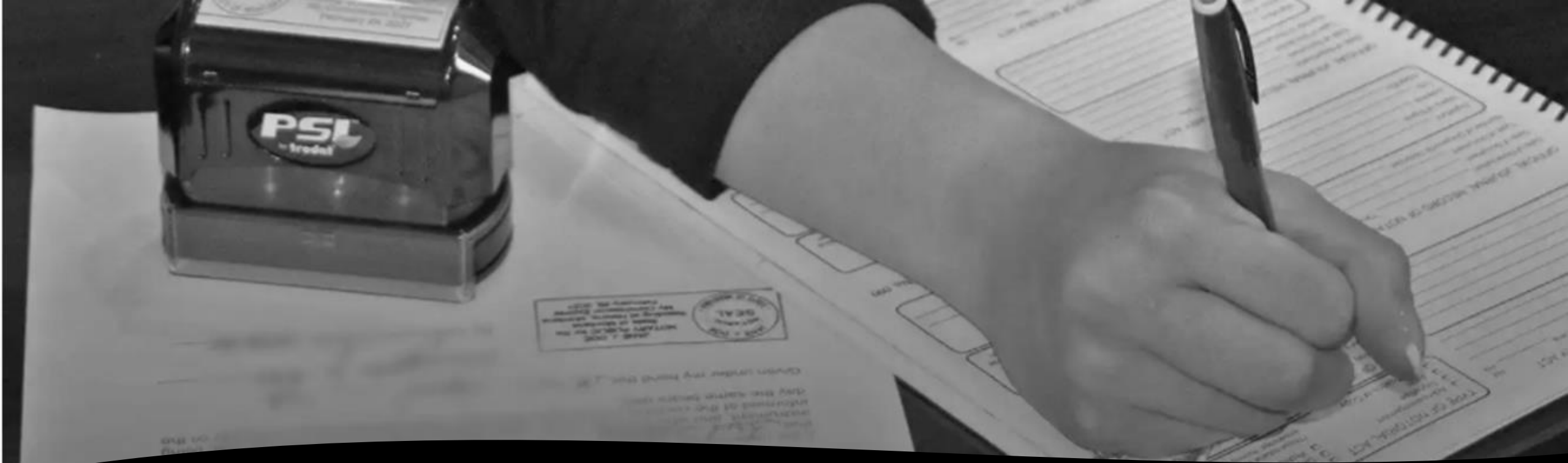




GOLD-STANDARD IN EDUCATION FOR MONTANA'S NOTARIES PUBLIC



# REAL-WORLD NOTARIZING

May 14, 2026



# **FRAUD ON THE RISE....**

- **Real Estate / Deed Fraud**
- **Identity Theft**
- **Elder Financial Exploitation**
- **Notary Impersonation**

# The Notarial Act: A Critical Control Point

- ❑ Often misunderstood as a procedural formality - a stamp, a signature, a routine step in a transaction.
- ❑ Frequently the **last human verification point** in high-value, high-risk transactions.

*When performed **incorrectly** the notarial act:*

- Enables fraudulent transactions
- Provides false legitimacy
- Accelerates financial harm

*When performed **CORRECTLY** the notarial act:*

- ✓ **Confirms Identity**
- ✓ **Validates Intention**
- ✓ **Deters Potential Fraud**

# **The primary purpose of a notary public is to deter or prevent fraud by...**

- ✓ **Verifying the identity/capacity of the signer**
- ✓ **Determining the signer's competence and willingness**
- ✓ **Providing accurate details of the notarial transaction**

# WHEN THE PROBLEM IS SYSTEMIC, THE ANSWER IS NOT A BAND-AID

- ❑ **Minimum standards create maximum vulnerability.**
- ❑ **Fraud doesn't just happen - it passes through checkpoints.**
- ❑ **When fraud schemes succeed, it's not just a crime - it's a system failure.**
- ❑ **When the system expects more than it requires, failure is inevitable.**

THEORIES LOOK  
GREAT ON PAPER...  
UNTIL REALITY  
SCRIBBLES ALL  
OVER THE PAGE.

# THE NOTARY AS A FRONT-LINE FRAUD DETERRENT

**Today's fraud environment requires more than minimum competence...**

- Increasingly sophisticated
- Digitally enabled
- Coordinated across multiple actors
- Targeted toward vulnerable populations, particularly elderly homeowners

These schemes are **designed to exploit gaps** - not only in systems, but in **knowledge and practice**.

# PREVENTING FRAUD

**“Basic” notary training is no longer enough for today’s fraud environment. We need:**

- ✓ **Higher Standards**
- ✓ **Stronger Education**
- ✓ **Clear Professional Accountability**

*A Way To Identify Qualified Notaries*  
(not just commissioned ones)

# THE “BIG THREE”

1. Acknowledgments
2. Signature Witnessing
3. Verifications on Oath/Affirmation (Jurats)

# ACKNOWLEDGMENTS - §1-5-603(1), MCA

- a. In an individual capacity
- b. In a representative capacity

The signer must verbally acknowledge that the signature on the document is theirs and was made “knowingly and willingly for the purposes intended.”

- Properly identify the signer
- Determine competency and willingness
- The notary does not have to witness the signer affix the signature on the document.
- The document may have been signed days, or even years, before the notarization is done.
- The notary must verify the signer’s capacity if a representative capacity signing.

# SIGNATURE WITNESSING - §1-5-603(3), MCA

- a. In an individual capacity
- b. In a representative capacity

The signer must affix their signature to the document in the notary's presence and confirm it was made “knowingly and willingly for the purposes intended.”

