

# The Notary news



The North Carolina Department of  
The Secretary of State, Elaine F. Marshall

Advance  
Health Care  
Directive

/DIVISIONS/ADVANCE HEALTHCARE DIRECTIVES

[WWW.SOSNC.GOV](http://WWW.SOSNC.GOV)

NC SECRETARY OF STATE WEBSITE

A video thumbnail featuring a woman in a red and black plaid jacket sitting in a chair. A large play button icon is overlaid on the center. The background includes a Christmas tree and a bulletin board. Text overlays include the title "Advance Health Care Directive", a navigation path "/DIVISIONS/ADVANCE HEALTHCARE DIRECTIVES", the website "WWW.SOSNC.GOV", and "NC SECRETARY OF STATE WEBSITE".

WELCOME, NC NOTARIES!



## Happy Holidays

While the holiday season is in full swing, I want to take this opportunity to send my warmest holiday wishes to all of you notaries and wish you a wonderful and healthy New Year.

As we reflect on the last decade, we know there have been some wins and some losses, some celebrations and some sad occasions. But we have so much more to look forward to on this journey called life. And for that, I am grateful.

I cannot emphasize this enough: your role as a North Carolina notary is important because you are on the front line of defense against document fraud and attempts at forgery. Whether you are verifying 10 signatures a week or 1,000 signatures a week, your work and attention to detail is vital to all North Carolinians.

I encourage you to go into the New Year in just a few weeks equipping yourself with all of the information you need to be successful in your job as a notary public. Please continue to reach out to us at [notary@sosnc.gov](mailto:notary@sosnc.gov) if you have questions about any matters related to all things notary public. We also have a growing facebook group where you can interact with other notaries around the state, ask each other questions and get feedback from one another.

So again, have a wonderful holiday season. Eat lots of scrumptious food, watch holiday movies, spend time with loved ones, open presents, spread merriment, and give back to others. But most importantly, I want you to take time and reflect on the reasons why you are celebrating the holiday in the first place.

See you in 2020!

*Elaine J. Marshall*

Please send in your tips, practice ideas, and questions for us  
at [notarynews@sosnc.gov](mailto:notarynews@sosnc.gov).

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## Fast Five Q&A

***Q: A fellow notary shared with us that a woman requested her services so she could sell her camper. The buyer's information was left blank on the title. The notary told the principal she could not notarize the document, and the principal left unhappy. Was this correct? The notary also asked if both the buyer and the seller must be present for her to notarize the signatures.***

It's always correct if you are not sure about titles to refer the principal to the NC Department of Motor Vehicles and let them notarize the document since all applications for a North Carolina title must be personally acknowledged before a notary public.

The rules around titles have changed depending on the year the title was issued, so the important question to ask is what is required for the notarial act. Titles that have been issued within the last few years only require that the seller appear before the notary. However, in ALL instances, the buyer's name must be filled in on the title so you were right to refuse to notarize

the document because you cannot notarize an open title. For clarity, open titles are created when a seller signs the title over to the party that has purchased the vehicle but the buyer information is left blank and ownership of the car is not transferred.

Again, if you ever find you have a question about a title, we advise you to send the principal to the NC Department of Motor Vehicles. It may seem like poor customer service on your part, but it's better for the principal to be inconvenienced by going to the DMV now than suffer headaches down the road when an issue surfaces because a title was executed improperly.

***Q: To follow up on the DMV question, what are the six items that constitute a proper assignment of a title document?***

Buyer's name and address  
Date of delivery of vehicle to buyer  
Odometer reading and certification (10 years old or newer)  
Seller's signature in Section A  
Notarization  
Damage disclosure statement

***Q: How do you redact an entry in a notary journal? One of our notaries started filling out the information in her journal, and the principal changed his mind and decided he did not want his document notarized. The notary had already written his personal information in her journal. Should she use a black sharpie and mark through his information?***

Yes, things do happen and people do change their minds. We get it. However, you don't need to redact anything. Just use the notes section of your journal to write that the notarial act was abandoned based on the circumstances.

***Q: If a person appears before a notary and is unable to sign his or her name, can the document legally be notarized?***

If a person appears before you and cannot sign his or her name, that person may place a mark in lieu of a traditional signature on the document. A mark is a valid signature in the state of North Carolina. It can be made by pen, facsimile stamp, thumbprint or other means.

The mark would need to be made in front of the notary who would then write the following statement immediately below the mark: Mark affixed by (Name of the principal) in the presence of the undersigned notary. Details on how to notarize a signature by mark can be found on page 58 in your manual. The North Carolina General Statutes that cover this subject matter is 10 B-20(d).

