

www.NationalNotary.org

The National NOTARY[®]

November 2013



THE MAGAZINE FOR AMERICA'S NOTARIES

Safeguarding
Your
Customer
Data
Page 10

NEW STANDARDS for MORTGAGE SIGNINGS



Be Noticed

Introducing the new line
of NNA feature journals

*Seven contemporary
designs that will set you
apart from the crowd*

Protect yourself with our Notary Journals and Stamps

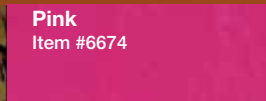
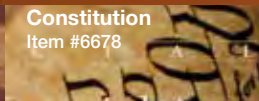
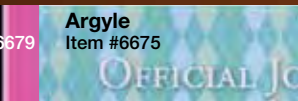
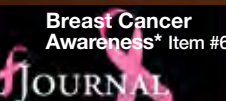
Journal of Notarial Acts
Feature Hardcover \$29.95
Sunflower Item #6676



Visit www.NationalNotary.org/Supplies
or call **1-800-US NOTARY**
(1-800-876-6827)

Source Code
A51457

© 2013 National Notary Association.
Bag and accessories not available for purchase.



Breast Cancer
Awareness* Item #6679

Argyle
Item #6675

Retro Circles
Item #6677

Flag
Item #6697F

Constitution
Item #6678

Pink
Item #6674

COVER STORY

16 • New Standards For Mortgage Signings

Of all the people involved in originating mortgages, Signing Agents received little attention until the financial crisis put the spotlight on them. When lenders and title companies gathered with the goal of improving how they managed what happens at the signing table, the result was the new Signing Specialist Standards — the first voluntary, broadly acceptable set of recommended standards for Notaries taking on loan signing assignments.

17 • From Signing Agents To Certified Signing Specialists

18 • A New Designation For A Transforming Industry

19 • The Signing Professionals Workgroup



FEATURES

10 • Safeguarding Customer Data

Federal regulations require Signing Agents to protect personal and sensitive customer data. Here's what you need to know.

14 • Adventures At The Signing Table

Sometimes a notarization can go from difficult to the bizarre. Several Notaries share some strange situations they've encountered.

20 • Making Your Business More Visible

Just about every Notary entrepreneur has a website or social media page, but the trick is getting people to see it.

22 • Celebrating The 'UNA' And 'Code'

The NNA marks important anniversaries of the *Uniform Notary Act* of 1973 and *The Notary Public Code of Professional Responsibility*.

TRENDS & OPPORTUNITIES

Alternate Ways To Earn Income..... 8

ASSOCIATION NEWS

NNF Supports Breast Cancer Research..... 9

Tell Us What You Want At NNA 2014..... 9

Seeking 2014 Notary Of The Year Nominations..... 9

DEPARTMENTS

Our Readers' Right..... 6

From Deborah M. Thaw..... 7

Nuts & Bolts..... 24

Hotline..... 25

HOW TO CONTACT US

Mailing Address:

9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402
 Telephone: (818) 739-4000, Fax: (818) 700-1942
www.NationalNotary.org

(800) US NOTARY (800-876-6827)

Customer Service: Services@NationalNotary.org • (800) 876-6827
 Letters to the Editor: Publications@NationalNotary.org • (818) 739-4000
 Notary Hotline Questions: Hotline@NationalNotary.org • (888) 876-0827
 Employer Services: EmployerServicesSupport@NationalNotary.org
 (877) 876-0827

ON THE WEB

Visit the Signing Professionals Workgroup.



Signing Professionals Workgroup



SigningProfessionalsWorkgroup.org

June 1-4
Annual Conference

NNA 2014

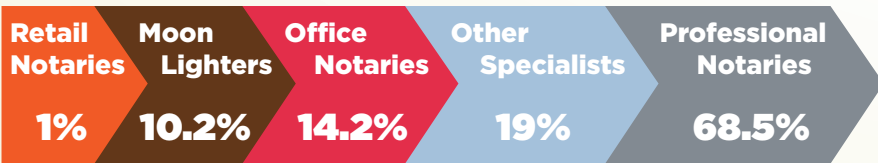
Join Us in the Valley of the Sun



Visit NationalNotary.org/Conference For More Information



Notaries Who Attend



Funtastic Phoenix Facts & Figures

Friendly Skies



Phoenix Sky Harbor Int'l Airport is served by more than 20 airlines, and more than 16 million people visit metropolitan Phoenix each year.

The Great Outdoors



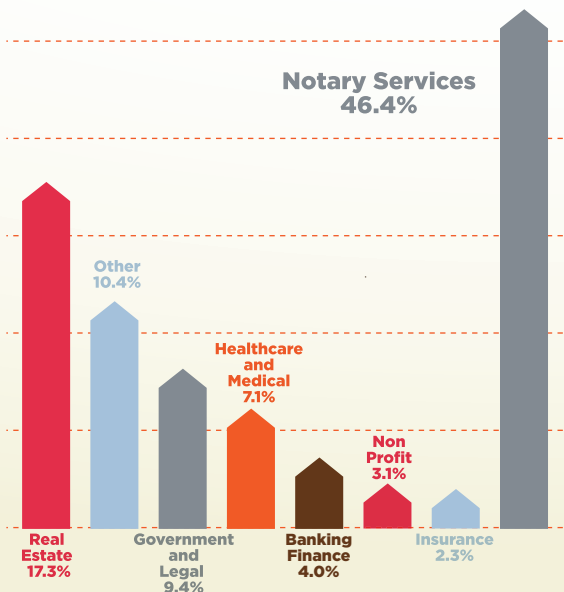
Camelback Mountain, the most iconic outline on the city's horizon, is located just 20 minutes from downtown Phoenix.

Rise and Shine



Phoenix basks in sunshine more often than any other major metropolitan area in the U.S. The sun shines on Phoenix during 85% of its daylight hours.

Industries Represented

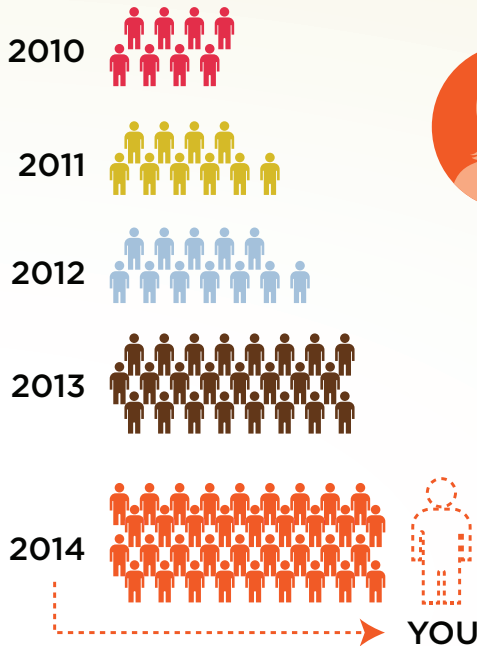




NATIONAL
NOTARY
ASSOCIATION

Registration Opens December 1
NationalNotary.org/Conference
or call 1-855-5NNA-2014

More People Attend Every Year!



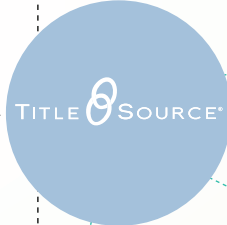
Networking Opportunities



My first – but certainly not my last – conference was amazing. Thank you NNA. — Linda R.

This is for any of us who have dared to rise to the occasion and call ourselves "Professional Notaries." — Chris L.

The opportunity to network with new and experienced NSA's as well as with the NNA officials was priceless. Can't wait to go to Phoenix. — Debra B.



Reasons To Go

- Workshops
- Networking Events
- Panel Discussions
- Expert Speakers
- Exhibitor Hall
- FUN!

...So Much More!



Early Bird Registration
starts December 1
— save \$100*

Member \$ 499
Full Conference (Regularly \$599)

Non-member \$ 549
Full Conference (Regularly \$649)

Arizona Notary Day \$ 159
Monday, June 2 Only

NationalNotary.org/Conference
or call 1-855-5NNA-2014

Guest passes and pre-Conference workshop options available. Check the website for details.

*Early bird savings applies to full Conference registrations only.

More Fee Concerns

I would like to echo the comments in Our Readers' Right, September 2013. I, too, have been a Notary since 2007. Getting paid every month is difficult to live on ... I'm sure the signing companies get paid at least every two weeks. Why can't we?

We are crucial to the loan signing? Please treat us that way. We are the ones doing the legwork, the driving (sometimes 35–50 miles one way) printing documents, etc., and they only want to pay \$60–\$75 per signing. Not to mention, the amount of signings have dropped tremendously.

