INTERNATIONAL NOTARY MANUAL

This Manual is intended to guide all Notaries Public appointed to the Notarial Division for The office of the Secretary of State for The United States of America in carrying out their function as members of the International Notarial Tribunal and as International Notaries.

Questions may arise which are not covered in this manual in which case, a ruling should be requested from the Notarial Tribunal with appellate challenges that go to the General Post Master Council for The United States of America.

Copies of all rulings will be published.
# TABLE OF CONTENTS

1. BACKGROUND AND HISTORY  
   1.1 Background and Legal Framework  
   1.2 Categories of persons eligible for appointment  
   1.3 Revocation of Appointment  

2. FUNCTIONS AND POWERS  
   2.1 Notarial Precedents  
   2.2 Protesting Bills of Exchange  
   2.3 Ships' Protest  
   2.4 Taking Affidavits and Statutory Declarations  
   2.5 Certified True Copies and Originals  
   2.6 Duty to Exercise Care and Skill  
   2.7 Formalities of a Notarial Act  
      - Notarial Evidence  
      - Effect of This Rule  
      - Chain of Authentication (for overseas documents)  
   2.8 Register of Documents  
   2.9 Fees  

3. CHECKLIST OF RECOMMENDED STEPS  

4. CHECKLIST OF RECOMMENDED DONT'S  

DEFINITIONS  

NOTARY POSITION REQUEST FORM  

1.1 **Background and Legal Framework**

The functions of a notary public practicing in the Notarial Division for the Secretary of State have not been defined by any statutory provision or rule. A notary public may be described as an officer of the Court when serving as a member of the Notary Judicial Panel and as an International Notary when serving as a member of the Notarial Division appointed by the office of the Secretary of State for The United States of America. This power of appointment has been delegated to the office for the Secretary of State by the Judicial Branch of the Government for The United States of America. An international notary public may be described as an official whose public office and duty is to:

a. draw, attest or certify under official seal, for use anywhere in the world, deeds and other documents, including wills or other testamentary documents, conveyances of real and personal property and powers of attorney;

b. authenticate such documents under signature and official seal in such a manner as to render them acceptable, as proof of the matters attested, to the judicial or other public authorities in the country where they are to be used, whether by means of issuing a notarial certificate as to the due execution of such documents or by drawing them in the form of public instruments;

c. keep a protocol containing originals of all instruments in the public form and to issue authentic copies of such instruments;

d. administer oaths and declarations for use in proceedings internationally and domestically,

e. note or certify transactions relating to negotiable instruments, and

f. draw up protests or other formal papers relating to occurrences on the voyages of ships and their navigation as well as the carriage of cargo in ships.

1.2 **Categories of persons eligible for appointment**

No one shall be appointed as a notary public unless a RESIDENT DECLARATION has been declared and is at least twenty one years of age. The Secretary of State has developed internal guidelines for appointment.

A: Not be under a court order declaring mental incompetence;
B: Not serving a term of imprisonment resulting from a conviction of a crime; and
C: Have never been convicted of a felony or offense against the election laws OR if previously convicted, have served an entire sentence including parole, or have received a pardon for the conviction.

In order to assist expediting an application by American Nationals or RESIDENTS desiring to serve as notary, requests may initially be sent by e-mail to: *secretaryofstateforTUSA@gmail.com*

Generally: once a request has been processed, the appropriate Oath and Affirmation will be recorded and administered by a member of the Notarial Tribunal or by general post master for The United States of America.
Then and only then, the appropriate Oath and Affirmation, Letter of Acceptance and Acknowledgement and Certificate of Appointment is issued.

The notary will serve a ten-year term from the date processed by the Secretary of State.

The Oath and Affirmation administered and recorded is as follows:

“I, John or Jane Doe, of my own volition do solemnly pledge (or affirm), that I am at least twenty one years of age, that I am in full compliance with eligibility requirements under Section 1.2 of the International Notary Manual and that I will exercise and uphold the duties of International Notary Public listed in Section 2 of the International Notary Manual with responsibility, justice and fairness to all.”

