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The objectives of THE NATIONAL NOTARY are to: (1) publish only quality articles on Notaries, notarization and related subjects; (2) inform our readers of important developments in the field of notarization; and (3) focus on Notary issues and related subjects that are helpful, educational and informative to Notaries and others interested in the field.

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The National NOTARY

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By Deborah M. Thaw
dmthaw@nationalnotary.org

From The Executive Vice President Excellence And The Future Lie In Mastering The Details

There was a time — not quite 50 years ago, but not in the past five, either — when the vision, direction and objectives of the NNA were decided by a few individuals here at the Association.

The many decisions regarding programs, services and benefits might each have required several meetings, but these meetings as a rule were concluded quickly, and implementation was effected with little delay. Timeliness was essential to the overarching goal of delivering the most authoritative information, the most useful services and the most valuable benefits to the nation's Notaries.

From its earliest days, the NNA focused not only on educating and supporting Notaries, but also on inspiring them to achieve professional excellence. And we felt we could not inspire excellence in others unless we sought it in ourselves.

"If you are going to achieve excellence in big things, you develop the habit in little matters," the highly respected Colin Powell once said. "Excellence is not an exception, it is a prevailing attitude."

This was our attitude!

No detail was too small to

evade our interest, no relevant fact too insignificant. It was this philosophy that set us on the course to help Notaries achieve the growing professional stature and respect they enjoy today.

But every journey is characterized by a multitude of small steps. In this issue, we begin to re-examine our 50 years by investigating one of its indispensable components — the leadership of the NNA. In a personal interview, the Association's president, Milt Valera, reveals the scope of what has been accomplished and what the future holds for the Notary office.

Besides revealing the optimism of Milt's outlook, the interview also provides insight into the intensity and attention to detail that not only drove him personally, but propelled the activities of the Association.

We see vividly that from the very beginning of his tenure, it was the little things that mattered most.

Of course, reviewing a list of the Association's many accomplishments can never fully reveal the level of care by which each was developed. The ability to confront questions and problems and develop the needed workable solutions is an unusual talent.

It means addressing minutiae and enduring many hours of discussion and debate to determine the most effective and comprehensive answer.

Superior notarial services mean more than doing the right thing. They mean doing the right thing in the right way.

How to complete a journal entry or affix a seal may seem elementary, but each of us remembers that first notarization when it wasn't so simple. While requiring personal appearance is simple enough, checking identity becomes a bit more complex when the signer is unknown and the driver's license is unfamiliar. How to "just say no" to an improper notarization without being offensive is a challenge we had not anticipated.

On the eve of our 50-year anniversary and its attendant celebrations, it is easy to forget all the little details — discussions, debates and even arguments — that went into crafting successful supporting programs for the nation's Notaries.

It was understanding the importance of mastering the details that has driven the Association toward excellence. It is this understanding that continues to inspire us today.



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A Non-profit Professional Organization

Serving America's Notaries Since 1957

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1922-1995

OUR MISSION

The National Notary Association is committed to the education and service of Notaries throughout the United States. As the foremost authority on the American Notary office, we are dedicated to imparting knowledge, understanding and unity among all Notaries, and instilling in them only the highest ethical standards of conduct and sound notarial practice.

Letters

Feedback On 'Right To Die'

I am questioning an article which gave the appearance that the NNA endorses morally objectionable ethical positions. The so-called "Right To Die" article in the May 2006 maga-



zine appears to advocate suicide.

This country was founded on moral principles antithetical to the murder of unborn children, the ill or infirm. For the NNA to write articles slanted to support these immoral acts is tantamount to the NNA taking a position supporting these things.

Dibby Green
Santa Barbara, California

The NNA has not taken any position on this issue. It is contrary to a Notary's oath of office and basic function as an impartial public servant to pick and choose what lawful documents to notarize solely on the basis of personal agreement or disagreement with a signer's position on an issue. — The Editors

Keeping Up With Changes In The Signing Agent Field

If Notary Signing Agents are having problems with unsatisfactory fees and additional work involved with loan packages that include electronic documents, I

suggest they incorporate the added cost and time of printing e-documents into their fees up front. It's inevitable that lenders will try to cut their own costs whenever they can. If lenders are made aware of this fee ahead of time, they may choose to go back to printing documents themselves. In any business, you have to be proactive and adjust accordingly, and that's especially true in an electronic world. Things were different before e-documents.

I remember using typewriters, correction fluid and carbons for every document I typed. But the world moves a lot faster these days, and some-

times not always for the better. A "clerk" is unfortunately how some people see Notaries, since all the paperwork ends up with them. If you want to be treated like a professional, then you have to act like one. You can't control what other Signing Agents charge.

As my mother once told me, "If you double your current price and lose half your customers, you're still ahead of the game because you're doing half the work for just as much money!"

Mother always did know best.

Nancy Dohrn
Fairport, New York

Letters To THE NATIONAL NOTARY

We welcome letters, comments and questions from our readers. You may e-mail us at: publications@nationalnotary.org. We reserve the right to edit for space and/or clarity.

Fax us at (818) 700-1942 or send mail to: National Notary Association, Editorial Department, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402.

Staying Ahead Of Identity Theft

Jury Duty Scam Makes A Comeback With ID Thieves



While identity theft is increasingly becoming a high-tech crime, low-tech cons still abound. Take, for example, the resurgence of an old identity theft scheme, dubbed the “Jury Duty Scam” by the FBI, that’s making a comeback.

The con works like this: someone identifying himself as a court official calls your residence claiming to be from your county courthouse. He says you’ve averted your civic obligation to report for jury duty. The scammer might even have spoofing technology that will make it appear on your caller ID that he is indeed calling from a local courthouse.

The next part of the con is key, as it plays to the emotion that can most cloud our judgment: fear. The caller says there is an arrest warrant being issued for you. When the potential victim says that there must be some kind of mistake, and that no notification was ever received, the caller offers to “help” clear up the situation. In a friendly manner, he acknowledges that maybe a mistake was

made. To verify your identity against the warrant-for-arrest list your name is supposedly on, he asks for things like your Social Security number, birth date and other personal identifying information.

The FBI reports that the scam’s bold simplicity may be what makes it so effective. Facing the unexpected threat of arrest, victims are caught off guard and may be quick to disclose information to defuse the situation. This also includes credit card “solutions” to pay supposed fines.

On the FBI’s Web site, a field agent wrote: “The trick is putting people on the defensive, then reeling them back in with the promise of a clean slate.” This is where the scammer might offer to clear up the situation with a credit card payment. “It’s kind of ingenious. It’s social engineering,” the agent said.

The FBI recently confirmed that this scam is alive and well, with more than a dozen states reporting incidents of cold calls from people posing as court officials. It also says, as a rule, that legitimate jury-duty notifications and “no-show” summonses are *mailed* to individuals. If there are rare occasions for phone contact, court officials wouldn’t ask for the type of personal information that scammers do. In addition, they’d likely call during business hours, not later at night.

That’s exactly what happened to Joyce Karasienski of Sterling Heights, Michigan,

when she received her Jury Duty Scam call right before sitting down to a family dinner. But she wasn’t buying it for several reasons. First, she had received a jury summons by mail a few months earlier and was excused due to medical reasons. Also, she figured, if she was going to be arrested, why would she get advance warning? Why wouldn’t the police just show up at her door?

She then asked the caller for a fax number so she could send her proof of having been excused. The caller gave her what turned out to be a disconnected number.

Senior citizens are especially vulnerable to these types of scams. According to the FBI, this stems from being raised in an era of more trust and civility. Another factor is that seniors are sometimes concerned that relatives may think that can’t manage their own affairs and try to handle situations without consulting others for help.

Another variation of the scam involves simply asking potential victims for their birth date and Social Security number. The scammer explains that this is so a jury summons can be sent out in the first place. Don’t fall for that approach. Remember: law enforcement officials stress that this type of business is conducted by mail. Should you receive a Jury Duty Scam call, notify your courthouse or state attorney general’s office ... after, of course, hanging up on the caller.

AssociationNews

Pennsylvania eNotarization Progress Stronger Than Expected



Commonwealth Secretary
Pedro Cortés

The Pennsylvania Department of State and county recorders of deeds, together with NNA officials, have reported that Phase I of the state's historic eNotarization Initiative is going strong, and the involvement of Notaries,

government and industry is greater than expected.

More than 100 Notaries have received their Electronic Notary Seal, have been added to the National eNotary Registry and are now authorized to perform their duties electronically. Hundreds of other applicants are currently waiting for their application approval.

At the Initiative evaluation in July by Secretary of the Commonwealth Pedro Cortés' office, three recorders of deeds — Joan Decker from Philadelphia County, Terence Farrell from Chester County and Steve McDonald from Lancaster County — reported that Phase I has been successful and that more and

more Notaries are being exposed to the Initiative. NNA officials also added that several major companies and agencies, including Countrywide and the United States General Services Administration (GSA), have shown great interest in eNotarization.

The Pennsylvania Department of State is now evaluating the progress of

Phase I and looking to expand the Initiative to other interested counties in which the recorders of deeds have the capability to record electronic documents. Montgomery County has announced that it has recently become equipped to handle electronic document recordings and will now participate in the Initiative.

The Online Library: The One-Stop Information Source For All Notaries



coast. NNA Members can stay current with their state's Notary laws with the click of a mouse and also refer to the

Handbook Helps Notaries Handle Loan Documents With Confidence

The National Notary Association offers a comprehensive guide to help

Notaries tackle some of the most complicated forms contained in a loan document package.

