STATE OF NEBRASKA
Secretary of State's Office
Business Services & Licensing Divisions

OFFICIAL
NOTARY PUBLIC HANDBOOK

Revised January 2, 2008

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Message from John A. Gale
Secretary of State

As Secretary of State, I am responsible for issuing and enforcing licenses for Notaries Public in the State of Nebraska. With some 30,000 commissioned Notaries, my goal is to help our Notaries be aware of their responsibilities under the law, and to keep our standards high.

Our banking, real estate, and legal professions depend heavily on notarized documents to be filed for public record. Proper notarization is key to document reliability.
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My staff is available to assist with your inquiries. In the performance of your duties as a Notary Public, please help us insure that our documents meet the law.

Nebraska Notary
Procedures, Ethics, and Laws

I. DEFINITIONS:

AFFIANT: The person who makes and subscribes his signature to an affidavit.

AFFIDAVIT: Any written statement or declaration of facts, made voluntarily, in which the signer swears under oath before a Notary Public that the statements or declarations in the document are true.

AFFIRMATION: A solemn declaration made by persons who conscientiously decline taking an oath. An affirmation is equivalent to an oath and is just as binding. If a person has religious or conscientious scruples against taking an oath, the Notary Public should have the person affirm.

APOSTILLE: Used to authenticate the signature of Notaries and other public officers with Notarial powers on documentation going overseas. An Apostille in the form prescribed by The Hague Convention of October 5, 1961 shall conclusively establish that the signature of the Notarial officer is genuine and that the officer holds the designated office. The Secretary of State or his or her deputy shall be authorized to sign the Apostille.

ATTESTATION CLAUSE: The declarative wording, official signature, dates, and seal contained in the notarization. See also "Notarial Acknowledgment" below.

AUTHENTICATION: Used for the same purpose as an Apostille (see above) for documents going to countries which are not part of the Hague Convention.

BOND: A Notary Public bond is conditioned on the faithful performance of the duties of the office of Notary Public and may be recovered to the full amount of the bond by a person suffering damages as a result of a Notary not faithfully performing their duties. A bond in the sum of fifteen thousand ($15,000) dollars, with an incorporated surety company as surety, must be executed, approved by, and filed in the office of the Secretary of State prior to a Notary being commissioned.

DEPOSITION: The testimony of a witness taken out of court or other hearing proceeding, under oath or by affirmation, before a Notary Public or other person, officer, or commissioner before whom such testimony is authorized by law to be taken, which is intended to be used at the trial or hearing.

INSTRUMENT: Document, paper, contract, etc. to be signed or executed.

JURAT: The clause written at the end of an affidavit stating when, where, and before whom (Notary) such affidavit was sworn and that the contents of his/her written statement is true.

NOTARY PUBLIC: A public officer commissioned by the Secretary of State for a four-year term. The Notary must be a resident of the State of Nebraska. The commission issued by the Secretary of State authorizes the Notary Public to administer oaths and take acknowledgments anywhere in the State of Nebraska. The signature and seal of a Notary Public is necessary to attest to the oath of truth of a person making an affidavit and to attest that a person has acknowledged that he/she executed a document.

NOTARIAL ACKNOWLEDGMENT: The section at the end of a document where a Notary Public verifies by notarization that the signer of the document presented satisfactory evidence of identity, appeared in the Notary's presence, and that he/she actually signed the document. See also Neb. Rev. Statute §64-205; 23-1311.

NOTARIAL ACT: Notarial Act means an act which the laws and regulations of this State authorize Notaries Public of this State to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents.

NOTARIO PUBLICO: Spanish or Latin American word for Notary Public. However, Latin American Notario Publicos are generally attorneys specially appointed by their governments who have authority well beyond that granted Nebraska Notaries. Use of the term "Notario Publico" by non-attorney notaries is prohibited by law in Nebraska.

OATH: Swearing to tell the truth, this would subject the oath-taker to prosecution for the crime of perjury if he/she knowingly lies in a statement either orally or in writing. Traditionally, the oath invokes reference to a deity (under God); however, this may be omitted (see also "Affirmation").

PERSONAL KNOWLEDGE OF IDENTITY: Familiarity with an individual resulting from interactions over a period of time sufficient to dispel any doubt about the individual's identity. (See Neb. Rev. Statute §64-105)

PRINCIPAL: The person executing the document before the Notary or taking the oath that the Notary administers.

PROTEST: A formal statement in writing by a Notary Public, under seal, that a certain bill of exchange or promissory note was on a certain day presented for payment, or acceptance, and that such payment or acceptance was refused.

