



NEW JERSEY NOTARY PUBLIC MANUAL



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Gilda T. Gill
Salem County Clerk

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NEW JERSEY NOTARY PUBLIC MANUAL

(revised March 21, 2003)

INTRODUCTION

The office of Notary Public is a vital public function. Notaries are called upon to perform many valuable services for New Jersey's business, legal and financial communities. Effective notary services help to ensure that documents are properly executed, that facts are duly certified, and above all, that the general public is protected from fraud. Notarization is essential for many official documents including mortgages, deeds, contracts, and various corporate transactions.

This manual is designed to provide Notaries with practical guidance on how to perform notary services. By following the manual's guidelines, Notaries will operate from a structured procedural foundation and thereby help foster the levels of diligence and accuracy required for the on-going success of the office.

The Division of Revenue's Business Support Services Bureau serves as the administrative agency for the Notary Public program in New Jersey. To contact the Bureau write:

NJ Division of Revenue
Business Support Services/Notary Section
PO Box 452
Trenton, New Jersey 08646

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Anchor Rubber Stamp
339 Herbertsville Road
Brick Township, NJ 08724
Ph: (732) 583-6578
Fx: (732) 583-1111
<http://www.anchorstamp.com>

Printers, of Salem County, LLC
38 Market Street
Salem NJ 08079
Phone: 856-935-5032
Fax: 856-935-5036

THE OFFICE OF NOTARY PUBLIC

WHAT IS A NOTARY PUBLIC?

A Notary Public is a public officer who serves as an impartial witness to the signing of documents and to the acknowledgement of signatures on documents. A Notary Public may also administer oaths and affirmations.

A duly appointed New Jersey Notary Public is authorized to perform notary services throughout the State of New Jersey.

WHO APPOINTS NOTARIES, AND WHAT IS THE NOTARY'S COMMISSION PERIOD?

A Notary Public is appointed (commissioned) by the State Treasurer for a five-year period, and is sworn into office by the clerk of the county in which he/she resides. Appointments can be renewed for subsequent five-year periods.

The State Treasurer may remove a Notary Public's commission.

WHAT ARE THE QUALIFICATIONS FOR THE OFFICE ?

Residency

A Notary Public must be a resident of New Jersey or a resident of an adjoining state who maintains, or is regularly employed in, an office in this State.

Age

A Notary Public must be 18 years or older.

Personal Background

The State Treasurer may not appoint any person who has been convicted of a crime under the laws of any state or the United States, for an offense involving dishonesty, or a crime of the first or second degree.

GUIDELINES FOR NOTARY SERVICES

WHAT IS A NOTARY AUTHORIZED TO DO?

New Jersey State law authorizes a duly commissioned and qualified (sworn) Notary to perform the following duties in any county in New Jersey:

- Administer oaths and affirmations
- Take acknowledgments
- Execute jurats for affidavits and other verifications
- Take proofs of deeds
- Execute protests for non-payment or non-acceptance

Oaths and Affirmations

An oath is a spoken pledge, given by a person appearing before the Notary, that his/her attestation or promise is made under an immediate sense of responsibility to a Supreme Being for the truthfulness of a specific statement or statements, or the faithful performance of a specific duty or function.

An affirmation is a solemn declaration without oath. Whenever law requires an oath, an affirmation may be taken instead. This accommodates persons who have conscientious objections against taking an oath.

Notaries may administer oaths and affirmations to public officials and officers of various organizations. They may also administer oaths and affirmations in order to execute jurats for affidavits/verifications, and to swear in witnesses.

Notaries may charge only the statutory fee for administering an oath or affirmation (\$2.50). There is no fee for swearing in a witness in conjunction with an acknowledgment.

Example of an oath administered by a Notary:

"Do you swear that the information presented in this document entitled "ABC", which you have signed before me, is the truth, so help you God?"

Example of an affirmation administered by a Notary:

"Do you solemnly affirm that the information presented in this document entitled "ABC", which you have signed before me, is the truth, and this you affirm under the pains and penalties of perjury?"

For both oaths and affirmations, the signer must answer affirmatively.

The process of administering oaths and affirmations could be formalized by gestures -- e.g., asking the signer to raise his/her hand and/or place his/her hand on a holy book such as the Holy Bible, Old Testament, Koran, etc.

Acknowledgments

An acknowledgment formally documents the following:

- That the signer of a document appeared before the Notary,
- That the Notary positively identified the signer, and
- That the signer both acknowledged the signature as his/hers, and that the signature was made willingly.

A related notary act (the proof) is discussed later in this section.

