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Sample Notary Exam 1

You may view this exam on line or print this sample exam from your printer. Please be advised that there are 24 pages should you choose to print. We have 4 sample notary exams available for you but this is the only exam you may print. The other 3 exams are on-line only.

Each exam has 30 questions just like the actual notary exam, however; we have also provided the answers and commentary. You should allow no more than 50 minutes to complete this exam. The notary seminar will prepare you to pass the actual notary exam but by using these extra tools we make available to you, such as these sample notary exams, you will be even more confident as you prepare to take your actual notary test. The notary exam is given immediately following the seminar so just register for a class and you will automatically be registered with the state proctors for the notary exam.

Select the best answer. If you do not know, eliminate the ones you are sure are wrong and then take your best guess...never leave an answer blank. Once you register for the seminar, we have two additional practice exams as well as the entire study guide for you to review even before you come to class! If you do not know the answers to these questions, don't worry, you will soon! Be certain to read the commentary for all responses, not just the correct answers as these commentaries will be very valuable for you later.

Sample Notary Exam 1

1) Nicholas Notary, a California Notary Public had his briefcase stolen from his locked car on his way home from a notary signing while paying for gasoline. His notary journal and official notary seal were in the briefcase. However, when Nicholas Notary originally received the authorization from the Secretary of State to have his official notary seals manufactured, he elected to have two made at that time. Mr. Notary also purchased an extra notary journal, so he was able to proceed with additional notary signings the next day without interruption. Nicholas Notary must report the theft to the Secretary of State and failure to do so can result in which penalty?

- a) \$750 fine and revocation of the notary commission.
- b) \$1,500 fine and suspension of his notary commission for a minimum of 1 year.
- c) \$1,500 fine and suspension or revocation of his notary commission for a minimum of 1 year.

- d) \$1,500 fine and possible suspension or revocation of his notary commission.

Answer

This question is a classic example of providing more information to the examinee than required to answer the question. Notice that the relevant information is only that Nicholas Notary had his notary seal and journal stolen and should he fail to notify the Secretary of State, what penalty might he incur?

- a) \$750 fine and revocation of the notary commission.

There are only four \$750 fines to remember and three of them have to do with the NEGLIGENT FAILURE (not WILLFUL FAILURE) to fully and faithfully carry out the duties of the notary. Of these three, two of them have to do with not completing the Acknowledgment or Jurat process at the time of notarization.

The only other \$750 fine you must remember is charging more than the prescribed fees.

This question has to do with failing to report a lost or stolen journal and seal, so we can immediately rule out the \$750 fines.

- b) \$1,500 fine and suspension of his notary commission for a minimum of 1 year.

\$1,500 fine is correct but the suspension of the notary commission for a minimum of 1 year is for the first offense regarding translating the term "notary public" directly into Spanish or failing to post the required phrase in English regarding proper advertising procedures if advertising in a language other than English.

- c) \$1,500 fine and suspension or revocation of his notary commission for a minimum of 1 year.

See previous explanation except that on the second offense, the revocation is permanent. Neither b or c can be the correct answer because it has nothing to do with the violation of failing to contact the Secretary of State of a lost or stolen seal or journal.

- d) \$1,500 fine and possible suspension or revocation of his notary commission.**

Correct. Make every effort to become familiar with the fines and penalties as this is the most difficult portion of notary law to remember. To help you, we have included a number of questions on fines and penalties on this first sample exam.

2) In the previous question, Nicholas Notary's stolen briefcase also included the notary journal. What are the requirements for reporting a stolen, lost, destroyed, damaged, or otherwise rendered unusable, journal to the Secretary of State?

- a) The Secretary of State must be notified within 30 days by certified mail and the notification must include a copy of the police report if one was taken. The report to the Secretary of State must also include 1) the period of the journal entries, 2) the notary public commission number, and 3) the expiration date of the commission.
- b) The Secretary of State must be notified within 10 days by certified mail and the notification must include a copy of the police report if one was taken. The report to the Secretary of State must also include 1) the period of the journal entries, 2) the notary public commission number, and 3) the expiration date of the commission.
- c) The Secretary of State must be notified immediately by certified mail and the notification must include a copy of the police report if one was taken. The report to the Secretary of State must also include 1) the period of the journal entries, 2) the notary public commission number, and 3) the expiration date of the commission.
- d) The Secretary of State does not require notification of stolen notary journals, but not damaged or otherwise rendered unusable journals.