1.3 Revocation of Appointment

In the event that an appointed Notary has compromised and failed in the performance of his or her duties, a formal written complaint must be filed with the General Post Office Tribunal under Article 9 of the General Post Articles. In the event the facts are in dispute, the complaint may go to the assembly of affirmed American Nationals for The United States of America to ascertain the facts, and then brought back to the aforementioned tribunal for final judgment.

The assembly of affirmed American Nationals for The United States of America, upon ascertaining the facts shall send the complaint for investigation to the General Post Marshals, the General Post Marshals will review the complaint, and determine whether to forward it to the office of the Secretary of State for The United States of America for review and letter of confirmation, confirming the complaint is valid and with merit. The General Post Marshals will return the letter and any other investigative documents, affidavits, eye witnesses, and other documents that the investigative marshal feels necessary to add or is pertinent to the case to the aforementioned assembly for final review of the facts.

If it is the unanimous decision of the aforementioned Tribunal to revoke an appointment it shall cause the decision to be published, and must be unanimous and is final.

2. FUNCTIONS AND POWERS OF THE NOTARY PUBLIC

Every notary public shall have and may exercise all the powers and functions which are ordinarily exercised by international notaries public in the world. The practical functions are dictated by custom of private and Public International Law, and with some variations, principally as follows:

Serving in the Notarial Tribunal.
Taking affidavits and declarations;
Protesting Bills of Exchange;
Ships’ Protests;
Witnessing execution of documents
Conveyances and Powers of Attorney.

2. a. The importance of this section cannot be stressed enough.
Within the Notary Division of the office for the Secretary of State, three notaries serve as the Notarial Tribunal (NT) and thus are the Notarial Court
2b. The primary rule for all notaries are:

The notary is there to serve the people, and only the people.

In fulfilling its duties and responsibility, it acts only as an official Witness. It is never to be construed to claim the rights of the American Nationals.

### 2.1 Notarial Precedents

For Notarial Precedents, notaries are advised to do the following - simplify the language using clear and simple English where possible; and check with the persons requesting the notarial services if the document fulfills the requirements of the ultimate destination of the document.

### 2.2 Protesting Bills of Exchange

Notaries are employed to formally present foreign Bills of Exchange for acceptance or payment and to note and protest Bills in case of dishonor.

### 2.3 Ships' Protest

On the arrival of a vessel at her port of discharge, and also at an intermediate port of refuge or distress, it is often the practice for the ship's master to cause an entry or note of protest to be made before a notary public. This formality, known as “entering a note of protest” or simply “noting protest”, is observed when, owing to exceptionally bad weather or some accident at sea, damage has been caused to ship or cargo, and is intended to show that such damage was caused by maritime perils and not by any negligence or misconduct on the part of the ship's master, officers or crew.

### 2.4 Taking Affidavits and Declarations

Under this heading are a notary's right to administer oaths and take affidavits. These affidavits are intended for use in countries where notarial acts are recognized.

Every declaration or affidavit relating to the execution of an instrument or deed intended to take effect abroad must be verified by a Notarial Certificate endorsed on the deed or instrument and duly signed and sealed by the Notary who takes it.

### 2.5 Certified True Copies and Originals

When certifying true copies, a notary simply has to ensure that the copies are indeed true copies of the original. This is done by a visual comparison of the original documents with the copies.

### 2.6 Duty to Exercise Care and Skill

In the performance of the business entrusted to a notary public, the notary undertakes to use a reasonable amount of skill and ordinary care and diligence, that is, such an amount
of care and diligence as persons of common prudence are in the habit of using in their own business affairs.

2.7 Formalities of a Notarial Act

A notarial act can be defined as being –
“An act is an instrument recording the due execution of a deed, contract or other writing, or verifying some fact or thing done. An authentic act is an act executed in accordance with legal requirements and certified by the proper officer. A notarial act is the act of a notary public, authenticated by signature and official seal, certifying the due execution in the presence of a deed, contract or other writing, or verifying some fact or thing done in the presence or of which the notary has certain knowledge. Thus, any certificate, petition, attestation, note, entry, endorsement, or instrument made, or signed and sealed by a notary public in the execution of the duties of the office is a notarial act.” (See Brooke’s Book on Notaries – 12th Edition page 65).

