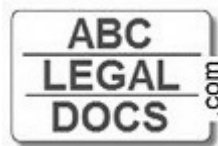


# **Advanced Notary Topics for Pikes Peak Paralegals**

**October 22, 2016**

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**Disclaimer: This class seeks to provide useful, accurate and timely information. The instructor is not an attorney and does not render legal advice. Laws, rules and regulations are subject to change. User agrees to assume all risks and accept responsibility for verifying that all information is current and correct before use and shall seek a competent attorney for legal advice.**

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## Citations on Notarizing an Affidavit June 13, 2016

Colorado Law, Legal Terms, Notary Law

### AFFIDAVIT PROCEDURE

If the notarized document is an Affidavit, or if the heading or preamble states that the signer, affiant or deponent is making a statement under oath, before God, affirmation, penalty of perjury, duly sworn, sworn statement, deposes or says, but there is no jurat attached:

the notary may place the signer under oath or affirmation, may ask for signer's approval to line through the acknowledgment and replace it with jurat wording, or

may request written instructions if the signer requires an acknowledgment, or

may decline to notarize the document if it contains an acknowledgment.

If the affidavit contains a split jurat certificate, with the venue (state and county) at the top, the notary completes the venue and any preamble or introductory statement regarding the signer being duly sworn, including the signer's name.

### CITATIONS REGARDING NOTARIZING AN AFFIDAVIT

Listed below are some citations from Colorado and other states regarding the proper notary procedure for notarizing an affidavit.

1. Where an affidavit is called for, an acknowledgment will not suffice." (Pina v. Simon-Pina 544 So. 2d 1161)

2. Archie's [\*\*3] motion merely contains a certificate by a notary public that "the foregoing instrument was acknowledged before me this 22nd day of March, 1994, by Antonio Archie, who is personally known to his attorney and who did take an oath." An "acknowledgment," even under oath, is nothing more than a confirmation by Archie that the signature is genuine. It is not equivalent to swearing under oath that the facts alleged are true and correct." (Archie v. State 660 So. 2d 348)

3. The notary public may not take an acknowledgment of execution in lieu of an oath, if an oath is required. (Florida Statute F.S. 117.03, Administration of Oaths)

4. An affidavit without a notary's seal is not properly notarized and therefore, is defective. Venable v. State, 113 S.W.3d 797, 800 (Tex. App.- Beaumont 2003, pet. ref'd)

5. A valid affidavit must include "a certificate by a competent officer that the writing was sworn to by the person who signed it," known as a jurat. Acme Brick v. Temple Associates, Inc., 816 S.W. 2d 440, 441 (Tex. App – Waco 1991, writ denied)

6. A document bearing a simple "acknowledgment" is not an affidavit. An acknowledgment is merely an admission that the parties signed the document in question, and does not prove the document contains true and correct Id. factual statements. Perkins v. Crittendon, 462 S.W. 2d at 567-568.

7. A document bearing a notary's attestation that "certifies" that the person who signed the document stated that it is true and correct is defective because it lacks the requisite swearing or affirmation. State v. LeBlanc, Inc., 399 S.W. 2d 919, 922 (Tex. Civ. App. – Houston 1966, no writ)

8. Notary failed to verify identity and failed to place expert witness under oath for a jurat on an affidavit of merit for a medical malpractice lawsuit. Affidavit was rejected by Court of Appeals as being defective and not considered an affidavit at all because it contained a false jurat and was not properly notarized. Glancy v Steinberg, 2003 WL 21465239 N.W.2d-MI

9. Colorado Supreme Court ruled that a petition that was circulated for signatures was invalid because it contained a defective affidavit, lacking the required wording that the circulator has "read and understands the laws governing the circulation of petitions". Loonan v. Woodley, 882 P.2d 1380 (Colo. 1994)

### COLORADO LAW FOR NOTARIZING AN AFFIDAVIT

10. CRS 12-55-110 (1) Every notary public is empowered to:

(a) Take acknowledgments and other unsworn statements  
(d) Take depositions, affidavits, verifications, and other sworn testimony or statements.

11. CRS 12-55-119 If an oath or affirmation is administered by a notary in writing, a jurat certificate must be used, stating that the statements were made before the notary, under oath or affirmation.

