

The Secrets of Proper Identification

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Presentation Goals

1

- **Signing Agent identification challenges**

2

- **Best practices for identifying signers**

3

- **What to do when you can't identify a signer**

Poll Question

Tell us about yourself:

- a. This is my first NSA Webinar
- b. I have attended 1 previous NSA Webinar
- c. I have attended 2 previous NSA Webinars
- d. I have attended more than 2 previous NSA Webinars

Identification Challenges

I Just Got Married

If I Only Had the Same Name

When John Smith Is Not John Smith

To Hyphenate or Not to Hyphenate

Two, Two Two Surnames in One

Two Are Better Than One

Identification Challenges

I Just Got Married

- **Description:** Mary A. Woods recently married and her name is now “Mary A. Jones.”
- **Challenge:** Docs read “Mary A. Jones” but the ID has “Mary A. Woods.”
 - Mary offers a marriage license as proof of her name change.
 - In your state a marriage license is not an acceptable ID.

Identification Challenges

If I Only Had the Same Name

- **Description:** Docs read “Anita Louise Neal” but the ID has “Anita L. Neal.”
- **Challenge:** We don’t know what “L.” on the ID stands for and we can’t assume it is “Louise.”
- **Note:** The longstanding “less but not more than” rule applies to this challenge. The middle initial L. can be explained by the full middle name appearing on the ID card.

Identification Challenges

When John Smith Is Not John Smith

- **Description:** Docs read “John Smith, III” but the ID has “John Smith.”
- **Challenge:**
 - A son (or father) could defraud the father (or son) out of property, taking advantage of similar birth names.
 - John Smith, Sr. is not the same as John Smith, II

Identification Challenges

To Hyphenate or Not to Hyphenate

- **Description:** Ann Wilson adopts partner surname, hyphenating it as Wilson-Taft. Ann's partner adopts Ann's surname, hyphenating it as Taft-Wilson.
- **Challenges:**
 - Docs read "Wilson-Taft" but the ID has "Wilson" or "Taft" only.
 - Docs read "Wilson Taft" but the ID has "Wilson-Taft or vice versa.
 - Docs read "Taft-Wilson" but the ID has Wilson-Taft."

Poll Question

Which of the following statements do you believe are true
(check all that apply)

- a. Ann Wilson-Taft and Ann Wilson Taft are the same person
- b. Ann Wilson-Taft and Ann Wilson Taft are not the same person
- c. Ann Wilson-Taft and Ann Taft-Wilson are the same person

Identification Challenges

To Hyphenate or Not to Hyphenate

- **Solution:**
 - Treat a hyphenated last name as one word and names without a hyphen as two words. So, Carol Wilson-Rogers is a different person than Carol Wilson Rogers.

Identification Challenges

Two, Two, Two Surnames in One

- **Description:** Los Angeles City mayor Antonio Villar marries Corina Raigosa and changes his name to Antonio Villaraigosa.
- **Challenge:** Docs read “Villaraigosa, but the ID has “Villar” or “Raigosa” or vice versa.

Identification Challenges

Two Are Better Than One

- **Description:**
 - Two surnames – In Spanish cultures, persons retain two surnames, their father’s and mother’s.
 - Two middle names – Wendy Ann Lloyd marries, adopts spouse’s surname “Carrey” and adds her birth surname as a second middle name – “Wendy Ann Lloyd Carrey.”

Identification Challenges

Two Are Better Than One

- **Challenges:**
 - Two surnames
 - Docs read “Maria Ellen Ramos Sanchez” but the ID has Maria Ellen Ramos.
 - Docs read “Maria Ellen Ramos but the ID reads Maria Ellen Ramos Sanchez.
 - Docs read “Maria Ellen Ramos-Sanchez” but the ID reads Maria Ellen Ramos Sanchez.

Identification Challenges

Two Are Better Than One

- **Challenges:**
 - Two middle names
 - Docs read “Wendy Ann Lloyd Carrey” but ID has “Wendy Ann Lloyd.”
 - Docs read “Wendy Ann Carrey” but ID has “Wendy Ann Lloyd Carrey.”
 - Docs read “Wendy Carrey” but ID has “Wendy Ann Lloyd Carrey.”

