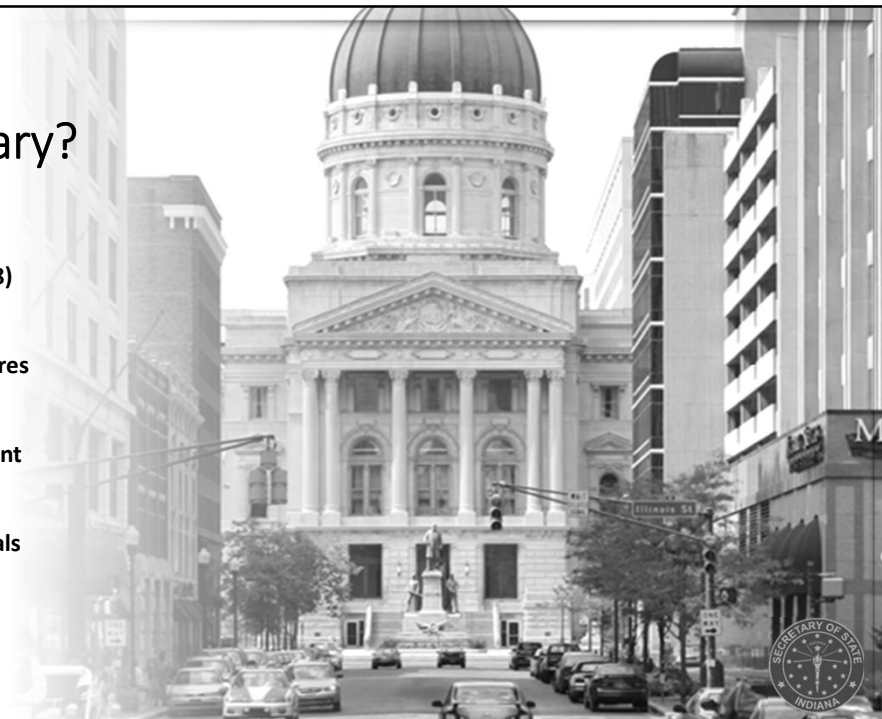




**Diego Morales**  
Indiana Secretary of State  
**Business Services Division**

**2025 Annual  
Recorders Conference**

1

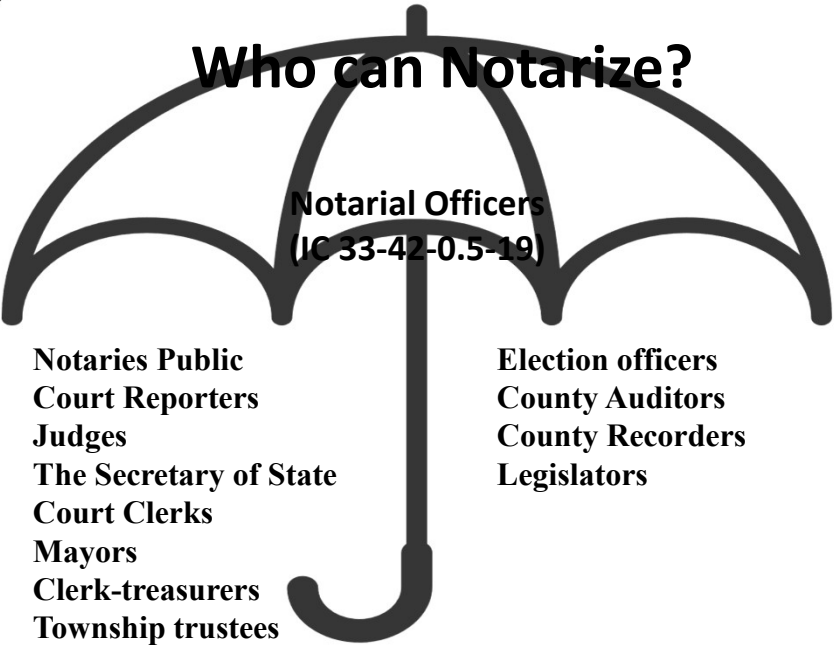


## What is a Notary?

- Indiana State Public Official
- Commissioned for an eight (8) year term
- Independently verify signatures and oaths
- Impartial Witness to important documents
- Largest group of public officials (~50,000)
- Not a 'lucrative office'

2


# Who can Notarize?



**Notarial Officers  
(IC 33-42-0.5-19)**

**Notaries Public**  
**Court Reporters**  
**Judges**  
**The Secretary of State**  
**Court Clerks**  
**Mayors**  
**Clerk-treasurers**  
**Township trustees**

