



Arkansas New Law

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NNA Certified Seminar Instructor

A SPECIAL WEBINAR PRESENTATION BY THE
NATIONAL NOTARY ASSOCIATION

Topics We Will Address Today

- **New laws already and soon to become effective:**
 - **Acknowledgment certificates affecting real estate**
 - **Notary commissioning process**
 - **Scrivener's Affidavit**
 - **Health care directives**
 - **Misconduct on referendum and ballot initiatives**



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Business Entity Acknowledgment

State of _____
County of _____

On this _____ day of _____, 20____, before me, _____, a Notary Public, (or before any officer within this State or without the State now qualified under existing law to take acknowledgments), duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named _____ and _____, (being the person or persons authorized by said corporation, [business trust, estate, partnership, limited liability company, association, joint venture, or other legal entity] to execute such instrument, stating their respective capacities in that behalf), to me personally well known (or satisfactorily proven to be such person), who stated that [he, she, or they] was [were] the _____ [and _____] of the _____, a corporation [business trust, estate, partnership, limited liability company, association, joint venture, or other legal entity], and was [were] duly authorized in [his, her, or their] respective capacity [capacities] to execute the foregoing instrument(s) for and in the name and behalf of said corporation [business trust, estate, partnership, limited liability company, association, joint venture or other legal entity], and further stated and acknowledged that [he, she, or they] had so signed, executed, and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this _____ day of _____, 20____.

(Notary Public)



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Completing Certificate

- Enter state and county
- Enter date of notarization
- Enter name of signer(s), title(s) and name of business entity
- Indicate type of business
- Add the date again in testimonium clause



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State of Arkansas
County of Poinsett

On this 12th day of July, 2013 before me, Notary's Name, a Notary Public, ~~(or before any officer within this State or without the State now qualified under existing law to take acknowledgments)~~, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named Signer 1's Name and Signer 2's Name, ~~(being the person or persons authorized by said corporation, business trust, estate, partnership, limited liability company, association, joint venture, or other legal entity)~~ to execute such instrument, stating their respective capacities in that behalf), to me personally well known ~~(or satisfactorily proven to be such person)~~, who stated that ~~[he, she, or they]~~ was ~~[were]~~ the partners ~~[and -----]~~ of the Double R, a ~~corporation business trust, estate, partnership, limited liability company, association, joint venture, or other legal entity~~, and was ~~[were]~~ duly authorized in ~~[his, her, or their]~~ respective ~~capacity capacities~~ to execute the foregoing instrument ~~(s)~~ for and in the name and behalf of said ~~corporation business trust, estate, partnership, limited liability company, association, joint venture or other legal entity~~, and further stated and acknowledged that ~~[he, she, or they]~~ had so signed, executed, and delivered said foregoing instrument for the consideration, uses, and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 12th day of July, 2013.

Notary's Name
(Notary Public)



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Individual Acknowledgment for Real Estate

State of _____

County of _____

On this ____ day of _____, 20____, before me, a Notary Public, (or before any officer within this State or without the State now qualified under existing law to take acknowledgments,) appeared the within named _____ [and _____], to me personally well known (or satisfactorily proven to be such person), who stated and acknowledged that [he, she or they] had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this ____ day of _____, 20____.

(Notary Public)



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Attorney in Fact Acknowledgment

State of _____

County of _____

On this ____ day of _____, 20____, before me, _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed as attorney in fact for _____, and acknowledged that he executed the same as the act of his principal for the consideration, uses, and purposes therein contained.

IN TESTIMONY WHEREOF I hereunto set my hand and official seal.

(Title of Officer)



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Further Considerations

- Certificates need not have bracketed wording
- Ensure information there is correct before you sign and affix your seal
- County may be where Notary resides or where notarization occurs



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Further Considerations

- Acknowledgment still valid:
 - Does not strictly comply with form
 - Gender listed does not match gender of person acknowledging
 - Does not identify the title of person



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Scrivener's Affidavit

- Corrects information in document affecting real property such as:
 - Identification, marital status, relation
 - Identification of business entity
 - Legal description of property



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Scrivener's Affidavit

SCRIVENER'S ERROR AFFIDAVIT

KNOW ALL PERSONS BY THESE PRESENTS that:

[Name] prepared or completed the form of a [Type of instrument] _ with regard to a conveyance from [Name(s)] as [grantor, mortgagor, etc.] to [Name(s)] as [grantee, mortgagee, etc.]. The [Type of instrument] which was recorded in the records of County, Arkansas, on [Date] as Instrument Number [in Book at Page] contained a scrivener's error with regard to the [reason for correction(s)].

