insurance company that he did not in any way alter the photos since appearing before the notary. What is your response?

- a) Refuse to notarize the statement or the photographs since the proper notarial verbiage is not present.
 - b) Notarize the photographs only.
 - c) Refuse the notarization since you are not allowed to notarize photographs.
 - d) Notarize the statement only
- 27) If a journal entry requires a right thumbprint, but no right thumb is available, the notary should:
- a) Refuse the notary.
 - b) Complete the notary using the left thumbprint if available and noting which thumb was used and an explanation as to why in the journal.
 - c) Omit the thumbprint from the journal.
 - d) Require an additional signer.
- 28) If a notary is convicted of committing perjury, the punishment can be:
- a) 10,000 fine.
 - b) Conviction of a felony.
 - c) Revocation of the notary commission.
 - d) All of the above
- 29) Failing to notify the Secretary of State of a lost, broken or damaged seal can result in a fine of:
- a) \$750
 - b) \$1,500
 - c) \$2,500
 - d) \$1,000
- 30) A notary changing his or her name (due to a marriage, for example) must:
- a) Submit an application with the Secretary of State for a name change.
 - b) File a new oath of office and an amendment to the bond within 30 days.
 - c) Obtain a Certificate of Authorization to manufacture a new seal with the new name (but the commission number remains the same).
 - d) All of the above

ANSWER KEY
SAMPLE NOTARY EXAM
30 Questions- Select the BEST answer

- 1) Charging someone more than the allowable fees as prescribed may result in:
- a) A fine of up to \$750
Yes, but not the best answer available
 - b) A fine of up to \$1,500
No..the fine is \$750
 - c) A suspended or revoked commission
Yes, but not the best answer available
 - d) A & C
- 2) The office of the Notary is authorized through a written commission from:
- a) The Federal Government Notary Commission
There is no such commission
 - b) Cooperative Personnel Services (CPS)
This is the testing agency, not the Commissioning agency. (By the way, CPS Proctors will not provide any information at the testing site about notary questions since they are not permitted to become notaries themselves!)
 - c) Secretary of State, California
Correct
 - d) None of the above
- 3) Notaries who are commissioned within the State of California are permitted to notarize documents:
- a) Anywhere in the State of California
Correct, but remember that the notary must comply with the laws of California. For example, if a State requires that a notary certify the capacity of a signer (i.e. CEO, Treasurer), the notary may not do so.
 - b) Only in the county where the notary has filed a bond and oath
 - c) In any state as long as the document venue states that it was completed in California
 - d) Anywhere in the United States
- 4) Upon receiving the letter of commission, where should the notary should file their oath and bond?
- a) The Secretary of State
NO...see below
 - b) In the County of residence
The principal place of business is the determining condition
 - c) In the County where the notary maintains his or her principal place of business
 - d) All of the above

- 5) The \$15,000 notary bond:
- a) Provides the minimum required amount of liability insurance for the notary
The notary bond provides protection for the public, not the notary.
 - b) Limits the maximum amount of recoverable monetary award against a notary in a civil lawsuit
The notary is personally liable for all monetary awards regardless of the amount
 - c) Must be obtained through a California admitted surety company
Correct
 - d) all of the above
6. When a notary completes a jurat or acknowledgment, they are:
- a) Guaranteeing that the signer proved their authorized capacity before the notary
The notary is not allowed to certify the capacity of a signer in California
 - b) Assuring the truth and accuracy of the contents within the document
Notarization can never guarantee or assure the truth and accuracy of a document's contents.
 - c) Guaranteeing that the signer personally appeared before the notary at the time of notarization
Correct
 - d) Certifying the document
The notary may only certify copies of Powers of Attorney and their own journal
- 7) A non-attorney notary may never give legal advice. An example of a notary giving legal advice is:
- a) Requiring identification for an acknowledgment
In this case, the notary is required to obtain identification
 - b) To require a solemn oath from the signer as to the truthfulness of the document's contents
This requirement is necessary in order to complete a Jurat
 - c) Determining the notary act to be performed
Correct. The notary may not suggest to the client whether to perform an Acknowledgment or a Jurat. To do so is considered to be a practice of law. The client must be referred to the originator of the document.
 - d) All of the above
- 8) When completing a signature by mark, under what circumstances must the notary verify the identity of the document principal?
- a) Never
The document principal signed the document with an "x" but the notary must still verify his or her identification.
 - b) Only when the two witnesses also are used as credible witnesses
 - c) If one witness is used as a credible witness and is personally known to the notary
 - d) Always

9) Failing to properly identify the signer of an acknowledgment can result in a charge of which of the following?

