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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



Cybercrime 101: What You Don't **Know Hurts You**

The day I graduated university in May 1994, I rushed over to the campus ATM to grab some cash to celebrate. What I discovered was devastating.

"We all must

be cognizant

and proactive to

avoid threats'

My account had been drained of \$1,257.09 — virtually every cent I had saved as a student and campus newspaper editor. My balance was 14 cents.

The incident led to weeks of investigation and negotiations involving my bank and law enforcement. It was later discovered that criminals hacked into the payment processing system of my local gas station to get account numbers. They also used a low-tech component: One of them videotaped unsuspecting fuel purchasers as they entered their pin numbers. They then matched the pin numbers to the account numbers and, presto, free cash.

This all occurred during a time when "personal" computers and the Internet were infants, and uncommon. Although the public had limited understanding of computers and data security, the cybercrime trend was already in full swing, fueled by the likes of Kevin Mitnick (the first

hacker to make the FBI's 10 most wanted list) and underground groups like "Legion of Doom" and "Masters of Deception." It was a new revelation that personal information — stored as binary code — was at risk.

The reality is that a few sophisticated criminals are always ahead of the technologi-

cal curve, and by the time a particular technology has been adapted for general use, it has already been corrupted by this knowledgeable few. In the next 50 years as advancements move beyond our imagination, it will take significant, coordinated human involvement (page 30) and a steady application of ingenuity and perseverance to keep our personal and financial information safe.

But you won't be alone in the fight. The U.S. Notary population is continuing to boom (page 20), and with security a top priority in America, more transactions will be protected through the careful scrutiny of Notaries.

In the end, my funds were replaced and the criminals caught and prosecuted. But it has stayed with me as a stark example of the risks that come with progress. We must all be cognizant and proactive to avoid these threats — even the ones we don't yet know exist.



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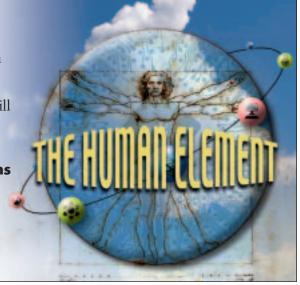
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30 • The Human Element: 2057

Experts have spent years making predictions about life in the next 50 years and beyond. But amid the speculation, many forecasters agree on two prognoses: the pace of environmental, technological and societal progressions will accelerate exponentially, and the "human element" will remain ineradicable in these advancements.

33 • Notaries: The Cornerstone Of Secure Transactions

Paper-based transactions will markedly diminish and eventually become a relic of the past. But human, face-to-face interaction between a signer and a Notary will always be central to notarization, since only a human possesses the powers of discernment to verify a signer's willingness and awareness.



FEATURES



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With Notaries now weighing in at 4.83 million, it is clear that during the past several decades, America has realized just how important Notaries are. There are now twice as many Notaries as there are service men and women in the U.S. armed forces - active duty and reservists.

38 • Investigating Unusual Notarial Acts

A well-known gumshoe does some 'Spade' work to solve three cases of bizarre notarization. The detective reports: Never panic or allow yourself to be pressured into doing something you're not 100 percent sure you understand. There's nothing unusual about wanting to do it right.



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After the disappearance of Florida Notary Melinda Duckett's son and her subsequent suicide, police speculate she may have used her commission to secretly transport the 2-year-old out of the country. He remains missing.

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The 2005 law to regulate IDs is the most controversial attempt to fight identity fraud in post-9/11 America, triggering a nationwide dispute between state and federal lawmakers. At least two states have repudiated the law.

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THE PATH TO SUCCESS: DAVID TURNER

His career as a Notary Signing Agent started slowly, but he embraced discipline, preparation and training. By sticking with it, he achieved success and learned valuable lessons in the process.



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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

'Yield Spread Premiums'

In the Trends & Opportunities article "Top Five Real Estate Issues ... " in the March 2007 issue, a "yield spread premium" is described as a practice to increase a borrower's interest rate or monthly mortgage. With 15 years' experience in the mortgage banking field, I must point out that while this is somewhat true, it is also misleading to put it under the heading of "Predatory Lending."

This "premium" is actually what the lender pays a mort-gage broker for the loan that is being sold at a certain rate. Albeit a lower rate could eliminate the "premium," it could also cause a discount point fee at closing. It is most important for borrowers to know that they are going to have to pay their mortgage broker one way or another if they choose not to go to a direct lender.

Dave Corbin, Palm Springs, California

Praise For Joan Sampson

After reading the article about Notary of the Year Joan Sampson in The National Notary, I decided to contact her for help. I had just received my Notary commission in January 2007 and became a Certified Notary Signing Agent in February. I had many questions about how to get started as a Signing Agent and did not know anyone I could turn to for advice about my new profession.

Joan not only answered my query promptly, but she called me during her free time and answered all my questions. She has continued to answer my questions and has been a tremendous help. I can see why Mrs. Sampson was chosen as Notary of the Year.

Diane Sugerman, Mi Wuk Village, California

Adoption Isn't 'Quite Vogue'

I was initially delighted to see an article about adoption ("Guatemalan Adoption Problems" in Trends & Opportunities) in the May 2007 issue. But my delight turned to disappointment after reading the first sentence, in which adopting children internationally was described as "quite vogue." Dresses are in vogue; shoes are in vogue; objects are in vogue — not children.

We adopt to love and raise a child that needs a home. I don't think we'd ever call giving birth "quite vogue."

Jill Toloukian, Palo Alto, California

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. 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



"For 50 years, the National Notary Association has been a leading educational resource for the nation's Notaries and a powerful advocate for the integrity of the notarial process. I have no doubt that this legacy of leadership will continue to make the NNA a driving force in the coming new era of electronic

commerce and eNotarization. I certainly believe the NNA is a great partner to government in working to assure that each technological leap forward is balanced by the essential role of Notaries in preserving the public trust."

-Elaine Marshall, North Carolina Secretary of State



"As a member, I provide notarial services with confidence. I know my team of experts is just a phone call away. The National Notary magazine helps keep me up to date with interesting articles and the latest legal challenges. Congratulations on 50 years!"

-Elfega G. Larsen, Hayward, California



"As a longtime Notary Public, I find that my continuous membership in the NNA is an invaluable tool. Any time there are changes in laws or new technology affecting Notaries, I only need to access the NNA's Web site or contact them by phone."

-Norma J. Callender, San Jose, California



"I have been a proud member of the NNA since 1997. I am very pleased that the NNA has kept me well informed on all things pertaining to the Notary office through its publications and eMails. Thanks for being there for the past 50 years."

-Betty K. Hooven, LeMoyne, Pennsylvania



"I am very pleased to congratulate the NNA on its 50th anniversary of leadership in the common law notarial system."

—José Flávio Bueno Fischer, President, Brazilian Notarial Association



"I USED TO WORRY A LOT...

...about my identity being stolen. But now I'm protected, thanks to my NNA membership."

NNA members are protected from some of the hassle and grief of having their identities stolen. Should you become a victim of such a crime, you are entitled to reimbursements up to \$5,000 for lost wages, attorney fees and loan application re-filings.

You get this valuable benefit, free with your NNA membership!

So, remember to always keep your NNA membership current and continue enjoying this and other great benefits that NNA membership offers.

New York Residents: Available only to those who joined the NNA prior to September 30, 2005.

For more information, log on to NationalNotary.org/Community or call 1-800-US NOTARY (1-800-876-6827).





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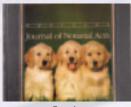
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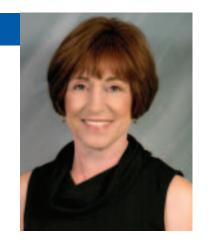
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Notaries' Small Acts Have Passed The Tipping Point



The energy and excitement of this year's Conference will not ■ readily diminish in the months ahead. How can it when we continue to witness changes and trends that are more dramatic and challenging than any we've witnessed in the past 50 years since the founding of the NNA?

Notaries are taking on multiple new personas. We now have the entrepreneur Notary, the electronic Notary and, of course, the traditional Notary. We have Notaries discovering new opportunities beyond those of the conventional bastions of banking, law and real estate.

In the past, Notaries have been "under the radar" operatives whose function was critical, but often unnoticed. Now they're soaring high and increasingly in the public eve. When Malcolm Gladwell's bestseller "The Tipping Point: How Little Things Can Make a Big Difference" first appeared in 2000, his idea of "social epidemics" would hardly have involved Notaries or notarization.

Sociologically, a tipping point is that moment in which a unique event becomes more common. To Gladwell, it is the start of those small actions that promote progressively larger change and eventually lead to a rapid movement from emerging trend to standard operating procedure.

Four days at the Conference was like being at ground zero of the tipping point.

The social epidemics of identity theft and paperless transactions and Notaries coming to your home to do loan closings increasingly have put the Notary office at center stage.

More and more, state lawmakers are enacting legislation defining an electronic role for the Notary. Educational requirements and testing are becoming the norm for Notaries rather than the exception. And a growing number of Notaries can actually support themselves in a full-time career as a Signing Agent.

In his book, Gladwell pointed out that one can discern the pattern of a social epidemic in the ideas, behaviors and new devices that move through the population. And the ideas, behaviors and new devices spotlighted at our recent Conference provide apt examples.

The idea of relying on a trusted third party — a Notary Public — to lend integrity to a transaction is emerging as a solution to everything from individual identity protection to public document security. Where an identity management or document security solution is sought, the educated and trusted Notary is now relevant and ubiquitous.

Abigail Adams wrote that learning is not attained by chance, but must be sought with ardor and attended to with diligence. She could have been speaking to the Notaries of the present day.

Our accomplishments are not the result of chance but are born out of our belief and determination that we deliver a service of great value to the public. We are now past the tipping point, and the only thing that will keep each of us from participating in a bright new age for Notaries is a lack of ardor and diligence.

Deborah M. Thaw can be reached at dmthaw@nationalnotary.org

'Smart' Cameras Track Faces



Security cameras that can remember a person's features and recognize behavior patterns are being developed for government buildings and banks.

Most of us are aware that security cameras watch our every move whenever we visit the bank. And practitioners of the pre-Internet form of identity fraud — trying to cash bogus checks — depend on the bank's inability to pick them out from the crowd.

But that may be changing. Several companies recently have given those security cameras a "brain" to recognize people and remember what they've done.

Firms like 3VR Security, Inc., of San Francisco, California, have developed facial-recognition systems that keep track of the faces they photograph and match them to their transactions.

Bad-check writers often revisit the same bank many times, and the new technology is intended to catch them on their second or third visit.

Several banks — including the Bank of Hawaii and the Metropolitan Bank in Little Rock, Arkansas — either have already installed the technology, will soon be testing it or are seriously considering it.

A big advantage: it saves surveillance time because the application, rather than security personnel, searches the database.

IBM is taking a slightly different approach. They have introduced a system that is designed to recognize suspicious behavior.

Disputing Credit Report Errors

 \mathbf{A} nyone who has ever disputed an incorrect entry in a credit report knows it can take a lot of time, energy and extra-strength aspirin. Even then, there's no guarantee of a favorable outcome.

Fortunately, you don't have to surrender.

An often-overlooked tactic is to take the issue directly to the creditor who put the inaccurate information on the report. Let them know they

made a mistake.

Diligent recordkeeping may also help. Keep copies of all correspondence — both the items you sent and the items you received. Note the time, date and details of any telephone calls, and if the dispute is filed online, print out any relevant Web pages.

Patience is key. Disputing an error on a credit report can sometimes take months, especially if there are multiple errors to deal with.

Trouble For U.S. Voters Overseas

There are almost as many ▲ Americans living and working overseas as there are Notaries in the United States. But when it came time to cast absentee ballots in the November 2006 election, a lot of those expatriates couldn't find a Notary when they needed one.

According to a recent survev by the Overseas Vote Foundation, 20 percent of U.S. citizens living overseas who tried to vote were unable to, for such reasons as the inability to have the ballot notarized or locate a proper witness.

Every state has its own requirements for overseas absentee voting. Some require ballots to be notarized. Others require a U.S. citizen witness to sign the envelope. Still others required voters to sign affidavits in order to vote.

