

**Notarization taking place in the State of Indiana:**

**Identification:**

- A. The person signing the document must physically be in your presence to be valid.
- B. Three ways to identify the signer: ID documents, personal knowledge or credible witness, BUT for Stewart insured closings and most lenders will only accept unexpired, photo identification as follows:
  - 1. Driver's license issued by a US State
  - 2. State issued identity card (from any US State)
  - 3. U.S. passport or an unexpired officially recognized passport of a foreign country
  - 4. U.S. military identification card
  - 5. Identity card issued by a federally recognized Indian tribe
  - 6. University identification card
  - 7. A document issued by the US federal government or a state, county, or other local government which contains the person's photograph, signature and physical description
- C. The notary / notarization must include the notary's signature, printed name under signature or name in stamp, expiration date, seal, and county of residence [IC 33-42-2-9].

**Electronic Notary or "E-Notary" is acceptable:**

- A. The parties must agree to conduct the transaction electronically; so obtain written consent.
- B. Per IC 26-2-8-110 [Law through 2016 Session]:

*"If a law requires that a signature be notarized, the requirement is satisfied with respect to an electronic signature if an electronic record includes, in addition to the electronic signature to be notarized, the electronic signature of a notary public together with all other information required to be included in a notarization by other applicable law".*

According to the Indiana Notary Statue IC 33-42-2-9, the notary must include their signature, expiration date, seal, printed name under signature or name in stamp, and county of residence.

- C. Note that there are other record keeping requirements under the Indiana Uniform Electronic Transactions Act IC 26-2-8.
- D. [Bulletin: SLS2017002 eSignature, eNotary & Remote Notary](#)
- E. There is pending legislation in the 2017 session which may change the above information and requirements.

**Verification of Indiana Notary Commission:**

<https://myweb.in.gov/SOS/notaryapp/Common/NotarySearch.aspx?isReapplying=0>

**IN Sect. of State Notary Guide:** [http://www.in.gov/sos/business/files/SOS\\_Notary\\_Guide.pdf](http://www.in.gov/sos/business/files/SOS_Notary_Guide.pdf)

---

Need more information? See <http://www.vuwriter.com>

*This is provided to Stewart affiliated companies and independent title agencies of Stewart Title Guaranty Company ("Stewart") for educational and informational purposes only. Nothing contained herein should be considered as the rendering of legal advice. You should not act or rely upon the information contained in these materials without specifically seeking professional legal advice. Stewart makes no express or implied warranties with regard to this information and does not take any responsibility for the content, accuracy or timeliness of such materials.*

**Notarization in a different State or territory of the United States:**

- A. Notarization must be consistent with that State’s notarial laws.
- B. If questionable, verify notary status with the respective State’s Secretary of State’s Office.

**Notarization by the US Military:**

- A. For a member of the US armed forces, US armed forces auxiliary, or a member's spouse, the notarization may be taken by a commissioned officer of the United States Armed Forces or United States Armed Forces Auxiliary.
  - 1. Generally will be a “Special Power of Attorney.”
- B. “E-Notary” is permitted by an authorized military officer.
- C. Reference: 10 USC 1044(a): <http://uscode.house.gov/view.xhtml?path=&req=granuleid%3AUSC-prelim-title10-section1044a&f=&fq=&num=0&edition=prelim>

**Notarization outside of the United States:**

- A. A conveyance, mortgage, or an instrument of writing to be recorded must be acknowledged by the grantor before the “minister, charge d’affaires, or consul of the United States in any foreign country” [IC32-21-2-3(a)].
- B. At a U.S. Embassy or U.S. Consulate by an authorized official / notary.
- C. If a U.S. Embassy or U.S. Consulate is unavailable, the party may obtain a foreign acknowledgement (notarization) which is then authenticated by using an Apostille; which must be executed by a foreign notary from any country that is a member of the Hague Convention. <https://www.hcch.net/en/instruments/conventions/specialised-sections/apostille>
- D. Hague Convention Countries:  
[http://hcch.e-vision.nl/index\\_en.php?act=conventions.status&cid=41](http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=41)
- E. An acknowledgment may be taken outside the United States or its territories by:
  - 1. a minister, commissioner, or charge d'affaires of the United States who is a resident of and is accredited in the country where the acknowledgment or proof is taken;
  - 2. a consul-general, consul, vice-consul, commercial agent, vice-commercial agent, deputy consul, or consular agent of the United States who is a resident of the country where the acknowledgment or proof is taken; or
  - 3. a qualified notary public (see above for authentication).
  - 4. you may assume that an acknowledgment signed by a U.S. governmental official is appropriately appointed and accredited.

---

Need more information? See <http://www.vuwriter.com>

*This is provided to Stewart affiliated companies and independent title agencies of Stewart Title Guaranty Company (“Stewart”) for educational and informational purposes only. Nothing contained herein should be considered as the rendering of legal advice. You should not act or rely upon the information contained in these materials without specifically seeking professional legal advice. Stewart makes no express or implied warranties with regard to this information and does not take any responsibility for the content, accuracy or timeliness of such materials.*

**Common Notary Samples**

**Individual Notary Sample:**

STATE OF INDIANA )

) ss:

COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, on \_\_\_\_\_, 2017, personally appeared \_\_\_\_\_, being over the age of eighteen (18) years, who acknowledged the execution of the above and foregoing \_\_\_\_\_. I have, in witness thereof, subscribed my name and affixed my official seal.

