

Acknowledgments

The most common form you will use as a notary is the certificate of acknowledgment. Although the law does give certain wording for the certificate of acknowledgment, the courts have held that "substantial compliance with the statute form is all that is required."

To make the acknowledgment valid, it must include the words "**acknowledged before me.**" The acceptable forms are listed on the next four pages.

1. Statutory short form for an individual acting in his or her own right (from W.Va. Code §39-1A-6):

STATE OF WEST VIRGINIA
COUNTY OF _____

The foregoing instrument was acknowledged before me this
_____ (date) _____ by _____ (name of person acknowledged) _____.

My commission expires _____

Notary Public

2. Alternate form for one or more individuals acting in his or her own right:

STATE OF WEST VIRGINIA
COUNTY OF _____

I, (name of notary) a notary public in and for said state, do hereby certify that (name of person signing document) , whose name is signed to the writing above, has this day acknowledged the same before me.

Given under my hand this _____ day of _____, _____

My commission expires _____

Notary Public

3. Statutory short form for a corporation:

STATE OF WEST VIRGINIA
COUNTY OF _____

The foregoing instrument was acknowledged before me this (date) by (name and title of person signing document) of (name of corporation) , a (state or place of incorporation) corporation, on behalf of the corporation.

My commission expires _____

Notary Public

4. Alternate form for a corporation:

STATE OF WEST VIRGINIA
COUNTY OF _____

I, (name of notary) , a notary public in and for said state, do hereby certify that (name of officer signing document) , who signed to the writing above, bearing the date of (date) , for (name of corporation) has this day acknowledged before me the said writing to be the act and deed of said corporation.

Given under my hand this _____ day of _____, _____

My commission expires _____

Notary Public

5. Statutory short form for a partnership:

STATE OF WEST VIRGINIA
COUNTY OF _____

The foregoing instrument was acknowledged before me this (date) by (name of partner or agent signing document) partner (or agent) on behalf of (name of partnership) , a partnership

My commission expires _____

Notary Public

6. Form for an individual who cannot write his or her name:

STATE OF WEST VIRGINIA
COUNTY OF _____

On this _____ day of _____, in the year _____, before me (notary's name) , a notary public in and for said state, personally appeared (name of individual) , known to me to be the person who, being unable to write his name, made his mark in my presence. I signed his name at his request and in his presence on the (type of document) within and he acknowledged to me and to the two witnesses who have signed and printed their names and addresses hereto, that he made his mark on the same for the purposes therein stated.

My commission expires _____

Notary Public

(Signatures of two witnesses
and their addresses)

Oaths

Oaths can be administered either in writing or verbally. The form used by the notary depends on how the oath is administered.

a. If the oath is administered in writing, the person must sign the oath in the presence of the notary, and the notary shall use this form under the text of the oath:

Subscribed and sworn before me this ____ day of _____, ____.

My commission expires _____

Notary Public

b. If the oath is administered verbally, the notary public addresses the person taking the oath with substantially these words:

"Do you solemnly swear or affirm, under the penalty of perjury, that the testimony you shall give in the matter in issue, pending between _____ and _____ shall be the truth, the whole truth, and nothing but the truth, so help you God?"

Certified facsimiles of a document

If the conditions for certifying a facsimile of a document are met (see page 2-3), the notary may certify it using this form:

STATE OF WEST VIRGINIA
COUNTY OF _____

I, _____ (name of notary) _____, a notary public in and for said state (or county), do certify that on _____ (date) _____, I carefully compared the attached facsimile of _____ (type of document) _____ and the facsimile I now hold in my possession. They are complete, full, true and exact facsimiles of the document they purport to reproduce.

My commission expires _____

Notary Public

Executing witness

Occasionally a person is unable to appear before a notary to acknowledge his or her signature. In this case, another person witnesses the first person sign the document, then appears before the notary as an executing witness to complete the notarization needed. An executing witness may not be related by blood or marriage or have a disqualifying interest in the transaction (see page 3). Use the following form:

STATE OF WEST VIRGINIA
COUNTY OF _____

I, _____ (name of executing witness) _____, do solemnly swear under the penalty of perjury, that _____ (name of person originally signing the document, personally known to me, has executed the _____ (type of document) _____ within my presence, and has acknowledged to me that he (or she) executed the same for the purposes therein stated and requested that I sign my name on the within document as an executing witness.

(Signature of executing witness)

Subscribed and sworn before me this ____ day of _____, ____

My commission expires _____

Notary Public

Attorney-in-fact

When one person has been given a power of attorney to act in behalf of another person, the notary uses a special form for any acknowledgments made by the attorney-in-fact (the person having the power of attorney) on behalf of the principal (the person for whom the action is taken). The form is:

STATE OF WEST VIRGINIA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ (date) _____ by _____ (name of attorney-in-fact) _____ as attorney-in-fact on behalf of _____ (name of principal) _____.

My commission expires _____

Notary Public