

Compilation of Responses for Michlib – Notary Question

Question:

Good afternoon,

In the past year, our library began offering notary services to the public and I am the designated notary. I noticed that some libraries do not notarize real estate documents or estate documents, like trusts, wills, Power of Attorney, deeds, or closing documents, even though I believe technically Michigan notaries would have the authority to do so. Is there a reason for this? Our library is located in a very rural area and there are not many options for finding a notary, so we often receive these requests and I would like to help if possible. However, I do not want to start notarizing these documents if there is good reason not to.

I would be happy to share responses if anyone would like to have them as well. Thank you in advance!

Thank you,
Kelsey Rutkowski

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Responses:

Hi Kelsey,

When I was a notary we decided not to do documents over a certain number of signatures just to save time. For example, I did one real estate document (refinancing a mortgage) that took literally 45 minutes. We then decided that was too much time to take away from other duties so we limited the amount of signatures per document. Keep in mind this was a suburban Class 5 library in Southeast Michigan, so your community could be different and you may be able to accommodate those types of notarization.

Another reason to limit the types of documents you notarize is (as I am sure you have already figured out) people don't know what a notary is/does and will bring in documents that Michigan notaries cannot sign. I would suggest figuring out which documents are the most common for your community and only do those.

Hope this was helpful. Good luck!

James Pugh, MMLIS
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I highly recommend training from Leslie Hocker with the Michigan Notary Association. There is a lot of information that (in my experience) most notaries do not realize.

We (Bridgeport Library) do not notarize closing documents or quit claim deeds. With quit claim deeds, there is a lot of fraud going on, leading to potential lawsuits.

Hope this helps!

Amber Hughey
Bridgeport Public Library.

Hi Kelsey,

I am also the notary at my library. For the first time about two weeks ago I had someone come in with real estate documents. I did it but felt completely terrible at certain points because I had no clue what all of the jargon and documents were talking about. Meaning, he would ask for help on certain parts and I, aside from knowing he needed to fill in his personal information and sign it, had no clue. We struggled through it and I hope I did it completely right but there were certain things I could not offer being 100% certain. I recall closing on my house with an agent who was a notary who could explain things in layman's terms for me. There is so much that goes into purchasing/selling a house that I don't think it's in our best interest to protect us. But I as a librarian notary, could not really explain fully. In the future I don't believe I will do anything with real estate/closing papers.

Hillsdale Library

Hi Kelsey, could you please share any useful responses you receive?

I notarize estate planning and real estate documents regularly (also rural) and have often wondered why so many libraries do not. It seems like an essential part of the service, to me.

My thought is that perhaps they're concerned about being called to testify in court or similar, but that has only happened to me once in over 20 years (and it ended up being canceled anyway). I just make sure to keep good records so that I'm prepared if it ever happens.

I'd be curious to hear the reasoning.

Thanks and have a great day,

Bethany Romanowski

Library Director
Richfield Township Public Library

Hello Kelsey:

I agree with Amber- the Michigan Notary Association is a good organization. There can be a fair amount of liability for notaries regarding some documents. Estate and power of attorney documents can be commonly contested, there is much fraud with estate and land documents. Unless someone is very well versed in these areas (REALLY well versed) and has generous liability insurance, it is likely not worth the risk.

If you wish to proceed, I would follow Amber's advice AND also confer with the library's attorney and insurance agent before proceeding.

<https://www.michigannotaryassociation.org/13-reasons-notaries-could-be-sued>

I hope this is helpful!

Clare

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The research and resources above are for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem.

Hi Kelsey-

Yes, as a notary you have the authority to do that. You should not be notarizing anything that would require you to authenticate ID (eg. Michigan notaries should not notarize I-9 forms).

As a notary, you have the authority to decline notarizing any document that you're unsure about. For example, I declined notarizing a document that the person who was supposed to sign it obviously had not proofread first. She opened the envelope from her attorney in front of me. I reminded her that once I notarize her signature the document is legally binding and that I would not notarize her signature knowing that she had not read it to make sure it says what she thinks it does. She actually thanked me for pointing that out and went home to go over it.

If libraries are declining real estate docs etc., it may be because there is potential for liability, but I suspect the more immediate reason is because those docs take a lot of time, often requiring several signatures to be notarized, additional witnesses, etc. Like anything else, people will come in when you're at your busiest, about to leave for the day, or about to close. Our library does notarize those types of documents, but we have several notaries on staff, so one person doesn't get stuck doing lots of long docs, and we can lean on each other if a type of doc comes in that one of us hasn't seen before.

Our patrons do love this service.

Hope that's helpful!

Julie

