



ROBERT A. SCHNEIDER AGENCY, INC.

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Specified Professions Product for Notaries

Claim Examples

- ▶ Sylvester, a notary with 5 years experience, was hired to notarize all the signatures in a very complicated commercial real estate transaction. Sylvester checked the identification of all relevant parties to the transaction and acknowledged each signature. Sylvester, however, did not realize that the President of one of the companies to the transaction was not present and that the Vice-President was signing the President's name. Several weeks later, when one of the companies became dissatisfied and sued to void the transaction, it was shown that several signatures that Sylvester acknowledged were, in fact, forgeries. The second party to the real estate transaction sued Sylvester for negligence.
- ▶ Antoine decided to open a nationwide notary and real estate closing service utilizing independent contractors located in almost all fifty states. One of Antoine's first and largest clients was a nationwide mortgage company, U.S. Mortgage. U.S. Mortgage sent a lot of business to Antoine over the first few months, sometimes using his independent contractors exclusively in many states. One day, however, Antoine received a notice of service for a claim made by U.S. Mortgage naming Antoine and several of his independent contractors alleging that the independent contractors were acknowledging signatures on mortgages and other loan paperwork that they had not actually witnessed.
- ▶ After retiring from teaching high school, Isabelle decided to run a notary service out of her home in order to supplement her retirement income and allow her to spend more time with her grandchildren. Oliver stopped by one day to have Isabelle notarize an application for a duplicate driver's license. Isabelle was busy with her grandchildren and did not take the usual amount of time to verify Oliver's identification and the application that she was notarizing. The application was later used to cash several stolen checks. Isabelle was named in the ensuing lawsuit brought by the banks.
- ▶ In June of 2002, Stan Rose of Adam-Rose Mortgage Corporation hired Wilma to notarize all of their real estate closings. In September of that year, Wilma was contracted to be present at the closing for a \$600,000 house being bought by Peter. The mortgage was conditioned on a 2% pre-payment penalty. Two and a half years after purchasing the house, Peter pre-paid his mortgage. Adam-Rose Mortgage Corp. attempted to enforce the pre-payment penalty, however, Peter claimed that he had never agreed to the pre-payment penalty. When Stan went back and reviewed the closing documents, he realized that the pre-payment penalty rider had never been signed. To recoup the lost pre-payment penalty, Stan filed a negligence claim against Wilma due to her failure to ensure that the pre-payment rider had been properly executed.
- ▶ Monique, a notary with five years experience, received a call from D. Graw Title Company. Brian, one of the company's Vice Presidents, told Monique that one of her acknowledgment certificates from a loan signing the week before had been lost. He asked Monique to send him a signed and sealed acknowledgment certificate to replace the lost one. Monique refused at first, but Brian promised that he would personally attach the certificate to the correct document. Monique agreed, completed the certificate and mailed it to Brian. Upon receipt of the certificate, Brian handed it to his assistant who attached it to the wrong loan document. Six months later, after a dispute had arisen regarding the truthfulness of statements made on the loan documents to which the certificate had been incorrectly attached, Monique was named in the ensuing claim and accused of professional negligence since her acknowledgment was attached to a document which was not signed in her presence.