

Understanding Affidavits

An affidavit is a sworn or affirmed statement made before a notary public or any public official who has the authority to administer oaths. It is made under penalty of perjury, and the official must administer an oath or affirmation to the signer(s), witness the signing of the document and certify it by placing his official signature and seal and completing the notarial certificate called a jurat.

See below of an affidavit sample and instructions for completing it.

The elements of an affidavit include:

1. **Venue** (this may be at the top or near the notary certificate at the end)
2. **Preamble** (this indicates the statement was made under oath or affirmation and may contain the name(s) of the signer(s) and other details)
3. **Date** that the statement is being made
4. **Body** (the statement being made by the signer)
5. **Signature(s)** of the signer(s)
6. **Notary certificate** - jurat in short or long-form with the date of the notarization
7. **Notary's signature**
8. **Notary's seal**
9. **Notary's commission** expiration date

Sometimes, the notary is presented with a document that is clearly an affidavit (as it includes all the elements listed above), except that it has a notary acknowledgment certificate instead of a jurat. In such a situation, it is a best practice to ask the signer to check with the document preparer (if they are available) to determine what notarial act they want the notary to perform (administer an oath/affirmation or take an acknowledgment). If the document preparer is not available and the signer is unable to decide which notarial act the notary must perform, the notary may decline to notarize. When you are presented with a document that lacks a pre-printed notarial certificate, if the body of the document states that the signer swore or affirmed or made the statement under oath, you can, without delving into the unauthorized practice of law, point this out to the signer. While it may seem obvious that a jurat should be the only choice for a notarial certificate on a sworn statement, the signer may prefer to acknowledge rather than swear or affirm. Let the signer decide which certificate to add if there is no pre-printed notary certificate.

The American Society of Notaries supplies rubber stamps containing the standard short form jurat and acknowledgment notarial certificates. They also carry other loose notary certificates that the Delaware notary can use if the document does not have the pre-printed wording on the document that you are notarizing. They can be reached at (850)671-5164 or online at www.ASNNotary.org.

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.

Example of Completing an Affidavit

