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# The National NOTARY<sup>®</sup>

September 2007



THE MAGAZINE FOR PROFESSIONAL NOTARIES

**Celebrating Notary  
'Leadership,  
Professionalism  
And Trust' P.20**

**eRecording Boosts  
Widespread Use Of  
eDocuments P.38**

**Real Estate  
Appraisers Under  
The Gun P.40**

**NOTARIES  
UNDER SIEGE**



## COVER STORY

### 30 • Notaries Under Siege

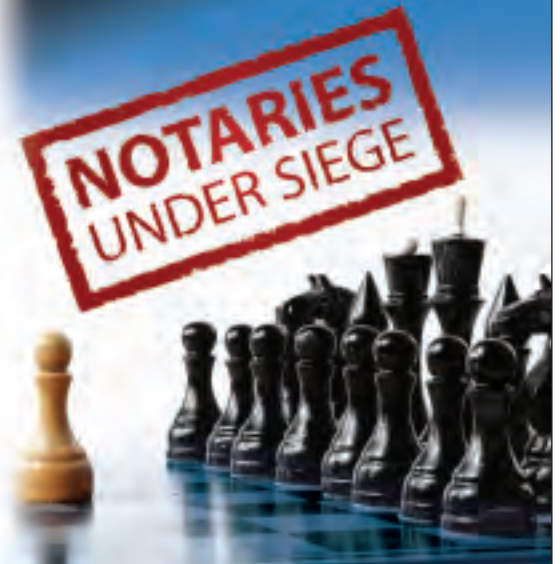
In the latest attack on the Notary Office, attorneys in several states have mounted efforts to put Signing Agents out of business. The latest melees demonstrate that, despite the critical consumer protections Notaries provide, there are those among business, industry, government and the general public who still do not understand their value.

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Notaries must be especially careful to avoid crossing the line — accidentally or intentionally — into unauthorized practice of law.

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The best way for Notaries to protect themselves is to maintain a chronological, detailed journal — even if not required by law.



## FEATURES



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Celebrating 50 years of dedication to Notary professionalism, nearly 2,000 Notaries joined the NNA in Los Angeles to gain valuable insight about the Notary's growing stature in the business world and political landscape.

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More than 120 delegates and international Notary officials — representing 25 countries — convened in Los Angeles to discuss authentication and other legal matters in cross-border electronic transactions during the 3rd International Forum on Digital Evidence.



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#### THE NATIONAL NOTARY

THE NATIONAL NOTARY is the official publication of the National Notary Association. We enjoy a nationwide circulation, with subscribers in several foreign countries as well, and welcome the readership of all those interested in the important work of Notaries.

#### PUBLICATION POLICY

The objectives of THE NATIONAL NOTARY are to: (1) publish only quality articles on Notaries, notarization and related subjects; (2) inform our readers of important developments in the field of notarization; and (3) focus on Notary issues and related subjects that are helpful, educational and informative to Notaries and others interested in the field.

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## From The Managing Editor



## Who Can Consumers Really Trust?

The latest melee in the decades-long battle pitting Notaries against misguided private interests got me wondering what other unfortunate events

need to occur before the public appreciates the trust and security the Notary office provides.

We are square in the middle of the worst identity theft and mortgage fraud epidemic in our nation's history. Trust in America's corporate leaders remains low. And national security awareness is at an all-time high in the post-9/11 epoch. Still, professional Notaries and the security they bring to all transactions are dismissed.

Most recently, real estate attorneys in North Carolina mounted a failed legislative campaign to lock Notaries out of handling notarizations and other routine administrative

tasks associated with mortgage and real estate closings (page 32). While I believe their efforts were focused on seizing earnings from Notaries, the attorneys' actions fueled the continuing erroneous arguments that Notaries lack the qualifications or legal knowledge to handle certain transactions; create a bottleneck in the transaction process; and are unnecessary because technology platforms can establish identity, willingness and awareness.

And yet, one crystal-clear reality has not taken root: The Notary is the only person you can trust in any transaction.

Notaries by mandate are society's trusted third party witness and follow state-regulated fee caps. They are the beacons of impartiality and integrity in a sea of self-interest. They are charged with protecting the rights and property of their fellow citizens. And they bring the highest possible level of security to both paper and electronic transactions.

And to bolster their professionalism, every year tens of thousands, if not millions, of professional Notaries seek out information, education and best practices training from the NNA — at venues like its annual Conference (page 20) — and other qualified Notary organizations, all in the interest of protecting consumers.

As is often said, no good deed goes unpunished. I still wonder what national tragedy or criminal epidemic will have to occur before the detractors truly understand the value of the Notary office.

"Notaries  
are society's  
trusted third  
party witness..."



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**OUR MISSION**

The National Notary Association is committed to the education and service of Notaries throughout the United States. As the foremost authority on the American Notary office, we are dedicated to imparting knowledge, understanding and unity among all Notaries, and instilling in them only the highest ethical standards of conduct and sound notarial practice.

**OUR READERS' RIGHT**

**The Legacy Of 50 Years Of Service**

In this 50th Anniversary of the National Notary Association, its impact around the world is now factual, not just editorial.

The NNA has a legacy of leadership, scholarship, integrity, professionalism and first-class service. I can think of no other association that has better served its members, our states and nation, and the general public. The NNA has always performed with high distinction, bringing credit to the office of the Notary.

There is no question that the NNA has served the public trust well because the NNA is, after all, a national trust and treasure, always adding luster to the office of the Notary Public.

I wish to express my deep appreciation to the NNA for its contributions to the Notary office over these last 50 years. Every citizen has been a beneficiary. And I personally wish to thank the NNA for selecting me as one of the most influential to the Notary office over the last 50 years. I am honored and very humbled.

Your extraordinary efforts of the last half century have not gone unappreciated, and I wish for all of you another half century of dedication, service and leadership in grand style.

**Allen J. Beermann**, Secretary of State Emeritus,  
Lincoln, Nebraska

**Kudos On Conference 2007**

I felt this Conference was very well organized. There was a lot to do, a great staff and your speakers know their stuff.

If possible, I would love to see Round Table discussions set up for each state's Notaries to meet local NNA Ambassadors and discuss issues relating to just their state.

**Margaret Gallivan**, Sunland, California

Your staff this year at the Conference was great. Judge Marilyn Milian as a speaker was also a great idea. I really enjoyed it. Kudos to the NNA, it will be hard to top this one next year.

All in all, Conference was a great experience. By attending last year and putting the things I learned into practice, I have doubled my profits in the last year. I'm looking forward to being able to accomplish this again next year.

**Kathy A. Fletcher**, Glendale, Arizona

**Letters To The National Notary**

We welcome letters, comments and questions from our readers. We reserve the right to edit for space and/or clarity.

You may reach us at [publications@nationalnotary.org](mailto:publications@nationalnotary.org). You may also fax us at (818) 700-1942 or send mail to: National Notary Association, Editorial Department, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402.



## 50th Anniversary Messages To The Association



"Congratulations to the NNA on 50 years of a continued mission of educating and serving Notaries throughout the United States. I would like to thank all of the leaders of the Association for their professionalism and innovative spirit. I look forward to working with the NNA for many years to come."

—**Cynthia Cotten**, Notary Administrator,  
Louisiana Secretary of State's Office



"What a thrill it is to be associated with a forward-thinking professional association where new ideas are shared and encouraged from all members! The NNA has a very respected name in the industry and has lived up to its creed. Happy 50th anniversary!"

—**Daniel Baldwin**, New Port Richey, Florida



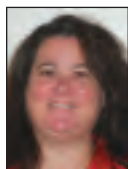
"By keeping members well-informed and educated, the NNA inspires and motivates us when performing our notarial duties. We don't just go through the motions, but rather study the reasons for everything we do. Perhaps one day, Notaries in the United States will achieve parity with our fellow Notaries around the world, and the NNA is working hard toward this goal. Happy 50th!"

—**Fernando and Thaida Giraldo**,  
Miami, Florida



"Being a member of the National Notary Association is like being part of a family. They have been there for us for the past 50 years."

—**Michelle N. Edwards**, Tarzana,  
California



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- Any Notary serving the legal profession



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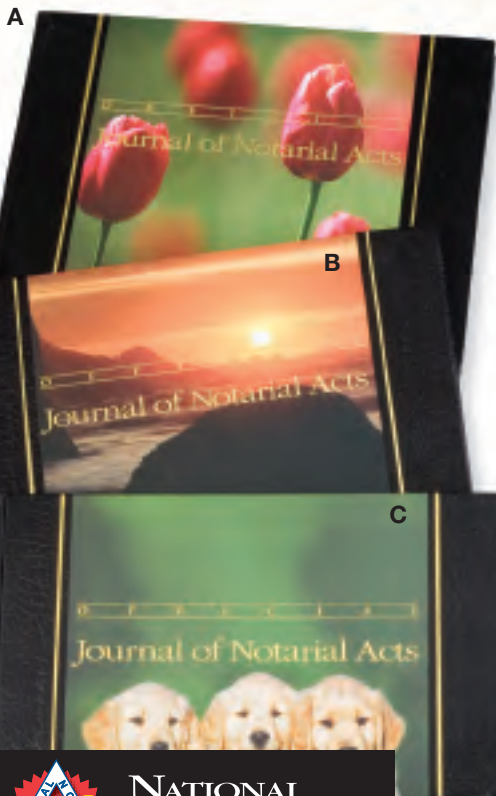


Inferior staple construction

All NNA Notary Journals meet or exceed recordkeeping requirements for every state.

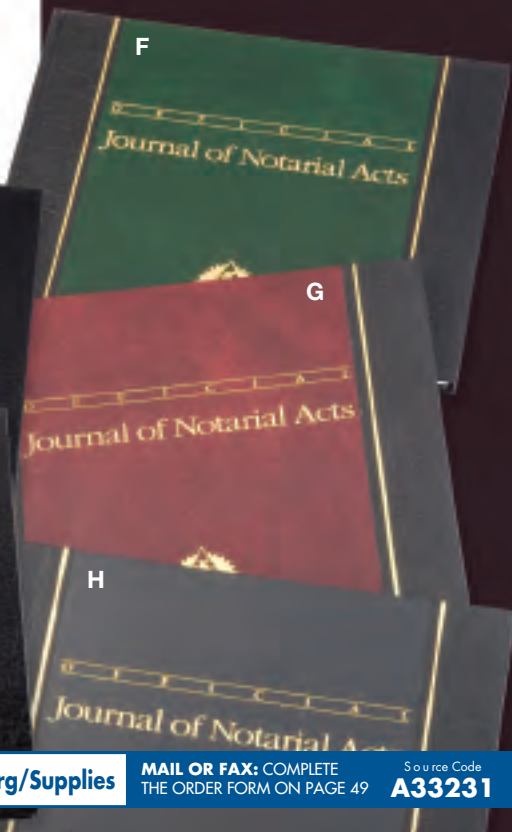
Keeping a record of your notarizations is a very responsible and protective move. No matter which state you serve in, you never know when you'll have to produce proof of who signed what or when.

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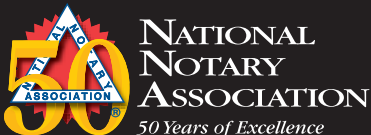
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# Note To Policymakers: Let Notaries Do Their Job

**N**ews on the home mortgage front has been growing bleaker with every passing month. First it was the sub-prime market and slowing home sales. Now, it is the rising interest rates and foreclosures.

Because Notaries are in the center of this maelstrom, it is understandable that these news reports have a particular interest for us. They speak directly to our role in the community and to how little it is understood. They also remind us how considerably we could change the real estate and mortgage industries but for the shortsightedness of legislators and certain stakeholders trying to protect a turf that is being torn up beneath them in fraud, theft and deception.

As soon as foreclosure numbers rise, so does the popularity of the foreclosure “specialist” and the scams used to strip equity from a homeowner who is falling behind on payments and believes that by “refinancing” the home, its title can be protected. In fact, the homeowner may actually be transferring the deed to a third party who borrows against the house and pockets the cash. In the end, the true title holder either loses the home or suffers untold hardships to recover its equity.

The outrage expressed by consumer groups and legal aid organizations is shared by scrupulous lenders and others who are concerned for the victims of these seductive schemes. But it is oddly discordant with the current climate of the times when we hear that Notary Signing Agents and even regular Notaries are prohibited in some states from acting when their very participation and presence could protect the consumer against such risks of fraud.

In a study published by the Federal Trade Commission and recently reported in

*The New York Times*, nine out of 10 borrowers could not identify upfront fees on mortgage loans, and half could not specify the amount they were borrowing.

According to the same story, fraudulent foreclosure rescue deals vary in execution but capitalize on two things: borrower desperation and mind-boggling, complex mortgage loan documents.

If these same states who rail against the concept of a Notary “officiating” in a real estate closing would permit educated, professional Notaries to assume the one role they are most effective at — impartial witness — many of the cruel scams could be averted because there was a Notary present to carefully screen each signer for identity, willingness and basic awareness of the significance of the document being signed. People forget that some of the states banning Notaries from closings (e.g., Georgia) lead the nation in mortgage fraud.

Permitting a Notary to perform a basic ministerial function at closings would not only save the homebuyer the inflated fees they are required to pay closing agents for (and with no additional advantage), but it would provide the public with protections that none but a Notary can offer — impartiality and integrity.