Karen J. Richardson
Yucca Valley, California

Time Constraints

I have been a Signing Agent for eight years. What concerns me is the amount of time it takes to complete a closing. It seems to be taking longer than when I first started.

I believe this is due to the fact that lenders are not fully explaining the documents to the borrower or seller and expecting the Signing Agent to do it, even knowing that is not our role in the process. Most of the time the borrowers or sellers have not seen the final documents until the Signing Agent gets there.

Cecelia White-Powell
Bristol, Pennsylvania

Fee Frustrations

I just recently read the September 2013 magazine letter by Ralph D. Wedertz titled "‘Crucial’ Notary Concerns." I agree 100 percent. It seems many title companies are cutting their fees paid to Signing Agents who are, as Mr. Wedertz mentioned, so "crucial" — including the title companies that spoke in the panel discussion at the NNA Conference.

I find it insulting that shortly after the Conference I was contacted by each of these title companies who I have worked with for several years to inform me that they were

lowering their fees. At the same time the demand for quality Signing Agents is supposedly increasing along with the requirements that need to be met. One company that only pays \$90 for eDoc closings with faxbacks, actually had the nerve to call me to say how their business is exploding right now with signings and would I be willing to do the same signings for \$75? So your business is exploding and in turn you are asking me to do the same amount of work for an almost 20 percent lower fee?

This is not limited though to just those title companies. Multiple companies that I have been working with have lowered their fees \$10–\$15 per closing. Unfortunately there are many inexperienced Signing Agents that will work for just about anything and in turn make many errors which costs the companies more than if they just hired experienced, competent agents.

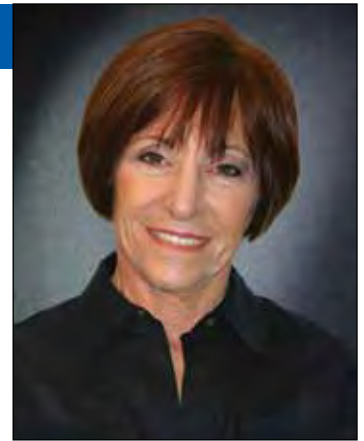
If we are so "crucial" then they should put their money where their mouths are. I hope you take this into consideration when selecting companies to invite to your panels for the 2014 NNA Conference.

Anthony D. Sciortino
Deerfield Beach, Florida

WE WANT TO HEAR FROM YOU!

In our continuing efforts to address the topics and issues facing Notaries today, *The National Notary* wants to hear from you! Whether it's your thoughts on business opportunities, challenges in your office or on signings, we want to know about your day-to-day experiences and observations, and what information and resources you may need to help guide you through them. You can send us comments via email at publications@nationalnotary.org. Or write us at: National Notary Association, Attention: Editorial Department-David Thun, 9350 De Soto Avenue, Chatsworth, CA 91311. Please be sure to include your city and state and if you are willing to have your letter published.

A Change Of Seasons Brings A Golden Opportunity



At this time of year, when the days start to get shorter, I start shortening my days. Like a bear going into hibernation, the mind and body just want to rest. In fact, as the sun sets earlier

and if the effect is severe enough, we call it seasonal affective disorder, a type of depression that occurs in the fall and winter when we instinctively yearn for daylight.

Except for the possibility of a lift in retail sales because of the holidays, business and legal transactions appear to decline. While August might be the most popular month to take a vacation, November and December are popular for our seeking excuses to just wait till after the New Year.

As Notaries, we must fight against this tendency. This is precisely the moment when we should use the season to hone our notarial knowledge and understanding, refine our business or marketing plan to expand our signing opportunities or step into the vacuum that is created when everyone else is staying home.

Interestingly, while our mental outlook is influenced almost instinctively to relax, we should consider that this may be the exact moment to stay alert.

This year, while we may be resting, the mortgage, title and servicing companies are working feverishly to deliver guidelines and standards to the industry regarding Notary performance. And, as usual, we can expect an uptick of activity in estate planning which always carries a December 31 deadline.

For the Notary who circumscribes their activity by the calendar or maxims like that about “houses not selling in December” or “no one makes decisions before the New Year,” they may find their prospects dimming when they do come out into the daylight.

For those of us who bought our first house in November or accepted our first job in January, there is nothing clearer than using this lull to our advantage.

I didn't even bother to see how many quotations have been memorialized by the time-worn concept that whoever arrives first has the best chance of success. Anyone with a small yard or nearby park can testify to the truth about the early bird catching the worm.

Notarial opportunities are like gardens that need to be sown and tended. Document signers will not show up on our doorstep, rather we must cultivate our relationships and associations with those groups and organizations most likely to require Notary services.

Use your downtime wisely to canvas the local neighborhood businesses likely to need or use Notaries. Everyone is a bit more relaxed around the holidays and welcoming to a warm smile and firm hand shake.

Rather than wait until the weather clears, the doors are open now for energetic and enterprising Notaries who want to expand their business — for 2014 and beyond.

However we approach our Notary activity, these waning months will be soon behind us and over. Using the weeks ahead, squeezing in a few disciplined moments to enhance our knowledge and grow our service will show results in the new year.

Deborah M. Thaw can be reached at dmtbaw@nationalnotary.org



Alternate Ways To Earn Income

Everyone's been through slow periods when it's harder to find assignments. Taking on other kinds of part-time work can help bring in additional income during lean periods. Below are three types of freelance work that can fit well into a self-employed professional's schedule.



Mystery Shopping

What is it? A "mystery shopper" visits businesses as a customer and provides detailed feedback on the experience. Assignments can range from a quick stop at a convenience store or dining at a restaurant to an overnight stay at a hotel.

What qualifications are needed?

There are no specific qualifications, but companies prefer shoppers who are detail-oriented, observant, and punctual — traits that successful Notary entrepreneurs typically share.

How much does it pay? Fees can range from \$5 for a five-minute store purchase to \$100-\$200 for an evaluation that requires an overnight hotel stay.

How can I get started? The Mystery Shopping Providers Association (www.mysteryshop.org) is a good place to start. Or register with a provider company offering assignments in your area. Avoid companies that want you to pay them in exchange for work.



Field Inspections

What is it? Field Inspectors verify information about businesses. For example, you might be sent to verify that a medical clinic is a valid business by visiting their address, looking at their business license, talking to a manager or taking

photos of the office.

What qualifications are needed?

Generally, no special qualifications are needed. Companies may require a background check and offer brief training over the phone. Most inspections require a high-speed Internet connection and a digital camera with a flash and time stamp for each photo. You'll also need a reliable vehicle.

How much does it pay? A typical inspection — a business verification, for example — generally pays around \$35-\$40 and takes 10-15 minutes.

How can I get started? The Society of Field Inspectors (www.sofi.us) provides guidance on getting started.



Virtual Assistant

What is it? Virtual Assistants are independent contractors who work remotely from their home or office to provide clients with services such as bookkeeping, event planning, data processing or administrative phone and email support.

What qualifications are needed?

This can vary depending on your skill set (e.g. administrative assistant, web designer, event planner, etc.). The blog www.virtual-assistant-advice.com recommends five years of 'brick-and-mortar' office work experience, computer skills, good grammar and communications skills, and the ability to work unsupervised.

How much does it pay? This depends on the type of services provided and the amount charged by the individual assistant.

How can I get started? More information is available through the International Virtual Assistants Association (www.ivaa.org).

The National NOTARY®

Milt Valera, Founding Editor and Publisher

Vol. LVII, No. 6, November 2013

Published by the National Notary Association

NATIONAL NOTARY ASSOCIATION

MILT VALERA, Chairman

DEBORAH M. THAW, Vice Chairman

THOMAS A. HEYMANN
President and Chief Executive Officer

ROB CLARKE, Chief Financial Officer

RONALD JOHNSON, Senior Vice President, Systems and Operations

ELLEN J. NICHOLS, Vice President, Human Resources

WILLIAM A. ANDERSON, Vice President, Legislative Affairs

CHARLES N. FAERBER, Vice President, Notary Affairs

THOMAS K. HAYDEN, Vice President, Marketing

STEVEN BASTIAN, Director, Product Management

PHILLIP W. BROWNE, Director, Communications

KELLI BARABASZ, Director, Call Center Operations

DAVID AGUIRRE, Director, Warehouse Operations

CHRIS STURDIVANT, Director, Business Development

EDITORIAL

PHILLIP W. BROWNE, Editorial Director

MICHAEL LEWIS, Managing Editor

DAVID S. THUN, Associate Editor

KAT GARCIA, Associate Editor

KELLE CLARKE, Contributing Editor

MOSES KESHISHIAN, Social Media Specialist

SHERYL TURNER, Copy Editor

ELIZABETH RESEN, Senior Production Manager

VANESSA RUIZ, Mail Coordinator

LIZA MOLINA, Creative Services Manager

MICHAEL SUORSA, Graphic Designer

DANIEL LAVENTURE, Graphic Designer

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.

