

FROM: John A. Gale, Nebraska Secretary of State

TO: All Nebraska Notaries, other interested Parties

RE: Fees for Notary Services

DATE: 3/14/03

Mobile Notary Services:

We are aware that mortgage companies are advertising on the internet for notaries to perform “signing agent” or “mobile notary” services. These same advertisements claim that the notaries may charge fees of \$125.00 to \$175.00 for their notary services.

The current Nebraska notary statute §33-133 states that the allowable fee for taking acknowledgment of deeds or other instruments is \$5.00/

In addition, the only other allowable fee under §33-133 that may be added to the \$5.00 fee for taking acknowledgement is the current mileage fee of 36.5 cents per mile traveled.

The Nebraska Secretary of State’s Office urges notaries to exercise caution in considering these signing agent or mobile notary offers.

If a bank or mortgage company wants to employ a notary to perform notary services, act as a “signing agent” or “mobile notary officer” and wants to **pay** more than the statutory rate, that is up to them. However, the fee a notary may **charge** for their services is set forth in state law as described above. Neither the notary nor a third party charging notary fees as part of the services they provide should exceed the statutory fees in charging for notary services.

Example: an itemized loan closing statement should not list “notary fees” at \$125, unless notary services provided at the statutory rate, plus mileage at the statutory rate, equal \$125.

Reminder

Always be sure to carefully follow your primary duties as a Notary when taking an acknowledgement:

- 1) Personal appearance: The person signing must personally appear before the Notary and acknowledge he executed the instrument.
- 2) Identification: If the Notary taking the acknowledgement does not personally know the signer, the signer must show satisfactory evidence (current government identification card that has a photo) to the Notary that they are the person described in and executing the instrument.

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.