

LOGISTICS OF DOCUMENT EXECUTION

I have a basic question (and I feel silly asking): How does a solo attorney with no assistant arrange to have a notary and witnesses at an execution?

Thanks in advance.

There is a local realtor with whom I have had a professional relationship for many years. The local realtor employs a clerk who is a notary. I have used her for many years for notarizations of all sorts.

I met my clients at the realtor's office with papers in hand, and the notary does her thing; my wills require three witnesses-myself, the notary, and the realtor if she is there, or anyone else we can grab.

I pay the notary, her boss my friendly realtor allows her to keep the notary fees for herself, and they usually run \$50 to \$60 per signing ceremony.

In a pinch I will use a traveling notary, or the notary at MailBox USA.

Lynn Sherrell, California

I am a notary, so that takes care of what is probably the most difficult to find of one notary and two witnesses.

I suggest doing will signings at client's house and suggest they ask neighbors/friends. This has the added bonus of meeting new potential clients.

Lots of my kid's friends (and my friend's kids) are college students over 18 or 21 looking for some extra money, if they are in the neighborhood I can get them fairly inexpensively, maybe \$25/witness. Or I offer to some of my more homebound clients the opportunity to pay for me to bring witnesses. That usually runs \$50/witness depending on how distant they are from my office.

It is always fairly annoying coordinating schedules.

Ellen Victor, New York

I don't think notaries in Ohio are allowed to charge \$50 or \$60.

As for paying witnesses...I can understand the need to ensure they show up, but does that weaken your case if you have to defend a challenge to the will?

D.N. Truman, Ohio

Notaries can charge the statutory rate for the actual official act, but they are often paid for their time and trouble when they must travel to notarize documents.

Roger Traversa, Pennsylvania

As I mentioned, I'm a notary so I haven't had to think about paying a notary, but I was quite grateful when I needed one for my Florida mother that I found a mobile notary to notarize her signature when she was home-bound. And happy to pay the fee, which I found quite reasonable, also around \$50.

I would appreciate it if anyone would correct me, but in a larger law office, the assistants/paralegals are often called upon to witness wills. I suspect they are being paid to do so, even though it is in salary. So, I'm not sure if there is any difference in paying someone to be a witness. Plus there are those fabulous self-proving affidavits at the end of the wills so hopefully they never get bothered about challenges.

Ellen Victor

In my experience, you are right. Paralegals and secretaries are witnesses for both wills and trusts.

Michael A. Gort, Florida

Make friends with very close by businesses.

A couple of times I called my parents to be witnesses (it gave them something productive to do).

I don't worry with it anymore as I have foresworn the will/living trust,

etc., biz forever.

Barry Kaufman, Florida

I tracked down a local notary when I first opened up, made friends, and we set the client's appointment on an evening or Saturday that works for both of our schedules. If it has to be done midday, the client and I drive down the street to another local notary who has her own office. I made a point to make myself known there, so the client sees the comfortable familiarity and doesn't give the situation a second thought.

Kim Lengert, Pennsylvania