---

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## Notaries: The Latest Hotel Amenity



Add notarial services to the list of amenities offered by the hotel industry. The Nassau Inn (inset) in Princeton, New Jersey, has two Notaries on staff to serve their clientele.

Anywhere you go in the United States, competition is fierce among hotels. It's no longer enough to offer a comfortable bed, phone, cable television and decent room service.

Hotels large and small are offering an increasing array of amenities. An airport shuttle, high-speed Internet access or a fitness center are old hat. The latest twist on hotel services is having a Notary Public on staff.

The Nassau Inn in Princeton, New Jersey, which hosts many corporate functions, actually has two Notaries on staff and even serves clients from other hotels, said Lori Rabon, General Manager of the Nassau Inn.

Having Notaries in-house lets the hotel take care of an important need for guests without sending them elsewhere, and "fulfills our commitment to offering a full array of business services to our clientele," Rabon said.

"It is certainly an amenity that we will continue to offer," Rabon said.

## Mandatory Education Quickly Expanding

As part of a growing, nationwide trend in professionalizing the office of Notary Public, Notaries in two states may have to trade their copies of Alice Cooper's "School's Out" for the Beach Boys "Be True To Your School."

Nevada recently approved a new law requiring Notary applicants to take a four-hour education course. Notaries who have allowed their commissions to lapse for more than a year, or who were fined for Notary

misconduct also would have to take the course before renewing. The Nevada law goes into effect on October 1, weeks after students across the state return to class.

Notaries in Iowa also may be visiting the produce stand for shiny, red delicious apples. The state legislature is considering making Notary applicants pass a three-hour, mandatory education course. Several states currently require Notary education, with quite a few more considering it.



## By The Numbers

**\$3 trillion**

Amount of current outstanding commercial/multifamily mortgage debt as reported by the Mortgage Bankers Association.

Number of legal permanent immigrant residents **447,016**

admitted into the United States in Fiscal Year 2006, according to the Department of Homeland Security.

**1,171,000** Number of illegal immigrants

caught crossing the U.S.-Mexican border in Fiscal Year 2005.

Estimated number of new small businesses started in 2005, **671,800**

according to the Small Business Administration.

**6.5m** Number of small businesses owned by women.

Number of paralegals and legal assistants **224,000**

employed in the United States, according to the Bureau of Labor Statistics.

**4,831,269** Number of Notaries currently commissioned in the United States.



## Getting Schooled: No Admittance Without A Notarized Affidavit

All across the country children are heading back to school. They're buying new clothes and stocking up on pencils and paper. And in suburban Atlanta, Georgia, kids will need to carry something new into their backpacks: a notarized affidavit from their parents swearing that they live in the school district.

The Fulton County School System — like others across the country — require the parents or guardians of all its students to submit a notarized affidavit of residence.

“Our reputation as one of the best school systems in Georgia has

resulted in families who live outside of Fulton (County) finding creative ways to enroll their children in Fulton schools,” reads a message on school Web sites.

The message also says people are taking advantage of the district's programs without paying for them.

School districts in places like Burrillville, Rhode Island, and Williamson County, Tennessee, are starting to require

notarized affidavits of residency. Williamson County officials specifically refuse to accept a valid driver's license as acceptable proof of residency.



## Notaries Assist Passengers With Passport Expediting

At least one Notary organization has discovered how to benefit from the long delays travelers are enduring by helping them get their passports expedited.

ANS 24/7 Mobile Notary Service of San Bruno, California, regularly visits nearby San Francisco International Airport to help passengers without passports who are barred from boarding flights. An ANS employee provides them with a passport

application, takes their picture and gives them the address to the nearest passport office, where the traveler can request expedited credentials. ANS also may provide any Notary services they may need for their travel requirements.

In January, the federal government began requiring passports for air travel to and from Mexico, Canada, the Caribbean and Bermuda, causing a massive backlog in applications.

With the State Department issuing passports in record numbers, travelers should apply for them at least three months in advance. But services like those provided by ANS 24/7 help expedite the process in a pinch.



## Passion, Betrayal, Revenge And More Homeownership Has Never Been So Melodramatic

It had all the hallmarks of a typical *telenovela* — sizzling romance, melodramatic plots twists and villains threatening home and family.

But the 13-episode series that hit the cable circuit in select cities this summer was an educational tool designed to help Hispanics living in America handle such homeowner issues as foreclosure threats, credit problems and predatory lending.

Funded by Freddie Mac and produced by the Community Reinvestment Association of North Carolina, “*Nuestro Barrio*” (Our Neighborhood), is part of the ongoing effort to help Latinos — who are more likely to be victimized by predatory lenders as well as scam artists posing as “*Notarios Publicos*” — keep their homes.

The show combined the quintessential style of the *telenovela* with storylines addressing discrimination, language barriers, immigrant exploitation and other assimilation burdens often faced by Latino families striving for the American dream.

“*Nuestro Barrio*” placed its characters in situations involving homeownership conflicts and unscrupulous lenders. The goal was to help viewers understand how to handle common consumer problems.



## Liar, Liar: The Real Cost Of Bad Bosses

Pop quiz: Are people more likely to quit their jobs over bad pay or a bad boss?

If you said a bad boss, you'd be right, according to a recent Florida State University study.

Employees leave their jobs because of bad bosses more often than they leave for other opportunities, said study co-author Wayne Hochwarter, an associate professor of management at FSU.

Among the managerial faux pas: lying, taking credit for others' work and bad-mouthing employees.

Notaries often are pressured by their bosses to break the law or engage in unethical conduct.

The results of these transgressions: Employees are less likely to work longer and take on additional tasks, and are generally less satisfied with their job, the study found.

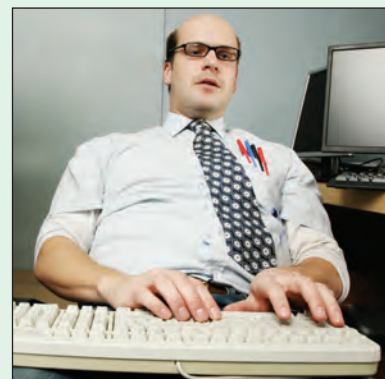


### Bad Bosses' Sorry Box Score

*Bosses commit many sins in the eyes of their employees.*

- 39% said their boss failed to keep promises.
- 37% said their supervisor failed to give proper credit.
- 31% said their supervisor gave them the "silent treatment" in the past year.
- 27% said their supervisor made negative comments about them to others.
- 24% said their supervisor invaded their privacy.
- 23% said their supervisor blamed others to cover up mistakes or to minimize embarrassment.

*Source: Florida State University Study*



## State Looks For Hackers To Test California's eVoting System

Wanted: hackers to infiltrate California's computerized voting machines.

California Secretary of State Debra Bowen this summer contracted with the University of California to conduct a "top-to-bottom" review of the all the electronic voting systems used in the state. And one of the key elements of the review had teams of hackers from universities and private companies trying to crack the system.

Bowen made it clear she was determined to find out if computerized, ATM-like voting machines were safe and reliable. If any prove vulnerable, she said, they won't be used for the 2008 elections.

The review was sparked in part by a 2004 state investigation that discovered problems with voting machines provided by Diebold Election Systems Inc. Among other things, the investigation found that uncertified software had been installed on many machines.

## Green Card Reprieve May Let More Temporary Workers Stay

After threatening legal action and inundating the director of the U.S. Citizenship and Immigration Service with flowers in protest, thousands of immigrants seeking to stay in the country permanently got a reprieve when the federal government extended the deadline to apply for a green card until August 17.

The decision affects highly educated and skilled workers who came to the U.S. on H-1B visas that allowed them to work for companies like Microsoft and Google on a temporary basis.

The decision signals an increased need for Notaries who handle immigration documents. Some immigration-related documents, such as affidavits of support, need to be notarized.

The controversy began in early July when the government stopped accepting applications for permanent resident cards — commonly called green cards — a month after encouraging temporary workers to apply.



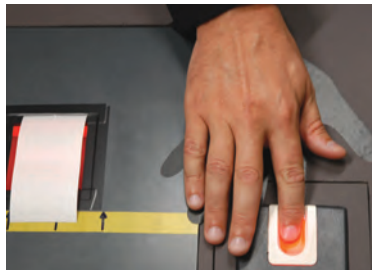
## Putting A Finger On Identity Security

A number of businesses and government agencies are touting biometric fingerprinting as the preferred way to verify identities, and have already begun using them as a consumer and data security tool.

More than 10 percent of laptop computers sold in the U.S. now come equipped with fingerprint sensors for access, and technology is rapidly being developed to replace keys for entry to houses, cars and businesses. In Japan, the technology

is so widely trusted that more than 20 million people use them to activate cell phones or access online bank accounts, ATMs and point-of-sale purchases.

Notaries have been ahead of the game for several years, using the Enjoa eNotarization platform to capture biometric fingerprints from document signers. Also, fingerprints in paper Notary journals have been extremely valuable to law enforcement when investigating cases of forgery and fraud.



## Lost? In Trouble? Your Shoes Could Save The Day

After making the transition from the U.S. military to consumer use, Global Positioning System devices seem to be everywhere. They're in cars and on cell phones. And now they're in shoes.

Miami-based inventor Isaac Daniel has developed the "Compass Sneaker," a line of athletic shoes with GPS tracking units in the soles.

They're not cheap — about \$325 plus a monthly GPS service fee. But Daniel understood the critical need for them after his 8-year-old son disappeared while waiting for a school bus. It turns out that he had run to the bathroom, but his father remembered the panic and fear.

For people like real estate agents and Notary Signing Agents — who often have to meet complete strangers in remote locations as part of their business — the sneaker could be useful. It comes with a panic button that sends an alarm signal in case the wearer is in danger. The signal pinpoints the location of the wearer and that information is relayed to the police.

Of course, shoes aren't the only apparel items to get GPS accessories. A company called Covert Asset Tracking Systems Ltd. is developing a line of GPS-laced clothing for hikers and mountain climbers. That way, if they get lost or injured, their rescuers will know exactly where to look.



## 'The Complete Handbook of Loan Documents and Transactions'

*The Notary Signing Agent's Illustrated Guide to Common and Uncommon Forms and How to Notarize Them*

This first-of-its-kind book provides:

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## '12 Steps to a Flawless Notarization'

This 48-page, softcover book explains clearly the 12 essential steps you need for a flawless notarization. These include:

- How to determine what is acceptable identification
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## Retiring Ahead Of Schedule

Thinking about retiring early? You're not alone. Millions of baby boomers are into their 50s and beginning to wonder if it's worth waiting until 65 to retire.

But with the decline in pensions and the Social Security system under scrutiny, retiring at all, let alone early, will take some planning and a lot of money.

Early retirement is much easier if you have a traditional pension that gives you a monthly income. Regardless, you still need a hefty savings account of your own.

A 50-year-old retiree with no pension and no job, for example, needs savings equal to 8.5 times their current salary to live comfortably in retirement, according to report by Commonwealth Financial Network.

With a pension, you only need 5.4 times your salary in the bank.

Of course, those financial needs will change if you plan to sail the world in your own yacht or take a tour of the world's golf courses.

A lot of boomers nearing early retirement are looking to cut costs and boost their savings. That might mean sending the kids to a state college rather than an expensive Ivy League university.

The biggest hurdle for retiring early is health insurance. Fewer and fewer companies include it in their retirement benefits, and private coverage can be very expensive for people in their 50s.



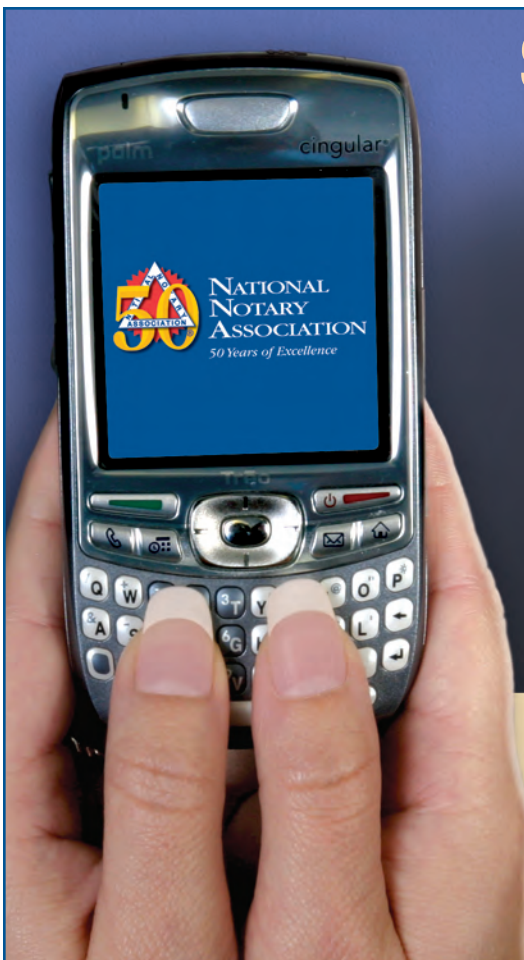
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# As Technology Moves Forward, So Does A Pennsylvania Notary

Audrey Preston-Bacon considers volunteering to perform eNotarizations “a fantastic idea.”

Rapidly advancing technology in the workplace is nothing new to Audrey Preston-Bacon. So when her supervisor at the City of Philadelphia Law Department was looking for someone to perform an electronic notarization of a deed, Preston-Bacon didn't flinch.