The essential contents of a Notarial instrument –
(i) the Country
(ii) the title;
(iii) the date and place of execution;
(iv) the names of the notary public, parties and witnesses;
(v) a statement of the fact of the parties appearing before the notary and of their reason for doing so;
(vi) the document or transaction which is the subject of the act;
(vii) signatures of the parties and witnesses;
(viii) Signature and seal of the notary public.

Every Notarial instrument or act should narrate fully and accurately the whole procedure, of which it is intended to preserve a record and afford the proof.

Notarial Evidence

“A document purporting to have affixed or impressed thereon or subscribed thereto the seal or signature of a court, judge, notary public or person having authority to administer oaths in a Commonwealth country and in the case of any other country, the seal or signature of a consular officer of a Commonwealth country in testimony of an affidavit being taken before it shall be admitted in evidence without proof of the seal or signature being the seal or signature of that court, judge, notary public or person.”

Effect of This Rule

Any document coming within the scope of the Rule need not require proof that the person stating to be a notary public is in fact a notary public or to verify the signature. However, where an affidavit and a document is -
(a) sworn or attested for in a country outside a Commonwealth country; or
(b) Sworn to or attested to for use in a foreign country.

The authority and the signature of the notary public are required to be verified.

There are no set rules governing the requirements of different countries where the documents are to be used. Notaries can find out individual requirements from the
Chain of Authentication (for Overseas Documents)

Notarization by notaries public

Further verification by the Notarial Tribunal or the office of the Secretary of State for The United States of America Legalization by Embassies/Consulates.

There is also an international treaty (i.e. the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents 1961) which shortens the chain of authentication. Under the treaty, public documents (which include notarial acts) that has been executed in the territory of a contracting State and which have to be produced in another contracting State do not need to be legalized. A simple certificate or ‘apostille’ in a prescribed form issued by the competent authority of the State from which the country originates will suffice.

2.8-Register of Documents:

All documents shall be registered with the general post office for The United States of America, more particularly on office of the registrar for The United States of America,

2.9 Fees for Notarial Services Rendered

3. CHECKLIST OF RECOMMENDED STEPS

(a) Ensure the deponent is present and has been identified before you take or attest his or her affidavit or statutory declaration. The deponent should be asked to identify himself or herself by producing his or her passport or other acceptable identification.

(b) Ensure that the deponent understands what he or she is about to swear or affirm to; that he or she knows that he or she is about to execute the document in your presence; that the exhibits referred to in his or her affidavit or declaration (if any) referred to in his or her document are in fact correctly attached.

(c) Ensure that you are satisfied that the deponent is apparently competent to depose to the document.

(d) Ensure that the document falls within the categories of documents you are empowered to process.
(f) Keep a Register of all documents sworn or affirmed before the notary public:

(g) When documents are to be executed by a company under its Common Seal or by an Attorney on its behalf, it is the duty of the notary be satisfied that the company is not acting ultra vires.

(h) In the event that a company uses its company seal an appropriately worded Letter of Acceptance and Acknowledgement executed by a Director and Secretary should accompany documentation. In the event an Attorney is executing on behalf of a company, verification that such Attorney has been properly appointed by the company under its corporate seal is authorized in accordance with its Articles of Association.

(i) It is important for a notary to bear in mind that he or she is not required to look into the substance or legality of the document but rather, whether the company and/or its attorney is acting ultra vires when executing the document.

4. CHECKLIST OF RECOMMENDED DONT’S

(a) Do not take or attest documents in the absence of the deponent, Skype video conference or other video conference is sufficient and does satisfy the requirement of “in the presence”.

(b) A notary is in a position to deal with documents in a foreign Language signed before the notary. It is essential for the notary to remember that the notary is witnessing and attesting to the identity of the signature, not the validity of the contents of the document. However, it is prudent for a notary to only witness a document in a foreign language when there is an English equivalent of the document translated by an official interpreter, and when the deponent signs both documents (namely, the one in the foreign language and the English translation) in the notary’s presence. A notary who does this should depose to it in his or her notaries certificate. The English requirement is in Accordance to the Articles of Association for The United States of America.