12. CRS 12-55-207 An acknowledgment certificate indicates that the signer appeared before the notary, acknowledged their signature, and executed the instrument for the purposes therein stated. (No sworn statement is made before the notary.)

13. CRS 18-8-503. Perjury in the second degree.

(1) A person commits perjury in the second degree if, other than in an official proceeding, with an intent to mislead a public servant in the performance of his duty, he makes a materially false statement, which he does not believe to be true, under an oath required or authorized by law.

(2) Perjury in the second degree is a class 1 misdemeanor.

14. To make a valid oath, for the falsity of which perjury will lie, there must be in some form, in the presence of an officer authorized to administer it, an unequivocal and present act by which the affiant consciously takes upon himself the obligation of an oath. Rogers v. People, 161 Colo. 317, 422 P.2d 377 (1966).

15. No presumption of oath-taking is held to apply where the notary's testimony was equivocal on the issue of whether the oath was taken. Rogers v. People, 161 Colo. 317, 422 P.2d 377 (1966). [perjury conviction overturned where notary probably did not administer oath]

### COLORADO SECRETARY OF STATE AFFIDAVIT DEFINITION

16. Colorado Notary Law Monograph, Michael L. Shea, JD, pg 10, Notarial Duties: Based on Rogers v. People (1966), the Colorado

Supreme Court expects a notary to administer an oath or affirmation where the principal “swears” to the truthfulness of the statement.

17. Colorado Notary Handbook, Definitions:

**Affidavit**– A written declaration made under oath or affirmation before a notary public or other authorized officer, in which the signer swears or affirms that the statements or declarations in the document are true.

**COLORADO NOTARY LAW PRIMER**

18. Colorado Notary Law Primer, 3rd ed., National Notary Association (NNA)

pg. 29, Depositions and Affidavits: An affidavit is a signed statement made under oath or affirmation by a person called an affiant, and it is used for a variety of purposes, both in and out of court. For both a deposition and an affidavit, the Notary must administer an oath or affirmation and complete some form of jurat, which the Notary signs and seals.

pg. 30, In an affidavit, the Notary’s certificate typically sandwiches the affiant’s signed statement, with the venue and affiant’s name at the top of the document and the jurat wording at the end. The Notary is responsible for the venue, affiant’s name, and any notarial text at the beginning and end of the affidavit. The affiant is responsible for the signed statement in the middle.

pg. 30, Depositions and affidavits require jurat certificates.

pg. 31, A jurat requires the principal to take an oath or affirmation.

**COLORADO RULES OF CIVIL PROCEDURE**

19. Colorado Rules of Civil Procedure (CRCP) Rule 108

**Affidavits**– An affidavit may be sworn to either within or without this state before any officer authorized by law to take and certify the acknowledgment of deeds conveying lands.

**Cross references:** For officers authorized to take acknowledgments of deeds, see § 24-12-104, 24-12-105, and 38-30-126 to 38-30-135, C.R.S.

20. Colorado Rules of Civil Procedure (CRCP) Rule 110

**Miscellaneous-** (a) Amendments. No writ or process shall be quashed, nor any order or decree set aside, nor any undertaking be held invalid, nor any affidavit, traverse, or other paper be held insufficient if the same is corrected within the time and manner prescribed by the court, which shall be liberal in permitting amendments.

**DICTIONARY DEFINITION OF AFFIDAVIT**

21. Black’s Law Dictionary: Affidavit– a written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath.

22. Merriam-Webster Dictionary:

**Affidavit**– a sworn statement in writing made especially under oath or an affirmation before an authorized magistrate or officer. Origin: Medieval Latin, he has made an oath, from *affidare*.

**CITATIONS FROM OTHER STATES REGARDING AFFIDAVITS**

23. Removal from office for certifying affidavit without administering oath. No notary public shall certify to the affidavit of a person without administering the appropriate oath or affirmation to the person. Ohio Statute 147.14

24. Trial court rejected lien notice document because it contained an acknowledgment certificate, but statute required a verification or sworn statement. *HAMS Company v Electrical Contractors of Alaska, Inc.*, 563 P.2d 258, 262 (Alaska 1977)

25. Lien was rejected because it was not sworn or verified by affidavit as required by state law. *Tefco Construction Co. Inc. v Continental Community Bank & Trust Co.*, 829 N.E.2d 860 (Ill App Ct 2005)

**Disclaimer:** This information is for educational purposes only, and is not to be considered or used as legal advice. For legal advice, contact an experienced attorney.