- a) A fine of up to \$10,000
- b) Suspension or revocation of the commission
- c) Personal liabilities
- d) All of the above

10) If a notary is issued a license to authorize a confidential marriage, it is valid only:

- a) for 90 days and only in the county of the notary's principal place of business
- b) for 90 days and only in the county in which the license was obtained which must also be the notary's place of residence.
- c) for 90 days and statewide
- d) none of the above

11) Mary Smith falsely informs a notary that her husband has passed away and gives the notary a newly completed Grant Deed which transfers the property into her name. She even provides a falsified Affidavit of Death of Joint Tenancy to the notary stating that her husband had died. The notary is obligated to notarize the new Grant Deed since there is no indication that the notary is aware of the deception; but, when the matter is investigated in the future, assuming the new Grant Deed has been filed, Mary Smith may face which type of prosecution according to notary law?

- a) A misdemeanor punishable by up to 1 year in prison
- b) A felony with a possible fine of up to \$75,000

First, note that the notary is not being requested to notarize the husband's signature, only her own; however, Mary Smith is presenting falsified documents to the notary as well as making a false statement to the notary in order to transfer property from her and her husband's name into her name alone. Anyone who knowingly makes a false sworn statement to a notary for a document which affects transfer of property title or places an encumbrance on a party is guilty of a felony. Any person filing with the county recorder false or forged documents of this nature is guilty of a felony and the fine on this action can be up to \$75,000.

- c) A felony punishable by up to 1 year in prison
- d) A felony punishable by up to 1 year in prison and a possible fine of up to \$75,000

This answer looks better, but we do not have an indication of the 1 year in prison in notary law. Who knows how long of a prison term might be applied?

12. The VENUE specifically indicates:

- a) The state and county where the document was physically notarized
Correct

- b) The state and county where the document was drawn
Incorrect

- c) The state and county where the notary has filed his or her bond and oath
Incorrect
- d) The state and county which has reference within the document
Incorrect

13) Suppose a husband and wife wishes to notarize a grant deed transfer to a third party who accompanies them to your office. Upon signing, the husband explains that someone had stolen his wallet and the only identification he has is a DMV temporary license, which does not have his photograph on it. The temporary license also states that it is not an approved form of identification. His wife and the grantee are there with him, however, and you suggest that since there are two other persons with him, they could act in the capacity of credible witnesses and still have his signature notarized. Were you right?

- a) Yes, because all you need is two credible witnesses if someone does not have ID.

However, the Credible witnesses may not be named or have a beneficial interest in the document.

- b) No, Credible witnesses may only be used if they both know the notary and the signer. There is no indication that the witnesses know the notary.

Two credible witnesses who prove their identity to the notary are used specifically when the notary does not personally know one. The two credible witnesses in this case would be fine except that they are both named within the document.

- c) Yes, credible witnesses may used even if they are related to the signer.
Credible witnesses related to the signer may be used but not when named within the document.

- d) None of the above

Correct. In this case the two credible witnesses are named within the document and cannot be used. They must leave and return with another proper form of identification in order to have this transfer notarized.

14) Suppose a document is signed as Jason W. Smith, Jr. and the identification document presented lists Jason Wilson Smith, the notary should:

- a) Accept the identifying document since the middle name for Jason W. Smith is completely spelled out and the identifying document can have more information than the signature, but never less.

Unfortunately, without the "Jr." also present on the identifying document, it cannot be used.

- b) Complete the notarization as long as Mr. Smith swears to the truthfulness of the identifying document.

This example is not an acceptable form of identification

- c) Notarize the document as requested

The notary will need to have an alternate form of identification since "Jr." is not present on the identification document in this example.

- d) Require an alternative form of identification based on insufficient evidence for the principal's identification.

