

From: Sam Furgason
Date: 7/29/2009 11:15:38 AM
To: wsbapt@LISTSERV.NETHELPS.COM
Subject: Re: [WSBAPT] Exemplified copies for ancillary probate

P
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Felicia,

In my experience the clerk does it all. As for "super-certified," here's a lesson I learned about using certification, etc., in a foreign country.

First, I will digress to say that I was told by an old-time practitioner the differences in levels of clerk's copies:

- Certified Copy: The court clerk certifies that the copy is a true and correct copy of the filed document.
- Exemplified Copy: A judge attests or certifies that the clerk certifying the copy is a real court clerk.
- Authenticated Copy: The clerk certifies that the judge exemplifying the copy is a real judge.

OK, so a lady dies having property in BC, Canada. I contact Canadian counsel to conduct an ancillary proceeding. I get an authenticated copy of the probated will from the clerk. The way it happens in real life is the clerk's deputy does it all: certification, exemplification and authentication, with a set of signature stamps and an embossing seal. S/he spends about 5 -10 minutes stamping and sealing a multi-page authentication which does all of the above, then staples the copy of the will to the authenticating papers. As it turns out, the seal doesn't make an impression on the actual will (at least in a way it can be perceived).

So... Canadian counsel takes the authenticated copy before the court and is told, "Counselor, I will not accept this copy. Anybody could staple anything onto these papers. I have no assurance that the attached will is the will placed there by the clerk. **I want a CERTIFIED copy, and will not accept anything else!**" Not one to argue when I'm told exactly what the court wants, I go back and get a certified copy (with the stamp and seal on the document itself, and several dollars cheaper), which is submitted to the Canadian court, accepted by the court, and everything else goes as smooth as silk.

My recommendation is that whatever kind of copy you get, get one that a common sense judge (one who is aware of the potential for substitution) will accept. The wills I prepare are frequently about 40 pages long. I haven't had to deal with an ancillary proceeding on one of those yet, but would probably pay extra to get the seal impression on every page. ; -)

S
This information does not constitute legal advice, but is provided solely as extemporaneous remarks as part of a collegial exchange of unresearched comments.

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From: WSBA RPPT Probate & Trust Discussion Forum [<mailto:wsbapt@LISTSERV.NETHELPS.COM>] **On Behalf Of** Felicia Value, Attorney at Law

REQUEST FOR CERTIFIED/EXEMPLIFIED COPIES

INSTRUCTIONS

1. Complete the box below and complete a court file checkout form. Place both forms in the tray marked "Certified Copy Requests" located at the file counter.
2. Report to Customer Service window #15 (your court file and request will be delivered to Customer Service by the file Section). If you do not wish to wait, see reverse side of this form for delayed pick up or mailing.

FEE INFORMATION is on reverse side.

_____ (Please print your name)	_____ Case Number (if unknown see directions at Self Service case number counter)
Certified Copies - (List titles of documents and sub numbers) - specify if you want more than one copy of each	
_____ _____ _____	
Exemplified copies - (List titles of documents and sub numbers) - specify if you want more than one copy of each	
_____ _____ _____	
K Form - (List Vehicle Make, Model, Year)	
_____ _____	
Probate Letters - specify if you want more than one copy of each	
_____ _____	

(Over)

P₂ 111



From: Richard Wills
Date: 10/30/2012 6:23:06 PM
To: wsbapt@LISTSERV.NETHELPS.COM
Subject: Re: [WSBAPT] Exemplified Copy

Getting an exemplified copy in King County is no different procedurally from getting a certified copy. As Doug says, it's a little more "bells & whistles" & costs a little more, but it's issued in a matter of minutes. One way to cut your expenses is to get an exemplified copy of multiple docs. So for instance, when I'm doing an domiciliary testate probate in King & need an ancillary done elsewhere, I get one exemplified copy of the group of docs consisting of Will, Order Admitting Will, & Letters.

On 10/30/2012 4:54 PM, Douglas J. Bratt wrote:

I am not sure whether or not I understand your question. If you are implying that you have to provide some sort of a cover sheet, you do not.