SATISFACTORY EVIDENCE OF IDENTITY: For purposes of proving identity of the principal to the Notary, "satisfactory evidence of identity" shall mean: (1) at least one document issued by a government agency that is current and that bears the photographic image of the individual's face and signature and a physical description of the individual, except that a properly stamped passport without a physical description is satisfactory evidence; (2) the oath or affirmation of one credible witness unaffected by the document or transaction to be notarized who is personally known to the Notary Public and who personally knows the individual; or (3) the oaths or affirmations of two credible witnesses unaffected by the document or transaction to

be notarized who each personally knows the individual and shows to the Notary Public documentary identification. (See definition for “Personal Knowledge of Identity”) Nebr. Rev. Statute §64-105.

SEAL: Ink stamps used by the Notary on all attestation clauses. See additional information below in Section IV NOTARIAL SEALS.

SUBSCRIBED: Signed.

II. FEES:

Notary Public Fees: Nebr. Rev. Statute §33-133

For taking affidavits and seal: $2.00
For administering oath or affirmation: $2.00
For each certificate and seal: $5.00
For taking acknowledgment of deed
or other instrument: $5.00
For each protest: $1.00
For recording each protest: $2.00
For each notice of protest: $2.00
For each mile traveled in serving notice, mileage at the rate provided in section 81-1176.

III. GUIDELINES AND GOOD PRACTICES FOR PROPER NOTARIZATIONS:

1) There **must** be an attestation clause each and every time a notarial act is performed. Simply signing as a Notary Public and affixing your Notary Seal is not a proper notarial act.

2) If a document to be notarized does not have an attestation clause, a Notary may **not** give advice to the principal as to what type of notary attestation clause to use.

3) A Notary may **not** give advice to the principal on the legality of the contents of the document or whether the principal should sign the document, unless the Notary is a licensed attorney.

4) Before notarizing, ask the principal for identification (see definitions for: “Personal Knowledge of Identity” and “Satisfactory Evidence of Identity”)

5) Prior to notarizing, the Notary should look over the document to be notarized to be sure there are no blank lines or spaces in the document. Blank lines or spaces should be: a) completed by the principal(s) or b) crossed through by the principal(s) prior to notarization. Failure to do so, leaves the document open to easy alteration after the notarial act is performed.

6) The principal **must** appear in the physical presence of the Notary to sign the document to be notarized. No exceptions. (See Neb. Rev. Statute §64-105).

7) Notaries may **not** perform a notarial act if they are in the same immediate family. This includes in-laws, step- or half-relatives. Notaries are to be a disinterested witness to a transaction and should not stand to gain personally or financially from the outcome of the document to be notarized. (See Neb. Rev. Statute §64-105.01).

8) Notaries may **not** notarize their own signature.

9) Notaries are required to purchase an ink stamp seal containing specific statutory information. (See Section IV - Notarial Seals). Hand drawn representations of Notary Seals are **not** allowed.

10) It is suggested that when a document contains a blank space for commission expiration, the information should be completed in its entirety.

11) If information in the document is incorrect, the principal may cross through the error and insert the correct information. If an error is made when completing the attestation clause, the appropriate party should cross thorough the error and insert the correct information. Correction fluid should **never** be used to correct or to remove an error.

12) The date in the attestation clause **must** match the date the principal affixes their signature as a Notary may not pre-date or post-date when performing the Notarial Act.

13) All information in the attestation clause **must** be properly filled in:

- State: Nebraska
- County: Name of county in Nebraska where notarization occurs
- Carefully insert names and dates as specified in the attestation clause.
- Make sure all principal(s) have signed the document and dated the document (if applicable).
- Notary **must** sign their name, affix their Notary Seal, and include expiration date. (If expiration date is not stated in notary seal)

14) Notaries may not certify or copy certify that a government record is valid or authentic. (Example: Birth Certificate) Only the issuing government agency may certify or copy certify official records they have filed or issued as part of the function of their government office.

15) Notaries who include the month, day, and year of their commission expiration date on their Notary Seal **must** obtain a new inked stamp if they renew their commission at the

end of their four-year commission period. Notaries may **not** cross through and insert a new date or use correction fluid to change information on their Notary Seal.

16) The Notary signature **must** be a written signature as a Notary may **not** use a rubber stamp to affix their name when notarizing a document.

17) The principal's signature may **not** be a rubber stamp. If the person is physically incapable of signing a document, please see # 30 below for requirements for Signature by Mark.

18) Notaries should not notarize signatures for minor children.

19) Notaries may **not** copy certify, authenticate, or notarize pictures, photographs, artwork, scripts, and the like as it serves no legal purpose nor has any force or effect. A notarization is a signature witnessing of a person attesting to a written document.

