

# Colorado Revised Statutes 2016

## TITLE 12

### PROFESSIONS AND OCCUPATIONS

#### ARTICLE 55

##### Notaries Public

#### PART 1

##### GENERAL PROVISIONS

**12-55-101. Short title.** This part 1 shall be known and may be cited as the "Notaries Public Act".

**12-55-102. Definitions.** As used in this part 1, unless the context otherwise requires:

(1) "Attested" means subscribed, signed, acknowledged, sworn to, affirmed, certified, verified, or attested to and includes other words and phrases that have a substantially similar meaning.

(2) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) "Electronic record" means a record containing information that is created, generated, sent, communicated, received, or stored by electronic means.

(4) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.

(5) "Facsimile" means any copy, photocopy, facsimile, replica, or other reproduction of a document.

(6) "Misdemeanor involving dishonesty" means a violation of, or a conspiracy to violate, a civil or criminal law involving fraud, dishonesty, bribery, perjury, larceny, theft, robbery, extortion, forgery, counterfeiting, embezzlement, misappropriation of property, or any other offense adversely affecting such person's fitness to serve as a notary public.

(7) "Notarial acts" means those acts that a notary public is empowered to perform pursuant to section 12-55-110 (1).

(8) "Notarization" means the performance of a notarial act.

(9) "Notary" or "notary public" means any individual appointed and commissioned to perform notarial acts.

**12-55-102.5. Disposition of fees.** (1) The secretary of state shall collect all fees pursuant to this article in the manner required by section 24-21-104 (3), C.R.S., and shall transmit them to the state treasurer, who shall credit the same to the department of state cash fund created in section 24-21-104 (3) (b), C.R.S.

(2) The general assembly shall make annual appropriations from the department of state cash fund for expenditures of the secretary of state incurred in the performance of the secretary of state's duties under this article.

(3) and (4) (Deleted by amendment, L. 2012.)

(5) Repealed.

**12-55-103. Appointment - terms.** Upon application pursuant to this part 1, the secretary of state may appoint and commission individuals as notaries public for a term of four years, unless said commission is revoked as provided in section 12-55-107. An applicant who has been denied appointment and commission may appeal such decision pursuant to article 4 of title 24, C.R.S. The secretary of state shall promptly notify the applicant in writing of such denial.

**12-55-103.5. Training - rules.** (1) The office of the secretary of state may enter into a contract with a private contractor or contractors to conduct notary training programs. The contractor or contractors may charge a fee for any such training program.

(2) The office of the secretary of state may promulgate rules to require notaries public to complete a training program.

**12-55-104. Application - rules.** (1) Every applicant for appointment and commission as a notary public shall complete an application form furnished by the secretary of state to be filed with the secretary of state, stating:

- (a) That the applicant is a resident of Colorado who is at least eighteen years of age;
- (b) That the applicant is able to read and write the English language;
- (c) The addresses and telephone numbers of the applicant's business and residence in this state;
- (d) That the applicant's commission as a notary public has never been revoked;
- (e) That the applicant has not been convicted of a felony or, in the prior five years, a misdemeanor that disqualifies him or her from being a notary public pursuant to section 12-55-107 (1) (b).

(2) The application shall include a sample of the applicant's official signature, the applicant's typed legal name, and the affirmation as provided in section 12-55-105.

(3) Subject to subsection (2) of this section, the secretary of state shall ensure, at the earliest practicable time, that an application pursuant to this article may be delivered electronically. All such applications shall be stored by the secretary of state in a medium that is retrievable by the secretary of state in perceivable form.

(4) On and after July 1, 2009, the secretary of state shall verify the lawful presence in the United States of each applicant through the verification process outlined in section 24-76.5-103 (4), C.R.S.

(5) In accordance with section 24-21-111 (1), C.R.S., the secretary of state may require, at

the secretary of state's discretion, the application required by this section, and any renewal of the application, to be made by electronic means designated by the secretary of state. The secretary of state may promulgate rules for use of the electronic filing system in accordance with article 4 of title 24, C.R.S.

(6) In accordance with section 42-1-211, C.R.S., the department of state and the department of revenue shall allow for the exchange of information between the systems used by the departments to collect information on legal names and signatures of all applicants for driver's licenses or state identification cards.

**12-55-105. Applicant's affirmation.** Every applicant for appointment and commission as a notary public shall take the following affirmation in the presence of a person qualified to administer an affirmation in this state:

"I, (name of applicant) solemnly affirm, under the penalty of perjury in the second degree, as defined in section 18-8-503, Colorado Revised Statutes, that I have carefully read the notary law of this state, and, if appointed and commissioned as a notary public, I will faithfully perform, to the best of my ability, all notarial acts in conformance with the law.

(signature of applicant)

Subscribed and affirmed before me this      day of      , 20      .

(official signature and seal of person qualified to administer affirmation) ."