The Complete Handbook of Loan Documents and Transactions is extremely useful for both newly commissioned Notaries and seasoned

Notary Signing Agents by providing loan document descriptions, how-to instructions, sample documents and other loan document information. *The Complete Handbook of Loan Documents and Transactions* can be



acquired by calling (800) US NOTARY or visiting NationalNotary.org/supplies.

The NNA's Online Library, accessible at NationalNotary.org, is a one-stop source for notarial research, including statutory and legislative information for all 50 states, as well as best practices, pertinent reports, ethical guidance and more. Located in the "NNA Community" section of the Web site, the Online Library is a unique research tool with valuable information for Notaries from coast to

NNA's analysis of how a particular law change will affect how Notaries carry out their duties. The Online Library also features archives of NNA publications, including THE NATIONAL NOTARY, NOTARY BULLETIN, and NATIONAL NOTARY NOW. Copies of the *Model Notary Act*, the "What is a Notary Public?" pamphlet, and *The Notary Public Code of Professional Responsibility* can also be downloaded.

AssociationNews

NNA Conference 2007 Will Celebrate 50 Years Of Notary Public Excellence

NNA Conference 2007 will commemorate the Association's 50th anniversary,

but the major focus will be a celebration of the achievements, victories and excellence of the



evolving American Notary office.

The 29th annual Conference, themed "50 Years of Leadership, Professionalism and Trust," will be held at the Westin Bonaventure Hotel in Los Angeles, California, from May 30 to June 2, 2007.

The role of Notaries as protectors of personal and property rights has expanded dramatically in recent years, and Notaries are increasingly being called upon by government, business and industry to ensure the security of sensitive transactions.

The professional standing of Notaries has grown to levels that few thought would be attainable a half-century ago. But with the increased responsibilities placed upon Notaries in this time

of increasing threats of identity theft, mortgage fraud and even terrorism, Notaries have risen to the challenge of conducting themselves as true professionals.

Conference 2007 will be a celebration of the growth of the American Notary office, and the NNA alongside it, and will also focus on how emphasizing three important qualities — leadership, professionalism and trust — can expand opportunities for Notaries in the future.

We Want To Hear From You!

You're the ones out in the field. You're the ones who are making it happen.

In an effort to bring our readers the most relevant and interesting stories and issues regarding Notaries, we encourage you to tell us what is happening in your own notarial endeavors and careers.

We want to hear your success stories and the things that are working for you in all aspects of your business. We want to hear about the challenges that you encounter and overcome in your daily dealings as a Notary, and the challenges you've run into but haven't been able to solve.

Tell us, for example, how you have increased business or

improved your service. What strategies have proven most effective? Are you performing eNotarizations and/or using Enjoa®, and is that helping with overall efficiency? Have you halted a fraudulent act or other crime?

We'd also like to hear about unusual situations. For example, what's the most memorable notarization you've performed? What's the most unusual request made of you? If you have an interesting, relevant or helpful story to share with members, we want to know about it.

Send your stories to publications @NationalNotary.org or contact the Editorial Department at (800) US-NOTARY, ext. 4056.

**Los Angeles to host
NNA Conference 2007**

**Join Us as We Celebrate
Our Golden Anniversary
in the Golden State!**



The NNA will host Conference 2007 in our dazzling home city of Los Angeles as part of the yearlong festivities honoring 50 years of service to the nation's Notaries.

This year's Conference theme is *50 Years of Leadership, Professionalism and Trust*, marking the Conference as the highlight of our Golden Anniversary.



Westin Bonaventure Hotel
Downtown Los Angeles

These are exciting times for Notary professionals, and we will offer such exciting events as:

- 3rd International Forum on eNotarization and eApostilles
- eNotarization Lab
- Certificate Programs
- Excursions Filled with Fun and Intrigue
- Legal Professionals' Program
- Workshops for:
 - Notary Entrepreneurs
 - Notary Professionals
 - Notary Signing Agents

**Don't miss out on the
Notary Event of 2007.**

**Make plans to join us in Los Angeles
May 30-June 2, 2007!**

**For more information, visit our Web site at
www.NationalNotary.org/Conf07**



NATIONAL NOTARY ASSOCIATION
The Nation's Professional Notary Organization

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Fifty Years Of Leadership, Professionalism And Trust

The National Notary Association

By Phillip W. Browne
pbrowne@nationalnotary.org

On the eve of the NNA's 50th anniversary in 2007, Milt Valera, who also will celebrate his 25th anniversary next year as the organization's president, reflects on his quarter-century at the helm of the preeminent professional association serving the nation's Notaries Public – the national and international voice of the American Notary.

NNA President Milt Valera is nothing short of a modern pioneer. He is, after all, the longest serving employee at the organization which has virtually become his persona and a professional lifetime commitment.

Before he joined the NNA in 1969, Notaries were little more than a legal afterthought, and the idea of a professional association to educate and support Notaries was widely regarded as an unimaginable, if not unrealistic concept. Today, both government and commerce are viewing and courting the nation's Notaries as a valuable national resource, and organizations and industry groups as influential and diverse as the FBI, the Hague Conference on Private International Law in the Netherlands, and the mortgage lending and title industries are all in strong partnerships with the National Notary Association. This dramatic transformation is due in no small part to the energy, initiative and vision of Milt Valera.

Since joining the NNA, he has been the driving force in professionalizing the American Notary office and in bringing about the Association's significant and growing influence in government and in the business, legal and educational communities. He conceived, implemented and oversaw virtually all of the Association's major programs that today dominate the arena of Notary education, certification, support services and technology.

Above all else, the NNA's longtime leader has made service to Notaries his organization's number one mission. By educating, inspiring and providing the proper tools to highly professionalize



Notaries, as Valera has often explained, American consumers will be assured the best possible protection against forgery, fraud and identity crimes.

Before beginning his career with the NNA, Valera was a successful newspaper editor who later turned his considerable communications and leadership talents to marketing and public relations. In the 1960s he founded a media and consulting firm that served several major clients, which at the time included the NNA. He attended Los Angeles City College and California State University Northridge, where he graduated with a Bachelor of Arts Degree in Journalism.

As he approaches his 25th year as NNA President, Valera sat down with Managing Editor Phillip Browne to reminisce and discuss the Association's half-century of accomplishments, its current innovative and influential programs, and his vision for the future.

What are your thoughts about the NNA today?

Genuine pride immediately comes to mind, not just for our many accomplishments, but for the way the NNA has been able to demonstrate to the American public the importance of Notaries and how they are playing an increasingly significant role in fighting document fraud and identity crimes, as well as in homeland security. We have changed the public's view of the Notary office.

You have spent more than three-quarters of your professional life at the NNA. What are the Association's most important accomplishments?

I suppose I could list 20 or 30 achievements that I would consider major in my 37 years here, but I believe that the most significant would be our total body of work that has increased the confidence and competence of Notaries and given them the support, education and services that they so badly needed. For many years, Notaries labored without much recognition and respect despite their indispensable work in government, law, real estate, banking, mortgage lending and health care. And then we were hit with the 9-11 catastrophe, the explosion of identity thefts, and the increasing problems of immigration with its tie-ins to terrorism. All of a sudden, it seemed, the screening capabilities of Notaries became more important than ever.

Two accomplishments of the NNA in particular contributed immensely to establishing a firm foundation for the American Notary office — the prototype *Model Notary Acts* of 1984 and 2002 and their predecessor, the *Uniform Notary Act* of 1973, and *The Notary Public Code of Professional Responsibility*. These significant sets of standards were the first serious attempt in the country to provide systematic notarial guidelines for Notaries, state

officials and lawmakers.

The prototype MNAs and UNA played major roles

in getting state legislatures to understand the issues and challenges of Notaries like never before, and *The Code of Professional Responsibility* gave Notaries, for the first time, a comprehensive set of guiding principles for performing ethical notarizations. In fact, the *Code* had such an initial impact that even the International Union of Latin Notaries requested that it be published in Spanish for distribution to its Latin American membership.

Best Practices: The Model Notary Act And Code Of Professional Responsibility

The *Model Notary Act* (1984, 2002) is a comprehensive statute prototype designed for use by state lawmakers in modernizing the Notary Public office. Its predecessor — the *Uniform Notary Act* of 1973 — was created in a special collaboration with Yale Law School. Revisions over the years have been shaped by such disparate influences as the nation's secretaries of state, educational institutions such as MIT, Fortune 500 companies and law firms across the country. Legislators and Notary-regulating officials have borrowed extensively from the *Act* in reforming state and territorial Notary laws. The *Model Notary Act* will be updated in 2007.

The Notary Public Code of Professional Responsibility (1998) is the first-ever comprehensive and detailed code of ethical and professional conduct for America's Notaries. It addresses the common problems, issues and questions encountered by modern Notaries, and provides standards by which Notaries can achieve heightened professionalism.

What other accomplishments provide a special pride for you at the NNA?

Two stand out rather prominently because they involve the direct and overwhelming participation of our members and other Notaries.

The first is our annual Conference, which has become a very important event for the NNA because of the tremendous influence it has on the business and legal communities, and the very large attendance we have experienced in recent years. More than a thousand now show up regularly, including a large international delegation. Two years ago more than 2,100 delegates from 44 states and 32 countries participated, and thanks to innovative, quality programs that cover every facet of the Notary office, more and more people are now attending.