20) Employers who pay for the Notary Commission fees for their employees should not retain the Notary Seal or Certificate of the employee upon the employee's removal from their employ as a Notary. A Commission is issued to a person, not the company who paid the fees.

21) Mobile Notary/Signing Agent: Advertisements promising that Notaries may earn a large income from providing Mobile Notary/Signing Agent services for loan closings are often misleading the public. Notaries in Nebraska may only charge fees as stated above in Section II Fees.

22) Notaries may not perform marriage ceremonies in Nebraska. Only three states have statutory provisions for Notaries to officiate at marriage ceremonies and Nebraska is NOT one of the three states.

23) When notarizing, a Notary must affix a clear and legible impression of their ink stamp on the document so that all information on the seal is easily read.

24) The seal and signature of the Notary may NOT be affixed over printed wording or other signatures on the document.

25) When notarizing, the Notary **must** sign their name **exactly** as commissioned. The Secretary of State's office does verify the similarity of the Notary signature on notarized documents to the Notary's signature on file on their Notary application and/or bond, particularly when preparing Apostilles or Authentications for notarized documents to be sent to foreign countries. It is imperative that Notaries complete the attestation clauses accurately and sign their names properly to avoid delays for documents needing to be processed and sent to another country.

26) A person residing in a state bordering Nebraska, but employed in Nebraska, may **not** make application to be commissioned and may **not** use their employer address as their

residence address to falsely obtain a Nebraska Notary Commission.

27) The $15,000 Surety Bond is not "insurance" to protect the Notary, but rather to protect the public against improper notarization. The Notary Bond may pay only an amount up to the face value of the bond to the aggrieved party and the bond company will attempt to collect the amount paid out from the Notary. Damages to the aggrieved party in excess of the $15,000 Surety Bond may be brought against the Notary in court. (See Neb. Rev. Statute §64-109).

28) Notarization does **not** guarantee the legal sufficiency or truthfulness of the contents of a document. Notarization guarantees that: a) the principal(s) identity is known to the Notary or proven by satisfactory evidence or credible witness and b) the principal(s) personally appeared in the presence of the Notary to sign or execute the document.

29) If the Secretary of State holds a hearing based on allegations of malfeasance in office by a Notary Public and finds that the Notary Public is guilty, the Secretary of State may temporarily suspend or permanently revoke the Notary's Commission. A Notary whose commission is temporarily revoked or permanently suspended **must** cease notarizing and return their Seal and Commission Certificate to the Secretary of State's office. After the period of temporary revocation has been fulfilled, if the person wants to again be commissioned as a Notary Public, they must begin the commission application process again, which includes successfully taking and passing the written examination, properly completing an application, obtaining a new $15,000.00 surety bond, and paying the $30.00 commission application fee. (See Neb. Rev. Statute §64-113).

30) There are now two procedures for signature by mark for those unable to sign by reason of physical incapacity:

Procedure #1: A document signer is only able to affix a 'mark' in lieu of affixing his/her signature:

1) The document signer may affix his/her 'mark' in the presence of:
   The Notary; and
   Two (2) witnesses unaffected by the document

2) Both witnesses must sign their names beside the 'mark' made by the document signer.

3) The Notary Public writes below the "mark":
   "Mark affixed by (name of signer) in the presence of (names and addresses of the two witnesses) and undersigned Notary Public.

4) The Notary Public notarizes the signature by "mark" through an acknowledgment, jurat, or signature witnessing. (See Neb. Rev. Statute §64-105.02).

Procedure #2: A document signer is physically unable to sign his/her signature or affix by "mark" a representation thereof:

1) A Notary Public may sign the name of the person physically unable to sign or make a "mark" on a document presented for Notarization, if:

   The person physically unable to sign his/her name or make a 'mark' on a document directs the Notary Public to do so in the presence of two (2) witnesses unaffected by the document.

   The Notary Public signs the person's name in the presence of the person and the two witnesses.

2) Both witnesses sign their own names beside the Notary's "proxy" signature for the person unable to sign.

3) The Notary writes below the signature: "Signature affixed by Notary Public in the presence of (names & addresses of the two witnesses).

4) The Notary Public notarizes the signature through an acknowledgment, jurat, or signature witnessing. (See Neb. Rev. Statute §64-105.02).

IV. NOTARIAL SEALS

Seal: (1) Each Notary Public, before performing any duties of his or her office, shall provide himself or herself with an official seal on which shall appear the words:

State of Nebraska, General Notary OR
State of Nebraska, General Notarial
His or her name
Date of expiration of his or her commission

Seal: (2) The official seal of a Notary Public shall be an ink stamp seal with which he or she shall authenticate all of his or her official acts.