## **Notarizing Out-of-State Documents** July 2, 2016

### Colorado Law, Notary Law

A Colorado notary may notarize out-of-state documents, as long as the notary is completing the notary act within his/her authorized geographical boundaries, and according to the laws of Colorado. Notary laws vary by state. The notary does not need to know or follow the notary laws of the receiving jurisdiction.

A Colorado notary takes an affirmation of office to follow the notary law of Colorado, not the law of other jurisdictions. A Colorado notary may also notarize federal documents and documents from foreign countries.

### **NOTARY CERTIFICATE MUST INCLUDE ALL REQUIRED ELEMENTS**

Questions arise when the pre-printed wording in notarial certificates included in out-of-state documents is different from the normal wording used in Colorado notarial certificates. If the included notarial certificate contains different wording, or additional wording, the notary must make sure that all required elements for Colorado are included in the certificate.

Prohibited wording is not allowed, all facts stated must be true and correct, and the notary must not notarize his/her own signature. The signer of the document must appear before the notary to acknowledge or sign the document.

### **RECOGNIZING OUT-OF-STATE NOTARIAL ACTS**

According to the Uniform Recognition of Acknowledgments Act (URAA), adopted by 14 states, under CRS 12-55-203, notarial acts may be performed outside of Colorado, for use in Colorado, by the following officials:

a notary public, judge, clerk or deputy clerk of any court, officer of the foreign service of the U.S., a consular agent, any other person authorized by the U.S. Department of State to perform notarial acts, a commissioned officer in active service, any other person authorized by the armed forces to perform notarial acts if the act is performed for a member of the armed forces, or any other person authorized to perform notarial acts in the place in which the act is performed.

Twelve states follow the Uniform Law on Notarial Acts (ULONA or revised RULONA), or other acts, which have similar provisions for accepting out-of-state documents by authorized officials. RULONA states that a notarial act performed by an authorized notarial officer in another state, or performed under federal law, or under authority of a federally recognized Indian tribe, has the same effect under the law as if performed by an authorized notarial officer of a RULONA state.

### **ALTERNATE FORMS OF ACKNOWLEDGMENT ACCEPTED**

In Colorado, the URAA, in CRS 12-55-208 states, in addition to the statutory short forms of acknowledgment listed, the use of other forms of acknowledgment is not precluded.

Additional notarial elements that are sometimes requested are the official's title or rank, notary's place of residence, and notary ID number.

A California all-purpose acknowledgment includes a consumer disclosure notice, "A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

It also includes a perjury clause for the notary, "I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct."

The extra wording in the California acknowledgment is not required under Colorado law, and is not prohibited. It may be crossed out, or the word California may be replaced with Colorado.

If the included notarial certificate does not comply with the notary laws for Colorado, the notary can make a correction by crossing out the inappropriate wording, inserting the correct wording, and adding the notary's initials and date. Or, the notary can draw a diagonal line through the unused, incorrect certificate, attach a loose certificate with the correct wording, and add a note "see attached notarial certificate".

For security, the loose certificate should include a description of the document, the document date, and the number of pages. The notary should staple the loose certificate securely to the document, and make a note in the notary journal that a loose certificate was attached.

### **PUBLIC RECORDS REQUIREMENTS**

For out-of-state documents that will be recorded in public records, such as real estate deeds, the county clerk and recorder may reject documents that do not follow local requirements for document recording.

To avoid document rejection problems, the notary should accommodate requests to follow recording procedures, as long as they do not violate notary laws. Do not place the notary stamp, seal, signature or other writing in the 1-inch document margin. Notary stamp impressions and writing must be clear and legible. Names of signers must be spelled correctly.

Any loose notarial certificate must be the same size as other document pages, should follow the signature page, must be legible for reproduction, and should be attached in the same place and manner as other pages. Choose a selection for every option presented in the notarial certificate such as signer/signers, is/are, I/we, he/she, his/her.

