

COUNTY RECORDER



THE RECORDER

DECEMBER 2013

PUBLISHED BY J. BONNIE REHDER

VOLUME 17, NUMBER 4

Contents:

MOMS Update

Laredo Tip

Timeliness

Notary Renewal

The Recorder

J. Bonnie Rehder
Clay County Recorder
Registrar of Titles
Vital Records

P.O. Box 280
807 N. 11th St.
Moorhead, MN 56560

P: (218) 299-5031
F: (866) 908-2452
e-mail:
bonnie.rehder@co.clay.mn.us

DiAnn Streifel

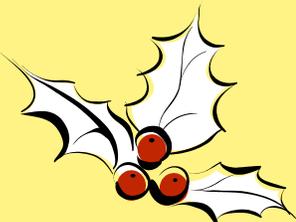
Chief Deputy
Deputy Registrar
of Titles

Deputies:

Lisa Kunze

Kimberly Savageau

Denise Jacobs



MOMS - Minnesota Official Marriage System has changed the domain name to MOMS.mn.gov

MOMS is a collaboration of all 87 counties to provide an online search and request engine for marriage records. Most counties have all the historical data in the system. Recently MOMS changed service providers which was an opportune time to acquire a new Minnesota government domain name to add credibility to the system. The old domain name was mncounty.com.

LAREDO TIP

How to display all the legal descriptions and associated document numbers.

- 1) Look at the document image to determine what legal descriptions and what associated document numbers might be included. Reviewing the actual image of a document is always your safest and most accurate practice. In many cases the associated document is how you obtain the legal description.
- 2) Another method is to click on the party name on the results screen. This screen provides a summary of the data indexed. Within this view, you can see all legal descriptions and associated document numbers entered. This information is not guaranteed to be complete. This view will disappear when you move your cursor off the box.

Once you obtain the document numbers of associated documents you need to review them and determine if they have their own associated document numbers. Any document can have an associated document if the original document was re-recorded, amended or other similar situations.

FACTS:

Franklin Roosevelt signed the Social Security Act. August 14, 1935.

Ernest Ackerman was the first person to receive benefits. He got a payment of 17 cents in January 1937 in the start-up period.

Ida May Fuller , from Ludlow, Vermont was the first recipient of monthly Social Security benefits in January 1940.

Over 453 million Social Security numbers have been issued.

Social Security numbers are NOT reassigned. They are only used once.

Beneficiaries were first able to sign-up for Medicare starting July 1, 1966.

COLAs were first paid in 1975 as a result of a 1972 law. Prior to this, benefits were increased irregularly by special acts of Congress.



Advancements in Timeliness

A century ago documents were submitted for recording primarily in person and a few by mail. The recording process included large leather-bound books, ink and quills - along with a healthy dose of knowledge about documents, process and property. A copy was made by rewriting every word and duplicating the format of the document. Luckily, document recording volume matched the process and expectations of the era.

As property started changing hands more frequently, as the sheer parcel count within a county grew exponentially and as the number of participants in land transactions expanded - public expectations with regards to **TIME** changed as well. In response, the recording process evolved over the next several decades to include a wide range of often fast-moving technology. The result was a far better official public record with increased integrity and with a focus on the recordation of the document in a timely manner, while getting the document returned to the appropriate destination as quickly as possible.

Two decades ago the process met its greatest challenge. As document volume surged beyond all previous expectations, document recording was measured in weeks and, in worst case scenarios, document return was measured in months. Again, the County Recording community responded with major improvements in the process and in technology.

Today - the important component of **TIME** is now measured in hours, if not minutes, for both document recording and document return. This significant achievement reflects the commitment of the County Recording community to keep ahead of public expectations and, most importantly, today's processes are well positioned to handle future increases in document volume. The benefit is significant - the public can count on getting their documents recorded in a timely manner to best protect their investment, and documents are quickly returned to their destinations.

NOTARY RENEWAL

Many Notary Commissions expire on 1/31/2014. You need to renew before January 31, 2014. You can renew online using credit card or ACH. If you don't know your commission number search Secretary of State website [here](#). Type in your last name and click search. You may also submit your renewal by [mail](#). There is a \$120 fee (non-refundable). Your new commission certificate will include additional instructions on registering with your resident county for a \$20 fee. Notary Commission Guide is attached.

Notary Commission Guide

From the Office of the Minnesota Secretary of State



CONGRATULATIONS!

As a notary public, you are an appointed and commissioned officer that serves the public by administering oaths and acting as an official witness to people who seek your assistance in certifying or attesting to documents.

NOTARY CHECKLIST:

Follow these next steps to prepare you for your duties:

- Register your commission with the county in which you reside. If you are not a Minnesota resident, you may register in any Minnesota county. The fee to register a commission with a county is \$20. Visit www.sos.state.mn.us for county office locations.
- Submit two sample signatures to the county when registering your commission: one that includes your full name as listed on the commission and one that is your normal signature, which you should use to sign all notarial acts.
- Purchase a notary stamp from a stamp manufacturer or office supply store. It must contain the state seal, the term “Notary Public,” your name as it appears on your notary certificate, and the commission expiration date. See *Minnesota Statutes* 359.03, subd. 3 for additional stamp requirements. If it is ever lost or stolen, contact the Office of the Minnesota Secretary of State.
- Obtain a journal—to keep a record of your notarial acts (optional—see “Notarial Journal” section for more information).
- Ask your employer or insurance provider if securing a bond or insurance is necessary.
- Seek additional training and education (optional). Visit <http://notary.sos.state.mn.us> for more information.
- Review *Minnesota Statutes* chapters 357, 358 and 359 at www.leg.state.mn.us to familiarize yourself with notary requirements.