Note: Round seals are discouraged as there may NOT be enough space allowed on a document to properly affix a round seal.

Suggested Size: 2" x ½"
Suggested Shape: State of Nebraska or Rectangular

State of Nebraska General Notary John Q. Citizen Comm Exp: 7-16-2008	State of Nebraska General Notarial John Q. Citizen Comm Exp: 7-26-2008

V. NOTARIES PUBLIC STATUTES:

64-101 Appointment; qualifications; term.

1) The Secretary of State may appoint and commission such number of persons to the office of Notary Public as he or she deems necessary.
2) There shall be one class of such appointments which shall be valid in the entire state and referred to as general notaries public.
3) The term effective date, as used with reference to a commission of a Notary Public, shall mean the date of the commission unless the commission states when it goes into effect, in which event that date shall be the effective date.
4) A general commission may refer to the office as Notary Public and shall contain a provision showing that the person therein named is authorized to act as a Notary Public anywhere within the State of Nebraska or, in lieu thereof, may contain the word general or refer to the office as General Notary Public.
5) No person shall be appointed a Notary Public unless he or she has taken and passed a written examination on the duties and obligations of a Notary Public as provided in section 64-101.01.
6) No appointment shall be made if such applicant has been convicted of a felony or other crime involving fraud or dishonesty.
7) No appointment shall be made until such applicant has attained the age of nineteen years nor unless such applicant certifies to the Secretary of State under oath that he or she has carefully read and understands the laws relating to the duties of notaries public and will, if commissioned, faithfully discharge the duties pertaining to the office and keep records according to law.
8) Each person appointed a Notary Public shall hold office for a term of four years from the effective date of his or her commission unless sooner removed.

64-101.01 Written examination required.

The written examination required by section 64-101 shall be developed and administered by the Secretary of State and shall consist of questions relating to laws, procedures, and ethics for notaries public. All applicants for commission as a Notary Public on and after July 16, 2004, shall be required to take and pass the examination prior to being commissioned.

64-102 Commission; how obtained; bond.

Any person may apply for a commission authorizing the applicant to act as a Notary Public anywhere in the State of Nebraska, and thereupon the Secretary of State may, at his or her discretion, issue a commission authorizing such Notary Public to act as such anywhere in the State of Nebraska. A general commission shall not authorize the holder thereof to act as a Notary Public anywhere in the State of Nebraska until a bond in the sum of fifteen thousand dollars, with an incorporated surety company as surety, has been executed and approved by and filed in the office of the Secretary of State. Upon the filing of such bond with the Secretary of State and the issuance of such commission, such Notary Public shall be authorized and empowered to perform any and all the duties of a Notary Public in any and all the counties in the State of Nebraska. Such bond shall be conditioned for the faithful performance of the duties of such office. Such person so

appointed to the office of Notary Public shall make oath or affirmation, to be endorsed on such bond, and subscribed by him or her before some officer authorized by law to administer oaths, and by him or her certified thereon, that he or she will support the Constitution of the United States and the Constitution of Nebraska and will faithfully and impartially discharge and perform the duties of the office of Notary Public.

64-103 Commission; signature; seal; filing and approval of bond; delivery.

When any person is appointed to the office of Notary Public, the Secretary of State shall cause his or her signature or a facsimile thereof to be affixed to the commission and he or she shall affix thereto the great seal of the state. Upon the filing and approval of the bond, as provided for in section 64-102, the Secretary of State shall mail or deliver the commission to the applicant. The form and format of the commission shall be prescribed by the Secretary of State.

64-104 Notary Public; commission; renewal; procedure.

Commissions for general notaries public may be renewed within thirty days prior to the date of expiration by filing a renewal application along with the payment of the fee prescribed in section 33-102 and a new bond with the Secretary of State. The bond required for a renewal of such commission shall be in the same manner and form as provided in section 64-102. The renewal application shall be in the manner and form as prescribed by the Secretary of State. Such renewal application made prior to the date of the expiration of any general Notary Public commission need not be accompanied by any petition. Any renewal application for such commission made after the date of expiration of the commission shall be made in the same manner as a new application for such commission as a general Notary Public.

Note: Notary renewal information must be properly completed and received in the Secretary of State's Office on or before 5:00 p.m. on the Notary's expiration date. Failure to do so will result in beginning the initial commission application process, including successfully passing a written examination.

64-105 Notarial acts prohibited; when.