Answer

- a) The Secretary of State must be notified within 30 days by certified mail and the notification must include a copy of the police report if one was taken. The report to the Secretary of State must also include 1) the period of the journal entries, 2) the notary public commission number, and 3) the expiration date of the commission.

The notary has 30 days to notify or respond to the Secretary of State regarding any notarial issue except for two instances: 1) Lost or stolen notary seals, or lost, stolen, or rendered unusable journals requires IMMEDIATE notification. Journals that have been surrendered to a peace officer as a result of a subpoena require a 10-day notification.

- b) The Secretary of State must be notified within 10 days by certified mail and the notification must include a copy of the police report if one was taken. The report to the Secretary of State must also include 1) the period of the journal entries, 2) the notary public commission number, and 3) the expiration date of the commission.

The notary has 30 days to notify or respond to the Secretary of State regarding any notarial issue except for two instances: 1) Lost or stolen notary seals, or lost, stolen, or rendered unusable journals requires IMMEDIATE notification. 2) Journals that have been

surrendered to a peace officer as a result of a subpoena require a 10-day notification.

- c) The Secretary of State must be notified immediately by certified mail and the notification must include a copy of the police report if one was taken. The report to the Secretary of State must also include 1) the period of the journal entries, 2) the notary public commission number, and 3) the expiration date of the commission.**

Correct

- d) The Secretary of State does not require notification of stolen notary journals, but not damaged or otherwise rendered unusable journals. The notary has 30 days to notify or respond to the Secretary of State regarding any notarial issue except for two instances: 1) Lost or stolen notary seals, or lost, stolen, or rendered unusable journals requires IMMEDIATE notification. 2) Journals that have been surrendered to a peace officer as a result of a subpoena require a 10-day notification.

3) Nicholas Notary receives a subpoena for his notary journal from a peace officer who fills out and delivers to Nicholas a receipt for the journal. What is the responsibly of the notary upon receiving such a receipt for a notary journal?

- a) A notary is never allowed to turn over his or her notary journals to anyone except the County Clerk's office. The notary must not turn over the journal to the peace officer in this instance.
- b) The notary must relinquish the notary journal to the peace officer and immediately notify the Secretary of State by certified mail and the notification must include 1) the period of the journal entries, 2) the notary public commission number, 3) the expiration date of the commission and 4) a photocopy of the receipt for the notary journal.
- c) The notary must relinquish the notary journal to the peace officer and must notify the Secretary of State by certified mail within 10 days and the notification must include 1) the period of the journal entries, 2) the notary public commission number, 3) the expiration date of the commission and 4) a photocopy of the receipt for the notary journal.
- d) The notary is not required to notify the Secretary of State if he or she receives a subpoena for the Notary Journal, but must notify the County Clerk's office within 30 days and must include the copy of the receipt for the journal.

Answer

- a) A notary is never allowed to turn over his or her notary journals to anyone except the County Clerk's office, The notary must not turn over the journal to the peace officer in this instance.

A notary may never relinquish his or her notary journals to anyone except the County Clerk's office, Secretary of State or a Peace Officer with a subpoena for the journal.

- b) The notary must relinquish the notary journal to the peace officer and immediately notify the Secretary of State by certified mail and the notification must include 1) the period of the journal entries, 2) the notary public commission number, 3) the expiration date of the commission and 4) a photocopy of the receipt for the notary journal.

Journals that have been surrendered to a peace officer as a result of a subpoena require a 10-day notification.

- c) The notary must relinquish the notary journal to the peace officer and must notify the Secretary of State by certified mail within 10 days and the notification must include 1) the period of the journal entries, 2) the notary public commission number, 3) the expiration date of the commission and 4) a photocopy of the receipt for the notary journal.**

- d) The notary is not required to notify the Secretary of State if he or she receives a subpoena for the Notary Journal, but must notify the County Clerk's office within 30 days and must include the copy of the receipt for the journal.

4) The willful failure to fully and faithfully discharge the duties of a notary public can subject the notary to which of the following penalties?