The aforementioned [Type of instrument] should reflect that the [Type of instrument] read as follows: [Insert correction(s)]. Further affiant sayeth naught. WITNESS my hand and seal on this ____ day of _____, 20__.

[Signature]

Name printed: _____

ACKNOWLEDGMENT

STATE OF } _____ } ss.
COUNTY OF }

On this ____ day of _____, 20__, before me, a Notary Public in and for the said county and state, personally appeared _____, to me well known, and acknowledged that [he/she] had executed the foregoing document for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____



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Scrivener's Error Section

SCRIVENER'S ERROR AFFIDAVIT

KNOW ALL PERSONS BY THESE PRESENTS that:

[Name] prepared or completed the form of a [Type of instrument] _ with regard to a conveyance from [Name(s)] as [grantor, mortgagor, etc.] to [Name(s)] as [grantee, mortgagee, etc.]. The [Type of instrument] which was recorded in the records of County, Arkansas, on [Date] as Instrument Number [in Book at Page] contained a scrivener's error with regard to the [reason for correction(s)].

The aforementioned [Type of instrument] should reflect that the [Type of instrument] read as follows: [Insert correction(s)]. Further affiant sayeth naught. WITNESS my hand and seal on this ____ day of _____, 20__.

[Signature]

Name printed: _____



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Scrivener's Acknowledgment

ACKNOWLEDGMENT

STATE OF} _____} ss.
COUNTY OF}

On this ____ day of _____, 20__, before me, a Notary Public in and for the said county and state, personally appeared _____, to me well known, and acknowledged that [he/she] had executed the foregoing document for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____



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Scrivener's Affidavit

- You must administer an oath or affirmation
- You may charge for two acts, \$5 for oath and \$5 for completing certificate



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Health Care Directive

SIGNATURE

Your signature should either be witnessed by two competent adults or notarized. If witnessed, neither witness should be the person you appointed as your agent, and at least one of the witnesses should be someone who is not related to you or entitled to any part of your estate.

Signature: _____
(Patient)

DATE: _____

Witnesses:

1. I am a competent adult who is not named as the agent. I witnessed the patient's signature on this form.

Signature of witness number 1

2. I am a competent adult who is not named as the agent. I am not related to the patient by blood, marriage, or adoption and I would not be entitled to any portion of the patient's estate upon his or her death under any existing will or codicil or by operation of law. I witnessed the patient's signature on this form.

Signature of witness number 2

This document may be notarized instead of witnessed:

STATE OF ARKANSAS
COUNTY OF _____

I am a Notary Public in and for the State and County named above. The person who signed this instrument is personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who signed as the "patient". The patient personally appeared before me and signed above or acknowledged the signature above as his or her own. I declare under penalty of perjury that the patient appears to be of sound mind and under no duress, fraud, or undue influence.

My commission expires: _____

Signature of Notary Public

WHAT TO DO WITH THIS ADVANCE DIRECTIVE



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Other New Law Changes

- Must state on application if you have been convicted of a felony
- Allows Secretary to require Notary applicants demonstrate they reviewed Notary law and Notary duties
- Notaries are authorized to take depositions



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Other New Law Changes

- Notary changes residency, or nonresident changes employment, must file original or certified copy of original bond to new county of residence or employment
- Notaries use blue or black ink for stamp and signature



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Other New Law Changes

- SOS may deny or revoke if Notary overcharges
- If Notary commission revoked, may reapply after 10 years from date of revocation
- Fraud in notarizing referendum or ballot initiative is a Class A misdemeanor



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Being an NNA Member has its benefits:

- 24 Hour Online Help at NationalNotary.org
- Educational resources
- Regular Updates with NNA Publications
- Toll Free Hotline Support
- Member Privileges and Partner Discounts



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For further information, contact:

hotline@nationalnotary.org

888-876-0827

Hotline Counselors are available to assist you

Monday-Friday 5am-7pm and

Saturdays 5am-5pm (PT)

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