



Acknowledgements and Jurats

A special webinar presentation by the
NATIONAL NOTARY ASSOCIATION



Questions we will address today

What are the purposes and requirements of the most common acts: acknowledgements and jurats?

What does the basic certificate wording look like for each act?

What are the Notary's responsibilities in attaching loose certificates?



General Requirements

When performing any notarial act, you must always require personal appearance.



Always verify the signer's identity when notarizing a signature. Check your state's laws regarding the acceptable identification processes.



Scan the document for completeness. The signer should fill in any blank spaces.



Always complete a journal entry to have record of the transaction.



Complete, sign, and seal the appropriate certificate wording to state the facts you certified.



Acknowledgments vs. Jurats

Overview of Purpose

An **acknowledgment** ensures that the signature on the document can be trusted by the receiving agency. Many important documents, such as recordable documents, loan agreements, and powers of attorney require acknowledgments.



Acknowledgments vs. Jurats

Overview of Purpose

A **jurat (verification upon oath)** requires the signer to be compelled to truthfulness regarding the content of the document. The signer is required to take an oath/affirmation before the Notary in order for the receiving agency to trust the signer's statements within the document. Jurats are often performed on affidavits and depositions.



Acknowledgment

Signer personally appears

Signer is positively identified

Signer acknowledges signature before the Notary

Note: Notary is not required to witness signer sign

Jurat

Signer personally appears

Signer is positively identified

Signer signs in the presence of the Notary

Signer swears to content of document



Acknowledgments

Most widely performed

Used on deeds, powers of attorney

Main purpose to positively identify signer and verify signer freely signed document

Notary is not required to witness signer execute the document

Signer must always personally appear before the Notary to acknowledge his signature

In some states, there are prescribed acknowledgment certificates to use for signer's in various capacities



Acknowledgment by an Individual

State of _____

County of _____

This instrument was acknowledged before me on _____ (date) by

_____ (name/s of person/s.)

(Signature of Notary Public)

(Seal)



Acknowledgment for Representative Capacity

State of _____

County of _____

This instrument was acknowledged before me on _____ (date) by

_____ (name/s of person/s) as

_____ (type of authority, e.g., officer,
trustee, etc.) of _____ (name of party
on behalf of whom instrument was executed).

(Signature of Notary Public)

(Seal)



State of California)
County of _____)

On _____ before me, _____
(here insert name and title of the officer), personally appeared
_____, who proved to me on the basis of satisfactory
evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on
the instrument the person(s), or the entity upon behalf of which the person(s)
acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature _____ (Seal)



Jurats

Also called 'Verification Upon Oath'

Notary must identify signer

Document must be signed in Notary's presence and oath or affirmation is administered

Often performed on affidavits and depositions

Jurat affidavit may be divided in two parts



Jurats

State of _____

County of _____

Signed and sworn (or affirmed) to before me on _____ (date) by
_____ (name/s of person/s making statement).

(Signature of Notary Public)

(Seal)



State of California

County of _____

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

Seal _____

Signature _____





Attaching a Loose Certificate

Notary must never choose the notarial act

If signer is not sure, the *signer* should check with requesting agency

Always secure loose certificate to document
(Embosser recommended)

In some states, there are additional requirements regarding loose certificates

AZ-additional info required; CA-out of state wording stipulations; MD-loose certificates are prohibited



Conclusion

The fundamentals of notarization are consistent for all acts

Acknowledgements ensure that the signature can be TRUSTED

Jurats compel the signer to be truthful about the contents of the document

Certificate wording is different for each act indicating facts certified

In most states, Notaries can attach loose certificates when preprinted notarial wording is not attached

The Notary must never choose the notarial act



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