



AMERICAN SOCIETY OF NOTARIES

Don't Notarize Your Own Signature

Most states' statutes explicitly ban notarizing your own signature. Even in the absence of an explicit statutory ban, notarizing your own signature so grossly violates proper notarial practice that it's universally condemned as a cardinal sin. A nice notary like you would never do such a thing, right?

You wouldn't—not on purpose. But even the best-intentioned notaries are tripped by their weak grasp of certificate language and badly composed documents. Every day, notaries encounter documents that were prepared by non-notaries who know nothing of proper certificate wording or its purpose. The certificate may call for an oath, for example, but have acknowledgment language farther down.

Badly constructed documents might have a space for the notary's name at the top of the certificate as affiant, for example, with pre-printed information and blanks in the middle of the certificate to be filled in as the affidavit. Then, way down at the bottom, it's clear the document preparer intended that the affiant's signature be notarized—the problem is, the affiant *is* the notary.

In such cases, the document preparer usually doesn't realize that notarization involves the notary administering an oath or affirmation or taking an acknowledgment, and cannot perform these acts for himself/herself. Unfortunately, there are notaries who, in a moment of bad judgment, will complete, sign and seal such a document and thereby notarize their own signature.

(The only proper solution would be for the affiant-notary to find *another* notary to administer the verbal ceremony to the affiant-notary. The second notary would complete the notarial certificate, sign, and affix his/her seal.)

Another potentially dangerous scenario for self-notarization has the notary signing as one of two witnesses to a transaction. It is actually a common practice in some states, particularly with real estate transactions, for the notary to also witness the document signing. The title clerk, for example, may be a notary and may sign all the documents as one of the witnesses.

To sign as the notary and a witness on the same document, you must first ensure that the witnesses' signatures do not require notarization. That means, do the witnesses need to make an acknowledgment or take an oath? Check the notarial certificate to see if it gives you an indication. Most documents require only the person executing the document to have his or her signature notarized. A good example of a document that requires the witnesses' signatures to be notarized is a self-proving affidavit on a will.

The lessons here are clear: Be **sure** you fully understand the format and purpose of notarial certificate language. If the desired notarial act is clearly known, be prepared to amend improperly worded certificates. **Never** yield to anyone pressuring you to sign and seal a document for which you provided the facts and that you signed. •