15) David E. Jones and Carolyn S. Jones, recently married, both personally appear before the notary and request notary services relating to a Deed of Trust. Upon presentation of their identification, the notary notices that Carolyn's identification document still has her maiden name but she quickly presents a copy of a marriage certificate showing that her name has been changed to Jones. The notary must:

- a) Refuse to notarize the document since acceptable identification is not presented for Carolyn
- b) Require that they both return when she has an acceptable form of identification
The Deed of Trust can be notarized for David but Carolyn will need to return with proper identification or credible witnesses.
- c) A & B
- d) None of the above
The document can be immediately notarized for David but not for Carolyn

16) When using one credible witness to verify the identity of the signer, the credible witness:

- a) Must prove their identity to the notary
When using one Credible Witness, the Notary and the Signer must personally know the Credible Witness.
- b) May be known by either the signer or the notary, but not necessarily both
Both the signer and the Notary must know the Credible Witness; otherwise, two credible witnesses are used.
- c) May not have a beneficial or financial interest in the document being notarized
Correct
- d) A & C

17) Thumbprints are required in the Notary's sequential journal for:

- a) All document signers, credible witnesses and/or subscribing witnesses
Thumbprints are required only for deeds, deeds of trust and quitclaims affecting real property.
- b) All acknowledgments, but not jurats
Incorrect
- c) Power of Attorney, Deeds, deeds of trust and quitclaims affecting real property
(not on Deeds of Reconveyance or Trustee's Deeds if property is in foreclosure)
Correct
- d) Any notarization regardless of the nature of the document
Incorrect, but most notaries obtain thumbprints for everything anyway unless the client refuses to provide the thumbprint.

18) When a document requires the signatures of two persons, and both signatures require notarization, both signers:

- a) Must be present before the notary at the same time during signing.
No. They may appear at different times

b) Can appear at different times, but the notary should only complete a single notarial certificate (acknowledgment or jurat) for both.

A notarial certificate must be completed for each since they appeared at different times. A “loose certificate” should be completed and attached for the second signer at the time the notary notarizes the second signature.

c) Must request a certified copy of the completed document showing that both signatures have been notarized.

Incorrect

d) Can appear at different times, but the notary should complete a separate notarial certificate (acknowledgment or jurat) for each signer.

Correct

19) Failing to comply with legislation regarding the posting of proper verbiage in both English and Non-English, (if a Notary is advertising their services in any non-English language) will result in:

a) Immediate and definite revocation of the notary commission.

Incorrect- a minimum of one-year suspension, but not immediate revocation

b) There is no such legislation.

Incorrect

c) A 6-month suspension of the notary commission.

A minimum of one-year suspension

d) None of the above

A minimum of one-year suspension and a possibility of revocation

20. When notifying the Secretary of State that a journal has been surrendered, the notary must also include:

a) A copy of the receipt for the journal

Yes, but the answer is d) all of the above

b) The period of journal entries

Yes, but the answer is d) all of the above

c) The commission number and expiration date of the notary

Yes, but the answer is d) all of the above

d) All of the above

Correct

21) Some (but not necessarily all) information that the journal entries must include are:

a) Birth date of the signer, signature of the signer, fee charged, date, time

Birth date is not required

b) Signature of the signer, fee charged, serial number and expiration date of the identifying document used or some indication of how the signer was identified.

Correct. Please note that not everything is included here. For example, you need the date and time the document was notarized. The question does

suggest that all information in the journal is listed. It only states that these items are required.

c) Fee charged, name of the document, thumbprint for all documents notarized
Thumbprints are required for deeds, grant deeds and quitclaims affecting real property, not for all documents.

d) Names of all document principals for every document notarized
Remember that not all document principals sign the document in every instance. For example, document principals in a Grant Deed are the Grantors and Grantees, but only the Grantors will sign the document and have it notarized.

22) Allowable fees for notary services include:

a) \$10/notarized signature, \$20 for depositions, \$.30 for copies of notary journal entries, \$10 for protesting a non-payment, \$5 for serving the protest and \$5 for filing the protest, \$10 for certifying a copy of a Power of Attorney

b) \$10/ notarized signature, \$10 for depositions, \$.30 for copies of notary journal entries

It is \$20 for depositions

c) There are no limitations of fees

Obviously incorrect

d) None of the above

23) A fine of up to \$750 may be issued to the notary for which of the following

a) Notarizing documents without being commissioned

This fine is \$1,500

b) Acting as an attorney.

