

# JOURNAL & SEAL

## 5 G.C.A. CHAPTER 33, ARTICLE 4



# PART 1 – JOURNAL



# WHAT IS A NOTARY JOURNAL?

- ▶ It is a written record of every notarization you perform.
- ▶ It contains details of a transaction in the event a notarized document is lost, altered, or if facts concerning the notarization are challenged in court.



# WHY DO WE RECORD?

- ▶ Notary journal proves:
  - ▶ The person for whom you notarized personally appeared before you
  - ▶ That you took every reasonable step to verify their identity as provided by Guam law
  - ▶ The signature you notarized is genuine and belongs to the person who claims to own it



# JOURNAL ENTRIES

## § 334042(a)

DATE/ TIME OF ACT	TYPE OF ACT	TYPE OF DOC.	PRINT NAME	SIGN	PROOF IDENTITY (OR STATEMENT PERSONAL KNOWLEDGE)	FEE	ADDRESS WHERE NOTARIZED/ ADDRESS OF PERSON RECEIVING NOTARIZATION
7/7/16  4:00 P.M.	ACK.	GRANT DEED	JANE DOE	<i>J. DOE</i>	Guam Dr. License  DMV  #50505  3/3/18 (exp. date required if expired)	\$10	590 S. Marine Corps Dr., Suite 706, Tamuning, GU 96913  123 Garden Dr., Talofofo, GU 96915



# SIGN JOURNAL DURING NOTARIZATION, NOT AFTER § 33403

- ▶ Two signatures required:
  - ▶ The person who seeks notarization; **AND**
  - ▶ Two (2) witnesses to a signature by mark of a document that is notarized if signatures are included in original document



# JOURNAL INSPECTION

## § 33404(a)

- ▶ Notary journal is a public record and should be inspected in Notary's presence by member of public.
- ▶ Person requesting inspection must:
  - ▶ Specify the act **AND**
  - ▶ Sign journal
- ▶ Notary must also verify person's identity in one of two ways before inspection:
  - ▶ Personal knowledge **OR**
  - ▶ Satisfactory evidence



# WHAT IS PERSONAL KNOWLEDGE?

## § 33104(l)

**Personal Knowledge:** means you are familiar with a person from your contact with them over a period of time and this contact eliminates any reasonable doubt that the person is who they claim to be



# WHAT IS SATISFACTORY EVIDENCE?

## § 33104(m)

**Satisfactory Evidence:** means identification of a person based on (1) current passport, (2) official identification issued by federal or state governments with person's photograph and signature, or (3) personal knowledge of identity



# JOURNAL COPYING

## § 33404(b)

- ▶ If person inspecting journal requests a photocopy of a journal entry, Notary shall not charge more than five dollars (\$5) per copy.
- ▶ If certified copy is requested, the cost is ten dollars (\$10) pursuant to Section 33310.



# JOURNAL SAFEGUARDING

## § 33404(c) & (d)

- ▶ Notary must safeguard journal and all notarial records
- ▶ Notary must not destroy record
  - ▶ **EXCEPTION:** Only if instructed by the Attorney General
- ▶ Notary must keep journal in their custody
  - ▶ Journal may not be used by any other notary
  - ▶ Journal may not be surrendered to employer even when change in employment or termination



# JOURNAL SURRENDER/DISPOSAL

## § 33404(e)

- ▶ Notary/heirs (if deceased) must surrender journal and records to Attorney General by personal service, certified mail, or other means in following circumstances:
  - ▶ Resignation
  - ▶ Revocation
  - ▶ Expiration of commission
  - ▶ Death



# PART 2 — SIGNATURE & SEAL



# SIGNATURE

## § 33410

- ▶ To be valid notarial act, Notary must sign certificate only in name indicated on Notary's commission.



# SEALS: BOTH REQUIRED

INK

Embossed



*Example*

PLACE NAME HERE  
NOTARY PUBLIC  
In and for Guam, USA  
My Comm. Expires June 30, 1999  
PLACE FULL ADDRESS HERE



# INK SEAL

## § 33412(a)

- ▶ On certificate near Notary's signature, Notary must affix in black ink legible, photographically reproducible stamp of notarial seal. Ink seal must include:
  - ▶ Notary's name as listed on commission
  - ▶ Words "Notary Public, in and for the Territory of Guam, U.S.A." and "My commission expires (commission expiration date)"
  - ▶ Notary's address (business or residential)
  - ▶ Rectangular border surrounding words



# INK SEAL/STAMP EXAMPLE

**JANE DOE  
NOTARY PUBLIC  
In and for Territory of Guam, U.S.A.  
My Commission Expires 7/7/19  
123 Marine Drive  
Tamuning, GU 96913**



# INK SEAL CONT.

## § 33412(b) & (c)

- ▶ **EXCEPTION:** If stamp not legible, Notary may type or print the information within a stamp next to **but not** within stamp
- ▶ Photographically reproducible **embossed seal may be used with** ink seal but not in place of



# OBTAINING SEAL

## § 33413(a)

- ▶ To obtain notary seal (ink or embossed) from vendor, Notary must present:
  - ▶ Photocopy of commission AND
  - ▶ Notarized declaration



# OBTAINING SEAL CONT.

## § 33413(a)

▶ Notarized declaration must state:

### “Application for Notary Seal

I, \_\_\_\_\_ (name of person requesting the seal), declare that I am a Notary Public duly commissioned by the Territory of Guam, with a commission starting date of \_\_\_\_\_, a commission expiration date of \_\_\_\_\_, and a commission number of \_\_\_\_\_. As evidence, I attach to this paper a photocopy of my commission.

\_\_\_\_\_

(signature of person requesting the seal)”



# OBTAINING SEAL CONT.

## §33413(c)

- ▶ It is petty misdemeanor when Vendor fails to retain photocopy of notary commission documents and declaration for period of three (3) years.



# SEAL SAFEGUARDING

## § 33411(a)

- ▶ Notary must keep official seal in their custody
  - ▶ Seal may not be used by any other notary/person
  - ▶ Seal may not be surrendered to employer even when change in employment or termination



# Seal Surrender/Disposal

## §33411(b)

- ▶ Notary/heirs must destroy seal in following circumstances:
  - ▶ Resignation
  - ▶ Revocation
  - ▶ Expiration of commission
  - ▶ Death
- ▶ Notary must obtain new seal for new commission
- ▶ **EXCEPTION:** Notary not required to destroy or obtain new seal if no lapse in time between expiration and granting of other commission



QUESTIONS?