1) A Notary Public shall not perform any Notarial act as authorized by Chapter 64, articles 1 and 2, if the principal:
    a) Is not in the presence of the Notary Public at the time of the Notarial act; and
    b) Is not personally known to the Notary Public or identified by the Notary Public through satisfactory evidence.

2) For purposes of this section:
    a) Identified by the Notary Public through satisfactory evidence means identification of an individual based on:
        i) At least one document issued by a government agency that is current and that bears the photographic image of the individual's face and signature and a physical description of the individual, except that a properly stamped passport without a physical description is satisfactory evidence; or

ii) The oath or affirmation of one credible witness unaffected by the document or transaction to be notarized who is personally known to the Notary Public and who personally knows the individual, or the oaths or affirmations of two credible witnesses unaffected by the document or transaction to be notarized who each personally knows the individual and shows to the Notary Public documentary identification as described in subdivision (a)(i) of this subsection; and

b) Personal knowledge of identity or personally known means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to dispel any reasonable uncertainty that the individual has the identity claimed.

64-105.01 Notary Public; disqualified; when.

A Notary Public is disqualified from performing a Notarial act as authorized by Chapter 64, articles 1 and 2, if the Notary is a spouse, ancestor, descendant, or sibling of the principal, including in-law, step, or half relatives.

64-105.02 Notarization; when.

1) A Notary Public may certify the affixation of a signature by mark on a document presented for notarization if:
   a) The mark is affixed in the presence of the Notary Public and of two witnesses unaffected by the document;
   b) Both witnesses sign their own names beside the mark;
   c) The Notary Public writes below the mark: "Mark affixed by (name of signer by mark) in presence of (names and addresses of witnesses) and undersigned Notary Public"; and
   d) The Notary Public notarizes the signature by mark through an acknowledgment, jurat, or signature witnessing.
2) A Notary Public may sign the name of a person physically unable to sign or make a mark on a document resented for notarization if:
   a) The person directs the Notary Public to do so in the presence of two witnesses unaffected by the document;
   b) The Notary Public signs the person's name in the presence of the person and the witnesses;
   c) Both witnesses sign their own names beside the signature;
   d) The Notary Public writes below the signature: Signature affixed by Notary Public in the presence of (names and addresses of person and two witnesses)"; and
   e) The Notary Public notarizes the signature through an acknowledgment, jurat, or signature witnessing.

64-105.03 Notary Public; unauthorized practice of law; prohibited.

1) A Notary Public who is not an attorney shall not engage in the unauthorized practice of law as provided in this section.
2) If notaries' certificate wording is not provided or indicated for a document, a Notary Public who is not an attorney shall not determine the type of Notarial act or certificate

to be used.

3) A Notary Public who is not an attorney shall not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a Notarial act.
4) A Notary Public who is not an attorney shall not claim to have powers, qualifications, rights, or privileges that the office of Notary Public does not provide, including the power to counsel on immigration matters.
5) A Notary Public who is not an attorney and who advertises Notarial services in a language other than English shall include in any advertisement, notice, letterhead, or sign a statement prominently displayed in the same language as follows: "I am not an attorney and have no authority to give advice on immigration or other legal matters".
6) A Notary Public who is not an attorney may not use the term notario publico or any equivalent non-English term in any business card, advertisement, notice, or sign.
7) This section does not preclude a Notary Public who is duly qualified, trained, or experienced in a particular industry or professional field from selecting, drafting, completing, or advising on a document or certificate related to a matter within that industry or field.
8) A violation of any of the provisions of this section shall be considered the unauthorized practice of law and subject to the penalties provided in section 7-101.

64-105.04 Change of residence; duties.

A Notary Public shall notify the Secretary of State of any change of his or her residence no later than forty-five days after such change. Information provided on the change-of-address form shall include the Notary Public's name as it appears on his or her commission, the date the commission expires, and the Notary Public's new address. The Secretary of State shall prescribe forms consistent with the requirements of this section.

64-107 Powers and duties; certificate or records; receipt in evidence.

A Notary Public is authorized and empowered, within the state:

1) To administer oaths and affirmations in all cases;
2) To take depositions, acknowledgments, and proofs of the execution of deeds, mortgages, powers of attorney, and other instruments in writing, to be used or recorded in this or another state;
3) To demand acceptance or payment of any foreign, inland, domestic bill of exchange, promissory note or other obligation in writing, and to protest the same for non-acceptance or nonpayment, as the case may be, and give notice to endorsers, makers, drawers or acceptors of such demand or non-acceptance or non-payment; and
4) To exercise and perform such other powers and duties as by the law of nations, and according to commercial usage, or by the laws of the United States, or of any other state or territory of the United States, or of any other government or country, may be exercised and performed by notaries public. Over his signature and official seal, he shall certify the performance of such duties so exercised and performed under the provisions of this section, which certificate shall be received in all courts of this state as presumptive evidence of the facts therein certified to.