**Election officers**  
**County Auditors**  
**County Recorders**  
**Legislators**







3


# What is a Notarization?

**“Notarization” refers to the process of performing a notarial act, or a completed notarial act. Notarization or “notarizing” usually relates to confirming the identity of a signatory.**

**Indiana law recognizes several forms of notarial acts:**

- **Acknowledgement:**  
The signer acknowledges they understood and signed the document of their own free will.
- **Verification upon oath or affirmation (Jurat):**  
The signer takes an oath/affirmation and willingly signs a document in front of the notary.
- **Witnessing a signature:**  
The signer signs in front of the notary.
- **Issuing true and accurate copies:**  
The notary certifies a document is a complete, correct copy of another document.



4

## Notary Fees

- A Notary may charge a fee of \$10 per notarial act
- A Remote Notary Public may charge a fee of \$25 per Remote Notarial Act
- A Notary may charge the Federal Mileage Rate for Travel



5

## Notary Bond vs. Errors and Omissions Policy



### Notary Bond

- **\$25,000 (2018's typical lawsuit cost for defective notarizations)**
- **Required by law**
- **Protects the Public**



### Errors and Omissions Policy

- **Optional but recommended**
- **Protects the Notary**



6

# Employees as Notaries

OCTOBER 2021

## Lawyers' Responsibility for their Nonlawyer Assistants' Notarial Acts

OPINION #1-21

### Question

Can a lawyer be subject to discipline for their nonlawyer assistant's/notary's failure to properly notarize a document?

### Short Answer

A lawyer who ratifies a nonlawyer assistant's conduct and is in a position of managerial authority, or who directly supervises the nonlawyer assistant, can be subject to discipline for the nonlawyer assistant's/notary's failure to properly notarize a document.

A notary must exercise independent judgment and authority.

The notary is still personally responsible for the commission and their actions.

Employers (and attorneys) can be liable for an employee notary's misconduct.



7

# Notary Seals



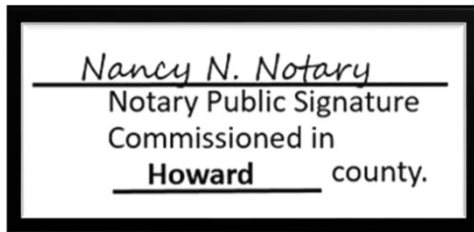
- All notary seals must contain the following:
  - Words "notary public"
  - Words "state of Indiana"
  - Name of the notary public exactly as it appears on the commission
  - The words "commission number" followed by the commission number. (NP0xxxxxx)
  - The words "my commission expires" followed by the expiration date
- Notaries may include other information in their seal.



Signed: <u>Susie Signer</u>	
State of Indiana	
County of: <u>Boone</u>	
On this <u>17th</u> day of <u>March</u> , <u>2019</u> , this record was signed before me by <u>Susie Signer</u> .	
	<u>Nancy N. Notary</u> Notary Public Signature Commissioned in _____ county.

8

## Notary Signatures



Notaries are required to upload a handwritten signature sample with their application. The notary must sign all notarizations in a manner consistent with the signature sample on file.



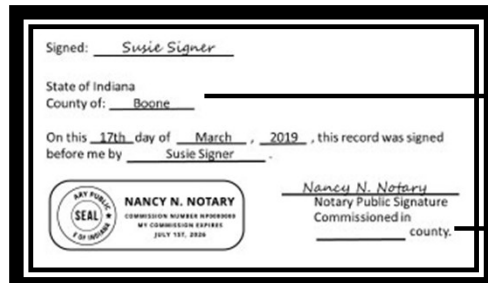
9

## Notarial Certificates

A notarization is not complete without a proper notarial certificate. A notary should never just stamp and sign. Every notarial act must be evidenced by a notarial certificate. A notarial certificate must be in the document or securely affixed to the document.

The notarial certificate is a written statement, signed and sealed by the notary public, certifying the facts of a notarial act. The certificate should explain what notarial act was performed. (Acknowledgement, Signature Witnessing, Jurat, etc.)

Notaries may not give legal advice about which certificate type is best for a given transaction. Notaries let the customer choose the certificate.