Requirements for Taking an Acknowledgment

The Notary should:

- Ensure that the signer appears before him/her and presents at least one form of identification (ID) that provides a physical description of the signer-- e.g., driver's license.

Note: Identification documents are not required if: 1) the signer is personally known to the Notary, or 2) a credible witness, known to both the signer and Notary, swears to the identity of the signer.

- Review the document presented for completeness. This is not a formal legal review, such as would be performed by an accountant or an attorney. Rather, it is a review to ensure that there are no blanks in the document. Should blanks be discovered, the signer must either fill them in or strike them out by drawing a line or "X" through them.
- Ensure that the signer understands the title of the document and is signing freely and willingly. By obtaining positive ID and asking brief questions as to the title and basic substance of the document, the Notary can make these determinations.
- Sign, date, and stamp an acknowledgment certificate (see illustrations). The ink stamp should include the date on which the Notary's commission expires. The stamp should be placed next to, but not over, the Notary's signature. (If the Notary does not have an ink stamp, his/her name and commission expiration date must be printed or typed on the certificate as indicated.)
- Make a journal entry. The journal entry provides evidence and an audit trail thereby protecting both the Notary and the general public. Required information includes: 1) date and time of notary act, 2) type of act (i.e., acknowledgment), 3) title of document, 4) date document was signed, 5) signature; printed name and address of each signer, and if applicable, each witness, and 6) form of ID -- e.g. identification document, personal knowledge, or credible witness. *Note:* Journals should be bound to prevent tampering. Journals may be obtained from stationers or professional associations.
- Charge only the statutory fee (\$2.50).

Proofs Of Execution

A proof of execution (proof) is a declaration by a subscribing witness that he/she knows the person who signed the document being presented, and was present for its signing or acknowledgment by the signer. The subscribing witness must sign (subscribe) the same document. A proof is taken when the signer cannot be present. A proof may be taken only when the subscribing witness appears before the Notary. The Notary must personally know the witness. Further, the Notary must administer an oath or affirmation (at no extra fee) to the witness to compel truthfulness. In all other respects, the procedural components of and fee for a proof are the same as for an acknowledgment.

Note: State law indicates that a proof may be taken for a deed. There is no specific guidance with respect to taking a proof for another instrument. Therefore, it would be advisable to limit this particular notary service to deeds.

Jurats

A jurat is a certificate of office or person before whom writing was sworn and is designed to compel truthfulness on the part of the signer. The jurat is completed during the execution of an affidavit or other form of verification and is generally written at the foot of an affidavit stating when, where, and before whom such affidavit was sworn.

The jurat shares several of the basic elements of the acknowledgment. However, there are two additional requirements: 1) the signer must sign the document before the Notary; and 2) the signer must take an oath or affirmation regarding the truthfulness of the statements in the documents.

Requirements for a Jurat

The Notary should perform the following procedures:

- Ensure that the signer appears before him/her, shows at least one form of ID that provides a physical description of the signer-e.g., driver's license, AND signs the document in his/her presence.

Note: Identification documents are not required if: 1) the signer is personally known to the Notary; or 2) a credible witness, known to both the signer and Notary, swears to the identity of the signer.

- Administer an oath/affirmation.
- Sign, date, and stamp a jurat certificate (see illustrations). The ink stamp should include the date on which the Notary's commission expires. The stamp should be placed next to, but not over, the Notary's signature. (If the Notary does not have an ink stamp, his/her name and commission expiration date must be printed or typed on the certificate as indicated.)
- Make a journal entry. The journal entry provides evidence and an audit trail thereby protecting both the Notary and general public. Required information includes: 1) date and time of notary act; 2) type of act (i.e., jurat); 3) title of document; 4) date document was signed; 5) signature, printed name and address of each signer and, if applicable, each witness; and 6) form of ID -- e.g., identification document, personal knowledge, or credit witness. *Note:* Journals should be bound to prevent tampering. Journals may be obtained from stationers or professional associations.
- Charge only the statutory fee (\$2.50).

Protests For Non-Payment/Non-Acceptance

A protest is a formal declaration made by the Notary on behalf of a holder of a bill or note that acceptance or payment of the bill/note has been refused. Protests for non-payment/non-acceptance occur within complex and specialized financial and commercial contexts. Therefore, Notaries are advised to consult the State's Uniform Commercial Code (NJS 12:A) and if applicable, their employers for further technical guidance on providing this particular service.

