



# **NOTAROLOGY 101**

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# AGENDA

- ✓ General Information
- ✓ Becoming a Notary Public
- ✓ Notarizing Documents





# OVERVIEW



## OVERVIEW

### What is a notary?

- Public official commissioned by the Secretary of State to
- administer oaths and affirmations, take acknowledgements, witness signatures, and perform other duties as permitted by state law.

### Resources

- [www.sosmt.gov/notary](http://www.sosmt.gov/notary)
- Notary handbook

## Notary Function

- Acts as an official, unbiased witness to the identity, the comprehension, the intent, and the signature of the person who comes before the notary for a specific purpose.

## Integrity and Impartiality

- Is expected to be a person of proven integrity appointed by the Secretary of State to act as the state's "official witness" in any matter requiring the notary's services.

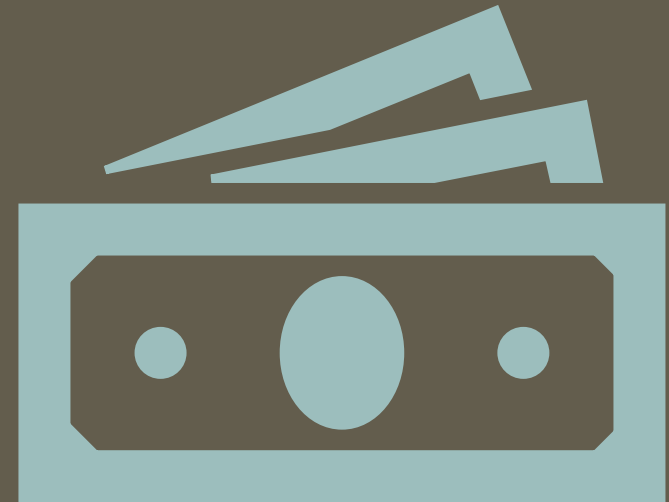
## RULE #1

The person whose signature, oath or acknowledgement is being notarized MUST personally appear to the notary at the time the notarial act takes place.

EVERY TIME!

## Fees

- Generally, a fee no greater than \$10 may be charged for certain notarial acts.
- Travel may be charged per the notary handbook.
- Charged fees must be posted in English



## Notary Liability

- Function is to
  - be a witness to the identity,
  - the comprehension,
  - and the intent of a person who is signing a document, taking an oath, or acknowledging a signature,
- It automatically follows that one of the notary's greatest responsibilities is to be able to truthfully testify that the notary did in fact witness the act he/she claimed to have notarized.



Notaries are required to cover a bond of \$25,000 – this is not to protect the notary but to protect victims of any notary negligence/malfeasance.

# JURISDICTION



- Jurisdiction to perform official duties in Montana, North Dakota, and Wyoming only for tangible/face-to-face notarial acts.
- Regardless of your location, you must follow laws and rules of Montana
- Notaries must be located within the borders of MT to conduct remote notarizations.
- You can notarize documents from other states, you cross out the incorrect venue and enter the correct information.



# BECOMING A NOTARY PUBLIC



BECOMING  
A NOTARY  
PUBLIC

## OVERVIEW

- Qualifications
- Term of Office
- Obtaining a commission
- Updating your information
- Notary seal/stamp



## QUALIFICATIONS

### One Must:

- Be a citizen or permanent legal resident of the United States
- Be at least 18 years of age
- Be a resident of, or have a place of employment or practice in, Montana, or be the spouse or legal dependent of an active-duty military personnel stationed in Montana
- Be able to read and write English
- Have passed the Secretary of State's on-line examination and receive 4 hours of approved notary training.



## YOUR COMMISSION

### Term of Office

- Commission is valid for four years.

### Obtaining a Commission

- Successful pass the required exam (online)
- Obtain a notary surety bond, (\$25,000)
- Complete Application
- \$25 fee paid to SOS Office
- Complete approved notary training

### Updating Your Information

- Keep current: your name, physical address, mailing address, personal telephone number, employment information, and where eNotarization services are offered (if applicable).



## NOTARY SEAL/STAMP

### Traditional Ink Seal/Stamp

- It is the notary responsibility to obtain a stamp, this is not provided by the state.
- Blue or black ink only, same for notary signature.