“I actually volunteered to be a part of it. I thought it was a fantastic idea,” said Preston-Bacon, the department's workflow manager for the past 10 years and also its legal assistant supervisor.

In May, Philadelphia became the first jurisdiction in the nation to transact a fully electronic “Level 3” eRecording of a deed — a common customer document — between government offices. In other words, all processing of the document itself and the transaction — including signing, notarizing and submitting for recording — occurred electronically. Preston-Bacon notarized the document for the law department using the National Notary Association's Electronic Notary Seal (ENS™).

It is merely the latest in a long line of technological changes that Preston-Bacon has headed up in her nearly 24 years with the Philadelphia Law Department. When she started working there in 1983 as a legal secretary, her office used typewriters and carbon paper to document their information. But it wasn't long before the department switched to computers, and Preston-Bacon was selected from her office as the first one to be trained on the new system.

“That first moment really helped me to grow professionally,” Preston-Bacon said. “They picked me to learn

the computers so I could train others in my office. And that role has stuck throughout my career. Every time there's a new update with our computer system, I'm selected to learn it and teach it to others.”

Today, Preston-Bacon is truly considered the Law Department's technology guru. Besides training her peers on the office's new systems, she runs the department's Web site and is a proud and dedicated electronic Notary.

Preston-Bacon became a Notary for the Law Department 12 years ago, in part because many of the contracts going through her office included affidavits that needed notarization.

Like the computer systems in her office, Preston-Bacon evolved with the times when it came to getting her Notary commission.

All Notaries should become electronic Notaries to be more productive in serving their customers and employers, and to add more value to their own commission, she said.

“Businesses are moving more toward electronic processes, so when you have a Notary who is able to handle those electronic processes as well, he or she is more sought after for notarial services,” Preston-Bacon said.

And when the next technological innovation comes to the Philadelphia Law Department, it's a safe bet that Preston-Bacon will be called upon to learn it, teach it and implement it.

— *Nevin Barich*

## **Audrey Preston-Bacon** *Notary and Workflow Manager for the City of Philadelphia Law Department*

- **Education:** Overbrook High School.
- **Motto:** “Do the best you can. Never do anything less.”
- **Most influential person:** Former City of Philadelphia Solicitor Stephanie Franklin-Suber, for her intelligence, strength and guidance.
- **Personal:** Married, with three children and one grandson; lives in Philadelphia, Pennsylvania.
- **Hobbies:** Movies, gardening, reading, spending time with family.





## Submit Your Nominations For Notary Of The Year

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The Notary of the Year and Special Honorees embody distinguished performance as a Notary Public, public-spiritedness, service to the disadvantaged, achievements in implementing needed statutory changes and other noteworthy accomplishments. If you or someone you

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In addition to receiving a handsome, engraved trophy, the Notary of the Year is profiled in the March edition of *THE NATIONAL NOTARY* magazine and is honored at the NNA's annual Conference.

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other prizes and benefits.

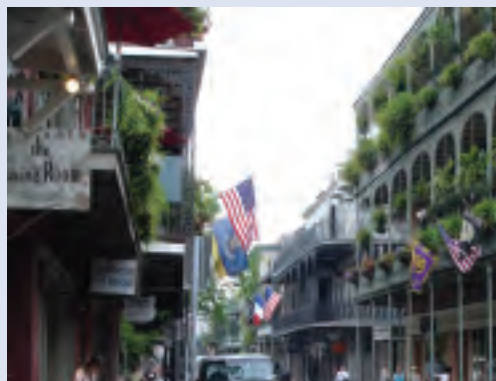
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Mark your calendars and make plans today for the NNA's 30th annual Conference, May 27–30, 2008, at the Hilton New Orleans Riverside. This "Notary event of the year" is sure to be filled with exciting workshops, captivating speakers and some of the best excursions we've ever offered.



[www.NationalNotary.org/Conf08](http://www.NationalNotary.org/Conf08)

## Enjoa 3.1 Will Provide Secure Backup Service For Journal Entries

As if Enjoa® 3.0 weren't exciting enough, the Association will be offering Notaries the ability to back up their files on secure NNA Internet servers using Enjoa 3.1 — expected to be available by fall.

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Use of the back up system servers will require an upgrade to version 3.1 of the Enjoa software. Current users can download the most recent updates free of charge online at [NationalNotary.org/Enjoa](http://NationalNotary.org/Enjoa).



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If you feel you are an expert on topics such as the Signing Agent field, eNotarization, immigration, mortgage fraud, paralegals, small business development and technology, we invite you to submit a presentation proposal for beginning, intermediate or advanced Notaries. Presentation proposals must be received by September 30.



Elaine Wright speaks to Notaries at Conference 2007.



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Members can enjoy: stamps and embossers, which can be

purchased at a discount of approximately 25 percent off the non-member price; ultimate Notary tote bags, at nearly 30 percent off; books such as *"The Complete Handbook of Loan Documents and Transactions,"* at about 40 percent off; Enjod<sup>®</sup> units at discounts of \$200 off; and much more.

The NNA also offers the New (or Renewing) Notary Package, which contains all the fundamental essentials needed to perform as a Notary — typically, a seal, journal, Errors and Omissions Insurance and in some cases, acknowledgment certificates, a thumbprinter, a fee schedule, Notary Law Primer and Notary Public desk sign — all at remarkable savings.

Take advantage of these discounted supplies today.



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## More Counties Join Pennsylvania's eNotarization Initiative

Three more Pennsylvania counties — Blair, Perry and Snyder — have registered as eNotary "Identity Verification Stations," the first step toward full participation in the state's eNotarization Initiative.

The Pennsylvania Initiative, the first of its kind in the nation, now has 16 participating counties, a four-fold increase since it launched in February 2006.

These counties now have the authority to positively identify Notaries who have received an Electronic Notary approval letter from the Department of State and ordered the NNA's Electronic Notary Seal (ENS™). Once the identities are

confirmed, the process calls for these counties to authorize the National Notary Association to issue an ENS to the new eNotary.



With the growing prevalence of electronic document processes, each county needs to set up a Verification Station to help its constituents, said Wendy Welfley, Perry County Recorder of Deeds.

"This will make the process more convenient," Welfley said. "If everything can be done electronically, it's great for everyone involved."



Additionally, becoming a Verification Station will inspire more Notaries in the area to become eNotaries, said Mary Ann Bennis, Blair County Recorder of Deeds.

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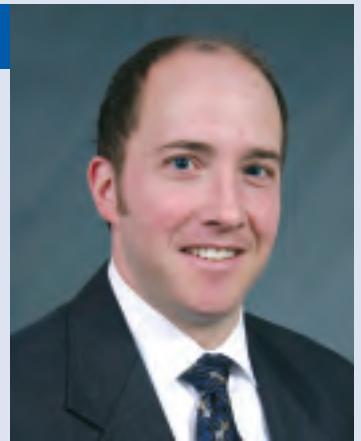
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# Congress Tackling Cross-Border Notarization Issues

By Timothy S. Reiniger, Esq.  
treiniger@nationalnotary.org

For years, significant consumer and legal troubles have arisen across the nation because some courts, agencies, businesses and attorneys refused to recognize a notarization performed in another

state. This problem was underscored when U.S. Congressman Robert Aderholt, of Alabama, had one of his own documents rejected in a cross-border transaction.

So it is welcome news that — after more than a year of discussion and debate — the “Interstate Recognition of Notarizations Act of 2007” (HR 1979) has unanimously passed the U.S. House of Representatives and is now being considered by the U.S. Senate.

In addition to Rep. Aderholt, the bill is being sponsored by Rep. Davis (Alabama), Rep. Braley (Iowa), and Rep. Castle (Delaware) and has support from trial lawyers, court reporters, and the National Notary Association. The bill will strengthen the U.S. Notary Office significantly by requiring any federal or state court to recognize out-of-state notarizations, and implements a minimum tamper-evident forgery protection requirement that will enable courts to test the authenticity of electronically notarized documents and records.

After Rep. Aderholt’s office consulted with the NNA, we quickly threw our support behind this simple, yet vitally important legislation. In fact, I along with a select group of notarial and legal experts had the extreme honor of testifying on the matter before the House Committee on the Judiciary.

The legislation addresses several important issues. First, it will remove any inconsistencies in the courts across the nation by eliminating the rejections of notarized interstate transactions, which both maintains and strengthens the importance

of notarial acts. These rejections generally have been due to inconsistent and varied state seal provisions concerning the required information to be contained in the seal, the form of the seal, and manner of affixing the seal or commissioning information.

Second, the tamper-evidence electronic document security provision borrows from recently approved eNotarization standards developed by the National eNotarization Commission, and approved by the National Association of Secretaries of State.

Third, it has no effect on Notary-regulating officials. There are no changes to any aspect of how Secretaries of State and other Notary regulators manage their Notary offices, including education and regulation.

In the end, this is a matter of central importance with respect to evidence and admissibility of records in court. It creates a uniform recognition of notarized documents as long as the official notarial act is performed properly in the state in which it originates. It preserves the rights of states to set standards and regulate Notaries, while reducing the burden on the average citizen who has to use the court system. And it will expedite interstate commerce and legal transactions by allowing more free flow of commerce between the states, and will ensure that all citizens relying on notarized documents will enjoy the benefits of the “Full Faith in Credit Clause” of the U.S. Constitution.

This is extraordinary legislation for consumers, commerce, courts and Notaries that is long overdue. We strongly support it.



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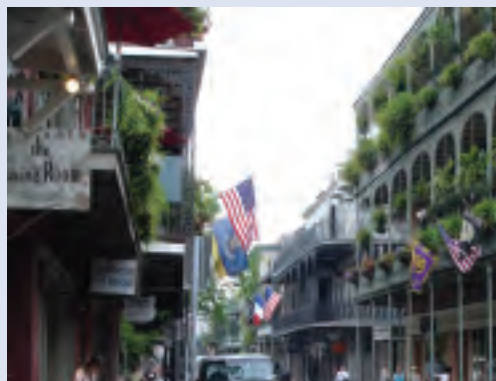
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The Pennsylvania Initiative, the first of its kind in the nation, now has 16 participating counties, a four-fold increase since it launched in February 2006.

These counties now have the authority to positively identify Notaries who have received an Electronic Notary approval letter from the Department of State and ordered the NNA's Electronic Notary Seal (ENS™). Once the identities are

confirmed, the process calls for these counties to authorize the National Notary Association to issue an ENS to the new eNotary.



With the growing prevalence of electronic document processes, each county needs to set up a Verification Station to help its constituents, said Wendy Welfley, Perry County Recorder of Deeds.

"This will make the process more convenient," Welfley said. "If everything can be done electronically, it's great for everyone involved."



Additionally, becoming a Verification Station will inspire more Notaries in the area to become eNotaries, said Mary Ann Bennis, Blair County Recorder of Deeds.

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# Congress Tackling Cross-Border Notarization Issues

By Timothy S. Reiniger, Esq.  
treiniger@nationalnotary.org

For years, significant consumer and legal troubles have arisen across the nation because some courts, agencies, businesses and attorneys refused to recognize a notarization performed in another

state. This problem was underscored when U.S. Congressman Robert Aderholt, of Alabama, had one of his own documents rejected in a cross-border transaction.

So it is welcome news that — after more than a year of discussion and debate — the “Interstate Recognition of Notarizations Act of 2007” (HR 1979) has unanimously passed the U.S. House of Representatives and is now being considered by the U.S. Senate.

In addition to Rep. Aderholt, the bill is being sponsored by Rep. Davis (Alabama), Rep. Braley (Iowa), and Rep. Castle (Delaware) and has support from trial lawyers, court reporters, and the National Notary Association. The bill will strengthen the U.S. Notary Office significantly by requiring any federal or state court to recognize out-of-state notarizations, and implements a minimum tamper-evident forgery protection requirement that will enable courts to test the authenticity of electronically notarized documents and records.

After Rep. Aderholt’s office consulted with the NNA, we quickly threw our support behind this simple, yet vitally important legislation. In fact, I along with a select group of notarial and legal experts had the extreme honor of testifying on the matter before the House Committee on the Judiciary.

The legislation addresses several important issues. First, it will remove any inconsistencies in the courts across the nation by eliminating the rejections of notarized interstate transactions, which both maintains and strengthens the importance

of notarial acts. These rejections generally have been due to inconsistent and varied state seal provisions concerning the required information to be contained in the seal, the form of the seal, and manner of affixing the seal or commissioning information.

Second, the tamper-evidence electronic document security provision borrows from recently approved eNotarization standards developed by the National eNotarization Commission, and approved by the National Association of Secretaries of State.

Third, it has no effect on Notary-regulating officials. There are no changes to any aspect of how Secretaries of State and other Notary regulators manage their Notary offices, including education and regulation.

In the end, this is a matter of central importance with respect to evidence and admissibility of records in court. It creates a uniform recognition of notarized documents as long as the official notarial act is performed properly in the state in which it originates. It preserves the rights of states to set standards and regulate Notaries, while reducing the burden on the average citizen who has to use the court system. And it will expedite interstate commerce and legal transactions by allowing more free flow of commerce between the states, and will ensure that all citizens relying on notarized documents will enjoy the benefits of the “Full Faith in Credit Clause” of the U.S. Constitution.

This is extraordinary legislation for consumers, commerce, courts and Notaries that is long overdue. We strongly support it.

