

Glossary of Terms

This glossary has been prepared to assist notaries in understanding commonly used words related to legal documents and the performance of their duties. The definitions are not precise legal definitions, but are generally based on Black's Law Dictionary, Fifth Edition.

ACKNOWLEDGMENT

A formal declaration before an authorized official (a notary public) by a person signing an instrument that such execution is his or her free act and deed. The term also refers to the notary's certificate on the document indicating that it was so acknowledged.

ADMINISTER

To discharge the duties of an office; to give (as in the giving of an oath).

AFFIDAVIT

A written statement of facts made voluntarily and confirmed by the oath or affirmation of the party making it before an officer authorized to administer oaths, i.e., a notary public.

AFFIRM

To make a solemn, formal declaration under the penalty of perjury that certain statements are true. An affirmation is legally equivalent to an oath and may be substituted for an oath when a document requires an oath for its execution, i.e., an affidavit.

AFFIX

To attach or impress the notary seal to a document.

APOSTILLE

A certificate of notarial authority issued by the Florida Secretary of State for notarized documents being sent out of Florida to those countries who are parties to the international treaty commonly known as the Hague Convention.

ATTEST

To bear witness to or to certify.

AUTHENTICATION

A process by which the Florida Secretary of State certifies or verifies the status of a notary public. An Apostille or a Certificate of Notarial Authority is attached to the notarized document.

CERTIFIED COPY

A copy of a document or record, signed and certified as a true copy by the public official who has custody of the original record. NOTE: A notary may make an "attested photocopy," but not a certified copy. A certified copy is not the same as an original document.

CODICIL

A supplement or addendum to a will.

COERCE

To force into submission or compliance.

COMMISSION

The certificate issued by the Governor verifying appointment as a notary public and authorizing the notary public to perform the official acts of that office. The commission also bears the

commission number and the beginning and ending dates of the term of appointment.

CUSTODIAN OF THE DOCUMENT

The person who has charge or custody of the document. In the case of making an attested photocopy, the "document's custodian" is the person presenting the document, who may or may not be the document signer.

DEED

A document by which a person conveys (transfers) real property.

Quitclaim Deed A deed intended to pass any title, interest, or claim which the grantor may have in the real property, but not professing that such title is valid or containing any warranty for title.

Warranty Deed A deed in which the grantor warrants or guarantees good clear title to the real property.

DEPONENT

The person giving testimony in a deposition.

DEPOSITION

The testimony of a witness, under oath or affirmation, taken outside of court in which lawyers ask oral questions of the witness. The testimony is usually reduced to writing and duly authenticated and is intended to be used in a trial of a civil action or a criminal prosecution.

EXECUTE A DOCUMENT

To perform all formalities necessary to make a document fully effective; often a matter of signing, but may require delivery or other elements.

FLORIDA NOTARY PUBLIC

A public officer appointed by the Governor whose function is to administer oaths; to take acknowledgments of deeds and other instruments; to attest to photocopies of certain documents; and to perform other duties specified by law.

FLORIDA STATUTES

Legislatively enacted laws which govern our state, as opposed to court-decided or unwritten common laws.

FREE ACT AND DEED

To admit one's act and assume the responsibility for it.

GRANTEE

A person who receives the deed of real property from the grantor, i.e., generally the buyer.

GRANTOR

The person who transfers a deed of real property, i.e., generally the seller.

INSTRUMENT

A written document.

JURAT

The written notarial certificate on any sworn statement or affidavit completed by the notary public indicating that the document was sworn or affirmed to by the signer.

LEASE

An agreement between two parties, where one party is the owner of certain property and grants to another party the right to possess, use and enjoy such property for a specified period of time in exchange for periodic payment of a stipulated price, referred to as rent.

LESSEE

One who rents property from another.

LESSOR

One who rents property to another.

LIEN

A legal right or security attached to real estate or personal property until the payment of some debt, obligation, or duty.

LITIGATION

A lawsuit or legal action.

MALFEASANCE

The doing of an act which is a person ought not to do at all.

MISFEASANCE

The improper doing of an act which a person might lawfully do.

NEGLIGENCE

The failure to use such care as a reasonably prudent and careful person would use under similar circumstances.

NOTARIAL ACT

The officials acts of a notary public administering an oath, taking an acknowledgment, attesting to a photocopy, or any other other act authorized by law.

NOTARIAL CERTIFICATE

A written statement made by the notary public certifying specific facts of the notarial act performed.

OATH

Any form of attestation or pledge by which a person signifies that he or she is bound in conscience and out of a sense of responsibility to a Supreme Being to the truthfulness for some statement. Willfully swearing to untrue statements constitutes perjury.

PERJURY

Making a false statement under oath or affirmation. Perjury is a felony punishable by a fine and/or prison term.

PERSONALLY KNOWN

Having an acquaintance derived from association with an individual, which establishes the individual's identity with at least a reasonable certainty.

POWER OF ATTORNEY

A document authorizing a person to act as another's agent or attorney for a specified purpose.

PRINCIPAL

The person making the power of attorney.

ATTORNEY IN FACT

The person authorized to act for another by power of attorney.

REASONABLE CARE

The degree of care which a person of ordinary prudence and intelligence would exercise in the same or similar circumstances. Failure to exercise such care is negligence.

SATISFACTORY EVIDENCE

Any one of the acceptable forms of identification specified in section 117.05(5), Florida Statutes, providing that the notary does not have any information, evidence, or other circumstances which would lead a reasonable person to believe that the person making the acknowledgment (or taking the oath) is not the person he or she claims to be.

SOLEMNIZE THE RITES OF MATRIMONY

To perform a marriage ceremony.

SUBSCRIBE

To sign a document.

SWEAR

To take an oath.

TESTATOR

The person making a will.

VENUE

The location of the notarial act, usually stated in the form:

STATE OF FLORIDA

COUNTY OF _____

WILL

An instrument by which a person makes a disposition of his or her property, to take effect after his or her death.