MEMBERSHIP CORE VALUES

Membership in the National Notary Association is the single most important action a Notary can take when assuming the important responsibilities of the office and performing official notarial acts.

Our Core Values of Membership:

COMPLIANCE

LIABILITY PROTECTION

RISK MANAGEMENT

PROFESSIONALISM

OPPORTUNITIES

NATIONAL NOTARY FOUNDATION

MILT VALERA, President

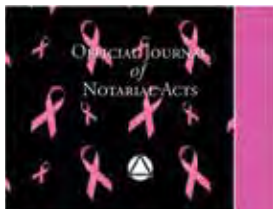
DEBORAH M. THAW, Executive Director

Notaries, National Notary Foundation Continue Strong Support Of Breast Cancer Research

The nation's Notaries have once again made an impact in the battle against breast cancer through a \$5,000 National Notary Foundation donation to the City of Hope's women's cancer research program. Your generous donations to the NNF throughout the summer made this donation possible in support of one of the nation's leading research centers battling the deadly disease.

Fighting breast cancer has been a top priority for the NNF since it established the Linda Bazar Breast Cancer Fund in 2002, named in honor of the NNA's former Vice President and CFO. The American Cancer Society reported that "more than 232,000 women were diagnosed with breast cancer last year and nearly 40,000 have lost their lives."

To further support the Foundation and the City of Hope, we are proud to offer a new Breast Cancer Awareness journal. For every journal purchased, the NNA will make a contribution of \$5 to the Linda Bazar Breast Cancer Research Fund, which benefits the City of Hope. To order, please contact our Customer Care team at 1-800-US NOTARY (1-800-876-6827) or visit the Notary supplies page at NationalNotary.org.



Director of Communications Phillip Browne presents a National Notary Foundation donation to Janet Morgan, the City of Hope's Senior Director of Philanthropy and External Relations.

Tell Us What You'd Like To See At NNA 2014

The NNA 2014 Conference is coming in June, and we want to hear about what workshops, events and presenters will help you the most as a Notary.

We've created an NNA 2014 Group on LinkedIn where you can share your experiences at past Conferences and what you would like to see June 1-4 in Phoenix, Arizona. You can also offer suggestions and get updates on NNA 2014 at www.NationalNotary.org/Conference.

2014 Notary Of The Year Nominations Close December 31

If you know someone who deserves to be the INNA's 2014 Notary of the Year, be sure to get your nomination in soon — the deadline is December 31.

A candidate for Notary of the Year should follow the highest professional and ethical standards when performing notarizations, be active in volunteer efforts to help others, and serve as a mentor and role model to colleagues.

The 2014 Notary of the Year will be announced at the next NNA Conference, held June 1-4 in Phoenix, Arizona.

Nominations can be submitted online at the link below.



To nominate a candidate, please complete the online form at: www.NationalNotary.org/NOTY2014



SAFEGUARDING Customer Data During Loan Closings

By David Thun

Most Notaries understand the need to safeguard the information in their journals. For mobile Notaries, protecting consumer information goes far beyond the journal entry. The federal regulations implemented under the Gramm-Leach-Bliley Act (GLBA) require “subservices” of banks and lenders — including Signing Professionals — to protect personal and sensitive customer data.

Federal regulators have tightened the rules for lenders. As a result, banks, title companies and signing services are examining all third-party servicers closely to make sure they are in full compliance with GLBA rules. Mobile Notaries fall into this category because loan documents include significant amounts of sensitive borrower information, such as addresses, Social Security numbers, bank account information, credit history and more. Any of this information could cause serious problems for a borrower if it fell into unauthorized hands, so it must be protected — not just during the signing, but before and after as well.

Remember, sensitive information can be obtained from emails, text messages, or electronic versions of documents as well as from the paper documents themselves. A data breach can even occur if someone is looking over your shoulder while you are photocopying or printing documents. That’s why it’s so important to take steps to protect signer information and yourself from liability.



How do I protect a signer's information?

Your responsibility starts from the moment loan documents are sent to you for an assignment. If you receive a loan package electronically, any electronic document file in your possession should be disposed of immediately after printing so the data isn't accessible to anyone else.

If you receive a loan package via fax, make sure the pages are removed from the fax machine as soon as they are printed. Never leave loan documents unattended where other people can look at them or take them. This applies to your home as well as your workplace — even family members should not be permitted to see or handle loan documents. While it may seem harmless to have a spouse or family member pick up a loan document and hand it to you, this is still considered a violation of the borrower's privacy because your family member is not authorized to access the information.

If a loan package is shipped physically to you, if at all possible you should be present to receive the documents in person to prevent anyone else from taking or opening the package. If for some reason you aren't able to receive a physical shipment of loan documents personally, then you should specify a secure location where the documents can be delivered, such as a private mail delivery box at a postal service office or a locked, secured delivery container at your home or office. Once a physical loan document package is delivered, always check to make sure the seals on the package aren't broken. If the package has been opened and the seals are broken, report this immediately to the company that has contracted you for the loan signing.

If you have to make any photocopies of loan documents, never leave the originals or any duplicates out of your sight while making the photocopies.

What if I have multiple assignments on the same day?

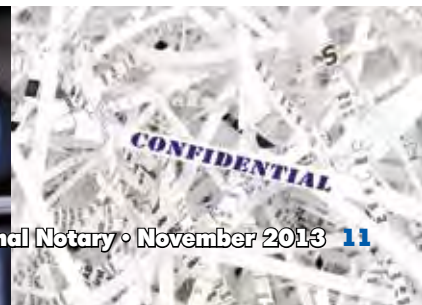
If you have multiple loan assignments on the same day, be sure to keep the different loan packages separate to prevent them from being accidentally mixed up. Only bring the loan documents for the current appointment to a signing. Store the documents for other assignments in a locked storage area at your home or office, or in the trunk of your car.

Before anyone sees the loan documents, positively identify all signers to make sure they are the ones authorized to view and sign the documents. During the signing, when completing your journal entries, make sure to use some kind of covering or protector to safeguard information from prior loan signing notarizations on the same page.

When completing the signing, it's a good practice to seal the return package in the signer's presence. This will protect you from claims that you mishandled personal information. However, in order to do this you must conduct your review of the documents at the signing table in the presence of the borrowers to ensure you haven't missed anything. Any checks for closing costs or items to be returned with the loan package should be placed in a clearly marked envelope or securely attached to the loan documents before the package is sealed. If you can't seal the package with the signer present — for example, if you need to fax documents after the signing concludes — place all the documents in a locked briefcase or messenger bag in the presence of the borrower.

“One mistake with private information is all it takes. If you lose someone's information, you'll lose business.”

— William Anderson, NNA
Vice President of Legislative Affairs





What about after the signing?

Always verify the correct return address and make sure the envelope is completely sealed before you give it to the courier or shipping service. And never ask someone else to return a loan package. You should do it yourself to make sure it doesn't go astray.

If a courier is picking up the loan package, be sure to hand it to them in person. Never leave a loan package unattended while waiting for pickup. One signing service owner told the NNA how a loan package was stolen after being left on the front porch. The signing service lost the account with that contractor as a result. "One mistake with private information is all it takes. There's zero tolerance in the industry for it. If you lose someone's information, you'll lose business," said NNA Vice President of Legislative Affairs William Anderson.

If you're shipping a completed loan package, it's preferable to hand the package over to an employee at an authorized shipping center and get a receipt with a tracking number. Never leave a package on a counter or give it to anyone without obtaining a receipt. You may also wish to include the tracking number in your journal entry. The NNA does not recommend dropping a completed loan package in an unattended drop box.

What about copies of documents?

You should never keep copies of other people's loan documents for your records. A detailed journal entry is a sufficient record of the transaction. If for some reason you made copies of loan documents that were not actually used for the signing, shred them in a cross-cut shredder. Never throw away intact copies of loan documents because they could be retrieved from the trash.


What about electronic information?

Technology plays an important role in today's loan signings. But technology can be compromised. To limit the potential exposure of personal identifying information, many

lenders, title companies and signing services now have servicers log in to a secure website to access and print loan documents.

