

# The Notary news



The North Carolina Department of  
The Secretary of State, Elaine F. Marshall

STAY SAFE + HEALTHY,  
NC NOTARIES!



## NC Notaries

WE EXERCISE OUR RIGHT

**TO VOTE**



VIDEO

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## Notarization Explained in Eight Simple Steps

In May, we started the series detailing the Eight Simple Steps to Notarize a Document. Our notaries are asking great questions on social media and through our email account, so we decided to step back and go through the Eight Simple Steps you need to complete for your notarial act. We will address them one at a time in each newsletter.

We have looked at *Require the Personal Appearance of the Principal Signer(s) of the Document*, *Positively Identify the Principal Signer(s) of the Document*, *Verify the Signature on the Document*, and *Take the Acknowledgement or Administer the Oath or Affirmation*.

This month tackles the **Fifth Step**:

*Step 5: Complete The Journal Entry*

Wow. One of the most popular questions that you all ask us via email and in the Facebook group is "Are we required to keep a journal?". And we are more than happy to keep answering this question.

This question is answered in G.S.10B-2(1)(3) which states that the Notary Act's underlying purpose is "to promote, serve and protect the public's interest" and "to prevent fraud and forgery". And G.S. 10B-60(f) states, "Any person who without authority obtains, uses, conceals, defaces, or destroys the seal or notarial records of a notary is guilty of a Class I felony."

What this means is that notaries have a statutory duty to protect the public from fraud and forgery and those who fail to keep notarial records (which are protected by a Class I felony), fail to provide the level of protection that the



notary law has always envisioned.

In order to perform your role as a commissioned notary in our state, we want to make sure you are well-equipped to do your job.

Let's review what the NC General Statute says: G.S.10B-2(1)(3) states that the Notary Act's underlying purpose is "to promote, serve and protect the public's interest" and "to prevent fraud and forgery."

One key way to fulfill this important notary law is for notaries to keep a written journal. Every North Carolina notary needs to keep a written chronological journal record of every notarial act to protect themselves, the public and the integrity of each and every transaction.

Also, if you find yourself in a situation where law enforcement or the judicial system is investigating your notary transaction, you will have written proof that can serve as evidence.

Here are the items you need to record in your journal:

- the date and time of the transaction
- the name(s) and signature(s) of the signer(s)
- the type of identification used to positively identify the signer(s)
- the type of document notarized
- the type of notarization that was performed

Please do not record the signer's credit card and social security numbers in your journal. You may, however, record their driver's license number. Be sure to keep your journal secure. Also, keep your journals for at least 10 years after your commission expires.

Finally, when performing an Emergency Video Notarization (EVN), notaries are also required to record additional information in the journal, including: the type of video conferencing technology that was used during the transaction; the names of others who were in the room with the signer; whether the notary and signer could hear and see each other in real time during the transaction; and the county where the signer and notary were during the transaction.

The EVN journal must be retained for 10 years and may be maintained in electronic form.

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If you have additional questions about this topic or other notary subject matters, our office is always available to answer them. Reach out to us at [notary@sosnc.gov](mailto:notary@sosnc.gov)



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## Fast Five Q &A

***Q: From our Facebook group: Can we as notaries in NC notarize the closing of a property?***

The answer is yes. Notaries may notarize documents related to a closing but must steer clear of answering questions related to the transaction or providing any advice which could result in the Unauthorized Practice of Law (UPL).

Remember, if the signer has any questions about the closing, they must direct them to the attorney.

***Q: Another North Carolina notary asked on our Facebook group: I have been asked to notarize a vehicle title. Do I charge both the buyer and the seller a \$5 fee for their signatures?***

Great question. Great question. On the most recent titles you are only notarizing the seller's signature – not the buyer's signature – so you will be charging the fee for the seller. If there are two sellers listed on the title, you will charge \$10.

It is possible to be presented with an older title where both the buyer and the seller are required to appear before the notary at the same time. In such a situation, you might be required to notarize both signatures. Your fees are determined by the number of signatures you are notarizing. You may charge a maximum of \$5 per signature

***Q: Another question via email: I was asked to notarize a certificate written in French. Am I allowed to do this?***

Another great question. The answer is no. North Carolina notaries are prohibited from completing notarial certificates written in any foreign language.