- a) A possible fine of \$1,500 and suspension or revocation of the notary's commission.
b) A possible fine of \$750 and suspension or revocation of the notary's commission.
c) A possible fine of \$1,500 and revocation of the notary's commission.
d) A possible fine of \$750 and revocation of the notary's commission.

Answer

- a) A possible fine of \$1,500 and suspension or revocation of the notary's commission.

This is one of the few charges which provide for immediate revocation, not suspension or revocation.

- b) A possible fine of \$750 and suspension or revocation of the notary's commission.
The \$750 fine is for NEGLIGENT FAILURE not WILLFUL FAILURE to fully and faithfully discharge the duties of a notary public.

c) A possible fine of \$1,500 and revocation of the notary's commission.
Correct

- d) A possible fine of \$750 and revocation of the notary's commission.
The \$750 fine is for NEGLIGENT FAILURE not WILLFUL FAILURE to fully and faithfully discharge the duties of a notary public.

5) 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 may result in which of the following penalties?

- a) \$750 fine.
b) \$1,500 fine.
c) \$750 fine and suspension or revocation of the commission.
d) \$1,500 fine and suspension or revocation of the commission.

Answer

- a) \$750 fine
This is not one of the four \$750 fines
b) \$1,500 fine
Yes, but also suspension or revocation
c) \$750 fine and suspension or revocation of the commission
See answer a)

d) \$1,500 fine and suspension or revocation of the commission
Correct

6) The commission of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit the notary public or another, or substantially injure another or execution of any certificate as a notary public containing a statement known to the notary public to be false can subject the notary to which of the following penalties?

- a) \$750 fine and suspension of the notary commission.
b) \$1,500 fine and suspension of the notary commission.
c) \$1,500 fine and suspension or revocation of the notary commission.
d) \$1,500 fine and revocation of the notary commission.

Answer

- a) \$750 fine and suspension of the notary commission.
Any act involving dishonesty, fraud, or deceit will carry the most serious penalties.
- b) \$1,500 fine and suspension of the notary commission.
The fine amount is correct but the commission will be revoked, not suspended. Remember this especially with executing any certificate as a notary public containing a statement known to the notary public to be false.
- c) \$1,500 fine and suspension or revocation of the notary commission.
The fine amount is correct but the commission will be revoked, not suspended. Remember this especially with executing any certificate as a notary public containing a statement known to the notary public to be false.

d) \$1,500 fine and revocation of the notary commission.

Correct

7) 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 and violating the restrictions on advertising notarial services in a foreign language or literally translating the phrase "notary public" into Spanish all can result in which of the following penalties?

- a) \$1,500 fine with a permanent revocation of the notary commission.
- b) \$750 fine with a suspension or revocation of the notary commission.
- c) \$750 fine with a permanent revocation of the notary commission.
- d) \$1,500 fine with a suspension or revocation of the notary commission.

Answer

- a) \$1,500 fine with a permanent revocation of the notary commission.
The fine amount is correct but it is suspension or revocation.
- b) \$750 fine with a suspension or revocation of the notary commission.
This is not one of the four \$750 fines.
- c) \$750 fine with a permanent revocation of the notary commission.
This is not one of the four \$750 fines.

d) \$1,500 fine with a suspension or revocation of the notary commission.

Correct

8) Following the venue, proper Jurat wording for California is as follows:

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

What information must the notary complete?

- a) Date and name of person or persons who are subscribing and swearing an oath or affirmation to the notary.
- b) Date, time and name of person or persons who are subscribing and swearing an oath or affirmation to the notary.
- c) Date and name of the notary who is subscribing and swearing an oath or affirmation to the document signer.
- d) Date, time and name of the notary who is subscribing and swearing an oath or affirmation to the document signer.

Answer

- a) Date and name of person or persons who are subscribing and swearing an oath or affirmation to the notary.**

Correct. On a Jurat, the notary always prints the name of the person appearing, never the notary's name!

- b) Date, time and name of person or persons who are subscribing and swearing an oath or affirmation to the notary.
The notary only needs to indicate the date on the jurat. Both the date and time must be included in the notary journal.

- c) Date and name of the notary who is subscribing and swearing an oath or affirmation to the document signer.

Be careful not to read answers too quickly. This answer is obviously wrong and can be avoided simply by slowing down and reading carefully.