The National Notary Foundation

The National Notary Foundation is the philanthropic arm of the NNA and is dedicated to supporting educational, charitable and humanitarian programs. The Foundation is unique in that 100 percent of proceeds go toward scholarship, education, medical research, personal achievement and disaster relief projects. All administrative costs are donated by the NNA. Through relationships with several of the nation's top universities, the Foundation has expanded opportunities for many deserving students through endowed scholarships.

Notaries across the nation have also rallied hundreds of thousands of dollars to aid the victims of several recent disasters, including Hurricanes Katrina and Rita and the Southeast Asia Tsunami. Through the humanitarian and philanthropic work of this foundation, Notaries can inspire others to follow a charitable course.

out opportunities to benefit education and personal achievement. In addition, the Foundation provides humanitarian assistance when natural disasters strike, through such programs as the 2005 Hurricane Victim's Relief Fund and the Tsunami Victims' Relief Fund. And we're very proud of the Linda Bazar Breast Cancer Fund at the renowned City of Hope Medical Center in California as a tribute to our late Chief Financial Officer and all women everywhere.

Looking to the future, has your vision for the American Notary office and the Association changed over the years?

My vision has not changed at all. If anything, I am more committed — as is the entire staff of the NNA — to raising the level of professionalism and accountability for Notaries in the United States. That, essentially, is the purpose of the NNA. And that time, more than ever, is now. America's Notaries are being pushed like never before to embrace best practice standards and to step up education levels to include important ethics components.

The second accomplishment I am very proud of is the work of our young National Notary Foundation and the generosity of Notaries from all over the world who have answered our call beyond their duties and obligations as public officials. The Foundation, for example, has endowed dozens of scholarships and grants at colleges and universities and continues to seek

This is a very important time for the NNA, and even more so for Notaries. Fraud is reaching unprecedented levels in virtually every area of American life, particularly in anything to do with real property. The Internet has contributed dramatically to the increase in identity crimes and created legal and commercial security challenges like never before. And even issues like immigration, terrorism and money laundering have a bearing on our identification processes. Tremendous opportunities are available for Notaries, but along with those opportunities are heightened responsibilities and obligations they must meet as public officials.

My vision for the American Notary has always been one of professionalism and higher and higher accountability. That will never change at the NNA.

What are some of the specific challenges the Association faces today?

As the professional association for America's Notaries, the NNA's future is filled with challenges not just for our member constituency, but for every single person — citizens and

Notary Signing Agent Certification

The NNA has developed a nationally trusted and recognized certification program for Notary Signing Agents — specially trained Notaries who handle loan document signings. NSAs bring trust and security to the most important transactions people make — buying a home — while also offering the speed and convenience of home visits to consumers who are refinancing their property.

The Association's NSA Certification Program was recently adapted to add background screening and specialized training at the request of the nation's top title and mortgage document service firms, acting to fulfill a new federal privacy protection mandate. This strengthened program falls in line with the NNA's continuing efforts to increase professionalism among the nation's Notaries, who are on the front lines of consumer protection. NNA Certified Notary Signing Agents now hold one of the most valuable and trusted credentials in the industry, and are sought out to handle the transactions of top firms.





non-citizens alike — in our great country. The work of Notaries touches almost every legal, commercial and financial enterprise, and reliance on the NNA has never been greater, and continues to grow.

For example, we are being deluged with requests for assistance from virtually everywhere — various industries, the federal government, state government, the courts. Our working partnerships with the FBI, the Justice Department, the Treasury Department, secretaries of state and other agencies continue to go forward with a cooperative spirit, and new partnerships are regularly being formed. The lending industry, including mortgage and title organizations, banks, and insurance companies are pressing the NNA to help find solutions for a variety of problems caused by fake and stolen IDs.

The title insurance sector, whose work touches the single biggest investment for most Americans — their home — is another example of where requests are coming from for our help. Under a mandate from the federal Gramm-Leach-Bliley Act, the largest title and mortgage document service organizations, servicing about 80 percent of the country's title work, came to the NNA for help in establishing best practice standards for their Notaries and Signing Agents. Other industries are seeking assistance from the NNA as well.

We have worked very closely with the Department of State and county recorders of deeds in Pennsylvania to establish the Electronic Notary Seal or ENS Program. This provides quick, inexpensive and, most importantly, secure eNotarizations — a model we believe will become a national standard.

We have been very active in many other states and are proud of our role in assisting the National

Association of Secretaries of State in forming the National eNotarization Commission, which has become an important standards-setting body for Notaries.

Seems like the demands on the NNA are escalating exponentially. Certainly you must be contemplating changes at the NNA to accommodate these demands?

Absolutely! There are many changes taking place even as we speak, and we are considering and evaluating many, many more to meet the needs of Notaries and the American population in the very near future, not just 10 or 20 years from now. Our service and education sectors are the fastest growing areas of the Association. In the past year alone our staff size has doubled in departments that directly serve Notaries' needs, and has increased more than 50 percent in our Educational Services Group, which develops and delivers our educational programs.

Membership in our professional sections for Notaries who serve as Notary Signing Agents, attorneys, immigration specialists, and small business owners, and for those interested in eNotarization, has virtually exploded, testifying to the interest in areas that go beyond traditional notarization. As a result of this, our growing Editorial staff, which has responsibility for 16 paper and online publications, has jumped 39 percent in the past six months alone.

Technology will continue to play an even bigger part in the NNA's operations as we work to

Enjoa And The Electronic Notary Seal

The NNA leads the nation in the development and implementation of eNotarization technology. After years of research and development, the NNA effectively launched eNotarization in the United States in 2002 with the introduction of the Enjoa® platform — a fully functional electronic environment in which Notaries can perform and record their official acts electronically.

In 2005, the NNA introduced the highly secure Electronic Notary Seal, which is applied to digital documents in lieu of a traditional inking stamp. A major fraud-fighting security feature of ENS™ is making each electronically notarized document tamper evident so that relying parties will be able to view any changes made to the document. Now implemented statewide in Pennsylvania, ENS for the first time enables a truly paperless e-recording process.

improve efficiencies, increase response time and enhance our communication abilities. Our members are demanding quicker responses in everything we do, particularly in providing information and education. We have had to move very quickly to improve the learning tools and other services our information-hungry members need to compete in the business and legal environment today.

Speaking of technology, what is the NNA doing to provide Notaries with better and quicker ways for serving their constituents?

The technological area is perhaps the most exciting part of our work. Everything is so new and fresh — out of the box. It seems that all our conversations now include an “electronic” addendum. Our Electronic Notary Seal Program, the Enjoa electronic notarization platform, and the electronic *apostille* program all will create opportunities for Notaries never before imagined. And this is only the beginning!

Our research and development efforts will take us to places far from those we know today as the signers,

eApostilles

The increasing reliance on the Notary office in international dealings, spurred by the global proliferation of digital documents and e-commerce, has resulted in a collaboration between the Hague Conference on Private International Law and the National Notary Association in introducing a historic *e-Apostille* Pilot Program. The Program supports eNotarization by implementing secure electronic Notary authentications to enable safe and instantaneous exchange of electronic documents worldwide.

For more than four decades, the paper *apostille* has served as a simplified and standardized authentication certificate in a system now used by nearly 90 nations to verify the authority of foreign Notaries in compliance with a treaty called the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents. The *e-Apostille* Pilot Program streamlines international digital document exchanges by making the process faster and more efficient, without sacrificing document security.

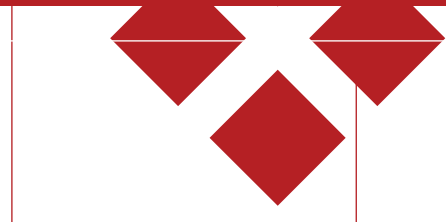
sealers and official witnesses of important transactions.

You mentioned the electronic apostille program...

Yes, it's part of a long-term partnership with The Hague Conference on Private International Law in the Netherlands that has heavily involved the NNA in the international arena. Our work with The Hague Conference is

particularly significant because this body is responsible for setting treaty standards for the authentication of notarized documents exchanged between nations. The Hague Conference came to the NNA seeking a partner in launching a pilot program for issuing electronic *apostilles* — the authenticating certificates that streamline the legalization and authentication process between countries.

With the country's Notary population approaching 5 million, what are the plans to establish a system for keeping track of their whereabouts and their capabilities beyond what individual states do now?

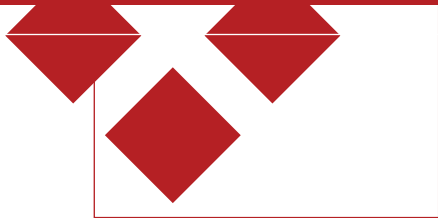


National eNotary Registry

Perhaps the most important component of the NNA's eNotarization system is the National eNotary Registry,TM which lays the foundation for a national and even global system to manage the commissions and activities of every Notary. The Registry is a state-of-the-art management system for verifying the status of Notaries who have been credentialed to perform eNotarizations. It allows anyone to confirm instantly, in real time, the legitimacy of a Notary who performed or will perform an electronic act.

For the first time, the Registry gives Notary-regulating officials the ability to share and verify information on notarial acts instantaneously in any jurisdiction. The Registry brings a universal system that Notary officials in every state and even other countries can use to manage commissions and prevent improper Notary acts. In the near future, it is expected that the Registry will allow businesses, governments and consumers to quickly find Notaries in their area who are equipped to execute eNotarizations and other specific tasks or duties.





