

NOTARY SERVICES

The material in this handout represents general legal principles. The law is continually changing; although the information in the handout was current as of the date it was drafted, some provisions in this pamphlet may have changed. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.

Most military legal assistance offices offer notary services, free of charge, to military members, family members, civilian employees, retirees, and others eligible for legal assistance.

A "**notary**" or "**notary public**" is a person authorized to administer oaths and to certify documents as genuine. Military notaries are authorized by federal statute (Title 10, United States Code, Section 1044a). That statute also requires all states and US territories honor the notarial acts of military notaries.

Notarial services help make the statements in affidavits, powers of attorney, and other documents more "official" and promotes their acceptance. A notary's certification on a document assures whoever examines it that it is what it appears to be.

One of the most common notarial acts is certifying a signature, for example, on an affidavit or power of attorney. A notary may provide this service only when the signer is physically present. The personal appearance requirement explains why the notary's seal is so widely accepted. The notary can certify that the signature is genuine, because the person actually signs in the presence of the notary and provides positive proof of identity.

Another common notarial act is certifying copies of documents as **true** copies of the original. By comparing the original document to the copy, the notary can certify that the copy is a duplicate of the original. This certified true copy is acceptable for most purposes. However, military notaries are generally unable to certify documents as true and accurate copies.

If you need a document certified as true and accurate, for a court proceeding for example, then you may obtain that from the actual custodian of the record. Bureaus of Vital Statistics provide certified copies of birth, death, and marriage records. The Officer-in-Charge or other designated official of a military record holding-facility, such as a Military Personnel Office, Finance Office, Health Clinic, etc., can provide certified copies of those types of military records.

Common Questions & Answers About Notaries:

What does a Notary do?

A Notary acts as an official, unbiased witness to the identity and signature of a person who appears before the notary for an oath or affirmation, or to sign a document. The notary's signature indicates that the notary verified the identity of the person who appeared and signed, executed, or acknowledged the document. Notaries are careful to ensure that the person signing is in fact, who he/she claims to be. In addition, the notary makes sure that the client is acting voluntarily and not being forced to sign documents against his/her will. The Notary should be confident that a client is not being bullied into signing a document against his/her will. Moreover, the Notary makes sure the

client understands what he/she is signing. If the client responds to questions understandably and requests the notarization, then the notary will proceed.

Does a Notary certify when notarizing?

Often, military notaries are asked to certify copies instead of, or in addition to, notarizing them. There is a difference.

Notarization: The notary signature and seal indicates that the person purporting to sign the document appeared before the notary, produced identification or was known personally by the notary, and signed the document in the presence of the notary.

Certification: This is a process that means that a document is a full, true, and accurate copy (transcription or reproduction) of the original document. As previously mentioned, most public records and documents like marriage licenses, birth certificates, divorce decrees, titles, etc., are recorded in public offices and only those offices certify copies. Military-record holding facilities such as the personnel offices, finance offices, and medical treatment facilities also may certify documents as true and accurate.

Are there any limits on notary services?

State laws and regulations restrict notary services. For example: A notary cannot notarize a previously signed or incomplete document (one with blanks left in it) or "verify" (authenticate) the signature of someone who does not personally appear before the notary at the time the signature was affixed to the document. Those items intended to remain blank or empty should be lined through or have "Not applicable" entered before signature.

Do Notaries keep a record of the notarization?

Yes, Notaries keep a journal of services provided. It may include the name and actual signature of the individual whose signature was notarized, general description of the document notarized, and the dates and locations for the services performed.

Where can I get a document notarized?

Persons eligible for legal assistance desiring to have a document notarized should take their ID card (or other photo identity evidence) and the unsigned document to the supporting legal office. Most legal offices offer notary services on a walk-in, no appointment basis during normal duty hours.

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