No stipulated fine but could include suspension or revocation along with personal financial liability and criminal prosecution.

c) Failing to give the oath when required, failure to complete an acknowledgment at the time of notarization, charging more than the prescribed fees or negligent failure to perform duties required of a notary.

Correct

d) b & c only

24) Negligent failure to fully carry out your notary duties as required can result in:

a) A felony

b) Suspension or revocation

c) \$750 fine

d) b & c

25) Finally, you have received the letter from the Secretary of State which contains your Certificate of Commission. You have sent your letters of authorization to an approved seal manufacturer and have received your notary seal back before you have had time to file your bond and oath. A friend brings you a Deed of Trust to notarize and since

he is your friend, you go ahead and notarize the document since you are planning on filing your bond and oath in a few days anyway. You are guilty of:

- a) a misdemeanor punishable by a \$1,500 fine
- b) a misdemeanor

Acting as a notary without commission is usually a misdemeanor but when it affects the encumbrance of property it is a felony.

c) a felony

It is a felony

- d) nothing since you already have received your commission

You are not a commissioned notary until you file your oath and bond.

26) Suppose Mr. Jones's house had been burglarized and the insurance company asked Mr. Jones to provide notarized photographs of any items claiming to be stolen in order to back up his claim. Mr. Jones brings in the photographs and attaches them to a statement which states that he swears that the photographs are true and correct. He then requests that you notarize each photograph along with the statement in order to prove to the insurance company that he did not in any way alter the photos since appearing before the notary. What is your response?

- a) Refuse to notarize the statement or the photographs since the proper notarial verbiage is not present.

You may not notarize the photographs but you may certainly notarize the statement with a Jurat since it a statement in which the signer is guaranteeing the truthfulness of the statement.

- b) Notarize the photographs only

You may never place your notary seal on any document not containing proper notarial verbiage.

- c) Refuse the notarization since you are not allowed to notarize photographs

You may not notarize the photographs but you may certainly notarize the statement with a Jurat since it a statement in which the signer is guaranteeing the truthfulness of the statement.

d) Notarize the statement only

Correct

27) If a journal entry requires a right thumbprint but no right thumb is available, the notary should:

- a) Refuse the notary

b) Complete the notary using the left thumbprint if available and noting which thumb was used and an explanation as to why in the journal.

Right thumbprints are required for certain types of documents and if the right is not available, the left may be used or if the left is unavailable a fingerprint may be used. In all events, if the right thumb is not available, the notary needs to indicate which one was used and why.

- b. Omit the thumbprint from the journal

- c. Require an additional signer

28) If a notary is convicted of committing perjury, the punishment can be:

- a) \$10,000 fine
- b) Conviction of a felony
- c) Suspension or revocation of the notary commission
- d) All of the above

29) Failing to notify the Secretary of State of a lost, broken or damaged seal can result in a fine of:

- a) \$750
- b) \$1,500
- c) \$2,500
- d) \$1,000

30) A notary changing their name (due to a marriage, for example) must:

- a) Submit an application with the Secretary of State for a name change
- b) File a new oath of office and an amendment to the bond within 30 days
- c) Obtain a Certificate of Authorization to manufacture a new seal with the new name (but the commission number remains the same)
- d) All of the above

Recommended Additional Reading

The Notary Survival Guide, Daniel C. Jones, 2005

A must have, handy, easy to use reference guide of 121 answers to difficult notary questions. This valuable collection of questions and answers will become your personal notary instruction guide whether you are just beginning your notary career or you are a long-time successful loan signer. It includes easy step-by-step instructions for many of the common and not-so common notary duties. “What is a notary signature certification?” “What is an Apostille?” “How do I change my name with the Secretary of State after marriage?” “What questions should I ask before notarizing in hospitals or prisons”, “How much money do notaries really make?” “How do I make money as a notary?”