As one respondent wrote, "The requirement to have a U.S. citizen sign the envelope is pointless. It's not required that the citizen know me. Why can't a Notary ... or some other adult who knows me do it?"



Government Targets Employers Of Undocumented Workers

The message from federal **I** immigration authorities is clear: employers beware.

While the news is peppered with images of illegal immigrants being deported by the busload, the Immigration and Customs Enforcement (ICE) has been increasingly going after employers who knowingly hire them.

ICE arrests of employers who have hired undocumented workers have increased from 25 in 2002 to 718 in 2006 to 527 through the only second quarter of this year, and counting.

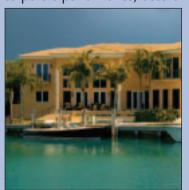
In April 2005, ICE even planted a former illegal alien as an informant in the employ of IFCO Systems North America Inc. The investigation uncovered that some IFCO middle managers

knowingly hired undocumented workers who had false credentials. Some managers even enlisted the informant to assist them in bringing more illegal immigrants into the fold.

In April 2006, ICE searched 52 IFCO workshops in 26 states. Seven IFCO current and former middle managers were arrested along with 1,187 undocumented workers. The criminal complaint against the managers charges that they "knowingly conspired with others" to utilize undocumented workers for "commercial advantage or private financial gain." Five of the seven defendants pleaded guilty in February in a New York State district court. They could face prison terms of up to 10 years.

Home Size Isn't Everything

are no strangers to massive homes. Consider the Hearst Castle in San Simeon, California, and Microsoft CEO Bill Gates' 66,000-square-foot, \$140 million behemoth in Washington State. But such symbols of capitalism don't point to strong corporate performance, accord-



American captains of industry ing to a recent study.

Finance professors David Yermack of New York University and Crocker Liu of Arizona State University compared the stock performance of Fortune 500 companies to the size and opulence of their CEO's homes. Their conclusion: the bigger the home, the worse the stock performance.

On average, CEOs in the largest homes saw their stock fall behind the rest of the pack by 7 percent. Yermack and Liu concluded that large homes indicated the CEOs had become entrenched and complacent in their jobs.

The researchers defined large homes as those with at least 10,000 square feet or 10 acres of land.



Increase in the num-

ber of foreclosures in April 2007 from the same month last year.

Estimated average cost companies spend per identity theft victim when databases are compromised.

6.34 m



Number of existing homes

to be sold in 2007 predicted by the National Association of Realtors.

Maximum fee Virainia Notaries may charge for performing a traditional, paper-based notarization.

Maximum fee Virginia Notaries may charge for performing an electronic notarization under House Bill 2058, which was signed into law March 12.

Number of suspected mortgage fraud 35,617 reports referred to law enforcement by financial institutions in fiscal 2006, according to the FBI.

Increase in housing starts from February 2007 to March 2007, according to the U.S. Department of Commerce.

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Protect Your Debit Card

↑ debit card. It looks like a Acredit card. It works like a credit card. And it has all the protections of a credit card. Right? Wrong.

Standard credit cards offer a moderate level of protection against criminals, such as the ability to stop a payment. Debit cards, which are linked directly to your bank account, generally offer less protection against breaches. Unauthorized debit withdrawals can result in bounced checks, overdraft fees and late charges. And banks typically aren't as quick to investigate suspicious activity as are credit card companies.

But you can take certain precautions to protect your debit card from criminals. For example, whenever you use it, don't let the cashier examine it for an unusually long time or write anything down.

In addition, be sure to shield your PIN number. Criminals have been known to use hidden cameras to later access numbers.

It's also a good idea to avoid questionable-looking ATMs, particularly ones with suspicious keypads or loose connections.

You should also check your account balance and statements regularly.

American Workforce Embraces Growing Career Change Trend

Tob hopping is a common occurrence in today's employment environment as people try to advance in their careers or bounce back from a downsizing event. But changing careers — such as deciding to leave an office job to become a nurse, lawyer or Notary Signing Agent — is growing in popularity.

Simply put, more people are willing to take a risk to try something completely new, and more employers are becoming open to the idea. In fact, a recent Money Magazine/Salary.com survey found that nearly half the employers queried regularly focus recruiting efforts on career changers.

One of the key reasons: people switching careers are highly motivated and will do whatever it takes to get the proper qualifications. That commitment makes employers who

are seeing high turnover rates especially happy.

Starting a new career takes effort. Experts advise people to make a commitment even before looking for a job. Career changers who have already taken classes and learned the ins and outs of the new industry or job show how motivated they are. Additionally, being a Notary is a definite plus in several career fields.

It's also Banker a good idea to be patient. Don't quit your current job just yet. Sometimes making the change will require several interim steps

Best Friends Forever In Deed

Best friends. Soul sisters. There are a lot of ways to describe the people close to us who aren't relatives. Now there is a new description that's growing in popularity: home co-owner.

Co-owning a home with one or more people cements friendships in ways that wild weekend road trips and all night gab-fests can't — with mortgages, deeds and ownership agreements.

While the real estate market has softened — nationwide home sales are expected to decline by 14 percent this year — home prices remain out of reach for many, especially in major metropolitan areas where single professionals tend to live. The median home price in the New York City area is hovering at about \$450,000. In Southern California, the median price recently hit a record high of

\$505,000. This leaves singles little choice but to keep renting or pool their resources with friends. But experts recommend that friends contemplating joint ownership address all the potential issues before they put their names on a mortgage. Among them: whether to allow pets, how to handle guests, who inherits if one owner dies, and how to make major decisions about the property.

The Million-Dollar Family Boom

Nearly one in 20 households has at least \$1 million in the bank, according to a recent survey, with Hawaii and New Jersey having the largest percentage of millionaire families in the country.

Overall, 4.8 percent of U.S. households in 2006 had \$1 million or more available to invest. according to Phoenix Affluent Marketing Service's annual

Charting The Growth Of Millionaire Households Number Of Millionaire Households million million million 2003 2004 2005 2006

survey of the wealthy. That represents an increase of more than 600,000 new households from the previous year.

From 2003 until around 2005 when the real estate boom hit its peak, the number of households breaking the million-dollar mark has increased 63 percent to nearly 5.4 million.

Hawaii held onto its top ranking in 2006 with 6.79 percent of its households having more than \$1 million to spend.

"The high cost of living combined with the affluent lifestyle gives Hawaii the edge," said Phoenix managing director David Thompson. "Getting on top and staying on top are two different things."

New Jersey ranks second at 6.46 percent and Maryland comes in third at 6.21 percent. Connecticut (6.2 percent) and Massachusetts (5.64 percent) round out the top five.

Credit 'Rent' Raises Concerns

 ${\displaystyle P}$ rospective homebuyers with bad credit or limited incomes are facing major obstacles as banks and mortgage brokers tighten their lending standards. But a number of Internet companies are offering a way around the mortgage roadblock by "renting out" good credit histories to paying customers.

Source: Phoenix Affluent Marketing Service

These companies are taking advantage of a loophole in federal credit laws that allows people to add "authorized users" to their credit cards. When that happens, the credit card holder's credit history shows up on the authorized users' credit reports, raising their overall credit rating

within a few months.

Traditionally, authorized users have been children or spouses of the card holder. Recently, Internet companies have been recruiting people with excellent credit ratings, offering to pay them \$200 to \$300 per added user. The companies then lend the credit histories to house-hungry buyers as "authorized users" for \$1,000 to \$5,000 a pop. Although the buyer pays a big fee, it can result in securing a mortgage for that dream house.

But state and federal regulators as well as the credit reporting companies are taking a hard look at the practice because of its potential for fraud and abuse

Notary Signing Agent Resources

'The Complete Handbook of Loan Documents and Transactions'

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High Prices For Home Credit

The meltdown of the subprime mortgage market — which focused on borrowers with bad credit or limited incomes — has captured a lot of headlines and Congressional attention in recent months. But the next wave of ink and action may be triggered by the credit card versions of highrisk home loans.

The credit card market is one of the banking industry's most profitable niches, and the subprime card segment has become a cash cow. Marketers of the products claim they are a way for the 80 million Americans with bad or no credit to establish good histories. But

it comes at a price.

Some companies charge set-up fees of \$175 or more on a card with a credit limit of \$250. And 20 percent interest rates can double at the slightest payment hiccup. And that's in addition to penalty fees of \$25 to \$35. Subprime card holders have to be very careful not to incur more in interest and penalties than in straight charges.

Congress is considering several bills that would curb the worst practices in the sub-prime market — including those of younger borrowers with little or no experience with credit cards.

Helpful Tips

General rules for making high-cost credit cards work for you:

- Never carry-over your balance. Charge only what you can pay off before the grace period ends, always maintaining a \$0 balance.
- Make payments early.
- Make sure the company reports your good payment history to credit reporting agencies.
- After one year of on-time payments, ask the company for a better interest rate.
 Close the account if they refuse, and find another deal.
- If you need emergency cash, consider a short-term personal loan instead of a cash advance from your credit card.

Source: Bankrate.com

When it comes to verifying information, ensure accuracy! The 2007 I.D. Checking Guide **Edition** I.D. Checking Guide International Edition The 2007 I.D. Checking Guide provides I.D. Checking Guide International full-color pictures and specifications Edition is the only printed guide that for each state's driver's license; shows full-color samples of driver's descriptions of nondriver, military licenses and identity and immigration IDs; plus credit card cards for 143 countries and descriptions and pictures...everything a includes a complete checklist of Notary needs to accept out-of-state document-specific characteristics. IDs with confidence. Drivers License Guide Co., Drivers License Guide Co. softcover, 6" x 9", 208 pages. softcover, 6" x 9", 96 pages Available to NNA members only. Available to NNA members only National NOTARY SSOCIATION **1-800-US NOTARY** NationalNotary.org/Supplies A32606

Blocking Out All Obstacles: David Turner's Positive Attitude

Perseverance, willpower and taking care of others has helped this Notary Signing Agent to prosper.

A t first glance, there doesn't appear to be any similarities between success as a soccer goal-keeper and as a Notary Signing Agent ... until you talk to David Turner.

He is the owner of Carolina Real Estate Services, LLC, and he was the goalie for the University of South Carolina soccer team that played for a national championship in 1993.

Turner has played goalie since he was 8 years old, but it was a struggle for him until he was 15. Similarly, his career as an NSA started slowly, too. Yet in both cases, he stuck with it, achieved success and learned valuable lessons in the process.

"If you quit too soon, or give up on yourself too soon, how can you ever have any success? How can you ever get to the next level if you don't keep trying, if you don't keep working, if you don't keep a positive attitude?" he said.

Raising the bar for the NSA profession — in terms of quality of service and client satisfaction — is Turner's objective for his Asheville, North Carolina-based company. Recently the company has been notarizing real estate-related documents for almost 200 loans a month, having increased from a still-substantial 90 a month. "It didn't happen right away. I didn't expect it to happen right away, but I persevered," Turner said. He sees the qualities of discipline, preparation and training as necessary for success in both his sport and his profession. He dedicates a generous amount of customer service to the latter.

Turner thanks his aunt for introducing him to the NSA business. She put the idea in his mind in 2000 after an NSA came to her business to notarize documents for a home loan. Turner was managing a furniture store at the time, but he saw the possibilities of the business and started learning about it. Then he went to the NNA Conference in 2003 in Orlando and took Signing Agent classes. He found work though Signingagent.com and other Web sites. As he got started, he kept his furniture store job and performed loan signings part-time.

Face-to-face contact with clients helped Turner establish his new career, and it still sustains him today. "All you are is a voice over the phone without it," he said. He got his real

break when Beneficial Mortgage Company of North Carolina started using independent loan Signing Agents. "I introduced myself, got two branches as clients, notarized all the loans and doubled my business right away. I never let them down. They knew they could count on me," Turner said.

When it comes to running his business, Turner doesn't want to shortchange his subcontractors so he can make a few extra dollars. At the same time, he only wants subcontractors who are proficient enough in their work to justify top dollar.