Any computer you use to access loan documents should be equipped with security software including up-to-date firewall and virus protection to prevent unauthorized access to your device. Also make sure that your home or office-based wireless network is encrypted so that only authorized devices can use the network. Never access electronic loan document files or loan-related email using an open, public wireless network (for example, at a Starbucks) because it leaves the files vulnerable to being accessed and read by someone else using the network. Also, be aware that scanning and sending electronic copies of documents via a smartphone is not inherently secure, though there are apps now available that allow you to securely scan and send documents.

Any computer, mobile phone or device used for your assignments should be password-protected. For computers, log off after accessing and retrieving the documents for printing. In the case of smartphones, you may wish to purchase or use any included software that remotely erases any information on it in case it is lost or stolen.

If you are printing documents from a file attached to an email, delete the email and any copies of the file on your computer after the assignment is completed. Any email or text message containing any signer information should also be deleted after an assignment is closed. Never forward texts or any other messages containing confidential borrower information to third parties, and ensure that you encrypt all communications sent from your email account. 



Imagine What An Identity Thief Can Do With Your Personal Information



12.6 million Americans became victims in 2012.¹

Isn't it about time you protect your identity?

LifeLock offers sophisticated monitoring technology and comprehensive remediation services to help safeguard your personal information.

- Open a new credit card
- Drain your bank accounts
- Get a car loan in your name

Try LifeLock® Identity Theft Protection

FREE for 30 DAYS and then get **10% OFF** your membership.*

1-800-LifeLock LifeLock.com

Promo code: **NNA**



* At the end of the 30-day trial period, your card will be billed automatically (\$9.00mo/\$99.00yr plus applicable sales tax for standard LifeLock Identity theft protection or \$22.50mo/\$247.50yr plus applicable sales tax for LifeLock Ultimate™) unless you cancel within the 30-day trial period. You can cancel anytime without penalty by calling 1-800-LifeLock.

† Network does not cover all transactions and scope may vary.

‡ 2013 Identity Fraud Survey Report, Javelin Strategy & Research, February 2013.

LifeLock, the LockMan Icon and "Relentlessly Protecting Your Identity" are registered trademarks of LifeLock, Inc.



First American
MORTGAGE SERVICES



First American Mortgage Services

More than a title insurance provider.

Signature Services

Over the past decade, our stellar notary agents have completed millions of mobile document signings nationwide.

Join Our Notary Network

Do you have what it takes to earn your White Gloves? To learn more visit: info.famortgageservices.com/sigservices.

all the right s
insight | integrity | ingenuity

First American, the eagle logo, and firstam.com are registered trademarks or trademarks of First American Financial Corporation and/or its affiliates.

©2013 First American Financial Corporation and/or its affiliates. All rights reserved. • NYSE: FAF

What's green and never goes out of style?

The money you could save with **GEICO**.

See how much more you could save with your National Notary Association member discount from **GEICO**.



NATIONAL NOTARY ASSOCIATION

1-800-368-2734
geico.com/nna

Tell us you're a member.

GEICO



Some discounts, coverages, payment plans and features are not available in all states or all GEICO companies. Discount amount varies in some states. One group discount applicable per policy. Coverage is individual. In New York a premium reduction may be available. GEICO is a registered service mark of Government Employees Insurance Company, Washington, D.C. 20076; a Berkshire Hathaway Inc. subsidiary. GEICO Gecko image © 1999-2013. © 2013 GEICO.

Adventures At The Signing Table

By David Thun

It's normal to encounter issues like outdated ID, missing certificate wording or reluctant signers when you're out on assignments. But sometimes a notarization can go from the merely difficult to the outright bizarre. We asked you to share some of the weirdest situations you've encountered on Facebook and here's what you had to say:

Going To The Dogs

Experienced mobile Notaries know that pets can sometimes pose a challenge, but Linda J. Russell's animal experience definitely got off on the wrong foot. Linda was just being polite when she removed her shoes before entering a signer's home. But she was only there for a few minutes when suddenly she noticed the signer was staring behind her with a horrified expression. Linda turned around ... and saw the signer's two tiny dogs busily working on shredding her footwear into tiny pieces. "I had to leave the signing barefoot," Linda said.



Graveyard Shift

If there was a "Notary Nerves Of Steel" award, Cara Citerley Johnson would definitely be in the running for handling a job in an unsettling location. Cara was asked to notarize paperwork on an autopsy table by a physician. "I kept asking the doctor, 'Are you sure it's clean?' The entire time, my mind was racing about who had been on that table," Cara said.

International Issues

Tina Lee once had to perform a series of notarizations where a course in international relations might have come in handy. "I had a wife who was a Canadian citizen, a husband who was an Italian citizen and their newborn child who was a U.S. citizen," Tina said. The parents needed paperwork notarized so the baby could obtain a passport to travel with them to Canada, but the documents required by the U.S. and Canada were different. "I had to call the NNA on this one, and it took two signing sessions, six jurats, nine journal entries and about two months to complete everything," Tina said.

ID? Yes. Able To Sign? Not Exactly ...

While signers will often ask Notaries to accommodate unusual circumstances during a signing, Sandra Guerrero just couldn't help with one extremely strange request. Sandra had a signing appointment with a husband and wife, and was assured on the phone by the husband that both spouses would be present with ID. He wasn't entirely truthful. When Sandra arrived, the husband met her at the house and took her in to introduce his late wife, whose cremated ashes were on display in the living room in an urn next to her picture. Though the husband asked if the notarization could still go ahead, Sandra followed best practices and common sense and declined the request.



This Place Is A Pigsty — Literally!

At first, the signer's house Laura Biewer was visiting seemed ordinary enough, if a little bit poorly lit. When she came in, she saw what she thought were two large dogs lying down. It wasn't until she was leaving that Laura discovered the "dogs" had moved over to the door and were actually a pair of enormous 200 lb. black pigs. Fortunately the pigs stayed well-behaved and even went to lie



down when the owner told them to. But as Laura said later, "YIKES!" Not something you see at a typical signing!

An 'A' For Interior Design — Or Armadillos

Teri Vaughn shared how she once did a signing for a husband and wife who definitely knew what they liked when it came to interior decorating. "I entered their condo to see the place decorated with everything in armadillos. I mean everything!" Teri said. "Dishes and napkin rings, sofa and chairs." When Teri mentioned the unique theme, the wife introduced her to Kerri, their pet — you guessed it — armadillo. "Kerri was very sweet and actually sat down on my feet under the table, then leaned against my legs and slept through the entire signing," Teri said. The couple said they were amazed that the little armadillo took such a liking to Teri right off the bat.



Not A Fan Of This Venue


Joan Sampson once ran into an awkward situation when asked to perform a signing on a day when the temperature was in the triple digits. Upon arriving at the location, she found out the signer's air conditioning was broken, so multiple fans were blowing air around the room. "I had visions of all the documents flying about the room during the signing," Joan said. Luckily, she came up with a solution: "I asked the borrower if there was a Starbucks close by and we conducted the signing in their air-conditioned locale over two iced coffees — which I gladly purchased."

Foreign Complications

Notarizing real estate documents can be challenging at the best of times — but it's even more difficult when the signer is being held by immigration officials in a detention center. Still, that didn't deter Marian Harmon. The signer was a wealthy British national who needed some documents notarized for the sale of some property but had been detained by Immigration and Customs Enforcement (ICE) over a paperwork issue. Marian says notarizing with officers in the background wasn't easy. "This ICE officer hovered in my personal space and made sure to note exactly what

I said, what I wrote in my journal, everything," she said. "It took five different visits to the detention center and multiple overseas and cross-country phone calls." However, it ended well for all concerned — the signer was very appreciative of Marian's work. "He was also apparently quite popular because before he was sent back to the U.K. I received multiple referrals from him," she said.

An Arresting Development

Joan Kolb once got a shock in the middle of notarizing documents to release a signer's car out of impound. Suddenly she heard someone pounding on the door — it turned out it was the police! They arrested the signer on the spot because it turned out he was accused of stealing the very same car he was trying to get out of impound. Fortunately, Joan immediately identified herself as a Notary and the police let her go without any more trouble. 



Have a story to share? Visit [www.Facebook/NationalNotary](https://www.facebook.com/NationalNotary) and tell us about your adventures.





NEW STANDARDS

for MORTGAGE SIGNINGS

The collapse of the housing market and numerous other crises have caused the government to significantly increase its scrutiny of the mortgage industry. This challenging new environment is forcing lenders, title companies, signing services and others in the mortgage origination world to take a hard look at how business is done.

Of all the people involved in originating mortgages, Notary Signing Agents received little attention. That is changing. In order to comply with federal mandates, lenders now recognize that the tens of thousands of Signing Agents who represent them at the signing table need to be better qualified.