- d) Date, time and name of the notary who is subscribing and swearing an oath or affirmation to the document signer.

Be careful not to read answers too quickly. This answer is obviously wrong and can be avoided simply by slowing down and reading carefully.

9) A client who speaks English presents to the notary the last page of a multi-page document written in a language other than English. While a notary is

allowed to notarize a document written in a foreign language, which of the following statements is true?

- a) The notary must be able to read the language in which the document is written or the document should be taken to a different notary who can read that language.
- b) The notary may only notarize the document after examining the entire document for blank or incomplete spaces as long as the notary is able to read the language of the document.
- c) The notary must never notarize a document written in a foreign language.
- d) The notary may not notarize this document without reviewing all pages of the document regardless of the language of the document.

Answer

- a) The notary must be able to read the language in which the document is written or the document should be taken to a different notary who can read that language.

A notary may notarize any document in any language regardless of whether or not the notary can read that language.

- b) The notary may only notarize the document after examining the entire document for blank or incomplete spaces as long as the notary is able to read the language of the document.

A notary may never notarize any document unless the entire document has been presented before the notary for examination. Bringing the last page of a document for notarization is unacceptable.

- c) The notary must never notarize a document written in a foreign language.

A notary may notarize any document in any language regardless of whether or not the notary can read that language.

- d) The notary may not notarize this document without reviewing all pages of the document regardless of the language of the document.**

Correct. The notary must examine the entire document to ensure that no areas are obviously blank or incomplete regardless of the language.

10) What is the most serious administrative penalty a notary may face for failing to secure the notary journal?

- a) Revocation of the notary commission
- b) \$1,500 fine and suspension of the notary commission
- c) \$750 fine and revocation of the notary commission
- d) \$1,500 fine

Answer

a) Revocation of the notary commission.

Correct. There is no stipulated fine for this offense but keep in mind that WILLFUL failure to properly maintain the notary seal in the exclusive control (including allowing another to use the seal) may also be a misdemeanor.

- b) \$1,500 fine and suspension of the notary commission.
- c) \$750 fine and revocation of the notary commission.
- d) \$1,500 fine.

11) Carol Client presents an expired driver's license to the notary for identification. Which of the following notary regulations is true?

- a) The notary may only use the expired driver's license if it was issued in Mexico or Canada.
- b) The notary may use any DMV issued identification regardless of the date of issue or expiration.
- c) The notary may use any DMV issued identification as long as it is current or has been issued within the past 5 years, as long as it is not expired.
- d) The notary may use any DMV issued identification as long as it is current or has been issued within the past 5 years, even if it is expired.

Answer

- a) The notary may only use the expired driver's license if it was issued in Mexico or Canada.

The notary may indeed use Mexican or Canadian driver's licenses provided the license is valid or issued within the past 5 years.

- b) The notary may use any DMV issued identification regardless of the date of issue or expiration.

The notary may use any DMV issued identification provided the license is valid or issued within the past 5 years.

- c) The notary may use any DMV issued identification as long as it is current or has been issued within the past 5 years, as long as it is not expired.

Even if the license is expired, it may still be used as long as it has been issued within the past 5 years.

- d) The notary may use any DMV issued identification as long as it is current or has been issued within the past 5 years, even if it is expired.**

12) The purpose of the Notary surety bond is:

- a) To guarantee a limited available monetary resource should a notary be found financially liable for illegal or negligent notarial acts.
- b) To guarantee an adequate resource for the maximum amount of financial liability for which a notary may be held responsible for illegal or negligent notarial acts.
- c) There is no required notary surety bond, however, the notary must file a minimum amount of \$15,000 errors and omissions insurance.
- d) Filing a surety bond policy is optional but always a good idea.

Answer

- a) To guarantee a limited available monetary resource should a notary be found financially liable for illegal or negligent notarial acts.**

Correct. This surety bond is filed with the County Clerk and may be used should the notary not have the financial resources to pay the liability amount. Remember that the notary will be liable to the full amount of the award, not just the \$15,000 bond amount.

- b) To guarantee an adequate resource for the maximum amount of financial liability for which a notary may be held responsible for illegal or negligent notarial acts.

Remember that the notary will be liable to the full amount of the award, not just the \$15,000 bond amount.