"That says something. It says that you understand the value of your service, you understand the importance of being an accountable person to go out there, to follow through and do it right," Turner said.

- Michael Mink

David Turner

Owner of Carolina Real Estate Services, LLC. and Notary Signing Agent

- Education: B.S. in Management, University of South Carolina.
- Motto: "Raise the bar."
- Most influential person: His parents, with respect to building character and integrity.
- Personal: Single.

U2.

• Hobbies: Traveling, soccer, seeing favorite bands perform, including Widespread Panic, My
Morning
Jacket
and

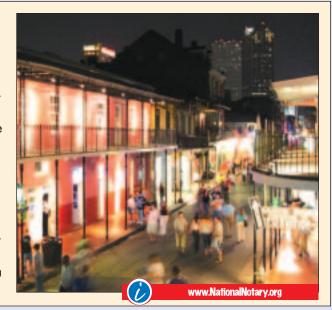


NNA Conference 2008 To Commence In New Orleans

The National Notary Association has announced that Conference 2008 will be held in New Orleans, Louisiana a city rich in history, culture, music, arts and inspiration.

The nation's largest gathering of Notaries will take place May 27 through May 30 at the Hilton New Orleans Riverside hotel along the Mississippi River, a stone's throw from the French Quarter.

New Orleans has been rejuvenated in the wake of Hurricane Katrina — its buildings have been repaired and its vibrant spirit has been reignited. The southern metropolis known as the "Big Easy" is primed to host the "Notary event of the year." The NNA supports New Orleans and is proud to be celebrating Conference 2008, the 30th of its kind, in a city that has conquered such adversity!



Notaries Embrace Screenings

NSAs have responded enthusiastically to the National Notary Association's upgraded Certified Notary Signing Agent and Background Screening Program, and a big reason is because the background screenings are so thorough.

These screenings, along with special compliance training, were added to the NSA Program to help lenders and title companies meet regulatory standards of the federal Gramm-Leach-Bliley Act.

The background checks that some states currently require for Notary commission applicants do not meet federal guidelines because they consult only limited criminal databases.

The NNA's screening process goes far beyond these state checks — certifying identity; checking federal, state and local criminal history; and checking the known-terrorist list. The NNA screening also can be verified and audited by any government agency.



Notaries, NNA Defeat Anti-NSA Bill

Thanks to the efforts of con-L cerned local Notaries and the NNA, a bill in North Carolina that would ban independent Notaries from conducting routine real estate industries, who in turn fought to signings has been defeated.

The measure, Senate Bill 764, was introduced by local attorneys who insisted they were opposing SB 764 running in a intent on protecting consumers. In reality, the bill would have established the first statute-mandated monopoly over real estate closing services in the country.

NNA staff members spread

the word among Notaries throughout the state, as well as among public officials and pertinent executives in affected halt the bill.

The NNA also generated media attention with articles variety of publications. Among them: NC Lawyers Weekly, the Charlotte Business Journal, The Daily Reflector of Greenville, North Carolina, The Legal Description and The Title Report.

IACREOT To Examine ENS Benefits

Officials from the National Notary Association will be exhibiting its Electronic Notary Seal (ENSTM) to attendees of the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT) annual summer conference, July 17-21 in Charlotte, North Carolina.

IACREOT is a global organization consisting of governmental

officials responsible for finance, land records, court records and elections. The ENS has had tremendous nationwide impact among many of IACREOT's members, particularly in Pennsylvania with the Commonwealth's Electronic Notarization Initiative.

This year's IACREOT conference will focus on technology and issues affecting land recording offices.

YOUR BENEFITS: Keep Your Pets **Protected With VPI Insurance**

Tor many people, pets are part Γ of the family — and sometimes the vet bills to keep them healthy can match the medical bills of any human.

To help NNA members care for their pets, Veterinary Pet Insurance Company (VPI) is offering a 5 percent discount on insurance plans for NNA members. Insurance can help cover the often high costs of veterinary treatments, surgeries, lab fees, Xrays and other medical charges that might be incurred while caring for a pet.

In addition, VPI plans allow policyholders to select their choice of veterinarian without

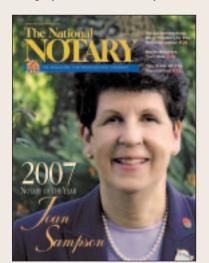
pre-approval and also include discounts on pet products and services. For more information, visit www.membernetusa.net/NNA and select "Pet Insurance" from the menu on the left side of the page.



2008 NOTY Search Underway

The search is underway for the NNA's 2008 Notary of the Year. The process starts with you, our members, submitting nominations for the Notary you believe sets a level of ethical and professional conduct that all Notaries can emulate and admire. The recipient, chosen by the NNA's Notary of the Year Selection Committee, truly sets an example by a commitment to excellence — perhaps working to enact a needed Notary law or serving the disabled.

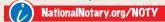
Notary of the Year candidates should have uncompromising integrity both as a Notary and as a person.



In addition, nominees should properly abide by each Notary law in their state and should follow all Notary best practices.

Candidates also should be active in improving the state of the Notary Public office — whether through mentoring, being involved in legislative initiatives or making a positive difference in other ways.

For more information, eMail NOTY@nationalnotary.org or call (818) 739-4000 and ask for the Public Affairs Department.



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5 Years: \$200 — Save \$60.00 Additional Years: \$37.00 each



1-800-US NOTAR

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Legal Professionals Section Unveiled At Conference 2007

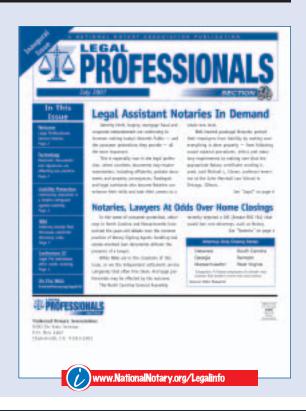
The National Notary Association unveiled a new and exciting member section at Conference 2007 that's designed to aid Notaries employed as legal professionals.

The Legal Professionals Section will offer NNA members who work as paralegals, document preparers, legal secretaries and legal assistants specialized information on Notaries and notarial law as it applies to their jobs. It's dedicated to providing all legal support professionals with the tools, knowledge, strategies and information they need to be successful in their rapidly

evolving field.

Section Membership includes the quarterly LEGAL PROFESSIONALS SECTION Newsletter, periodic eMail notifications and unlimited access to our informative membersonly Web site. Members will also have access to comprehensive, state-specific law databases; a directory of registered Notaries; and features on apostilles, electronic notarization legislation, discussion of ethical issues and more.

For more information or to join the Legal Professionals Section, visit NationalNotary.org/legalinfo.



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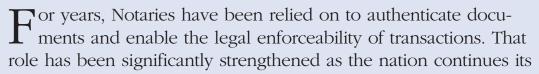
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Notaries Make Electronic Transactions Trustworthy

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



rapid transition to electronic documents and business processes through eNotarization.

Government, industry and the public now know that the essential role of the Notary — for both paper and electronic documents — is to provide independent verification of a signer's identity, willingness and awareness and, thereby, to authenticate documents for both legal and public records purposes. As a result, many governments and industries regard eNotarization as a "security procedure" in ensuring the legal enforceability of their documents.

While electronic documents have posed significant security challenges — particularly in their ability to allow virtually undetectable changes at any time — there is now technology that enables relying parties to verify the authenticity and integrity of an electronically notarized document. In addressing this, we have also had to overcome the challenge of developing technological means and processes that allow relying parties to positively identify the Notary and verify that he or she was the one who actually affixed the Notary seal.

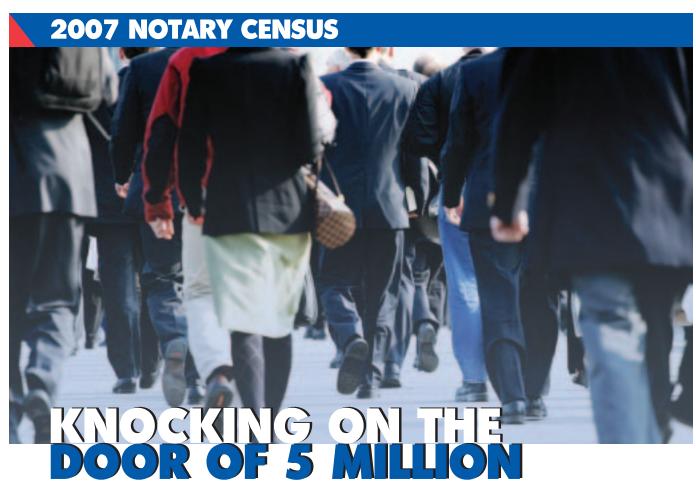
It is now standard that electronic documents authenticated with notarial acts contain a Notary's eSignature, electronic seal and electronic notarial certificate imbedded within them so that interested parties can independently verify the Notary's commission and authority. This standard also requires that any subsequent changes to the eNotarized document's contents or signature be rendered evident. In fact, the eNotarization guidelines

approved by the National Association of Secretaries of State expressly incorporate these security requirements.

Another important aspect for establishing the veracity of a notarization is the creation of a record in a bound or electronic journal, even if a journal is not required by state law in a given instance. Nearly half of the states require Notaries to keep a record of each notarization in an official journal. And Virginia even requires the use of an electronic Notary journal for all electronic notarial acts. The journal entry preserves an entirely separate and independent record of the transaction. It can be of great value in the event that the document is lost, damaged or contested in court.

All of these legal standards and requirements have been met and exceeded in the NNA's ENS™ Program, which employs Electronic Notary Seals and the National eNotary Registry™. As a result, the ENS Program has been awarded accreditation by the Mortgage Bankers Association's (MBA) standard-setting body for secure digital identity credentials — the Secure Identity Services Accreditation Corporation (SISAC). That means SISAC and the MBA have certified that the ENS program is reliable, trusted and secure for use in real estate transactions across the nation.

Notaries now have a springboard into the electronic future as information assurance agents, making the Notary more important than ever in identifying the signer and ensuring the integrity of the document's contents.



By Michael Lewis mlewis@nationalnotary.org

THE PERSON SITTING NEXT TO YOU IN A RESTAURANT OR ON A PLANE COULD VERY WELL BE A NOTARY PUBLIC.

The 74,916 cheering (or crying) fans who filled Dolphin Stadium last January for Super Bowl XLI probably didn't know it, but sitting among them may have been more than 1,200 Notaries. That's presuming, of course, that Notaries love football.

At John Mayer's recent performance at the famed Hollywood Bowl, odds are that there were about 280 Notaries in the audience of 17,416.

The point: Notaries are everywhere, and in record numbers. There are more than 4.83 million of them in the United States and its territories, according to the National Notary Association's 2007 Notary Census. That's one Notary for every 62 people.

There are now two times as many Notaries as there are service men and women in the U.S. armed forces — active duty and reservists.

If you happen to be in a restaurant and someone calls out, "Is there a doctor in the house?" you'll be six times more likely to find a Notary than an M.D.

There are more Notaries in America than there are people in 29 of the 50 states. American Notaries also outnumber the populations of 88 nations, including Norway, New Zealand, Costa Rica and Mongolia.

If you had every Notary in the United States lie down head to foot — assuming they were willing — they would stretch from Honolulu to Washington, D.C., or a distance of approximately 5,000 miles.

Perhaps the most significant tidbit of all is the fact that while the U.S. population has increased 50 percent since the NNA conducted the first Notary census in 1972, the number of Notaries has increased 169 percent.