# A Global Celebration of 'Leadership, Professionalism And Trust'

By Nevin Barich  
nbarich@nationalnotary.org

## *Conference 2007 Focuses On Notaries' Increasing Importance In The World*

**A**ll year, the National Notary Association has celebrated the proud fact that it has spent 50 years dedicated to the professional service of Notaries. Never was that spirit more apparent than at the NNA's Conference 2007 in Los Angeles, as nearly 2,000 delegates gathered to attend an event filled with valuable information and education about the Notary's growing stature in today's business world and political landscape.

Delegates from 43 U.S. states and 25 countries came to the famous Westin Bonaventure Hotel for the 29th annual Conference, themed "50 Years of Leadership, Professionalism and Trust."

Conference 2007 focused on the Notary's continuing and evolving role of being verifiers of identity and protectors of personal and property rights, as well as the growing role of handling sensitive document transactions in an increasingly electronic society.

During his annual "State of the Notary Office" address at the Conference's General Session, NNA President Milt Valera praised Notaries for adapting their office to accommodate electronic commerce and stressed the importance of continuing their crucial service even in the wake of faster and rising demands.

"During this era of doing everything faster, cheaper and easier, it is your duty to maintain the age-old practices of personal appearance, meticulous identity screening, careful assessment of a signer's willingness and awareness, and proper recordkeeping — even though some critics in the name of high technology or cost cutting would like

to eliminate your role in doing all of this," Valera said at the Session.

Conference 2007 featured more workshops than ever before, including several that focused on new business opportunities for Notaries, such as business inspection and asset verification. One of the big hits of the Conference was the state-of-the-art eNotarization Lab, where Notaries learned firsthand how digital technology will change the way they notarize documents. Delegates also received demonstrations of the NNA's new Enjoa® 3.0.

Special Immigration and Small Business section meetings drew large crowds eager to learn more about the latest developments in those fields.

And Conference 2007 again featured a record number of NNA Notary Ambassadors from across the country, who convened to discuss their efforts to support local Notaries. Of course, attendees saw some of Los Angeles' best attractions during excursions to the Getty Center, the Ronald Reagan Library, Universal CityWalk and the award-winning musical *Wicked*.

At the Kick-off Breakfast, Pennsylvania Secretary of the Commonwealth Pedro Cortés was honored with the March Fong Eu Achievement Award. Cortés guided the launch of the Pennsylvania eNotarization Initiative, the nation's first such statewide program. This initiative, which began early last year, has spurred recorders and Notaries alike across Pennsylvania to embrace the speed and security of eNotarization. It also has become a model for numerous other states.





Notary of the Year Joan Sampson and NNA President Milt Valera.



The Honorable Governor Jim Douglas of Vermont.



Notary of the Year Special Honorees Henry DiGiacomo, Deanna Berman, Shawn Ann Wesley, Edward Holland and NNA Executive Vice President Deborah M. Thaw.



The honorable Judge Marilyn Milian of 'The People's Court.'



Pennsylvania Secretary of the Commonwealth Pedro Cortés, Montana Secretary of State Brad Johnson and NNA Executive Director Timothy S. Reiniger.



First Secretary of the Hague Conference, Christophe Bernasconi.



The Kick-off Breakfast at the Westin Bonaventure in downtown Los Angeles.



Los Angeles County Sheriff Lee Baca.



Pennsylvania Secretary of the Commonwealth Pedro Cortés.





Patrick Honny, Dept. Of Info Services, San Bernardino County, California.



L.A. City Councilman Greig Smith presenting a declaration of "Notary Public Week" to NNA President Milt Valera.



Tish Bush of First American Title.



Los Angeles County Supervisor Michael D. Antonovich.



Growth and Opportunity Expo.



Ed Chase of Adobe Systems Inc.



NNA Notary Ambassadors.

The highlight of the Conference's Farewell Banquet was the Keynote Speaker, Vermont Governor Jim Douglas, who praised Notaries as the cornerstone of security. Without them, he said, the world would be awash in fraud.

"It would be a place where nothing could be trusted, no one would be believed, nothing would be held binding," Douglas said. "Notaries are the conscience of the marketplace and the courts of law."

Banquet Featured Speaker Judge Marilyn Milian of television's *"The People's Court,"* brought the crowd to hysterics by recalling how she became "The People's Judge," then took a more serious tone about the importance of notarization in today's society.

"I have a deep appreciation for the vital service that you provide," Milian said. "Notaries are the impartial guarantors of the truth. Notaries are indeed the people's witnesses."

Also at the Banquet, the NNA's 2007 Notary of the Year — Joan Sampson of Sheridan, California — was officially presented with the

award, and the four Notary of the Year Special Honorees were given their awards as well: Deanna "Dee" Berman of Prineville, Oregon; Henry DiGiacomo of Cotuit, Massachusetts; Edward Holland, stationed in Yokosuka, Japan; and Shawn Ann Wesley of Lansing, Michigan.

A Notary of 30 years, Sampson is the notarial expert at her job with a real estate development company, as well as a Certified Notary Signing Agent who runs three separate action groups to educate fellow Notaries and promote the professional responsibility that comes with the commission.

"It's not about how much money you make as a Notary," Sampson said. "It's whether or not you can go to bed at the end of the day knowing that you've done the best job you can possibly do as a professional Notary Public."

Conference 2007 ended with the announcement that next year's event will be held in New Orleans. Conference 2008, the Association's 30th, will be held at the New Orleans Hilton Riverside May 27–30. **NNA**



John Axt of Stewart Title.



Susan Brown of Fiserv Lending Solutions.



Charles Epperson of Stewart Title.



Jeff Rowland of Chosen Security.



Delegates attending Workshops.

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Note: Opportunities for Notaries to handle loan signings may be limited in some states due to requirements for licensing in insurance, title, law or other fields or due to other restrictions. Notaries in the following states should be aware of the existence of such limitations when considering an NNA Notary Signing Agent Section membership: Connecticut, Delaware, Georgia, Guam, Indiana, Louisiana, Maryland, Massachusetts, Nebraska, Nevada, North Carolina, South Carolina, South Dakota, Texas, Vermont, Virginia and West Virginia. List subject to change; other states may have restrictions. For more information visit: [www.NationalNotary.org/NSAStateInfo](http://www.NationalNotary.org/NSAStateInfo).



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Annual Dues — \$34.00



### LEGAL PROFESSIONALS SECTION

This Section is a unique law resource that provides members with specialized information pertaining to germane legislation and legal issues. Membership includes the quarterly newsletter and the exclusive NNA Legal Professionals Section Web site where you can: read pertinent legal articles; access a comprehensive state-specific law database; locate registered Notaries; and obtain information on apostilles, electronic notarization legislation, CLE courses and ethics debates.

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South American delegates discuss digital evidence.



Officials from around the globe convene at the 3rd International Forum.

# 3rd International Forum Focuses on Digital Evidence



**T**his year's International Forum proved without a doubt that the international meeting has become a major event in the world of electronic transactions.

Four noteworthy announcements came out of the 3rd International Forum on Digital Evidence, generating considerable excitement among the more than 120 delegates representing 25 countries. The event was held May 31 through June 2 in Los Angeles in conjunction with the NNA's annual Conference honoring the Association's 50th Anniversary.

One of the biggest announcements was that the U.S. Department of State is now ready to send electronic *apostilles* and provide public information to U.S. jurisdictions on the acceptance of foreign *eApostilles*, said William P. Fritzlen, an attorney adviser with the State Department's Office of Policy Review and Interagency Liaison.

An *apostille* is a certificate exchanged between nations that authenticates notarized documents as genuine. The two previous forums — the first jointly organized by the NNA, The Hague Conference on Private International Law and the International Union of Notaries; and the second organized by the NNA — laid the groundwork for an innovative pilot program for sending electronic *apostilles*.

Using NNA technology, the *eApostille* Pilot Program came to fruition in January when the Kansas Secretary of State sent the world's first

electronically authenticated international documents to Colombia.

That single event opened the door for countries all over the world to use electronic *apostilles* to streamline countless international transactions, from billion-dollar business deals to child adoptions.

And more nations are moving into the realm of electronic notarization.

The Council of Notaries of the European Union chose the Forum to unveil its new Pan-European program that will allow people to verify the electronic signatures of European Notaries. So far, Austria, Belgium, France, Spain, Germany, Hungary and Italy are participating in the program.

Delegates from British Columbia, Canada, announced that a new electronic mortgage system is being deployed in that province. G. Wayne Braid, Executive Director of the Society of Notaries Public of B.C., said his organization designed an Internet-based program that works as a data management tool for Notaries as well as an electronic conveyance and eMortgage system.

And all Notaries in the United Kingdom may soon have a nationwide eNotarization system. British Notary Michael Lightowler and Steve Roylance, Business Development Director of GlobalSign, U.K., said they were developing a pilot project to create a working eNotarization system for the nation's 850 professional Notaries.

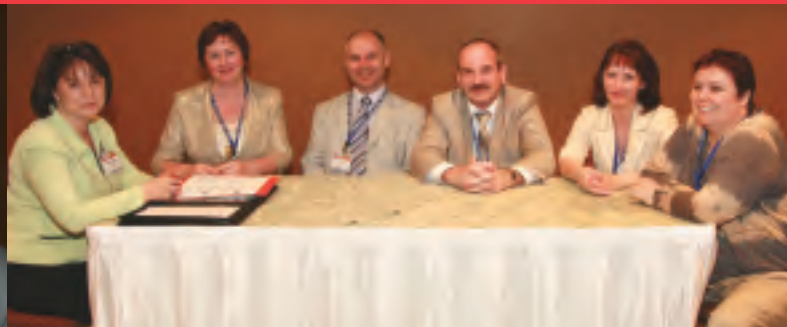




Ugo Bechini of Italy.



Hidetsugu Kato and Yasushi Konno of Japan.



Delegates from the Russian Federation.



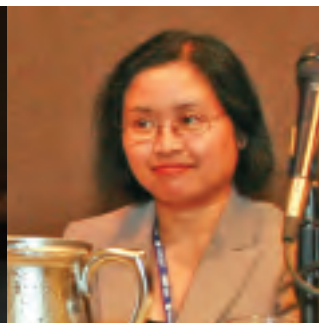
Jeffrey Talpis of Montreal, Canada.



International Delegates at the Forum.



Steve Roylance of GlobalSign U.K. and Lila Kee of GlobalSign U.S.



Grace Powers of Countrywide Financial Corporation.

The pilot should get off the ground this fall. Once a working eNotarization system is in place, British Notaries will ask their government to pass legislation enabling it to be used.

The Estonian delegation created additional buzz when they described how Notaries in their small Baltic nation now work with a fully integrated electronic notarization system that connects them to all government databases — such as land records and birth and death records. The system lets Estonian Notaries instantly update all relevant government databases whenever they oversee a transaction.

The fact that so many organizations chose the Forum to make their announcements reflects its growing prestige and importance on the world stage, said Timothy S. Reiniger, Executive Director of the NNA. “Thought leaders in the area of electronic document authentication are recognizing the Forum as a major international event, and international organizations are viewing the Forum as a place to make their announcements,” he said.

With a working *eApostille* model in place, Forum organizers saw a need to explore the broader legal implications of eNotarization and electronic certificates on electronic evidence — such as computer records of common business transactions — and how to ensure the enforceability and provability of these documents in legal proceedings, Reiniger said.

Panel discussions focused on such topics as the practical uses of

electronic signatures; the legal requirements and methods for authenticating electronic documents; and the ways to maintain document integrity and accuracy.

“The Forum was a great educational event where we got to compare notes with Notaries and officials from around the world,” said Dr. Richard J. Hansberger, Director of eNotarization for the NNA.

The other Forum event that focused on developments closer to home was the State Officials Program. It brought together dozens of officials from across the country to discuss proposed changes to the *Model Notary Act of 2002* (MNA).

“We got a lot of useful feedback, particularly concerning the electronic seal and electronic signature,” said Charles N. Faerber, the NNA’s Vice President of Notary Affairs.

Faerber, who is working with the committee that is revising the MNA, said most of the changes will be to its electronic notarization provisions.

“A lot of states are enthusiastic about the electronic future,” Faerber said, “but many are looking for a coherent system that works and has a proven track record.”

Deputy Los Angeles County District Attorney David Fleck and Detective Chris Christopher of the Los Angeles County Sheriff’s Department addressed issues of real estate fraud at the State Officials Luncheon. [NNA](#)

# Fun and Excitement





# ent in Los Angeles





# U.S. State Officials Examine Notary Issues

By Consuelo Israelson  
cisraelson@nationalnotary.org



Tom Wrosch of the Oregon Secretary of State's Office.

Striving toward the ideal of creating uniform state Notary laws, officials from more than 20 states convened at Conference 2007 during a two-part program to tackle revisions to the *Model Notary Act* of 2002 and discuss Notaries' roles in real estate fraud.

The officials made significant progress during an update on the ongoing revision of the *Model Notary Act* review by redefining the term "Electronic Notary Seal;" evaluating whether eNotaries need both an electronic seal and signature; and discussing how an eJournal and eNotary registration should be signed. The MNA Revision Committee panel comprised of Charles N. Faerber, the NNA's Vice President of Notary Affairs and coordinator of the Committee; Malcolm L. Morris, Professor of Law at Northern Illinois University and one of the nation's

leading legal scholars on notarization; and William A. Anderson, the NNA's Manager of Best Practices.