- c) There is no required notary surety bond, however, the notary must file a minimum amount of \$15,000 errors and omissions insurance.

The \$15,000 bond is not errors and omissions insurance.

- d) Filing a surety bond policy is optional but always a good idea.

The \$15,000 bond must be filed within 30 days of receiving the letter of commission. It is usually filed along with the required oath and always filed with the County Clerk where the notary hold's his or her commission.

13) Should a notary change her name during her commission as a result of marriage, for example, the notary must do which of the following?

- a) Nothing
- b) Notify the Secretary of State by sending a copy of the marriage certificate by certified mail within 30 days.
- c) Complete a name change application from the Sec of State who will send the notary a new commission and commission number reflecting the new name.

- d) Complete a name change application from the Secretary of State who will sent the notary a new commission reflecting the new name but the commission number will not be changed.

Answer

- a) Nothing

The notary must complete a name change application from the Secretary of State who will send the notary a new commission reflecting the new name but the commission number will not be changed.

- b) Notify the Secretary of State by sending a copy of the marriage certificate by certified mail within 30 days.

- c) Complete a name change application from the Sec of State who will send the notary a new commission and commission number reflecting the new name.

The commission number will not be changed.

- d) Complete a name change application from the Secretary of State who will send the notary a new commission reflecting the new name but the commission number will not be changed.**

This is correct. The notary must also file an amended bond reflecting the new name! If the notary moves, she must also file a change of address with the Secretary of State.

- 14) What information does not belong in your journal?

- a) Date of notarization, time of notarization, type of notary act, name of document being notarized, identification information, address of document signer, signature of document signer.
- b) Date of notarization, time of notarization, type of notary act, name of document being notarized, identification information, signature of document signer.
- c) Date of notarization, time of notarization, type of notary act, name of document being notarized, identification information, signature of document signer, description of the document signer.
- d) Date of notarization, time of notarization, type of notary act, name of document being notarized, identification information, signature of document signer, date of birth of the document signer.

Answer

- a) Date of notarization, time of notarization, type of notary act, name of document being notarized, identification information, address of document signer, signature of document signer.

Address is not required but is quite often obtained.

b) Date of notarization, time of notarization, type of notary act, name of document being notarized, identification information, signature of document signer.

Correct. The identification information must include whether the signer was identified by personal knowledge or by an identification document. The identification document must follow specific guidelines so be sure to remember these guidelines as noted in the study guide.

c) Date of notarization, time of notarization, type of notary act, name of document being notarized, identification information, signature of document signer, description of the document signer.

Description of the document signer must be present on identification documents such as driver's licenses (with the exception of passports) but not in the journal.

d) Date of notarization, time of notarization, type of notary act, name of document being notarized, identification information, signature of document signer, date of birth of the document signer.

Date of birth is not required information for a notary journal.

15) Should a member of the public wish to see an item in our journal what procedures must be followed?

a) The notary must require the person requesting the notary entry to submit the request in writing and must include the date of the notarization, the character or title of the instrument notarized and the reason for the request.

b) The notary must require the person requesting the notary entry to submit the request in writing and must include the date of the notarization, the character or title of the instrument notarized and the name of the person(s) for whom the notary act was performed.

c) The notary must require the person requesting the notary entry to submit the request in writing and must include the date of the notarization, the character or title of the instrument notarized and the name of the peace officer making the request.

d) A member of the public may request a copy of the notary entry but must first secure a subpoena which must then be copied and sent to the Secretary of State.

Answer

a) The notary must require the person requesting the notary entry to submit the request in writing and must include the date of the notarization, the

character or title of the instrument notarized and the reason for the request.

The reason for the request is unnecessary.

- b) The notary must require the person requesting the notary entry to submit the request in writing and must include the date of the notarization, the character or title of the instrument notarized and the name of the person(s) for whom the notary act was performed.**

Correct

- c) The notary must require the person requesting the notary entry to submit the request in writing and must include the date of the notarization, the character or title of the instrument notarized and the name of the peace officer making the request.

This is an example of confusing two non-associated ideas in a single question. A peace officer may indeed make a request for the journal but only by presentation of a subpoena. A member of the public may request a copy of a specific journal entry, but not the entire journal. The request must be in writing and must include the date of the notarization, the character or title of the instrument notarized and the name of the person(s) for whom the notary act was performed.