We have founded the National eNotary Registry through which Notaries, who are properly qualified by a state as

electronically capable, will be “registered” for purposes of allowing any interested and qualified party to check online on the legitimacy of a particular Notary. And this can all be done in real time. It is our intent and expectation that acceptance of the Registry by other states and by industry and the public will follow that of the leaders of Pennsylvania, who have boldly endorsed the concept.

We believe that the independent, non-profit Registry, with the cooperation of the states, can ultimately serve as the definitive network for all notarial activities, including commissioning, appointing, record-keeping, *apostilles* issuance, testing and the like. The important work of Notaries have never been as appreciated as it is today, and there is a corresponding need for more public access to data about the Notary office.

You have stated often that the NNA is unique, and have pointed to its infrastructure as an example. Can you explain?

One of the things I became aware of as a young executive here is that many people have a naïve



tendency to believe that “non-profit” means that you don’t have to worry about expenses, revenues and budgeting. But nothing can be further from the truth. At the NNA, our intention is not to make a profit, but rather to be financially responsible in order for us to continue to provide Notaries with exceptional services. It is a constant challenge to provide services commensurate with the needs of today’s Notaries and still to keep member dues and other services reasonable. We are able to do it because we operate the NNA in a business-like manner, using proven business principles.

Hiring is another steep challenge we face regularly. But we are able to succeed because of our dedication and diligence in recruiting the right kind of people — people who care and share the NNA’s commitment to Notaries. And, of course, people who are smart and educated. Upwards of 90 percent of our staff of almost 300 have continued, or are continuing, their education beyond high school. Better than 50 percent of our work force is college degreed, and most promotions in the organization come up through the NNA ranks, as illustrated by the backgrounds of five of the seven high level executive managers here.

Finally, we stress civility, honesty and trustworthiness in every corner of the NNA, all traits that we expect of Notaries. In my nearly four decades at the NNA, this policy has worked very well for our organization and I know it will play a major part in propelling us to even bigger accomplishments.

In maintaining a strong infrastructure, finances certainly must play an important part in the growing NNA.

Without question, particularly for a non-profit association. We receive no government funding, no financial support from industries and no grants from foundations. We have to make it all work with the funds from member dues and the other services we provide. And in many ways, despite the challenges, we like the independence because it uniquely represents how Notaries must work — independently and without bias.

I’ve already mentioned that we utilize sound, proven business practices to run the Association, and I am very

proud that we have not had to burden the membership with frequent dues increases, despite escalating expenses for improved benefits, continuing R&D projects and rising operational costs for fuel, postage, salaries and the like. Our last dues increase was three years ago, and try as we did not to raise dues, we are forced to do so this year. But I am pleased to report that renewing members will not be impacted by the increase for at least a year, or for as long as they wish to renew in advance for their membership. In this way, we are saying “thank you” to our loyal members by giving them an opportunity to actually delay a dues increase — for as long as they like!

What are your plans as head of an organization for which you serve in so many different and varied capacities?

Executive Management has begun a transition that is requiring less and less of my involvement in the daily operation of the NNA. Our Executive Management Team is the strongest we have ever put together, and you won't come across a smarter, quicker and more diverse group of men and women than those making up our Senior Management staff.

My many other roles — actually a throwback to when we were considerably smaller and I had to do many things — are being assumed more and more by very capable staff through an orderly, planned process that will allow me to concentrate on the long-range future of Notaries and the NNA. The organization will be in very smart, capable hands for a very long time, and any changes at the NNA will be as transparent as a Notary involved in a major transaction.

The NNA will be celebrating a half century in 2007. What are some of the plans to commemorate that historic time?

Fifty-year anniversaries are rare among organizations today, and we want it to be memorable for all Notaries in the U.S. and throughout the world. We want anyone and everyone who has ever benefited from a notarization to share in our special 50th anniversary. More than two years of planning have gone into our commemoration next year because we



feel it represents a unique opportunity for a recommitment on the part of America's Notaries.

Incidentally, we are planning a year-long celebration that begins on January 1 when we will participate in the exciting Tournament of Roses Parade in Pasadena with our very own float, which we hope will serve as a source of pride for all Notaries.

Other Anniversary events include a special calendar featuring Notaries from across the country against a backdrop of our nation's capital to be sent to every member next month, the redesign of both THE NATIONAL NOTARY magazine and the NOTARY BULLETIN, and our Conference in Los Angeles, which we expect will be our biggest, very educational, and most fun-filled ever.

On a personal level, we are introducing to our membership a special benefit — The NNA's Everyday Discounts by Entertainment® — which will provide enough savings throughout the year to more than justify the cost of dues many times over, something we are very pleased about.

Many other activities and events are planned and we expect to involve as many of our members as possible throughout the country.

Any final thoughts as the NNA anxiously awaits the start of the 50th anniversary celebration only a few weeks away?

Just one perhaps. I'd like to take this opportunity to offer a very sincere “thank you” to everyone — our dedicated staff, our partners in government and industry and, of course, the Notaries we serve — for helping make the NNA's first 50-year ride truly a fantastic one. **NNA**



NNA Advocacy, Partnerships Build A Promising Future For Notaries

By Timothy S. Reiniger, Esq.
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It has always been the mission of the National Notary Association to provide training, support and service to the nation's Notaries with the goal of helping you enhance your professionalism, efficiency and career, as well as assist you in providing the highest possible level of consumer protection.

But despite this daunting mission, we have always done much more. By promoting public understanding of the Notary office, there is now widespread and increasing appreciation of the fundamental importance of the notarial act in lending trust, integrity and security to important transactions.

This recognition and respect is the result of our wide-ranging advocacy efforts with partnerships we have built — and continue to build — to shape an exciting future for you and the American Notary office.

Notaries have never before received the attention and recognition they are drawing today as the guardians of personal and property rights. And this is due, in large part, to our dedicated and highly educated membership. The possibilities are now unlimited.

With the increasing threats of identity crimes, mortgage fraud, corporate embezzlement, immigration fraud and even terrorism, your NNA has opened the eyes of government, industry and the public to the critical importance of security in paper and electronic transactions. We have launched aggressive initiatives to help bring a new era of trust and integrity to both national and international document exchange.

The NNA has developed a close partnership with the FBI in combating and prosecuting mortgage fraud, identity theft and many other financial crimes. Other partnerships, including those with the U.S. Justice Department, U.S. Treasury Department, secretaries of state and other state and county governmental agencies, continue with a cooperative spirit.

On the technology front, the NNA created electronic notarization, first by developing the Enjoa® digital eNotarization and journal platform, and later by creating and implementing the ENS™ Program, which incorporates two key structures: the first secure Electronic Notary Seal and the groundbreaking National eNotary Registry™, which holds online-verifiable commission



information for all Notaries performing electronic notarial acts.

Now, Notaries can perform their acts in a completely electronic environment — from document signing to journal entry — with levels of security that have never been afforded to notarized paper documents. The Notary's vital security and authentication role will continue to flourish as the world's businesses go electronic.

In February, Pennsylvania became the first state to launch a statewide eNotarization Initiative, using the NNA's ENS Program as its core. Now, several states are considering the Program, spurred by the recent

Our Professional Relationships

As part of building a promising future for Notaries, the NNA has developed working relationships with several federal government, industry, legal and technology organizations in addition to its relationships with state, U.S. territory and local governments. They include:

- Federal Bureau of Investigation
- U.S. Department of Homeland Security
- U.S. Immigrations and Customs Enforcement
- U.S. General Services Administration
- U.S. Department of the Treasury
- Hague Conference on Private and International Law
- International Union of Notaries
- National Association of Secretaries of State
- American Association of Motor Vehicle Administrators
- American Bar Association
- Mortgage Bankers Association
- Mortgage Industry Standards Maintenance Organization (MISMO)
- Secure Identity Services Accreditation Corporation (SISAC)
- Countrywide Home Loans
- First American Lenders Advantage
- Fiserv Lending Solutions
- LandAmerica OneStop
- LSI (a Fidelity National Title company)
- National Real Estate Information Services
- Stewart Mortgage Information (a subsidiary of Stewart Title)
- Chosen Security
- Microsoft
- Adobe Systems
- Signix (a SunGard Company)
- Interlink Electronics
- U.S. Biometrics

eNotarization standards approved by the National Association of Secretaries of State, which were drafted by the National eNotarization Commission — a commission we assisted in forming as an important standards-setting body for Notaries.

It won't be long until every Notary will be performing electronic acts.

The NNA has also partnered with the Hague Conference on Private and International Law in introducing the e-Apostille Pilot Program, which is geared toward setting standards and best practices for international e-document exchange.

We have developed a nationally recognized Notary Signing Agent certification Program — which complies with federal financial services industry background screening and training requirements — so Signing Agents can take advantage of the growing opportunities in the mortgage lending industry.

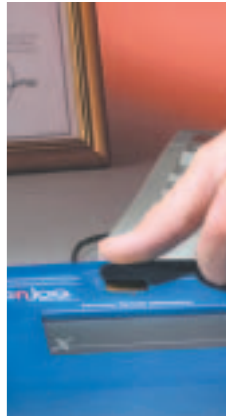
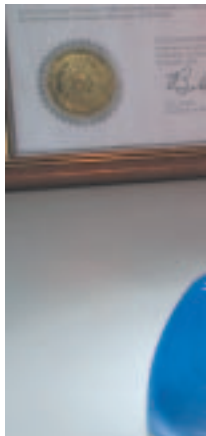
For the first time, “professionalism” for Notaries has even

translated to financial rewards, and it is not uncommon for many to be earning sums of money they never imagined for their work.

