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Office Notary

To those that have a notary in the office, does your notary keep a register of their notarial acts, or do they simply stamp and sign? While a register is required by law in my state, most notaries don't keep one. I've just gotten wind of an attorney in our area that has had success getting his client out of a jam after discovering that the secretary who notarized the all-important document had no register, and really didn't know if she had notarized the document or not. Has anyone run across something similar?

Mark Lyon, Law Clerk, Florence, Mississippi

First, if the law requires a notary to keep a record that would seem to end the conversation.

But to respond to your inquiry, I saw an instance where the record made a significant difference. Our notaries keep them and the record books are owned by the firm. I don't care if a departing employee takes his or her seal.

Deb Matthews, Virginia

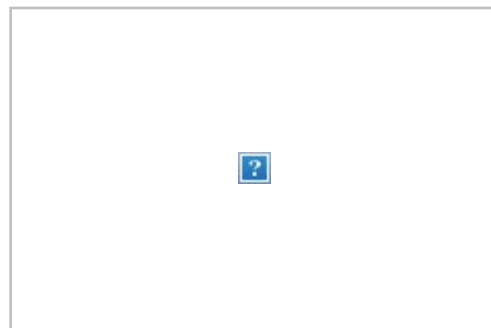
Discrediting document through failure to follow notarial practices is a proven fact pattern here. Like every claim, facts and circumstances have to be in place to support.

If there is a law that books be kept, then keep the books. Simple enough, and won't get you in trouble. Many people are way too relaxed about notary issues. Here they are bonded and one can recover on bond. Bonding company then sues notary. Notary has more at stake than what many believe.

Darrell G. Stewart, San Antonio, Texas

1. The whole POINT of a notary is to be able to rely upon her book/register in a court of law, and to rely upon the stamp/seal as an indicator that her book/register has been signed. Relying upon her *memory* is a waste of time and breath (and, if she dies or disappears, is impossible).

2. The whole POINT of a book/register is to create a business record. If the notary regularly notarizes docs without contemporaneously having the book signed, the book fails as a business record. PERIOD. Here in Texas,



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sloppy notarial practices creates a situation where probably 85-95% of all notary books are subject to attack.

3. Probably 50% of the stamped documents are ALSO subject to attack (at least), as the notaries do not properly control their stamp/seal. I don't know about outside Texas, but that's my observation here in Texas.

4. A notary who fails to control their book and properly complete their book completely obviates the purpose of the book. Ditto failure to control the stamp/seal. Any halfway competent first-year trial attorney could rip most "notarized" documents in this county. The fact that they don't more often says more about the quality of our trial attorneys than the quality of the notary. Also, I suppose, the actual need for such an attack is not great, or it would happen more often.

5. I will not use a notary that I have not personally trained, unless said notary is from a bank, some title companies, or another institution that trains their notaries and makes sure the books/stamps are properly controlled. ONE failure to document a signature in the book could doom the book/register (and therefore my client's need for signature if challenged). I prefer to use my own notary. I also strongly endorse sending the register in when it is full (a lost book is useless to all the signatories).

6. Attorney's notaries are some of the worst offenders, and attorneys encourage this behavior. How many times have you told *your* notary to "just stamp it and I'll sign the book later"? If you have done it even once, the book is compromised as a business record. Especially if you did not then sign the book (common here in Texas).

Becki Fahle, San Antonio, Texas

I sat for the notary public exam the day after I found out I passed the bar exam. (The 30-question multiple choice exam was a breeze when compared with the MBEs!) Being a notary public as well as an attorney comes in handy since I do estate planning. I'm fastidious about following notarial procedures, including keeping the journal and safely housing it and the stamp, as required by California law.

Susan Ashabraner, Fullerton, California

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