- d) A member of the public may request a copy of the notary entry but must first secure a subpoena which must then be copied and sent to the Secretary of State.

This answer might "look" good, but it is wrong!

16) On July 1, a notary is notified by the Secretary of State regarding a notarial issue. He or she must respond to the notification by which of the following dates.

- a) July 30
- b) July 31
- c) August 1
- d) July 11

Answer

- a) July 30

A notary has 30 days to respond to the Secretary of State.

- b) July 31**

- c) August 1

- A notary has 30 days to respond to the Secretary of State.
- d) July 11
A notary has 30 days to respond to the Secretary of State.

- 17) Among the fees listed below, the maximum fee a notary may charge for notarizing 3 signatures on a single document is:
- a) \$8
 - b) \$0
 - c) \$22
 - d) \$12.50

Answer

- a) \$8

A notary may never charge MORE than the prescribed fees for notary services, but is not required to charge the full amount nor is he or she required to present any charge to a client. The question asks "AMONG THE LISTED FEES", what is the maximum a notary may charge? The maximum a notary may charge for 3 signatures on a single document is \$30 but this amount is not one of the listed fees. The answer must be c) since it is the maximum listed fee that is under \$30.

- b) \$0

- c) \$22

Correct. The notary but may not charge more than the \$10 per signature but is not required to charge the full amount of the allowable fees which in this case would be \$30.

- d) \$12.50

- 18) A notary has fraudulently completed a notary act and has been found liable in a civil case in the amount of \$65,000. Considering that the notary has filed the \$15,000 bond with the County Clerk, for how much of the \$65,000 judgment will the notary be personally liable?

- a) \$65,000
- b) \$50,000
- c) \$15,000
- d) \$0

Answer

- a) \$65,000

Correct. The notary is personally liable for the entire amount. The bond is not an insurance policy for the notary; the bond protects the public. Obtaining errors and omissions insurance will protect the notary although it is not a legal requirement.

- b) \$50,000
- c) \$15,000
- d) \$0

19) John Jones, a patient in a convalescent hospital is not able to sign his name to a document requiring an acknowledgment, but is able to sign a mark under his own power. The notary is intending to use the witness by mark procedure to verify the signature by mark. Which of the following is true about using the witness by mark procedure?

- a) Two persons must witness the signature by mark and both witnesses must sign the notary journal.
- b) Two persons must witness the signature by mark and both witnesses must sign the notary journal and the document.
- c) Two persons must witness the signature by mark. One witness must subscribe the document signer's name on the document next to his or her mark but both witnesses must sign the document.
- d) Two persons must witness the signature by mark. One witness must subscribe the document signer's name on the document next to his or her mark but both witnesses must sign the document and the notary journal.

Answer

- a) Two persons must witness the signature by mark and both witnesses must sign the notary journal.

Witnesses for witness by mark do not sign the journal and are not identified by the notary. They only sign the document as witnesses.

- b) Two persons must witness the signature by mark and both witnesses must sign the notary journal and the document.

Witnesses for witness by mark do not sign the journal and are not identified by the notary. They only sign the document as witnesses.

- c) Two persons must witness the signature by mark. One witness must subscribe the document signer's name on the document next to his or her mark but both witnesses must sign the document.**

Correct

- d) Two persons must witness the signature by mark. One witness must subscribe the document signer's name on the document next to his or her mark but both witnesses must sign the document and the notary journal.

Witnesses for witness by mark do not sign the journal and are not identified by the notary. They only sign the document as witnesses.

20) If a notary changes residence or their principal place of business, the notary must inform the Secretary of State, in writing by certified mail within 30 days.

Which of the following is also true?

- a) The notary is required to file a new oath and bond within a new county.
- b) The notary is required to file a new oath within the new county, but is not required to file a new bond but may elect to do so.
- c) The notary is not required to file a new oath and bond within a new county, but may elect to do so.
- d) The notary must file an amended bond with the County Clerk's office.

Answer

- a) The notary is required to file a new oath and bond within a new county.

No, but the notary may elect to do so.

- b) The notary is required to file a new oath within the new county, but is not required to file a new bond but may elect to do so.

No. A new oath or bond is not required to be filed in the new county.