These are just a small selection of 121 questions and answers in total. This is the best, most concise and useful notary guide available today and will not only help you survive, but thrive as a well-informed and successful notary public. For more information and easy purchasing go to www.thenotarysurvivalguide.com.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of _____

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

personally appeared _____,

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

ADDITIONAL OPTIONAL INFORMATION

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

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 _____

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS DEED AND, UNLESS
OTHERWISE SHOWN BELOW, MAIL TAX STATEMENT TO:

NAME Jane Doe and John Doe
STREET ADDRESS 1234 Main St
CITY, STATE, ZIP Los Angeles, CA 90034

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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, 2007 at Los Angeles, CA
(CITY AND STATE)

STATE OF CALIFORNIA
COUNTY OF Los Angeles

The venue indicates
the location where
this notary act
occurred

William A. Jones
Mary B. Jones

On January 4, 2007 before me, John Q. Notary, Notary Public RIGHT THUMBPRINT (OPTIONAL)
(Name/Title, i.e. "Jane Doe, Notary Public")

personally appeared William A. Jones and Mary B. Jones
who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

John Q. Notary
(SIGNATURE OF NOTARY)

(SEAL)

Notary Seal Imprint Here
Close to your signature

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME: John P Smith

ADDRESS: 1234 Main St.

CITY: Los Angeles,
STATE & ZIP: CA 90075

TITLE ORDER NO. 123788

ESCROW NO. 1234441

APN NO. 12334444222

AFFIDAVIT OF DEATH OF JOINT TENANT

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 August 4, 2007, 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. 177998 on August 5, 2007, 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

Example of proper Jurat wording for California as of Jan 1, 2008

Document signer must be given an oath or affirmation regarding the truthfulness of the contents in this document.

John P. Smith

State of California
County of San Diego

Subscribed and Sworn to (or affirmed) before me on this
19th day of October, 20 07
by John P. Smith, proved to me on the basis
of satisfactory evidence to be the person(s) who appeared
before me.

John Q. Notary

Signature (Notary Seal)

SUBSCRIBING WITNESS JURAT

State of _____

County of _____

On _____ before me, the undersigned, a notary public for the state, personally
(date)

appeared _____ personally known to me or proved to me
(subscribing witness's name)

(on the oath of _____, who is personally known to me) to be the person
[credible witness's name]

whose name is subscribed to the within instrument, as a witness thereto, who, being by me duly sworn,
deposed and said that he/she was present and saw/heard acknowledged

(name[s] of principal[s])

the same person(s) described in and whose name(s) is/are subscribed to the within and annexed
instrument in his/her/their authorized capacity(ies) as (a) party (ies) thereto, execute the same, and that
said affiant subscribed his/her name to the within instrument as a witness at the request of

(name[s] of principal[s]).

WITNESS my hand and official seal.

Notary Signature

Stamp clear impression of notary seal above.

OPTIONAL INFORMATION

While law does not require the following information, completing relevant portions may minimize the potential of
this document being fraudulently attached to another document subsequent to signing.

Name of document

Date of document

Number of pages

Other information

Journal Entry Left Page

Document date is not necessarily the date of notarization

81	Act: Mo/Day/Yr/ Time	Act: Kind or Type	Document: Mo/Day/Yr	Document: Kind or Type	A statement as to whether the identity of a person making an acknowledgment was based on personal knowledge or satisfactory evidence. If identity was established by satisfactory evidence pursuant to Section 1185 of the Civil Code then the journal shall contain the signature of the credible witness swearing or affirming to the identity of the individual or the type of identifying document, the governmental agency issuing the document, the serial or identifying number of the document, and the date of issue or expiration of the document.
1	JAN 13, 2004 13:25	ACKNOWLEDGMENT	JAN 5, 2004	GRANT DEED	CA DRIVER'S LICENSE N8xxx301 EXP 08/05
2					
3					
4					
5					

Type of notary act performed.

Identification Document used if any. If credible witnesses are used, indicate their names here. Be sure to include serial number and expiration date or date of issuance.

Time and date that the person PERSONALLY appeared before you.

Journal Entry Right Page

Complete Address of Person(s)	Signature of Person(s)	Notary Fee	Right Thumbprint as Required	82
1234 MAIN ST. LOS ANGELES, CA 90023	JOHN D. SIGNER <i>John D. Signer</i>	10-		1
				3
				4
				5

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 POA and Deeds are required!