Use a dark ink, preferably blue, for signatures and initials, to distinguish an original document from a copy. Avoid making corrections. If corrections are needed, have the signer initial corrections in the document. The notary should initial corrections in the notarial certificate or attach a corrected notarial certificate.

## **BEWARE OF POTENTIAL COMPLIANCE PROBLEMS**

The venue in the notarial certificate must show the state and county where the document was notarized, not where the out-of-state document is going or where it will be recorded. If an incorrect venue is already filled in, the notary must cross out the incorrect venue, add the correct venue, and initial and date the correction.

Some state laws require exact wording to be used in a notarial certificate, no alternative wording is allowed.

Some states prohibit the use of a hybrid certificate, which combines elements of an acknowledgment and a jurat.

Some states do not require a notary to use an embossed seal or rubber stamp. But the laws in the receiving state may require a seal or stamp.

Some states authorize notarial acts that are not authorized in other states. These acts include making a certified copy of a document, performing a marriage, notarizing for a family member, signature witnessing, taking a deposition, proof of execution, notice of dishonor, protest for non-payment of negotiable instrument, marine protest, certification that an act or event has occurred, vehicle identification number (VIN) verification, safe deposit box content verification and others.

## **FULL FAITH AND CREDIT CLAUSE**

Article IV, Section 1 of the U.S. Constitution is known as the “Full Faith and Credit Clause”. It reads, “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.”

Its purpose is to extend recognition and enforcement to rights claimed by individuals by virtue of the laws or judicial decisions of another state or “jurisdiction”, if there is no local law to the contrary. It does not require a state to substitute another state’s law or policy for its own, or to honor something that is specifically against its own law. Some states accept notary acts done out-of-state under the full faith and credit clause.

## **COMPATIBILITY STATUTES**

Some states include compatibility laws that describe conditions for accepting notary acts done out-of-state. To avoid document rejection, an accommodation may be made to follow the conditions required by the receiving state or county, if the required conditions do not violate the laws of the notary’s state.

If a customer is requesting the notary to make an accommodation to follow required conditions at the receiving jurisdiction, the customer should provide the notary with a copy of the text of the relevant law or the statute number for research and review.

Notaries should follow the law and act with reasonable care when notarizing out-of-state documents.

Disclaimer: This information is for educational purposes only, and is not to be considered or used as legal advice. For legal advice, contact an experienced attorney.

## **IMAGE CREDITS**

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We The People, U.S. Constitution

# **Best Practices, Notary Public Code of Professional Responsibility**

November 28, 2013

Notary Law

**(published by the National Notary Association)**

In addition to following notary laws, a professional notary should also follow widely accepted industry best practices. We recommend that notaries follow these guiding principles:

## **GUIDING PRINCIPLES**

1. The Notary shall, as a government officer and public servant, serve all of the public in an honest, fair and unbiased manner.
2. The Notary shall act as an impartial witness and not profit or gain from any document or transaction requiring a notarial act, apart from the fee allowed by statute.
3. The Notary shall require the presence of each signer and oath-taker in order to carefully screen each for identity and willingness, and to observe that each appears aware of the significance of the transaction requiring a notarial act.
4. The Notary shall not execute a false or incomplete certificate, nor be involved with any document or transaction that is false, deceptive or fraudulent.
5. The Notary shall give precedence to the rules of law over the dictates or expectations of any person or entity.
6. The Notary shall act as a ministerial officer and not provide unauthorized advice or services.
7. The Notary shall affix a seal on every notarized document and not allow this universally recognized symbol of office to be used by another or in an endorsement or promotion.
8. The Notary shall record every notarial act in a bound journal or other secure recording device and safeguard it as an important public record.
9. The Notary shall respect the privacy of each signer and not divulge or use personal or proprietary information disclosed during execution of a notarial act for other than an official purpose.
10. The Notary shall seek instruction on notarization, and keep current on the laws, practices and requirements of the notarial office.

Follow laws, use reasonable care and follow notary best practices to avoid problems. Business owners should also follow business best practices.

# **Alzheimer or Dementia Patient Notarization**

January 23, 2014 Notary Law, Notary Questions

public, but use reasonable care or a high degree of care to determine awareness before notarizing.