Clearly, during the past several decades, America has realized just how important Notaries are. The period from the early 1970s to the early 1990s showed explosive growth — registering double-digit increases for every Notary census between 1977 and 1992. After a brief slowdown in the mid 1990s, the growth rates have rebounded recently after slowing in the

OFFICIAL NNA 2007 NOTARY CENSUS

	OIII		1 2007 1	TOTAKI	CLINGO		
State	2007 Notaries	2002 Notaries	2007-2002 Difference	% Change	Census 2006 General Population	2007 Notaries Per 100,000 of Population	2007 Rankin
Alabama	67,593	64,698	2,895	4%	4,599,030	1,470	38
Alaska	12,679	11,945	734	6%	670,053	1,892	18
Arizona (e)	73,000	73,343	(343)	(0%)	6,166,318	1,184	40
Arkansas	52,956	50,696	2,260	4%	2,810,872	1,884	22
California	292,170	159,000	133,170	84%	36,457,549	801	49
Colorado	110,848	95,397	15,451	16%	4,753,377	2,332	6
Connecticut	54,089	50,039	4,050	8%	3,504,809	1,543	36
Delaware	8,945	8,160	785	10%	853,476	1,048	47
Dist. Of Columbia (e)	9,500	7,500	2,000	27%	581,530	1,634	37
Florida	436,655	364,453	72,202	20%	18,089,888	2,414	5
Georgia	173,602	160,000	13,602	9%	9,363,941	1,854	15
Guam	531	501	30	6%	171,019	310	52
Hawaii (e)	10,000	5,000	5,000	100%	1,285,498	778	50
Idaho	25,632	22,445	3,187	14%	1,466,465	1,748	21
Illinois	198,421	190,118	8,303	4%	12,831,970	1,546	35
Indiana	122,950	100,000	22,950	23%	6,313,520	1,947	1
lowa	57,490	50,009	7,481	15%	2,982,085	1,928	23
Kansas	56,020	55,000	1,020	2%	2,764,075	2,027	16
Kentucky	92,270	80,000	12,270	15%	4,206,074	2,194	12
Louisiana	61,617	62,484	(867)	(1%)	4,287,768	1,437	43
Maine	30,506	25,210	5,296	21%	1,321,574	2,308	10
Maryland	86,180	82,868	3,312	4%	5,615,727	1,535	34
Massachusetts	114,531	131,337	(16,806)	(13%)	6,437,193	1,779	29
Michigan	118,181	149,204	(31,023)	(21%)	10,095,643	1,171	46
Minnesota	94,402	91,259	3,143	3%	5,167,101	1,827	25
Mississippi	35,126	31,618	3,508	11%	2,910,540	1,207	45
Missouri	74,864	71,531	3,333	5%	5,842,713	1,281	44
Montana (e)	21,000	18,545	2,455	13%	944,632	2,223	11
Nebraska	33,497	22,000	11,497	52%	1,768,331	1,894	24
Nevada	37,000	26,889	10,111	38%	2,495,529	1,483	28
New Hampshire	38,818	25,000	13,818	55%	1,314,895	2,952	3
New Jersey	246,510	150,000	96,510	64%	8,724,560	2,825	4
New Mexico	32,049	33,937	(1,888)	(6%)	1,954,599	1,640	31
New York	273,669	250,274	23,395	9%	19,306,183	1,418	39
North Carolina	164,070	205,430	(41,360)	(20%)	8,856,505	1,853	17
North Dakota	12,134	11,535	599	5%	635,867	1,908	27
Ohio	228,247	300,000	(71,753)	(24%)	11,478,006	1,989	19
Oklahoma	83,015	76,807	6,208	8%	3,579,212	2,319	8
Oregon	48,260	44,322	3,938	9%	3,700,758	1,304	42
Pennsylvania	78,098	91,456	(13,358)	(15%)	12,440,621	628	51
Puerto Rico	8,028	7,000	1,028	15%	3,927,776	204	53
Rhode Island (e)	21,000	19,714	1,286	7%	1,067,610	1,967	20
S. Carolina	134,701	128,545	6,156	5%	4,321,249	3,117	2
S. Dakota	18,159	18,067	92	1%	781,919	2,322	9
Tennessee	94,968	164,045	(69,077)	(42%)	6,038,803	1,573	33
Texas	398,159	352,693	45,466	13%	23,507,783	1,694	26
Utah	20,237	22,242	(2,005)	(9%)	2,550,063	794	48
Vermont	12,928	14,668	(1,740)	(12%)	623,908	2,072	14
Virginia (e)	120,000	159,814	(39,814)	(25%)	7,642,884	1,570	32
W. Virginia	45,464	39,827	5,637	14%	1,818,470	2,500	7
Washington	83,313	76,737	6,576	9%	6,395,798	1,303	41
Wisconsin	96,009	92,330	3,679	4%	5,556,506	1,728	30
Wyoming	11,178	13,820	(2,642)	(19%)	515,004	2,170	13
** / VIIIIII 9	4,831,269	4,559,512	271,757	6%	303,497,279	1,592	10

⁽e) In each of six jurisdictions, the totals cited are estimates only. The **Arizona** Secretary of State's office could not provide an exact count for "technical reasons," **District of Columbia** officials could only provide "an estimate," **Hawaii** officials provided an estimate because their office is not computerized; **Montana** officials could only give an estimate because of "technical difficulties," **Rhode Island** officials could offer only a "best estimate" because they had difficulty separating the current list of commissioned Notaries from those that have expired or resigned; and **Virginia** officials could not provide an exact count because an outside company maintains their Notary database.

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NNA NOTARY SIGNING AGENT SECTION

Notary Signing Agent Section membership increases your expertise to help boost your Notary income potential. Our comprehensive Web site contains business-building tools such as free online advertising of your services, a directory of companies looking for signing agents, essential signing agent tips, state law summaries and more. Bi-weekly news updates keep members informed, and our hotline experts answer your signing questions so you can complete assignments with full confidence.

Annual Dues — \$39.00

Note: Opportunities for Notaries to handle loan signings may be limited in some states due to requirements for licensing 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.

CALL TOLL-FREE

SMALL BUSINESS SECTION

If you own a small business or are thinking about starting one, the Small Business Section is for you. The entrepreneurial spirit of this Section is evident in our dedication to building your career. Membership includes small business news, marketing ideas, growth strategies, management tools, financial tips, educational opportunities and more — brought to you through our informative Small Business Section newsletter and our powerful members-only Web site.

Annual Dues — \$34.00



IMMIGRATION SECTION

U.S. immigration policies and Notary laws can be difficult to balance. The Immigration Section will keep you informed on current regulations and new developments in both areas. Membership includes the Immigration Section newsletter, e-mail notifications, and access to our informative Section-member Web site filled with current events, legal rulings, changes in state laws, and examples of commonly notarized U.S. Immigration, Foreign, International Adoption, and Travel documents.

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Technology and e-commerce standards in the realm of electronic notarizations are rapidly evolving. The eNotarization Section provides members with cutting-edge information on this emerging opportunity for Notaries via the eNotarization Section newsletter, e-mail updates, technical support services, and exclusive access to a special Web site replete with breaking news, technology updates and vital industry resources.

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mid-1990s. The 2002 count (4.56 million) was 5.5 percent more than the 1997 tally (4.29 million). And the latest census posted a healthy 6 percent growth since 2002.

"Notaries are an important indicator of economic progress. Without them, business simply couldn't be conducted," said Timothy S. Reiniger, Executive Director of the NNA.

"As they play an increasingly vital role in real estate transactions, in electronic commerce and in deterring identity crimes, their services will be needed in the future more than ever," Reiniger said.

The Ups And Downs

Overall, 37 states, the District of Columbia, Puerto Rico and Guam posted gains in the most recent Notary count, and 13 states showed declines.

The state with the most Notaries is Florida (436,655). The Sunshine State has held the top spot since the 1992 count when it pushed Texas to the number two spot where it has remained ever since. The Lone Star state currently is home to 398,159 Notaries.

California comes in third with 292,170 Notaries. While the Golden State has the most residents (36 million and counting) this is the first time its Notary total has cracked the top three. California's tally also represents the largest total gain from the previous census, adding 133,170 Notaries since 2002. That's an 83 percent increase.

"It looks like [the gain] was driven primarily by the real estate boom of the past four or five years," said Evan

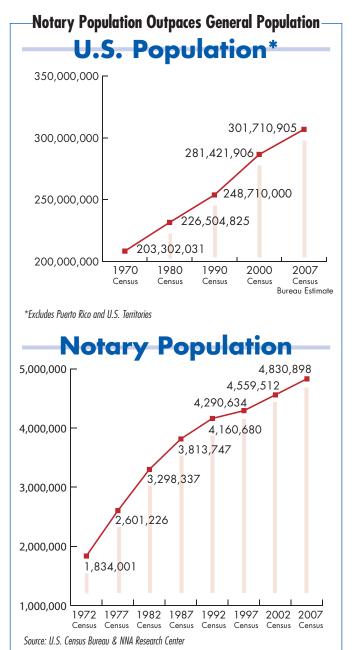


Goldberg, Chief Deputy Secretary of State for California. "During the boom, many lenders expanded their practice of Signing Agents and Notaries."

While Florida and Texas have shared the top two spots for every census, the third spot has traditionally seen more fluctuation. South Carolina, New York and Illinois have all occupied third place.

In 2002, Ohio held the spot with 300,000 Notaries. This year, it falls to sixth place with 228,247. That's the biggest decline in Notary population for 2007.

The decline could well be due to the region's



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The Biggest Gains*

California +133,170 New Jersey +96,510 Florida +72,202 Texas +45,466 New York +23,395

* Change in number of Notaries

The Steepest Declines**

Ohio -71,753 Tennessee -69.077 North Carolina-41,360 Virginia -39,814 Michigan-31,023

** Change in number of Notaries

struggling economy, said Patrick Gallaway, director of communications for the Ohio Secretary of State's office. "The economy has been struggling. Some parts of the state are doing well, but others are not."

Traditionally, areas of the country going through economic doldrums have seen the number of Notaries stagnate or decline. The less economic activity, the less businesses and law firms need Notaries' services.

New York comes in fourth place with 273,669 Notaries and New Jersey is fifth with 246,510. The New Jersey count represents a 64 percent increase from the previous census, when it came in at 150,000.

The 2007 numbers for New Jersey and California may be big gains from the 2002 census, but both states lagged well behind Hawaii's increase, which also may have benefited from the real estate boom. Hawaii has an estimated 10,000 Notaries, which is double the number it had five years ago. The real estate boom has been so robust, it's been credited with helping to turn Hawaii into the most affluent state in the country, with millionaires accounting for 6.8 percent of the population, according to a recent survey.

Notaries, Notaries And More Notaries

If you happen to live in South Carolina or New Hampshire, the next time you attend a family reunion, ask around. There's a good chance you'll discover that your second cousin is a Notary.

South Carolina may rank 11th in total number of Notaries, but the Palmetto State has more Notaries per capita than any other state. In fact, there is one Notary for every 31 residents. New Hampshire is a close second in per capita ratio with one Notary for every 33 residents.

Hawaii, despite doubling the number of Notaries, merely has one Notary per 128 islanders. And while California has 292,170 Notaries, that's only one for every 125 residents.

Ironically, California today has many more Notaries than gloomily predicted three years ago by opponents of the state's now-mandatory Notary education program. Rather than depressing the number of Notaries, education appears to have fostered their proliferation to unprecedented levels in the state. California may provide a valuable lesson for other states needing more Notaries to serve their citizens.

States With Most Notaries* Florida 436,655 California 292.170 New York 273,669 New Jersey 246,510 * Number of Notaries **Biggest Percentage Gains** Hawaii100% California 83% New Jersey 64% New Hampshire 55%

Nebraska 52%

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By David S. Thun dthun@nationalnotary.org

THE FEDERAL GOVERNMENT'S EFFORTS TO STANDARDIZE ID CARDS HAVE IGNITED DEBATE ACROSS THE NATION.

It's been called a defense against terrorism, an invasion of privacy and an expensive bureaucratic nightmare.

Known as the REAL ID Act, the federal government's 2005 law to regulate IDs throughout the country has been one of the most controversial attempts to fight identity theft and fraud in post-9/11 America, triggering a nationwide dispute between state and federal lawmakers that has yet to be resolved. And at least two states have repudiated the law.

The REAL ID Act is a federal anti-terrorism and security law that sets national rules for issuing driver's licenses and identification cards and mandating training and background check procedures for motor vehicle department employees.

Among the minimum security standards each state is responsible for upholding:

• IDs must include "physical security features" and a "common machine-readable technology."

