LIABILITY OF THE NOTARY PUBLIC
FOR NOTARIAL AUTHENTIC DOCUMENTS

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ABSTRACT: This article analyses the case of liability of the notary governed by art. 639 para. 2 Civil Procedure Code. A public notary will be liable if the document he authenticates and that states an outstanding liquid and payable debt, has been cancelled by the court due to the culpably breach of professional obligations by the notary public, causing a damage, established by final court judgment.

The form of the notary public’s liability is a tort for his own deed. The conditions involving the liability of a notary public are: the document certified by a notary public was cancelled by civil or criminal court; at the time of the authentication document, the notary public has not complied with his professional obligations; culpable failure to comply with professional obligations in any of the forms indicated in art. 16 Civil Code. (intention or guilt); the deed of the notary (commission or omission) has caused a damage.

The notary public needs to take over civil liability if the conditions are fulfilled for him to do so for his own deed, because the cancellation of the authentic document has the effect of abolishing the legal act and leading to the obligation to repair the caused damage.

KEYWORDS: notarial authentic documents, cancellation, final judgment, civil liability of the notary public.

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