An exemplified copy of any filed document is obtained from the Clerk's office.

It is like a triple certification. First of all, the Clerk confirms, in writing, that the judge is a judge. In my experience, that is usually a signature from the elected clerk, not one of the Deputy Clerks. The (same) judge confirms, in writing, that the clerk is the elected clerk. (Seems kind of silly that this is what is going on, but that is what happens.) Then, the clerk confirms, like the clerk does in a certified copy, that the document is a true and correct copy of the document on file, in the Clerk's office.

Because it potentially takes a couple of days to get the various signatures collected, issuance of an exemplified copy of a document usually needs to be requested in the Clerk's Office several days before you end up receiving it, but the smaller the county, the more quickly you can get the requested exemplified copy, in my experience.

Because there are extra steps, over and above a mere certified copy, there is a higher charge for an exemplified copy than for a certified copy.

Good luck.

Doug Bratt

Douglas J. Bratt
Lawyer

MORSE
BRATT
ANDREWS
& FOSTER PLLC

108 East Mill Plain Boulevard
Vancouver, Washington 98660

Office: (360) 213-2040
Fax: (360) 213-2030



Superior Court of Washington
County of King

Draw by Linda
window in hallway
per copy center
10/03

Prob
111.00

IN RE THE ESTATE OF

WILLIAM N. PARR

NO. 97-4-01958-1 SEA

CERTIFICATE OF EXEMPLIFICATION

I, PAUL L. SHERFEY, County Clerk of the Superior Court, King County, State of Washington, certify that I have compared the copy/copies listed below with the original on record in my office and the attached is a true copy of said original. I further certify that BOBBE J. BRIDGE, whose genuine signature appears below, is and was at the time of signing, Presiding Judge of the Superior Court, King County, State of Washington.

I, BOBBE J. BRIDGE, Judge of the Superior Court, King County, State of Washington, the same being a court of record, do hereby certify that PAUL L. SHERFEY, whose genuine signature appears below is and was at the time of signing, Clerk of the Superior Court of King County, State of Washington and the legal custodian of the records and seal of said Superior Court. I further certify that this attestation is in proper form according to the laws of the State of Washington.

WITNESS my hand this February 17, 1999

Bobbe J. Bridge

SUPERIOR COURT PRESIDING JUDGE

(SEAL)

WITNESS my hand this February 17, 1999

Paul L. Sherfey

SUPERIOR COURT CLERK

(SEAL)

(SEAL)

Document Title:

- 1. ORDER: (1) PROBATING WILL AND APPOINTING PERSONAL REPRESENTATIVE
- (2) ADJUDICATING ESTATE TO BE SOLVENT
- (3) DIRECT ADMINISTRATION WITHOUT COURT INTERVENTION *****
- *****

CERTIFICATE OF EXEMPLIFICATION

(U.S. Code (1776) Title 28; Section 738 RCW 2.32.050 & RCW 5.44.010)

L:\FORMS\CUSTOMER\EXEMPLIFICATION-BRIDGE-FILL IN\2-3-98

**In the Superior Court of the State of Washington,
In and for Snohomish County.**

ESTATE OF: SIDNEY JUNE SNOW

Plaintiff/Petitioner

V.

Case/Cause No. 09-4-00409-4

Certificate

Defendant/Respondent

I, Sonya Kraski, County Clerk and ex-Officio Clerk of the Superior Court of the State of Washington, in and for Snohomish County, do hereby certify that the foregoing is/are a true and correct copy(ies) of:

VERIFIED PETITION FOR PROBATE OF WILL, LAST WILL OF SIDNEY J SNOW,

ORDER PROBATING WILL AND CONFIRMING EXPR, LETTERS TESTAMENTARY//////////

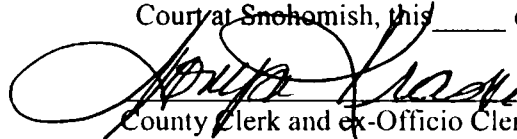
//////////

as the same now appears in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said

