



TOWN OF MONTGOMERY
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Elizabeth Reighley, Municipal Clerk

NOTARIAL SERVICES POLICY

1. The duty of a Public Notary is to take acknowledgements. This means that the Notary certifies that individual(s) has acknowledged that the act of signing a document is by his or her free act and deed. The individual(s) attest to the validity of their personage and they are not signing under force or duress. The Notary is not certifying the legal purpose or intended usage of the actual document.
2. Notarial Services may be provided during normal office hours Monday-Friday by appointment.
3. Notarial Services will be provided to individual(s) we know personally OR to individual(s) that have provided a verified form of identification.
4. Documents must contain a Notary Block ^[see below for example] OR sufficient space on the document to affix our stamp and official seal.
5. It is at the discretion of the Clerk to determine whether to perform the service or decline as allowable by State Statute. If we are unable to provide a notary service, you can find a notary on the Vermont Secretary of State's Website OR our office will provide information for other public notaries in the local area.
6. If your documents require additional witness signatures, please bring your own witnesses we cannot guarantee there will be other office staff present at time of service.
7. We do not make house calls. It is up to the discretion of the Clerk to determine if there is an extenuating circumstance for which such service will be given exception.

~Statutory References~

26 V.S.A. § 5364)

§ 5364. Personal appearance required

(a) If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notary public.

(b) The requirement for a personal appearance is satisfied if:

- (1) the notary public and the person executing the signature are in the same physical place; or
- (2) the notary public and the person are communicating through a secure communication link using protocols and standards prescribed in rules adopted by the Secretary of State pursuant to the rulemaking authority set forth in this chapter. (Added 2017, No. 160 (Adj. Sess.), § 1, eff. July 1, 2019

26 V.S.A. § 5365)

§ 5365. Identification of individual

- (a) Personal knowledge. A notary public has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.
- (b) Satisfactory evidence. A notary public has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:
 - (1) by means of:
 - (A) a passport, driver's license, or government-issued non-driver identification card, which is current or expired not more than three years before performance of the notarial act; or
 - (B) another form of government identification issued to an individual, which is current or expired not more than three years before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the officer; or
 - (2) by a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license, or government-issued non-driver identification card, which is current or expired not more than three years before performance of the notarial act.
- (c) Additional information. A notary public may require an individual to provide additional information or identification credentials necessary to assure the notary public of the identity of the individual. (Added 2017, No. 160 (Adj. Sess.), § 1, eff. July 1, 2019.)

26 V.S.A. § 5366)

§ 5366. Signature if individual unable to sign

If an individual is physically unable to sign a record, the individual may direct an individual other than the notary public to sign the individual's name on the record. The notary public shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import. (Added 2017, No. 160 (Adj. Sess.), § 1, eff. July 1, 2019.)

26 V.S.A. § 5372)

§ 5372. Authority to refuse to perform notarial act

2(a) A notary public may refuse to perform a notarial act if the notary public is NOT satisfied that:

- (1) the individual executing the record is competent or has the capacity to execute the record; or
- (2) the individual's signature is knowingly and voluntarily made.

~ SOS Webpage Links ~

<https://sos.vermont.gov/notaries-public/>

<https://sos.vermont.gov/notaries-public/statutes-rules-resources/>

<https://legislature.vermont.gov/statutes/fullchapter/26/103>

EXAMPLE of a notary block:

STATE OF _____)

COUNTY OF _____)ss.

On this ____ day of _____, 20 ____, before me personally appeared (name of person acknowledging) to me known to be the person who executed the foregoing instrument, and he (she) thereupon duly acknowledged to me that he (she) executed the same to be his (her) free act and deed.

Notary

My commission expires: