

Extra Features

Notarial Presentment and Affidavits/Declarations of Fact

Notarial Presentment

An additional feature you can add to any notification process is that of notarial presentment. This can be done by an official state or county public notary. You may need to explain to your notary what you are requesting they do for you. You are simply asking that they review your documents, place them in an envelope which you provide, and either send your packet of documents or witness you sending it.

The notary will become your Document Custodian. This means the notary's address will be listed as the return address in your document and will be the person who receives any responses you have required from the respondent. He or she will be able to supply you with an affidavit of fact should the respondent fail to respond to one or more of your three notices.

The Document Custodian will also maintain copies of all documents pertinent to your situation including color copies of your three notice packets, copies of any Affidavits of Fact, copies of your mailing receipts and anything else you deem important to have maintained.

Your Document Custodian does not necessarily have to be an official notary. Anyone you know who you can count on to properly maintain your files and provide Affidavits/Declarations of Fact can help you with this process. They should be capable of keeping the process straight and they are someone who has no financial interest in the outcome of your presentment process. They should also be someone who is able to testify on your behalf in open court should the need arise.

Writing an Affidavit/Declaration of Fact

Another additional feature you can add to your notification process is an Exhibit known as an Affidavit/Declaration of Fact. An Affidavit/Declaration of Fact is a verified statement of events that contains all the essential elements needed to make it admissible as a part of your presentment process. You will attach this to your notice in the appropriate place and note that you have the Exhibit attached by placing it and its corresponding letter in parenthesis, like so: (See Exhibit "A").

The essential elements that you must have in any Affidavit or Declaration of Fact are:

- the opening statement that says you are of sound mind and competent to testify
- the enumerated factual statement to which you are a first-hand witness
- the closing verification statement which says you will testify to the facts stated herein
- the signing date
- your signature/autograph
- your signature/autograph is witnessed by three [wo]men or your signature is notarized by a public notary;

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An very simple example of an affidavit is outlined below with the 5 elements shown in Red:

OPENING STATEMENT

I, _____(YOUR NAME HERE), being of sound mind and competent to testify declare:

ENUMERATED POINTS

firstly, on 01 January 2021 at approximately 2:10pm I was sitting in my car outside the convenience store known as the Lucky Duck, located at the corner of State Street and Main Street in Akron Ohio watching the door as I waited for my husband to come out of the store;

secondly, at about 2:11pm the door swung open and I saw a man come out of the store wearing a clown suit and carrying a large bunch of multicolored balloons;

thirdly, the man approached my car, a spring green Volkswagen Bug and he gently knocked on the driver side window;

fourthly, I felt safe because he seemed to be a friendly clown and I proceeded to open the passenger side door where I was sitting to ask him if I could be of any help;

fifthly, when I stepped out of the car he began singing the Happy Birthday song and I then realized that it was my birthday and that my husband had remembered;

sixthly, my husband Joe came out of the store carrying gifts and wearing a big smile;

VERIFICATION STATEMENT

I say here and shall verify in open court that all herein be true;

DATE

By my hand on this _____day of
_____month in the year of our
Lord twenty twenty-one and
of Independence the
two hundred forty-fifth

SIGNATURE

/AUTOGRAPH By: _____

All rights reserved
Autograph of Your Name
other descriptors you choose

Legal Name
Titles

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Witness Block for 2 or 3 Witnesses or

Notary Block

Download Real World Examples:

(attach pdf files) attached to email

Additional Detailed Instructions

The best way to begin writing an Affidavit of Fact is to brainstorm every event that has happened in which you believe your Rights have been trespassed;

Every single officer, employee or agent of the State or Federal government is under a public Oath of Office to protect you in the free exercise of your Rights; if they do not protect you and your Rights they can be held accountable; not only are agents accountable, but anyone who does you any harm, injury or loss can be held accountable and be required to make you whole (return you to the condition you were in before they trespassed upon you);

In order to hold any government agent or anyone else accountable you must first know your Rights and you must then stand up for them; writing Affidavits of Fact or any other sort of Affidavit or Declaration is a big step towards holding someone accountable for trespassing against you; the following is an outline of how to brainstorm your Affidavit and spark your thought process:

1. It is best to jot down any instance in which you believe that anyone has done harm to you regarding a given situation no matter who they are or what position they occupy;
2. Once you've brainstormed everything that you can think of double check to make sure all of these events are part of the same topic or subject;
3. Begin putting the events into a timeline (or in chronological order);
4. Check to be sure these are facts that answer who, what, when, where, and how to the best of your ability
5. Be sure you have first-hand knowledge of these facts;
6. Number each event from the first event to the most recent;
7. Try to include accurate names and dates to the extent possible, you can also use phrases that indicate a timeframe (such as, about a week later);
8. Read sample affidavits and listen to podcasts or video instructions in order to gain a greater understanding of how the most effective Affidavits are written;
9. Don't get too lengthy or too wordy; make your points clear;
10. Have someone read your Affidavit to check it for clarity;

FAQ's below

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FAQ's

Q: How does one know whether to write an Affidavit or a Declaration of Fact?

A: One writes an Affidavit when operating as his legal public person and a Declaration when operating as a lawful private man.