Requirements for Executing a Protest

To execute a protest, a Notary should note the following:

- Identify the instrument involved (e.g., bill or note).
- Certify that due notice of payment has been made (Presentment).
- Certify that the instrument has been dishonored by non-payment or non-acceptance by individuals authorized to receive and pay/accept.
- Note the individuals to whom presentment was made.
- Record the facts above on a certificate attached to the instrument involved.
- Sign, date, and stamp a certificate. The ink stamp should include the date on which the Notary's commission expires. The stamp should be placed next to, but not over, the Notary's signature. (If the Notary does not have an ink stamp, his/her name and commission expiration date must be printed or typed on the certificate as indicated.)
- Make a journal entry. The journal entry provides evidence and an audit trail thereby protecting both the Notary and general public. Required information includes: 1) date and time of notary act, 2) type of act, 3) title of document, 4) date document was signed, 5) signature, printed name and address of each signer and if applicable, each witness, and 6) form of ID -- e.g., identification document, personal knowledge, or credible witness. *Note:* Journals should be bound to prevent tampering. Journals may be obtained from stationers or professional associations.

PROHIBITIONS AND LIABILITY

WHAT IS A NOTARY PROHIBITED FROM DOING?

- Never pre-date an action. The Notary may never date an action (acknowledgement, jurat, etc.,) prior to the execution (signature) date appearing on the document involved.
- Never lend a journal, stamp, or other personalized Notary equipment to another individual.
- Never prepare a legal document or give advice on legal matters, or matters pertaining to land titles. This includes the preparation of pleadings, affidavits, briefs and any other submissions to the court.
- Never, in the capacity as a Notary Public, appear as a representative of another person in a legal proceeding.
- Never, in the capacity as a Notary Public, act for others in the collection of delinquent bills or claims.

In addition to the general prohibitions above, Notaries should refrain from notarizing documents in which they have a personal interest including documents they have prepared for a fee.

ARE THERE ANY LIABILITIES ASSOCIATED WITH THE OFFICE?

Willful violations such as fraud can lead to the removal of the Notary's commission, and leave the Notary vulnerable to civil and/or criminal legal actions. In the capacity of a Notary, acting as a legal advocate is considered the unauthorized practice of law and will also leave the Notary vulnerable to civil and/or criminal legal actions.

NOTARY FEES

WHAT ARE THE FEES FOR NOTARY SERVICES?

The following are fees that Notaries may charge:

NOTARY SERVICES	FEE
Administering an oath/affirmation	\$2.50/ea
Executing a jurat	\$2.50/ea
Taking proof of a deed (proof of execution)	\$2.50/ea
Taking an acknowledgment	\$2.50/ea

INFORMATION ON MAINTAINING A COMMISSION

WHAT HAPPENS WHEN A NOTARY CHANGES HIS/HER NAME OR ADDRESS?

Name Change Whenever a Notary Public adopts a different name, before notarizing any documents, he/she must notify the State Treasurer and clerk of the county in which he/she resides by submitting a form furnished by the State Treasurer. Change request forms are available online, from the Business Services Customer Information Center, P.O. Box 452, Trenton, NJ 08646 or from the telephone forms line -- (609) 292-9292, option #2 on the voice menu. Address Change The change form referenced above may also be used for address changes. **HOW CAN A NOTARY OBTAIN A DUPLICATE COMMISSION?**

Whenever a Notary Public adopts a different name, before notarizing any documents, he/she must notify the State Treasurer and clerk of the county in which he/she resides by submitting a form furnished by the State Treasurer. Change request forms are available online, from the Business Services Customer Information Center, P.O. Box 452, Trenton, NJ 08646 or from the telephone forms line -- (609) 292-9292, option #2 on the voice menu. Address Change The change form referenced above may also be used for address changes. **HOW CAN A NOTARY OBTAIN A DUPLICATE COMMISSION?**

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HOW CAN A NOTARY OBTAIN A DUPLICATE COMMISSION?

A Notary may request from the State Treasurer, or clerk of the county in which he/she was sworn, copies of his/her commission and qualification certificates for filing in other counties in this State. Upon receipt of the copies, the Notary may present the same along with an autograph copy of his/her signature, to any county clerk in this State for filing.

HOW DO YOU AUTHENTICATE A NOTARY COMMISSION?

The State Treasurer and county clerks may, upon request by any party, attach to any notary action (acknowledgement, jurat, etc.), a certification. Executed under the Treasurer's or county clerk's hand and seal, the certification attests that at the time of the notary action, the Notary was duly commissioned, sworn and residing in this State, and was authorized to take the action.