64-107.01 Oaths and affirmations.

Oaths and affirmations may be administered, in all cases whatsoever, by notaries public.

64-108 Summons; issuance, when authorized; contempt, power to punish.

Every Notary Public, when notice by a party to any civil suit pending in any court of this state upon any adverse party for the taking of any testimony of witnesses by deposition, or any commission to take testimony of witnesses to be preserved for use in any suit thereafter to be commenced, has been deposited with him, or when a special commission issued out of any court of any state or country without this state, together with notice for the taking of testimony by depositions or commissions, has been deposited with him, is empowered to issue summons and command the presence before him of witnesses, and to punish witnesses for neglect or refusal to obey such summons, or for refusal to testify when present, by commitment to the jail of the county for contempt. All sheriffs and constables in this state are required to serve and return all process issued by notaries public in the taking of testimony of witnesses by commission or deposition.

64-109 Civil liability of Notary Public; actions.

If any person shall be damaged or injured by the unlawful act, negligence or misconduct of any Notary Public in his official capacity, the person damaged or injured may maintain a civil action on the official bond of such Notary Public against such Notary Public, and his sureties, and a recovery in such action shall not be a bar to any future action for other causes to the full amount of the bond.

64-112 Removal from state; termination; notice to Secretary of State.

Every Notary Public removing from the State of Nebraska shall notify the Secretary of State of such removal. Such a removal shall terminate the term of his office.

64-113 Removal; grounds; procedure; penalty.

1) Whenever charges of malfeasance in office are preferred to the Secretary of State against any Notary Public in this state, or whenever the Secretary of State has reasonable cause to believe any Notary Public in this state is guilty of acts of malfeasance in office, the Secretary of State may appoint any disinterested person, not related by consanguinity to either the Notary Public or person preferring the charges, and authorized by law to take testimony of witnesses by deposition, to notify such Notary Public to appear before him or her on a day and at an hour certain, after at least ten days from the day of service of such notice. Such appointee may summon witnesses, in the manner provided by section 64-108, to appear at the time specified in the notice, and he or she may take the testimony of such witnesses in writing, in the same manner as is by law provided for taking depositions, and certify the same to the Secretary of State. The Notary Public may appear, at such time and place, and cross-examine witnesses and produce witnesses in his or her behalf, which cross-examination and testimony shall be likewise certified to the Secretary of State. Upon the receipt of such examination, duly certified in the manner prescribed for taking depositions to be used in suits in the district courts of this state, the Secretary of State shall examine the same, and if there from he or she is satisfied that the charges are substantially proved, he or she may remove the person charged from the office of

Notary Public or temporarily revoke such person's commission. Within fifteen days after such removal or revocation and notice thereof, such Notary Public shall deposit, with the Secretary of State, the commission as Notary Public and Notarial seal. The commission shall be canceled or temporarily revoked by the Secretary of State. A person so removed from office shall be forever disqualified from holding the office of Notary Public. A person whose commission is temporarily revoked shall be returned his or her commission and seal upon completion of the revocation period and passing the examination described in section 64-101.01. The fees for taking such testimony shall be paid by the state at the same rate as fees for taking depositions by notaries public. The failure of the Notary Public to deposit his or her commission and seal with the Secretary of State as required by this section shall subject him or her to a penalty of one thousand dollars, to be recovered in the name of the state.

2) For purposes of this section, malfeasance in office means, while serving as a Notary Public,
    a) Failure to follow the requirements and procedures for Notarial acts provided for in Chapter 64, articles 1 and 2, or
    b) Being convicted of a felony or other crime involving fraud or dishonesty.

64-114 Change of name; continue to act.

Any person, whose name is legally changed after a commission as a Notary Public is issued to him or her, may continue to act as such Notary Public and use the original commission, seal, and name until the expiration or termination of such commission. The bond given by such Notary Public shall continue in effect, regardless of such legal change of name of such Notary Public, if the Notary Public uses the name under which the commission is issued.

Example: A woman is single and applies to be commissioned under her maiden name. The woman gets married during her 4 year commission period. She may continue to notarize signing her commissioned (maiden) name and using her current stamp with her maiden name until the commission expires in three years. BUT, if the woman chooses to be commissioned under her married name, she will need to begin the commissioning process as if she were a new initial applicant, which includes: successfully passing the written examination; submitting a new application, bond, and paying the $30.00 commission fee. A new four year commission period is then assigned and a Notary seal with her new name, commission expiration date, General Notary or General Notarial, State of Nebraska must be purchased.

