

Hawaii Notary Public Practice Exam (Sample)

Study Guide



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SAMPLE

Questions

- 1. Which term describes "fraudulent making or altering of a writing"?**
 - A. Embezzlement**
 - B. Forgery**
 - C. Counterfeiting**
 - D. Fraud**
- 2. How should a Notary Public respond to requests for notarization of a will?**
 - A. They should refuse all requests**
 - B. They may notarize the will, but should advise the signer to consult a legal professional**
 - C. Only notarize if there are no witnesses**
 - D. They should charge an additional fee for that service**
- 3. How can a Notary Public ensure their journal is compliant with Hawaii law?**
 - A. By not keeping a journal**
 - B. By regularly reviewing the specific notarial laws and regulations applicable in Hawaii**
 - C. By asking other Notaries what they do**
 - D. By following outdated practices from previous years**
- 4. What must a notary do if there have been changes made to a document before notarization?**
 - A. Rewrite the document entirely**
 - B. Initial in the margin opposite each change**
 - C. Request a new document without changes**
 - D. Notify the signing party of the changes**
- 5. What is the fee if you fail to show up for the exam?**
 - A. 20**
 - B. 25**
 - C. 30**
 - D. 10**

- 6. What is meant by the term 'venue' in the context of notarial acts?**
- A. The location where the document was created**
 - B. The place where the notary is performing the notarial act**
 - C. The jurisdiction where the affiant resides**
 - D. The location of the notary's office**
- 7. What should a Notary do if they are unsure about a notarization procedure?**
- A. Proceed with the notarization without question**
 - B. Consult relevant laws or seek guidance from more experienced Notaries**
 - C. Ignore it and trust their instincts**
 - D. Refer to a notary guide that is years out of date**
- 8. What does it mean for a Notary to be unbiased during a signing?**
- A. To choose one side over the other**
 - B. To impartially witness the signing without favoring either party**
 - C. To offer legal advice to one of the parties**
 - D. To encourage the parties to complete the transaction quickly**
- 9. Which island is represented in the 3rd Judicial Circuit Court?**
- A. Maui**
 - B. Kauai**
 - C. Hawaii**
 - D. Molokai**
- 10. Which of the following is NOT a duty of a Notary Public?**
- A. Administering oaths and affirmations**
 - B. Providing legal advice to clients**
 - C. Witnessing signatures on documents**
 - D. Certifying copies of original documents**

Answers

SAMPLE

- 1. B**
- 2. B**
- 3. B**
- 4. B**
- 5. B**
- 6. B**
- 7. B**
- 8. B**
- 9. C**
- 10. B**

SAMPLE

Explanations

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1. Which term describes "fraudulent making or altering of a writing"?

- A. Embezzlement**
- B. Forgery**
- C. Counterfeiting**
- D. Fraud**

The term that describes "fraudulent making or altering of a writing" is indeed forgery. Forgery involves the intentional manipulation or alteration of a document to deceive another party. This can include signing someone else's name without permission, altering the content of a document, or creating a false document altogether. Understanding the nuances within the terms helps clarify why forgery is the correct choice. Embezzlement specifically refers to the misappropriation of funds placed in one's trust or belonging to one's employer, which does not pertain to the creation or alteration of documents. Counterfeiting generally relates to the reproduction of something with the intent to deceive, usually concerning currency or legal tender rather than written documents broadly. Lastly, while fraud encompasses various deceptive practices to gain something of value, it is more general and does not specifically denote the act of making or altering writings. Thus, forgery is the precise term that aligns with the definition provided in the question.

2. How should a Notary Public respond to requests for notarization of a will?

- A. They should refuse all requests**
- B. They may notarize the will, but should advise the signer to consult a legal professional**
- C. Only notarize if there are no witnesses**
- D. They should charge an additional fee for that service**

A Notary Public may notarize a will but should advise the signer to consult a legal professional because notaries are not qualified to offer legal advice specific to the drafting or validity of wills. Notarial acts typically include verifying the identity of the signer and witnessing their signature. However, given the complexities surrounding wills, such as state laws on their execution and the potential consequences of improperly executed documents, it is essential for the signers to seek guidance from legal professionals who specialize in estate planning. This response maintains the integrity of the notarization process while recognizing the inherent limitations of a notary's role. It ensures that individuals do not overlook critical legal considerations that could impact the validity of their wills.

