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Notary

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NOTARY SIZZLE QUIZ

Credit National Notary Association, *The National Notary* magazine.

Q #1. Notarizing for a spouse or other close relative is:

- a. Allowed in some states, but not Iowa
- b. Not recommended
- c. Against the law
- d. All the above

Q #2. The best credible identifying witness is:

- a. A relative who knows the signer and Notary
- b. A person named in the document
- c. A stranger off the street
- d. A disinterested party who knows both signer and Notary

Q #3. A beneficial interest in a transaction:

- a. Makes it illegal to notarize in many states
- b. Only applies if the Notary has a financial gain
- c. Is affected by travel fees
- d. Never applies to officers of a corporation

Q #4. If there is any doubt regarding the Notary's impartiality during a notarization, the Notary:

- a. Must decline a fee
- b. Must decline to notarize
- c. May proceed if the signer declares it is OK
- d. May proceed if sure no one will find out

Q #5. If an elderly family friend designates you as her representative in a power of attorney document:

- a. You may notarize because you are the document signer
- b. You may notarize if she requests it
- c. You may not notarize because you are named in it
- d. You may not notarize because you personally know the signer

Q #6. A good way to identify a married couple without ID is:

- a. Each could serve as a credible witness for the other
- b. Have them find a Notary who personally knows them
- c. Send them to a Notary willing to notarize without ID
- d. Have them bring in a relative you don't know to vouch for them

Q #7. As a Notary, you serve:

- a. All members of the public
- b. Only customers where you work
- c. Your friends and family
- d. Anyone your boss wants you to serve

True or False for each of the following statements.

Q #8. It is a breach of impartiality to try to persuade another person not to sign a lawful document he has asked you to notarize.

Q #9. Notarizing for your spouse is never a good idea.

Q #10. Notarizing for a significant other is never a conflict of interest, as long as you are not married.

Q #11. It is not a conflict for a Notary to notarize a petition for a political candidate he or she plans to vote for.

Q #12. There is no conflict of interest if a daughter acts as a subscribing witness for a parent on a document in which she is named.

Q #13. It is always appropriate for a corporate officer to notarize company documents.

Q #14. If you will benefit financially from a transaction, it is not a good idea to notarize any related documents.

Q #15. There are no circumstances under which a Notary may legally notarize his or her own signature.

Answers

Q #1. Notarizing for a spouse or other close relative is:

- a. Allowed in some states, but not Iowa
- b. Not recommended
- c. Against the law
- d. All the above**

(d) In many instances, a Notary will not personally gain from notarizing for a close relative and will not be prohibited by law from doing so, although some states flatly prohibit such transactions. However, to avoid later questioning of the Notary's impartiality, it is always safest for a signer to find a Notary who is not a relative

Q #2. The best credible identifying witness is:

- a. A relative who knows the signer and Notary
- b. A person named in the document
- c. A stranger off the street
- d. A disinterested party who knows both signer and Notary**

(d) When a document signer is not personally known to the Notary and is not able to present reliable identification documents, the signer can be identified on the oath or affirmation of a credible identifying witness. These witnesses should be unaffected by the matter at hand and should not be named in the document.

Q #3. A beneficial interest in a transaction:

- a. Makes it illegal to notarize in many states**
- b. Only applies if the Notary has a financial gain
- c. Is affected by travel fees
- d. Never applies to officers of a corporation

(a) Beneficial interest can mean any gain or advantage, whether it is financial or otherwise. Most states have laws which prohibit Notaries from notarizing when they have direct beneficial interest.

Q #4. If there is any doubt regarding the Notary's impartiality during a notarization, the Notary:

- a. Must decline a fee
- b. Must decline to notarize**
- c. May proceed if the signer declares it is OK
- d. May proceed if sure no one will find out

(b) Notaries should not compromise their impartiality when it comes to notarizing a document. If there is any doubt, refuse the notarization and direct the signer to an impartial Notary.

Q #5. If an elderly family friend designates you as her representative in a power of attorney document:

- a. You may notarize because you are the document signer
- b. You may notarize if she requests it
- c. You may not notarize because you are named in it**
- d. You may not notarize because you personally know the signer

(c) Notarizing a document in which you are named would be a conflict of interest because you have a direct potential beneficial interest, such as a financial gain or other advantage.

Q #6. A good way to identify a married couple without ID is:

- a. Each could serve as a credible witness for the other
- b. Have them find a Notary who personally knows them**
- c. Send them to a Notary willing to notarize without ID
- d. Have them bring in a relative you don't know to vouch for them

(b) Credible identifying witnesses should be impartial. For a married couple to serve as the only means of identification for each other would present a conflict of interest.

Q #7. As a Notary, you serve:

- a. All members of the public**
- b. Only customers where you work
- c. Your friends and family
- d. Anyone your boss wants you to serve

(a) As public officials, notaries are commissioned to serve all persons who come to them. They cannot reject a reasonable request to notarize from any member of the public.

True or False Statements

Q #8. It is a breach of impartiality to try to persuade another person not to sign a lawful document he has asked you to notarize.

True. If a transaction appears within the law, it is not a Notary's role to persuade or dissuade.

Q #9. Notarizing for your spouse is never a good idea.

True. Regardless of state laws, there is always a risk of conflict of interest when you notarize for your spouse, or at least the appearance of a conflict that may cause a legal challenge.

Q #10. Notarizing for a significant other is never a conflict of interest, as long as you are not married.

False. Even if not married, persons in a close relationship often share finances. This could lead to a potential beneficial interest in one notarizes for the other.

Q #11. It is not a conflict for a Notary to notarize a petition for a political candidate he or she plans to vote for.

True. By definition, a Notary must be an impartial witness. Unless a Notary is actively involved in organizing the campaign at issue, the Notary's personal view of a political candidate or cause is irrelevant.

Q #12. There is no conflict of interest if a daughter acts as a subscribing witness for a parent on a document in which she is named.

False. On rare occasions, a third party who has witnessed a signing may appear before a Notary with the document in place of the signer. This type of notarization, called "proof of execution by subscribing witness" is not allowed in all states. The subscribing witness should have no potential beneficial interest in the document of transaction.

Q #13. It is always appropriate for a corporate officer to notarize company documents.

False. Some state laws prohibit a Notary who is an officer of a company from notarizing papers involving the particular corporation, when the officer has a personal involvement in the transaction. Regardless of whether a corporate officer's beneficial interest in a transaction is perceived as direct or remote, it is always safest for that person not to notarize corporate papers. In this case, a salaried employee who is not an officer can serve as the Notary.

Q #14. If you will benefit financially from a transaction, it is not a good idea to notarize any related documents.

True. In some states, the usual prohibition against a "direct beneficial or financial interest" is interpreted to disqualify sales agents, attorney and other professionals for notarizing for clients who are paying them. Regardless of state law, a good policy is to have a person without direct benefit act as a Notary. If you have any doubt about whether your interest in a transaction is disqualifying, you should not perform the notarization.

Q #15. There are no circumstances under which a Notary may legally notarize his or her own signature.

True. To uphold the integrity of the notarial act, Notaries must never notarize their own signature. According to the Notary Public Code of Professional Responsibility, "There is no greater breach of the Notary's requisite role as impartial witness than "notarizing one's own signature."