

**Excerpt from "State of Utah Lieutenant Governor's Office
Notary Public Study Guide 2012"**

Reference: 46-1-6. Powers and limitations. The following notarial acts may be performed by a notary within the state:


- (1) acknowledgments;*
- (2) copy certifications;*
- (3) jurats; and*
- (4) oaths or affirmations.*

Reference: 46-1-9 False or incomplete certificate. A notary may not execute a certificate containing a statement known by the notary to be false or materially incomplete. (underline added)

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2. Confusing the notarial acts: Please see the subtle differences between the Jurat and the Acknowledgment. Jurat certifies a voluntary signature was made in the notary's presence, whereas Acknowledgment certifies a signer has admitted in the notary's presence to voluntarily signing. **Both require personal appearance.**

Reference: 46-1-2(1) "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose identity is personally known to the notary or proven on the basis of satisfactory evidence, has admitted, in the presence of the notary, to voluntarily signing a document for the document's stated purpose.

Reference: 46-1-2(5) "Jurat" means a notarial act in which a notary certifies that a signer, whose identity is personally known to the notary or 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.

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3. Misinterpreting electronic signature/notarization: Notarization of an electronic signature ~~IS VERY RARE~~ and still requires personal appearance. It is a certification of a voluntary signature just the same as any other signature.  Notarization of an electronic signature does NOT mean by phone, fax, email or video conference. For electronic notarization, the signer is in the presence of the notary using a computer instead of pen and paper. **The rule of personal appearance is not affected by the definition of "Electronic Signature."**

Reference: 46-4-102(8): "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

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4. Failing to require Personal Appearance: The signer must always appear before the notary. Title 46 does not allow for variation on this matter. Many fraud cases begin with stories of why the signer cannot personally appear: He is too ill to come into the office;" "The signer is my grandmother and she asked me to get this notarized;" "You've been my friend for years—you know I wouldn't lie to you." As convincing as these statements