

Seal of Office and Notarial Certificates

A Notary must provide a seal of office for the authentication of notarial acts. The seal must have the Notary's name and the words "Notary Public, Wheeler County, Georgia. Either an embossing or a rubber-stamp type seal is authorized by law. A copy of the original certificate of appointment must be presented in order to obtain a Notary seal from an office supply company.

Notarial acts must be made in ink, with the Notary's name appearing as it is on the Notary commission. The date of the notarial act is required except in connection with attestation of deeds or other instruments pertaining to real estate.

Notary Journal

While Georgia law does not require a notary to keep a journal, which documents each notarial act in detail, it is **strongly** recommended that a journal be maintained, which serves as an archive of each notarial act.

Fees

A Notary may charge for performing notarial services, but does not have to do so. If a fee is to be charged, the Notary must advise the person requesting the service in advance of such charges. The Notary may, upon request of the person requesting services, charge an additional \$2.00 for providing a certificate from the Clerk of Superior Court of Wheeler County of the effective date of the Notary's commission.

Change of Name or Address

Any change of a Notary's name or address must be reported to the Clerk of Superior Court of Wheeler County. A copy of the notice must be sent to the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA) at 1875 Century Boulevard, Suite 100, Atlanta, Georgia 30345 (Telephone 404-327-9058 or Fax 404-327-7877).

The notices must contain both the old and new addresses and names and must be received by the Clerk within 30 days of the change. In the event of a name change, the new signature of the Notary must be included. A Notary with a new name may begin to officially sign using the new name once this office has received the notice of change of name, a confirmation of the name change is sent to the Notary, and a new seal bearing the Notary's new name has been obtained.

Notice of Loss or Theft of Seal

Within ten days of the loss or theft of an official notarial seal, the Notary shall send to the Clerk of the Superior Court of Wheeler County written notice of such loss or theft and shall forward a copy of the notice to the GSCCCA.

Resignation

A Notary desiring to resign his or her Notary commission shall send a letter of resignation to the Clerk of Superior Court of Wheeler County and forward a copy to the GSCCCA. The Notary shall destroy his or her official seal in such event. The same procedure is required when a Notary does not apply for renewal of a commission.

Office of the Clerk Superior Court, Wheeler County, Georgia



*Notary Public
Guide*

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GEORGIA NOTARY PUBLIC LAWS

The following is a summary of basic provisions of Georgia law for a Notary Public commissioned by the Clerk of Superior Court of Wheeler County, Georgia. Consult your legal advisor or O.C.G.A. § 45-7 for answers to specific questions relative to your duties or obligations according to the law.

General

The Clerk of Superior Court of Wheeler County approves and issues Notary Public Commissions. The cost for a commission is \$42.00 which must be tendered in cash or in the form of a personal or company check approved by the clerk. Notaries are commissioned for a four-year term, after which time a commission may be renewed by submitting an online renewable application at www.gscca.org. By law, all information contained in the application is open to public inspection. If you have questions concerning appointment or renewals, call (912) 568-7137. A deputy clerk will assist you and will provide answers to commonly asked questions.

§45-17-2 Qualifications of Notaries

(a) Any individual applying for appointment to be a notary public shall:

- (1) Be at least 18 years old;
- (2) Be a United States citizen or be a legal resident of the United States;
- (3) Be a legal resident of the county from which such individual is appointed;
- (4) Have, and provide at the time of the application, the applicant's operating telephone number; and
- (5) Be able to read and write the English language.

Powers and Duties

A Notary Public has the authority within any county of the State of Georgia to:

- Witness or attest signature or execution of deeds and other written instruments
- Take acknowledgements
- Administer oaths and affirmations in all matters incidental to their duties as commercial officers and all other oaths and affirmations which are not required by law to be administered to a particular officer
- Witness affidavits upon oath or affirmations
- Take verifications upon oath or affirmation
- Make certified copies, provided the document presented for copying is an original document and is neither a public record nor a publicly recorded document of which certified copies are available from an official source other than a Notary and provided further that the document was not photocopies under supervision of the Notary; and
- Such other acts as a Notary is authorized to perform pursuant to state law.

A 'notarial act' act means any act that a Notary is authorized to perform, including attestations, taking of an acknowledgment, administration of an oath or affirmation, taking of a verification upon oath or affirmation, and the certification of a copy.

'Attesting' and 'attestation' mean the notarial act of witnessing or attesting to a signature or execution of a deed or other written instrument, where such notarial act does not involve the taking of an acknowledgment, administering of an oath or affirmation, taking of a verification, or certification of a copy.

A Notary is not obligated to perform a notarial act if the Notary believes such act to be unlawful.

Disqualification

A Notary is disqualified from performing a notarial act in situations that impugn or compromise the impartiality of the Notary. Specific situations that require disqualification are:

- When the Notary is the signer of the document to be notarized;
- When the Notary knows a statement on a document is false or an action is intended to deceive or defraud;
- When the Notary is a party to the document or transaction for which the notarial act is required.

A Notary may not perform a notarial act without confirming the identity of the document signer, oath taker or affirmant. Confirmation may be based on personal knowledge or satisfactory evidence.

The commission of a Notary may be revoked for violation of any provision of law. Execution of a notarial certificate containing a false statement known by the Notary to be false or performance of any action with the intent to deceive or defraud may be prosecuted as a crime.

It is lawful for a Notary who is an employee, officer, director, or stockholder of a bank or corporation to acknowledge the signature of any party to a written instrument executed to or by such business or to officially witness any document by any party executed by or to such business. A Notary may administer oaths to any employee, officer, director, agent or stockholder of such business, although a Notary may not perform a notarial act in which the Notary is witnessing his or her own signature, either in an individual capacity or as an agent for the business.