The document may be written in a foreign language but the notary certificate must always be in the English language.

***Q: Another North Carolina notary asked on our Facebook group: If***



***someone wants me to notarize four copies of their will, do I need to notarize four original copies individually, or can they make copies of one with my signature? I think the answer is yes.***

It is beyond the scope of our office to determine whether a copy of an originally executed will is satisfactory.

An attorney should be consulted for questions about wills. What we can say is that notaries must notarize an original signature and there are no limits on how many identical documents a notary can notarize as long as they each have an original signature.

Obviously the signer could photocopy a notarized will, but he or she may need multiple original wills based on what they will be used for. Again, an attorney should be consulted for questions about wills.

***Q: Another question via email: How long am I allowed to be a notary?***

The commission term for a North Carolina notary public is five years. The date becomes effective once you take your notary oath of office at the register of deeds office in the county in which you are commissioned.

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Do you have a question that you'd like for us to answer for the **Fast Five**? Please send in your tips, practice ideas, and questions for us at [notarynews@sosnc.gov](mailto:notarynews@sosnc.gov).



## COVID-19 + Notaries

### **Sunset for Emergency Video Notarizations Has Been Extended:**

The sunset date for conducting emergency video notarizations is now March 1, 2021.

### **Notary Oath Extensions:**

Notaries still have 90 days to take their oaths at the Register of Deeds Office in their county of residence. This length of time was extended from the traditional 45 days that notaries typically have to appear before the Register of Deeds. The 90 day period starts on the issue date found at the top of the oath notification letter that you receive from our office. The 90-day extension deadline is also March 1, 2021.

### **Register of Deeds Offices:**

Notaries must contact the Register of Deeds Office in their county of residence about their hours of operation during the coronavirus pandemic. Some of these offices are accepting walk-ins while others are requiring appointments.

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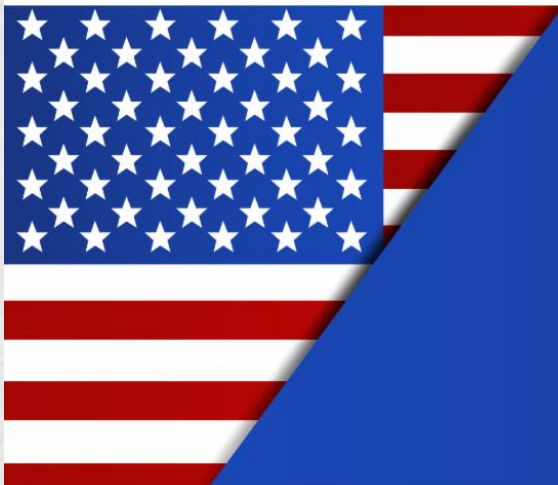
## NC Notary Facebook Group

Have you joined our notary Facebook group *The North Carolina Notary Network* yet?

Well, what are you waiting for? More than 6,390 notaries around the state are in the group. If you haven't joined yet, click the link and come on in!

The purpose of the group is to connect NC notaries as well as give notaries an opportunity to share information, tips and ideas with one another.

Click [here](#) to join today!



# VOTE

03. November 2020

***"How much do you know about elections?" .  
We found this neat little quiz from AARP and  
wanted to test your election knowledge.***

**Why do we vote on a Tuesday in early November?**

- To ensure the election occurs before Thanksgiving
- To ensure that voters can take their summer vacations
- To ensure that farmers could vote

**What was the first year women across the United States were allowed to vote?**

- 1918
- 1925
- 1920

**Which of these age groups vote the most?**

- 18- to 29-year-olds
- 30- to 44-year-olds
- 45- to 64-year-olds
- 65 years and older

**When was the voting age lowered from 21 to 18?**

- 1952
- 1971
- 1983

**Send your best guesses to [notarynews@sosnc.gov](mailto:notarynews@sosnc.gov).  
We will reveal the correct answers in the next newsletter.**