- Properly identify the signer
- Determine competency and willingness
- The notary must witness the signer physically sign the document.
- If the document has already been signed, it must be re-signed in the notary's presence.
- The notary must verify the signer's capacity if a representative capacity signing.

# VERIFICATIONS ON OATH OR AFFIRMATION (JURATS) - §1-5-603(2), MCA

The signer must affix their signature to the document in the notary's presence and swear or affirm that the contents of the document are true and correct and it was executed "knowingly and willingly for the purposes intended."

- Properly identify the signer
- Determine competency and willingness
- The notary must witness the signer affix the signature on the document and...
- The notary must administer an oath or affirmation: "Do you swear or affirm that the information contained in this document is true and correct to the best of your knowledge."

# CRITICAL STEPS FOR A VALID NOTARIZATION

## 1. REQUIRE PERSONAL APPEARANCE - §1-5-602(2), MCA

Physical presence

Live, two-way, audio-visual communication system

### Rule #1

The person whose signature is being notarized must personally appear to the notary every single time –

**NO EXCEPTIONS!**

# CRITICAL STEPS FOR A VALID NOTARIZATION

## 2. IDENTIFY THE SIGNER

### □ **Personal Knowledge** - §1-5-603(12)(a), MCA

- **Subjective**
- **Highest & best form of identification**
- **Requires no other documentation**

### □ **Satisfactory Evidence** - §1-5-603(12)(b), MCA

- **Documentary Proof**
  - Signed, pictured, government issued, **Identification Credential**
  - Current or expired less than 3 years
- **Credible Witness** (personal appearance required)
  - Personally knows the signer
  - Identifiable by notary
  - Unbiased, third-party

# CRITICAL STEPS FOR A VALID NOTARIZATION

## 3. DETERMINE SIGNER'S COMPETENCY AND WILLINGNESS

- ❑ **Competency** – Signer is aware of what is being signed and the purpose of the document
- ❑ **Willingness** – Signer is acting freely and is signing without coercion or duress

Use a standard of “Reasonable Care”

# CRITICAL STEPS FOR A VALID NOTARIZATION

## 4. CREATE THE JOURNAL RECORD

### ❑ Record every notarial act (even the ones you don't finish)

- **Must be done at the time of the notarization!**

### ❑ Every entry must include:

- Date and time of notarization
- Type of notarial act
- Description of document
- How signer was identified
  - Personal Knowledge
  - Satisfactory Evidence
    - Include the type of ID, issuing entity, issue or expiration date
      - **DO NOT enter the number of any ID!!!**
    - Credible Witness – separate entry
- **Printed Name, Signature & Address of Signer/Requestor**
- The Fee (if charged)
- Other Information

# YOUR NOTARY JOURNAL

✓ **PROOF**

✓ **PROTECTION**

✓ **PREVENTION**

# GOLDEN RULES FOR NOTARIES

## **RULE #1**

The person whose signature is being notarized must **personally appear** to you at the time you are doing the notarization.

**EVERY. SINGLE. TIME. -- NO EXCEPTIONS!!!**

## **RULE #2**

If the document doesn't have a full notarial certificate with a **venue**, **statement of particulars**, the **notary's official signature**, and **stamp** –

**IT HASN'T BEEN NOTARIZED!**

## **RULE #3**

If you don't know what you're doing....

**DON'T DO IT!!!**

"IN THEORY, THERE IS NO  
DIFFERENCE BETWEEN  
THEORY AND PRACTICE.

IN PRACTICE, THERE IS."

~ Yogi Berra

# RAISING THE STANDARD: A PROFESSIONAL IMPERATIVE

**The solution is not to eliminate the notary's role -  
it is to **STRENGTHEN IT:****

- Ongoing continuing education
- Clear ethical frameworks
- Defined competency benchmarks
- Public-facing credentialing to identify qualified practitioners

# AMERICAN GUILD OF NOTARIES PUBLIC



## **Independent Credentialing Authority**

- ❖ National Standards of Practice
- ❖ Code of Ethics
- ❖ Education Requirements

## **Evaluating Notaries'**

- ❖ Knowledge & Understanding
- ❖ Experience & Skills
- ❖ Competency & Proficiency

<https://AmericanNotaryGuild.org>

# AGNP BRIDGES THE GAP

CONNECTING THE PUBLIC AND INDUSTRY  
WITH CREDENTIALLED, VERIFIED NOTARIES

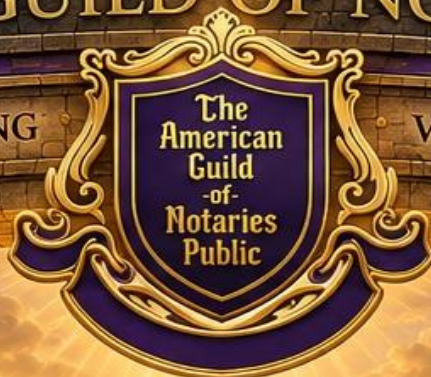
BUSINESSES  
TITLE AGENTS  
ATTORNEYS  
LENDERS  
THE PUBLIC

FIND A  
CREDENTIALLED  
NOTARY

AMERICAN GUILD OF NOTARIES PUBLIC

STANDARDS • CREDENTIALING

VERIFICATION • DIRECTORY



COMMISSIONING  
AUTHORIZES A NOTARY.  
CREDENTIALING  
DISTINGUISHES  
A PROFESSIONAL.

- ✗ MINIMUM STANDARDS
- ✗ INCONSISTENT TRAINING
- ✗ FRAUD RISK
- ✗ NO RELIABLE WAY TO IDENTIFY QUALIFIED NOTARIES

# THANK YOU

FOR MORE INFORMATION OR FOLLOW-UP QUESTIONS,  
PLEASE CONTACT ME:

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