- c) The notary is not required to file a new oath and bond within a new county, but may elect to do so.**

Correct

- d) The notary must file an amended bond with the County Clerk's office.

This is true only if the notary changes her name during her commission.

21) Which of the following violations are felonies?

- 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 or any notary who commits perjury
- d) All of the above

Answer

- 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 or any notary who commits perjury.

d) All of the above.

Correct. Most criminal notary violations are considered misdemeanors except when property is being transferred or encumbered. Any notary performing acts with the intent to defraud or knowingly includes false statements in documents, or who completes a notary act without being duly commissioned and the document transfers property or encumbers someone into making payments on property can be charged with a FELONY. Any conviction of a felony will be cause for the COURT to immediately revoke the notary commission and the notary seal must be submitted to the court who will then forward the seal to the Secretary of State.

22) Which types of documents may be notarized by using the procedure of Subscribing Witness?

- a) Deeds of Reconveyance or other documents which do not transfer property or encumber property.
- b) Grant Deeds
- c) Warranty Deeds, Security Agreements, Quit Claim Deeds or Deeds of Trusts
- d) All documents can be notarized using a Subscribing Witness procedure.

Answer

a) Deeds of Reconveyance or other documents that do not transfer property or encumber property.

Correct. Deeds of Reconveyance may be notarized by using the procedure of Subscribing Witness. Documents which transfer property or encumber document signers into a loan may not be

notarized by using the procedure of Subscribing Witness. Subscribing Witnesses are used when the document signer cannot personally appear before the notary public.

- b) Grant Deeds
- c) Warranty Deeds, Security Agreements, or Quit Claim Deeds
- d) All documents can be notarized using a Subscribing Witness procedure.

23) When notarizing a document using a Credible Witness, which of the following is required of the Credible Witness?

- a) The Credible Witness must swear an oath to the notary regarding the identity of the document signer.
- b) The Credible Witness must be personally known by the notary public or two Credible Witnesses must be used who prove their identities to the notary public.
- c) The Credible Witness must sign the journal but not the document and may not have a beneficial or financial interest in the document being notarized.
- d) All of the above

Answer

- a) The Credible Witness must swear an oath to the notary regarding the identity of the document signer.
- b) The Credible Witness must be personally known by the notary public or two Credible Witnesses must be used who prove their identities to the notary public.
- c) The Credible Witness must sign the journal but not the document and may not have a beneficial or financial interest in the document being notarized.

d) All of the above

Correct. By the way, Credible Witnesses are used when the document signer cannot present proper identification to the notary.

24) Select the best answer below for the following statement:

Notarizing any document, other than documents relating to a Deed of Trust that contains information known by the notary to be false can result in:

- a) A felony punishable by a minimum of 1 year in prison.

- b) A misdemeanor punishable by a minimum of 1 year in jail and possible financial liability.
- c) A misdemeanor, possible revocation of the notary commission and possible financial liability.
- d) A misdemeanor with a \$750 fine and possible financial liability.

Answer

a) A felony punishable by a minimum of 1 year in prison.
 If the document was a Deed of Trust, then this violation would indeed become a felony, however; no stipulated prison term is stated. The term may be less than or greater than 1 year. Remember that any notary who issues an acknowledgment knowing it to be false or any person who falsifies the acknowledgment of a notary public may 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.

b) A misdemeanor punishable by a minimum of 1 year in jail and possible financial liability.

c) A misdemeanor, possible revocation of the notary commission and possible financial liability.

Correct

d) A misdemeanor with a \$750 fine and possible financial liability.

25) A notary or any other person who falsifies the acknowledgment of a notary public may be guilty of forgery. Forgery is punishable by:

- a) Imprisonment in the state prison, or by imprisonment in the county jail for not more than one year.
- b) Imprisonment in the state prison, or by imprisonment in the county jail for not more than 2,3,or 4 years.
- c) Forgery is not a crime
- d) Fine of \$750 and suspension of the notary commission

Answer

a) Imprisonment in the state prison, or by imprisonment in the county jail for not more than one year.

Correct. Forgery is punishable by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year.

b) Imprisonment in the state prison, or by imprisonment in the county jail for not more than 2,3,or 4 years.

This is the penalty listed for perjury, not forgery.

c) Forgery is not a crime.

d) Fine of \$750 and suspension of the notary commission.