Identification Solutions

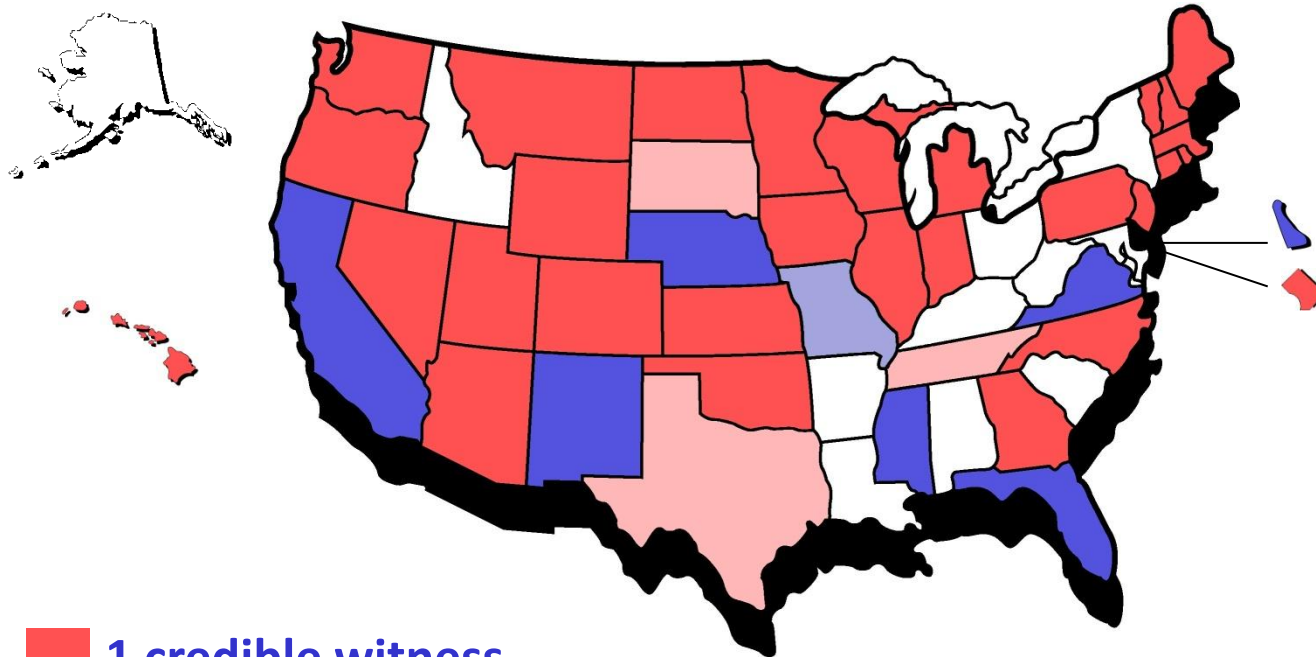






**Another Primary
ID Card**



**Credible
Witness(es)**

Credible Witnesses by State*



-  1 credible witness
-  1 credible witness (required only for acknowledgments)
-  1 or 2 credible witnesses
-  2 credible witnesses (required only for acknowledgments)

*Source: 2010-2011 U.S. Notary Reference Manual

Standard of Care

Reasonable care (**rēz-nə-bəl ker**): “... the degree of care that a prudent and competent person engaged in the same line of business or endeavor would exercise under similar circumstances.”

-- *Black's Law Dictionary, Seventh Edition, page 204*

Standard of Care

**What is reasonable care
in layman's terms?**

Just ask:

What would a Notary just like you do?

Identification Best Practices

1. Plan Ahead for Contingencies

- I used the appointment-setting phone call to resolve any potential identification issues with the borrower.

2. No Suspicious Circumstances

- There are no suspicious circumstances leading me to doubt the individual is who he or she claims to be.

Is This ID Suspicious in Any Way?



Poll Question

I wouldn't accept this ID because:

- a. The ID has expired
- b. The individual's picture is not that of an 80-year old
- c. Both a. and b.
- d. None of the above

Is This ID Suspicious in Any Way?

