

## Jurat vs. Acknowledgments - Which One??

A notary should not decide what type of notarial act a document requires. The customer must know and tell the notary. However, if the jurat indicates that the document was "sworn to before me," then an oath must be administered.

### Jurats

Jurat notarizations are required for transactions where the signer must attest to the content of the document, such as all affidavits and pleadings in court. It is a certification on an affidavit declaring when, where and before whom it was sworn. In executing a jurat, a notary guarantees that the signer personally appeared before the notary, was given an oath or affirmation by the notary attesting to the truthfulness of the document, and signed the document in the notary's presence. It is always important that the notary positively identify a signer for a jurat, as s/he is certifying that the signer attested to the truthfulness of the document contents under penalty of perjury. However, jurat notarizations do not prove a document is true, legal, valid or enforceable.

An example of a "jurat" is as follows:

Subscribed and sworn to by \_\_\_\_\_ before me on the \_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ .

Signature \_\_\_\_\_

Printed name \_\_\_\_\_

Notary public, State of \_\_\_\_\_, County of \_\_\_\_\_

My commission expires \_\_\_\_\_

*\*If performing a notarial act in a county other than the county of commission include: Acting in the County of \_\_\_\_\_*

If no other wording is prescribed in a given instance, a notary may use the following language for an affidavit or deposition: Do you solemnly swear that the contents of this affidavit (or deposition, document, etc.) subscribed (signed) by you are correct and true, so help you G-d? Or, do you solemnly, sincerely and truly declare and affirm that the statements made by you are true and correct? When administering oaths, parties should raise their right hands. The left hand may be used in cases of disability.

### Acknowledgments

Unlike a jurat (which requires a sworn oath), an acknowledgment is to merely confirm the identity of the document signer and acknowledge that they signed the document. If the document was signed outside the notary's presence, the document signer must make a personal appearance before the notary to confirm it is their signature prior to the document being notarized. Again, there is no exception to the requirement of a personal appearance before the notary.

The acknowledgment notarization is not part of the document, and it does not affect its validity. Typically, they are executed on deeds and other documents that will be publicly recorded by a county official.

An example of an "acknowledgment" is as follows:

Acknowledged by \_\_\_\_\_ before me on the \_\_\_\_ day of \_\_\_\_\_ ,  
\_\_\_\_\_

Signature \_\_\_\_\_

Printed name \_\_\_\_\_

Notary public, State of \_\_\_\_\_, County of \_\_\_\_\_  
My commission expires \_\_\_\_\_

*\*If performing a notarial act in a county other than the county of commission include: Acting in the County of \_\_\_\_\_*

A notary public may take the acknowledgment of a person who cannot sign his or her own name. Such a person should sign the instrument by marking an "X" in the presence of two witnesses, one of whom may be a notary public.

A notary may also sign the name of a person whose physical characteristics limit his or her capacity to sign or make a mark on a document presented for notarization if all of the following circumstances exist:

- a) The notary public is orally, verbally, or through electronic or mechanical means provided by the person directed to do so by that person;
- b) The person is in the physical presence of the notary public;
- c) The notary public inscribes beneath the signature