This is not one of the four \$750 fines listed.

26) If a notary public is convicted of a crime related to notarial misconduct, including the false completion of a notarial certificate, 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:

a) County Clerk

b) Secretary of State

c) County Clerk and Secretary of State

d) The notary seal manufacturer

Answer

a) County Clerk

b) Secretary of State

Correct

c) County Clerk and Secretary of State

d) The notary seal manufacturer

27) Any person who solicits, coerces, or influences a notary public to improperly maintain the notary public's journal is guilty of:

a) an infraction

b) a misdemeanor

c) a felony

d) None of the above

Answer

a) an infraction

b) a misdemeanor

c) a felony

d) None of the above

28) A notary public guilty of a misdemeanor if the notary public:

- a) Willfully fails to properly maintain his or her notarial journal; or 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;
- b) Willfully fails to permit a lawful inspection or copying of his or her notarial journal; or willfully fails to keep his or her notarial seal under direct and exclusive control;
- c) Willfully surrenders his or her notarial seal to any person not authorized to possess it.
- d) All of the above

Answer

- a) Willfully fails to properly maintain his or her notarial journal; or 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;
- b) Willfully fails to permit a lawful inspection or copying of his or her notarial journal; or willfully fails to keep his or her notarial seal under direct and exclusive control;
- c) Willfully surrenders his or her notarial seal to any person not authorized to possess it.

d) All of the above
Correct

29) Recent legislation requires all notaries to complete an approved 6-hour notary education course prior to commissioning whether the notary is recommissioning or a new notary. Subsequent commissions will only require a 3-hour education course with which exception:

- a) Notaries with less than 6 months break in their commission do not have to complete an education course as long as their application is processed prior to the commission expiration date.
- b) Re-commissioning notaries who have already completed an approved 6-hour course will never have to retake the 6-hour course even if their commission expires.
- c) Notaries who have allowed their commissions to expire before completing a 3-hour course must re-take the 6-hour notary course because the law

- specifically states that the only notaries permitted to take a 3-hour course are notaries who **hold a California notary public commission** and have already completed the approved 6-hour course.
- d) Notaries performing notary acts on behalf of a public school, governmental office or military reservation will not be required to take the 3-hour course for recommissions as long as they have completed the approved 6-hour course.

Answer

- a) Notaries with less than 6 months break in their commission do not have to complete an education course as long as their application is processed prior to the commission expiration date.

Notaries with less than 6 months break in their commission do not have to re-submit fingerprints, but must still complete the required educational course.

- b) Re-commissioning notaries who have already completed an approved 6-hour course will never have to retake the 6-hour course even if their commission expires.

- c) Notaries who have allowed their commissions to expire before completing a 3-hour course must re-take the 6-hour notary course because the law specifically states that the only notaries permitted to take a 3-hour course are notaries who hold a California notary public commission and have already completed the approved 6-hour course.**

Correct. See the following legislation from the Government Code. Commencing July 1, 2005, an applicant for notary public **who holds a California notary public commission, and** who has satisfactorily completed the six-hour course of study required pursuant to paragraph (1) at least one time, shall provide satisfactory proof when applying for reappointment as a notary public that he or she has satisfactorily completed a three-hour refresher course of study prior to reappointment as a notary public by the Secretary of State.

- d) Notaries performing notary acts on behalf of a public school, governmental office or military reservation will not be required to take the 3-hour course for recommissions as long as they have completed the approved 6-hour course.

30) Prior to a revocation or suspension or after a denial of a commission, or prior to the imposition of a civil penalty, the person affected will have a right to a hearing except for which circumstances?

- a) The Secretary of State has, within one year previous to the application denied or revoked the applicant's application or commission.
- b) The Secretary of State finds that the applicant has committed or omitted acts constituting grounds for suspension or revocation of a notary public's commission.
- c) The notary has committed a felony and is sentenced to more than 1 year in prison.
- d) A & B only

Answer

- a) The Secretary of State has, within one year previous to the application denied or revoked the applicant's application or commission.
- b) The Secretary of State finds that the applicant has committed or omitted acts constituting grounds for suspension or revocation of a notary public's commission.
- c) The notary has committed a felony and is sentenced to more than 1 year in prison.

d) A & B only
Correct

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