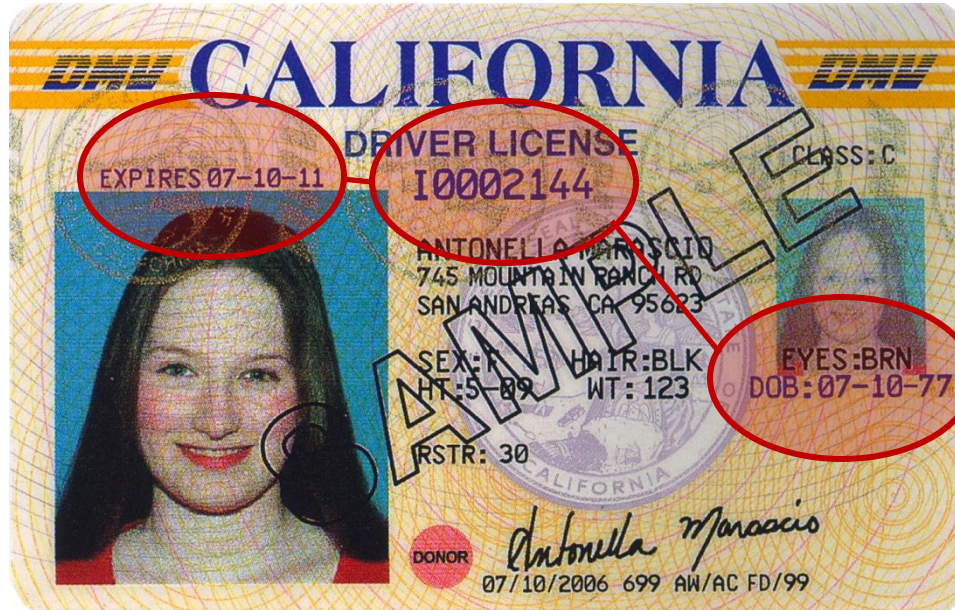
If your state requires a current ID, you cannot accept this ID



Does the subject look like she is 80 years old??

If your state law permits IDs to be current or issued in the past 5 years (CA, FL), this ID's expiration date is not suspicious

Would You Accept This ID?



On a genuine license,
these lines are to appear
in **red text**.

Spot a Valid CA Driver in 5 Seconds



Identification Best Practices

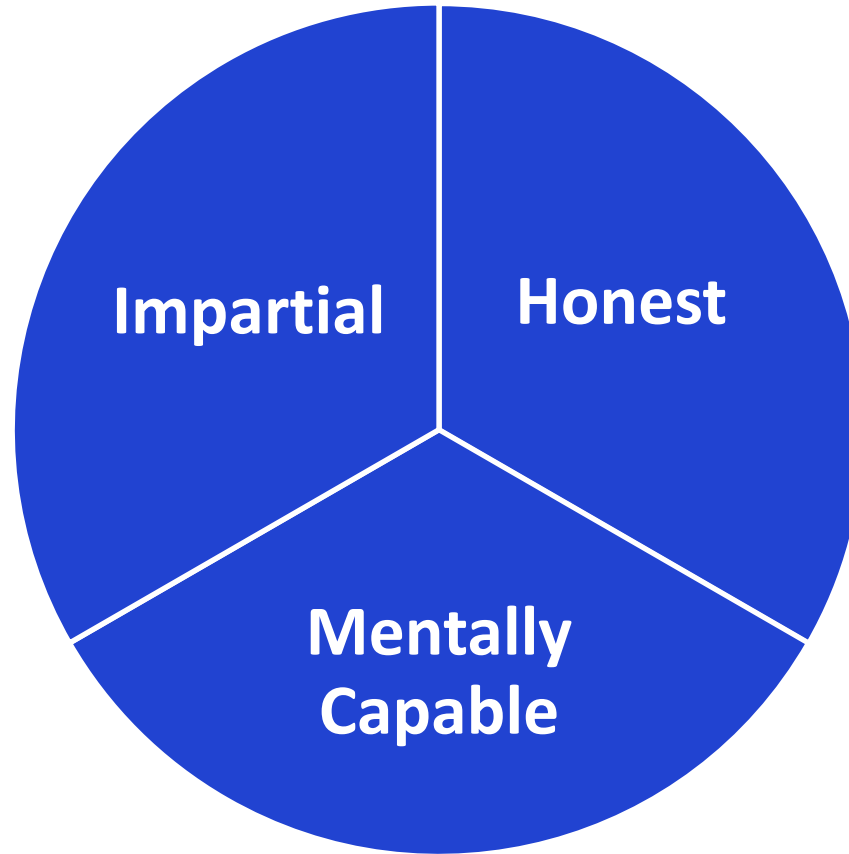
3. Name Affidavit

- The “Name Affidavit” does not resolve identification issues; your state’s definition of “satisfactory evidence of identity” does.