### Dimensions

- The handbook goes over in details the requirement for the notary seal/stamp

### Ordering Stamp

- Stamp can be ordered once you have received your commission from the SOS



## NOTARY JOURNAL

Required to maintain at least one journal.

Must include:

- Date/time
- Type of notarial act
- Description of document
- Identification used/signature/printed name/address
- Any fee charged



# NOTARIZING DOCUMENTS

## NOTARY PROCESS OVERVIEW

- Require personal appearance
- Review the document
- Identify the signer(s)
- Determine the competency and willingness
- Create the journal record
- Complete the notary certificate

## REQUIRE PERSONAL APPEARANCE

“RULE # 1 – When taking an acknowledgement, witnessing a signature or performing a verification on oath or affirmation (jurat), the signer must personally appear to the notary at the time the notarization takes place.”

Montana law defines personal appearance as either physical presence, or in some specific situations, by means of real-time, two-way video and audio communication (remote notarization).

In order to lawfully complete a notarial certificate, you are always attesting that the notarial act occurred “before you” and that you witnessed some particular action.



## REVIEW THE DOCUMENT

- To verify what kind of document it is.
- To determine the type of notarial act required.
- To determine who is supposed to sign the document.

## IDENTIFY THE SIGNER

- Personal Knowledge
- Satisfactory Evidence
  - Documentary Proof-current or expired less than 3 years.
  - Credible Witness...what does this mean?

## DETERMINE THE SIGNER'S COMPETENCY AND WILLINGNESS

- A notary's duty is not limited to determining the identity of the signer.
- Determining that the signer is competent and willing to sign the document is also required.
- The standard that a notary is held to for these determinations is one of "reasonable care."
- If the signer appears to be lucid and understand what is happening while the notarization is being performed, the standard of reasonable care for competency has likely been met.

CREATE THE JOURNAL RECORD

Date/Time Notarized

Description of the Document

Type of Notarization

Type of ID

Printed Name, Signature, Address of the Signer

Date: \_\_\_\_\_ Document Type: \_\_\_\_\_ Name of Person(s) Requesting Services: \_\_\_\_\_

Notarization Act Performed: \_\_\_\_\_ Identification provided by: \_\_\_\_\_ Fee Charged (if any): \$ \_\_\_\_\_

Address: \_\_\_\_\_

Signature of Person: \_\_\_\_\_

Additional Notations: \_\_\_\_\_

# CREATE THE JOURNAL RECORD

Fee

Other information

Montana Law does not require thumbprints!

OFFICIAL JOURNAL RECORD OF NOTARIAL ACT	
DATE OF NOTARIZATION	TIME AM/PM
DATE OF DOCUMENT	
TYPE OF DOCUMENT	
NO. OF DOCUMENTS	FEE \$

SIGNER TO COMPLETE THIS SECTION
SIGNATURE
PRINTED NAME
ADDRESS
CITY/ST/ZIP

TYPE OF NOTARIAL ACT	
<input type="checkbox"/> ACKNOWLEDGMENT	ACT PERFORMED ELECTRONICALLY (Platform)
<input type="checkbox"/> JURAT	
<input type="checkbox"/> SIGNATURE	ACT PERFORMED REMOTELY (Platform)
<input type="checkbox"/> CERTIFICATION COPY	
<input type="checkbox"/> OTHER _____	A/V File Location

TYPE OF IDENTIFICATION	
<input type="checkbox"/> Personal Knowledge	<input type="checkbox"/> ID Document _____ (Type & Issuing Entity) Issue/Exp Date
<input type="checkbox"/> Credible Witness Name _____ (Signature)	
<input type="checkbox"/> OTHER (PKA, Credential Analysis, etc.)	

INCLUDE OTHER INFORMATION ON BACK

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## ADDITIONAL JOURNAL ITEMS

- Paper or electronic version must be kept for up to **10 years** or sent to SOS Office-Notary Division. See Handbook.
- You may have more than one journal
- You may have either electronic or paper journal.
- It is the notary's responsibility to surrender journals to the SOS Office until end of commission, if less than 10 years.

## FINAL THOUGHTS



- **Read** the notary handbook
- **Flag/mark** the types of notarial acts in handbook
- **Bring** notary handbook, stamp, and journal with you when notarizing.

THANK YOU FOR YOUR TIME TODAY!