County where the act occurs



County of commission (residency or employment)



10

In Person vs.		Remote
		
<b>Traditional</b> <ul style="list-style-type: none"> <li>• Hard Copy Document</li> <li>• Wet Ink Signatures</li> <li>• Wet Ink Seal</li> <li>• In Person Meeting</li> </ul>	<b>Electronic</b> <ul style="list-style-type: none"> <li>• Electronic Document</li> <li>• Electronic Signatures</li> <li>• Electronic Seal</li> <li>• In Person Meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Electronic Document</li> <li>• Electronic Signatures</li> <li>• Electronic Seal</li> <li>• Two-Way Audio-Visual Meeting on SOS Approved Platform</li> </ul>
<p>Traditional and Electronic notarizations share the same requirements for completion of a proper notarization, including the notarial certificate.</p> 		<p>Remote Notarial Certificates require additional information not required by Traditional/Electronic notarizations</p>

11

Remote Notarization Certificate	
<p style="text-align: center;">SAMPLE CERTIFICATE FOR REMOTE NOTARIZATION</p> <div style="border: 1px solid black; padding: 10px; margin: 10px;"> <p>State of Indiana City of <u>Indianapolis</u> County of <u>Marion</u></p> <p>I certify that the attached or associated electronic record entitled <u>Example Document</u> and dated <u>July 1, 2022</u> was signed by the principal <u>Susie Signer</u> who was located in this city <u>Indianapolis</u>, county <u>Marion</u>, state or province <u>Indiana</u>, and country <u>United States</u> and who appeared by audio visual communication on this date, and notarized by me, the remote notary public, on this Date <u>July 1, 2022</u> in this city and county Indianapolis, Indiana.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="border: 1px solid black; padding: 5px; width: 30%;">  <p>Official Seal Nancy N Notary Notary Public – State of Indiana Commission Number NP0XXXXXX My Commission Expires March 30, 2022</p> </div> <div style="width: 60%;"> <p><u>Nancy N. Notary</u> Remote Notary Public Commissioned in <u>Howard County</u> <u>Nancy N. Notary</u> Date notary public commission expires <u>March 30, 2022</u></p> </div> </div> </div>	<p><b>IC 33-42-17-7</b></p> <p>An electronic notarial certificate of a remote notarial act must specify:</p> <ol style="list-style-type: none"> <li>1. That it is a remote notarial act</li> <li>2. The City and County in Indiana where the notary was located</li> <li>3. The city county, state or province, and country in which the principal is physically located</li> </ol> 

12

## Notarial acts from another state: IC 33-42-9-8

Generally, full faith and credit should be given to a notarization from another state.

Notaries in other states may not be required to include the same information in notarizations or stamps.

(a) A notarial act performed in another state is presumed valid and has the same effect as a notarial act performed by a notarial officer of Indiana if the notarial act performed in the other state is performed by:

- (1) a notary public of the other state;
- (2) a judge, clerk, or deputy clerk of the other state; or
- (3) any other individual authorized by the law of the other state to perform notarial acts.



13

## Notarial Jurisdiction

Indiana notaries may not notarize if they are outside the geographic boundaries of Indiana.