"We received a lot of useful feedback, particularly concerning the electronic seal and electronic signature," Faerber said. "It is very important to us that the people who deal with Notaries and Notary law on a daily basis have input in the process of revising the *Model Notary Act*. State Notary administrators are in the trenches every day, and have a sense of what works and what doesn't. That is why it was important for us to get their opinions."

Faerber said most of the changes to the *Act* will affect its electronic notarization provisions.

The second part of the program included a luncheon with two guest

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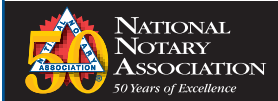
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Fran Fish, Utah Notary Administrator.



Steve McDonald, Lancaster County, Pennsylvania, Recorder of Deeds.



Cynthia Cotten, Louisiana Notary Administrator.



Brad Johnson, Secretary of State, Montana.

speakers: Detective Chris Christopher from the Los Angeles County Sheriff's Department and Deputy District Attorney David Fleck. The lively and informative session focused on real estate fraud and the role of the Notary.

"It's not just education that is important for Notaries to avoid this type of trouble, but also taking their role seriously. The reputation of a Notary Public as someone having integrity and trust has suffered because of all the Notaries who are careless in their duties," Christopher said. "There are Notaries out there who might think they're doing their job properly, but then go out and loan their seals and trust the wrong people. It's just the tip of the iceberg." **NNA**



Malcolm Morris, Associate Dean, Northern Illinois University School of Law.



Joan Decker, City of Philadelphia Records Commissioner.

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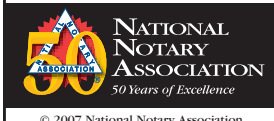
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# NOTARIES UNDER SIEGE

**In The Latest Attack On The Notary Office, Attorneys In Several States Try To Put Signing Agents Out Of Business**

By Michael Lewis  
mlewis@nationalnotary.org

**N**otaries Public are used to getting little respect. Despite the critical consumer protection they provide for all manner of transactions, there are those among business, industry, government and the general public who still do not understand their value.

There have been efforts to diminish Notaries' effectiveness by eliminating crucial elements of notarial acts. The National Conference of Commissioners on Uniform State Laws, for example, once pushed for telephone "call-in" acknowledgments to make things easier and more convenient for signers.

There even have been attempts in some states — such as Oregon and

Illinois — and in the technology industry to eliminate the Notary office outright. The progenitors of these efforts were fueled by the fallacy that notarization is a bottleneck in the transaction process and, more recently, that technology alone could effectively ascertain a signer's identity, willingness and awareness. These claims have, of course, been proven devastatingly wrong.

In fact, the importance of the Notary office in protecting the nation's transactions has actually increased in recent years as the security value of an impartial, third-party witness has skyrocketed to prevent identity crimes, mortgage fraud, immigration issues, corporate graft and even terrorism, among others.



But the modern trust, recognition and respect for the Notary office is clearly not universal yet.

Notary Signing Agents are the latest to come under attack. Signing Agents have been a fixture in the mortgage and real estate industries for more than a decade, and for almost as long, there have been people trying to put them out of business.

The most determined foes of Notary Signing Agents have been real estate attorneys who are loath to compete for business.

In recent years, attorneys have tried a variety of tactics to lock up business and stop anyone but themselves from handling routine administrative tasks associated with mortgage and real estate closings. There have been multiple lawsuits — against settlement services, title companies and even individual Notaries. State courts and bar associations have issued opinions and rulings, and new laws have been proposed.

Notary Signing Agents are often hired by title companies, lenders and signing services to courier documents, notarize signatures and safeguard loan settlement checks in transit, all at the direction of escrow coordinators.

While these tasks are common and legal in 44 states, the battle is continuing in states such as North Carolina and Connecticut. Depending on those outcomes, battles could emerge elsewhere and threaten NSAs in other states.

Attorneys claim that consumers need to be

protected by having trained and qualified attorneys oversee real estate closings. They argue that non-attorneys, such as NSAs, engage in the unauthorized practice of law even when they do something as routine — and ministerial — as presenting documents to be signed.

### **NSAs In The Crosshairs**

In the past year, attorneys in several states have moved aggressively to shut down NSAs.

In the fall of 2006, the Massachusetts Real Estate Bar Association filed a lawsuit accusing 11 Signing Agents of the unauthorized practice of law. The Notaries as a result signed consent decrees agreeing to stop taking part in closings “except as an employee and under the supervision of an attorney.”

Massachusetts lawyers contend state court rulings dating back to the 1930s, along with a 2004 executive order signed by then Governor Mitt Romney, make it illegal for Signing Agents to operate outside an attorney’s supervision.

Around the same time, Connecticut real estate attorney John Q. Gale filed a class action lawsuit

### **N.C. Attorneys Dealt Double Blow**

A bill to ban Notary Signing Agents, written by the North Carolina Bar Association, was pulled from the General Assembly’s legislative agenda last spring after the National Notary Association, Notaries and other organizations organized a grassroots campaign to oppose it.

An administrative law judge ruled earlier this year that Notary Mary Lee of Kinston should have her commission restored. It had been revoked by the Secretary of State’s Office solely because Lee worked as a “mobile Notary,” or Signing Agent.

## Massachusetts Attorneys Sue Notaries

In November 2006, the Real Estate Bar Association of Massachusetts sued 11 Notary Signing Agents, accusing them of engaging in the unauthorized practice of law for carrying out routine real estate closing tasks without being supervised by an attorney. The Notaries signed

consent decrees agreeing to stop taking part in closings "except as an employee and under the supervision of an attorney."

against 10 major title insurance companies, including First American Title Insurance Company and Stewart Title Guaranty Company. He claims, among other things, that closing service vendors hired by the title companies have displaced Connecticut attorneys in real estate transactions. That suit is still pending.

In perhaps the most hotly contested battleground state, North Carolina, NSAs have had their livelihoods threatened on two fronts recently.

Last March, real estate attorneys in the "Tar Heel" state succeeded in getting a measure introduced in the General Assembly that would have banned anyone other than an attorney from acting as a settlement agent or performing settlement services — such as collecting and notarizing signatures, and disbursing loan proceeds. Senate Bill 764, if passed, would have carved out the first state-mandated, attorney-only closing monopoly in the country.

The bill was pulled from the General Assembly's legislative agenda after the National Notary Association helped organize a vocal

grassroots campaign to oppose it, working with Notaries throughout the state as well as officials in related industries.

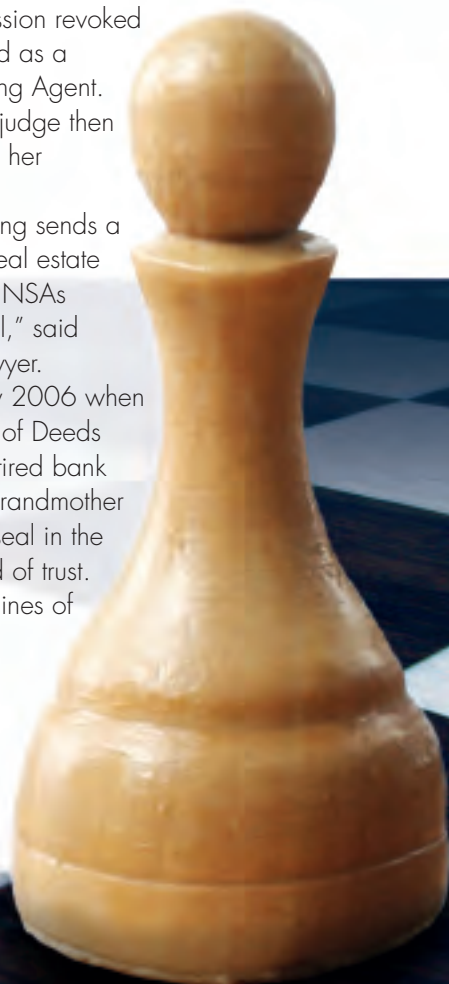
"Getting SB 764 pulled from consideration is an important victory for Notary Signing Agents and others who opposed it," said Timothy S. Reiniger, Executive Director of the NNA and a former trial attorney licensed to practice in New Hampshire and California. "Having Signing Agents handle simple, non-discretionary administrative tasks in a settlement is a common and legal practice throughout the country, and there is no good reason to ban it in North Carolina."

The second, and perhaps greater, threat came when Notary Mary Lee of Kinston, North Carolina, had her commission revoked solely because she worked as a "mobile Notary," or Signing Agent. But an administrative law judge then ruled that Lee should have her commission restored.

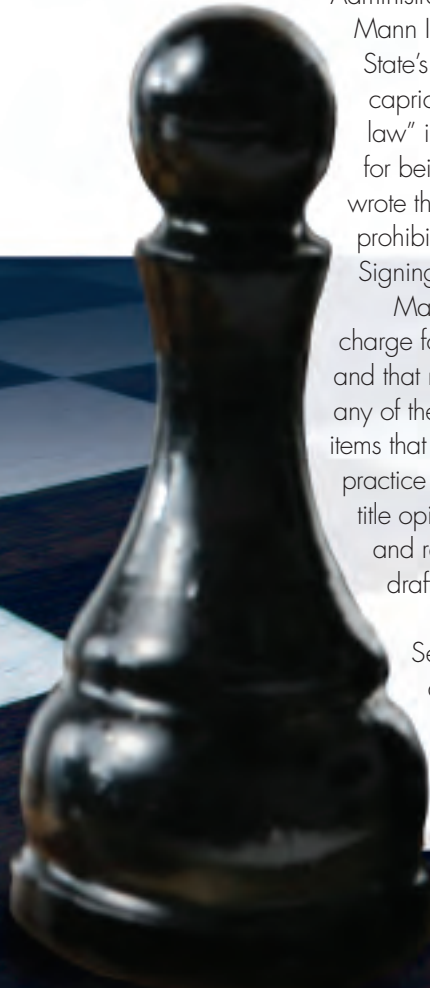
"The administrative ruling sends a crystal clear message to real estate attorneys that the services NSAs perform are perfectly legal," said Reiniger, a former trial lawyer.

The case began in July 2006 when the Nash County Register of Deeds complained that Lee, a retired bank manager and widowed grandmother of three, had placed her seal in the wrong location on a deed of trust. The seal overlapped two lines of notarial wording.

The North Carolina Secretary of State's office revoked Lee's commission, citing only the fact that she had notarized a deed of







trust as a "mobile Notary." That act, according to the Secretary of State's office, constituted official misconduct.

"I've been a Notary for 20 years," Lee said in a recent interview. "This is the first time there's ever been a complaint against me."

Losing her commission has cost Lee \$2,000 to \$3,000 a month in earnings and, she said, she has struggled to make ends meet for the past year.

Lee appealed the decision. At the November 2006 hearing, Gayle Holder, director of the Certification and Filing Division in the Secretary of State's office, equated the term "mobile Notary" with Signing Agent.

The following January, Chief Administrative Law Judge Julian Mann III ruled that the Secretary of State's office "acted arbitrarily, capriciously and contrary to the law" in revoking Lee's commission for being a Signing Agent. He wrote that no state law or rule prohibits Notaries from working as Signing Agents.

Mann noted that Lee did not charge for notarizing documents and that nothing she did violated any of the eight, real estate-related items that constitute the unauthorized practice of law, such as preparing title opinions, explaining rights and responsibilities and drafting documents.

Officials from the Secretary of State's office did not respond to several requests for comment.

The Secretary, who can obey the ruling,

## NSAs: The 'Where' And 'Why' Rules

As a central tenet to Notary professionalism and best practice, Notaries have to be especially careful to not cross the line — accidentally or intentionally — into the unauthorized practice of law.

While most NSAs perform their duties professionally and responsibly, Signing Agents who step over the line could get themselves in serious administrative or legal trouble, and face severe penalties including jail time.

The number one rule to keep in mind: NSAs cannot answer "why" questions, only "where" questions. A Signing Agent's sole area of expertise is where a document needs to be signed and notarized. They are simply relaying instructions from the lender or title company.

NSAs cannot explain the contents of a document or tell a borrower if the interest rate is too high, the terms of the loan are questionable, the closing costs are excessive, or offer any other interpretation of the package.

They also cannot manipulate or prepare the document in any way, even at the lender's request.

One trap an NSA might fall into is if a borrower asks how to sign a document. If John Doe has power of attorney, does he simply sign as John Doe, or as John Doe, attorney in fact for Mary Smith, or what exactly?

The answer must come from the lender, not the NSA.

Charles N. Faerber, the NNA's Vice President of Notary Affairs, said as a best practice Signing Agents should present the signer or signers with a copy of the NNA's "Notary Signing Agent Pledge of Ethical Practice" at the beginning of all assignments. This Pledge, which all Notary Signing Agent Section members can download and print from the NNA's Web site, [www.NationalNotary.org](http://www.NationalNotary.org), says:

*"I am not an attorney and therefore, by law, I cannot explain or interpret the contents of any document for you, instruct you on how to complete a document or direct you in the advisability of signing a particular document. By doing so I would be engaging in the unauthorized practice of law, and could face legal penalties that include the possibility of incarceration. Any important questions about your document should be addressed to the lender, title company or an attorney."*



modify her punishment of Notary Lee or ignore the ruling altogether, is expected to respond soon. If the ruling is rejected, Lee can appeal to the state Superior Court and then the state Supreme Court.

If the case ultimately goes against Lee, it could set a precedent putting the livelihoods of all North Carolina NSAs at risk.

"We are hopeful that Mrs. Lee's commission will be immediately reinstated and that she will be able to resume working as a Signing Agent," said Reiniger.