The State Treasurer may provide certifications relating to any Notary in this State. County clerks may only provide certifications for Notaries who reside in their respective counties, or Notaries who have filed copies of their commission/qualification certificates and autograph signatures.

REFERENCE SOURCES

Following are several reference sources that relate to the office of Notary Public and notary practices in general:

State Law

The laws governing notary practices can be found in Titles 2A, 22A, 46 and 52 of the New Jersey Statutes Annotated (NJS). The New Jersey State Library and county libraries can help locate these titles. They are also available on the Internet at www.njleg.state.nj.us.

Professional Associations

There are various professional associations that provide advice publications and forums for discussing notary practices and issues. Two such associations are listed below.

National Notary Association, 9350 De Soto Ave. Chatsworth, CA 91313-2402
Telephone: 800.876.6827 Web Site: www.nationalnotary.org

American Society of Notaries, P.O. Box 5707, Tallahassee, FL 32314-5707
Telephone: 1.850.671.5164 Web Site: www.asnnotary.org

Books/Guides

The following lists several books and guides that cover notary practices. It is recommended that the Notary consult at least one of these before obtaining a commission. It is further recommended that the Notary visit the library at least once a year to determine whether any new or revised texts on notary practices have been published.

- Faerber, Charles N. Notary Seal and Certificate Verification Manual . National Notary Association, Canoga Park, CA, 1994.
- Identification Standards for Notaries/How Statutory Identification Guidelines Deter Document Fraud. National Notary Association, Canoga Park, CA.
- Kessinger, Roger A. Notary Public Handbook: A State-by-State Guide. Kessinger Publishing Col. Boise, ID, 1990.
- Manual for Notaries Handbook, The New Jersey Notary Law Primer. American Society of Notaries, Tallahassee, FL.
- Piambino, Alfred E. Notary Public Handbook: A Guide for New Jersey . East Coast Publishing, Poughkeepsie, NY, 1991.
- The New Jersey Notary Law Primer. National Notary Association, Canoga Park, CA, 1994.
- The Notary Record Book, How a Journal of Notary Acts Protects the Public. National Notary Association, Canoga Park, CA.
- Wesley, Gilmer. Anderson's Manual for Notaries Public.6th Ed. Anderson Publishing Co. Cincinnati, OH. 1991.

ILLUSTRATIONS

The following illustrations are intended to show the basic elements of two common notary actions -- acknowledgments and jurats, as well as the basic elements for a proof of execution. The illustrations serve AS EXAMPLES ONLY, and are not intended to be comprehensive or exclusive standards.

CERTIFICATE OF ACKNOWLEDGMENT

The following illustration reflects the basic elements of a certificate of acknowledgment. The certificate wording could be incorporated into the document involved, or may be attached to the document as a separate sheet. Language or lines that do not apply to a particular action may be crossed out -- e.g., crossing out the words "Witness(es)" when none appear.

CERTIFICATE OF ACKNOWLEDGMENT	
State of New Jersey)
)ss
County of _____,)
On _____, 20__ before me, _____,	Notary Public in and for
	(Notary's Name)
said county, personally appeared _____,	_____ and
	(Signer/Witness) (Signer/Witness)

(Signer/Witness)	
who has/have satisfactorily identified him/her/themselves as the signer(s) or/witness(es) to the above-referenced document.	
JOHN DOE	
(Affix Notary Stamp Here)	
My Commission Expires 01/03/06	_____
	(Notary Signature) (Date)



Salem County Clerk

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County Clerk

Gilda T. Gill

Extension 8605

Chief of Admin. Services

Kathleen S. Sheffield

Extension 8300

Deputy Clerk

Paul L. Reed

Extension 8208

Requirements for new and renewal Notary Public Application forms requiring a legislator's signature before forwarding to Trenton:

- **ALL** questions, numbered 1 through 7, must be answered.
- Either the *New* or *Renewal* box at top right must be checked.
- **For renewals**, ensure the *Identification*, *Commission Date* and *Expiration Date* boxes beginning at top left are filled in (the state does this if you're using a form it mailed to you. If you are using a form not mailed to you by the state you will need to complete these boxes).
- **If applicable**, fill in *Renewals Only* and/or *Non-residents Only* sections at bottom.
- Enclose check for \$25, payable to *N.J. State Treasurer*.
- Send the completed form, stamped envelope and check to the following address for a legislator's signature and forwarding to Trenton:

Third Legislative Dist. Office
199 E Broadway, Suite G
Salem NJ 08079

(856-339-0808)

Non-compliance will require returning the form to applicants for completion before a Legislator signs it.