We continue our efforts to bring uniformity and fairness to state laws, and our advocacy work has led to historic statutory changes in several states.

The NNA's influence has spread even to the Internet. One online dating Web site — disturbed by the lack of personal accountability and true identity management online — has announced that it will call upon Notaries to verify the identity of persons using the site. And after consulting with the NNA, online

auction giant eBay changed its policy for the auctioning of Notary inking stamps and embossers to prevent fraud. The future for the American Notary has never been brighter, and we should all be proud of our collective accomplishments in bringing this about. Your NNA will continue forging ahead to build a promising and lucrative future for Notaries. [NNA](#)





Dues Increase To Further Progress, Help Counter Increasing Costs

By Deborah M. Thaw
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Throughout our almost 50 years, the National Notary Association has been dedicated to training, support and advocacy for the nation's Notaries. Because of our collective efforts, you and other Notaries are now valued as a unique national resource bringing heightened trust and security to important transactions. And, more and more, you are being relied upon to invest security into both traditional paper and new electronic processes. Indeed, your role as a Notary has evolved to heights never before seen.

And so has the role of the NNA in championing this progress.

We are proud that our efforts have led to higher levels of recognition and respect for Notaries. This growing esteem has spurred the rapid growth of the NNA as member needs increase. However, we cannot continue to effectively pursue our mission without additional support from you, which is why we have been compelled to raise our annual dues from \$45 to \$52.

Progress brings with it increased costs. Even in the best of national economies, it is difficult for any association just to maintain its current services for

any length of time without increasing dues, and it is doubly difficult — if not impossible — for any association to add and enhance services without doing so. Like many organizations, your NNA has been faced with increasing costs in staffing, vendor support, taxes, energy, delivery and postage, workers' compensation insurance and more.

Still, the NNA has remained steadfast in keeping dues as low as possible while increasing our service and support to you, a particular point of pride at the Association. Our attempt to meet rising costs does not mean a lack of consideration for our members. That's why we are offering every current member an opportunity to "lock in" the current \$45 dues for as long as you choose (see page 27).

By taking advantage of this special offer, you will be assured valuable membership benefits at the current dues in an Association that now offers more perks than ever before. In fact, your NNA has introduced a new, automatic benefit that every member will be able to take advantage of regularly — Everyday Discounts By Entertainment® program. Entertainment® offers generous discounts



with more than 230,000 merchants nationwide, providing tremendous savings for dining, retail and online shopping, groceries, travel, events and attractions, movie tickets, special Web deals and much more.

By logging on to your NNA membership account at NationalNotary.org/Community, you will gain access to the Entertainment search feature, which lets you hunt for specific discounts in your area. Many merchants will also display one-time special offers online, including buy one, get one free specials and discounts of up to 50 percent. With the weekly savings on your daily activities at merchants including Target.com,

Blockbuster Video, Chili's restaurants, Bed Bath & Beyond, Radisson hotels, Ticketmaster, Expedia.com and many more, your NNA membership will quickly pay for itself many times over.

This comes on top of your current slate of valuable benefits, which makes the NNA by far the best professional value of any comparable national association: \$5,000 in identity theft insurance; access to the toll-free Hotline; discounts on supplies; E&O insurance and state-required bonds; a growing list of consumer products and services; our vast library of instructional reference books; and monthly delivery of the NNA's



authoritative publications, THE NATIONAL NOTARY magazine and the NOTARY BULLETIN newspaper. You get all of this support and service for a mere fraction of what other professional associations charge. Your membership proves your dedication

to increasing your professionalism and your awareness of the growing importance of a Notary commission. We never like to raise dues and have put off doing so

for as long as we reasonably could. Rest assured that we will continue to increase our support for Notaries and will advance our advocacy initiatives further. We look forward to your continued partnership with the NNA. [NNA](#)

Your Opportunity To 'Lock In' Lower Membership Dues

While we have been forced to raise dues, you don't have to pay more. As a current NNA member, you are being offered something special in appreciation for your continued support: an opportunity to "lock in" the old rates for as long as you choose.

The process is simple. The first membership renewal notice you receive following the dues increase — which went into effect October 1, 2006 — will give you the option of renewing your membership for the current \$45 rate. If at the same time you choose to renew for multiple years, each additional year will be only \$34.

The \$45 rate and the chance to lock it in permanently will be offered only on the first renewal notice. Every current member will be granted this opportunity, provided you were a member on or before September 30, 2006.

By acting on this offer, every current member can save upwards of 15 percent for each year you renew, while continuing your membership in an Association that is offering more than ever before.

ANNUAL DUES FOR OTHER ASSOCIATIONS

Although the NNA has raised its annual membership dues, it remains the best professional value based on a dues comparison of similar professional associations.

American Land Title Association:	\$400-\$1,210*
American Society of Appraisers:	\$390
National Association of Professional Insurance Agents, Western Region:	\$375
International Association of Business Communicators:	\$249
Public Relations Society of America:	\$225
Society of Financial Service Professionals:	\$212
National Society of Accountants:	\$179
National Human Resources Association:	\$130
National Association of Child Care Professionals:	\$120
American Society of Public Administrators:	\$100
Los Angeles/National Paralegal Association:	\$77
Society of Professional Journalists:	\$72
National Association of Realtors:	\$64**
American Federation of Teachers:	\$60
National Notary Association:	\$52

* Dues increase based on number of years in practice and/or financial performance.
 ** Must also be member of local association, which charges additional dues.

Source: NNA Research Center

Divorce Documents:

Avoid Getting Entangled In Fraud

By David S. Thun
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*D*ivorce is never pretty. It's often a harsh, contentious and heartbreaking procedure in which nobody escapes unscathed — even the Notary, whose sole duty is to be an impartial, third-party witness to document signings, sometimes becomes a casualty. The charged emotions and financial stakes may push divorcing spouses to take unscrupulous actions they normally wouldn't dream of in order to secure assets or even simply to spite their former partners. Sometimes, these actions rise to the level of fraud. As California attorney and author Stacy Phillips put it: "Criminal attorneys represent bad people on their best behavior. Divorce attorneys represent good people on their worst behavior."

Unfortunately, divorce cases sometimes involve attempts to persuade Notaries to bend or break the rules through coercion or trickery or by playing on sympathy. All too often, these Notaries find out afterward that they have become unwitting pawns in frauds that involve thousands — even millions — of dollars.

"Most people treat each other honestly and are aware that there are kids and other factors they have to take into account, but there are certainly people that don't play fair," said Lee Rosen, a North Carolina divorce attorney and family law specialist. "There's so much anger and bitterness in some divorces that people feel justified in committing fraud, because they feel this is their chance to get even. Even rational people sometimes do it in a divorce because they are in the grip of strong emotion."

In divorce proceedings, spouses must declare their assets so the court can decide how to divide them. People sometimes rationalize committing fraud in a divorce as protecting their property from their ex-spouse "unjustly" taking it.

"The fact is, everybody lies in a divorce, because it's all from their perspective," said Pennsylvania attorney Lynne Z. Gold-Bikin. "Everyone thinks they are the injured party, even if having an affair. There's always a justification. Ultimately, they justify their behavior because they can't live with themselves otherwise."

"People think this is just a civil matter between them and their spouses," said New York attorney Cynthia Rubin. "They think to themselves it's about keeping property they own rather than stealing. Actually, they are stealing from the spouse, but they don't see it that way."

Spouses in a crumbling marriage sometimes go to great extremes to conceal or take assets. In one case, a husband transferred millions of dollars out of the country to keep it from his wife. In another, a man swapped the diamond in his wife's ring for a fake, and then sold the diamond. And in one of the most extreme examples, a man burned down property he and his wife owned, then filed false claims to keep her from receiving anything of value from the property.

In some divorces, it's not only feuding spouses trying to take advantage of the situation. Some fraud cases



have even involved employees or business associates who decided to defraud a company while the owner was distracted by a divorce.

Because so many documents involved in divorce cases require notarization, Notaries need to be acutely aware of the common tactics that lead parties to coerce, mislead or otherwise convince a Notary to violate lawful or ethical duties. One of the most common areas affected is real estate documents, said G. Daniel Jones, a Pennsylvania forensic accountant who specializes in finances related to matrimonial litigation.

"If Notaries hear that signers are involved in a divorce case, they need to be very careful," Jones said. "A lot of wealth in this country is tied up in personal real estate and retirement benefits. Real estate can't be transferred without written documents signed by everyone on the title. Notaries should be highly suspicious, for example, if a husband brings in a signature he claims to be his wife's that appears under a statement in which she agrees to transfer benefits to his girlfriend or another person."

Attorneys agree that Notaries should be extra skeptical if any married person makes an out-of-the-ordinary request, regardless of whether the word "divorce" has even been mentioned. The biggest red flag — and a request Notaries should always refuse — is when a signer appears before the Notary and asks for an absent spouse's signature to be notarized without a proper power of attorney.

"Everything that warns you should be heightened. The hair on the back of your neck should go up if someone getting a divorce says, 'I need to sign for my spouse because he or she isn't available,' " Jones said.

Notaries who work in an office setting must be wary of falling into the trap of notarizing for the boss's absent spouse "as a favor." All too often, an employer going through a divorce, or anticipating a divorce, will take advantage of a Notary working on staff in order to get the better of a spouse in the divorce proceedings. Rosen said he has encountered this tactic — quite often among attorneys who themselves are getting divorced!