If Lee prevails, real estate attorneys may well adopt another strategy.

Kim Gallimore, a High Point, North Carolina lawyer and chairman of the North Carolina Bar Association's Real Property Section, hinted that the issue is not dead, saying that he hoped "lenders and others" will accept the need for attorneys to be involved in real estate transactions.

### **The Battle Lines**

It appears likely that North Carolina real estate attorneys will make another run at NSAs' business.

"From everything we've heard, we fully expect that attorneys and their supporters now

will try to create state agency rules to effectively put NSAs out of business," Reiniger said. "The attorneys and their allies in the General Assembly will probably meet with lenders and others in the real estate industry to work out a deal. If they do, the NNA will be back to fight for Notaries."

The fight has been going on for at least a decade, since the Kentucky Bar Association considered the issue in 1997. Between 2000 and 2003, West Virginia, Delaware and Georgia banned non-attorney real estate closings.

In North Carolina, the debate has simmered since 2001 when the Bar Association considered changing the rules regarding non-attorney closings.

The attorneys' efforts run counter to the position taken by the Federal Trade Commission and the U.S. Department of Justice. These federal agencies have issued numerous briefs and memos — including two to the North Carolina Bar Association — arguing that non-attorney Signing Agents benefit homebuyers by giving them a less expensive alternative to attorneys.

Federal officials insist that banning Signing Agents is anti-competitive and will drive up closing costs. They point out that there is no real evidence that Signing Agents harm consumers.

The FTC and DOJ cite several examples of cost savings, including a Virginia study finding that consumers paid \$148 less for non-attorney closings than attorney closings.

"There seems to be a fair amount of evidence that consumers are being harmed" by non-attorney closings, Gallimore said.

But the attorneys have not provided any actual evidence of harm or wrongdoing by Signing Agents.

The North Carolina Bar Association, for

## **Connecticut Lawyers Target Title Companies**

In October 2006, Connecticut Real Estate Attorney John Q. Gale filed a class action lawsuit against 10 title companies, claiming that closing service vendors hired by the title companies have displaced Connecticut attorneys in real estate transactions. The suit is pending.

example, compiled a list of 42 instances where lawyers either helped borrowers or could have helped them if they had been part of the closing process. Almost all of the examples, however, involved consumers getting bad information directly from lenders and not misconduct on the part of NSAs.

The Massachusetts suit against the 11 NSAs did not cite any actual wrongdoing. Instead, it based its claims on language in each Notary's profile on Notary Web sites.

The Georgia Supreme Court in 2003 sided with the attorneys and ruled: "We continue to believe that a licensed Georgia Attorney, trained to recognize the rights at issue during a property conveyance, oversees the entire transaction."

What the attorneys and their supporters do not say is that their efforts would create an inherent conflict of interest in real estate closings. As a 2003 Kentucky Supreme Court ruling noted: "The attorney almost invariably works for the lender."

"A lender's attorney legally does not and cannot represent the interests of the consumer," Reiniger said.

Yet the Kentucky court said, "Many buyers often assume that the lender's lawyer represents their interests." They do not.

The same Kentucky ruling, which upheld non-attorney closings, specifically said that NSAs perform ministerial tasks requiring no special legal training.

### **Money, Money, Money**

Most attorneys insist the debate is not about money, but many don't believe them. Notary Debra Betz, one of the defendants in the Massachusetts suit, said at the time that the real estate attorneys were trying to corner the closing business: "They want to

## **Journals Are A Signing Agent's Best Friend**

Perhaps the best way for Notaries to protect themselves from unjustified accusations of wrongdoing is to maintain a chronological, detailed journal of notarial acts — whether or not state law requires it.

A well-maintained journal helps defend the Notary from unwarranted accusations by showing exactly what was done and when. It safeguards the public interest as well. If a notarized document is ever lost or challenged — a not infrequent occurrence in modern life — the journal record proves that the document existed and that the notarization actually took place.

"The basic reason is that it's a memory jogger," said Charles N. Faerber, the NNA's Vice President of Notary Affairs. Besides the basic information in a journal entry (see list below), "anything you put in the journal helps you recall details of the notarization, which can show your professional competence if your actions are under challenge," Faerber said.

A journal protects the Notary by demonstrating that reasonable care was used. It can confirm, for example, that the Notary took pains to ask for ID cards and describe them in the journal.

However, no matter how meticulous a Notary is in maintaining a journal, it all goes for naught if it isn't safeguarded. A journal should be kept under lock and key, and have bound pages, as opposed to loose-leaf ones that can be removed easily.

The basic components of any journal entry are:

- Date and time of day of the notarial act.
- Type of notarial act.
- Date of the document.
- Title or type of the document or transaction.
- Printed name, address and signature of each signer and witness.
- How each signer was identified.
- Any other pertinent information, such as the signer's representative capacity.
- Notarial fee charged, if any.

In addition, increasingly Notaries are asking signers to leave a thumbprint in the journal to avert future false claims that the signer never appeared.



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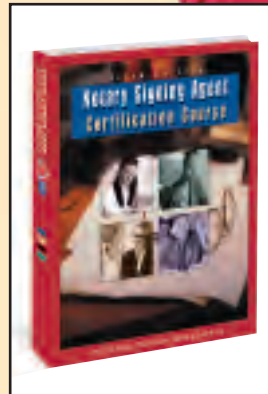
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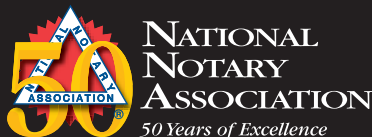
Take the practice exam in the course book to help you prepare for and pass the certification exam.

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Notaries should be aware that limitations exist in CT, DE, GA, GU, IN, MA, MD, NC, NE, NV, SC, SD, TX, VA, VT and WV. List subject to change. Other states may have restrictions. For more information visit [www.NationalNotary.org/NSAStateInfo](http://www.NationalNotary.org/NSAStateInfo).

\*Active NNA and Notary Signing Agent Section memberships required for SigningAgent.com directory listing.



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## States That Require Closings By Attorneys

\*Exception: A Notary employee of a lender may notarize that lender's home loan documents.

Source: NNA Research Center

- Delaware
- Georgia
- Massachusetts \*
- South Carolina
- Vermont
- West Virginia



make it so there's no competition."

And there's a lot of money on the table.

According to the North Carolina Association of Realtors, existing home sales for the state totaled 133,588 in 2006. Based on the \$148 difference mentioned by the FTC, those transactions would cost consumers \$19.8 million. The U.S. Census Bureau estimates that another 68,000 new homes hit the North Carolina market last year, which could push the cost to consumers to \$29.8 million. When mortgage refinancings are figured in (which tend to fluctuate between 40 and 50 percent of all originations, according to the Mortgage Bankers Association), the extra cost easily rises to \$50 million to \$60 million — all of which would have gone into the pockets of real estate attorneys had SB 764 been approved.

Paul "Woody" Efrid III, named "North Carolina Super Lawyer," put it another way. He recently told the *Charlotte Business Journal* that 35 years ago attorneys earned more than \$1,500 on a \$300,000 loan closing. Today the average fee for similar loan closings is \$450.

While attorneys in Massachusetts and North Carolina say the issue isn't about money, the Connecticut lawsuit explicitly accuses the title companies of depriving attorneys "of

business that is statutorily reserved to them."

Gale, the Connecticut real estate attorney, wants the title companies to pay compensatory damages, meaning all the profits earned using closing services, as well as punitive damages.

The consumer protection claim dissolves in the face of Georgia's example. Georgia — an attorney-only closing state — recently had the nation's highest rate of mortgage fraud for three years in a row. In an interview with an NNA editor last fall, Gale McKenzie, Assistant U.S. Attorney for the Northern District of Georgia, said the fact that many real estate attorneys pressured Notaries in their office to ignore proper procedure contributed to the fraud epidemic.

"More lawyers are disciplined for notarial malpractice than any other group of Notaries in the U.S.," said Michael Closen, Professor Emeritus at The John Marshall Law School in Chicago, Illinois.

Speaking at the NNA's 2007 Conference, Closen said more lawyers are disciplined than all other professional groups combined.

"They stamp for absent signers," he said. "They backdate documents. Notaries know that's wrong."

The campaign to put Signing Agents out of business is wrong also, but it does not look like it will be over anytime soon. **NNA**





# eRECORDING AND eNOTARIZATION

By David S. Thun  
dthun@nationalnotary.org

TECHNOLOGY IS OPENING THE DOOR TO A NEW  
WORLD OF PAPERLESS DOCUMENT RECORDING.

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**E**LECTRONIC NOTARIZATION HAS OPENED THE door to the full use of paperless documents in business transactions. But the door also has been opened to a host of new issues. What happens to those documents once they have been signed and notarized? Can the information in the documents be securely stored and protected from fraud and tampering?

These are the questions U.S. recording offices are struggling with right now. The quest to find an effective solution has led to new developments in electronic recording.

The average Notary on the street may ask why eNotarization and eRecording are associated together. The answer is that while eNotarization and eRecording can take many different forms, their fundamental principles complement each other. Not only do electronically notarized documents impact the way information is filed with recording offices, but the legal acceptance of eNotarization has also

spurred the evolution of eRecording to the point where some recorders' offices can receive, process and file a document without anyone ever touching a physical piece of paper.

## **THE DIFFERENT LEVELS OF eRECORDING**

It's important to understand, however, that "eRecording" can take many forms — not all of which require a document to be created or notarized electronically.

With "Level 1" eRecording, the document starts as normal paper and is physically signed and notarized. The paper document is scanned and saved as an electronic file, which is then electronically sent to a recorder's office. Once the file is received, the recorder must manually enter the data from the electronic file into the office's records system.

With "Level 2" eRecording, a signed and notarized paper document is scanned. When the file

is scanned, a “wrapper” using Extensible Markup Language (XML) is attached. XML enables a computer to automatically sort between images on a scanned file to select specific information and automatically enter that information into a recording office’s database. When the document is sent electronically to the office, it can be filed automatically via computer instead of having the recorder enter the information manually.

With “Level 3” eRecording, the entire process is electronic, and eNotarization is part of the process. At this level, the original document is created in an electronic format and signed and notarized electronically. Using XML, the document is then sent to the recorder’s office, and key information is automatically recorded and filed.

eNotarization is an essential element to making completely paperless recording possible by providing recorders with confirmation that an electronic document has been signed willingly and that the signer has been properly identified. eNotarization applications such as the NNA’s Electronic Notary Seal (ENS™) enable recorders to electronically verify the authority of a Notary to perform eNotarizations, validate the act and ensure the document has not been altered post-notarization.

### FROM PAPER TO ELECTRONIC BACK TO PAPER

What happens if a document is notarized electronically, but the recording office can only accept paper documents?

One way to address this is a process known as “papering out.” With papering out, the information in an electronically created and notarized document can be printed out on paper. A bar code is included in the printout. Using a scanner similar to ones used at grocery stores and retail outlets, the document recipient can scan the bar code and verify the contents, signature and notarization on the printout — a process similar to verifying movie tickets or airline boarding passes purchased online, downloaded and printed at home by consumers.

Many recording offices that don’t have full eNotarization capability have access to bar code scanning systems, said Patrick Honny, Department Information Services manager for the San Bernardino County, California, recorder’s office.

The growth of eNotarization and eRecording have progressed hand-in-hand. Laws embracing secure eNotarization have been adopted in more than a dozen states, such as Pennsylvania, Virginia and Minnesota. At the same time, many states are adopting the Uniform Real Property Electronic Recording Act — a model statute for eRecording that recognizes the use of electronic signatures by Notaries, an important legal step to implementing eNotarization.

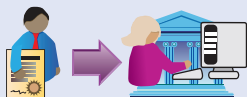
The synergy of eNotarization and eRecording is setting the stage for the widespread use of electronic documents in business and government with confidence and security. [NNA](#)

## eRecording: A Visual Guide

*Here are some examples of how eRecording works and what Notaries do at each level.*

### Level 1 eRecording

1. A paper document is physically signed and notarized.
2. The recorder receives the document, then types the document’s information into a computer system.



### Level 2 eRecording

1. A paper document is physically signed and notarized.
2. The recorder receives the document and scans it, adding an Extensible Markup Language (XML) wrapper to the file electronically. XML is used to transfer designated information from a scanned image to a database.
3. Once the document is scanned and saved, XML data is automatically sent to the recorder’s database for automated filing.



### Level 3 eRecording

1. A document is created, signed and notarized electronically. No paper is involved in the process.
2. The signed and notarized document is sent electronically to the recorder’s office.
3. Once the recording office receives the data, it is automatically entered into the recorder’s database. The digital certificate used to sign and notarize the document can be used to verify the document’s integrity and the validity of the signature and seal.



Source: NNA Research Center





A fraudulent appraisal often leads to a homeowner's bankruptcy and mortgage foreclosure.

# APPRAISAL FRAUD EQUALS BAD BUSINESS

By Michael Mink  
mmink@nationalnotary.org

APPRAISAL FRAUD CARRIES A HIGH COST FOR  
HOMEOWNERS AND THE MORTGAGE INDUSTRY.

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WHEREVER YOU FIND MORTGAGE FRAUD schemes, chances are you'll find a real estate appraiser who was pressured into inflating the value of the property.