As a result, leading lenders and title companies gathered to create the first set of recommended best-practice standards for Notaries handling loan signings. These standards are called the Certified Signing Specialist Standards and form the basis of a new designation for signing professionals: the Certified Signing Specialist. That is a Notary who has met all of the elements of the standards.

The publication of the Standards is among the most significant developments to hit the loan-signing profession in years, and it will help you meet the needs of nearly every firm in the real estate finance industry. In turn, you will be eligible for more jobs that will help you thrive in the current market.

A special committee called the Signing Professionals Workgroup (SPW) comprised of executives from major lenders and title companies, developed the Standards. The National Notary Association was asked to serve as an expert advisor. In that role, we helped the Workgroup understand the scope of your responsibilities and the challenges you face.

Signing Specialists routinely handle documents containing sensitive consumer financial information and are invited into borrowers' homes.

"Signing Agents often have had to meet widely varying requirements and qualifications from one company to another," said NNA President and CEO Thomas Heymann. "The Standards and new Certified Signing Specialist designation are intended to provide a set of qualifications and practices for everyone. Ultimately, they should help reduce the number of different requirements Notaries face to keep getting loan-signing assignments."

THE TRANSITION PROCESS: FROM SIGNING AGENTS TO CERTIFIED SIGNING SPECIALISTS



“The banks and title companies depend on the professionalism and competency of the person at the signing table,” Cristy Ward, Chief Strategy Officer of Mortgage Connect and a Workgroup participant, said in a recent interview. “Upholding the recommended Standards assures a consistent closing experience for all of the parties involved in the transaction.”

In fact, a key focus for lenders and regulators alike is improving the borrower’s experience. In that context, even though you generally don’t work directly for lenders, you represent them with every loan you handle.

Speaking during an industry panel discussion at NNA 2013 Conference last June (see the July 2013 issue of *The National Notary*), Donna Davidson, Vice President of Vendor Management for Citibank, put it succinctly: “Most of the time, you’re the only face our borrowers are going to see.”

The workgroup coined the Certified Signing Specialist designation for two reasons. First, the concept of a Certified Signing Specialist recognizes the fact that you possess qualifications and expertise that those outside your field do not. Second, lenders prefer not to call you “agents” because that term carries a specific legal meaning that implies you have the authority to act on their behalf as though they were personally present.

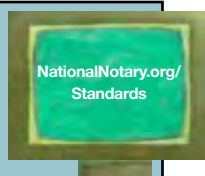
What Are The Standards?

The Standards are comprised of five elements:

- The *Certified Signing Specialist Code of Conduct*
- Standardized signing script
- Annual examination
- Annual background screening
- Notary errors and omissions insurance

The heart of the Standards is the *Certified Signing Specialist Code of Conduct*. The *Code of Conduct* is organized into 10 Guiding Principles encompassing more than 100 individual Standards of Practice. They cover everything from protecting signers’ privacy and acting in a professional manner to not providing unauthorized advice or services and reporting illegal or suspicious activity. To obtain and maintain the Certified Signing Specialist designation, you will be required to sign an acknowledgment stating that you will abide by the *Code of Conduct’s* Standards of Practice.

The Certified Signing Specialist Standards can be found at NationalNotary.org/Standards.



With tens of thousands of Signing Agents and numerous lenders, title companies and signing services in the real estate finance environment, there is naturally going to be a transition period before the Certified Signing Specialist program is fully in place. Here’s how the transition will work:

- In the coming months the Signing Professionals Workgroup will create the exam and begin to approve vendors authorized to offer the Certified Signing Specialist designation program.
- Once that occurs, you will be able to obtain your certification from vendors such as the NNA.
- In the interim, the NNA has updated its current certification program to comply with the Certified Signing Specialist Standards, and you will continue to be an NNA Certified Notary Signing Agent.

Some lenders and title companies are already requiring the annual background screenings, as prescribed in the Standards. Here’s how to accomplish that:

- If you purchased a background screening-Notary Signing Agent certification package from the NNA in 2013, wait until we contact you. Your screening meets the Standards. The NNA will contact you one year after your last screening to authorize another at no extra cost.
- If you purchased a screening from the NNA in 2012, we will contact you to let you know that you need to be re-screened. That screening will be offered at a one-time discounted fee of \$39.
- If you purchased a screening from the NNA in 2011, you will need to be re-screened. That screening is offered at a new \$65 rate.
- If you purchased a background screening from another vendor in 2013, send us a copy of your receipt. You will be given a store credit for the amount you paid for that screening when you purchase a new screening from the NNA at \$65.
- Going forward, the normal cost of the more rigorous annual background screening compliant with the Signing Specialist Standards as well as the Certified Signing Specialist annual exam from the NNA is \$65.

As mentioned above, the SPW is developing procedures for approving vendors to offer certification services, such as background screening and certification exams. The SPW believes that a strong vendor management program is crucial to the success of the Standards because vendors will be the ones verifying that you are properly qualified. To be approved to offer certification services, vendors will have to demonstrate that their programs fully comply with the Standards. The SPW also will create a system to monitor and audit vendors to make sure that their certification services remain in compliance with the Standards.

THE CERTIFIED SIGNING SPECIALIST

A NEW DESIGNATION FOR A TRANSFORMING INDUSTRY

The Certified Signing Specialist Standards are designed to benefit the entire real estate finance industry. The Standards will help lenders and the companies that hire you by enabling them to meet the demands of government regulators while offering a consistent borrower experience regardless of the lender or Signing Specialist. As a Certified Signing Specialist, it will be easier for you to get assignments from multiple companies without needing to meet multiple qualifications.

The Standards will be implemented in the coming months. (See related story on page 17.) Once the Signing Professional Workgroup creates the certification process, you will need to meet or comply with the following five criteria in order to become a Certified Signing Specialist.

- Agree to abide by the *Certified Signing Specialist Code Of Conduct*: The *Code Of Conduct* includes principles, policies and practices that help Signing Specialists perform their primary function of witnessing the execution of loan and real estate documents. The *Code Of Conduct* also addresses supportive duties, such as advertising services, charging and collecting fees, and demonstrating responsible conduct with contracting companies and customers.
- Agree to follow standardized scripts: The Standards include a detailed signing script that Signing Specialists must agree to follow. The scripts include specific descriptions of the various documents in a loan package.
- Pass an annual exam: Signing Specialists must earn a score of at least 80 percent on an annual exam, administered by an SPW-approved certification provider. The exam will consist of questions about the signing process, knowledge of loan documents, and best practices as outlined in the *Code of Conduct*. Training classes will be available from approved certification providers, but are not required.
- Undergo annual background screenings: The background screening will include federal, state and local database searches.
- Maintain Notary errors and omissions insurance: Signing Specialists will be required to maintain professional errors and omissions insurance coverage of at least \$25,000.

The Standards also include a uniform Signing Script that outlines how a signing should be conducted and how you should answer questions about each document. It also indicates when to direct the signer to contact the lender and when you should call the title company representative. The Script was included in the Standards in large part to create a high-quality customer experience at the signing table from signing to signing. As a Certified Signing Specialist, you will be expected to use the Script for all signings.

You also will be expected to pass an annual exam — with a score of at least 80 percent — which will be created by the Signing Professionals Workgroup. The exam covers the Signing Script as well as knowledge of loan documents and best practices as outlined in the *Code of Conduct*.

The annual exam is in keeping with the requirements for other professionals working in the real estate finance industry. Mortgage originators, for example, are required under federal law to complete at least eight hours of continuing education each year.

In addition, the SPW will continue revising the Standards as regulations and market conditions change. Annual testing will be necessary to ensure that Signing Specialists keep abreast of any updates.

Background screenings have become a common expectation for Signing Agents, but not all screenings are the same, and an annual screening is new. For background screenings to be acceptable under the Standards, they must include searches in state, local and federal records and follow a point system assigned to specific offenses for calculating the pass/fail result. In opting for an annual screening, the SPW noted that Signing Specialists routinely handle documents containing sensitive consumer financial information and are invited into borrowers' homes.

"At the end of the day, it's our job to protect the consumer, and to provide the best closing experience possible," Ward said at the NNA 2013 industry panel.

The annual background screening also protects you because it helps keep people out of the profession who should not be handling the sensitive consumer information contained in loan documents or entering peoples' homes. Without the background screenings, unscrupulous individuals could enter the profession and misuse their trusted position, and just a few widely publicized cases could tarnish all of you.