- People applying for identification will be required to provide documentation of their name, residential address, Social Security number and proof of lawful presence in the United States.
- States will be required to participate in linked databases to share and reference stored driver's license information.

Originally, any ID that did not meet the Act's standards by 2008 would be refused by federal agencies. Residents of states that did not meet the Act's requirements by the deadline would be unable to use their driver's licenses to board airplanes, enter federal buildings or participate in any other activity that requires a federally accepted ID.

The Act has drawn emotionally charged reactions from state lawmakers because they are expected to shoulder most of the estimated \$14.6 billion cost of implementation. In January 2007, Maine became the first state to reject the REAL ID Act in a resolution

approved by the state Legislature. Maine officials called for a repeal of the law, citing privacy concerns and an excessive burden on Maine taxpayers. Idaho was the next state to follow with a similar resolution in March. Other states, including Rhode Island, Georgia, Kentucky and Maryland, have introduced resolutions questioning the REAL ID Act that are still under debate by lawmakers.

THE FIGHT AGAINST FRAUD

Supporters of the REAL ID Act have praised it as an important step in standardizing identification documents in the United States, which will help deter the widespread manufacture of fake IDs.

"Currently, our system of identification in the 50 states includes over 200 nonstandard variations of driver's licenses, some with little or no security," said Robert Siciliano, a Boston, Massachusetts-based security and ID theft prevention consultant. "Any additional layers of protection are certainly a step in the right direction.

"Our IDs are based on easily counterfeited documentation and Social Security numbers," he said. "Right now, fake IDs are being manufactured on college campuses and are available online for a fee. Social Security numbers also are available for sale online. We need more secure IDs which properly authenticate the bearer."

A BIG TARGET

The idea of collecting and maintaining large amounts of personal information within a centralized, linked nationwide database is sending chills down the spines of many privacy advocates. Similar databases used by companies such as DSW and ChoicePoint have been successfully breached by identity thieves in highly publicized cases.

"The Act effectively creates a national database which will have data on almost everyone in the country," said Paul Kocher, president and chief scientist with the security consulting firm Cryptography Research in San Francisco, California. "In general, complex distributed systems are notoriously hard to secure."

Kocher is concerned that the Act has not taken consumer privacy issues into account. "The U.S. currently has no comprehensive privacy legislation," he said. "We need clear guidelines about the collection and retention of data about consumers. If we do not adopt reasonable rules now, there will eventually be a major crisis that spurs a set of extreme rules."

Though the REAL ID Act is intended to stop potential criminals and terrorists from obtaining IDs under false pretenses, many legitimate citizens may be prevented from receiving identification under the Act's rules. Wendy Weiser, an attorney at New York University's Brennan

Center of Justice, conducted a study on identification and testified before the Senate about the REAL ID Act. Her findings indicated that many poor and elderly citizens would have problems proving who they are when the Act goes fully into effect.

"What we found is that people with lower incomes are significantly less likely to have basic ID than others," Weiser said. "We found that at least 12 percent of Americans earning less than \$25,000 a year don't have ID."

Weiser cited another report that 78 percent of African Americans ages 18–24 don't have driver's licenses. Compounding the issue, many older African Americans born during the 1940s and 1950s lack birth certificates because segregation laws of the period denied parents hospital services, Weiser said. As a result, many African American children were born at home. Other older citizens lack birth certificates because they were lost or the hospital or records office where they were stored no longer exists, she added.

The Brennan Center's study also found that even when people have access to their citizenship documents, in many cases the documents do not reflect the person's current name. For example, the survey results showed that only 48 percent of voting-age women with access to vital records have a birth certificate that lists their current legal name — as opposed to a name they had before marriage, divorce, or another name change — and only 66 percent have ready access to any type of citizenship document with their current legal name. That translates into as many as 32 million voting-age women whose citizenship documents do not show their current legal names.

"It's a really difficult problem," Weiser said. "I think [the Act] has assumptions that might not be achievable with what kind of paperwork most Americans have."

THE FUTURE OF THE ACT

Given the widespread negative backlash against several of the REAL ID Act provisions, a change to the law in the near future looks highly likely. In March, the federal government pushed back the deadline for REAL ID Act compliance to 2009. There is also strong pressure in Congress for a repeal or significant revision of the law. Senators Daniel Akaka of Hawaii and John Sununu of New Hampshire have introduced a bill, S. 717, to repeal portions of the Act and give states more flexibility in regulating issuance of IDs.

The controversy surrounding the REAL ID Act shows that serious questions remain as to what constitutes reasonable requirements for state governments and individuals in the effort to improve ID security. How those questions will ultimately be resolved remains to be seen.



By Nevin Barich nbarich@nationalnotary.org

A POLICY OF PREPAREDNESS AND FOLLOWING THE RULES CAN HELP BUSINESSES PREVENT LAWSUITS.

There are 4.83 million Americans commissioned as Notaries, and more organizations than ever before — from independent document service companies to conglomerates like Federal Express — are asking their employees to become Notaries to offer better service to their customers.

Employers focused on the bottom line might be tempted to treat notarial acts as just another service, to be modified and adjusted to please their customers no matter what the demands. But a faulty notarization, intentional or not, could result in major financial damage.

To avoid such issues, prudent companies implement "risk management" systems for their Notaries, said Joyce Gandelman, attorney and Notary for the law firm Brunn and Flynn in Modesto, California.

"If you're your own boss and a signer asks you to do something you're not supposed to do, that's

one thing. But if it's your boss asking you to do something illegal, that can be very intimidating for the Notary," Gandelman said. "Having a risk management policy for Notaries helps avoid this situation, because now they have something to point to if asked to do something wrong."

THE STAFF 'EXPERT'

Unfortunately, companies all too often look for shortcuts to save money and create convenience for their customers. Some employers, for example, see no harm in stamping, dating and even signing mass quantities of notarial certificates in advance so they're ready for customer signatures later.

Employee Notaries may find it difficult to tell their bosses that such a time-saving procedure is illegal and could land them in court should anyone question a notarization. That's why companies should appoint a Notary specialist to supervise in-house notarial duties

and services. These experts could advise both upper management and staff Notaries on rules and correct procedures.

One such "expert" is Joan Sampson of Roseville, California, who has been working with Towne Development of Sacramento since 2004. She established a notarial conduct policy for the company upon her arrival.

"Notaries have fiduciary as well as moral and ethical responsibilities, and I saw right away that not having some type of policy for Notaries could have affected the company severely later on," said Sampson, the NNA's 2007 Notary of the Year.

PERSONAL KNOWLEDGE

Many employers ask their employee Notaries not to request identification from signers. They see it as a burden that might discourage a client from coming back. However, identifying the signer is crucial — and required by law — because it helps prevent fraud.

Notaries may forgo asking for identification if they have personal knowledge — beyond reasonable doubt, based on many interactions over a substantial period of time — that the signer is who he or she claims to be, but they cannot rely on the *employer's* personal knowledge of the signer.

A JOURNAL POLICY

Not every state requires Notaries to maintain a journal of notarial acts. But all companies should. "A journal is absolutely vital. It aids in both a company's defense if a notarization gets questioned, as well as in conflict resolution," said Bill Gimbel, General Manager of CBCInnovis Nationwide Document Service in Chandler, Arizona. Among other things, a journal entry can establish that the company took reasonable care to avoid negligence.

UNDER LOCK AND KEY

If a Notary's seal and journal fall into the wrong hands, the possibility of fraud increases dramatically. "It's simply good business practice to safeguard your Notary tools," Sampson said. "If someone ever used your Notary seal improperly, the Notary could be held liable, the entire transaction could become null and void, and the financial impact on the company that employs the Notary could be huge."

To protect journals and seals, employee Notaries should be given a place in the office — such as a fireproof cabinet — to lock them up when not in use. And only the Notary should have access to this secure location.

INSURANCE

Like all humans, Notaries make mistakes. But the companies that employ them may be asked to pay the tab. Managers shouldn't expect Notaries' surety bonds — in those states that even require them — to provide any protection. Any damages paid out by the bond company must be repaid by the Notary.

The only real protection is errors and omissions ("E & O") insurance. E & O insurance, which is optional, protects the Notary from damages due to unintentional errors (intentional actions are not covered). The Notary does not have to repay this money.

"Having this insurance adds to the credibility and professional image of Notaries," Gimbel said. "Many clients we have worked with insisted that our Notaries have it." NNA

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As Humanity And Technology Co-Evolve And Our World Changes Dramatically, Humans Will Be Key In Maintaining Integrity, Security

he world today is awash with visions of the future — alternately utopian and apocalyptic, and delivered wholesale through film, television, books and interactive games — and experts are beginning to agree that humans and technology will co-evolve in their marriage of dependence.

Futurists, scientists, environmentalists, theologians, bioethicists and scholars have spent years making predictions about — and preparing for life in the next 50 years and beyond. Yet amid the agree on two prognoses: the pace of environmental, technological and societal progressions will accelerate exponentially, and the "human element" will remain ineradicable in these advancements in future society. Woven within these predictions lies an often

vast landscape of speculation, many forecasters

overlooked reality: Ethics, integrity and character in the human-technology relationship will be the cornerstone in maintaining security and benevolence in future society. The debate over

whether we could do something technological versus whether we should has already begun amongst ethicists, but that debate in many sectors often becomes buried when competing against innovation and advance-

We are entering a world where organs will be created in hours, biometric identities will be established in milliseconds, paperless transactions will occur almost instantaneously and many aspects of our individual existence will be subject to some form of monitoring. Technological advancements have always

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The year is 2057. You're fast asleep on your open-cell memory foam bed, while your smart-house's computerized domestic system — affectionately called "Rita" — retrieves fresh fruit from your pantry and mixes your smoothie. At the same time, Rita lays out your jumpsuit — which is temperature-regulated to cope with global warming — and prepares today's schedule.

An unobtrusive simulated-sunlight device gradually warms your face, using light-emitting diodes to awaken you from a pleasant slumber. You slowly open your eyes to see the bio-scan bar moving overhead, taking your body temperature and reading your vital signs.

"Your REM sleep was successful, and you are in a pleasant mood today," says Rita's computerized voice. "However, your white blood cell count is only 3200 CMM, so I will be adding X80 to your breakfast beverage. Have a nice day."

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eroded privacy on some level, which is why character and ethics will be more valuable than ever as humanity evolves.

We already live our lives online through computers, cell phones, eNotarization, digital imagery, social networking, instant messaging and the like. GPS units tell us where we are; advanced medical procedures change our body chemistry and appearance; and databases keep track of it all.

We have also experienced what the dark reaches of the human element are capable of achieving with technology. Mortgage fraud, identity theft, terrorism, corporate graft, unauthorized monitoring and privacy erosion make headlines every day.

As technology becomes faster, smarter, stronger and ever more ubiquitous, humankind will need to grow more vigilant and ingenious to guard against those individuals who might exploit or abuse such power.

Technology And Humans: A Joint Evolution

While the Great Pyramid of Giza ranks as one of the Seven Wonders of the Ancient World, they serve as a stark reminder of the limitations of all technology. The builders designed the pyramid as a monument to the greatness of their pharaoh and as an impregnable vault to safeguard earthly treasures and begin the mystical journey into the afterlife. But grave robbers quickly found a way inside and looted it. Without people to watch over it, the pyramid became vulnerable in much the same way as technology in the computer age has become vulnerable.

In the next half century, the prime challenge for humans will lie in keeping up with the pace of technological advancement. This is particularly true in the world of computers, where researchers are trying to develop systems that can think for themselves.

"We'll either have serious AI (Artificial Intelligence) or not, and if we do, the world will be drastically changed," said Eliezer Yudkowski, author and research fellow at the Singularity Institute for Artificial Intelligence.

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"The human brain is about three times the size of a chimpanzee's. All the changes that have occurred have been the result of the rise of human intelligence over tens of thousands of years. But if you want six times the processing power in a computer, you only have to wait five years," said Yudkowski, noting that the potential of computer intelligence is millions of times greater than that of human intelligence.

The question seems to be how humankind will keep up.