3. How can a Notary Public ensure their journal is compliant with Hawaii law?

- A. By not keeping a journal**
- B. By regularly reviewing the specific notarial laws and regulations applicable in Hawaii**
- C. By asking other Notaries what they do**
- D. By following outdated practices from previous years**

The correct answer, which states that a Notary Public can ensure their journal is compliant with Hawaii law by regularly reviewing the specific notarial laws and regulations applicable in Hawaii, is based on the understanding that laws and regulations can change over time. Keeping up to date with the current legal requirements ensures that notarial acts are performed in compliance with the most recent standards. A Notary's journal is a crucial tool that serves as a record of their notarial acts, and compliance with state laws is critical for both legal protection and the integrity of the notarization process. Regularly reviewing the laws provides Notaries with the necessary knowledge to properly record important information, such as the date and nature of the notarization, the identity of the signer, and any required witness information. In contrast, not keeping a journal undermines the integrity of the notarial process and is not compliant with Hawaii law, which mandates that Notaries keep a journal. Asking other Notaries for their practices does not guarantee compliance with current laws, as not all Notaries may be aware of or compliant with legal requirements themselves. Following outdated practices could lead to non-compliance since legal requirements may have evolved since those practices were established. Thus, staying informed about current laws through regular review is the

4. What must a notary do if there have been changes made to a document before notarization?

- A. Rewrite the document entirely**
- B. Initial in the margin opposite each change**
- C. Request a new document without changes**
- D. Notify the signing party of the changes**

When changes are made to a document before it is notarized, the appropriate action for a notary is to initial in the margin opposite each change. This practice serves several important purposes: it confirms that the notary is aware of and approves the alterations, it protects the integrity of the document by ensuring that the parties involved acknowledge the modifications, and it provides a clear record that the notary verified the changes at the time of signing. By initialing next to the changes, the notary is verifying that the document was altered before notarization and that the signer agrees with those changes. This not only helps to prevent any disputes over what was altered but also reinforces the notary's duty to provide an accurate and reliable notarization process. While rewriting the document entirely or requesting a new document can be excessive and potentially lead to confusion, simply notifying the signing party of the changes does not fulfill the notary's responsibility to document their awareness of those changes in a formal manner. Therefore, initialing in the margin is the most effective and proper response in this situation.

5. What is the fee if you fail to show up for the exam?

- A. 20
- B. 25**
- C. 30
- D. 10

The fee associated with failing to show up for the notary public exam is set at \$25. This fee serves as a deterrent and encourages candidates to prepare adequately and commit to their scheduled exam time. In many professional and certification contexts, such fees are implemented to manage resources effectively and ensure that testing opportunities can be allocated fairly to all interested candidates. The amount is typically corroborated by official exam administration guidelines, which outline costs associated with various circumstances around the exam process, including no-shows. Understanding this fee is important for candidates so they can plan their exam preparations accordingly and avoid unnecessary financial penalties.

6. What is meant by the term 'venue' in the context of notarial acts?

- A. The location where the document was created
- B. The place where the notary is performing the notarial act**
- C. The jurisdiction where the affiant resides
- D. The location of the notary's office

In the context of notarial acts, 'venue' refers to the specific place where the notary is performing the notarial act. This is important for several reasons. Firstly, the venue determines the legal jurisdiction in which the notarial action is taking place, which can impact the enforceability of the document being notarized. The venue should be recorded on the notarial certificate, as it indicates to all parties involved the exact location where the notary operated at the time of the transaction. This contributes to legal clarity and helps resolve any potential disputes regarding the authenticity and legality of the notarization. Other options relate to various aspects of the document creation process or the notary's personal details, but they do not accurately capture the specific definition of 'venue' as it applies to the location of the notarial act itself.

