

Notary Powers and Duties

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Defined by Title 5 of Guam Code Annotated Chapter 33



The Attorney General commissions notaries

- ▶ The primary purpose is to promote, serve, and protect the public interest

§33102



Powers

- ▶ Notaries are empowered to perform the following notarial acts:
 - Acknowledgements
 - Oaths and affirmations
 - Jurats
 - Copy certifications



Fred Says...

- ▶ As a notary public, you can only perform acts that the law *specifically* allows you to execute as a notary public.
 - ▶ If the law is quiet on something you want to perform as a notary, you have **no power or authority** to perform that action.



Powers- Acknowledgments

- ▶ Notarial act where a notary certifies that a signer, whose identity is proven on the basis of satisfactory evidence, has admitted, in the notary's presence, having signed a document voluntarily for its stated purpose



Fred Says...

- ▶ Tip: The signor **must be present**. Otherwise, there is no power to act.



Powers- Oaths & affirmations

- ▶ A notarial act or part thereof in which a notary certifies that a person made a vow in the presence of the notary on penalty of perjury, with reference made to a Supreme Being for an oath.



Powers- Jurats

- ▶ A notarial act in which a notary certifies that a signer, whose identity is proven on the basis of satisfactory evidence, has made, in the notary's presence, a voluntary signature and taken an oath or affirmation vouching for the truthfulness of the signed document.



Powers- Copy certifications

- ▶ A notarial act in which a notary certifies having made a photocopy of a document that is neither a public record nor publicly recordable.



Fees

- ▶ (1) For taking acknowledgment or proof of a deed or other instrument,
- ▶ To include the seal and writing of the certificate
 - ▶ For the *first two (2) signatures*, **Ten Dollars (\$10)** each;
 - ▶ For *each additional signature*, **Eight Dollars (\$8)**;



Fees

- ▶ (2) For administering an oath or affirmation,
 - ▶ Ten Dollars (\$10)

- ▶ (3) For every certificate of a certified true copy, and the seal,
 - ▶ Ten Dollars (\$10)



Fees

- ▶ Government of Guam employees **may not** demand or receive *any fee or compensation of any kind* for performing any Notary Public duties during his or her **normal working hours** for the government



Fees

- ▶ A notary may charge reasonable travel fees when traveling to perform notarial acts if:
 - ▶ (1) Notary explains that the travel fee is separate from the notarial fees described above and is neither specified nor mandated in law, and
 - ▶ (2) The notary and person requesting the notarial act agree upon the travel fee in advance



Fred Says...

- ▶ Tip: The *worst* writing is better than the *best* memory.
 - ▶ Keep a detailed journal



Questions?



