

Virginia Association of Notaries

Notary News Archive

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Deed Fraud - Part II

Our research into this rising fraud in the United States, and in particular in Virginia, is bringing forth some interesting statistics. Admittedly, our primary focus is on how Virginia NOTARIES can be impacted and how we can avoid adding to the problem. We would like to focus on how to protect not only the individual notary, but the rightful homeowner, and the instances of Deed Fraud that have been identified have some distinct similarities.

The *National Association of Realtors did an extensive survey recently, and we were granted permission to share some of their findings. As we all know, statistical data is only as strong as the sample group participation in it, and they acknowledge that their sample size was small. However, that is not unusual for this kind of topic, as many victims may not know how to bring the issue forward, may be financially unable to get representation, or may be embarrassed.

The NAR found that the highest incidences of reported deed theft occur in Central city / urban areas and suburban areas. These cases tend to lean toward vacant properties (62%), or properties owned by elders with no mortgage (12%). There are fewer points of oversight with no lender, or resident to note For Sale signs or a loan pay-off.

New York had a spike in homes stolen that were owned by elders who may have had trouble paying for property taxes, with bad actors coming in and offering to “assist” with keeping the home from being auctioned off. These elders often did not understand what they were signing, and once the deed was in the name of the fraudster, they were able to mortgage it or sell it.

The statistics for how frequently a notary was fraudulently involved are much more difficult to obtain. In some reported cases the notary’s commission had previously been reported stolen or used fraudulently. In some cases, there is no doubt the notary was given a forged form of ID for the signer.

Each State is working on fraud deterrent measures; many are actively investigating the potential use of an online search tool that will allow the Notary to search for the current owner of record on a property. Meanwhile there are very few solid measures in place to protect YOU – the Notary.

Measures you can take:

Stolen Notarial Stamp

If your seal (and / or Journal if you use one) is stolen in Virginia, you must:

1. File a police report.
2. Report the loss of the seal to the Secretary of the Commonwealth (in writing!) at the following address:
 - a. Office of the Secretary of the Commonwealth at P.O. Box 1795, Richmond, Virginia 23218-1795
 - b. Follow it up with an email to notary@governor.virginia.gov
3. Ask how they want you to move forward if you are going to continue with your Commission.

Stolen eNotary device:

Those of us who are eNotaries frequently dedicate one technical device for eNotarizations. Should your tech device with your digital certificate installed on it become lost or stolen, you must take a few additional steps.

1. File a police report.
2. Contact your Issuing Certificate Authority (ICA) to have the current digital certificate cancelled and a new one issued.
3. Notify any of the platforms you use that use your personal digital certificate so it can be replaced immediately.
4. Report the loss of the digital certificate and current seal image to the Secretary of the Commonwealth (in writing!) at the following address:
 - a. Office of the Secretary of the Commonwealth at P.O. Box 1795, Richmond, Virginia 23218-1795
 - b. Follow it up with an email to notary@governor.virginia.gov

Verify the ID of the Signer CAREFULLY:

There are several ID verification software apps on the market today. You want to always be sure that you are confident the signer is who they say they are. We are quickly moving to a more technical age than ever before, but the fraudsters are moving faster!

There is an additional cost for the Notary to subscribe to an ID verification tool, but in today's world, we feel it is a strongly recommended step. Some forgeries are exceedingly well done and may not be identified by simply looking at it.

Use a Journal - While the use of a Journal is not required in Virginia and will not prove you did NOT perform a notarization, the fact that you use one and the entries are consecutively noted in the pages will support your statement (if needed) that you did NOT perform a particular notarial act.

Last but not least - Remember that you are authorized by the Virginia Secretary of the Commonwealth to refuse to perform a notarization for any reason. If the transaction feels dicey or in any way "not right," you can walk away.

WE DO NOT HAVE TO EXPLAIN OURSELVES WHEN WE REFUSE TO NOTARIZE A DOCUMENT.

This is specifically authorized in the Virginia Notary Handbook and the reference is found within the Virginia code here:

THE NOTARY'S GREATEST RESPONSIBILITY

(§ 47.1-2, § 47.1-11, § 47.1-14, § 47.1-15)

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