"Attorneys get into a lot of habits with their office staff and the Notaries they employ," Rosen said. "They ask, 'My wife signed this document last night. Will you notarize it?' and because the Notary is a staff member, he or she notarizes the signature without thinking about it. Sometimes they are aware they are bending the rules, but they do it anyway. Now

the attorney is manipulating assets and debts with the Notary's cooperation, and the Notary often doesn't realize he or she is bending the rules and helping to commit fraud against the spouse."

The Notary's best protection against getting caught up in a divorce-related fraud is also the simplest one: just follow the rules. Refusing notarization without personal appearance, checking for correct identification and always following proper procedures will make it almost impossible for a devious spouse to trick the Notary. "Take care to follow all the proper procedures," Rubin said. "The worst mistake would be notarizing a signature for an absent signer. Preferably, have the person sign the document in front of you and be sure the signer appears before you."

Don't be so swayed by tears, sob stories, threats, sentiment, or loyalty that you break the rules of notarization. Be true to the high standards of the respected Notary office. By doing so, you will avoid getting caught up in the messy entanglements of someone else's divorce and ending up in court yourself. **NNA**



Notaries And Celluloid (Non) Sensibilities

Filmmakers often take vast liberties when portraying people practicing their vocations on the big screen. In order to create drama and conflict, they may have these individuals engage in uncharacteristic illegal activity. Whether it be an FBI agent skirting the “system” to solve a crime, a journalist breaching ethics to get a story, or a securities broker engaging in insider trading to make an undeserved financial killing, the pursuit of a compelling cinematic story often outweighs any deference to realism or likelihood. These stories tend to make us forget that the overwhelming majority of professionals in a given field are ethical and law-abiding.

Such has been the case with celluloid portrayals of Notaries.

Since the dawn of the movie industry, Notaries have played integral but usually supporting roles in countless scripts, often called in when the signing of an important document – a will, a contract or a power of attorney – becomes an important plot point. In many cases, their portrayals are less than flattering, especially when they assume starring roles.

For example, in the film “D.O.A.” (1950), main character Frank Bigelow, a Notary Public played by Edmond O’Brien, spends a week away from his fiancée to sow his wild oats before taking his marital vows. During his revelry, he is poisoned, and one of his notarized statements regarding a questionable shipment

becomes the motivation for a murder plot against him.

In “Big Fish” (2003), two of

the characters sign a quitclaim deed that has been pre-notarized – an obvious violation of notarial procedure. In “Collateral” (2004), a hit man impersonates a Notary to get past building security and kills his mark. And in “JFK” (1991), a forged notarized document plays an important role in the controversial adaptation of the John F. Kennedy assassination saga.

Several recent films have notarial portrayals or references, including “Sleepy Hollow” (1999), “The Royal Tenenbaums” (2001) and “The Merchant of Venice” (2004) – the last being an adaptation of Shakespeare’s

famous play, with its noted line, “Go with me to a notary, seal me there your single bond.” Even Shakespeare seems to have had a cinematic imagination, because very likely no Notary has ever attested to a document promising delivery of “a pound of (human) flesh” for failure to comply with a contract.

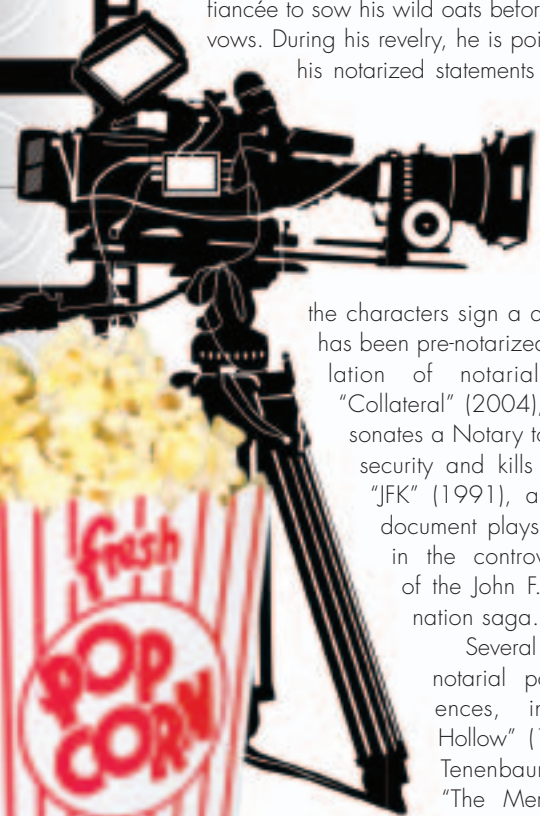
As professionals who are tasked with bringing security and integrity to the nation’s important documentary transactions, it’s little wonder that Notaries have played an important role in film scripts. After all, in the real world, they are often involved with many of life’s rites of passage, both good and bad – births and deaths, home purchases and foreclosures, marriages and divorces. But Notaries would need a pretty thick skin not to be dismayed by Hollywood’s misguided interpretation of notarial duties.

As with most vocations portrayed on the screen, conscientiousness, ethicality and honesty tend to be boring. Successful scripts are more often driven by treachery and unscrupulousness because they foment conflict, drama and, above all, action.

Most screenwriters couldn’t care less that the role of the Notary has taken on a new urgency and importance in the wake of the tragedies of September 11, 2001. They hardly consider the real reason that Notaries exist – to combat and protect the rights and property of all Americans. Their job is to tell a story that will be successful in multiplexes.

At the end of the day, we can all go to the movies and smile when we see a big Hollywood star notarize a quitclaim deed without the signer being present.

Because we know the “real” story. [NNA](#)



Quiz

Responsibility

By Stacia L. Ray
sray@nationalnotary.org



It's important to understand each participant's role and responsibility in a notarial act.

The various possible participants in a notarial transaction — e.g., the Notary, signer, credible identifying witness, document preparer, receiving agency, etc. — have different responsibilities. Some aspects of a notarization are the Notary's responsibility, while other responsibilities may be the signer's or the receiving agency's. Take our quiz to find out how well you know the individual responsibilities in a notarial transaction.

(See answers, page 38.)

Multiple Choice

- 1) If notarial certificate wording is not provided on the document, the type of notarial act is chosen by:**
 - a) The credible identifying witness.
 - b) The signer, with or without input from the issuing or receiving agency.
 - c) The Notary, as long as there is no beneficial interest.
 - d) The Notary, without exception.
- 2) When do Notaries have a responsibility to give legal advice to the signer?**
 - a) At all times. Notaries are supposed to be professional, knowledgeable and helpful, and that includes giving signers advice and answering all their questions.
 - b) Whenever they encounter legal documents, such as wills and depositions.
 - c) Only when advising the signer about which notarial certificate to use.
 - d) Never, unless they are attorneys or certified experts in a particular field.
- 3) Whose responsibility is it to obtain an apostille for a document that will be leaving the United States?**
 - a) The signer's.
 - b) The Notary's.
 - c) That of the state Notary administrator or clerk of courts who will be sending the document outside of the United States.
 - d) That of the official from the foreign nation that will be receiving the document from the United States.
- 4) The text of a document may be corrected by:**
 - a) The signer.
 - b) The Notary.
 - c) Both the signer and the Notary.
 - d) Either the signer or the Notary.
- 5) The notarial certificate may be corrected by:**
 - a) The signer.
 - b) The Notary.
 - c) Both the signer and the Notary.
 - d) Either the signer or the Notary.
- 6) For a particular entry, the following person does not have to sign the Notary's journal:**
 - a) The signer.
 - b) The credible identifying witness.
 - c) The subscribing witness.
 - d) The Notary.
- 7) In jurat wording that states, "Subscribed and sworn to before me on this ___ day of ___, 20___, by _____," whose name goes in the blank after the word "by"?**
 - a) The signer's.
 - b) The Notary's.
 - c) The credible identifying witness'.
 - d) Any of the above.
- 8) It is the Notary's responsibility, not the signer's, to be sure that the receiving agency will accept the particular wording on a notarial certificate.**

continued on page 38

True/False

- 8) It is the Notary's responsibility, not the signer's, to be sure that the receiving agency will accept the particular wording on a notarial certificate.**

Nuts & Bolts: Notarizing For Juveniles

Since parents or court-appointed guardians normally sign on a minor's behalf, notarizing for an underage signer can be a touchy situation.



Minors are sometimes defined as “legally incompetent,” meaning they have no authority to sign legal documents on their own behalf. In other words, they are not permitted by law to handle their own legal affairs because of a presumed lack of mature judgment, but instead must rely on parents or court-appointed guardians to do so.

However, there are cases in which minors may lawfully sign documents. Those instances include “emancipated” minors engaging in business transactions and minors serving as court-approved witnesses with a need to sign affidavits or depositions.

Thus, Notaries who are asked by a minor to perform a notarization should not refuse the request solely on the basis of age. In certain instances, notarization may be possible.

The key components in screening a minor for a notarization are generally the same as for screening an adult: positive identification and

the determination of willingness, awareness and authority to sign.

Identifying Juvenile Signers

Often the greatest challenge in notarizing for minors is determining their identity. Given that many minors do not possess the standard identification documents carried by adults, Notaries must often rely on personal knowledge or credible identifying witnesses to identify a minor.

A credible identifying witness is an impartial third party who identifies the document signer to the Notary after taking an oath or affirmation. The credible identifying witness should personally know the document signer and be personally known by the Notary, which creates a chain of personal knowledge connecting the Notary and the signer.

Laws regarding credible identifying witnesses vary from state to state. For example, California and Florida Notaries have the option



of relying on two credible identifying witnesses who are not personally known to the Notary, as long as they both have acceptable IDs.