64-118 Seal; engraved or ink stamp; adopt; use.

All persons, officers, and governmental and nongovernmental bodies and associations heretofore authorized by law to adopt and use a seal on official documents are hereby authorized to adopt and use either an engraved or ink stamp seal for such purposes, unless the use of ink stamp seals for such purposes is specifically prohibited by law. See 64-210 below.

SELECTED RECOGNITION OF ACKNOWLEDGMENTS STATUTES:

64-201 Notarial acts, defined; performed; effect.

For the purposes of sections 64-201 to 64-210, unless the context otherwise requires: Notarial acts means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a Notary Public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state:

1) A Notary Public authorized to perform Notarial acts in the place in which the act is performed;
2) A judge, clerk, or deputy clerk of any court of record in the place in which the Notarial act is performed;
3) An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States Department of State to perform Notarial acts in the place in which the act is performed;
4) A commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform Notarial acts if the Notarial act is performed for one of the following or his dependents: A merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States; or (5) Any other person authorized to perform Notarial acts in the place in which the act is performed.

64-202 Notarial act; performance; proof of authority; maintenance of records.

1) If the Notarial act is performed by any of the persons described in sections 64-201 to 64-204, other than a person authorized to perform Notarial acts by the laws or regulations of a foreign country, the signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his or her authority shall not be required.
2) If the Notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:
    a) Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;
    b) The official seal of the person performing the Notarial act is affixed to the document; or
    c) The title and indication of authority to perform Notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a

source of such information.

3) An Apostille in the form prescribed by the Hague Convention of October 5, 1961, shall conclusively establish that the signature of the Notarial officer is genuine and that the officer holds the designated office. The Secretary of State or his or her deputy shall be authorized to sign the apostille.
4) The Secretary of State may authorize the use of computers to maintain necessary records dealing with notaries public in the State of Nebraska.

64-203 Certificate; contents.

The person taking an acknowledgment shall certify that:

1) The person acknowledging appeared before him and acknowledged he executed the instrument; and
2) The person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

64-204 Certificate of acknowledgment; form; acceptance.

The form of a certificate of acknowledgment used by a person whose authority is recognized under section 64-201 shall be accepted in this state if:

1) The certificate is in a form prescribed by the laws or regulations of this state;
2) The certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or
3) The certificate contains the words acknowledged before me, or their substantial equivalent.

64-205 Acknowledgment, defined.

The words acknowledged before me means:

1) That the person acknowledging appeared before the person taking the acknowledgment;
2) That he or she acknowledged he or she executed the instrument;
3) That, in the case of:
    a) A natural person, he or she executed the instrument for the purposes therein stated;
    b) A corporation, the officer or agent acknowledged he or she held the position or title set forth in the instrument and certificate, he or she signed the instrument on behalf of the corporation by proper authority and the instrument was the act of the corporation for the purpose therein stated;
    c) A partnership, the partner or agent acknowledged he or she signed the instrument on behalf of the partnership by proper authority and he or she executed the instrument as the act of the partnership for the purposes therein stated;
    d) A limited liability company, the member or agent acknowledged he or she signed the instrument on behalf of the limited liability company by proper authority and he or she executed the instrument as the act of the limited liability company for the purposes therein stated;
    e) A person acknowledging as principal by an attorney in fact, he or she executed

the instrument by proper authority as the act of the principal for the purposes therein stated;

f) A person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he or she signed the instrument by proper authority and he or she executed the instrument in the capacity and for the purposes therein stated; and

4) That the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

64-206 Statutory short forms of acknowledgment; use of other forms.

The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as Statutory Short Forms of Acknowledgment and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

1) **For an individual acting in his or her own right:**

State of.....
County of.....
The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged).
(Signature of Person Taking Acknowledgment)
(Title or Rank)
(Serial Number, if any)

Example (1): For an individual acting in his or her own right

Acknowledgment

State of Nebraska

County of _____

The foregoing instrument was acknowledged before me this

_____ by _____
(date) (name of person acknowledged)

_____
Notary Public signature

_____
Affix Seal Here

2) **For a corporation:**

State of.....
County of.....
The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.
(Signature of Person Taking Acknowledgment)

(Title or Rank)
(Serial Number, if any)
Example (2): For a Corporation (Example)

Acknowledgment

State of Nebraska

County of _____

The foregoing instrument was acknowledged before me this

_____ by _____ of
(date) (name & title of officer or agent)

_____, a _____
(name of Corporation acknowledging) (state or place of incorporation)

corporation, on behalf of the corporation.

