

A Notary Should Know How to Handle Acknowledged Statements

As stated in a previous article, sworn statements and acknowledged statements are the two most common types of notarized documents. The primary difference between the two types is that a sworn statement is made under penalty of perjury and requires an oath or affirmation while an acknowledged statement lacks these elements. If a document does not contain language about "being duly sworn" or "upon oath," and if it has a notary certificate that does not mention an oath or affirmation or being sworn, then you are dealing with an acknowledged statement.

Unlike a sworn statement, an acknowledged statement does not have to be signed in the presence of the notary. The signer of an acknowledged statement can sign it in front of the notary or at any time prior to taking it to a notary to be notarized.

The notary certificate that accompanies an acknowledged statement is called an acknowledgment. Depending on the circumstances, the signer may be signing personally, on behalf of another person as their attorney-in-fact, on behalf of a corporation (or other organization) as their representative, or as some combination of one or more of those. The wording of the acknowledgment (notary certificate) must accurately convey the facts of the circumstances under which the document was signed.

For someone signing personally (representing no one other than themselves), these facts are that:

- the signer appeared before the notary;
- the notary verified the identity of the signer and noted how he or she verified it; and
- the signer accepted responsibility for having signed the document freely and willingly.

For someone signing as an attorney-in-fact (i.e. someone named as a representative in a power of attorney), there are these additional facts:

- The signer accepted responsibility for having signed the document freely and willingly on behalf of the principal (the person whom he is representing as an attorney-in-fact).
- The signer stated (in some cases, swore or affirmed) that he is the attorney-in-fact for the principal and/or that the notary personally observed satisfactory evidence that the signer is the attorney-in-fact.

For someone signing on behalf of a corporation, these additional facts apply:

- The signer accepted responsibility for having signed the document freely and willingly on behalf of the corporation whose agent he is.
- The signer stated, swore, or affirmed that he is an agent of the corporation, stated that he has authority to execute the document on behalf of the corporation, and named his position of authority in the corporation.

A verbal ceremony is required for an acknowledgment. If a person is signing on his own behalf, this ceremony can be as simple as asking if he is signing freely and willingly with knowledge of what he is signing and waiting for him to answer yes.

When dealing with an attorney-in-fact or corporate acknowledgments, you should ask the signer to show you satisfactory evidence of his authority and/or to swear under penalty of perjury that he does possess the authority he is claiming. Satisfactory evidence would consist of the original notarized power of attorney (or an officially registered or certified copy) or a letter from the corporation on corporate letter-head naming the signer as an agent with authority to sign on its behalf. Such a letter should be signed by another officer of the corporation.

Future articles will go into more details about the jurat and the acknowledgment. The American Association of Notaries supplies stamps with standard wording for each.

This article is part of the series that began with [What Does a Notary Public Do?](#)

NOTE: This article serves as information purposes to broaden the knowledge of the notary public. The Delaware Notary Association is dedicated in keeping the Delaware Notary with working information in performing their duties to the best they can and to the fullest.