In fact, there's hardly an appraiser who hasn't been pressured, and an overwhelming majority have risked losing money for refusing to inflate their findings, said Alan E. Hummel, chairman of the Appraisal Institute's government affairs committee.

"Coercion can be subtle or blatant," Hummel said before the U.S. Senate subcommittee on housing. "I personally have experienced threats. I lost clients and was not paid for services."

The issue of appraisal fraud has become a black mark on the profession and a major issue for all facets of the real estate and mortgage industry.

A 2005 report by the National Community Reinvestment Coalition titled, "Predatory Appraisals: Stealing the American Dream," said questionable loans

and appraisal fraud almost always go hand in hand.

Real estate appraisers, like Notaries Public, share the professional obligation of impartiality. Failure to adhere to that standard harms everyone who depends on their work.

Hummel told the sub-committee that a recent study found that 90 percent of appraisers say they have been pressured to fudge their results — double the number from just three years ago before the current market downturn. The biggest culprits were mortgage brokers and real estate brokers.

The effect on consumers and the real estate market as a whole is devastating. Many borrowers, even qualified ones, find themselves stuck with upside-down mortgages, meaning they owe more on a property than it is worth. This makes selling a losing proposition, refinancing more difficult and raises the risk of foreclosure. Mortgage delinquencies and foreclosures continue to rise across the U.S., and

predatory lending is cited as one of the problems for this.

Still, said David Berenbaum, Executive Vice-President of the NCRC and a founding member of their new Center For Responsible Appraisals and Evaluations, “most lenders are in fact, extremely responsible.” Hummel concurs.

One of the weaknesses seen in the marketplace right now is that lenders allow brokers to select appraisers. Berenbaum said 70 percent of mortgages are originated by brokers and 70 percent of the appraisers are selected by them. While lenders are required to have objective third parties, brokers aren't held to the same standard, he said.

Appraisers are supposed to provide objective, impartial and unbiased opinions about the value of real property, according to the Appraisal Institute. They do this by evaluating several factors such as the condition of the property, its surroundings, and the sale price of comparable units. A “predatory appraisal” is conjured up by falsely stating things like the size of the property and omitting negative factors regarding its condition. Price comparisons might be made by referring to properties that are much more expensive.

Abuses cited by the NCRC include cases where

## Appraisers Feeling The Heat

Appraisers are under constant pressure to falsify their work. According to a recent survey of appraisers, very few have avoided being coerced. In fact:

- 90 percent report being pressured by mortgage brokers, lenders, etc., up from 55 percent in 2003.
- 75 percent report “negative ramifications” if they didn't cooperate on requested value alterations.
- 71 percent were pressured by mortgage brokers.
- 56 percent were pressured by real estate agents/brokers.
- 35 percent were pressured by consumers.

Source: October Research Corporation

## Saying NO Is Easier Than Ever!



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elderly homeowners were duped into predatory refinances. In one case, a retired husband was forced back to work to make ends meet. In another case, a 54-year-old nurse was forced into bankruptcy after refinancing based on an appraisal that was more than 80 percent of her home's actual value.

The FBI and some states are fighting back. The Bureau is investigating significantly more cases of mortgage fraud now than they were just a handful of years ago. Recently, Ohio Attorney General Marc Dann sued 10 mortgage lenders for pressuring appraisers to inflate property values. Dann said predatory appraisals have led to an unprecedented number of foreclosures because the lenders instructed, induced, coerced and intimidated appraisers.

Hummel, a former Notary Public himself, agrees that pressured appraisers must stand up and refuse to commit fraud regardless of the financial incentives. "Appraisers and Notaries share the strong expectation of impartiality

and ethical behavior. Once I sign a document as an appraiser or as a notary, it's implicit that I've done so with the fullest of ethical integrity, because people are relying on my signature."

Consumers can protect themselves from predatory appraisals by examining the report themselves and looking for falsehoods. They can also research recent sales in their marketplace through sites such as realtor.com and by checking city records. If borrowers see anything in the appraisal that doesn't add up, they should ask questions or consult a real estate attorney.

But the best consumer protection, if financially feasible, is for borrowers to hire their own appraisers, affiliated with professional associations, to determine their home's true value.

"Obviously, the appraisal done at a buyer's request would have no bearing on a loan or a sale, but having a full, buyer-requested appraisal is still the most accurate form of evaluation today," Berenbaum said. **NNA**

**Appraisers are supposed to provide objective, impartial and unbiased opinions.**

# NNA Business Cards



## So Many Ways to Stay at Your Customers' Fingertips

Generate repeat business with these elegant and professional cards — now available in four styles for each area of Notary specialization. Whether you are a Notary, a Notary Signing Agent, an NNA Certified Notary Signing Agent, or an NNA Certified and Background Screened Notary Signing Agent, we offer a business card style to suit your needs.

### MAGNETIC BUSINESS CARDS



Shown: Notary Signing Agent – Certified and Background Screened version

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Allow 3-4 weeks for delivery

### TRADITIONAL BUSINESS CARDS



Shown: Notary Signing Agent version

**1000 Cards: \$49.95** Item #7385  
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### ROLODEX® CARDS



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Shown: Notary Public version

**1000 Cards: \$59.95** Item #7387  
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#### Includes these "Notarization Musts" inside:

- The document signer must personally appear...
- The Notary must identify the signer...
- The Notary must be impartial and disinterested...
- The Notary must make a record...
- The Notary must hold and scan the document...
- The Notary must not certify a copy of a birth certificate or other vital record...

#### Available in 4 Designations

Be sure to indicate the designation letter of your choice when ordering. For example: Item # 7382-A.

- A.** Notary Signing Agent – Certified and Background Screened\*
- B.** Notary Signing Agent – Certified\*\*
- C.** Notary Signing Agent\*\*\*
- D.** Notary Public†

\*Available to NNA Certified and Background Screened Notary Signing Agents only

\*\*Available to NNA Certified Notary Signing Agents only

\*\*\*Available to NNA Notary Signing Agent Section Members only

†Available to NNA Members only



TO ORDER  
CALL TOLL-FREE:

**1-800-US NOTARY**  
(1-800-876-6827)

ONLINE:

**NationalNotary.org/Supplies**

Source Code  
**A33231**

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## Some Things Never Go Out Of Date

WITH ALL OF THE PRESSURE FROM CLIENTS, BOSSES AND OTHER INTERESTED PARTIES TO BACKDATE OR PREDATE DOCUMENTS, NOTARIES HAVE THEIR ETHICS AND PROFESSIONALISM TESTED EVERY DAY. HERE IS THE BOTTOM LINE WHEN IT COMES TO DATES ON NOTARIZED DOCUMENTS.

### DATE AND TIME OF THE NOTARIZATION

The notarial certificate must indicate the actual date and time of the notarization. This also applies to the Notary's journal entry. Falsifying a notarial certificate's date is a criminal act.

### DATE OF THE DOCUMENT

Sometimes signers wonder if it's necessary for the document to have a date at all. Not always. Some documents are not dated. Most documents, however, bear a date. Usually this date is at the top of the document, or beside the signature space. A date beside a signature normally indicates the date that signature was affixed, also called the date of execution.

However, the date on a document may not necessarily be the date of its execution or signing. A date on a document might indicate that the instrument will be effective on that future day. Sometimes, exactly what the document date means will not be clear.

A document that clearly states it will be effective on an indicated future date may be notarized. But it can be problematic to notarize a document with a future date when that date is clearly intended as the day of the document's signing or execution, because there will be a natural question as to how a document could have been notarized before it was even signed. To eliminate the possibility of document rejection on this basis, the signer has two basic options:

- Wait for the date to arrive and have the notarization performed then.
- Change the stated future date to reflect the actual current date.

### DATE OF ACKNOWLEDGMENT

A signer may sign an acknowledged document prior to the date of notarization, but personal appearance to allow a Notary's determination of identity, willingness and awareness must still, of course, occur on the date indicated on the Notary's certificate. In the case of multiple acknowledgers, the date on each Notary certificate will indicate when each signer appeared.

### DATE OF JURAT

Unlike acknowledged documents, documents executed through a Notary's jurat must be signed in the presence of the Notary. So, the date of the notarization must coincide with all date references in the document.

### Date Facts: The Basics

- **Date of the notarization:** Must always be the actual day of appearance before the Notary for the Notary's performance of a notarial act. It can be a criminal act for the Notary to pre-date or post-date an official certificate or to allow such a dating deception on the document itself.
- **Is a document date mandatory?** No.
- **The signing date on an acknowledged document:** May precede or be the same as the date of the notarization.
- **The signing date on a document executed by a jurat:** Must be identical with the date of the Notary's jurat.

# PREPRINTED CERTIFICATES TO MEET YOUR STATE'S REQUIREMENTS

Convenient to use, each certificate is preprinted with the Notary wording required in your state and includes illustrated instructions for quick signings. Stock up on these Notary certificates and you'll be prepared for any notarization.



Preprinted wording

Illustrated instructions on the back

## TYPICAL CERTIFICATE USES:

**Acknowledgment, All-Purpose:** The only acknowledgment wording for California. Used in place of all other acknowledgment certificates. An option for Hawaii and New York Notaries.

**Acknowledgment, Attorney in Fact:** For a person signing as an attorney in fact on behalf of another individual not appearing before the Notary.

**Acknowledgment, Corporate:** For a person signing on behalf of a corporation as president, vice president, treasurer, secretary or other officer.

**Acknowledgment, Credible Witness:** For a document signer (appearing before the Notary) identified by a third party who is personally known to the Notary.

**Acknowledgment, Disabled Person:** For Notaries signing on behalf of a disabled individual as provided for by state law.

**Acknowledgment, Individual:** For persons signing on their own behalf.

**Acknowledgment, Individual Short-Form:** For persons signing on their own behalf; Washington only.

**Acknowledgment, Officer/Trustee (Representative):** For a person signing as a public official or trustee (or representative).

**Acknowledgment, Partnership:** For a person signing as a partner on behalf of a partnership.

**Acknowledgment, Representative Short-Form:** For a person signing in a representative capacity (corporate officer, partner, trustee or attorney in fact); Washington only.

**Acknowledgment, Signature-by-Mark:** For a person who must sign with a mark. Requires two witnesses in addition to the Notary.

**Copy Certification by Notary (Certification of Photocopy):** For Notaries attesting to the accuracy of a copy.

**Copy Certification by Document Custodian:** For use in states that prohibit Notaries from certifying copies. Document owner (custodian) certifies copy.

**Jurat:** For documents requiring oaths and Notary-witnessed signatures. Contains the jurat wording, "Subscribed and sworn to (or affirmed) before me..."

**Jurat, Disabled Person:** For Notaries executing and signing an oath on behalf of a disabled person. Florida only.

**Jurat, Signature-by-Mark:** For documents requiring oath by a person who must sign with a mark. Florida only.

**Jurat with Affiant Statement:** Provides space for signer to type or print his or her own statement along with jurat wording.

**Proof of Execution by Subscribing Witness:** For a person who has witnessed the signing of a document by an individual who cannot appear before the Notary.



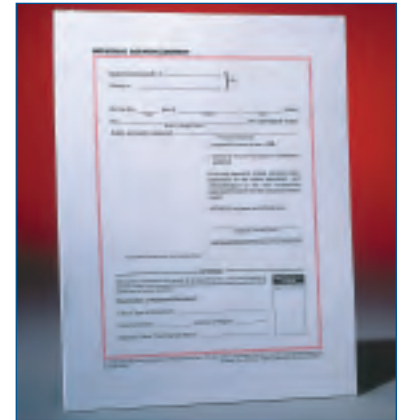
## USE AN NNA NOTARY CERTIFICATE ANYTIME YOU:

- Need room for your seal.
- Need correct wording.
- Have signers appear at different times.
- Have signers with multiple representative capacities.

