The Importance of Personal Appearance

A special webinar presentation by the NATIONAL NOTARY ASSOCIATION
Objectives

What is personal appearance?

Why is it so important?
The Pastor and the Mayor

- Mayor/Notary notarized two signatures
- One of the signers not present
- Pastor forged other signature
- Church and its property sold
A Notary’s Purpose

To deter fraud

• Identify the signer
• Certify signature is authentic
A Notary’s Purpose

“My friend is really sick.”

“My mom is disabled, and it is too difficult for her to come here.”

“I’ve been a client for many years, can’t you help me out?”

“You know my signature, just notarize the papers I left.”
What is personal appearance?

- Appears in person
- Face to face
- In the same room
Certificate obligates Notary

“The foregoing instrument was acknowledged before me...”

“On this day...before me...personally appeared _____”

“Sworn to and subscribed before me...”
Notary Misconduct

- Florida Attorney
- Pennsylvania Notaries
- Massachusetts Notary
2011 Colorado Notary Complaints

- Failure to require personal appearance: 75%
- Unauthorized Practice of Law: 1%
- Blank Spaces: 3%
- Satisfactory Evidence: 3%
- Criminal History: 2%
- Disqualifying Interest: 3%
- Journal Issue: 2%
- Notary Certificate: 5%
- Misc.: 6%
The Standard is Set

“"A Notary can no more perform by telephone those notarial acts which require a personal appearance than a dentist can pull a tooth by telephone.”"

Texas appellate judge in 1955
Conclusion

57 years later...

You still must require the signer to appear before you to have a document notarized.
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National Notary Association

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