***Q: Are notaries authorized to use the Matricula Consular for identification purposes?***

The Matricula Consular is an identity card that Mexican consulates issue to Mexican citizens who live outside Mexico.

According to [North Carolina General Statutes 15A-311](#), consulate documents are not acceptable as forms of identification so notaries may not allow a principal to use it as a form of ID. Valid passports are acceptable forms of identification.

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Do you have a question you'd like us to answer for the **Fast Five**? Let us know. We are here to be a resource to you.

Email us your question at [notarynews@sosnc.gov](mailto:notarynews@sosnc.gov).

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## Safe Deposit Boxes

When we think of notarial acts that our notaries perform on a regular basis, the typical ones come to mind: helping a new homeowner close their mortgage loan or notarizing a car title. But there are a few acts that although they might be uncommon, they still require your services as great public officials in our state.

Inventorying abandoned safe deposit boxes is one of them.

Some of you have asked on social media if this is an act that you are allowed to do in the state of North Carolina. The answer is yes. Sometimes customers get behind on their payments while renting bank safe deposit boxes. If the customer becomes seriously delinquent, the bank will decide to step in. They will send a notice to the renter by registered or certified mail advising him or her that they have 30 days to make payment or the safe deposit box will be opened and the contents of the box will be stored at the renter's expense.

If the bank still doesn't hear from the renter after 30 days, that's where you - as a notary public - come in. The bank will contact a locksmith and a notary to unlock and inventory the contents of the safe deposit box respectively. After the locksmith drills the lock to the box, the notary who can NOT be a director, officer, employee, or stockholder of the bank, will inventory the contents of the safe deposit box in the presence of a bank officer.

Your job is to open and empty the box's contents and write a description of each item on a special package provided by the bank. You will then execute a certificate (see a sample on page 61 of the 2016 North Carolina Notary Public manual), writing the name of the renter, the date the box was opened, and a list of contents found inside the box. You will then place the certificate and each of the items found in the box inside the package provided by the bank and seal it in the presence of the banking official.

Finally, you will write the renter's name and date on the package and give it to the banking official. The bank will send a copy of the certificate to the renter and place the items in the bank's general vault. The North Carolina General Statutes that cover this subject matter is [53C-6-13\(a\)](#).

Reminder: If you don't have a manual, you may purchase one from the UNC School of Government at <https://www.sog.unc.edu/publications/books/north-carolina-notary-public-manual-2016-print-version>.

*As always, if you are unsure of anything, please reach out to the Department at [notary@sosnc.gov](mailto:notary@sosnc.gov). We are always happy to help.*

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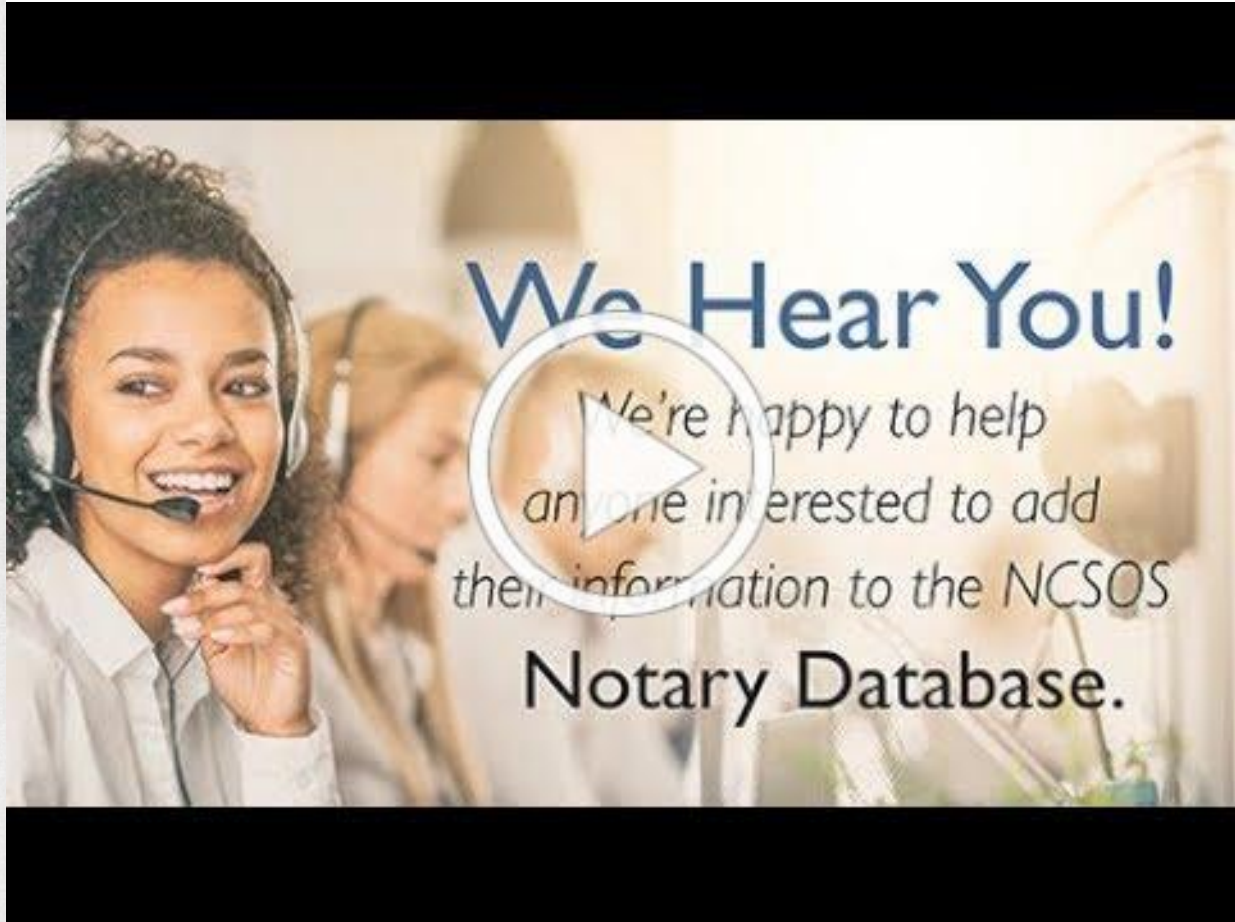