Identification Number	Commission Date	Expiration Date	<input type="checkbox"/> New <input type="checkbox"/> Renewal
DEPARTMENT OF THE TREASURY DIVISION OF REVENUE NOTARY PUBLIC APPLICATION PHONE (609) 292-9292		8) Your County of Residence	9) Your Date of Birth
Important: Please read instructions on reverse side. Renewal and new applicants must answer every question (1-11). Complete all items on this form and have it signed by a State legislator.			
1) Have you ever been convicted of a crime? <input type="checkbox"/> yes <input type="checkbox"/> no (If yes, enclose a statement of details)			
2) Have you ever been a Notary Public in New Jersey <input type="checkbox"/> yes <input type="checkbox"/> no			
3) Expiration Date of Your Current Commission (If Applicable) _____ If yes, under the name of _____ Current Commission Number _____			
4) Has Your Commission Ever Been Denied, Suspended or Revoked? <input type="checkbox"/> yes <input type="checkbox"/> no (If yes, enclose a statement of details)			
5) Set forth your occupation.			
6) Signature of Applicant			
7) Date			
Renewals Only		Non-Residents Only	
Please list below any changes since your previous appointment as a Notary			
Business Name		Please list New Jersey Business Name and Address	
Street Address			
City	State	City	Zip
City		State	
City		Zip	

10) Signature of Legislator _____

 11) District _____

***APPLICATION INSTRUCTIONS AND BACKGROUND
ON THE
OFFICE OF NOTARY PUBLIC***

APPLICATION INSTRUCTIONS

Following is a play-script that describes the process and provides instructions for applying and obtaining both new and renewed Notary Public commissions (appointments).

Play-script for Application Process

1. Applicant
 - a. Obtains a Notary application form from the county clerk or Office of the State Treasurer.

**Under normal operating conditions, the State sends out a renewal package three months prior to the commission expiration date. If renewal packages are not received in this time frame, applicants are responsible for requesting packages via one of the alternatives listed above.
2. Applicant
 - a. Completes the application form in strict accordance with the instructions listed on the form.
 - b. As part of completing the form, obtains endorsement of a member of the Legislature.
 - c. Sends the completed/endorsed form with a check for the filing fee of \$25.00 to: Notary Public Section, PO Box 452, Trenton, N.J. 08646. The check is to be made payable to: Treasurer, State of New Jersey.
 - d. Non-resident applicants must also file an affidavit with the Treasurer setting forth their residence and address of the office or place of employment in New Jersey. The affidavit should be submitted with the application form to the Notary Section.
3. Notary Public and Fee Section
 - Reviews the application form for completeness and fee and:
 - Accepts it and returns a Notary Public Commission Certificate and Oath Qualification Certificate to the applicant; or
 - Rejects it and returns the form with rejection notice to applicant for correction and resubmission.
4. Applicant
 - a. Takes the Commission Certificate and Oath Qualification Certificate to the County Clerk of the county in which he/she resides, within three (3) months of the date listed on the commission certificate.

**Remember that failure to meet the 3-month time limit will result in the cancellation of the appointment, and the filing fee will be non-refundable.
5. County Clerk
 - a. Administers an oath to the applicant.
 - b. Collects a filing fee per the clerk's statutory fee schedule.
 - c. Returns the Qualification Certificate to the Notary Section, thereby completing the application process.

**The Notary Public Section maintains a computer database of all Notary commissions, and will enter the "sworn date" from the Qualification Certificate to insure that the public record reflects the official date of the Notary's appointment.

BACKGROUND ON OFFICE OF NOTARY PUBLIC

A Notary Public is a public officer who is empowered to:

- Administer oaths/affirmations;
- Take acknowledgments;
- Execute jurats;
- Take proofs of deeds; and
- Execute protests for non-payment or non-acceptance.

A Notary Public who is duly commissioned and qualified is authorized to perform these services throughout the State of New Jersey.

APPOINTMENT

A Notary Public is appointed for a five-year period. The appointment can be renewed for subsequent five-year periods.

A Notary Public can be removed from office at the pleasure of the Treasurer's Office.

PREREQUISITES FOR THE OFFICE

Following are the prerequisites for qualifying for a Notary Public commission.

Residency A Notary Public must be a resident of New Jersey or a resident of an adjoining state who maintains, or is regularly employed in, an office in this State.

Age A Notary Public must be 18 years or older.

Background The State Treasurer may not appoint any person who has been convicted of a crime under the laws of any state or the United States, for an offense involving dishonesty, or a crime of the first or second degree.