"We humans co-evolve with our technology. As we develop machines to do things we used to do, we gain the ability to do things we couldn't do before. We're not slaves to

2557 B.C.

It's the year 2557 B.C. You're on the plain of Giza in ancient Egypt, poring over a set of architectural drawings made on papyrus scrolls. You bark an order to an underling.

Thousands of workers use pulley rigs and logs to haul the final blocks up a mud ramp to the top of the Great Pyramid. Artisans file in and out of the entrance to the tomb. The nearby worker's village is alive with the sounds of stonecutters and the army of craftsmen who make this monument possible.

You feel a sense of pride at the scientific principles you use to build the greatest structure in the world. A servant refills your chalice as the pharaoh rides past you in his chariot, beaming with pride.



technology, but any new thing that we invent and use will change the way we live and the way we think," said nanotechnologist Chris Phoenix, director of research at the Center for Responsible Nanotechnology.

Many scientists believe the near future will likely include far more household robotics, according to a survey conducted by the Institute for the Future and *Spectrum*, the publication of the Institute of Electrical and Electronics Engineers, Inc. (IEEE). Products such as the sensor-driven automated vacuum iRobot Roomba are a preview of how robotic or automated products will take over many routine tasks at home and in the office.

More than half of the IEEE respondents believe that nanotechnology — the science of building devices, such as electronic circuits, from single atoms and molecules — will go from the experimental stage to commercial viability.

The IEEE respondents believe that "smartdust" technology — miniature sensor transmitters that are sprinkled onto an area, such as a battlefield, to analyze the environment — will be widely deployed in sensor networks. They also foresee smart-tag technologies such as Radio Frequency ID (RFID) — an automatic identification method which stores and retrieves information using radio waves and transponder devices — replacing conventional bar codes.

All this technology involves information processing, but it's still up to us to determine how to use the information.

The future also may see a major change in how we define terms like "face-to-face" and "hands-on."

In a recent *New Scientist* magazine report surveying several eminent scientists, Robert Ballard, renowned undersea explorer and discoverer of the

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Titanic wreck, predicted that a global network of high-bandwidth cables will "wire the world" within the next 50 years. As arcane as that may sound, the increased bandwidth will eventually allow people to travel electronically rather than physically. Ballard explained that telepresence — sending sensory feedback from a tele-operator or tele-robot to a human at a remote site — is already being used in undersea exploration. But even telepresence requires the human element: it involves a tele-robot and a human operator.

Prediction magazine asked a psychic, an astrologer, a science fiction writer and a scientist to predict life 50 years from now, and they forecasted that people will carry around a "smart-card" containing their medical information, financial reports, driver's license information, criminal records and other personal data, which will also record their activities and track their movements. They also envisioned 3-D videoconferencing.

With all the attention being paid to identity theft and fraud, identity technology has become big business and will radically change they way we prove who we are. The driver's licenses and passports we use today may be replaced by any number of options.

Optical scanning, which is already being used to limit access to certain classified government buildings, is expected to become a primary method of identifying individuals to allow access to computer databases or entrances into buildings and rooms.

Identity through mathematical analysis of random patterns in the iris — which is statistically more accurate than DNA testing, according to a recent Stanford University report — is already being integrated into automatic teller machines in Asia and even the United States.

Continued on page 34

Notaries Will Remain The Cornerstone Of Secure Transactions

The changes that have impacted the Notary office over the past 50 years have been dramatically more significant than the changes that have occurred to the office during the first two millennia of its existence.

And given the pace of current technological development — with the emergence of trustworthy and secure eNotarization, eRecording, eApostilles and digital evidence — it stands to reason that the next 50 years will continue to transform notarization at exponential rates, incorporating advancements in document technology, cyber security and biometric identification. The future is certainly driving the Notary office to new levels of professionalism, value and earnings.

Paper-based transactions will markedly diminish and eventually become a relic of the past. Physical journals will no longer be needed. The technology platforms used to record transaction information, such as today's Enjoa® system, are expected to be widely used, and their most significant transformation will likely lie in smaller, more portable and more secure versions. The future of units such as Enjoa might very well involve multi-purpose personal organization systems, with the ability to schedule appointments, update address books, order supplies and even book airfare, all with the ease of voice-recognition commands.

But despite these predicted advances, the human, face-to-face interaction between a signer and a Notary will always be central to notarization. Only a human possesses the powers of discernment to verify a signer's willingness and awareness.

"I'm always amazed at how often people forget that technology serves us — not the other way around," said Dr. Richard J. Hansberger, NNA eNotarization Director. "The technologies Notaries will use in the future seem astounding to us now — imagine Notaries being able to receive a document via their smart-phone, view that document with the signer personally before them, and notarize that same document on their phone screen — but the most important thing to keep in mind is that a notarization involves a Notary for a key reason."

In order to ensure that a transaction is absent of fraud, imposture, ignorance, mental incapacity or coercion, a Notary must be in the physical presence of a document signer. Even in this new era of eNotarization, many legislators have always been, and likely always will be, adamant about enforcing this requirement. This will be especially important in future decades, when advancements — and potential exploitations — of biometric identification and telepresence become commonplace. It will also be important to avoid those individuals who want a fast, easy and cheap transaction that sacrifices security.

"It's the Notary who forges the relationship with a signer and earns repeat business in doing so, not the technology; and it's the Notary who is able to detect fraud in subtle nuances and screen signers for willingness and awareness, not the technology. Humanto-human personal interaction is and will always be a key component in every notarization," said Hansberger.

Even if the identifying methods become more streamlined and more penetrating, such as when signers present smart-cards or even provide DNA samples, the human Notary and the human signer must always meet face-to-face. No holographic transport or remote DNA analysis will ever suffice in determining willingness and awareness.

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The Stanford report explained that other methods of biometric recognition include finger-printing, hand geometry, nailbed identification (based on the shape of structures underneath the fingernail), palm prints, facial recognition and retinal scan. Identification methods involving behavioral characteristics include signature dynamics and voice recognition. Iris and retina scans are the most accurate of all biometric techniques and, currently, the most costly.

But here again, human involvement is key. All of these systems require information to be gathered, stored and managed. A database containing this type of information would represent a treasure trove ripe for the looting, just like the pyramids. Humans can help keep out the data robbers and hackers.

Future Criminals: Advancement Brings New Threats

In the future, when technology and discovery make life more convenient, it will be more convenient for the world's honest and dishonest individuals alike.

2057

You take a stroll in the park and stop at an ice cream kiosk. You raise your hand to the financial transaction scanner to call up your credit card account, only the scanner doesn't recognize you. You try again as a family in line behind you huffs impatiently.

You hurry home, only to find that the security system on you house doesn't recognize you, either — not your iris, your palm print, your facial features. Nothing.

That's when you see someone emerge from your garage in your Nano-Mobile 3000 and you realize that your livelihood, your very essence, has been stolen. Not just your possessions, but your ability to function. The whole world runs on inter-connected databases, and every single one of them now thinks you're the impostor.

"Criminals will be more sophisticated — they'll have to be just to stay around, just to keep up with the tools that are being created to prevent their actions," said Dr. Max More, strategic futurist and chairman of the Extropy Institute. "The nature of the crimes will change; perhaps certain crimes will become

harder to commit. Even now, surveillance equipment and tracer chemicals make it harder to get away with many crimes."

While the future may see

While the future may so a major decrease in traditional crimes like robberies and muggings, which can be visibly witnessed and captured on surveillance devices, far more destructive, less observable crimes might take their place. Incidents of criminals raiding some corporate or government database to steal people's finan-

cial and identity information are already increasing steadily today. While technology is expected to

enhance our ability to protect ourselves, that same technology has the potential to victimize us.

In a Discovery Channel program called "2057," Theoretical Physicist Michio Kaku said that one of the most dangerous forms of computer hacking is social hacking, in which the thief accesses a government or corporate

computer using a password stolen from someone he or she knows. Once the breach has been made, "[social hackers] can paralyze a modern city ... and they can collapse the entire economy," according to Kaku.

Nearly 55 percent of the IEEE/Spectrum sur-

vey respondents believe that prosthetic retinas will be commercially available in the near future, and 67 percent believe that rapid DNA sequencing will become affordable. If these predictions were to come true, criminals would be able to replicate retinas to fool eye-scanners, and DNA sequencing could be manipulated to steal someone's identity.

Also, while the new computer technology will likely produce immeasurable benefits to humanity, its power may open up new levels of corruption. RFID technology

great improvement over printed bar code scanning, but it has also been shown to have devastating consequences when compromised. According to a BBC News report, weaknesses in the smart-tag technology leave RFID transponders extremely vulnerable to hackers. Security researchers found that RFID viruses could easily spread and subvert corporate databases.

has already been shown to be a

Most observers agree on one important point: Defining what constitutes "proper use" of a yet-to-be-discovered technology is difficult.

"Given humanity's known ethical track record and the potential power of some of these technologies, we may have no choice but to look for better-than-human ethics if we're going to survive," said Yudkowski. "If people who don't know what they're doing mess around with smarter-than-

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gridlocked because many people work via holographic commute. But you're a Notary, and your job requires old fashioned "face-to-face" time, so your Nano-Mobile 3000, reading the pre-programmed longitude and latitude, transports you to meet a client.

It's rush hour. The roads aren't

That evening, back at home, you get a call from a client on your video-projection bracelet asking you to notarize a loan document, but he's stuck on another planet — literally. He says he can only appear to you by holograph. The three-dimensional image projected of him pacing back and forth hovers above your bracelet, as he tries to convince you to notarize his holograph. But you refuse.

You have no way of knowing whether he's being pressured or his image is being manipulated by holo-jackers. He stomps his feet, but you hold firm.

human intelligence (like ours, but millions of times faster, such as AI), instant certain death might not be an exaggeration."

Ethics And Character: The Key To Protecting Humanity

One of the lessons of history that often gets lost in the buzz over new technological advancements is the fact that technology has no ethics. The humans who use it and how they use it determine whether its results are helpful or harmful, virtuous or malicious.

If You're Owed Money, We Can Help!



To address the needs of NNA Notary Signing Agent section members, the National Notary Association has joined forces with Fidelity Information Corporation to form an exclusive alliance for debt collection services.

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"We will have a lot of new choices to make about what kind of people we want to be, and it will take all our human wisdom as well as all our technical skill to navigate those choices," Phoenix said.

Researchers in Israel have created a prototype "bio-computer" that uses DNA instead of silicon chips. Many bioethicists and scientists question the ethical or even practical purpose of such experiments. While this type of technology is in the extremely premature stages, a World Future Society forecast for the next 25 years speculates that the Israeli researchers' development may someday allow a computer to connect to a human brain. "That would be like somehow connecting a toaster to my arm just so I could make toast, or building an airplane by strapping a jet engine onto a bird. Humans were not designed for that," said Yudkowski.

"Smart" programs, which entail computer responses and programmed robotic "learning" elements, are probable in the next 50 years. But even smart programs will involve the human components of our brain and our hands. Countless attempts at passing the Turing test — the artificial intelligence test that evaluates a computer's ability to mimic human responses — have failed, and many scientists do not believe we will create a "thinking" computer in the next 50 years.

But even if we were to resolve this issue, computers that could "think" on their own would not be able to replace humans. Several human traits, including emotion, instinct and the ability to discern subtle inferences, will not likely be accurately reproducible with computer code.

It's highly unlikely that any future technology even artificial intelligence — will ever be able to duplicate high moral standards, integrity and honesty.

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These are human-specific characteristics and will be vital in protecting future society — not just in preventing wrongdoings, but also in correcting a problem after an error or breach, or restoring a victim's situation after a crime.

Amidst the technological advancements and countless currently unfathomable discoveries our world will experience in the next 50 years, the human element will almost certainly evolve, perhaps radically.