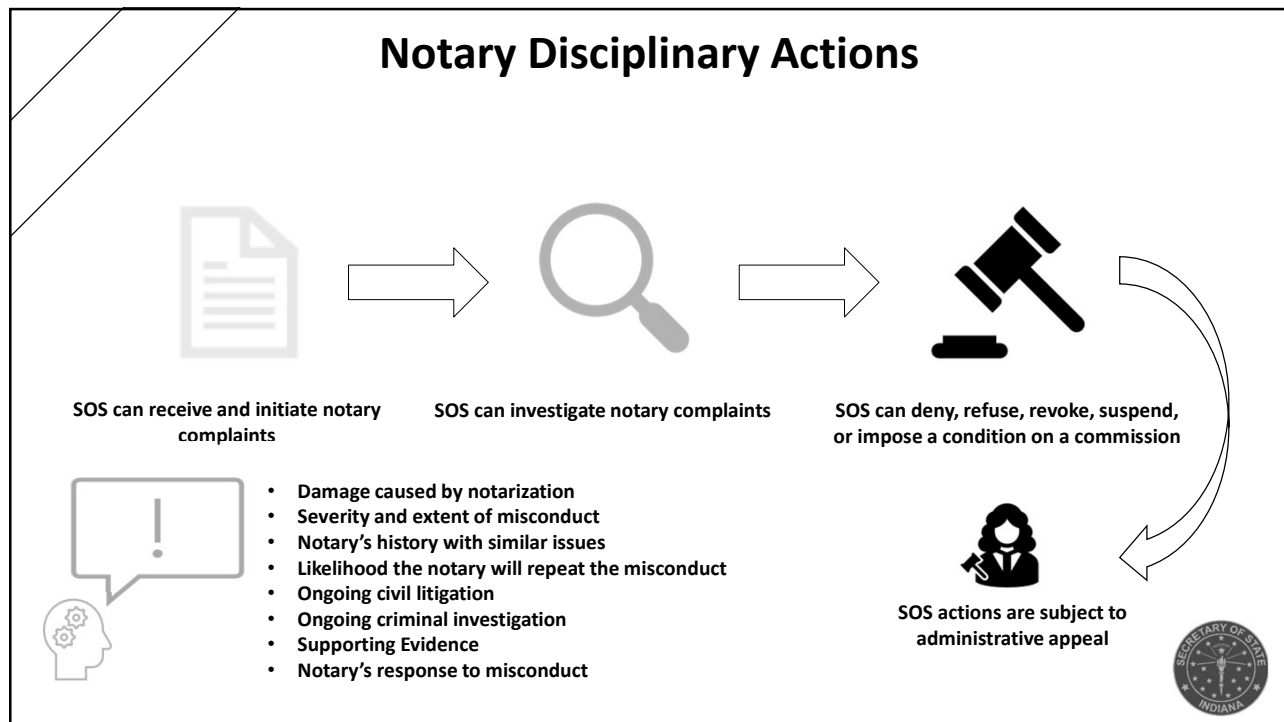
Holding an Indiana commission does not grant a commission in any other state (that we are aware of).

Holding an out of state commission does not grant an Indiana commission.

Notaries commissioned in other states may be allowed by their home state to notarize while in Indiana.



14



15

## Notary Misconduct

- **Typos, errors, omissions**
  - Missing stamp
  - Leaving a blank un-filled
  - Errors with dates
- **Reckless misconduct**
  - Loose certificates
  - Improper ID, allowing a different signed name
  - Improperly informing customers of fees
  - Executing the wrong notarial act
  - Notarizing a document containing prohibited language
  - Unintentionally providing legal advice
- **Intentional misconduct**
  - Notarizing for deceased or incapacitated persons
  - Conflicts of interest
  - Notarizing forgeries
  - Producing forgeries
  - Overcharging
  - False advertising
  - Assisting with immigration matters for profit

State of Indiana

On this, the 2<sup>nd</sup> day of Dec (month), 2024 (year), before me a notary public, the undersigned officer, personally appeared \_\_\_\_\_ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purposes therein contained.

Firma del Notario: \_\_\_\_\_

Nombre del Notario: \_\_\_\_\_

Fecha de Expiración de la Comisión: \_\_\_\_\_

Notary Public - Seal  
Allen County - State of Indiana  
Commission Number: NPO  
My Commission Expires \_\_\_\_\_

**Seal of the Secretary of State, Indiana**

16



# Notaries Public Resource Page

IN.gov INBIZ

[Start a Business](#)
[Manage Business](#)
[Registrations](#)
[Certification](#)
[About](#)

[Licensing](#)
[Notaries Public](#)
[Real Estate Broker License Transfer](#)
[Permits](#)

[LOG IN](#)
[Login Help](#)


INBIZ Notaries

## Notaries Public

A Notary Public is an individual commissioned by the State of Indiana to serve as an impartial witness and fraud deterrent for legally significant documents such as wills, property deeds, marriage licenses and adoption papers. Notaries defer fraud by verifying individuals' identity and ensuring that all parties understand the contents of the documents they sign.

Think you're interested in pursuing or renewing a notary commission? Read on for requirements, filing fees and more information about the application process.

[Become A Notary](#)
[Renew Your Notary Commission](#)



17

# Notaries Public Resource Page

[Change of Information](#)
[Notary Requirements](#)
[Notary Fees](#)
[Education](#)
[Remote Notary](#)
[Notary Guide, Resources & FAQs](#)

## NOTARY GUIDE

The Secretary of State's office has prepared a comprehensive guide to assist individuals pursuing or renewing a notary commission. Check the guide for information on topics including:

- Bond requirements
- Disciplinary action
- Payment information
- Prohibited notarial acts
- Allowable notarial acts

[VIEW NOTARY GUIDE >>](#)


## NOTARY RESOURCES

Whether you're a seasoned veteran or a first-time applicant, keep track of all your notary resources and requirements.