## EASY TO USE!

- Easy-to-follow, illustrated instructions included on the back of each pad.
- Large space for any type of seal imprint.
- Convenient, tear-off pad.
- Includes space for fraud-deterrent information:
 

Type of document	Additional signers
Document date	Signer's thumbprint
Number of pages	



**All States:** except AR, CA, FL, HI, MA, MO, NY, NY, TX & WA, see state lists; (8 1/2" x 11", unless noted)

- Individual Acknowledgment – #5936
- Corporate Acknowledgment – #5937
- Partnership Acknowledgment – #5938
- Attorney in Fact Acknowledgment – #5939
- Credible Witness Acknowledgment – #5943
- Signature-by-Mark Acknowledgment – #5945
- Proof of Execution by Subscribing Witness – #5944
- Copy Certification by Document Custodian – #5946
- Copy Certification by Notary – #5922
- Jurat with Affiant Statement – #5924

**Arkansas:** (8 1/2" x 11")

- Individual Acknowledgment – #5947
- Proof of Execution by Subscribing Witness – #5948
- Copy Certification by Notary – #5949
- Jurat with Affiant Statement – #5950

**California:** (8 1/2" x 11")

- All-Purpose Acknowledgment – #5907
- Proof of Execution by Subscribing Witness – #5908
- Copy Certification by Document Custodian – #5911
- Copy Certification of Power of Attorney – #5242
- Jurat with Affiant Statement – #5910

**Florida:** (8 1/2" x 7")

- Individual Acknowledgment – #5181
- Corporate Acknowledgment – #5182
- Official/Trustee Acknowledgment – #5185
- Partnership Acknowledgment – #5183
- Attorney in Fact Acknowledgment – #5184
- Signature-by-Mark Acknowledgment – #5931
- Disabled Person's Acknowledgment – #5933
- Certification of Photocopy – #5187
- Jurat – #5186
- Signature-by-Mark Jurat – #5930
- Disabled Person's Jurat – #5932

**Hawaii:** (8 1/2" x 7", unless noted)

- All-Purpose Acknowledgment – #5921
- Individual Acknowledgment – #5936
- Credible Witness Acknowledgment – #5943
- Signature-by-Mark Acknowledgment – #5945
- Copy Certification by Document Custodian – #5946
- Jurat with Affiant Statement (8 1/2" x 11") – #5924

**Massachusetts:** (8 1/2" x 11")

- All-Purpose Acknowledgment – #5951
- Signature Witnessing – #5953
- Jurat – #5952
- Copy Certification by Notary – #5922

**Missouri:** (8 1/2" x 11")

- Acknowledgment by Individual – #5936
- Acknowledgment by Corporation – #5937
- Acknowledgment by Partner – #5938
- Acknowledgment by Attorney in Fact – #5939
- Acknowledgment by Individual Who Cannot Write Name – #5940
- Acknowledgment Through Affidavit of Executing Witness – #5941
- Certification of Facsimile – #5942
- Jurat with Affiant Statement – #5924

**Nevada:** (8 1/2" x 7", unless noted)

- Individual Acknowledgment – #5915
- Attorney in Fact Acknowledgment – #5927
- Representative Acknowledgment – #5917
- Credible Witness Acknowledgment – #5918
- Proof of Execution by Subscribing Witness – #5919
- Copy Certification by Document Custodian – #5946
- Copy Certification by Notary – #5920
- Jurat with Affiant Statement (8 1/2" x 11") – #5924

**New York:** (8 1/2" x 7", unless noted)

- All-Purpose Acknowledgment – #5925
- Proof of Execution by Subscribing Witness – #5926
- Copy Certification by Document Custodian – #5946
- Jurat with Affiant Statement (8 1/2" x 11") – #5924

**Texas:** (8 1/2" x 7", unless noted)

- Ordinary (Individual) Acknowledgment – #5243
- Credible Witness Acknowledgment – #5943
- Signature-by-Mark Acknowledgment – #5945
- Proof of Execution by Subscribing Witness – #5944
- Copy Certification by Document Custodian – #5946
- Copy Certification by Notary – #5922
- Jurat with Affiant Statement (8 1/2" x 11") – #5924

**Washington:** (8 1/2" x 11")

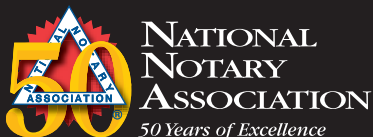
- Individual Short-Form Acknowledgment – #5906
- Representative Short-Form Acknowledgment – #5905
- Disabled Person's Acknowledgment – #5904
- Copy Certification by Document Custodian – #5923
- Copy Certification by Notary – #5922
- Jurat with Affiant Statement – #5924

## PAD OF 100 CERTIFICATES

Per pad, mix or match. Complete illustrated instructions included. **\$9.95**  
Provide item number . . . . . \$14.00 for Non-members

**3 OR 4 PADS — SAVE 10%**  
Per pad, mix or match. **\$8.95**  
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**5 OR MORE PADS — SAVE 15%**  
Per pad, mix or match. **\$8.45**  
Provide item number . . . . . \$11.90 for Non-members



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ONLINE: [NationalNotary.org/Supplies](http://NationalNotary.org/Supplies)

MAIL OR FAX: COMPLETE THE ORDER FORM ON PAGE 49

Source Code **A33231**





# Proceed Cautiously With Handwritten Documents

By Remy Matzen  
rmatzen@nationalnotary.org

While the basic practice of notarization revolves around following simple rules and statutes established by your state, employing best practices in individual notarizations can

sometimes be complex and confusing. I realized this when I became an NNA Hotline counselor and a commissioned Notary almost two years ago, and found I needed to put my degree from California State University, Northridge to work to navigate these issues.

For example, we often get questions from Notaries about how to properly handle handwritten documents that might ultimately have significant legal weight — especially when the document's signer is not sure of what type of notarization is needed. **T.M. of Chicago, Illinois**, recently experienced this dilemma:

**What steps should I take to notarize a handwritten letter concerning a parental dispute over custody of a child?**

As a non-attorney, you are prohibited from practicing law so you cannot give advice to the signer on how to proceed with a notarization. This includes selecting the type of notarization that a document needs, since this decision can have important legal ramifications and you could be held liable. In this case, the signer must tell you what type of notarial wording is needed. If the signer does not know, then he or she should ask whomever requested the notarization.

**What does “eDocs” mean?**  
**M.B., Arlington, Texas**

The term eDocs is short for “electronic documents.” Electronic, as defined in the Uniform Electronic Transactions Act, means

relating to technology having electrical, digital, magnetic, wireless, optical electro-magnetic or similar capabilities.

**What do the letters “SS” next to the venue on a notarial certificate mean?**  
**L.G., Parkton, North Carolina**

The letters “SS” are an abbreviation of the Latin word “*scilicet*,” meaning “namely,” “in particular” or “more particularly described as.” Notaries in Medieval Times used this carry-over from Roman days to designate the place where the Notary was performing an official witnessing act. Today, SS is used to signify the county and state of the notarization.

**I am a Notary Signing Agent. Is it a legal requirement for Notaries to sign, date and complete notarial certificates in front of the signer or is it just a courtesy?**  
**C.H., Rutland, Vermont**

Vermont statutes, along with those of most other states, do not specifically address this issue because, traditionally, if someone went to a Notary, that individual left with the notarized documents in hand.

When most statutes were drafted, lawmakers did not envision a time when Notaries might also act as couriers. Many problems can arise by not actually performing the notarizations in the presence of the signer. So, whether or not the matter is addressed by law, for a Notary to stamp and sign a document outside the presence of the document's signer is unprofessional.

You can reach Remy and all our experienced Notary Hotline counselors at  
**1-888-876-0827**  
5 a.m. to 5 p.m.  
(Pacific Time) Monday through Friday.

*Hotline answers are based on laws in the state where the question originated and may not reflect the laws of other states. If in doubt, always refer to your own state statutes.*  
— The Editors



## The Hidden Dangers Of The Common Copier

Copiers and printers may look innocuous, but when it comes to protecting yourself from identity theft, they have unseen potential for wreaking havoc.

Just as computers have hard drives that store information, most of the recent new digital copiers and “intelligent” printers on the market have the same capabilities for data storage. In the wrong hands, they can reproduce documents such as tax returns that are filled with the kind of information that makes ID thieves drool.

Although some copiers have safety features to prevent unauthorized reproduction, Ed McLaughlin, president of Sharp Document Solutions Company of America, says that new machines in public places and business offices are still likely and potential targets. Government agencies and financial institutions for the most part have policies in place to prevent unauthorized copying.

Sharp offers a security kit that encrypts and overwrites all the images passing through the copying software or multifunctional device. Xerox Corporation said last year it planned to follow suit. Without the security feature, the data is stored unencrypted and isn't erased until the drive fills up and new data is written over the old.

“Across the country during tax season, many consumers and business owners photocopy highly confidential tax forms containing Social Security numbers, employer identification numbers and other sensitive information in places outside the home, leaving them vulnerable to digital theft,” McLaughlin said in a March statement.

Avivah Litan, an analyst at Gartner Inc., offered the following advice to *Computer-world* magazine: “We've told enterprises that they should change the password from the default on copiers and [multifunctional

### Copiers Remember Your Documents



According to a recent survey:

- 54 percent didn't know that digital photocopiers store an image of what was copied on the copier's hard drive.
- 55 percent planned to make photocopies and/or print out copies of their tax returns.
- 66 percent said they're less likely to use a digital copier when informed of memory storage risk.

Source: Roper Center for Public Opinion Research

printers]. They should disable all services that they don't need and make sure that the data modem is separate from the fax modem.”

If you are making copies outside of your home, Sharp recommends that you ask the establishment if their copiers have data security installed. Also, bring this to the attention of your accountant and/or tax preparer if they make copies of your sensitive documents. Professional copy centers are more likely to have the security installed for their own liability reasons. However, stand-alone copiers in such public places as grocery stores may be less secure.

While there haven't been any reported — with the emphasis on “reported” — ID thefts linked to copiers or intelligent printers, industry experts have stressed that the threat isn't theoretical; it's very real.

— Michael Mink





*"We make a living by what we get, but we make a life by what we give." — Winston Churchill*



## October: National Breast Cancer Awareness Month

There are few diseases that can both incite fear and inspire courage at the same time in the way breast cancer does. The fear is easily understood. Every woman is at risk from

breast cancer — even the NNA's 2007 Notary of the Year, Joan Sampson, is a breast cancer survivor — and the disease has taken a harsh toll among women. It is the leading cause of cancer death among women in the world, according to the World Health Organization. The American Cancer Society estimates that more than 178,000 new cases are expected to be diagnosed in U.S. women during 2007 — and of those, more than 40,000 are expected to be fatal.

These are grim numbers, but the human spirit can overcome statistics. This can be seen in the inspiring courage of breast cancer patients and those who have joined to help fight this disease.

Across the country, individuals from all walks of life have united to fight breast cancer through public awareness campaigns, support for cancer patients and donations to ongoing medical research. This includes many Notaries, who in their duties protect others from fraud and extend this spirit of charity to philanthropic causes. This spirit of giving is epitomized in October, which is National Breast Cancer Awareness Month — a perfect time to step up and make a contribution to fighting this disease.

Over the years, Notaries have donated tens of thousands of dollars to fight breast cancer through the National Notary Foundation's Linda Bazar Memorial Breast Cancer Fund. The Fund was created in honor of the NNA's Chief Financial Officer who died in 2002 following a four-year battle with cancer. It supports research at City of Hope in Duarte, California — one of the nation's leading centers in the search to cure and prevent breast cancer. 100 percent of all

donations go directly to support City of Hope, with administrative costs absorbed by the NNA. While breast cancer cannot yet be prevented or cured, the efforts of Notaries and caring people everywhere continue to bring us closer to victory over this deadly disease. For more information on the Linda Bazar Memorial Breast Cancer Fund, visit [NationalNotary.org/LindaBazar](http://NationalNotary.org/LindaBazar).

### 'A Lot More Can Be Done To Help Women'

Bonnie Neisius, a Las Vegas, Nevada, Notary, has experienced firsthand how charitable giving has helped fight breast cancer.

In 1992, when Neisius was first diagnosed, doctors knew far less about treatment than they do today. But thanks to the research efforts of the American Cancer Society, City of Hope and other groups supported by public giving, mortality rates from breast cancer have decreased approximately 3 percent per year for women since 1990.

Neisius said that continuing support for research and education is crucial, which is why she contributes to the Foundation.

"I support all of these causes," Neisius said. "When I was diagnosed, there wasn't enough research. I feel very strongly that a lot more can be done to help women. Educating people and the general public helps people get diagnosed. If people are diagnosed early, they can get help."





*In Honor of  
Women Everywhere*

**Linda Bazar Memorial  
Breast Cancer Fund  
at the City of Hope National Medical Center**

No one has been untouched by the trauma of breast cancer. You, your family, your friends, all know the human cost of this devastating disease. In the face of such devastation, it is all too easy to despair of ever finding a cure.

But there is **light**. There is **hope**.

The National Notary Foundation was established in 1997 with the goal of promoting programs of a philanthropic nature. From funding scholarships for deserving students to easing the burden for victims of natural disasters, the Foundation is pledged to help those in need.

In the spirit of that tradition, we were proud to honor our dear, beloved friend, the NNA's late Chief Financial Officer, in creating the Linda Bazar Memorial Breast Cancer Fund at the world-renowned City of Hope National Medical Center, in Duarte, California.

Every day, the remarkable teams of specialists at the City of Hope move closer and closer to finding a cure for breast cancer. We, at the National Notary Foundation, are honored to join them in their search for a cure...and we hope that you will join us in finding a cure that will benefit each and every one of us.



***Make breast cancer history.*** Make a donation today to the National Notary Foundation and allow us to continue to fund the search for a cure.

Simply mail in the donation form below, or go to [www.NationalNotary.org/LindaBazar](http://www.NationalNotary.org/LindaBazar) to access our online donation form.

We thank you for your generous support.

***Give Hope. Give Life. Give Today.***

The National Notary Foundation is a nonprofit corporation established exclusively for charitable and educational purposes under Internal Revenue Service Code 501(c)(3). The Foundation supports scholarship, education, research, personal achievement, and humanitarian and philanthropic projects. One hundred percent of all contributions go toward fulfilling the purposes of the Foundation; all operating costs are donated by the National Notary Association.

**National Notary Foundation  
Linda Bazar Memorial Breast Cancer Fund  
at the City of Hope National Medical Center**

Yes, I want to support the National Notary Foundation's Linda Bazar Memorial Breast Cancer Fund. Enclosed is my tax-deductible donation.

Please make checks payable to National Notary Foundation Linda Bazar Memorial Fund.

Name \_\_\_\_\_ Address \_\_\_\_\_  
City \_\_\_\_\_ State/Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Donation Amount \$ \_\_\_\_\_

Return completed form with your donation to:

Donation Code:  
A33231

National Notary Foundation  
Attn: Deborah M. Thaw, Executive Director  
9350 De Soto Avenue, P.O. Box 4567  
Chatsworth, CA 91313-4567