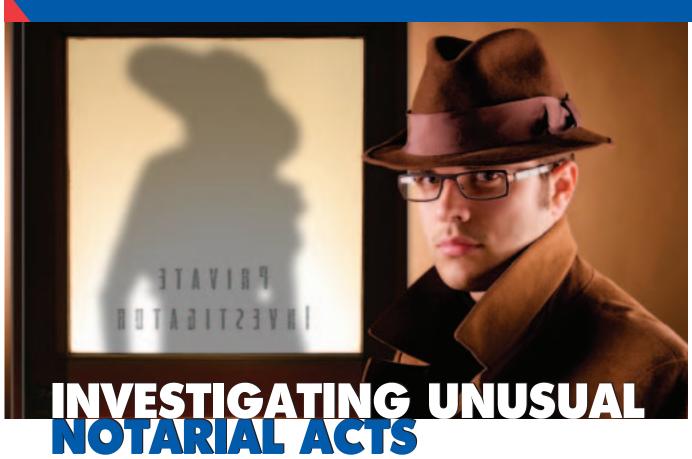
"Humans are not fixed; in the future we're not going to be 'human' the way we once were — even now, we are very different than we were in the past, with such advancements as metal hips and contact lenses. In the future, sophisticated technologies will be more widely used in our bodies," said More.

And perhaps one of the greatest challenges will be resisting the temptation to let ever-increasingly powerful machines make decisions for us.

"The combined intelligence of all human brains is relatively fixed at 10²⁶ calculations per second. By 2056, our non-biological intelligence will be a trillion times greater than this in terms of hardware, and will also be vastly superior in software due to many generations of redesign," predicted Ray Kurzweil — the principal developer of the first omni-font optical character recognition, among other noteworthy developments — in the New Scientist report. Kurzweil added, however, that this does not mean intelligent machines will take over in an alien-like invasion.

As More explained: "I doubt that the traditionally viewed 'machines versus humans' [concept] will be accurate. It's more a matter of how we will integrate into our technology and how we will make the most sensible choices as we do that. It'll be more the concept of us coming together in many ways, and in that sense, humans will be vital in our future."





By Sam Spade*, Notary Detective

A WELL-KNOWN GUMSHOE DOES SOME 'SPADE' WORK TO SOLVE THREE CASES OF BIZARRE NOTARIZATIONS.

It was late. The moon was full and the rain was pounding. I'd worked a long day doing notarizations and was ready to go home.

Then, she walked in, beautiful and mysterious. A breath of fresh air blowing in from the stormy night. I told her if she was looking for an acknowledgment or jurat, I was fresh out of forms. She said that wouldn't be necessary. What she needed was the contents of a safe deposit box inventoried.

The request made me, well, perplexed — a word I rarely use. Turns out she was a bank executive with an abandoned safe deposit box. Seems its owner had dropped off the face of the earth. Now I'm not the brightest bulb in the pack, but something told me this was one woman you didn't want to cross. So I validated her parking ticket by paying for it out of pocket, no questions asked.

The next morning, after a sleepless night thinking about her request, I called the NNA Hotline

to ask if I could do it. The counselor told me that a) sleep is precious, and b) inventorying an abandoned safe deposit box was indeed a notarial act in many states, including mine. Then he said something that I remember like it was yesterday — "You just received an unusual notarization request."

It suddenly hit me like a stack of journals: Anything that isn't an acknowledgment or jurat just might fall into this category. I immediately started doing research on other unusual notarial acts from around the country. Whatever forces were driving me, I still haven't figured out, but here's what I found:

THE CASE OF THE ABANDONED BOX: As strange as it might seem, people sometimes do abandon or forget about their safe deposit boxes. Or sometimes the parties just die, naturally or unnaturally — you get the idea. In many states, Notaries might be asked to inventory the contents of a box if the rent is

significantly overdue and there has been no response or interest from the renter to resolve the situation.

When the financial institution decides to remove the box and open it, state laws may require an impartial

In the end.

remember, there's

nothing unusual

about wanting to

Notary to inventory the contents. The Notary completes a preprinted certificate, listing the items in the box, and the bank keeps this document on file. If you keep a journal (which is always a good idea regardless of state law), you would have the supervising bank officer and any witnesses sign it.

THE CASE OF THE ACE SHOOTER: It was one of those balmy days when the call came in. He asked if I could notarize his buddy's golf scorecard to prove that his chum had shot a hole in one. I don't blame him — two things I never take at face value: or attoright.

coincidences and aces on the links. Anyway, he was out of luck because we weren't in Washington — the only state in which Notaries are allowed to certify an event or act.

What Washington State Notaries are actually notarizing in these situations is a document that describes the act, performance or other event. The Notary certifies the validity of the document's statements either through personal knowledge of the event or through satisfactory evidence of the event from the word of a credible witness who observed the event and is personally known to the Notary.

Washington Notaries shouldn't notarize the document if they were involved in the event, as it would undermine the Notary's impartiality. Notaries shouldn't make any commercial endorsements or testimonials using this form of notarization, and they should avoid situations that require them to make subjective judgments. In other words, a hole in one is a hole in one — it's observable and factual. But claiming someone is a good golfer is a matter of opinion.

Washington's short-form certificate says, in part, "I certify that the event or act described in this document has occurred or been performed."

THE CASE OF THE NOTARIAL ACT THAT REFUSED TO DIE: In my racket, swindlers, moochers and deadbeats are a dime a dozen. And sometimes you have to deal with them the way people have dealt with them for centuries — with a protest.

Around the Pioneer Days and on into the early 20th Century, protests were among the most common notarial acts. Before financial institutions had telegraphs, computers and other electronic means of communicating, people who were owed money needed a way to establish their legal claim. So they'd turn to a Notary as a trusted third party.

Though technology has made protests largely obsolete, most states still permit them. A protest is a declaration written by a Notary that says a debt hasn't been honored. The Notary must personally present the

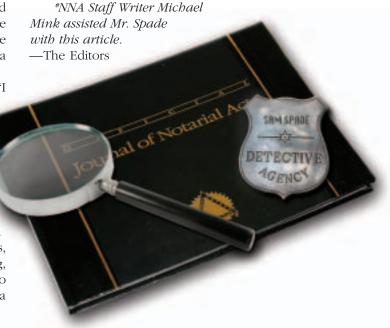
declaration to the debtor — an action called presentment. If the debt still isn't paid, the Notary issues a certificate of protest to the creditor. Among the items a complete certificate typically should note are the creditor's name and the reason given by the debtor for refusing to pay. Protests can be complicated, and it's best not to perform one unless the Notary is familiar with all of the required

steps or is acting under the supervision of a person experienced with the procedure, such as a bank officer or attorney.

You never can tell who's going to come through your door or what they're going to want. Whenever an unusual or unfamiliar request comes up, consult your state Notary handbook or Web site, or call the NNA Hotline. Never panic or allow yourself to be pressured into doing something you're not 100 percent sure you understand.

In the end, remember, there's nothing unusual about wanting to do it right.

I was happy to close the journal on these cases. In my line of work, there's no time to look back — to stay alive, you need to live in the present. Now though, it's late, and it's time for me to get out of here. I like to leave the building in the shadow of darkness. Fog and rain are good, too. Really adds to the Notary mystique.





Even After Death Your Identity Is At Risk

rave robbing has long been considered one of the Imore despicable of crimes, committed by the lowest of criminals. Today, thieves are after something more valuable

than rings and watches — they want the identities of the deceased.

As citizens have become more guarded about their personal information, identity thieves increasingly are turning to the obituary columns to ply their trade, threatening the good name and credit of the departed and the inheritances intended for their heirs.

In one recent case, a deceased Georgia man's family discovered that 21 credit card applications had been made in his name in the two weeks following his death. The ID fraud resulted in a new car and around \$10,000 charged in his name.

The Identity Theft Resource Center (www.idtheftcenter.org) reports that in 2004, ID thieves opened some 400,000 checking accounts in the names of deceased individuals. The goal is to receive credit in the deceased party's name, and establishing checking accounts can help facilitate this goal.

The process is disturbingly simple. All an identity thief needs is the deceased person's name, which leads to other important information such as credit history. With the credit history in hand, the thief may track down the person's Social Security number fairly easily. Acquiring that information can be as simple as purchasing it on the Internet for under \$20, said Jay Foley, cofounder of the Identity Theft Resource Center.

The harm isn't just to the deceased individual's good name and credit. It hits the survivors, as well. Burned creditors, unaware of the fraud, could go after the estate for the amount owed. Although family and heirs aren't liable for fraudulent credit activities,

they still face the headaches and expense of fighting lawsuits or other legal action taken by creditors.

Here are some tips to protect your deceased loved one's identity:

Limit obituary information. Don't list the deceased person's date and month of birth. Only list the year of birth, or better yet, just the age upon death. If possible, avoid citing the specific city of residence, especially if the physical address is listed in the phone book.

Mail copies of death certificates. Send them to the Social Security Administration, to the three major credit-reporting bureaus — Equifax, Experian and TransUnion — and to all of the deceased party's creditors. Also send them to ChexSystems to help prevent new checking accounts from being opened, and to the DMV to prevent ID thieves from getting fraudulent picture IDs.

Follow up. Within a few weeks, request the individual's credit report from each of the major credit bureaus to ensure the actions have been effective.

Intercept mail. If need be, make arrangements with the post office to forward the deceased person's mail to the responsible survivor.

Properly dispose of mail. Once the mail is intercepted, exercise proper disposal methods, especially with all correspondence containing pertinent financial information. It's always a good practice to tear it up or shred it.

Just as the memories of the people we care about live on, so can their identities unless the proper steps are taken.

— Michael Mink

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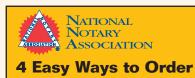
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A32606

NUTS AND BOLTS



Understanding Credible Identifying Witnesses

CREDIBLE IDENTIFYING WITNESSES ARE OFTEN USED TO IDENTIFY SIGNERS. BUT NOT ALL NOTARIES UNDERSTAND EXACTLY WHAT A CREDIBLE WITNESS IS AND HOW THE PROCESS OF EMPLOYING THIS THIRD PARTY WORKS

DEFINING CREDIBLE WITNESSES

In this expanding world of international commerce and electronic transactions, Notaries don't always personally know their signers. And when an unknown signer cannot present adequate identification, the signer's identity often may be verified using the sworn statement of a credible identifying witness.

A credible witness must know the signer and be known by the Notary. For example, let's say a Notary's boss has a friend who needs a notarization. However, the recently married friend only has an ID card in her maiden name, while the document to be notarized uses her married name. In this case, the boss may serve as a credible witness since he knows the signer by her married name and is known by the employee, creating a chain of personal knowledge.

In a few states, such as Florida and California, a Notary may rely on the oath or affirmation of two credible witnesses who are both strangers to the Notary as long as they each have proper documentary identification and are not affected by the transaction.

CHOOSING AN IMPARTIAL THIRD PARTY

Even if not expressly addressed in state law, the witness should be an impartial third party without a personal interest — financial, emotional or otherwise — in the transaction at hand. This rules out using signers' spouses, parents, siblings and children as witnesses, especially when the document involves a real estate or financial transaction, since there may be a direct or potential monetary benefit. In general, close family

members make poor witnesses because of an emotional connection to the signer that could undermine their impartiality.

Three normally acceptable and available options when seeking a neutral witness are the signer's friend, neighbor or co-worker.

THE SIGNATURE AND OATH PROCEDURES

The procedure for relying on a credible witness typically requires the Notary to indicate that such a method was used to identify the signer by signifying (either by writing or check-boxing) "credible witness" and writing the witness' name in the appropriate section of the journal entry. If the witness is personally known, the Notary should also note this. If two witnesses unknown to the Notary are being used, the Notary should write in next to their names the types of ID they present, along with each ID's issuance or expiration date.

Next, each witness should sign the journal in this "identification of signer" space. Keep in mind that the principal signer not the witness — is the only one who signs the journal area designated for "signature of signer."

The Notary should administer an oath or affirmation to the witness, using wording such as: "Do you solemnly affirm (or swear) that the signer is who he or she claims to be (so help you God)?" No separate jurat certificate is necessary, since this is not a notarial act, but merely part of the identification process for the current notarization.

Only the principal signer — not the witness — signs the actual document. And, as always, only the Notary signs the notarial wording area or certificate.