### GET A COPY

Obtain a copy of your notary public commission certificate by adding your commission to your INBiz account and selecting "Edit License" from the dashboard.

- **Change of Information:** Used to change/update your commission information
- **Notary Requirements:** A list of requirements each notary must meet and maintain for an active commission
- **Notary Fees:** A breakdown of all required fees for a commission
- **Education:** Information regarding initial education and continuing education
- **Remote Notary:** Information for notaries interested in remote notary authorization and a list of approved vendors
- **Notary Guide, Resources & FAQs:** Link to Notary Guide, obtain copy of certificate, submit a complaint



18

## Questions from Recorders

**Q1: Should we reject a document that is missing a notarial certificate? If so, we need legislation to be clear on this. We are often given a hard time about it.**

A1: SOS does reject improper notarizations on Apostilles. We are following the guidance and rules established for Apostilles when we do so. SOS can't give legal advice about your authority to reject documents.

**Q2: Does Indiana have reciprocity with Kentucky for notary commissions? Specifically, if the notarization took place in Indiana but was performed by a Kentucky notary, is that allowed? What if it's an Indiana notary that notarized in Kentucky?**

A2: Indiana notaries can not be located outside of Indiana when notarizing. Other states do allow notaries to notarize while outside of their home state, but as far as we know there is no reciprocity, only geographic limits.

**Q3: I know we are not the notary police, but when we see something that is not correct what should we do?**

A3: SOS has the authority to discipline notaries and we always want to be informed if a notary is making mistakes. Email us at [notary@sos.in.gov](mailto:notary@sos.in.gov) with any concerning notarizations.



19

## Questions from Recorders (2)

**Q4: What's the difference between a 'notarization' and an 'acknowledgement'? What difference does the type of notarization make?**

A4: Notarization in general could refer to any notarial act. An acknowledgment is a specific form of notarization where someone who signed a documents acknowledges their signature. The specific type of notarization may be important to any party relying on the document, and each notarial act has different requirements.

**Q5: Does it make sense to index the notary and their commission number? Would that help identify notary fraud?**

A5: Yes! This data would be useful to identify notary fraud. Law enforcement has previously asked SOS for examples of notarizations previously performed by the notary, which we currently do not have. This could be useful for review during SOS disciplinary actions.



20

## Questions from Recorders (3)

**Q6: How can we work together to make it harder for criminals to record fraudulent deeds?**

A6: BSD is eager to help reduce fraud in Indiana. We have initiatives in place relating to business entity fraud, and we monitor notary fraud. You are welcome to any data or information we can share to help. We'll keep this in mind as we continue developing our fraud-related initiatives and we welcome any feedback from you!

**Q7: Will UCCs ever be SOS only filings? Can SOS take over UCCs from the counties?**

A7: We're open to discussing this further once we get our UCC system to 100% online filings. There are several potential risks and barriers to this change and its likely to be a very large project. We're going to check in with other states that have done this to try and learn more.



21

## Questions from SOS

**Q1: What data or resources can SOS provide related to businesses, notaries, or UCCs that would be useful to recorders?**

**Q2: Do all recorders use the same platform/software for recording documents?**



22

# Contact Information & Resources

## Notary Technical Assistance Contact Information

notary@sos.in.gov

317-234-9768

## Notary Guide

<https://inbiz.in.gov/Assets/NotaryGuide.pdf>

## Apply/Manage your Notary Commission

<https://inbiz.in.gov/certification/notary>

## Verify the status of a Notary Public

<https://mylicense.in.gov/EVerification/Search.aspx>

## Notary complaint form

<https://inbiz.in.gov/Assets/NOTARY%20COMPLAINT%20FORM.pdf>



### NOTARY COMPLAINT

State Form 54675 (R3 / 3-21)

- INSTRUCTIONS: 1. Please send this form along with the following documents to the  
Deputy General Counsel at the above address. Do not send to the Secretary of State.
2. Please attach copies of the following:  
a. Documents Notarized by the notary in question  
b. Any correspondence relating to the above

PLEASE NOTE: The Secretary of State's authority is limited to denying application for a notary commission as a result of a complaint. The office cannot provide relief to complainants. Submissions may be available to aggrieved parties. Complainants are encouraged to seek the aid of legal counsel.

FOR STAFF USE	
Date (month, day, year)	Commission number
PERSONAL INFORMATION OF	
Name	
Home address (number and street, city, state, and ZIP code)	
Business address (number and street, city, state, and ZIP code)	