

## Important Industry Partners



### ***Notary Public***

#### **What Is a notary public?**

A notary public is an official appointed by state government, usually by the secretary of state, to serve the public as an impartial witness to the signing of important documents, including property deeds. These official acts are called notarizations, or notarial acts. Notaries are commissioned as "ministerial" officials, meaning that they are expected to follow the law as would otherwise be the case with a "judicial" official.

#### **What Does a Notary Do?**

A notary's duty is to screen the signers of important documents for their identity, their willingness to sign without duress or intimidation, and their awareness of the contents of the document or transaction. Some notarizations also require the notary to put the signer under an oath, declaring under penalty of perjury that the information contained in a document is true and correct. Notaries indicate they have performed these tasks by affixing their signature and notarial stamp or seal to a document.

Impartiality is the foundation of the notary's official duties. A notary must not act in situations where they have a personal or financial interest. The public trusts that the notary's actions have not been corrupted by self-interest.

#### **Why Do Documents Need To Be Notarized?**

Notarization is an anti-fraud measure that helps provide confidence that a document was actually signed by the person named in the document. Examples include recorded deeds, mortgages and durable or health care powers of attorney.

Two of the business partners interacting frequently with the recorder's office are title searchers and notaries public. Understanding the role of these entities is important to the functioning of the recorder's office.

### ***Title Agent***

#### **What is a Title Agent?**

In the early days of American history, when you wanted to buy property, a conveyancer handled the transaction. Part of their job was to find out if the property title was "unencumbered." If a property is unencumbered, it means no one other than the seller has

ownership rights to it, and there are no liens on it, meaning nobody else can take the property to pay a debt. However, there was no guarantee or insurance holding conveyancers accountable if they were wrong.

Today, a title professional searches public records for debts, legal judgments and other homeownership issues to give homebuyers peace of mind. Some of the items reviewed include prior deeds, mortgages, divorce decrees, court judgments, delinquent taxes and child support payments. A title professional will also look for covenants, conditions and restrictions along with other types of easements.

### **What Is Title Insurance?**

Some title issues are not apparent from a review of the public record. Title insurance provides coverage for undisclosed title defects that might later result in a claim. Unknown events include forgery, documents signed by minors or someone incompetent, deeds executed under an expired power of attorney and errors on the public record.