# How to Complete Notarial Certificates Right the First Time

### William A. Anderson

Vice President of Best Practices and eNotarization



## **Poll Question**

Tell us about yourself:

- a. I have been an NSA for less than 1 year
- b. I have been an NSA for 1-2 years
- c. I have been an NSA for 2-5 years
- d. I have been an NSA for more than 5 years



## **Presentation Goals**





## **NSA Value Proposition**





# **Poll Question**

Which of the following is most cited by county recorders as reason to reject a document for recording:

- a. The fees weren't paid
- b. The document wasn't signed
- c. The document had blanks in it
- d. The acknowledgment wasn't completed properly



# **Document Rejection: Chief Culprits**

Notary Seal and/or Signature Omitted

Notary Seal and/or Signature Illegible Acknowledgment Certificate Improper

Acknowledgment Certificate Incomplete Acknowledgment Certificate Omitted Principal Signature Omitted or Illegible

Source: *Essential Notary Standards and Principles in the Recording Process,* Property Records Industry Joint Task Force Standards Committee, 2002. Accessible from the Property Records Industry Association online at <a href="http://www.pria.us/Papers/notary/notarywhitepaperfinalJuly182002.pdf">http://www.pria.us/Papers/notary/notarywhitepaperfinalJuly182002.pdf</a>.



# **Document Rejection: Chief Culprits**





# **Poll Question**

How much do document rejections cost the real property closing industry yearly:

- a. \$100 million annually
- b. \$200 million annually
- c. \$400 million annually
- d. \$500 million annually



### **Completing Acknowledgments**

- Sign with a color of ink sufficient to distinguish the original signature from a copy
- Create a record that is reproducible
- Fill in or line through every blank space to prevent unauthorized insertions
- Make a selection for every option presented (he/she, he/she/they, party(ies), is/are, etc.)

Source: *Essential Notary Standards and Principles in the Recording Process,* Property Records Industry Joint Task Force Standards Committee, 2002. Accessible from the Property Records Industry Association online at <u>http://www.pria.us/Papers/notary/notarywhitepaperfinalJuly182002.pdf</u>.



## **Affixing Official Seal**

- Use a dark ink, preferably black, for Notary seal
- Don't place seal impression over text or signatures
- Affix a second seal impression if the first is faint
- Make embossed seal photographically reproducible

### (Here's How)



Source: *Essential Notary Standards and Principles in the Recording Process,* Property Records Industry Joint Task Force Standards Committee, 2002. Accessible from the Property Records Industry Association online at <a href="http://www.pria.us/Papers/notary/notarywhitepaperfinalJuly182002.pdf">http://www.pria.us/Papers/notary/notarywhitepaperfinalJuly182002.pdf</a>.



### **Attaching "Loose" Notarial Certificates**

- Must be the same size as the pages of the document
- Must be attached at the same point(s) and in the same manner as the pages of the document
- Must immediately follow not precede the signature page of the document

Source: *Essential Notary Standards and Principles in the Recording Process,* Property Records Industry Joint Task Force Standards Committee, 2002. Accessible from the Property Records Industry Association online at <u>http://www.pria.us/Papers/notary/notarywhitepaperfinalJuly182002.pdf</u>.



## **Making Corrections**

- Do not ever use correction fluid (white out) on acknowledgment form
- Notary must initial all corrections made in acknowledgment form
- Signer must initial corrections made in the text of document

Source: *Essential Notary Standards and Principles in the Recording Process,* Property Records Industry Joint Task Force Standards Committee, 2002. Accessible from the Property Records Industry Association online at <u>http://www.pria.us/Papers/notary/notarywhitepaperfinalJuly182002.pdf</u>.



