

PRINCIPLES OF NOTARIZATION

1. **Signer appearance:** The document signer must appear in person before you.
2. **Signer screening:** You must verify a signer's identity and willingness to sign.
3. **Signer declaration:** You take the document signer's acknowledgment (or witnesses the document signer's signature) or sworn oath or affirmation.

NOTARIAL CERTIFICATION

Determine from personal knowledge or from satisfactory evidence....

1. That the person appearing before you and making the **acknowledgment** is the person signing the instrument.
2. When **witnessing or attesting signatures** that the signature is that of the person appearing before you and named in the document.

In **certifying or attesting a copy** of a document, you must determine that the copy is a full, true and accurate reproduction of that which is copied.

The maximum fees to be charged and collected by a notary public are \$1 for most notarial acts. See Minnesota Statutes 357.17 for a complete list of fees and exceptions.

ACKNOWLEDGMENTS

Below is an example of what you the notary would complete for an acknowledgment in an individual capacity. For other examples see MN Statutes 358.48.

State Of: Minnesota

County Of: <insert county notarial act is performed>

This instrument was acknowledged before me on(date) by (name(s) of person(s) signing the document).

(seal if any)

(signature of notarial officer)

Title (and Rank)

My Commission Expires:
dd/mm/yyyy

MINNESOTA SECRETARY OF STATE

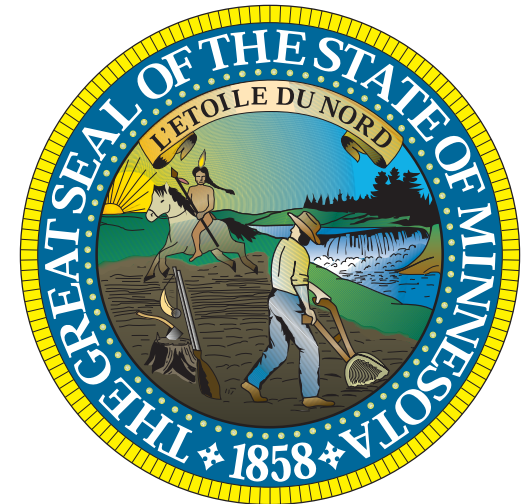
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Toll Free: 1-877-551-6767
Fax: 651-215-1009
E-mail: notary.sos@state.mn.us
Website: notary.sos.state.mn.us

The information in this brochure, although a good reference, does not provide guidance for every situation you may face as a notary. If at any time you are unsure how to proceed, it is recommended you seek legal advice; as a notary you may be criminally and civilly liable for any negligent or fraudulent acts.

You've Received Your Notary Commission

What's Next?



As a government officer and public servant, serve all the public in an honest, fair and unbiased manner.

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Secretary of State

NEXT STEPS...

- **The first step is to register your commission with the county you reside in.**
 - As a nonresident notary register your commission at the Minnesota County that borders the county in which you reside
- Purchase a stamp that conforms to Minn. Stat. 359.03 subd. 3, at a stamp vendor or office supply store
- Obtain a journal to record notarial acts (recommended but not required)
- Consider if bonds and insurance are necessary by asking your employer or an insurance provider
- Pursue training and education, which is not required but recommended. (Resources at notary.sos.state.mn.us, on the "Training/Supplies" link)
- Familiarize yourself with statutory requirements of Chapters 357, 358 and 359 found at leg.state.mn.us
- Register any name or address changes with the Secretary of State within 30 days
- Renew your commission every 5 years and re-register with the county.

COUNTY REGISTRATION

For the location of county offices go to: www.sos.state.mn.us.

The fee to register and renew with the county is \$100 (\$20 county recording fee and \$80 to state).

POINTS TO REMEMBER

Acknowledgment: Each notarization must include the proper acknowledgment and the venue where the notarization took place.

Advice: Do not provide unauthorized advice or services; leave that to the experts in those fields.

Cancellation: To cancel your commission, contact the Secretary of State at notary.sos.state.mn.us or 651-296-2803.

E-notary: For an electronic document, the act of notarization itself does not depart substantially from the paper-based world. The only significant difference is that the document being signed is an electronic one, and the signer's signature would be an electronic signature.

Identification: There are three possible ways to verify the identity of a signer: 1) personal knowledge, 2) credible witness and 3) ID documents.

Investigations: The Department of Commerce is responsible for all misconduct investigations: contact at 651-296-2488 or market.assurance@state.mn.us

Journal: A journal is not required but recommended to record all notarial transactions. Safeguard the journal because it serves as an important public record.

Jurat: That part of an affidavit which contains the names of the parties swearing the affidavit, a statement that an oath or affirmation has been made, the name of the notary, the date and place.

Privacy: Respect the privacy of each signer and do not divulge or use personal or proprietary information disclosed during execution of a notarial act for other than an official purpose.

Signature: Be consistent with your signature when performing a notarial act, as it must match what you registered and what is on your stamp. Always include the date of the notarization.

Stamp: Must contain the state seal, the term "Notary Public" your name as it appears on your notary certificate and the commission expiration date. If it is lost or stolen contact the Secretary of State.

DO NOT NOTARIZE IF...

-The signer or oath taker is not personally appearing before you.
-The signer or oath taker does not appear to be willing or coercion is suspected.
-You are the signer of the document to be notarized.
-The certification or acknowledgment has blanks or is incomplete.
-You will profit or gain from the transaction.
-There is the potential for a conflict of interest, such as notarizing for a spouse or family member. While not illegal to do so it is a good practice not to.
-You believe the document or transaction is false, deceptive, or fraudulent.
-The document is an original birth, death or marriage certificate. Certified copies should be obtained from the MN Department of Health or the County.
-The signer does not have satisfactory evidence that he or she is the person whose true signature is on a document.
-You do not have adequate time to insure the notarial act is carried out properly.
-You believe doing so will go against the rules of law that dictate notarial acts.
-The notarial act is not taking place in the state of Minnesota.