The final Standard requires \$25,000 Notary errors and omissions insurance for Certified Signing Specialists. While lenders and title companies commonly required NSAs to maintain Notary errors and omissions insurance, the



For more information about the Certified Signing Specialist Standards, visit NationalNotary.org/Standards or email standards@nationalnotary.org. For questions regarding your specific situation or account, email standards@nationalnotary.org or call toll free 855-762-5415.

amounts varied. During Workgroup deliberations, participants debated how much E&O insurance Signing Specialists should carry, with some arguing for a minimum coverage of at least \$100,000. Some lenders even require \$500,000. Because Notary E&O insurance only covers notarial errors, the workgroup decided that \$25,000 in coverage was adequate.

The Standards will be rolled out in the coming months as the SPW establishes an application and vendor review process to license qualified companies to offer certification services. (See related story on page 17.) In addition, the SPW is creating procedures for monitoring and auditing vendors to make sure their programs comply with the Standards. This is vital because vendors will be creating a new generation of highly skilled and qualified Certified Signing Specialists.

Why Now?

Perhaps the most significant single development leading to the formation of the SPW and the publishing of Certified Signing Specialist Standards was the passage in 2010 of the federal Dodd-Frank Act and its creation of a new federal agency — the Consumer Financial Protection Bureau (CFPB) — with sweeping powers to regulate all types of financial companies.

Shortly after its inception in July 2011, the CFPB set up a consumer complaint system that received more than 85,000 mortgage-related reports from disgruntled borrowers through June of this year. Spurred by the flood of consumer reaction, the agency has issued thousands of pages of new regulations, recommendations and guidance. It also has brought numerous enforcement actions costing lenders and other financial companies more than \$750 million in refunds and penalties. And it has implemented an active audit program for the companies it regulates.

All of this work is focusing on protecting the consumer and pressing the financial industry to provide a much better and more consistent customer experience regardless of the bank or title company involved.

The publication in April 2012 of a CFPB Bulletin under the heading, "Service Providers," prompted executives at several of the top major lenders and title underwriters to start addressing what happens at the signing table.

The two-and-a-half-page Bulletin noted that financial institutions cannot shift the burden of complying with federal law to the service providers they hire, but are ultimately responsible for ensuring that their service providers follow the law. A service provider that fails to uphold the law or has "weak internal controls"

can harm consumers and create potential liabilities for themselves and their contracting firms.


"Lenders are being held accountable for the actions of their outside service providers, such as title companies and whoever they hire — including Signing Specialists," Heymann said.

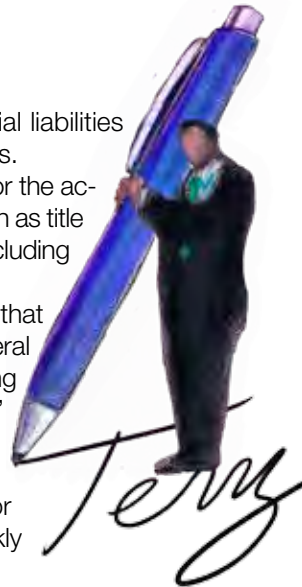
The CFPB Bulletin told lenders to verify that their service providers complied with federal law and maintained "appropriate training and oversight of employees or agents." In addition, lenders are expected to establish ongoing monitoring programs, and put in place enforceable consequences for providers who fell short and failed to quickly address their shortcomings.

As a result, these expectations have been incorporated in the contracts between banks and title companies, which in turn affect signing services and Signing Specialists. Failing to abide by the terms of the contracts can have serious consequences for title companies and lenders.

"We can lose literally millions of dollars because of a poor signing," Ward said during the NNA 2013 session. "So we have taken a lot of precautions to make sure we are looking at the quality of the loan docs that are coming back to us."

That is why the SPW is paying attention to what happens at the signing table.

The importance of the Standards to the mortgage origination industry cannot be underestimated, Heymann noted. "Every Notary who becomes a Certified Signing Specialist and every company that relies on them is operating under the same rules and knows exactly what to expect at the signing table," he said. "Only good things will happen by everybody working together." 



The concept of a Certified Signing Specialist recognizes the fact that you possess qualifications and expertise that those outside your field do not.

THE SIGNING PROFESSIONALS WORKGROUP

SigningProfessionals
Workgroup.org

The Signing Professional Workgroup is made up of leading mortgage lenders, title companies, signing services and the National Notary Association. A list of member companies can be found at the Workgroup's website, SigningProfessionalsWorkgroup.org.

The Workgroup is seeking new members as it continues its work. Anyone interested in participating may apply via the Workgroup's website.

Make Your Business More Visible On The Net



Just about every mobile Notary has a website or social media page, but the trick is finding ways to make the most out of that web presence

and be the first entry to pop up when people search for a Notary in your community. Here are four proven strategies to do just that.

Stay Consistent

Everything with search engines and branding is about consistency. Google analyzes billions of webpages and one of the many things it's really good at is analyzing similarities in website information. However, Google is just a machine, and changes to formatting or display can make a world of difference in how Google interprets your brand and information. When you're consistent in your branding, Google will reward you for it.

You can stay consistent in your branding by creating a document with all of your relevant business information (name, address, phone number, email, website, business category or industry, business description). Once you have determined this information, do not stray from it because you want to stay consistent. If you use variations of your business name, Google may see them as different entities. Creating a business information document will make it easier to just copy and paste your information when you're listing your information on Google, Bing, Yelp and others. These branding standards should carry over to your social media profiles as well.

Get Listed With Online Search Engines

Now that you have your information in a consistent format, just add it to the major online search engines, such as Google, Yahoo!, Bing and Yelp. Many search engines offer both free and paid listing plans, however the free basic listing is perfectly fine. Once you start a profile, the search engines will guide you through the set-up process. Remember to use the same email address when setting up all your online listings. This builds consistency and allows you to control all of your local listing information under one email address. This is especially true for businesses with multiple owners using different email addresses; search engines will see them as different entities.



By Matt Riggleman
and Moses Keshishian


Are you a Notary who works from home and has no real business address? No problem. Profiles can easily be configured to work without a visible business address (you still have to add an address as a contact for yourself, but you don't have to make this visible to web users — or identify it as your business' address).

When creating your listing, you will notice that each site has a unique categorization system. In general, it's a great idea to use as many categories that apply to your business as possible.

Tweak Your Website

Google will do whatever it can to unite your brand's identity across the Internet. If you have a website, by all means be sure to put all of the relevant local address and contact information at an easy to find location. In other words, don't make people work to get your information.

Promote Online Reviews

Google actually shows reviews and review stars right on the search engine results pages. Spoil your customers, and be there to respond to them if they review. Profiles with good engagement and reviews are more likely to show up, and, more importantly — more likely to get clicked in search results. In addition, the fact that the profiles are engaged at all — whether by good or bad reviews — matters to search engines and can influence your ranking accordingly. These websites are not silos — your actions on one can influence your response rate in another. Being active on Yelp could allow your Yelp page to show up when someone searches for 'Notary' on Google, for example. And of course, it's a great way to get to know and interact with your customers. 



Where To Set Up Local Profiles

Google — <http://bitly.com/notarygooglelisting>

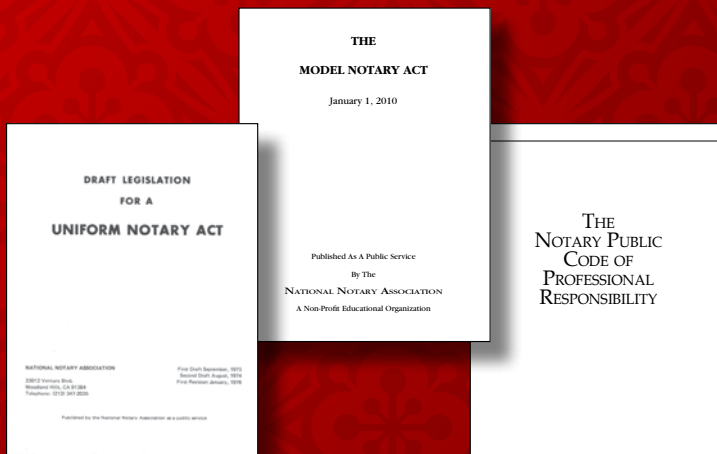
Yahoo — <http://bitly.com/notaryyahoolisting>

Bing — <https://www.bingplaces.com/>

Yelp — <https://biz.yelp.com/>



Celebrating The Anniversaries Of The 'Uniform Notary Act' And 'Code'



2013 is a seminal year for the National Notary Association because it marks important anniversaries of two groundbreaking resources for Notaries and the public: the *Uniform Notary Act* of 1973 and *The Notary Public Code of Professional Responsibility*, first published 15 years ago to set best practice models for both notarial procedures and legislation.

