

## **What to Do When There Is No Pre-Printed Notary Certificate**

If you provide notary services long enough, you will encounter people who have letters or statements or other documents that lack a pre-printed notary certificate. These are often the result of someone being told that they need a notarized statement or release or authorization in order to accomplish some purpose they have chosen.

Many times, the party who tells the signer that they need a document notarized will not tell them what form of notarization is required. It is often difficult to contact the party to whom the document will be sent to ask them about the required type of notarization. This may leave you with a signer who has little or no clue about what they need you to do.

Many people believe that a notary public is not allowed to decide which notary certificate to apply to the document when it lacks one. Peter J. Van Alstyne, the founder of the Notary Law Institute, has written that this idea originated with Raymond Rothman and that it is not true. Van Alstyne has argued that it is an inherent power of the notary to pick the certificate because the notary certificate is a statement of and by the notary about what he or she observed and did. Some state officials have sided with Rothman and said that it would be the unauthorized practice of law if you pick the notary certificate, unless you are an attorney. (The unauthorized practice of law will be covered in future articles.) The Delaware Notary Association agrees that this would be an unauthorized practice of law unless the notary public has legal training and experience to offer advice to what loose certificate to use for the document needed for notarization.

If you are unable to reach the document recipient, it is the safest course to err on the side of caution and explain the different notary certificates to your signer so he or she can pick which notary certificate to use.

You should know enough about the differences between an acknowledgment certificate and a jurat certificate that you can discuss them with the person signing the document and allow him or her to choose one. If you do not know these differences, the American Society of Notaries has written "The Delaware Handbook" which is a great reference to have and it written to inform the Delaware notary to what they can perform in Delaware. They can be contact online at: <http://www.ASNnotary.org> or contact them by phone at (850)671-5164.

Once the type of notarization has been decided (either by the document recipient or by the signer), you can then add a notary certificate by attaching a loose certificate, writing it by hand on the document, or, if your state allows it, using a rubber stamp. There are standard short forms of both the acknowledgment certificate and the jurat certificate that are widely used and generally acceptable in every state.

The American Society of Notaries has supplies of the loose notarial certificates of these two notary certificates along with other loose certificates, which you can purchase from them at [www.ASNnotary.org](http://www.ASNnotary.org) or by contacting them by phone at (850)671-5164. (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.