

**NOTARY PUBLIC HANDBOOK
UNITED STATES VIRGIN ISLANDS**



**GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS
OFFICE OF THE LIEUTENANT GOVERNOR**

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FREQUENTLY ASKED QUESTIONS

Q. What are the qualifications for a Notary Public?

- A. To apply for a commission as a notary public in the United States Virgin Islands, certain legal qualifications must be met.
- (1) You must be at least 21 years of age;
 - (2) You must be a U.S. citizen;
 - (3) You must have been a resident of the U.S. Virgin Islands for at least five (5) years preceding your appointment; **NOTE:** Members of the Virgin Islands Bar shall not be required to comply with the five-year residency requirement.
 - (4) You shall be a graduate of an accredited high school or have passed the high school equivalency test; and
 - (5) You shall not have been convicted of any crime either within or outside of the Virgin Islands.

Q. Where can I get an application?

- A. Applications may be obtained from the Office of the Lieutenant Governor, Division of Banking and Insurance at 1131 King Street, Suite 101, Christiansted, St. Croix and the Office of the Lieutenant Governor at #18 Kongens Gade, Charlotte Amalie, St. Thomas or online at ltg.gov.vi.

Q. What documents are required to support the application?

- (1) Application package
- (2) Two letters of character reference
- (3) A Certificate of Good Standing (For Attorneys Only)
- (4) Submittal of insurance or surety bonds
- (5) Proof of U.S. Citizenship with photo identification
- (6) Police record check and signed Criminal Background check from the U.S. Virgin Islands' Police Department.

Q. What are the fees?

- A. By law, the Lt. Governor's Office is allowed to charge \$100.00 for new notary commissions and \$75.00 for renewal commissions. Each commissioned notary public must also pay an annual fee of \$25.00 due on January 1st of each year. There are fees for your notary bond from an insurance/bonding company, and your notary seal. These fees are set by the respective insurance/bonding company or office supply store, and are not paid by or to this office.

Q. What kind of bond do I need?

- A. You are required by law to provide a \$5,000 notary public bond from an insurance/bonding company, or a surety bond by two resident sureties owning property in the Virgin Islands with a

value of \$10,000 over and above encumbrances. The names of the sureties on the bond must be different from the applicant's name, and each surety must be the sole titled owner of their property. If the property of any one surety is held in more than one name, then all record owners must sign the surety bond as joint sureties for the respective property.

Q. Should I buy an errors and omissions policy?

- A. The law does not require that you buy an errors and omission policy, which is a policy that protects the notary public and pays for any charges the notary might owe for legal fees and costs should the notary be sued. Your decision to do so is optional.

Q. How soon may I begin to notarize documents?

- A. Once the Office of the Lieutenant Governor has processed your correctly prepared application, a Notary Bond is forwarded to the Superior Court of the Virgin Islands for the approval by the Presiding Judge. Once the court notifies the Lieutenant Governor that the bond has been approved, the commission is prepared for the Lieutenant Governor's signature. After you receive your commission and seal, and you have submitted your signed notary oath and an imprint of your seal, you may begin notarizing documents.

Q. What type of seal should I buy?

- A. Virgin Islands law requires that you use an impression seal with your official name style, as notary public, the expiration date of your commission, and the judicial district in which you live.

Q. Should I buy a rubber stamp?

- A. The law does not require that you buy a rubber stamp. Your decision to do so is optional. However, you must purchase an impression seal.

Q. What is the wording on the seal?

- A. The wording on the seal consists of your official notary name, the words "Notary Public", "St. Croix or St. Thomas/St. John (STT/STJ), and U.S. Virgin Islands (USVI)" and "My Commission expires on _____." **The date will be filled in at the point of notarization.**

Q. What is a commission?

- A. It is the document you receive from the Office of the Lieutenant Governor appointing you as a notary public in the Virgin Islands. It has the official seal of the Office of the Lieutenant Governor. It also contains a letter of appointment as a notary public with the notary's name and commission expiration dates.

Q. How long does my commission last?

- A. All commissions shall be valid for a period of four years from the date of issuance. Commissions given to government notaries, however, expire at the pleasure of the Lieutenant Governor.

Q. Can my commission be renewed?

- A. Your commission can be renewed by submitting a completed application package including an affidavit, and police record within 60 days of the expiration of the commission. Members of the Virgin Islands Bar need not submit a police record check but must submit a certificate of good standing from the Virgin Islands Bar.

Q. When should I send my renewal application?

- A. Send your completed application no earlier than two months in advance of your present expiration date.

Q. Where can I use my commission? Can I notarize documents in other states?

- A. A Virgin Islands notary commission can only be used in the U.S. Virgin Islands. Other states have their own laws regarding their notaries.