## **Main Notarial Certificates**





## **Unconventional Certificates**





## **Unconventional Certificates**

### **Hybrid Certificate**

• A notarial certificate that combines an acknowledgment and jurat or oath into one certificate

### **Stealth Certificate**

 A document calling for two notarial acts, one indicated by the notarial certificate itself and the other indicated by text buried in the document





 Notarial certificate that does not contain a statement of particulars, but contains a venue and signature line for the Notary



#### Example of "Hybrid" Certificate

#### AFFIDAVIT AND INDEMNITY

#### TO SECOND NATIONAL TITLE INSURANCE COMPANY

1. This is written evidence to you that there are no unpaid bills, and to the extent there may be unpaid bills that the undersigned undertakes and agrees to cause the same to be paid such that there shall be no mechanics or materialmen's liens affecting the property for materials or labor furnished for construction and erection, repairs or improvements contracted by or on behalf of the undersigned on property located at

\_ and legally described as:

2. We further represent that to the actual knowledge and belief of the undersigned there are no public improvements affecting the property prior to the date of closing that would give rise to a special property tax assessment against the property after the date of closing.

3. We further represent that to the actual knowledge and belief of the undersigned there are no pending proceedings or unsatisfied judgments of record, in any Court, State or Federal, nor any tax liens filed against us, and that if there are judgments, bankruptcies, probate proceedings, state or federal tax liens of record against parties with same or similar names, they are not against us.

4. We further represent that there are no unrecorded contracts, leases, easements or other agreements or interests relating to said premises of which we have knowledge.

5. We further represent that to the actual knowledge and belief of the undersigned we are in sole possession of the real property described herein other than lease hold estates reflected as recorded items under the subject commitment for title insurance.

6. We further represent that there are no unpaid charges and assessments that could result in a lien in favor of any association of homeowners which are provided for in any document referred to in Schedule B. The undersigned affiant(s) know the matters herein stated are true and indemnifies SECOND NATIONAL TITLE INSURANCE COMPANY against loss, costs, damages and expenses of every kind incurred by it by reason of its reliance on the statements made herein. This agreement is executed with and forms a part of the sale and/or financing of the above described premises, and is given in addition to the conveyance and/or financing, and forms a complete agreement by itself for any action thereon.

SELLER(s):				
Ву:			, Attorney-in-fact	
By:				This notarial certificate contains acknowledgment and jurat wording
STATE OF		) SS.		in one certificate.
COUNTY OF		)	V	
The foregoing instrum	ient was ackr	nowledged, subsc	ribed and sworn to before i	me this day of
	, 20	, by		
My commission expire	es:			

Notary Public

Ex	ample of "Stealth" Certificat	e
	Affidavit of Identity	Here's the "stealth" part buried in the document text.
I,identification card(s) I presented to you signed this document and am the person		or affirm that I am the person whose on appearing before you and who
	John A. Maxell	
Type of Identification:		
ID#	Expiration Date	
Date of Birth		The notarial certificate indicates an acknowledgment
State of)Outly of)		should be performed, but that is only half of the story.
On thisday of		(name of signer), whose identity
(was proved to me on the basis of satisfa (and who acknowledged that he/she sign		ame is subscribed to this document,

Notary Public

#### Example of an "Oath-only" Certificate

#### NAME/AKA AFFIDAVIT

TLC Mortgage, Inc. 10555 Vista Parkway San Diego, CA 92155-2799

LOAN NUMBER 02-0955

On this day of Public in and for said State, personally appeared The entire text of this document is actually a notarial certificate that essentially states the Notary administered an oath as the notarial act.

before me, the undersigned, a Notary

#### Rika Snow

known to me, or proved to me on the basis satisfactory evidence, to be the person who, after being duly sworn by me, upon his/her oath, does affirm that he/she is also known as:

#### Erika Ramirez

and is the same person who executed a Promissory Note datedNovember 5, 2009in theamount of \$ 375,000.00and Deed of Trust of the same date securing property located at:

5355 Hart Street Escondido, CA 92026

RIKA SNOW

Date

)

) ss.

State of	<b>California</b>
County of	San Diego

WITNESS my hand and official seal.