(b) Do not practice as a notary when the period of your appointment has expired or been revoked.

(c) Do not deal with any declaration or affidavit which is incomplete and which contains blanks, unless the blanks are completed.
(d) Do not administer the oath or affirmation when to your personal knowledge, 
the document which the deponent is about to swear or affirm is false.

(f) Do not administer the oath or affirmation when the deponent is not rational or capable of affirming or swearing the affidavit. Whilst it is difficult for a notary public to decide whether a deponent is mentally rational and capable of understanding what he or she is about to affirm or swear to, the notary is entitled to take into account facts such as the deponent’s behavior before him or her. If it is known the deponent was a patient in a mental hospital, the notary should obtain a medical opinion as to whether the deponent is fit and capable of making the affidavit or declaration.

**Meanings of words:**

A: Acknowledgement – a formal declaration made in the presence of an authorized officer, such as a notary public, by someone who signs a document and confirms that the signature is authentic.

B: Affiant – one who makes an affidavit, a voluntary declaration of facts.

C: Affidavit – a voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths.

D: Apostille – a standard certification provided under the Hague Convention for authenticating documents used in foreign countries.

E: Attorney-in-fact – one who is designated to transact business for another; a legal agent.

F: Authentication – the act of proving that something (as a document) is true or genuine.

G: Certification – the act of affirming to be true or genuine.

H: Commission – a warrant or authority from the government or a court, that empowers the person named to execute official acts.

I: Credible witness – a witness whose testimony is believable.

J: Deposition – a witness’s out-of-court testimony that is reduced to writing (usually by a court reporter) for later use in court or for discovery purposes.

K: Deponent – A witness; one who testifies as to information or facts known to him, under oath in a deposition.

L: Hague Convention – one of a number of international conventions that address different legal issues and attempt to standardize procedures between nations. For a complete listing of countries and territories that are party to the Hague Convention, please go to www.scsos.com/hagueconv.htm.

M: Jurat – a certification added to an affidavit or deposition stating when and before what authority the affidavit or deposition was made.

N: Oath – a solemn declaration, accompanied by a swearing to God or a revered person or thing, that one’s statement is true or that one will be bound to a promise.
O: Proof of deed – the establishment of any written instrument that conveys an interest in property.

P: Power of attorney – the authority to act as an agent or attorney-in-fact for a person or an instrument that grants such authority.

Q: Renunciation of dower – a wife’s act of waiving, upon her husband’s death, a right to a life estate in one-third of the land that he owned in fee. This is an antiquated law that only applies to the dower rights of wives whose husbands died on or before May 22, 1984.

This concludes the requirements of an International or Notary Public within The United States of America. Any and all changes or further requirements shall be posted by the office of the Secretary of State for The United States of America as the need may arise from unforeseen events that may take place in the future.

So published by the Secretary of State for The United States of America on the 11th day of July, 2014.
NOTARY POSITION REQUEST FORM

Name:

Address:

Phone Number:

Email:

RESIDENT DECLARATION #

Autograph:
ACKNOWLEDGEMENT

I, Alice Ceniceros, certify under penalty of bearing false witness under the laws of The United States of America that the foregoing paragraph is true and correct according to the best of my current information, knowledge, and belief. The Office of the registrar accepts and acknowledges the document: INTERNATIONAL NOTARY MANUAL 2014 and is recorded on:

July 11, 2014  8:45 PM  RH-C551CE22-F96C-432B-9921-A09914921933
Received Date  Time  Record File Number

File Name: 20140711-INP-NOTARY-MANUAL

CERTIFIED COPY OF RECORDED DOCUMENT
This is a true and exact reproduction of the document officially recorded and placed on file in the Office of the registrar for The United States of America.

Date Issued: July 11, 2014

This copy is not valid unless displaying the Record File Number, Unique Authentication File Number, Seal, and signature of the registrar for The United States of America.