4. Credible Witnesses

- Credible witness(es) are present, believable (credible), have acceptable ID (if required) and will willingly take an oath.

Credible Witnesses Must Be:



Source: *The Notary Public Code of Professional Responsibility*, III-D-1

Poll Question

Which of the following is an impartial credible witness:

- a. The borrower's spouse who is signing the loan
- b. The borrower's blood relative who is not signing the loan
- c. The borrower's mortgage broker
- d. None of the above

Identification Best Practices

5. ID Is Valid

- The ID presented by the signer is current and has not expired.

6. ID Is Unaltered

- The ID presented by the signer shows no obvious signs of alteration or tampering on its face.

ID Best Practices

The red background proves alteration

The curved lines on the stamp are not aligned with the lines on the passport page (compare with real passport)

The black edge shows photo does not align



Identification Best Practices

7. Photograph of Individual

- The photograph on the ID presented by the signer reasonably matches the individual.

8. Physical Description

- The physical description on the ID presented by the signer reasonably matches the individual.

Identification Best Practices

9. Name Discrepancies

- Carefully check all names.
- Watch out for A/K/A (Also Known As), F/N/A (Formerly Known As) and P/K/A (Professionally Known As)
- Use care while invoking the “less but not more than rule.”

Identification Best Practices

Raymond A. Blunt, Executor or the Estate of Margaret L. Ness

Delores J. McBride, F/K/A Delores J. Ness, Trustee

Sarae A. Ness

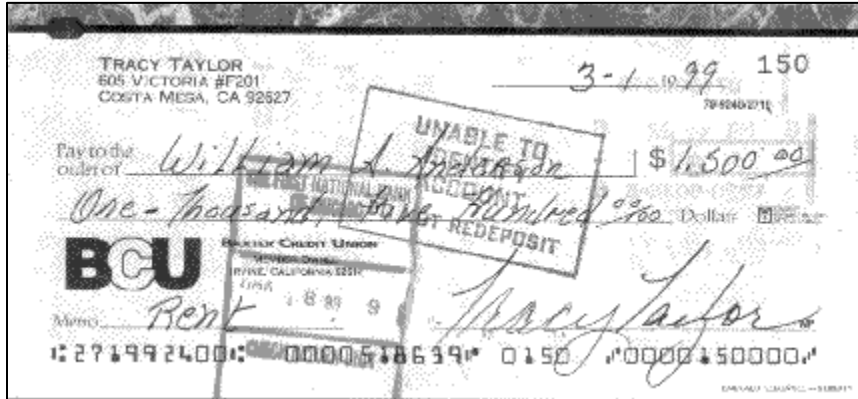
Novelette S. Stacy, F/K/A Novelett S. Ness

Identification Best Practices

10. Signatures

- The signatures on the document, ID and journal entry are reasonably similar.

Identification Best Practices

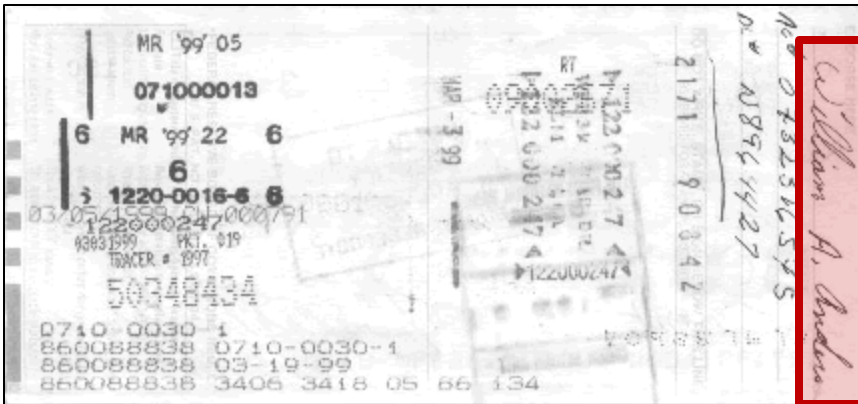


Forged Signature

William A. Anderson

Authentic Signature

William A. Anderson



When You Can't Identify a Borrower

**Halt the
Appointment**

**Record Journal
Entries for Refused
Notarizations**



**Document What,
Why, When
and Where**

**Communicate
with Everyone**

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- Avoiding Costly Signing Mistakes
- RESPA and Loan Modification
- How to Complete Notarial Certificates Right
- Unique Standards of Care for Signing Agents

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