

The Notary Public

The primary purpose of the **Notary Public** is to prevent fraud by forgery. Notaries are most often used whenever real property is purchased or transferred to another party. Part of either transaction will include the notarization of certain documents by a notary public.

What is a Notary Public?

A Notary Public is a reputable witness, commissioned by California's Secretary of State, who may legally certify by written acknowledgement of a document that he or she knows you to be the person who has executed the document.

*****Note: Any person requesting notarization of a will should be referred to an attorney.*****

Why is a Notary Public Necessary?

The law requires notary certifications under many situations. Most documents in real property transactions, such as a Grant Deed or a Trust Deed, must be notarized before they can be recorded by the county recorder. When you have an important document notarized, it affords you the fullest protection against possible forgery.

Who is entitled to be a Notary Public?

In California, a Notary Public must be a legal resident of the state in which he or she is commissioned, no less than 18 years of age, and must satisfy the Secretary of State that he or she is of good moral character.

A Notary Public must also satisfactorily pass a qualification examination and provide a performance bond under which any official misconduct or neglect of the Notary Public makes the notary, together with the surety of the bond, liable to the persons injured thereby for damages sustained.

How and Where Does a Notary Public Perform the Notarial Service?

Notarization takes place only in the state where the notary public has been commissioned. The notary certifies to the signing of the document on the date and in the county specified on the notary certification. The notary's certification testifies that the signature on the document is genuine.

The Notary Public maintains a complete record book to preserve evidence of the acknowledgement. For identification purposes, the Notary Public requires that the signatures of the signed person(s) in the record book.

Your Notary Public provides important professional services and is entitled to charge a fee for such services. The Secretary of State establishes the maximum fees a Notary Public may charge.

Notary Public Guidelines

In order to perform responsibly, and in compliance with the California Civil Code and other government codes, our Notary Public:

- Should not notarize any instrument or document if the party signing the document is not in his or her presence.
- Should not draw legal agreements or attempt to give legal advice of any nature (unless the notary is also an attorney).
- Should not notarize any signature unless the party is personally known to the notary or satisfactory identification is provided to the notary.
- Should not authorize anyone else to notarize for him or her.
- Should require proper identification such as a driver's license, passport or California/Military I.D.
- May require a thumbprint (right hand).

FOREMOST IN THE MIND OF YOUR NOTARY: TO PROVIDE THE BEST POSSIBLE PROTECTION IN CONVEYING AND ENCUMBERING PROPERTY.