Since credible identifying witnesses must be impartial and unaffected by the document, a juvenile's parents or other close relatives should ideally not be used to identify that particular document signer.

Determining Willingness And Awareness

Notaries must take the same steps in verifying willingness and awareness for a juvenile signer as they would for an adult signer.

Normally, a Notary would ask the signer whether he or she has signed, or is about to sign, the document voluntarily, and then observe the individual's demeanor.

Juvenile signers may be accompanied by an influential parent or guardian, which may hamper the Notary's ability to ascertain the minor's independent willingness. In these circumstances, it may be a good idea to politely ask the adult to leave the room so that the Notary may more easily determine whether the document is being signed voluntarily and with awareness of its meaning. If the Notary suspects that the minor is being forced to sign, the Notary should refuse the notarization.

Determining the minor's awareness can be a challenge. The Notary might engage the young signer in a conversation regarding the document. If the minor can coherently communicate to the Notary the general purpose of the document, the signer can be considered aware enough for the purposes of notarization. On the

other hand, if the signer is unable to respond intelligibly to the Notary's basic questions regarding the document, the Notary has just cause to refuse the notarization.

Experts, such as the signer's attorney, may be consulted about the minor's state of mind. If the expert deems the signer sufficiently aware of the nature and ramifications of the document, the Notary may proceed to notarize, recording the expert's name and remarks in the notarial journal. It should be noted, however, that an expert's opinion does not trump a Notary's final "gut" decision about whether to notarize.

Establishing Authority To Sign

Notaries need to make a reasonable effort to determine whether a juvenile has the authority to sign a document. This can be satisfied by asking the minor, as well as any adult present, what agency or person directed the underage individual to sign. If the minor is alone, the Notary should make an inquiry regarding the whereabouts of the underage signer's legal guardians. If the signer is an emancipated minor, the Notary should request to see the pertinent documentation and note the details in the notarial journal.

When notarizing for a juvenile, it is a good idea to require the signer to write his or her age after the signature — *e.g.*, "John P. Smith, Age 14" — even though the Notary is not required to verify the minor signer's age. This can alert future recipients of the document about a potentially critical piece of information of which they may not have been aware — the fact that the signer is not yet an adult. **NNA**



TipSheet

Embossers Help Prevent Altering Of Documents

To help stamp out fraud, it is a good idea to seal your notarized documents with an embosser.

An original document stamped with a Notary's rubber inking seal can be readily photocopied and duplicated. So far, however, there is no copy machine that can replicate the three-dimensional, imprinted indentation left by a Notary's embosser. Using both an inking seal, which is typically the type of seal required by state law, and an optional embosser is a best-practice procedure for Notaries.

Embossing is especially valuable with "loose" certificates and multiple-page documents. By embossing certificate and document pages together, the Notary permanently leaves the seal impression on each separate page. Any subsequent fraudulent attempt to replace a page will then be obvious because of the lack of embossment on the replacement.

Some documents and certificates will display the letters "L.S." — abbreviating the traditional Latin term *locus sigilli*, meaning "place of the seal" — to indicate where any Notary embossment should be located. On documents where there isn't such a designated area, the Notary should try to emboss near his or her signature. The Notary may write in and emboss over the "L.S." letters, but an embossment should not overprint any handwritten or printed wording.

Correcting A Certificate Without The Signer Present

Occasionally, the recipient of a recently notarized document will contact a Notary and ask him or her to "correct" the notarial certificate for reasons such as a blurred seal

impression or a missing official signature.

During the notarization, Notaries are never allowed to complete a certificate without the signer's physical appearance. However, if a Notary made a correctible error or omission, such as smudging the seal impression or forgetting to sign or date a certificate, it is normally acceptable for the Notary to fix the certificate without the signer returning.

If the receiving party sends a document back to the Notary for correction, the Notary should first make sure that the certificate and document appear unchanged, and then make the necessary correction, such as placing a second seal impression near an original smudged impression. If a missing element (seal, signature, etc.) is filled in, there is no need for the Notary to initial and date the addition; however, if a revision is made to replace illegible information, then initialing and dating are needed. The Notary should describe any correction in as much detail as possible in the journal.

If the essential nature of the notarization — such as acknowledgment as a corporate officer instead of as an individual — needs to be changed, the Notary should ask the signer to return for a completely new notarization.

Record Credible Witness Information In Journal

A credible identifying witness may be used when the principal signer is not personally known to the Notary and does not have acceptable identification. The credible witness takes an oath or affirmation vouching that the signer is who he or she claims to be.

A few states (e.g., Florida) recommend that any credible witness sign a statement swearing or affirming to the principal signer's identity. The credible witness should also sign the Notary's journal in the section reserved for how the signer was identified — not the section designated for this principal's signature. Having the credible witness sign does not absolve the principal of the need to also sign the Notary's journal. The Notary should record the credible witness' information (e.g., means of identification, address) in the journal.

Note

The tips provided in this section are based on established notarial customs and practices. They are intended only as general guidelines and may not reflect the laws of your state. Always refer to state statutes if you have a question about any notarization.

— The Editors

Quiz

Responsibility

(Continued from page 33)

9) During execution of a jurat, the signer administers an oath or affirmation.

10) It is the Notary's responsibility, not the signer's, to be sure that the venue on the certificate is correct, and to revise it if it has been preprinted with the wrong state or county.

Answers To: Responsibility

1. (b) Notaries are ministerial officials who follow instructions. Therefore, when a document lacks preprinted notarial wording, the Notary must rely on the signer and the signer's advisers for directions. A non-attorney Notary should not choose the certificate

wording, since this may have legal ramifications. If the signer doesn't know what type of notarial certificate is needed, he or she should check with the document's issuing or receiving agency or an attorney.

2. (d) As ministerial officers, Notaries are authorized to follow — not issue — instructions and advice on legal matters. Notaries are not expected to exercise judgment or discretion on any matter other than screening signers for identity, volition and awareness. Outside of these limits, the Notary risks prosecution for the unauthorized practice of law. Notaries should never prepare signers' documents or give advice on any matter involving a document unless they are certified or licensed in a particular area of expertise. For example, a licensed real estate agent might provide advice about a real estate document.

3. (a) The principal signer is generally responsible for whatever happens to a document, including making sure it meets a county recorder's requirements and, when applicable, obtaining an attachment called an *apostille* that will allow it to be accepted in a foreign country.

4. (a) The text of a document is the signer's concern and responsibility, and only the signer or the signer's agent

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(e.g., attorney, real estate agent, etc.) should write within a document's body. The signer or the signer's agent is responsible for filling in any blanks within the document, writing in "Not Applicable" or "NA" if the blanks don't apply.

standard wording. If you remove the middle portion of this example, you're left with "subscribed...by _____," and since "subscribed" means "signed," the blank is reserved for whoever signed the document.

5. **(b)** As the name suggests, the *notarial* certificate is the Notary's responsibility. This certificate may be printed along with the document on the same sheet of paper, usually below the signature space at the end of the document, or it can be attached as a so-called "loose" certificate. The Notary is the only one authorized to fill it out, correct it and sign it. A rule of thumb: the document text is the signer's domain; the certificate is the Notary's.
6. **(d)** For any given entry, the Notary is not required to sign his or her journal of notarial acts. However, depending on the nature of the notarization, it is possible that the signer, a credible identifying witness and/or a subscribing witness may need to sign the journal. As a general rule, any individual who appears in person before the Notary in connection with a notarial act should sign the Notary's journal.
7. **(a)** Notaries must carefully read and conform with every notarial certificate, even the ones that seem to contain
8. **False.** While the content of the certificate is the Notary's responsibility, choosing the type of notarial certificate is the legal decision of the signer or the signer's agents and advisers (e.g., attorney, real estate agent, etc.). It is not a Notary's responsibility to check with the issuing or receiving agency. The non-attorney Notary does not have the authority to tell the signer what wording he or she needs, because this decision can have significant legal ramifications.
9. **False.** The Notary *administers, or gives*, an oath or affirmation to the signer, while the signer *takes* an oath or affirmation.
10. **True.** The Notary is responsible for the content of the certificate, which entails making sure the venue is correct and double-checking that all necessary information is truthfully stated and legibly included in the statement of particulars. The Notary must also ensure that his or her official signature and seal are legibly affixed on the certificate without overprinting any writing.



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Adviser

Is it always acceptable to use “aka” to link two different signatures when the name on the signer’s ID does not match the name as it appears on the document?

C.M., Country Club Hills, Illinois

Signing two different names and linking them with the phrase “also known as” is not always an acceptable solution. It is only one of several possible solutions for the signer, including correcting the document name to match the ID name, redrafting the document with the correct name, or identifying the signer by the name as it is on the document using credible identifying witnesses. The receiving agency should be contacted so that it can instruct the signer as to which solution to use.

I have lost my Notary stamp and commission certificate. What must I do to get a new stamp made?

C.N., Jasper, Florida

You must immediately report the loss of your seal to the Department of State in writing at: Department of State, Division of Corporations, Notary Commission, P.O. Box 6327, Tallahassee, Florida, 32314. In order to obtain a replacement seal, you need a copy of your commission, which you can get from the Department of State’s Web site at <http://notaries.dos.state.fl.us/not001.html>. When you place the order for a new seal, let the vendor know that you are replacing a lost seal and would like a different border to distinguish it from the old one.

A friend asked me to do an “apostille notarization” for a document going to Bermuda. What do I need to know to proceed?

