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Notarization of Documents

By: Rory K. Nugent

Of all the hassles of being a Board member, the one that we hear most often arises from the requirement that certain legal documents be signed in front of a notary public. Many people do not have easy access to a notary, may not know where to find one or may not understand what it means to have a document “notarized.” As a result, we thought it would be helpful to revisit what needs to be done when you need to get a document notarized.

To put it simply, a notary public “witnesses” someone’s signature. In other words, the notary acknowledges that a particular person appeared before him or her and signed the document in question. The notary does not attest to the validity, accuracy or truthfulness of the document itself. For the sake of illustration, the standard notary block reads as follows:

STATE OF _____ :
COUNTY OF _____ :

*I, the undersigned Notary Public in and for the county and state aforesaid, do hereby **certify** that John Doe, whose name is signed to the foregoing Memorandum of Lien bearing the date of the ____ day of _____, 2006, has **acknowledged** the same before me in my county aforesaid.*

Given under my hand this _____ day of _____, 2006.

Notary Public

My Commission Expires: _____

The most important words in the notary block, in bold for purposes of emphasis, are “certify” and “acknowledged.” The notary public *certifies* that the person *acknowledged* his or her signature. This certification requires that the notary public be certain of the identity of the person signing the document. In other words, the person must be personally known by the notary or the notary must examine some form of government-issued identification. The Handbook for Virginia Notaries Public (which contains provisions similar to the laws that govern notaries appointed in the District of Columbia and Maryland) calls this act of certification the notary’s “greatest responsibility” and notes that the notary must exercise a “high degree of care” in determining the identity of persons not personally known to the notary.

The second component of the notary’s certification is that the person acknowledged his or her signature. While it may seem like a purely academic distinction, the notary does not testify that the person’s signature is authentic. The notary only testifies that the person who signed the document acknowledged that the signature was his or hers. For this reason, the person signing the document must execute the document in the presence of the notary public, even if the notary public is familiar with that person’s signature. While we frequently receive requests to have the notaries among our staff notarize a document after it has been signed by an officer or director, the acknowledgement requirement means that the notaries in our office

must witness the execution of the document by the officer or director of one of our association clients. Consequently, we cannot authorize the notaries among our staff to notarize any executed document that is mailed to our offices.

We fully understand that for many people, finding a notary is not always convenient. However, many Board members are unaware that you can often find a notary at the bank, the mall, the library, shipping facilities such as "Mailboxes Etc.," and several other common locations. Many management agents are notaries, but please keep in mind that you must sign the document in front of the notary. The concierge in your office building may be a notary, or even someone in your office. Unless you personally know the notary, remember to bring your identification. Finally, if all else fails, we can notarize documents at our office if you bring them by during regular business hours.

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