Q. May I notarize my own signature or the signature of relatives?

- A. A notary cannot notarize his or her own signature. A notary is to be an impartial witness. The law does not forbid notaries from notarizing the signature of relatives. However, it is not a good practice to notarize relatives' signatures because if the notarized document was ever the subject of a court suit, a judge might determine the notary was not an impartial witness to the signing of the document. We suggest that you do not notarize documents for a spouse, grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child or grandchildren.

Q. May I notarize documents with a subject matter in which I have an interest?

- A. No. According to the law, a notary cannot notarize documents the subject in which the notary has a financial or personal interest.

Q. May I notarize documents from other jurisdictions?

- A. Documents that originate in other jurisdictions may be notarized by you as long as you and the person seeking notarization of the document are in the Virgin Islands. On the notary certificate or acknowledgment, you must identify the judicial district of the Virgin Islands in which the notarization took place.

Q. May government notaries notarize any type of document or charge a fee for the service?

- A. No. According to the law, government notaries may not charge a fee for notarizing documents. The reason for this restriction is because commissioned employees of the government may only notarize deeds and administer oaths and affirmations on matters of official business of the Government of the Virgin Islands or the Government of the United States.

Q. What information should I record in my journal?

- A. You should record every notarization in your journal. This is self-protection against possible suit. The law requires that you keep a memorandum of all official acts. You should keep a record of the date and time you notarized the document, the type of notarization completed, the signature of the person(s), the address, identification of person, notary fee, if any.

Q. Can a notary prepare legal documents?

- A. No. A notary does not have this authority. All documents presented to you to notarize should have the correct form of notary certificate on the document. As a notary, your only duty is to perform the notarial act and complete the notarial certification.

Q. What forms of identification can I request?

- A. The best form of identification is one which includes a photograph and signature. A valid driver's license is a good source of identification. The person can also be personally known to the notary.

Q. Must the document be signed in my presence?

- A. If the notary certificate states "Subscribed and sworn/affirmed to before me" etc., then it must be signed in your presence. An oath or affirmation must be administered to the person whose signature you are notarizing. An acknowledgment does not need to be signed in your presence. The person who signed the acknowledgment must appear before you and acknowledge he or she is the signer and that he or she signed the document.

Q. What if the document is already signed when brought to me for notarizing?

- A. If the document has already been signed, you can ask the person to sign the document again, either above or below the signature on the document. You can ask for identification and properly identify the person and the signature. You can also ask the person to sign your journal. If you are satisfied that the person is the signer, you can administer the oath and affirmation and complete the notarial certificate. It is not good practice to notarize documents which have already been signed.

Q. What if my employer asks me to notarize documents which have not been signed in my presence?

- A. Agreements for your services as a notary public should be discussed with your employer at the time you are requested to apply for a commission. According to the law, an employer may also be liable for a notary's misconduct.

Q. My commission expired and I have been notarizing documents. What should I do?

- A. Any person who acts as a notary, and is not lawfully commissioned, is punishable under the criminal laws of the Virgin Islands and of the United States and may be fined or imprisoned.

Q. My name has changed since I received my commission. What should I do?

- A. If you intend to use your new name, you must apply for an amended commission with your new name. A letter should be submitted to the Office of the Lieutenant Governor with supporting documents (i.e. marriage certificate; divorce decree, order changing name etc.). The application and supporting documents should be forwarded to the Office of the Lieutenant Governor, Division of Banking and Insurance at 1131 King Street, Suite 101, Christiansted, VI 00820 or Office of the Lieutenant Governor at #18 Kongens Gade, Charlotte Amalie, St. Thomas 00802. You will need to purchase a rider to your notary public bond changing your name. You will also have to purchase a new dye for your seal. Your commission with your new name will be mailed directly to you.

Q. Is there a fee for amending my commission for the name change?

- A. There is no fee for issuing an amended commission.

Q. I have just moved. Do I need to notify the Lieutenant Governor's office?

- A. Yes, you must send a letter stating your old and new address, and requesting that your address be changed accordingly. Additionally, you must execute the affidavit affirming under oath that you continue to meet the requirements.

Q. How do I resign from my commission as a notary public?

- A. To resign your commission as a notary public, return your original commission, seal and journal to the Office of the Lieutenant Governor, #18 Kongens Gade, Charlotte Amalie, St. Thomas, VI 00802, along with a letter of resignation.

Q. I have been asked to obtain a certification of my authority as a notary public. Where can this be obtained?

A. Certification or Apostille for notaries are issued by the Office of the Lieutenant Governor. They may be obtained by submitting the original document requiring the certificate to the Office of the Lieutenant Governor, St. Croix or St. Thomas Office. The fee for each certificate is \$25.00 and should accompany the request. Money orders and checks are to be payable to the Government of the Virgin Islands.

Q. Can I hold a notary public commission and a government or ex-officio notary commission at the same time?

A. No. A notary public in the Virgin Islands may not hold two notary positions at the same time.