# Find A Notary

As we add more and more notaries to our rolls, we want to make you aware of the FIND A NOTARY database located on the Secretary of State's website. This is a place where you can add your own information so members of the public can find you when they are in need of your notarial services.

To help you get added, we put together this step-by-step instructional video *We Hear You* (below) on how to add your name to the Find a Notary Database:

If you have questions, please feel free to send an email to [notary@sosnc.gov](mailto:notary@sosnc.gov).



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## NC Notary Facebook Group

Have you joined the notary Facebook group *The North Carolina Notary Network* yet? Well, what are you waiting for? More than 929 notaries around the state have signed up to join us. If you haven't yet, come join!

The purpose of the group is to connect notaries across the state as well as to share information and answer your questions.

Click [here](#) to join today!







In the November newsletter, we asked you notaries which one of these Christmas Movie Classics you thought was the best.

Here are the results of your favorite movies in order by popular vote:

1. *It's A Wonderful Life*
2. *A Christmas Story*
3. *National Lampoon's Christmas Vacation*
4. *Home Alone*
5. *Miracle on 34th Street*
6. *The Muppet Christmas Carol*



## Welcome 2020!

We are knee-deep in the holiday hustle and bustle with people making final touches on their house decorations, rushing to the mall to purchase those last minute Christmas gifts, and finalizing holiday dinner menus.

But the countdown is also on as we prepare to enter a brand new year! That means it's time to make your annual New Year's Resolutions. You know those areas in your life where you vow to improve upon on January 1, but say "the heck with it" by the end of the month.

Don't fret. We've been there too. That's why we are sharing some smaller goals that all of us can commit to and actually achieve over 365 days.

Good luck!

### Here are 10 Realistic New Year's Resolutions:

- Move your body! You don't have to be a triathlon athlete. Just resolve to be more than a couch potato.
- Eat healthier. No one expects you to eat kale every day, but a large pizza with the works shouldn't be your regular meal of choice either. Try adding some fruits, veggies and water to most of your meals.
- Be more diligent about monitoring your time and money on online shopping.
- Write more letters. Send more greeting cards in the mail.
- Spend less time on social media and more time on real, meaningful interactions.

- Turn off the TV/media devices and go to bed at a decent hour.
- Narrow down your house projects to just a few and actually complete them.
- Learn a new skill that will be useful in that job you want or that business you are finally ready to start.
- Commit to putting money away for retirement, emergency savings, unexpected expenses, big splurges, vacations, etc.
- Spread kindness regularly. Compliment a stranger. Pay for someone's coffee. Say "please" and "thank you". Display gratitude.

According to a survey conducted by *Inc. Magazine*, what was the number one New Year's Resolution for 2019?

- A. Exercise more*
- B. Quit smoking*
- C. Read more*
- D. Diet or eat healthier*
- E. Find another job*

Email us your vote  
at [notarynews@sosnc.gov](mailto:notarynews@sosnc.gov), and we'll share the  
results of this *non-scientific* poll in the next newsletter!

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