A Colorado Notary must use reasonable care to determine whether a signer is aware of the purpose of the document being signed. When dealing with a patient that has Alzheimer's or dementia or any other illness or injury that may affect judgment or understanding, the notary should use a high degree of care.

As a routine procedure, the notary should attempt to carry on a normal conversation with the signer. If the responses to notary questions are coherent, that provides evidence that the signer can comprehend questions and form appropriate answers. It is best to ask open-ended questions that demonstrate understanding and judgment, rather than "yes" or "no" questions.

Since the notary is not a medical professional, the notary does not make a medical diagnosis. But, the notary should gather some evidence that the signer appears to be coherent and aware. The notary may ask the signer to explain the purpose of the document, and if the signer understands the document and is signing voluntarily.

If a notary is aware that a physician has made a diagnosis that the patient is not mentally competent, the notary should not proceed with the signing. If the notary is not aware of any diagnosis, the notary should check for awareness.

## **ALZHEIMER'S STAGES**

Alzheimer's has several stages of progression. A patient with early stage Alzheimer's may still be aware and capable of understanding and signing a document. A patient in the later stages of Alzheimer's would no longer have sufficient awareness and understanding.

The Alzheimer's Association web site mentions one mental exercise that may be used to demonstrate comprehension. Ask the patient to start at 100 and then count backwards by 7. The notary can monitor the number sequence to check for a correct response.

Senior citizens and patients in nursing homes are more likely to have mental impairments, but younger patients might also have problems caused by injury or illness, or may be under the influence of drugs or alcohol, including marijuana. The notary should always check for awareness with all signers before notarizing. Patients might be more alert in the morning after coffee or breakfast, rather than later in the day.

As the population ages, notaries will encounter more signers with mental impairments, and should be prepared to handle situations that arise. If the notary is not convinced that the signer has sufficient awareness and understanding, the notary should decline or refuse to notarize the document, and should make a note of the reason for declining to notarize in the notary journal.

## **WITNESSES**

If the document requires one or more witnesses, each witness should also observe the signer and should not sign if the signer does not appear to be of sound mind.

A notary should not automatically decline to notarize for a signer with a mental impairment. The notary should attempt to serve all of the

## **Can a Notary Decline or Refuse to Provide Service?**

November 24, 2013 Notary Law, Notary Questions

In Colorado, a notary may have his/her commission revoked for failing to exercise the powers and duties of a notary public. The notary should not discriminate, decline or refuse a lawful notary request. Notaries are commissioned to serve all of the public.

But, there may be a legitimate reason for a notary to decline or refuse to provide service. Some of these reasons are:

### **LACK OF IDENTIFICATION**

1. If the customer cannot provide satisfactory evidence of identification, as defined by Colorado law.

### **LACK OF AWARENESS**

2. If a customer lacks adequate mental capacity, due to a mental impairment, such as a stroke, dementia, Alzheimer's, brain injury, brain disease, or low IQ, or has been found to be mentally incompetent by a medical professional or court ruling.

A notary should use reasonable care to assess the customer's awareness, mental capacity and basic understanding of the document. The customer should be alert, able to carry on a conversation, provide cohesive answers to questions, and demonstrate that they understand the purpose of the document. A drowsy person may need rest or awakening before signing.

### **UNDER INFLUENCE OF DRUGS, ALCOHOL, EMOTIONS**

3. If a customer appears to be under the influence of drugs, alcohol, strong emotions, or stress, to an extent that impairs their awareness, judgment, reasoning or understanding.

### **WILLINGNESS**

4. If it appears that a customer is not signing willingly due to pressure, threat, coercion, or duress. If other people are present and trying to influence the signer, the notary may ask the other people to leave until the customer can make a decision without undue influence.

### **FOREIGN LANGUAGE**

5. If the customer speaks a foreign language and is unable to communicate directly with the notary, without using a translator, the notary may decline or refer the customer to a notary that speaks the foreign language.

### **BLANK SPACES**

6. If the document has blank spaces, missing pages, or is incomplete.

### **UNAVAILABLE**

7. If a request to notarize is for a time when the notary is closed for business or unavailable, or the requested signing location is outside of a mobile notary's service area. A mobile notary may also decline due to rain, snow, ice, blizzard, hazard, unsafe, unhealthy or unsanitary conditions, risk of crime, unrestrained pets, etc.