7. What should a Notary do if they are unsure about a notarization procedure?

- A. Proceed with the notarization without question**
- B. Consult relevant laws or seek guidance from more experienced Notaries**
- C. Ignore it and trust their instincts**
- D. Refer to a notary guide that is years out of date**

When faced with uncertainty about a notarization procedure, the appropriate action is to consult relevant laws or seek guidance from more experienced Notaries. This approach is vital because notaries are responsible for ensuring that they adhere to the laws and regulations governing their practice, which can vary by jurisdiction and may change over time. Utilizing up-to-date resources and consulting with knowledgeable colleagues can provide clarity and prevent mistakes that may result in legal repercussions or challenges to the validity of the notarized document. Additionally, seeking assistance helps to foster a culture of professionalism and accountability within the notary community. In contrast, proceeding with the notarization without question could lead to errors that invalidate the notarization or cause issues in the future. Ignoring the process and trusting instincts is risky, as notaries must rely on established laws and procedures rather than personal judgment. Referring to an outdated notary guide may not provide the necessary information needed and can lead to misunderstandings or incorrect practices, as regulations and best practices may have evolved since the publication of that guide.

8. What does it mean for a Notary to be unbiased during a signing?

- A. To choose one side over the other**
- B. To impartially witness the signing without favoring either party**
- C. To offer legal advice to one of the parties**
- D. To encourage the parties to complete the transaction quickly**

A Notary Public must be unbiased during a signing to ensure the integrity and fairness of the notarization process. Being unbiased means that the Notary impartially witnesses the signing of documents without favoring either party involved. This impartiality is critical because it helps maintain the credibility of the notarial act, ensuring that all parties feel the process is fair and just. When a Notary is unbiased, they do not take sides, nor do they let their personal opinions, relationships, or interests interfere with their official duties. This is essential in upholding public trust in the notarial system. If the Notary were to favor one party, it could lead to questions about the legality and validity of the transaction, potentially harming the interests of the other party involved. In contrast, the other choices highlight behaviors that do not align with the Notary's duty to remain neutral. Choosing one side introduces bias, offering legal advice is outside the Notary's responsibilities and can create conflicts of interest, and encouraging parties to rush the transaction may undermine the careful consideration that is often necessary for such agreements. Thus, impartial witnessing is the cornerstone of a Notary's role.

9. Which island is represented in the 3rd Judicial Circuit Court?

- A. Maui**
- B. Kauai**
- C. Hawaii**
- D. Molokai**

The correct answer identifies the island of Hawaii, often referred to as the Big Island, as being represented in the 3rd Judicial Circuit Court. This court covers various regions within the state, including the Big Island. Understanding the structure of Hawaii's judicial system is crucial for recognizing the geographic jurisdictions of the different courts. The 3rd Circuit Court is responsible for overseeing legal matters in areas such as civil and criminal cases, family court issues, and probate matters that arise specifically on the Big Island. Maui, Kauai, and Molokai each have their own respective circuit courts that handle legal matters for those islands. Recognizing the jurisdictional boundaries of each island helps clarify why only the Big Island is represented in the 3rd Judicial Circuit Court among the choices given.

10. Which of the following is NOT a duty of a Notary Public?

- A. Administering oaths and affirmations**
- B. Providing legal advice to clients**
- C. Witnessing signatures on documents**
- D. Certifying copies of original documents**

A Notary Public has a specific set of duties defined by law and practice, which focus on ensuring the integrity and authenticity of documents. Providing legal advice is not one of those duties. A Notary Public is prohibited from offering legal counsel or guidance because doing so requires specialized legal training and education, which notaries do not possess. In contrast, administering oaths and affirmations is a recognized duty that involves affirming the truthfulness of a statement under oath. Witnessing signatures on documents is another fundamental responsibility, ensuring that the signatories are indeed who they claim to be and are signing willingly. Certifying copies of original documents is also a standard duty, which involves confirming that a photocopy is a true and accurate representation of the original document. Therefore, providing legal advice to clients stands out as the option that does not align with the established duties of a Notary Public.