#### Chase Home Finance LLC MORTGAGOR'S AFFIDAVIT Repair Certification / Loss Draft Release

Date:	
Loan Number:	
State Of:	
County or Parish of:	

BEFORE ME, the undersigned authority, a Notary Public in and for the State and County/Parish aforesaid, came and appeared

(Mortgagor's Name)

Who declared that the damages, which occurred to the premises, located at

(Property Address)

Have been satisfactory repaired or will be repaired by

(Contractor's Name)

And that all bills on account of labor and materials furnished in making and repairs have been paid or will be paid, and that there is no possibility of mechanic's or materialman's lien.

THIS DONE AND SIGNED, before me, Notary, and undersigned competent witness, on this \_\_\_\_\_ day of \_\_\_\_\_, 20

WITNESS:

(Witness Signature)

(Witness Signature)

(Mortgagor's Signature)

(Mortgagor's Signature)

some, but not all, states.

for the Notary to perform a "signature

witnessing," a notarial act allowed by

(Notary Public)

Amout Of Draft: §	
Mortgagor's Phone Number:	(daytime)
Alternate Phone Number:	

#### \* PLEASE SIGN BEFORE A NOTARY AND RETURN \*

#### Hunter Financial Group, Inc., dba, USASelect Mortgage

3303 East Courtline Road, #7-118, Gilbert, AZ 85234

RE:

#### **OCCUPANCY STATEMENT**

Borrower's Name:	John A. Maxell
Property Address:	10116 Chevrolet Drive Los Angeles, CA 90060
Loan Number:	NCM03780

I/We hereby certify that my/our intent in seeking this loan is to obtain financing for refinance or purchase of a home to be used as my/our principal residence, with occupancy to begin within 30 days after loan closing.

I recognize that any loan made pursuant to this application is contingent upon owner occupancy and agree that (1) failure to occupy the property as provided in this certification shall constitute a DEFAULT under the terms of the loan, and (2) in case of such default, I must upon recall of the loan by Lender, immediately pay the full balance of the loan and any other amounts to which Lender is entitled upon default.

		_	
John A. Maxell	Date		Date
	Date	-	Date
State of: CALIFORNIA			This is a "partial" certificate.
County of: Los Angeles			Notice that it has a venue, and signature line, but no
Notary Public:		4	wording to indicate that it is
My Commission Expires:			an acknowledgment or jurat.

# **Poll Question**

I have encountered (choose all that apply):

- a. A hybrid certificate
- b. A stealth certificate
- c. An oath-only certificate
- d. A signature-witness certificate
- e. A partial certificate



# **Seven Deadly Certificate Sins**





## **Seven Certificate Best Practices**

- 1. "Work up" your seal before you use it
- 2. Choose a paper stock that will receive the inked seal impression without causing the ink to spread later
- 3. Staple the certificate behind the signature page of the deed of trust or mortgage to provide security
- 4. Cross out the names of any signers preprinted in the certificate who are not present for the loan signing
- 5. Line through the space after the signer's name to prevent other names from being written in later
- 6. Emboss certificate and signature page to prevent fraud
- 7. Complete "Optional" section to prevent fraud