### **SPECIAL KNOWLEDGE OR AUTHORIZATION NEEDED**

8. If the request is for an advanced, unusual or complicated transaction that requires special knowledge or training that the notary does not have. Or, the law or workplace policy does not authorize the notary to notarize a particular type of document. Some notary acts are lawful in one state, but unlawful in another state.

### **UNABLE TO PAY**

9. If the customer is unwilling or unable to pay the notary fee or travel fee.

### **ILLEGAL, FRAUDULENT OR UNAUTHORIZED ACT**

10. If the notary knows, or has a reasonable suspicion that can be articulated, that the notarial act, document or the associated transaction is illegal, dishonest, deceptive, false, improper, fraudulent, or unauthorized.

[See Notary Code of Professional Responsibility, Section IV-E-2, Improper Transaction.]

If the notary knows or has a reasonable belief that the notarial act or the associated transaction is unlawful.

[See Model Notary Act, Section 5-6(b)(1), Refusal to Notarize]

Illegal acts include acts against public policy, that are in violation of, or promote a breach of, federal, state or local laws or regulations, or case law from court rulings, or tend to harm the state or its citizens.

### **UNCONSTITUTIONAL**

11. In some states, notaries take an oath or affirmation to support and defend the Constitution of the United States and of their state of residence.

### **INTERFERING WITH, BRIBING OR INFLUENCING A PUBLIC OFFICIAL**

12. If the customer makes threats, assaults, or attempts to obstruct, deceive, bribe, influence or coerce the notary.

### **DISQUALIFYING INTEREST**

13. If the notary has a disqualifying interest in the transaction, or a significant conflict of interest that would compromise the impartiality of the notary. The value of the money, goods, benefits or services received by the notary should not exceed compensation for the value of the services rendered by the notary.

State laws may allow a public official to receive a minimal amount as a thank you, such as some food or a beverage. The total dollar value limits allowed per transaction and per year are defined in state "gift ban" laws.

### **DISRUPTIVE CUSTOMER**

14. Most customers are polite and cooperative when seeking notary services. Some customers are rude, insulting, disrespectful, angry, loud, disruptive, abusive, condescending, uncooperative, or unreasonable. Some businesses establish policies for dealing with disruptive customers. A judge in court would likely give a warning to



a disruptive party, and then issue a contempt of court charge if the disruptive behavior continues. The US Post Office has refused service to disruptive customers who refused to follow rules of conduct.

## **HEALTH, SAFETY AND SECURITY ISSUES**

15. Notaries should not put themselves at risk in situations involving health, safety and security. Hazardous situations should be resolved, remedied or eliminated before proceeding safely.

## **NON-CUSTOMERS**

16. Notaries should not decline or refuse service or charge different fees because a person is not a client or customer of a business. The public should not be required to buy goods or services or open an account as a prerequisite to receiving notary service. Employers should not impose company rules on notary employees that contradict notary laws.

## **MODEL NOTARY ACT**

17. The Model Notary Act, published by the National Notary Association (NNA), Section 5-6, Refusal to Notarize, states:

A notary shall not refuse to perform a notarial act based on a person's race, advanced age, gender, sexual orientation, religion, national origin, disability, or status as a non-client or non-customer of the notary's employer.

## **COLORADO CIVIL RIGHTS ANTI-DISCRIMINATION LAWS**

18. The Colorado Civil Rights Division enforces the Colorado Anti-Discrimination laws. A Colorado business serving the public must not discriminate based on: race, color, religion, creed, national origin, ancestry, sex, age, physical or mental disability, sexual orientation (including transgender status), marital status, and retaliation for engaging in protected activity (opposing a discriminatory practice or participating in a public accommodations discrimination proceeding).

Illegal discrimination includes providing unequal terms and conditions, discriminatory advertising, denial of service, unequal service, retaliation and harassment, when based on a protected class.

**See Colorado Civil Rights brochure.**

**See public accommodations anti-discrimination laws for all states.**

The notary should serve all of the public, in a fair, honest and unbiased manner, when a lawful notary request is received, or attempt to help the customer find another notary that can provide the requested service.