PERFORMING YOUR DUTIES:

You may only perform notarial acts if:

1. the document signer appears in person before you; and
2. you are in the state of Minnesota at the time.

NOTARIAL ACTS:

As a notary, you will likely perform the following:

1. Witnessing signatures.
2. Attesting to copies of documents. Notaries evaluate copied documents to determine that they are complete and correct reproductions of the original documents.
3. Certifying that the document signer swears (or affirms) that the document contents are truthful.
4. Providing acknowledgments, which means certifying that the signature already appearing on the document is genuine. If individuals have signed on behalf of another person or an organization, they must also demonstrate their authority to do so (see page 3 for example).
5. Administering written oaths.
6. Administering oral oaths. Oath-takers must raise their hand and say the oath aloud.

You may charge up to \$1 for most notarial acts (see *Minnesota Statutes*, section 357.17 for a list of exceptions).

NOTARIZING A DOCUMENT

There are six steps to notarizing a document:

1. Verify the identity of document signers either by seeing their identification or by having a credible witness swear to their identity (verifying identities is not necessary if you personally know the document signers).
2. Verify a document signer's willingness to sign the document.
3. Perform the notarial act.
4. Complete the certificate or "jurat," to certify that the document was signed, sworn to, or acknowledged in front of you. The certificate will usually be pre-printed on documents with blanks for you to fill in the following information:
 - a. the state (Minnesota) and the county in which you are administering the notarial act;
 - b. the date;
 - c. the names of the document signers;
 - d. your signature;
 - e. your title; and
 - f. the date that your commission expires.

Be sure to use your normal signature when signing. Please note, if your name is typed or printed as part of the certificate, it must be in the same form as it appears on your stamp and your notary commission.

5. Affix your stamp to the document.
6. Record the notarial act in your journal (optional—see "Notarial Journal" section for more information).

DO NOT NOTARIZE IF:

- The document signer or oath-taker does not personally appear before you.
- The document signer or oath-taker appears unwilling or coerced.
- The document signer does not provide satisfactory evidence that he or she is the person whose true signature appears on the document.
- You have not fully completed the certificate or jurat.
- You are outside of the State of Minnesota.
- The document is an original birth, death or marriage certificate. Certified copies should be obtained from the Minnesota Department of Health or the county.
- You believe the document or transaction is deceptive or fraudulent.
- You are the signer of the document to be notarized.
- You will profit or gain from the transaction.
- You do not have adequate time to carry out the notarial act properly.
- You believe doing so will violate the law governing notarial acts.
- There is a potential for a conflict of interest (i.e., notarizing for a family member).

GUIDELINES FOR NOTARIES

No Advice: Do not provide unauthorized advice or services; leave that to the experts in those fields.

Privacy: Respect the privacy of each signer and do not divulge or use personal or proprietary information disclosed during the execution of a notarial act for other than an official purpose.

NOTARIAL JOURNAL

State law does not require a notary to keep records of their official acts. However, it is recommended that you keep a journal to assist in recalling what you have done, if needed or if legally challenged. You should record the following information:

- 1. Date
2. Type of notarial act
3. A description of the document
4. The signature, printed name and address of each document signer
5. How the signer proved their identity
6. County
7. Fee charged, if any

Safeguard your journal because it serves as an important public record. Please note, even if you became a notary as a function of your employment, the stamp and journal are your personal property.

EXAMPLE CERTIFICATE FOR AN ACKNOWLEDGMENT

Below is an example of the certificate that a notary completes for an acknowledgment of an individual who signed on his or her own behalf. For other examples see Minnesota Statutes, Chapter 358.48.

STATE OF MINNESOTA
COUNTY OF <insert county where notarial act is performed>
This instrument was acknowledged before me on(date) by(name(s) of document signer(s)).
_____(Signature of notarial officer)
_____(Title (and Rank))
My Commission Expires: dd/mm/yyyy

KEEPING YOUR COMMISSION UP-TO-DATE

- Register any name or address changes with the Office of the Secretary of State within 30 days of the change.
• Renew your commission with the Office of the Secretary of State and re-register with your county every five years.
• To cancel your commission, email the Office of the Secretary of State at notary.sos@state.mn.us, or call us at 651-296-2803 or toll free at 1-877-551-6767 and press option #3.

This is a general guide and is not intended to provide guidance for every situation you may encounter as a notary. If at anytime you are unsure how to proceed, it is recommended you seek legal advice; as a notary you may be criminally and civilly liable for any negligent or fraudulent acts.

OFFICE OF THE SECRETARY OF STATE
60 Empire Drive, Suite 100
Retirement Systems Building of Minnesota
St. Paul, MN 55103
Web site: http://notary.sos.state.mn.us
E-mail: notary.sos@state.mn.us
Fax: 651-215-1009
Phone: 651-296-2803
Toll Free: 1-877-551-6767
Minnesota Relay Service: 711

This document is available in alternative formats.

