



Using Credible Witnesses



A special webinar presentation by the
NATIONAL NOTARY ASSOCIATION



Objectives

Recognize when and how to use credible witnesses

Realize the 'why' and 'how' for a journal record

Know how to complete certificate wording



Common questions

When do I use a credible witness?

How do I use a credible witness?



Background

Method of Identification

Chain of personal knowledge

Credible witness vouches for signer



Credible Witness



Human ID Card



General Requirements

- Satisfactory Evidence (legal definition varies from state to state)
 - Personal Knowledge of signer
 - State approved identification document
 - One credible witness
 - Two credible witnesses

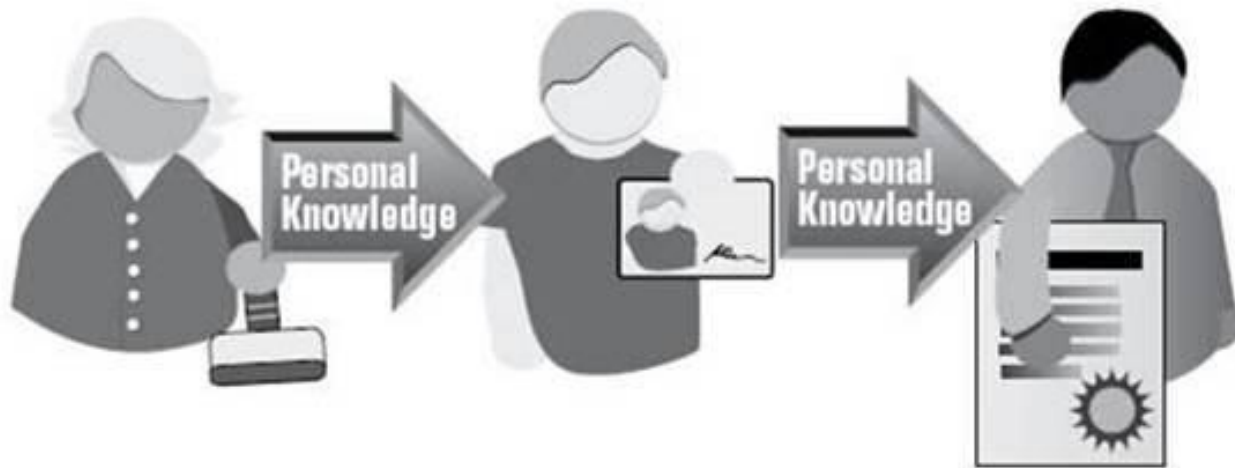


General Requirements

- Qualifications of a Credible Witness
 - Must personally know signer
 - Must be honest, aware, and impartial
 - Must take an oath/affirmation to vouch for signer's identity
 - Should sign Notary's journal in the ID section
 - In some cases, must also present a state approved identification document



One Credible Witness



NOTARY

Credible
Witness

Signer



Two Credible Witnesses



NOTARY

Credible
Witness



Credible
Witness

Signer



Scenario

While at work, you are approached by John Smith. He asks you to notarize his signature on a compliance agreement. You ask him for an identification document. He explains that he lost his license and hasn't gotten a replacement yet. He brought his passport, but you notice it is expired. During your conversation he mentions that his longtime friend, Karl Jones, works there. You've worked closely with Karl for several years. Under these circumstances, would you be able to complete the notarization?



Answer

Yes, you could complete the notarization.
You personally know Karl, and Karl personally knows John.





Credible Witness

State Requirements/Best Practices

Has a reputation for honesty

Has no interest

Will not be influenced

Will take an oath or affirmation



Why an oath?

When a person takes an oath or affirmation, that person is legally compelled to tell the truth.

An oath is made to a supreme being. An affirmation is made on one's personal honor.



Why an oath?

A credible witness must take an oath or affirmation.

“Do you swear (affirm) you know that this signer is the person he/she claims to be?”




Record the information

- Required in some states
- Best practice when not specified



Journal Record Using Credible Witness

1	Month/Day/Year/Time of Notarization	Kind or Type of Notarization/Certificate	Address Where Notarization Performed	Document Kind or Type/Date	Name and Address of Signer
1	Date and time of notarization	Jurat		Affidavit of Loss	Brock Montgomery 123 Signer's Address Signer's Town, CA 90000
				Date of Document:	Document Date

Identification of Signer	Additional Information	Notary Fee	Signature of Signer	Right Thumbprint of Signer	2
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input checked="" type="checkbox"/> Credible Witness(es) — Include signature of each witness Wendy McNulty (or ID info)		\$10	x Brock Montgomery	Top of thumb here 	1



Journal Record Using Credible Witness

Identification of Signer	
<input type="checkbox"/> Personally Known by the Notary	
<input type="checkbox"/> ID Cards — Describe each card below	
<input checked="" type="checkbox"/> Credible Witness(es) — Include signature of each witness	
<i>Wendy McNulty</i>	
(or ID info)	



Complete Notarial Certificate

- Complete applicable certificate
- States' wording varies when using credible witnesses



Complete Notarial Certificate

Commonwealth of Pennsylvania

County of _____

On this _____ day of _____ 20 _____, before me,

_____, a Notary Public, the undersigned officer,

personally appeared _____, known to me (or

satisfactorily proven) to be the person(s) whose name(s)

is/are subscribed to the within instrument and acknowledged

that he/she/they executed the same for the purposes therein

contained.



Complete Notarial Certificate

State of Nevada

County of _____

*This instrument was acknowledged before me on
_____ (date) by _____ (name of person), who personally
appeared before me and who identity I verified upon the
oath of _____ (credible witness), a credible
witness personally known to me and to the person who
acknowledged this instrument before me.*



Complete Notarial Certificate

State of Idaho

County of _____

On this _____ day of _____, in the year of 20 _____, before me _____ (notary's name), personally appeared _____, ~~known or identified to me~~ (or proved to me on the oath of _____), to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Some State Specifics

- Florida
 - One credible witness known to Notary
 - Two credible witnesses not known to Notary with IDs
 - Sworn written statement required
- California
 - One credible witness known to Notary
 - Two credible witnesses not known to Notary
 - Requires the Notary to always see the credible witness' ID



Some State Specifics

- Vermont
 - Credible witnesses not recommended
- Arizona
 - One credible witness- Notary knows CW or CW presents ID
- Indiana
 - One credible witness known to Notary may be used
 - Signer may take own oath of personal identity
- Pennsylvania, New York, Oregon, Washington, Illinois, Colorado, Nevada, Texas
 - One credible known to Notary



Review

Signer must appear before notary

Notary certifies signer's identity

Credible witnesses are a method of identification

Credible witnesses must be honest, impartial, aware

Notary makes a record in the journal

Notary completes applicable wording



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Q & A

For further information, contact:

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