_____
Notary Public signature

_____
Affix Seal Here

3) **For a partnership:**

State of.....
County of.....
The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.
(Signature of Person Taking Acknowledgment)
(Title or Rank)
(Serial Number, if any)

Example (3): For a Partnership

Acknowledgment

State of Nebraska

County of _____

The foregoing instrument was acknowledged before me this

_____ by _____,
(date) (name of acknowledging partner or agent)

partner (or agent) on behalf of _____, a
(name of partnership)

partnership.

_____
Notary Public signature

_____
Affix Seal Here

4) **For a limited liability company:**

State of.....
County of.....
The foregoing instrument was acknowledged before me this (date) by (name of acknowledging member or agent), member (or agent) on behalf of (name of limited liability company), a limited liability company.
(Signature of Person Taking Acknowledgment)
(Title or Rank)
(Serial Number, if any)

Example (4): For a Limited Liability Company

Acknowledgment

State of Nebraska

County of _____

The foregoing instrument was acknowledged before me this

_____ by _____,
(date) (name of acknowledging member or agent)

member (or agent) on behalf of

_____, a limited liability
(name of limited liability company)
company.

_____
Notary Public signature

_____
Affix Seal Here

5) **For an individual acting as principal by an attorney in fact:**

State of.....
County of.....
The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).
(Signature of Person Taking Acknowledgment)
(Title or Rank)
(Serial Number, if any)

Example (5): For an individual acting as principal by an attorney in fact

Acknowledgment

State of Nebraska

County of _____

The foregoing instrument was acknowledged before me this

_____ by _____ as

(date) (name of attorney in fact)

attorney in fact on behalf of

_____

(name of principal)

_____

Notary Public signature

_____

Affix Seal Here

6) **By any Public Officer, trustee, or personal representative:**

State of.....
County of.....
The foregoing instrument was acknowledged before me this
(date) by (name and title of position).
(Signature of Person Taking Acknowledgment)
(Title or Rank)
(Serial Number, if any)

Example (6): By any Public Officer, trustee, or personal representative

Acknowledgment

State of Nebraska

County of _____

The foregoing instrument was acknowledged before me this

_____ by _____

(date) (name & title of position)

_____

Notary Public signature

_____

Affix Seal Here

64-207 Prior Notarial acts; effect.

A Notarial act performed prior to August 25, 1969, is not affected by sections 64-

201 to 64-210. Sections 64-201 to 64-210 provide an additional method of proving Notarial acts. Nothing in sections 64-201 to 64-210 diminishes or invalidates the recognition accorded to Notarial acts by other laws or regulations of this state.

64-208 Sections, how interpreted.

Sections 64-201 to 64-210 shall be so interpreted as to make uniform the laws of those states which enact them.

64-209 Act, how cited.

Sections 64-201 to 64-210 may be cited as the Uniform Recognition of Acknowledgments Act.

64-210 Seal; contents; ink stamp.

1) Each Notary Public, before performing any duties of his or her office, shall provide himself or herself with an official ink stamp seal on which shall appear the words State of Nebraska, General Notary, or State of Nebraska, General Notarial, his or her name as commissioned, and the date of expiration of his or her commission.
2) A Notary Public shall authenticate all his or her official acts with such seal.
3) A Notary Public whose commission was issued by the Secretary of State before the effective date of this act is not required to purchase a new ink stamp seal in order to comply with this section until the notary public's commission expires. Upon renewal, each notary public shall have engraved on his or her official ink stamp seal all of the information required in subsection 1) of this section.

OFFICE OF COUNTY CLERK OR REGISTER OF DEEDS

23-1311 Instruments; signatures; illegible; refusal to file.

The name or names of each signer of an instrument presented for filing or recording in the office of the county clerk or register of deeds, including the name of any Notary or official taking the acknowledgment, shall be typewritten or legibly printed beneath such signature, and the county clerk or register of deeds may refuse to accept and file any instrument failing to meet the requirements of this section; PROVIDED, that if the county clerk or register of deeds determines that all signatures on the instrument are legible, he shall not refuse to file the instrument..

VI. AVAILABLE ON SECRETARY OF STATE'S WEBSITE:

http://www.sos.ne.gov/business/notary/index.html

1) Initial Application & Instructions
2) Renewal Application & Instructions
3) Change of Address form

4) Statement of Notary Complaint form
5) Power Point on Notary Law Changes
6) Notary Public Handbook (for printing)
7) Testing Procedures
8) Mobile Notary Signing Agent Advisory
9) Authentication of Documents by Secretary of State's Office
10) Authentication of Documents by Federal Government Agencies
11) Authentication/Apostille Information

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