

NV3 - Types of Notarial Acts

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Hello and welcome to the Texas Secretary of State's Notary Public Training video series.

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In this lesson, you will learn about the different types of notarial acts a Texas notary public may perform.

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We will cover the most common types of notarial acts, which include acknowledgments, Jurats, and certifications.

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We will also review how to perform these important types of notarizations and other important topics you should know as a Texas notary public.

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Let's begin by discovering what an acknowledgement is.

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An acknowledgement is one of the two most common types of notarizations A notary may be asked to perform.

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Acknowledgement certified that a signing party appeared before the notary and indicated that they executed the document for the reasons listed therein.

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An acknowledgement is a formal declaration before an authorized official, such as a notary public, where the signer of the document confirms that their signature is authentic.

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Another important purpose of an acknowledgement is for the notary to verify that the signer willingly signed the document.

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Although the signer is permitted to bring a document they have already signed, they must still physically appear before the notary at the time of notarization and prove their identity through a valid method of identification.

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The signer does not have to be put under oath, but must specifically declare they have signed the document willingly and for its intended purpose.

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Let's walk through the steps you should follow when performing an acknowledgement.

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One, the signer must physically be present before you.

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2 You must identify the signer through a federal or state issued identification card or personally know them.

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Three, the signer must sign the document if it is not already signed.

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4 you should ask, do you acknowledge that you have signed this document for the purposes stated in the document?

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5 The signer responds affirmatively by saying yes or I too.

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Six You record the notarization in your notary record book and complete the notarial certificate with your signature and seal.

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Now that you have an understanding of what an acknowledgement is, let's discuss the other most common type of notarial act.

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A jurat is the second most common type of notarization A notary will be asked to perform.

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Durants are certifications added to an affidavit or document stating that a certain individual signed the document on a particular date and confirmed under oath that the information contained in the document is true.

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The purpose of a durat is for the signer to swear to or affirm the truth of the document to an authorized official.

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As with all notarizations, the signer must appear before the notary for a durat.

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However, acknowledgments and jurits differ as to when the document can be signed with an acknowledgement.

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The signing party is allowed to sign the document outside the notary's presence, then come before the notary to acknowledge they signed the document.

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Jurits must be sworn to and signed in the presence of the notary.

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You should not notarize a document if the signer does not sign the document in your presence.

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An oath is a promise made under penalty of perjury that the content of the document is true.

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Once an oath has been sworn to before the official, the signer will then apply their signature to the document.

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It is critical to verbally place the signer under oath when performing a notarization for a durat.

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For a durat, the document may not be signed before appearing before you or before the oath is administered.

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Let's walk through the steps you should follow when performing a jurat notarization.

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To complete a jurat, the signer must physically be present before you and you must identify the signer or credible witness through a federal or state issued identification card or personally know them.

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While requiring the signer to raise their right hand, you must administer an oath asking do you swear or affirm that the statements in this document are true to the best of your knowledge?

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The signer responds affirmatively with yes or I do.

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A gesture such as a nod is not acceptable.

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The signer must sign the document in your presence and you must record the notarization in your record book and complete the notarial certificate on the document.

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A notary is authorized to make certified copies of certain documents.

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When a notary makes a certified copy, they confirm that they have personally made the copy of the original document and the copy is unaltered.

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When making a certified copy of a document, you must complete a true and correct notarial certificate describing the document that was copied.

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You may only make certified copies of non recordable documents.

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A non recordable document is one that has not been, nor will ever be recorded with any type of governmental entity.

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For instance, a letter is not recorded with a governmental entity, but there are times the sender of the letter would like to obtain a certified copy of that letter for his or her records.

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On the other hand, a birth certificate is recorded with a governmental entity and is therefore a recordable document.

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Thus, A notary may not make a certified copy of that record.

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Some common examples of documents a notary may make certified copies of are agreements between parties, letters or affidavits, personal documents such as photos or certificates of completing a course, school diplomas, forms or applications, contracts for leases or companies, invoices or receipts, or your notary record book.

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Please note a notary may make certified copies of many other types of non recordable documents.

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Common examples of recordable documents that a notary may not make certified copies of are military records, probated wills, driver's licenses, marriage licenses, school records or transcripts, divorce decrees, deeds or mortgages, birth or death certificates, marriage applications, name change applications or court filings, certificates of naturalization or certificates of title.

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Please remember there are many other types of recordable documents you cannot make certified copies of.

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If you are unsure if a document is recorded, you should refer the person presenting the document to an attorney to seek advice.

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As stated previously, you can make certified copies of your own record book.

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Entries in a Notary record are public information.

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Notaries Public are required to provide, after receiving a written request and payment of all fees, a certified copy of any record of an official act in the Notaries Record Book.

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You must provide the certified copy no later than 10 business days from the date the fees are received.

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If you cannot provide the copy within 10 days, you must respond in writing to the person requesting the copies with a date and hour within a reasonable time when the certified copy will be provided.

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Unlike all other notarial acts, you as the notary may select the notarial certificate when providing a certified copy of your notary record book to the public.

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That notarial certificate you choose must be a true and accurate reflection of the certification.

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If the notary record book has been lost, stolen or destroyed, you must inform the requester before the 10th business day from the date the request was received.

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A best practice is to make a note in your record book that a request for copies was made, but you are unable to provide them.

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If you have inadvertently included personally identifiable information in your record book contrary to notary rules, you must redact that personal information prior to releasing it.

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Thank you for watching the Texas Secretary of State's notary public training video, Types of Notarial Acts.

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We hope you learned about Texas Notaries Public and invite you to continue your notary education by watching more of our educational videos on our Texas Secretary of State's website.