My Commission Expires:

\_\_\_\_\_  
Resident of \_\_\_\_\_ Co., IN

\_\_\_\_\_  
NOTARY PUBLIC

**POA Notary Sample:**

STATE OF INDIANA )

) ss:

COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, on \_\_\_\_\_, 2017, personally appeared \_\_\_\_\_, as attorney-in-fact for \_\_\_\_\_ [Principal], being over the age of eighteen (18) years, who acknowledged the execution of the above and foregoing \_\_\_\_\_. I have, in witness thereof, subscribed my name and affixed my official seal.

My Commission Expires:

\_\_\_\_\_  
Resident of \_\_\_\_\_ Co., IN

\_\_\_\_\_  
NOTARY PUBLIC

**LLC Notary Sample:**

STATE OF INDIANA )

) ss:

COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, on \_\_\_\_\_, 2017, personally appeared \_\_\_\_\_, the duly authorized Member / Manager of \_\_\_\_\_, LLC, being over the age of eighteen (18) years, who acknowledged the execution of the above and foregoing \_\_\_\_\_. I have, in witness thereof, subscribed my name and affixed my official seal.

My Commission Expires:

\_\_\_\_\_  
Resident of \_\_\_\_\_ Co., IN

\_\_\_\_\_  
NOTARY PUBLIC

---

Need more information? See <http://www.vuwriter.com>

*This is provided to Stewart affiliated companies and independent title agencies of Stewart Title Guaranty Company ("Stewart") for educational and informational purposes only. Nothing contained herein should be considered as the rendering of legal advice. You should not act or rely upon the information contained in these materials without specifically seeking professional legal advice. Stewart makes no express or implied warranties with regard to this information and does not take any responsibility for the content, accuracy or timeliness of such materials.*

**Other References:**

- A. US Consulate Information: <https://travel.state.gov>  
<https://travel.state.gov/content/travel/en/legal-considerations/judicial/authentication-of-documents/notarial-and-authentication-services-consular-officers.html>
- B. Canada: <http://www.canadian-consulate.com/notary-public-canadian-notary-services.html>
- C. American Society of Notaries <http://www.notaries.org/>
- D. National Notary Association Hotline 1-888-876-0827 [for members]  
<http://www.nationalnotary.org/>      [Hotline@NationalNotary.org](mailto:Hotline@NationalNotary.org)

**Q & A from US Dept. of State Web-Site:**

**How do you get a document notarized overseas?**

Notarizing officers at any U.S. Embassy or Consulate abroad can provide a service similar to the functions of a notary public in the United States. It is also possible to have a document notarized by a local foreign notary and then have the document authenticated for use in the United States. In countries that are party to the [Hague Apostille Convention](#), this is a simplified process.

**Do U.S. Embassies and Consulates provide notarial and authentication services for non-U.S. Citizens?**

Yes. 22 C.F.R. 92.4(b) provides that these services may be performed for any person regardless of nationality so long as the document in connection with which the notarial/authentication service is required is for use within the jurisdiction of the United States.

**What fees are charged for consular notarial and authentication services abroad?**

Effective July 13, 2010 there is a \$50.00 fee for each notarial service. Also effective July 13, 2010, there is a \$50.00 fee for each authentication service provided by a U.S. Embassy or Consulate abroad. Fees may be paid in cash or by certified check or money order. No personal checks are accepted. Certified checks or money orders should be made payable to the American Embassy or Consulate. (For example, American Embassy Kingston.)

---

Need more information? See <http://www.vuwriter.com>

*This is provided to Stewart affiliated companies and independent title agencies of Stewart Title Guaranty Company ("Stewart") for educational and informational purposes only. Nothing contained herein should be considered as the rendering of legal advice. You should not act or rely upon the information contained in these materials without specifically seeking professional legal advice. Stewart makes no express or implied warranties with regard to this information and does not take any responsibility for the content, accuracy or timeliness of such materials.*

**What are some examples of notarial/authentication acts?**

**Acknowledgment:** To "acknowledge" is to admit, affirm, or declare; to recognize one's acts, assuming obligation or incurring responsibility. For example, if you sign a deed before a notarizing officer, you acknowledge your signature.

**Oath:** Any form of an attestation by which a person signifies that he or she is bound in conscience to perform an act faithfully and truthfully. A person who intentionally makes false statements under oath before a U.S. notarizing officer is punishable for perjury (22 U.S.C. 4221).

**Affirmation:** A solemn and formal declaration that an affidavit is true, that the witness will tell the truth, etc.

**Affidavit:** A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the person making it, taken before an officer having authority to administer such an oath.

**Attestation:** The act of witnessing an instrument in writing, at the request of the party executing the document, and subscribing it as a witness.

---

Need more information? See <http://www.vuwriter.com>

*This is provided to Stewart affiliated companies and independent title agencies of Stewart Title Guaranty Company ("Stewart") for educational and informational purposes only. Nothing contained herein should be considered as the rendering of legal advice. You should not act or rely upon the information contained in these materials without specifically seeking professional legal advice. Stewart makes no express or implied warranties with regard to this information and does not take any responsibility for the content, accuracy or timeliness of such materials.*