Court at Snohomish, this _____ day of _____ 20____

APR 14 2009



County Clerk and ex-Officio Clerk of said Superior Court

By: F. Galt Deputy Clerk

STATE OF WASHINGTON

SS

Judges Certificate

Snohomish County

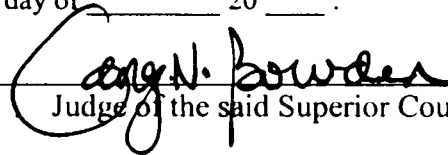
I, Judge George H. Bowden, Judge of the Superior Court of the State of Washington, for

Snohomish County, do hereby certify that Sonya Kraski, whose signature is attached to the above and foregoing Certificate, now is, and was at the signing and sealing of said Certificate, the duly elected, qualified and acting County Clerk, and ex-Officio Clerk of said Superior Court, and the person having by law the custody of the Seal of said Court; that said certificate is in due form, and that said Clerk's signature thereto is genuine, and that the above seal impress is the genuine impress of said seal.

Witness my hand and the seal of said Superior Court hereto affixed

this

APR 14 2009 day of _____ 20____.


Judge of the said Superior Court

STATE OF WASHINGTON

SS

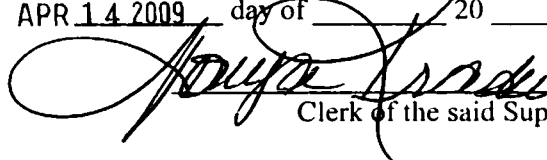
Clerk's Certificate

Snohomish County

I, Sonya Kraski, County Clerk, and ex-Officio Clerk of the Superior Court of the State of Washington, in and for Snohomish County, said State, do hereby certify that Hon. Judge George H. Bowden, whose signature is affixed to the above and foregoing Certificate, now is, and was at the signing, the duly elected, qualified and acting Judge of the Superior Court of the State of Washington, in and for Snohomish County, said State, and that his/her said signature is genuine.

Witness my hand and the seal of said Superior Court hereto affixed this

APR 14 2009 day of _____ 20____.


Clerk of the said Superior Court

(360) 902-4151

Handwritten notes: 3-15-84, 3-15-84, 3-15-84

Olympia Report

Legislature Expected To Delete Notary Citizenship Requirement

The attorney general's office may be recommending that the 1985 legislature change one of the state's Notary application requirements because it indirectly opposes a recent U.S. Supreme Court ruling.



James Terhar

In Bernal v. Fainter, the Supreme Court said state's cannot deny non-citizens Notary commissions simply because they are not U.S. citizens. Eighteen states with laws that specifically require citizenship are now in direct violation of the Court's decision. Another 17 states, however

including Washington — have laws requiring applicants to be registered voters, which indirectly means they must be U.S. citizens. The attorney general's office apparently feels the voter requirement does not conform to the Court's wishes and should be amended.

"The Court's decision is definitely going to have an effect on our current law," remarked James Terhar, administrator for the Division of Professional Licensing, which oversees and commissions Notaries. "The legislature will have to do something about it next year, but nothing will be introduced by our office. It probably will be introduced in January by the attorney general's office."

Detach and return with remittance to the NNA

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4201 Roosevelt Way NE, P.O. Box 95757
Seattle, WA 98105
Telephone: (800) 423-5752

For documents bound overseas to, one of the 30 countries that subscribe to the Hague Convention Treaty for the authentication of foreign documents, an apostille must be obtained from the secretary of state's office. An apostille proves to foreign officials that the Notary is duly commissioned in the state of Washington.

To obtain an apostille, the document-bearer must send the notarized document to: Legislative Bldg., Office of the Secretary of State, P.O. Box 9000, Olympia, WA 98504, Attention Tina Udd.

Each notarized document must be accompanied by a \$5 check to "Washington Secretary of State." A note indicating the country to which the document will be sent and an address where the document can be returned should be included.

According to Udd, the document can be sent directly to the foreign destination if the address and specific, written instructions are provided. A photocopy will be sent to the return address. The authentication proce-

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