A Must-Have for Notaries **State 'Notary Law Primers'**



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A32606

HOTLINE

Jurisdiction Issues Can Be Complicated For Notaries

By Denese Turner dturner@nationalnotary.org

The Internet has made the planet a much smaller place, and ■ Notaries are handling more and more cross-border transactions. As a longtime California Notary, I don't notarize very

many documents these days that are both drafted and filed in my home state. It's taken a great deal of research to sort out the nuances and complexities of handling such transactions. This experience becomes valuable in my role as a Hotline counselor because every day, scores of calls come in from Notaries across the nation with questions about how to handle interstate and international notarizations.

Recently, T.D. of Los Angeles, California, was faced with an interesting dilemma regarding an international notarization. I gave him a clear course of action:

May I notarize a document that is to be filed in Canada? If so, should I use the jurat wording that is already on the document or the California jurat wording?

A California Notary may notarize a document to be filed in Canada or any other foreign country as long as the Notary is within the geographic boundaries of California at the time of notarization. As for the jurat wording, since January 1, 2005, California statute has required specific verbatim wording for jurats, and any jurat executed in California must use that wording no matter where it is going to be filed. (Government Code, Section 8202[b])

When a loan signing begins before midnight, but some documents are not signed until after midnight, what date goes in the notarial certificate and in the journal?

G.B., Boaz, Kentucky

Each notarial act must be dated and recorded in the journal with the date the act was actually performed. For example, if three out of four documents are notarized before midnight on August 12, the notarial certificates and journal entries for those documents would be dated August 12. If the final document is notarized after midnight, the certificate and journal entry for just this document would be dated August 13. To avoid confusion, it is best to schedule all signings for completion well before or well after midnight.

Both borrowers' names are preprinted on the acknowledgment form, but only one is appearing before me. Should I use the form on the document or attach a loose certificate? If I use the wording provided, how do I show that only one signer appeared before me?

S.E., Bascom, Florida

You may either use the certificate provided, assuming the notarial wording on the document is correct for your jurisdiction, or attach one of your own. If you choose to use the certificate provided, line through the name of the party who is not appearing before you and initial and date the correction. Be sure also to adjust the plurals and pronouns in the certificate as necessary to conform to one signer rather than two. The absent second signer would later have to appear before you — or any Notary — and a second certificate would then be attached.

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

You can reach

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



By Michael Lewis mlewis@nationalnotary.org

THE STRANGE CASE OF A FLORIDA NOTARY'S MISSING SON REMAINS AN UNSOLVED MYSTERY.

n a run-of-the-mill August day last year, Melinda Duckett did something millions of Americans had done before her. The 21-year-old central Florida mother became a Notary Public.

Less than a month later, Duckett's life would become anything but run-of-the-mill as the world searched for her missing 2-year-old son. And two weeks after that, she would be dead by her own hand. To some, her suicide was proof of her guilt in a bizarre crime. To others, it was proof that she acted out of desperation after being hounded by the media.

Even Duckett's Notary commission became fodder for the investigation. When the information became public earlier this year, police speculated that she might have used her Notary tools to forge documents to get her son, Trenton, out of the country — possibly to Korea, her birthplace.

"We haven't found anything improper," said Detective Rhonda Stroup of the Marion County, Florida, Sheriff's Department. According to Stroup, Duckett's grandfather said she had been trying to become a police officer and thought "having any kind of official status," such as a Notary commission, might help.

While the authorities have shifted the focus of their investigation, they remain unsure if Duckett's Notary commission was used in any way in the disappearance of her son. "We never found anything she had notarized at all," Stroup said.

Most recently, the Marion County Sheriff's Department put out an alert for a late-model Cadillac Escalade driven by an Asian or Hispanic couple. Witnesses saw Duckett and a small child meeting with the couple a week or so before she reported that her son had been abducted.

Sheriff's Department officials believe that the missing boy is still alive, and the deceased Duckett remains the primary suspect in the abduction case.

"We've always believed there was some kind of handoff," department spokesman Major Chris Blair said. "Of all the people we interviewed — family, friends, daycare employees — none of them told us Melinda would have

harmed Trenton. They all described her as a loving, attentive mother."

Duckett's suicide notes also gave rise to the hope that Trenton is alive. To her grandparents, she wrote: "Even after my baby is found, I would not be a good mother." Addressing the public, Duckett wrote: "He [Trenton] was and always will be my essence and as he grows, I want him to know that."

Duckett's adoptive mother, Beth Eubank of Lockport, New York, refuses to believe her daughter gave Trenton away. "She fought too hard to keep him," Eubank said, adding that the

Korea theory was flat-out wrong. "Melinda was adopted at four months old," Eubank said. "She never had any connection to Korea."

The saga began when Duckett frantically called 911 to report that her son had been abducted from her Leesburg, Florida, home on the evening of August 27, 2006.

According to Duckett's account, Trenton was asleep in his bedroom at 7 p.m. when she settled down in her living room to watch a video with two friends. At 9 p.m., she checked his room, and he was gone and the screen window had been cut.

The case quickly garnered nationwide attention and sympathy for Duckett — as it played on every parent's fears. But police attention shifted to Duckett as details of her contentious relationship with Trenton's father, 21-year-old Joshua Duckett, came to light.

An April 2005 complaint to the Department of Children and Families said Melinda Duckett — who had a long history of self-mutilation — had threatened to harm Trenton if his father didn't come to see her that night.

After the couple's wedding, police were called to the Duckett home on several occasions. At one point, authorities committed Melinda Duckett to a mental institution for evaluation. Among the diagnoses: obsessive compulsive disorder with perfectionist personality features.

Melinda Duckett also lost custody of Trenton twice, getting him back both times.

In June 2006, Melinda Duckett filed for divorce and obtained a restraining order against her husband, claiming he had sent an eMail threatening to kill her and Trenton. But police discovered that she had faked the eMail.

The investigation into Trenton's disappearance began to focus on an eight-hour drive he and his mother took the day he went missing. Her divorce attorney, Kimberly Schulte, told local media that Melinda Duckett

had planned to take Trenton on a daytrip to a shooting range at the Ocala National Forest, but they got lost. Police traced Melinda Duckett's cell phone activity on a convoluted journey across central Florida.

Police also were prepared to arrest her on charges related to faking the threatening eMail from her estranged husband, but instead decided to follow her, hoping she would lead them to Trenton. But the plan backfired.

During a September 7, 2006, taping of CNN's "Nancy Grace" show, the talk show host grilled Trenton's mother about the case and about her refusal to take a polygraph exam. After the show, Melinda Duckett went to her grandparent's home in nearby Lady Lake, where she killed herself with a shotgun. That

night, the "Nancy Grace" episode aired. Schulte later went on TV and said she had advised her client against taking the polygraph.

Trenton remains missing and Melinda Duckett's family has filed a lawsuit against Grace for wrongful death and for intentionally inflicting emotional distress.

COUNTDOWN TO TRAGEDY AND MYSTERY

As chaotic and dramatic as Melinda Duckett's short life was, it went into freefall the minute she reported her son's disappearance. Here is a timeline of events in the case

IIIII OI EVEIII III III	initetine of events in the case.			
August 27, 2006:	Melinda Duckett calls 911 around 9:15 p.m. to report that her 2-year-old son, Trenton, has been abducted.			
September 7, 2006:	Melinda is grilled about the case in a taped interview with TV talk show host Nancy Grace.			
September 8, 2006:	Melinda commits suicide. Several hours later, Nancy Grace (unaware of the suicide) airs the interview.			
September 21, 2006:	Police name Melinda as their primary child abduction suspect.			
November 15, 2006:	Police, citing new evidence, announce that Trenton			

is probably alive. They theorize that Melinda gave him away.

disappearance.

Police learn that Melinda became a Notary just weeks before Trenton disappeared. They investigate the possibility that she used her commission to forge documents to get Trenton out of the country.

March 2007: Police search for an "Asian or Hispanic" couple seen meeting with Melinda before Trenton's

Source: NNA Research

January 2007:

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



Even Small Donations Can Make A Big Difference

We don't always appreciate the effect that seemingly small things can have on us. It takes only seconds for a reckless driver to cut you off on the freeway, but it can

leave you stressed and upset for the rest of the day. An extra slice of pizza tastes good at lunch, but it takes hours to work off at the gym later.

When it comes to charitable giving, the same principle regarding lingering effects of small actions applies. According to recent studies, charitable giving has reached new heights in the past year — and many contributions totaled less than the cost of an evening's entertainment. But a little more giving by a lot more people has meant very big gains for those in need.

Following the disastrous Gulf Coast hurricanes and the devastating Asian tsunamis of 2005, millions of Americans, including a major force of Notaries, stepped forward and raised billions of dollars for relief at home and abroad. And the trend toward greater giving didn't slow down in 2006. According to an annual survey conducted by the Association of Fundraising Professionals (AFP), seven out of 10 charities raised more money last year than in 2005 — the highest increase in six years — with more than half of the surveyed charitable groups reporting gains of 20 percent or greater.

What has prompted this increase in giving? Perhaps people are finding that smaller gifts from individuals are having an enormous positive impact on fund raising. Millions of dollars in U.S. relief funds for the Asian tsunamis came from donations of \$50 or less made by people across the country, according to a study by the Center of Philanthropy at Indiana University.

Notaries have shown how individual giving makes a difference through their

donations to the National Notary Foundation. In addition to contributing to tsunami and hurricane relief, Foundation donors have supported a variety of philanthropic causes, including breast cancer research and scholarships for students in need at schools in California, Florida and New York.

Regardless of how much you feel comfortable donating — whether it is \$10 or hundreds of dollars — 100 percent of all Foundation contributions go directly to helping others, with all administrative costs absorbed by the NNA.

When people join together to help others, even the smallest efforts can produce astonishing results.

'Every Little Bit Helps'

Sylvia Ha Vo appreciates that the National Notary Foundation helps her to make a big difference with smaller contributions.

A Notary Signing Agent and restaurant worker in Vancouver, Washington, Sylvia was eager to help those in need through charitable giving. But it's not always easy to make large donations on her income. "Some charities have a minimum requirement to contribute \$200. I can't afford that,"

But through her NNA membership, she learned she could make affordable contributions to disaster relief by way of the National Notary Foundation.

"I think it's important for everyone to contribute," she said. "A small donation may not seem like a lot by itself, but every little bit helps."

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.



TYPICAL CERTIFICATE USES:

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

Acknowledgment, Attorney in Fact: For a person signing as an attorney in fact on behalf of anothe 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

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

Acknowledgment, Individual: For persons signing

Acknowledgment, Individual Short-Form: For persons signing on their own behalf; Wash

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 witnesses in addition to the Notary.

Copy Certification by Notary (Certification of Photocopy): For Notaries attesting to the accuracy

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

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 ocument by an individual who cannot appear





All States: except AR, CA, FL, HI, MA, MO, NV, NY TX & WA see state lists: (8½" 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: (8½" x 11")

•Individual Acknowledgment - #5947

Proof of Execution by Subscribing Witness – #5948.

 Copy Certification by Notary – #5949 Jurat with Affiant Statement – #5950

California: (8½" 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: (8½" 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

•Signature-by-Mark Jurat - #5930 Disabled Person's Jurat – #5932

Hawaii: (8½" x 7", unless noted) All-Purnose Acknowledgment – #5921

Individual Acknowledgment – #5936

 Credible Witness Acknowledgment – #5943 •Signature-by-Mark Acknowledgment - #5945

•Copy Certification by Document Custodian - #5946 •Jurat with Affiant Statement (8½" x 11") - #5924

Massachusetts: (8½" x 11") •All-Purpose Acknowledgment - #5951

•Signature Witnessing – #5953

•Jurat - #5952 •Copy Certification by Notary - #5922

Missouri: (8½" 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: (8½" 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 (8½" x 11") – #5924

USE AN NNA NOTARY CERTIFICATE ANYTIME YOU:

• Need room for your seal.

Need correct wording.

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Number of pages

• Includes space for fraud-deterrent information: Type of document Additional signers Document date

Signer's thumborint



New York: (8½" 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 (81/2" x 11") - #5924

Texas: (8½" 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 (8½" x 11") – #5924

Washington: (8½" 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

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\$11.90 for Non-members

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