

Virginia Association of Notaries

Notary News

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Issue 7



LOSS OF OUR BELOVED FOUNDING MEMBER, SANDY

It is with deep sorrow that we share the passing of Sandra Lee “Sandy” Ames, a founding member and dedicated Board member of the Virginia Association of Notaries. Sandy was instrumental in shaping the foundation and mission of our Association, serving with vision, integrity, and unwavering commitment. Her legacy lives on in the standards of excellence and the community she helped nurture.

We extend our heartfelt condolences to her family, loved ones, and to everyone in our notarial community who had the privilege of working alongside her. Her VAN Family will sorely miss her.



Sandy was a Notary Public in Pennsylvania for 24 years. In addition to general notarizations, she was a seasoned certified Notary Signing Agent, completing well over 500 closings and an official agent for PennDOT's Department of Motor Vehicles. Having been a member of the Pennsylvania Association of Notaries (PAN) throughout her tenure as a Notary, Sandy gained an appreciation for the Association's support, assistance, and benefits. Sandy became a Virginia Notary in 2018. In 2022, she lent her precious time and experience with PAN to help create the Virginia Association of Notaries (VAN). We will always be grateful to Sandy.

Donations in Sandy's memory can be made to the American Cancer Society.



WELCOME NEW MEMBERS AND CONTRIBUTORS!

Welcome to the Virginia Association of Notaries! We are excited to have you join our growing community of dedicated notary professionals across the Commonwealth. As a member, you are now part of a network committed to upholding excellence, integrity, and continued education in notarial practices.

Whether you are just starting your journey or are a seasoned Notary, we are here to support you with valuable resources, professional development opportunities, and a collaborative environment where you can thrive. We look forward to connecting with you and helping you succeed in your notarial career. Welcome aboard!



NOTARY KNOW-HOW

NOTARIAL ACTS - Acknowledgments vs Jurats

According to the Code of Virginia as it pertains to Notaries Public, Chapter 3: Powers and Duties, the powers given to Notaries are as follows: “§ 47.1-12. Powers Each notary shall be empowered to perform the following notarial acts: (i) take acknowledgments, (ii) administer oaths and affirmations, (iii) certify that a copy of any document, other than a document in the custody of a court, is a true copy thereof, (iv) certify affidavits or depositions of witnesses, (v) perform verification of fact, and (vi) perform such other acts as permitted by law.”

A **jurat** is a notarial act in which a Notary Public certifies that a signer has personally appeared before them, taken an oath or affirmation, and signed the document in the Notary’s presence. It is typically used for affidavits or sworn statements to affirm that the content of the document is true.

In Virginia, the legal definition and requirement for a jurat can be found in the Code of Virginia § 47.1-2, which defines a "jurat" as: “a notarial act in which an individual: (i) appears in person before a Notary and presents a document; (ii) is personally known to the Notary or identified by the Notary through satisfactory evidence; (iii) signs the document in the presence of the Notary; and (iv) takes an oath or affirmation before the Notary vouching for the truthfulness of the signed document.”

An **Acknowledgement** is the process where a Notary Public verifies a signer’s identity and their voluntary signing of a document. The signer must appear before the Notary, acknowledge their signature, and declare they signed the document willingly. While it is not ideal, you CAN notarize an Acknowledgment after it has been signed, as long as the signer shows a form of ID with the same signature and declares they signed the document willingly. However, *the date in your notarial certificate must be the date you notarized it*, regardless of the date of the original signature.



NOTARY TIPS

JOURNAL MISCONCEPTIONS [REVISITED]

Notary journals are not required by the Commonwealth of Virginia, however, in the Notary Handbook by the Secretary of the Commonwealth, there is a section that states that the SoC recommends every Notary keep a record of all transactions. VAN recognizes the real need to make journals mandatory. We **STRONGLY** recommend (as well) that every Notary Public keep a journal, record every single transaction, and notate information that could be helpful later if any transaction is called into question. There are a few misconceptions surrounding Notary Journals.

- You can skip an entry for a repeat signer. No. You must record every transaction no matter how many times a customer uses your Notary service.
- You can keep photocopies of a signer’s document or ID in the journal. No. Making and keeping copies of confidential information such as that listed on identification can lead to identity fraud if lost or stolen.
- If you are an employee Notary, your journal belongs to your employer. No. Even if your employer paid for you to obtain a Notary commission, your commission, stamps and seals, and your Notary Journal belong to you and only you. The information within the journal cannot be shared with anyone due to privacy policies.
- While many journals offer a space to collect a fingerprint - those are considered “biometrics” and

Virginia does NOT authorize the collection of biometrics at this time.

- Military IDs cannot be photocopied when used as a form of Identification. If you are an LSA, do NOT send a copy of a Military ID back to the company that sent you on the order. Request a different form of ID for that requirement.