These standards are key for today's Notary office because it has become commonplace for business and personal transactions to be conducted across state and national lines. The long-distance nature of so many transactions means that people around the globe increasingly rely on the trustworthiness of a Notary's signature and seal.

But few people understand the wide disparity of Notary laws, regulations and guidelines from one state to another. Some states provide clear, detailed direction for performing notarizations while others offer little. Consider, for example, that some states leave it up to the individual Notary to determine what constitutes valid ID. Some states require education and testing to become a Notary, but most do not. And all too many states provide little ethical guidance for the myriad of sticky situations that can come up on a daily basis.

Early in the NNA's history, we recognized the need for guidance and uniformity for both legislators and Notaries. In keeping with our commitment to support and educate America's Notaries, we reached out to leading experts to help draft and update these two invaluable resources.

"Each resource represents the most thorough and thoughtful treatment of their respective subjects to have ever been prepared," said Michael Closen, Professor Emeritus at the John Marshall Law School in Chicago, Illinois. "It was the National Notary Association that took up the challenge to develop the standards identified in each document and to have succeeded in producing such superb results. It has truly been a remarkable quest."



The Notary Public Code of Professional Responsibility

Published in 1998, the *Code* serves as an ethical guide for Notaries Public when state laws don't directly address a given situation. The *Code* is divided into 10 Guiding Principles to help Notaries when they are unsure of the right thing to do during a notarization.

Among the many issues addressed in the *Code* are how to avoid improper bias when performing notarial acts; recognizing when it is appropriate to refuse a request for notarization; keeping good journal records; protecting signer privacy; and much more.

Each Guiding Principle includes detailed examples of challenging situations a Notary may encounter, the appropriate ethical standard that applies and a recommended best practice to resolve the issue.

The *Code* was drafted by a commission of 24 experts including law school professors, state regulating officials, recorders, attorneys and Notaries. Today, Notaries across the United States use the *Code* as a guide to ensure that their notarizations meet the highest levels of ethics and professionalism. Many organizations and businesses rely on the *Code* as a guide to proper conduct for Notaries on their staff. State officials have found the *Code* useful as well — in 2008, then-Hawaii Attorney General Mark Bennett enacted it as a set of administrative rules all the state's Notaries must follow.

Where To Learn More

The Notary Public Code Of Professional Responsibility and the 2010 update of the *Model Notary Act* are available as complimentary PDFs at: www.nationalnotary.org/reference_material_and_publications/




The Uniform Notary Act

One of the biggest challenges for state lawmakers creating new Notary statutes is that each state has different commissioning requirements, duties and rules for Notaries. Combined with the fact that many people aren't familiar with the Notary's role and ethical requirements, this lack of a "standard" for notarial laws meant that for years, many legislators didn't have a good place to start when trying to create constructive rules for their state's Notaries Public.

To assist lawmakers in regulating their Notaries, the NNA created a set of "model" statutes that government officials could use as a template when introducing bills. *The Uniform Notary Act* was drafted with the assistance of the Yale Law School and was the first version of these model statutes.

The Uniform Notary Act, which became the *Model Notary Act* in subsequent versions, marks its 40th anniversary as a key resource on notarial law. Over the following decades, the *Model Notary Act* has been updated three times by committees consisting of state officials, technology experts, recording officers and legal experts from the United States, United Kingdom and Canada — in 1984, 2002 and 2010 — to reflect the evolution of the Notary Public office, adding recommended provisions for the education and testing of Notary commission applicants, recordkeeping requirements and rules for electronic notarizations. The *Model Notary Act* is not only used by government officials; copies are frequently requested by Notaries to use as a reference guide, which the NNA still provides as a complimentary service.

More than 40 states and jurisdictions have adopted at least some part of the Uniform and Model acts, with many establishing journal requirements and mandatory Notary education. It also has been cited in numerous court cases over the years. 

Recruiting Experts

To draft both *The Notary Public Code of Professional Responsibility* and the various versions of the *Uniform and Model Notary Acts*, the NNA recruited leading experts from around the country. Here is a partial list:

- Yale Law School
- Michael L. Closen, Professor, The John Marshall Law School
- Malcolm L. Morris, Professor of Law, Northern Illinois University
- Elizabeth J. Scheffee, Member, Board of Governors, Maine State Bar Association
- Nancy P. Spyke, Assistant Professor, Duquesne University Law School
- Daniel J. Greenwood, Founder, E-Commerce Architecture Program, Massachusetts Institute of Technology
- Dennis McCraven, Manager, Document Recording, Los Angeles County Registrar-Recorder/Clerk
- Lonna R. Hooks, New Jersey Secretary of State
- William G. Peterson, Member, South Dakota House of Representatives and Assistant Vice President, Western Surety Company
- Deborah K. Kearney, Deputy General Counsel, Florida Governor's Office
- Elaine Marshall, Secretary of State, North Carolina
- Gabe Minton, Senior Director, Industry Technology, Mortgage Bankers Association
- Orville B. "Bud" Fitch II, Deputy Attorney General, New Hampshire
- Katherine Hanley, Secretary of the Commonwealth, Virginia
- Jane Winn, Professor of Law, University of Washington
- Dean Heller, Secretary of State, Nevada
- Michael S. Baum, Vice President, VeriSign
- Denise A. Brewer, Notary Public, Oklahoma
- Carol S. Westwood, Notary Public, Arizona



Powers Of Attorney And Attorneys In Fact

WHEN SOMEONE CLAIMS AUTHORITY TO SIGN ON ANOTHER PERSON'S BEHALF.

What is a “power of attorney” and an “attorney in fact”?

A power of attorney is a document authorizing someone to perform duties on behalf of another individual. A person granted power of attorney to sign documents for someone else is typically referred to as “attorney in fact” or “agent” and the individual represented is referred to as a “principal.” An attorney in fact has authority to sign the principal’s name and have that signature notarized without the principal being present.

How do I notarize the signature of someone acting as an attorney in fact?

An attorney in fact typically signs a document with two names: the attorney in fact’s own name and the name of the principal. For example, if John Doe is acting as attorney in fact for Mary Sue, he could sign like this:

“John Doe, attorney in fact for Mary Sue, principal”

Or,

“Mary Sue, by John Doe, attorney in fact”

In this case, John Doe is the person appearing before you and signing the document, but doing so on behalf of Mary Sue. Because John Doe is the only person who is physically present and signing, you would write John Doe’s name as the signer in the appropriate parts of the certificate wording (for example, “... personally appeared before me John Doe, who acknowledged ...”) and John Doe would need to provide you with satisfactory proof of his identity.

An attorney in fact does not have to provide ID for an absent principal — for instance, if you asked John Doe for identification, he would need to present you with ID for himself, but would not need to show you Mary Sue’s driver’s license as well.

Do I need to ask for proof of the attorney in fact’s authority?

Idaho and Minnesota require Notaries to verify the authority of someone signing as a representative through either your personal knowledge or by requesting written proof from the signer. Montana strongly recommends this practice.

Two other states — Hawaii and Utah — require attorneys in fact to present to the Notary the original power of attorney document giving them authority to sign. Copies of the power of attorney document are not acceptable in Hawaii and Utah.

California, Kansas and North Carolina do not require Notaries to verify a signer’s representative status.

In other states, if someone signs as a representative of an absent principal, the NNA recommends asking the signer to formally declare in your presence that they have authority to sign on the principal’s behalf.

What about jurats?

Be aware that even if someone has power of attorney to sign on a principal’s behalf, taking an oath or affirmation in the name of another person is generally not permitted. If an attorney in fact requests a jurat, the attorney in fact must swear or affirm before you in his or her own name only — not the principal’s.



Expired Commissions, Unmatched Names, And Becoming An 'Electronic Notary'

NOTARIES NATIONWIDE RELY ON THE NNA'S NOTARY HOTLINE TO ANSWER THEIR MOST CHALLENGING QUESTIONS. THE FOLLOWING WERE AMONG THE THOUSANDS OUR INFORMATION SERVICES TEAM RECEIVES EACH MONTH.

Our company received a 'Summons/ Complaint for Personal Injuries' because the Notary entered the wrong year for her commission expiration. The notarization occurred on November 5, 2012, and she mistakenly wrote March 12, 2012 as her commission expiration date, whereas it actually expired on March 12, 2013. Can entering the wrong expiration year cause a major problem?