P.H., Pasadena, California

An *apostille* is not a type of notarization. An *apostille* is part of a process of proving the genuineness of the signature and seal of a Notary on a document that is going to certain foreign countries — those that have signed a treaty called the *Hague Convention Abolishing the*

Requirement of Legalization for Foreign Public Documents. This treaty streamlines and simplifies the authentication process for documents exchanged between the subscribing nations. In California, an *apostille* is obtained from the Secretary of State. The original notarized document is sent with a \$20 fee and a written request for an *apostille* naming the nation to which the document will be sent. However, it is the responsibility of the person who needs the *apostille* to obtain it, not the Notary’s.

I was told about a new regulation stating that a Notary cannot change anything on a deed of trust, including the incorrect name of a state or county already typed on the acknowledgment. Does that mean that when this happens, you have to attach a new acknowledgment certificate?

C.M., Clifton, New Jersey

The venue portion (state and county) of the acknowledgment must indicate where the notarization took place. The Notary has the authority and responsibility to correct this portion of the certificate if it has been completed incorrectly. This has not changed. Because many receiving agencies will not accept attachments or substitutions of the preprinted notarial wording, it is usually preferable for the Notary to correct the wording on the document — and to initial the correction — rather than to attach a “loose” certificate.

However, if you are instructed to attach a certificate instead of correcting the venue, you should line through the preprinted acknowledgment wording, write, “See Attached Certificate,” initial and date this instruction, and then complete and attach the new certificate.

What is the procedure to notarize for an absent signer being represented by an attorney in fact?

J.B., Broomfield, Colorado

The attorney in fact should sign both his or her own name — and indicate the representative capacity of “attorney in fact” — and the principal’s name (e.g., “Mary Smith as attorney in fact for Harold Jones”). If the attorney in fact has

Note

Adviser answers are based on laws in the state where the question originated and may not reflect the laws of other states. If in doubt, always refer to your own state statutes.

— The Editors

Adviser

questions about how to sign, he or she should check with the receiving agency. In Colorado, a special acknowledgment certificate for a person signing as attorney in fact is found in Colorado Revised Statutes 12-55-208.

If the requested notarial act is a jurat, you will have to decline to notarize. An attorney in fact may not take an oath on behalf of another person. For jurats, refer the attorney in fact to the document's issuing or receiving agency or to a lawyer for instructions.

Can I notarize a document for a signer who does not speak my language?

T.A., Visalia, California

No, because there should always be direct communication between you and the document signer. You should never rely on an

intermediary or interpreter to determine that the signer understands what he or she is signing and is signing willingly. A third party may have reason to misrepresent the transaction to you and/or to the signer.

The signer's ID is expired, and it reflects her maiden name. She wants to show her marriage license to prove her married name, which is what appears on the document. Can I accept that?

N.D., Missouri City, Texas

Texas requires you to identify a stranger using an identifying document or card that is current and issued by a federal or state governmental agency. The ID must contain a photograph and signature of the bearer (Texas Civil Practices and Remedies Code, Section



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121.005, and the “Notary Public Education Materials”). This disqualifies the use of both the expired ID and the marriage license.

Acceptable IDs in Texas would include: state driver’s and official non-driver’s IDs, U.S. passports, U.S. military IDs, and resident alien IDs or “green cards” issued by U.S. Citizenship and Immigration Services. If the signer does not have any acceptable form of documentary identification, the oath of a credible identifying witness who personally knows the signer and is personally known by the Notary may be used.

**Can I notarize a document written in a foreign language that I cannot read?
D.R., Ferndale, Washington**

While notarizing a document in a language you cannot read is not expressly prohibited by

Washington law, there are difficulties in notarizing a document you can’t understand. Ideally, a document in a foreign language should be referred to a Notary who reads and writes that language.

If you choose to notarize a document that you cannot read, the notarial certificate wording and signature should be in English or a language you can read. If the signature is in non-Roman lettering, such as Chinese or Farsi characters, you need to read and understand the characters or you may not notarize the document.

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CourtReport

"X" Marked The Spot

Torres v. Torres

135 Cal.App.4th 870 (2006)

A disputed power of attorney, which was incorrectly marked in one section with an "X" instead of with the signer's initials, was ruled legally sufficient by a California appeals court because the document was properly signed and notarized.

Josephine Torres executed a will leaving her estate to her nephews, Albert and Raymond Torres. At the same time, she signed a power of attorney naming her nephews as her attorneys in fact, authorizing them to buy and sell real estate on her behalf, among other powers. Josephine's signature was notarized.

Following Josephine's death in 2001, her great-nephew, Robert Torres, filed an action claiming that the purported power of attorney was invalid because Josephine had placed an "X" on a line reserved for her initials in one section of the document.

The appeals court supported Robert's argument that Josephine had not properly completed the power of attorney. However, the court ruled that because the document contained the date of execution and was signed by Josephine and properly notarized, it met the legal requirements for the state of California. Because there were no signs of fraud and the document was consistent with the wishes expressed in Josephine's will, the appeals court upheld the document.

Malpractice Suit Rejected

Riftin v. Stark

9 Misc. 3d 1112 (2005)

A New York woman's malpractice suit against an attorney who notarized her signature on divorce papers was thrown out by the state Supreme Court, which ruled the lawyer acted only

as a Notary and that there was no evidence of an attorney-client relationship.

Karina and Pavel "Paul" Riftin agreed to divorce in 1998. Paul retained attorney Aviva Kriss Stark to draw up and file documents for an uncontested divorce, which the couple signed and Stark notarized.

Following the divorce, Karina sued Stark for negligence, malpractice and breach of contract related to undisclosed aspects of the divorce. Stark argued that she had been hired to represent Paul Riftin only, and her sole interaction with Karina was on the day she notarized Karina's signature on the divorce papers. Because state law permits an attorney to notarize a client's signature, Stark would not be considered to have a beneficial interest by notarizing Paul's signature in New York.

Karina admitted during her testimony that she had no communication with Stark before the day of the notarization. The state Supreme Court ruled there was insufficient evidence that Karina entered into an attorney-client relationship with Stark and dismissed Karina's case.

Bad Policy Or Bad Notary?

Bunting v. Citizens Financial Group, Inc.

05C-03-013-ESB (Del.Super. 2006)

A Delaware Notary who was fired by her employer for performing notarial acts without requiring personal appearance recently sued for wrongful termination, claiming she acted under the direction of her supervisors.

Cheryl Bunting was fired from a Citizens Financial Group bank on October 29, 2004, for notarizing customers' signatures on a mortgage document without their physical presence — a violation of the bank's Notary policy. Bunting argued that she and other Notaries had been asked to notarize without personal appearance as an unofficial bank policy.

Both Bunting and Citizens Financial Group moved for a summary judgment. The court rejected Bunting's claim that her bank fired her to avoid paying her, but has not made a final judgment on whether the bank had an unwritten policy of notarizing without personal appearance or whether Bunting was terminated wrongfully for following that policy.

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THE ART OF GIVING

The National Notary Foundation

We make a living by what we get, but we make a life by what we give.— Winston Churchill

Caring, Not Dollar Amount, Is What Matters

When it comes to giving, it may seem at first that the rich and famous have an advantage over the rest of us. Simply put, they seem to have a lot more time and money to spare for charity. After hearing about Angelina Jolie traveling to Southeast Asia and Africa on goodwill missions, or reading about Warren Buffett giving more than \$30 billion of his \$44 billion net worth to the Bill and Melinda Gates Foundation, Notaries might wonder how they can make a difference compared to the big donors.

Though the charitable efforts of the rich and famous may be laudable, Notaries don't need celebrity status or millions of dollars to make a significant difference and help others through giving. Even the smallest contributions make a huge difference when people come together to help others. It's the willingness to help that is most important — not the size of your bank account.

A prime example of this is the donations made by people to aid victims of disasters in 2005. Despite a struggling economic climate last year, more Americans than ever responded to calls for aid and together contributed an astonishing \$260.28 billion to charity and relief efforts — nearly matching an all-time high reached

in 2000, according to a report by Giving USA, a foundation that tracks philanthropic contributions.

It's important to remember that big donations, while welcomed and much-needed by charities, aren't the only way to help. Small donations add up as well, especially as more people begin to donate. The U.S. Census Bureau estimates that approximately 296 million people live in the United States today. If only half of those people contributed \$25 each year to charity, that would still total an annual donation of \$3.7 billion — not a bad return for the cost of dinner

and a movie for one evening.

Helping people make that difference is the goal of the National Notary Foundation. Whether your contributions go to student scholarships, disaster relief or cancer research, all administrative costs are absorbed by the NNA, ensuring that 100 percent of all contributions go directly to helping others.

So don't be daunted if you see a movie star or millionaire making a grand gesture for charity. Helping others isn't a contest. It's about coming together and making things better for those in need.

'It's Important We All Reach Out...'

Notary Maria-Elena Baca of Arleta, California, knows that little things make a big difference when it comes to helping others.

In addition to her contributions to the National Notary Foundation, Baca is active in a women's group at her church that collects small household items, such as toothpaste, soap and bottled water, and bundles them into care packages to send to disaster victims.

"There's no question that small things have a cumulative beneficial effect," she said. "Even giving a little, when people come together, amounts to a lot."

Thanks to the efforts of Notaries such as Baca, the Foundation was able to donate \$100,000 to relief efforts for Hurricane Katrina and Rita.

"It's important we all reach out to others," Baca said. "I think it makes a better world when we do."