Another common mistake Notaries make is not keeping accurate records, which can lead to serious consequences. Maintaining a detailed log of notarizations is a best practice that provides legal protection. A well-kept journal can serve as evidence in court, help resolve disputes, and demonstrate the Notary's diligence. Notaries should record details like the date, type of notarization, signer's name, ID used, and any unusual circumstances. Being organized and consistent helps prevent mistakes and upholds the integrity of each notarial act.

Power of Attorneys

Notarizing a Power of Attorney (POA) is a critical step in ensuring the document's legal validity and protecting all parties involved. In Virginia, a POA must be signed by the principal and notarized to be considered legally enforceable under the Uniform Power of Attorney Act (§ 64.2-1601 et seq. of the Code of Virginia). The Notary's role is to verify the identity of the principal, ensure they are signing willingly and are mentally competent, and affix a proper notarial certificate. It is important to note that the agent named in the POA cannot notarize the document. Additionally, while Virginia does not require signature witnesses for a POA, some institutions may request them, so it's always wise to check specific requirements beforehand. Notarizing a POA adds a layer of protection against fraud and provides peace of mind when dealing with important financial, medical, or legal matters.

If Witnesses are required (or used), they can NOT be related to the Signer by blood or marriage and should NOT have a beneficial interest in the document.

ERRORS & OMISSIONS (E&O) INSURANCE: NOTARY PUBLIC VS> NOTARY SIGNING AGENT

E&O Insurance provides coverage for a Notary Public if he/she makes a mistake or omission during a notarization transaction that leads to a lawsuit being filed against that Notary. Coverage amounts vary, but many lawsuits that have been documented reflect, on average, \$1 million in judgements. One thing most people do not realize is that this coverage is only good for general notarial work. When mistakes or omissions are made by a Notary while working as a Signing Agent, documents that are not notarized are included but are not covered under regular E&O Notary insurance. Check with the agent or company through whom you purchased your E&O coverage to see about obtaining coverage for your work as a Notary Signing Agent.



DON'T LET THIS HAPPEN TO YOU

One common notary mistake to watch out for is failing to properly identify the signer. In Virginia, Notaries are required by law to verify the identity of each signer through personal knowledge or satisfactory evidence, such as an unexpired government-issued ID (Code of Virginia § 47.1-14). Rushing through this step or accepting inadequate identification can result in fraudulent notarizations and legal liability. Notaries must always take time to inspect identification carefully and ensure it matches the name on the document being signed.

There is one exception to this rule - when notarizing for a Signer in an Elder Care Facility, they may use an

ID that is up to 5 years expired. See the link below for the formal exception statement in the VA Code.

<https://law.lis.virginia.gov/vacode/47.1-2/>

“Satisfactory evidence of identity”

In the case of an individual who resides in an assisted living facility, as defined in § [63.2-100](#), or a nursing home, licensed by the State Department of Health pursuant to Article 1 (§ [32.1-123](#) et seq.) of Chapter 5 of Title 32.1 or exempt from licensure pursuant to § [32.1-124](#), an expired United States Passport Book, expired United States Passport Card, expired foreign passport, or expired state issued driver's license or state issued identification card may also be used for identification of such individual, provided that the expiration of such document occurred within five years of the date of use for identification purposes pursuant to this title.



QUARTERLY QUOTE

“The secret of change is to focus all of your energy not on fighting the old, but on building the new.”
– Socrates



DID YOU KNOW.....

- ❖ Leonardo da Vinci's father was a notary.
- ❖ Notaries played a role in the U.S. Declaration of Independence.

Disclaimer:

VAN does not have the power to address situations in which Notaries are conducting their businesses improperly. VAN is NOT a part of the SoC.

Note: If you feel that another Notary Public is not following the Notary Public Code, you may report them to:

*Office of the Secretary of the Commonwealth
P.O. Box 1795
Richmond, Virginia 23218-1795
(804) 692-2536*

To access the Virginia Code:

<https://www.governor.virginia.gov/media/governorvirginiagov/secretary-of-the-commonwealth/pdf/notary/Code-of-Virginia.pdf>

WE ARE GROWING!

Please Welcome Our Volunteers!

VAN has three new Committees and some FABULOUS VOLUNTEERS:

Social Media Committee:



Taylor Berger

Membership Committee:



Sheila W. Williams

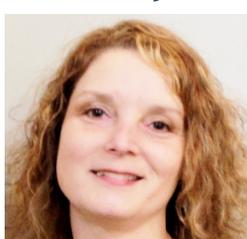
Technical Advisory Committee:



Seben "Griff" Griffin



Monique Edwards-Robinson



Rose Hall



Crystal Parnell

Notary Training Best Practices Committee:



Fabiola Mendoza



Jan Tatangelo



Seben "Griff" Griffin

VAN is seeking volunteers for our **Membership Committee** and potentially for our Board of Directors.

Email us at membership@vanotaryassoc.org and request an application.