L.L., Albuquerque, NM

New Mexico statute requires Notaries to add the date of commission expiration near the Notary's signature (NMSA 14-12-19 and 14-14-8). Individuals may sue a Notary for making a mistake such as this, but it will be up to the court to determine whether the error invalidates the notarization and is the cause of the injuries claimed.

The loan documents I've been asked to notarize list the signer's name as "John Williams," whereas his driver's license contains the name "John Quincy Williams." My questions are (a) What name do I record in my journal? And (b) what name do I write in the acknowledgment certificate?

A.O., Tampa, FL

The name as it appears on the document is the name you are notarizing, so that is the name you would put on the certificate of

acknowledgment. The name on the identification document that you used to identify the signer (the driver's license, in this case) is the name you would put in your journal.

In your example, John Williams (the name on the document) would be the name you would write on the acknowledgment certificate, and John Quincy Williams (the name on the driver's license) is the name you would record in your journal.

Can I serve as both a standard Notary Public and an Electronic Notary?

D.C., Menifee, CA

Yes, you may be both a regular Notary and an Electronic Notary at the same time, since California does not have separate commissions for paper-based and electronic Notaries.

You may only have one Notary journal, but you may perform both types of notarizations. You will need to purchase an electronic image of your seal by obtaining a Certificate of Authorization to Manufacture Notary Public Seals from the Secretary of State and present it to a licensed seal vendor with the capability to produce electronic seals.

Please be advised that under current California recording laws, a Notary may not perform a notarial act on an electronic deed, deed of trust, power of attorney or mortgage that is recorded in the office of a county recorder in California.

Hotline 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



NNA[®] Membership Guides Your Success...

Get the most out of your NNA Membership
by taking advantage of all that is available to you

Access all your benefit details through your NNA profile page at NationalNotary.org.

- **NNA Hotline: 1-888-876-0827**

Answers to all of your questions from Notary experts, when you need them.

- **The National Notary Magazine**

Your bi-monthly member magazine provides you with vital how-to's, news and in-depth information to help guide you on your path to success. Access magazine archives online in your NNA profile.

- **Notary Certificate Forms Online**

Always up-to-date. Download your state's most common certificate forms at any time.

- **Real-Time Compliance Guide**

Access all your state's requirements with the *U.S. Notary Reference Manual* online.

- **Exclusive Member Badge Privileges**

Download your NNA Member badge and include on your business card, website and email signature to identify yourself as a trusted NNA member.

- **Free Advertising**

Listing on the NNA's Online Notary Directory, *the* place to get signing work. Locate the opt-in link in your NNA profile.

- **New Law Alerts**

When your state's laws change, how you notarize must also change. NNA New Law Alert emails keep you in the know and help you easily adapt.

- **Exclusive Partner Program Discounts**

Get valuable savings on products and services you need most to help run your business.

Partners include:



OfficeMax[®]



www.NationalNotary.org • 1-800-876-6827

Source Code
A51457

Registration opens Dec. 1 **NNA[®] 2014 Conference**



For more information, please visit
www.NationalNotary.org/Conference

June 1-4
Hyatt Regency
Phoenix, AZ

Statement Of Ownership

United States Postal Service Statement of Ownership, Management and Circulation 1. Publication Title **The National Notary** 2. Publication Number **0894 - 7872** 3. Filing Date **10/1/2013** 4. Issue Frequency **Bimonthly** 5. Number of Issues Published Annually **6** 6. Annual Subscription Price **\$6.00** 7. Complete Mailing Address of Known Office of Publication (Not printer) **9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402** Telephone **(818) 739-4000** Contact Person **Elizabeth Resen** 8. Complete Mailing Address of Headquarters or General Business Offices of the Publisher **9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402** 9. Full Names and Complete Mailing Addresses of Publisher, Editor and Managing Editor (Do not leave blank) Publisher **Milt Valera, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402** Editor-At-Large **Phillip Browne, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402** Managing Editor **Michael Lewis, 9350 De Soto Ave., P.O. Box 2402, Chatsworth, CA 91313-2402** 10. Owner, Full Name **National Notary Association** Complete Mailing Address **9350 De Soto Avenue, P.O. Box 2402, Chatsworth, CA 91313-2402 (Los Angeles)** 11. Known Bondholders, Mortgagees and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities. **None** Full Name **None**. 12. Tax Status. (For completion by nonprofit organization authorized to mail at nonprofit rates) (Check one) The purpose, function and nonprofit status of this organization and the exempt status for federal income tax purposes: **Has Not Changed During Preceding 12 Months** 13. Publication Title **The National Notary** 14. Issue Date for Circulation Data Below **November 2013** 15. Extent and Nature of Circulation a. Total Number of Copies (*Net press run*) (Avg. No. Copies Each Issue During Preceding 12 Months) **155,493** (No. Copies of Single Issue Published Nearest to Filing Date) **160,421** b. Paid Circulation (By Mail and Outside the Mail) (1) Mailed Outside-County Paid Subscriptions Stated on Form 3541. (*Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies*) (Avg. No. Copies Each Issue During Preceding 12 Months) **153,691** (No. Copies of Single Issue Published Nearest to Filing Date) **158,150** (2) Mailed In-County Paid Subscriptions Stated on PS Form 3541. (*Include paid distribution above nominal rate, advertiser's proof copies, and exchange copies*) (Avg. No. Copies Each Issue During Preceding 12 Months) **0** (No. Copies of Single Issue Published Nearest to Filing Date) **0** (3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales and Other Paid Distribution Outside USPS[®] (Avg. No. Copies Each Issue During Preceding 12 Months) **0** (No. Copies of Single Issue Published Nearest to Filing Date) **0** 4) Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail[®]) (Avg. No. Copies Each Issue During Preceding 12 Months) **0** (No. Copies of Single Issue Published Nearest to Filing Date) **0** c. Total Paid Distribution (*Sum of 15b, (1), (2), (3) and (4)*) (Avg. No. Copies Each Issue During Preceding 12 Months) **153,691** (No. Copies of Single Issue Published Nearest to Filing Date) **158,150** d. Free or Nominal Rate Distribution (By Mail and Outside the Mail) (1) Free or Nominal Outside-County Copies included on PS Form 3541 (Avg. No. Copies Each Issue During Preceding 12 Months) **390** (No. Copies of Single Issue Published Nearest to Filing Date) **365** (2) Free or Nominal Rate In-County Copies Included on PS Form 3541 (Avg. No. Copies Each Issue During Preceding 12 Months) **0** (No. Copies of Single Issue Published Nearest to Filing Date) **0** (3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g. First-Class Mail) (Avg. No. Copies Each Issue During Preceding 12 Months) **0** (No. Copies of Single Issue Published Nearest to Filing Date) **0** (4) Free or Nominal Rate Distribution Outside the Mail (*Carriers or other means*) (Avg. No. Copies Each Issue During Preceding 12 Months) **0** (No. Copies of Single Issue Published Nearest to Filing Date) **0** e. Total Free or Nominal Rate Distribution (*Sum of 15d (1), (2), (3) and (4)*) (Avg. No. Copies Each Issue During Preceding 12 Months) **390** (No. Copies of Single Issue Published Nearest to Filing Date) **365** f. Total Distribution (*Sum of 15c and 15e*) (Avg. No. Copies Each Issue During Preceding 12 Months) **154,081** (No. Copies of Single Issue Published Nearest to Filing Date) **158,515** g. Copies not Distributed (*See Instructions to Publishers #4 (page #3)*) (Avg. No. Copies Each Issue During Preceding 12 Months) **1,412** (No. Copies of Single Issue Published Nearest to Filing Date) **1,906** h. Total (*Sum of 15f and g*) (Avg. No. Copies Each Issue During Preceding 12 Months) **155,493** (No. Copies of Single Issue Published Nearest to Filing Date) **160,421** i. Percent Paid (*15c divided by 15f times 100*) (Avg. No. Copies Each Issue During Preceding 12 Months) **99.7%** (No. Copies of Single Issue Published Nearest to Filing Date) **99.8%** 16. Publication of Statement of Ownership If the publication is a general publication, publication of this statement is required. Will be printed in the **November 2013** issue of this publication. 17. Signature and Title of Editor, Publisher, Business Manager or Owner Date **10/1/2013** I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).



**NATIONAL
NOTARY
ASSOCIATION**

The Nation's Professional Notary Organization®

1-800-US NOTARY (1-800-876-6827)

www.NationalNotary.org



Renew Your Notary Appointment with the NNA®

Start the Process Today.

**We'll provide you with everything
you need to meet state
requirements and protect yourself:**

**Application ~ Bond ~ E&O Insurance
Supplies ~ Training**

Take the first steps now:

www.NationalNotary.org/Renew