

## NOTICE

TO: Nebraska Notary Publics  
FROM: John A. Gale, Secretary of State  
DATE: August 17, 2009 (Updated 1/1/2010)  
RE: Mobile Notary Services

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The Nebraska Secretary of State's Office continues to urge notaries to exercise caution in considering "signing agent" or "mobile notary" offers.

The fees a notary may charge are set by law. See Neb. Rev. Stat. § 33-133 (Reissue 2008). Current law provides that notaries may charge \$5.00 for taking acknowledgment of deed or other instrument. In addition to the \$5.00 fee, the only other fee a notary is allowed by law to charge when taking acknowledgment of deed or other instrument is mileage at the current statutory rate of 50 cents per mile traveled.<sup>1</sup>

Further, current law provides that notaries may **not** act as real estate closing agents. Only persons (or their employees) licensed or regulated by one of the following regulating entities may act as real estate closing agents: the Department of Insurance, Supreme Court, Real Estate Commission, Federal Deposit Insurance Corporation, Federal Office of Thrift Supervision, Federal Farm Credit Administration, or National Credit Union Administration. If you are acting as a real estate closing agent, in violation of the law, you should be aware that this action would constitute a Class V misdemeanor.

Remember, when taking an acknowledgement, the principal must personally appear before the Notary and acknowledge that he/she executed the instrument and must either be personally known to the Notary or show a valid government issued identification card.

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<sup>1</sup> Mileage rate effective as of January 1, 2010.