A helpful notary may receive a positive customer review from a thankful customer for providing good customer service.

No Legal Advice: Any blog posts, comments or other information found here is not to be used or considered as legal advice. Consult with a licensed, competent attorney for legal advice specific to your situation.

## **Notary for Real Estate Documents** June 18, 2015

Colorado Springs Mobile Notary

We provide mobile notary service for many types of real estate documents including:

### **REAL ESTATE DOCUMENTS**

mortgage, deed of trust,  
warranty deed, special warranty deed, quit claim deed, grant deed,  
bargain and sale deed,  
beneficiary deed, personal representative deed,  
land contract, purchase option,  
homestead, easement

### **HOA DOCUMENTS**

Homeowners Association (HOA) documents, HOA lien,  
HOA meeting minutes, HOA election,  
HOA oath of office, HOA records

### **LANDLORD TENANT DOCUMENTS**

residential lease, commercial lease, rental agreement,  
lease guarantee, guarantor, co-signer,  
lease/option,  
storage lease, grazing lease, hunting lease,  
rental application,  
move-in/move-out inspection,  
legal notices, affidavit of damages

### **CONTRACTOR DOCUMENTS**

contract,  
mechanic's lien, lien waiver,  
notice of lis pendens, general contractor, sub-contractor

### **ARCHITECT DOCUMENTS**

American Institute of Architects (AIA) documents, buy forms online at  
AIA Documents on Demand,  
AIA G702 Application and Certificate for Payment (construction  
progress billing),  
AIA A305 Contractor's Qualification Statement

### **MOBILE HOME DOCUMENTS**

Documents for mobile homes,  
mobile home title, manufactured homes, modular homes

### **REAL ESTATE LOAN, CLOSING DOCUMENTS**

mortgage loan documents, refinance documents,  
occupancy affidavit, name/signature affidavit, survey affidavit,  
Patriot Act ID verification,  
title company documents, closing documents

### **OIL, GAS, WATER, MINERAL DOCUMENTS**

oil and gas lease, landman support, affidavit of production, lien,  
mineral rights, water rights, royalties, right of way

## **Notary for Family Law Documents** June 18, 2015

Colorado Springs Mobile Notary

We provide mobile notary service for many types of family law documents including

marriage, marital status, common law marriage,  
prenuptial agreement, divorce,  
adoption, parental consent,  
travel consent for minor,  
minor emancipation and name change.

### **MARRIAGE DOCUMENTS**

affidavit of marital status, affidavit of common law marriage,  
note: Colorado Notaries are not authorized by law to solemnize a  
marriage certificate

prenuptial agreement  
divorce

### **NAME CHANGE**

name change

### **ADOPTION**

adoption dossier, adoption documents

(allow 12 months before notary expiration date for foreign and  
international adoptions)  
support for adoption agencies  
Bethany adoption services

### **PARENTS AND MINORS**

parental consent, parental permission  
travel consent for child/minor, affidavit for minor travel  
affidavit of consent for health care for minor  
minor emancipation  
affidavit of a minor

## **Notary for Financial Documents** June 17, 2015

Colorado Springs Mobile Notary

We provide mobile notary service for many types of financial documents including

retirement plan, IRA, 401(k), 403(b), PERA, Thrift Savings Plan (TSP), spousal consent, pension, employee benefit plan, investment documents, financial power of attorney (POA) and more.

### **FINANCIAL DOCUMENTS**

Other documents include a

promissory note, loan, general release, liability release, debt release, satisfaction of debt, assignment of judgment, satisfaction of judgment, bankruptcy, and debt settlement.

Debt settlement must follow Colorado Uniform Debt Management Services Act (DMSA). See Colorado Attorney General website at debt management.

For investors and experts in collectibles, we can notarize a sworn Certificate of Authenticity (COA).

### **INSURANCE DOCUMENTS**

Insurance documents include

affidavit of loss, property damage affidavit, stolen property affidavit, insurance claim forms, insurance settlement forms, property inventory affidavit, property ownership affidavit and Declaration of Independent Contractor Status Form for Colorado workers' compensation insurance.