



REGULATION NO. 2.

A Regulation Prescribing a Form of Notary Affidavit, in Recordable Form, Pertaining to a Fraudulently Notarized Recorded Deed or Other Recorded Document

1.0 Definitions

- 1.1 Department of Records: The Philadelphia Department of Records.
- 1.2 Improperly Notarized Recorded Document: A document recorded by the Department of Records containing a notary certificate that is forged or fraudulent.
- 1.3 Notary: An individual commissioned or otherwise authorized to perform a notarial act by the Commonwealth of Pennsylvania or an individual similarly authorized to perform notarial acts by any other state.
- 1.4 Notary Affidavit: A voluntary statement of facts written under oath by a Notary averring that the Notary was not the notary of a particular Improperly Notarized Recorded Document as otherwise indicated by that document.
- 1.5 Recording Notification System: A system that sends email alerts to all those registered any time the names of those individuals appear as a party to or Notary of a document recorded by the Department of Records.
- 1.6 Property: The real property described in the Improperly Notarized Recorded Document.

2.0 Discovery of an Improperly Notarized Recorded Document

- 2.1 Notary receives an alert from Recording Notification System. An Improperly Notarized Recorded Document can be discovered when a Notary receives notification from the Recording Notification System about a document recorded by the Department of Records listing that Notary as the notary for a particular recorded document and determines from the notary journal or otherwise that the Notary did not perform the notarial act for that recorded document.
- 2.2 Other means of discovering an Improperly Notarized Recorded Document. Regardless of whether a Notary receives a notification from the Recording Notification System, a Notary may determine by any other legally permissible means that the Notary certificate of a particular recorded document fraudulently uses that Notary's name,

signature and/or official stamp and is therefore an Improperly Notarized Recorded Document.

3.0 Submission of Affidavit by Notary for Recording

- 3.1 Once a Notary has discovered that the Notary is associated with an Improperly Notarized Recorded Document, that Notary may complete a Notary Affidavit and submit that Notary Affidavit, under penalty of perjury, to be recorded by the Department of Records.
- 3.2 A Notary Affidavit must satisfy all the recording requirements of the Commonwealth of Pennsylvania and the City of Philadelphia including:
 - Must contain a wet signature or signature through approved solution.
 - Must be dated.
 - Must contain a full acknowledgement certificate by a separate notary public and not merely a jurat.
- 3.3 A copy of the Improperly Notarized Recorded Document must be attached to a Notary Affidavit.
- 3.4 A true and correct copy of a Notary's notarial stamp must be attached to a Notary Affidavit.
- 3.5 A Notary Affidavit must be signed by the Notary associated with the Improperly Notarized Recorded Document attached to the Notary Affidavit.
- 3.6 A sample form Notary Affidavit is attached as Exhibit A to this regulation.

4.0 Affidavit to Be Recorded and Indexed

- 4.1 The Department of Records will index the Notary Affidavit by the notary's name, the names of the parties of the Improperly Notarized Recorded Document, and property identifying information, that may include a street address.
- 4.2 The Department of Records will not charge a recording fee for the recording of a Notary Affidavit.

5.0 Notice of Notary Affidavit

- 5.1 After the Notary Affidavit has been recorded, the Department of Records shall notify the record owner of the Property at the time of the recording of the Notary Affidavit, the record owner of the Property immediately prior to the recording of the Notary Affidavit, and the record owner of the Property one calendar day before the date of the Improperly Notarized Recorded Document.

5.2 The Department of Records may notify any other interested party of the recording of the Notary Affidavit.

EXHIBIT A
SAMPLE NOTARY AFFIDAVIT

AFFIDAVIT OF [SIGNER]
PURSUANT TO CITY OF PHILADELPHIA DEPARTMENT OF RECORDS REGULATION
NO. 2

I, [SIGNER], born [DOB] and having an address at [ADDRESS] being duly sworn, hereby state the following, under oath:

1. This Affidavit is executed in accordance with City of Philadelphia Department of Records Regulation No. 2.
2. I, [SIGNER], have been commissioned as a Notary Public in the Commonwealth of Pennsylvania since [DATE OF ORIGINAL COMMISSION].
3. My commission expires on [DATE COMMISSION EXPIRES].
4. My commission number is [COMMISSION NUMBER].
5. On [DATE DOCUMENT WAS RECORDED], a document was recorded in the Department of Records for the City of Philadelphia at Document No. [DOCUMENT NUMBER] purporting to have been notarized by me, a true and correct copy of which is attached as Exhibit "A."
6. I, [SIGNER] did not notarize this document and there is no entry in my notary journal memorializing this notarization.
7. I acknowledge that I am executing this Affidavit under penalty of perjury.
8. A true and copy of my notarial stamp is attached as Exhibit "B."

(Signature) _____

[NAME]

Dated: [DATE]

COMMONWEALTH OF PENNSYLVANIA:

: ss.

COUNTY OF PHILADELPHIA:

ON THIS the _____ day of _____, 20XX, before me, the undersigned officer, a Notary Public in and for the Commonwealth and County, personally appeared [NAME] known to me (or satisfactorily proven) to be the person(s) whose name is subscribed to the within instrument, and acknowledged that [NAME] executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My Commission Expires:

EXHIBIT "A"

[ATTACH COPY OF UNDERLYING DOCUMENT]

EXHIBIT "B"

[ATTACH COPY OF NOTARIAL STAMP]