

# Memo

**To:** All Assistant Recorders

**From:** Edmund A. Williams, Chief Title Examiner

**Date:** May 6, 2004

**Subject:** Standards of Conduct for Notaries Public

The Governor has promulgated Executive Order Revised No. 455 (03-13), "Standards of Conduct for Notaries Public." As most recently revised, this Executive Order provides, in section 1(b), that "[a]ll notaries public shall comply with this Executive Order by May 15, 2004."

Section 5(c) of the new Executive Order sets requirements for the content and form of official seals and stamps notaries public are to affix to or imprint upon documents. (Copies of these requirements, as set out in the Executive Order, are attached.)

Sections 5(d) and 5(e) of the new Executive Order requires notaries public taking acknowledgments or oaths or affirmations to use substantially the forms of certificate of acknowledgment or jurat set forth in those sub-sections. (Copies of these forms, as set out in the Executive Order, are attached.)

The forms of certificates of acknowledgment and jurat, as well as the forms of official seals and stamps, set forth in the new Executive Order should be accepted for registration by the court's registration districts.

Section 8(b) of the revised new Executive Order provides: "Failure of a document to contain the forms of acknowledgment, jurat, signature witnessing, or copy certification set forth in this Executive Order shall not have any effect on the validity of the underlying document."

Section 8(c) provides: "Failure of a document to contain the forms of acknowledgment, jurat, signature witnessing, or copy certification set forth in this Executive Order should not be the basis of refusal to accept the document for filing, recordation, registration, or acceptance by a third party."

Registration districts of the Land Court should not refuse to register documents

either (a) because they bear official notarial seals and stamps which are not in the form, or do not contain the content, required by the new Executive Order, or (b) because they do not contain the form of certificate of acknowledgment or jurat set forth in the new Executive Order, provided, however, that those documents would have been acceptable for registration before the promulgation of Executive Order No. 455.

In case of any doubt, inquiries from district personnel should be directed to the Chief Title Examiner in Boston or his designee.

**EXTRACTS FROM  
EXECUTIVE ORDER REVISED No. 455 (03-13)  
“Standards of Conduct for Notaries Public”**

**Section 5(c).**

“A notary shall keep an official notarial seal or stamp that is the exclusive property of the notary, which may not be used by any other person.

(1) A notary public shall obtain a new seal or stamp if the notary public renews his or her commission, receives a new commission, or changes his or her name.

(2) The notarial seal or stamp shall include: the notary public's name exactly as indicated on the commission; the words "notary public," "Commonwealth of Massachusetts" or "Massachusetts", and "my commission expires on [commission expiration date]" or "commission expires on [commission expiration date]" or "commission expires [commission expiration date]"; and a facsimile of the great seal of the Commonwealth of Massachusetts.

(3) Each new notarial seal that uses ink shall, after the date of this Executive Order, use black ink.

(4) A notary public may satisfy the requirements of this section by using a stamp and a seal that together include all of the information required by this section.”

**Section 5(d).**

“A notary shall take the **acknowledgment** of the signature or mark of persons acknowledging for themselves or in any representative capacity by using substantially the following form:

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_ (name of document signer), proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for \_\_\_\_\_, a partnership)

(as \_\_\_\_\_ for \_\_\_\_\_, a corporation)

(as attorney in fact for \_\_\_\_\_, the principal)

(as \_\_\_\_\_ for \_\_\_\_\_, (a) (the) \_\_\_\_\_)

\_\_\_\_\_ (official signature and seal of notary)”

### **Section 5(e).**

“ A notary shall use a **jurat** certificate in substantially the following form in notarizing a signature or mark on an affidavit or other sworn or affirmed written declaration:

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_ (name of document signer), proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his) (her) knowledge and belief.

\_\_\_\_\_ (official signature and seal of notary)”