

March 1999

Greetings Florida Notaries!

This month our notary education will center on two important topics:

1. handling a discrepancy between the signer's name on the document and his/her identification, and
2. notarizing a signature when the notarial certificate is isolated from the document text.

NAME PROBLEMS

When the signer's name on the document or his/her signature does not agree with the identification presented, there exists a potential for a mistake in the notarization or even for fraud. For example, Mary P. Smith appears before you to execute a document and presents her identification as Mary Jane Smith. Are they the same person?

In most cases, there is a logical reason for a discrepancy in the signer's name. Here, the signer could have recently changed her name due to marriage and not yet updated her identification; or perhaps she has changed her name and ID, but the document requires that she sign in her former name. Whatever the case, identification is crucial to a correct and reliable notarization. As the Notary, you should proceed cautiously to protect yourself and the public whom you serve. Here are some suggestions:

1. Call the discrepancy to the signer's attention. Let him/her know that you are required by law to satisfy the identification requirements.
2. Examine the identification closely and compare the photo and signature. Ask the person for another form of identification or supporting documentation to link the two names, such as a birth certificate, marriage license, or credit card.
3. If you are satisfied that the person is who he/she claims to be, ask the signer to sign the document using both names. For example, this person could sign, Mary P. Smith a/k/a Mary Jane Smith. A/k/a means "also known as." The signer could also use the notations, f/k/a or n/k/a, "formerly known as" or "now known as," as appropriate.
4. When stating the specific type of identification in the notarial certificate, remember that you may not rely solely on a birth certificate, marriage license, or credit card, but must accept only one of the forms of identification required by the notary law and then state that type of ID in the notarial certificate. The other forms of identification are used merely to satisfy you and substantiate the acceptable type of identification presented. We also suggest that you be very specific about the ID. For example, the body of your notarial certificate may read, "State of Florida, County of _____. The foregoing instrument was acknowledged before me this 1st day of March 1999, by Mary P. Smith a/k/a Mary Jane Smith, who presented a Florida driver's license in the name, Mary Jane Smith, No. 123-45-678-9, DOB 5/20/1969, EXP 5/20/2003."
5. If you keep a journal or a record of your notarial acts, be sure to record information about the identity problem.
6. If the signer cannot provide sufficient proof of identity to you, do not notarize. You may suggest that the person go to a Notary who personally knows him/her, or ask the person to obtain identification in the correct name or substantiating documentation, and then return at a later time to execute the document. Be sure to record any refusal in your journal.

One last word of caution. Watch out for initials. The document name and the identification name should agree, or the person must provide additional proof of his/her identity.

ISOLATED NOTARIAL CERTIFICATES

A document that is prepared with the notarial certificate separated from the text and the

signature line may be open to tampering. If you are typing a document for notarization and or have input before the document is typed, you may be able to prevent this problem. Make sure that at least two lines of text, the signature line, and the notarial certificate are on the same page. If it's impossible to prevent an isolated notarial certificate, follow these recommendations for the notarization.

1. Make a notation on the document near or below the signature of the signer that the notarial certificate is attached.
2. In the notarial certificate, name the document and the signer to which the notarial certificate applies, i.e., "a Power of Attorney for John Brown naming Nancy Smith as his attorney-in-fact to sell his 1992 Toyota truck." Be specific so that this notarial certificate could not be attached to another document.
3. Complete the notarial certificate and affix your notary seal. Then, make a second impression of your notary seal with half the seal on the notarization page and half on the previous page. Or, if you have a metal embosser seal, you can impress all or several pages together. Later, if there is an allegation of document tampering, this simple safeguard may be the determining factor of the validity of the claim.

If you are asked by the signer to add a particular notarial certificate to a document, you should type or write the certificate directly onto the document, if possible. Putting the notarial certificate on the back of the signature page is preferable to attaching a separate notarial certificate.

NEW MARRIAGE BOOKLET AVAILABLE

For any of you who need information about solemnizing marriage, please request a copy of the updated booklet, *Performing Marriage Ceremonies: A Guide for Notaries Public*, from our office. Be sure to include your name and mailing address in your request.

NEW WEB ADDRESS FOR ONLINE EDUCATIONAL MATERIALS

The Executive Office of the Governor has a new look for its website. Check it out at:

<http://www.state.fl.us/eog>

The Governor's Notary Section offers online assistance to Notaries Public. Visit our website at our new address:

http://www.state.fl.us/eog/notary_educate/index.html

Until next month . . .

If you would like to receive this electronic newsletter please e-mail me, [Linda Adams](#)
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