#### **CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California	J
County of LOS Angeles	}
On <u>April 13, 2010</u> before me,	William A. Anderson, Notary Public. Here Insert Name and Title of the Officer
Date personally appeared <u>STEPHEN W.</u>	AAW
	,
	<ul> <li>who proved to me on the basis of satisfactory evidence to be the person(e) whose name(e) is/are subscribed to the within instrument and acknowledged to me that he/ehe/they executed the same in his/her/their authorized capacity(iee); and that by his/her/their signature(e) on the instrument the person(s), or the entity upon behalf of which the person(e) acted, executed the instrument.</li> <li>I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.</li> </ul>
WILLIAM A. ANDERSON Commission ####### Notary Public - California Los Angeles County My Comm. Expires #######	WITNESS my hand and official seal.
Place Notary Seal Above	Signature:
Though the information below is not requir and could prevent fraudulent rea Description of Attached Document	red by law, it may prove valuable to persons relying on the document moval and reattachment of this form to another document.
Title or Type of Document: <u>Deed Of Trus</u>	Number of Pages:
Document Date: ADril 10, 2010	-
	<u>neGeorgia P. Alter was not present</u>
Signer(s) Other Than Named Above: <u>NOr</u> Capacity(ies) Claimed by Signer(s)	neGeorgia P. Alter was not present
Signer(s) Other Than Named Above: <u>NOY</u> Capacity(ies) Claimed by Signer(s) Signer's Name: <u>Stepher) W. Alter</u>	Signer's Name:
Signer(s) Other Than Named Above: <u>Nor</u> Capacity(ies) Claimed by Signer(s) Signer's Name: <u>Stephen W. Alter</u> Corporate Officer — Title(s):	Signer's Name: Corporate Officer — Title(s):
Signer(s) Other Than Named Above: <u>NOY</u> Capacity(ies) Claimed by Signer(s) Signer's Name: <u>Stephen W. Alter</u> Corporate Officer — Title(s): Individual	Signer's Name: Corporate Officer — Title(s): HUMBPRINT SIGNER Individual RIGHT THUMBPRINT OF SIGNER
Signer(s) Other Than Named Above: <u>NOP</u> Capacity(ies) Claimed by Signer(s) Signer's Name: <u>Stephen W. Alter</u> Corporate Officer — Title(s): Individual Partner — Limited General Top of t	Signer's Name:         Corporate Officer — Title(s):         Individual         Signer         Individual         Partner — Individual         Top of thumb here
Signer(s) Other Than Named Above: <u>NOY</u> Capacity(ies) Claimed by Signer(s) Signer's Name: <u>Stephen W. Alter</u> Corporate Officer — Title(s): Corporate Officer — Title(s): Individual Partner — Limited General Attorney in Fact	Signer's Name: Corporate Officer — Title(s): HUMBPRINT SIGNER Individual RIGHT THUMBPRINT OF SIGNER
Signer(s) Other Than Named Above: <u>NOY</u> Capacity(ies) Claimed by Signer(s) Signer's Name: <u>Stephen W. Alter</u> Corporate Officer — Title(s): Corporate Officer — Title(s): Individual Partner — Limited General Attorney in Fact Top of t Tustee	Signer's Name:
Signer(s) Other Than Named Above: <u>NOP</u> Capacity(ies) Claimed by Signer(s) Signer's Name: <u>Stephen W. Alter</u> Corporate Officer — Title(s): Individual Partner — Limited General Attorney in Fact Guardian or Conservator	Signer's Name:         Corporate Officer — Title(s):         Individual         Partner — Individual         Partner — Limited Independent         Attorney in Fact         Trustee
Signer(s) Other Than Named Above: <u>NOP</u> Capacity(ies) Claimed by Signer(s) Signer's Name: <u>Stephen W. Alter</u> Corporate Officer — Title(s): Individual Partner — Limited General Attorney in Fact	Signer's Name: Corporate Officer — Title(s): HUMBPRINT Individual Partner — Individual Partner — Limited General Attorney in Fact Top of thumb here Guardian or Conservator

# **Poll Question**

Which part of today's Webinar did you find most helpful?

- a. Notarial certificates are fundamental to your success
- b. The five unconventional notarial certificates
- c. The seven deadly notarial certificate sins
- d. The seven notarial certificate best practices



## **NNA Contact Information**

Address all follow-up e-mail questions or comments to: banderson@nationalnotary.org



## **Link to Prior Webinars**

- Protecting Customer Information
- Avoiding Costly Signing Mistakes
- RESPA and Loan Modifications

http://www.nationalnotary.org/webinars/archives





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