

## Getting Your Acts Together

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### Quiz

- What does "subscribe" mean?
- What kind of certificate might be indicated by "affirm"?
- Do all acknowledgments require the party to sign in front of you?
- I always just put "ack" in my journal under "Notarial Act", right?

### Notarial Acts

	Acknowledgment (Individual & Representative)
	Administering Oath
	Verification Upon Oath or Affirmation (Jurat)
	Witnessing Signature
	Copy Certification
	Certifying Transcripts, Making Commercial Protests



### **Acknowledgments in Individual Capacity**

- Personally Appear
- Properly Identified
- Acknowledge Signature




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### **Acknowledgment - Individual**

State of Montana  
 County of \_\_\_\_\_

This record was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_.

Stamp Notary Seal Here \_\_\_\_\_  
 Notary Public – State of Montana

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### **Acknowledgment in Representative Capacity**

- Representative Personally Appears
- Representative Properly Identified
- Representative Acknowledges Signature on behalf of Party
- Corporate or Attorney-in-Fact Authority
- POA principal still living?




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## Oaths – Written or Verbal

- Administering a Verbal Oath
- Verification Upon Oath - Jurat
- Affirmations

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## Administering an Oath

- Credible Witness
- Oath of Office
- Part of a Jurat



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## Verification of Oaths/Affirmation (jurats)

- Swear on own behalf
- Ceremony
- Sign in presence
- Swear *or* Affirm



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### Verification Upon Oath/Affirmation

State of Montana  
 County of \_\_\_\_\_

This record was signed and sworn to (or affirmed) before me on \_\_\_\_\_  
 by \_\_\_\_\_.

Stamp Notary Seal Here \_\_\_\_\_  
 Notary Public – State of Montana

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### Copy Certification

- **Do not certify to copies of *public* documents:**
  - Vital Records
  - County clerk, court records
  - FBI Fingerprint Cards
- **May copy *private* documents:**
  - driver license
  - passport
  - diplomas, licenses, certificates, letters...

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### Copy Certification

State of Montana  
 County of \_\_\_\_\_

I certify that this is a true and correct copy of the \_\_\_\_\_ in the possession  
 of \_\_\_\_\_ made by me on \_\_\_\_\_.

Stamp Notary Seal Here \_\_\_\_\_  
 Notary Public – State of Montana

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## Always

- ❖ Require Personal Appearance
- ❖ Review the Document
- ❖ Identify the Signer
- ❖ Be Assured of Willingness and Competence/Capacity
- ❖ Complete the Journal and Certificate

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## Scenario 1 : Certificate is Provided

- Determine the Act.
- It's *your* statement; conform it to the law
- It's *your* statement; make it true.

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## Components of a Certificate

6 Elements Every Time

<b>WHERE</b> <small>(State &amp; County)</small>	<b>WHO</b> <small>(Signer)</small>	<b>WHAT</b> <small>(Act)</small>
<b>WHEN</b> <small>(Date of notarization)</small>	<b>Official Stamp</b> <small>(legible &amp; reproducible)</small>	<b>Official Signature</b>

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## Filling Out a Certificate

State of Montana

County of Cascade

On this 30th day of January, 2016, before me, Jane J. Doe, a notary public, personally appeared John Q. Public (only), personally known to me, or known by ID, to be the person(↔) whose name(↔) is(are) subscribed to this record, and acknowledged that he(↔)they executed the same.



*Jane Doe*

Notary Public

My Commission expires: 8/02/18

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## Scenario 2: No Certificate Provided

- Which Act am I Witnessing?
- Match Certificate to Act
- Apply to Document

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## Certificates

- Just watch me sign:
  - Witness Signature
- Copy my business card:
  - Certified Copy
- My company's contract:
  - Representative Acknowledgment
- Affidavit:
  - Verification of Oath/Affirmation

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# Hybrid Certificates and *Wrong* Certificates

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## Jurat & Acknowledgment

ASSIGNMENT OF DEED OF TRUST

FOR VALUE RECEIVED, The undersigned hereby grants, assigns and transfers to Montana Board of Housing, whose address is PO Box 20000, Helena, MT., all beneficial interest under that certain Deed of Trust dated 1/7/2016, executed by John Q Public and Susan Q Public, Grantees, to AIBC Bank, Trustee, recorded on ....

Together with the note or notes described or referred to, the money due or to become due thereon with interest, and all rights accrued or to accrue to the said beneficiary under said Trust Indenture.

Dated: \_\_\_\_\_

XYZ BANK OF MONTANA

Robert Smith, VP

Mary Johnson, VP

*Where*

STATE OF MONTANA  
County of \_\_\_\_\_

*When*

*Who*

*What Act*

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, both personally known and identified by satisfactory evidence, being duly sworn by me to say the law/that the \_\_\_\_\_ and \_\_\_\_\_ of the corporation named herein which executed the within instrument, that said instrument was signed and sealed on behalf of the corporation pursuant to its by-laws or a resolution of its Board of Directors and that he/she knows and instrument to be the free act and deed of the corporation.

Notary Public

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## Signature/Acknowledgment

State of Montana  
County of \_\_\_\_\_

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, there appeared \_\_\_\_\_, who freely and willingly subscribed and acknowledged his/her signature before me.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expires

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## Jurat /Acknowledgment

State of Montana  
County of Cascade

On this 12<sup>th</sup> day of May, 2016, George Johnson (only) did appear before me and swear affirm that he/she acknowledged his/her signature on the attached document freely and willingly.

\_\_\_\_\_  
Notary Public

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## Foreign Language

Stato del Montana  
Contea di Cascade

Firmato e riconosciuto davanti a STOP questo giorno 12<sup>th</sup> di May, 2016 da \_\_\_\_\_.  
Con la mia firma, sono d'accordo a sostenere quanto sopra per un anno.

**With my signature, I agree to support the above for one year.**

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Insurance Claim

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Claimant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Subscribed and sworn before me, the undersigned, at \_\_\_\_\_?  
on the \_\_\_\_\_ day of the month of \_\_\_\_\_,  
20\_\_\_\_\_.

Notarization: ? \_\_\_\_\_

Total Pages Attached: \_\_\_\_\_

Notary Signature: \_\_\_\_\_

Date: ? \_\_\_\_\_

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## Quick Quiz



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Which Act?

*"Subscribed and sworn"*

**Jurat**  
(verification of oath or affirmation)

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Which Act?

*"signed and attested before me..."*

**Witness Signature**

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Which Act?

*"signed by \_\_\_ as \_\_\_ for \_\_\_"*

**Acknowledgment in Representative Capacity**

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Which Act?

*"...true and correct copy of \_\_\_\_\_ in the possession of...."*

**Certified Copy**

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Which Act?

*"signed and acknowledged before me"*

**Acknowledgment (hybrid)**

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Which Act?

*"...and executed said instrument"*

**Witness Signature**

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Which Act?

*"...appeared and acknowledged before me..."*

**Individual Acknowledgment**

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Which Act?

*"upon the oath of"*

**Jurat**

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Now You Got it Together



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