**12-55-106. Bond. (Repealed)**

**12-55-106.5. Notary's electronic signature - secretary of state.** (1) In every instance, the electronic signature of a notary public shall contain or be accompanied by the following elements, all of which shall be immediately perceptible and reproducible in the electronic record to which the notary's electronic signature is attached: The notary's name; the words "NOTARY PUBLIC" and "STATE OF COLORADO"; a document authentication number issued by the secretary of state; and the words "my commission expires" followed by the expiration date of the notary's commission. A notary's electronic signature shall conform to any standards promulgated by the secretary of state.

(2) The secretary of state shall promulgate rules necessary to establish standards, procedures, practices, forms, and records relating to a notary's electronic signature.

(3) To the extent the provisions of this part 1 differ from the requirements of the federal "Electronic Signatures in Global and National Commerce Act", 15 U.S.C. sec. 7001 et seq., the provisions of this part 1 are intended to modify, limit, or supersede the requirements of such act, as provided for in section 7002 (a) of such act.

**12-55-106.7. Pictorial notary public - secretary of state - rules. (Repealed)**

**12-55-107. Revocation of commission.** (1) The secretary of state or the secretary of state's designee may deny the application of any person for appointment or reappointment or take disciplinary or nondisciplinary action against a notary public if the notary public:

- (a) Submits an application for commission and appointment that contains substantial and material misstatement or omission of fact;
- (b) Is convicted of official misconduct under this part 1 or any felony or, in the prior five years, a misdemeanor involving dishonesty;
- (c) Fails to exercise the powers or perform the duties of a notary public in accordance with this part 1;
- (d) Knowingly uses false or misleading advertising in which such notary represents that such notary has powers, duties, rights, or privileges that such notary does not possess by law;
- (e) Is found by a court of this state to have engaged in the unauthorized practice of law;
- (f) Ceases to fulfill the requirements applicable to such notary's most recent appointment;
- (g) Notarizes any blank document;
- (h) Knowingly uses false or misleading advertising to represent a level of authority not permitted to a notary public by law;
- (i) Fails to comply with any term of suspension imposed under this section; or
- (j) Performs any notarial act when the notary public's commission is suspended.

(1.5) Whenever the secretary of state or the secretary of state's designee believes that a violation of this article has occurred, the secretary of state or the secretary of state's designee may investigate any such violation. The secretary of state or the secretary of state's designee may also investigate possible violations of this article upon a signed complaint from any person.

(2) For the purposes of this section, disciplinary action may include the following:

- (a) Revocation of the notary public's commission;
- (b) Suspension of the notary public's commission for a specified period of time, or until the fulfillment of a condition, such as notary retraining, or both.

(2.5) For the purposes of this section, nondisciplinary action includes the issuance of a letter of admonition, which may be placed in the notary public's file. The secretary of state or the secretary of state's designee may issue a letter of admonition to a notary public when a complaint or investigation results in a finding of misconduct that, in the secretary of state's discretion, does not warrant initiation of a disciplinary proceeding.

(3) After a notary public receives notice from the secretary of state or the secretary of state's designee that such notary's commission has been revoked, and unless such revocation has been enjoined, such notary shall immediately send or have delivered to the secretary of state such notary's journal of notarial acts, all other papers and copies relating to such notary's notarial acts, and such notary's official seal.

(4) A person whose notary commission has been revoked pursuant to this part 1 may not apply for or receive a commission and appointment as a notary.

**12-55-108. Reappointment - failure to be reappointed.** Every notary public, before or at the expiration of the notary's commission, may submit an application for reappointment along with only the information and documentation necessary to reflect any changes to the information submitted in the notary's original application, filed pursuant to sections 12-55-104 and 12-55-105,

for the initial application. The secretary of state shall then determine whether or not to reappoint the person as a notary public. If the secretary of state determines not to reappoint the applicant, the applicant may appeal the determination pursuant to article 4 of title 24, C.R.S.

**12-55-109. Certificate of appointment - recording.** (1) If a person meets the application requirements of sections 12-55-104 and 12-55-105, the secretary of state may issue a certificate of authority qualifying the person as a notary public. The certificate must state the date of expiration of the commission and any other fact concerning the notary public that is required by the laws of this state.

(2) A notary public may record his or her certificate of authority in any county of this state and, after the recording, the county clerk and recorder of the county may issue a certificate that the person is a notary public, the date of expiration of his or her commission, and any other fact concerning the notary public that is required by the laws of this state.

(3) A notary public may exhibit to the judge or clerk of any court of record his or her certificate of authority, and the judge or clerk may thereupon issue a certificate that the person is a notary public, the date of expiration of his or her commission, and any other fact concerning the notary that is required by the laws of this state.

**12-55-110. Powers and limitations.** (1) Every notary public is empowered to:

(a) Take acknowledgments and other unsworn statements, proof of execution, and attest documents and electronic records;

(b) Administer oaths and affirmations;

(c) Give certificates or other statements as to a notarial act performed by such notary. Such acts shall include, but are not limited to, the giving of certificates as to, or certified copies of, any record or other document relating to a notarial act performed by such notary and certifying that a copy of a document is a true copy of another document or that a facsimile is a true facsimile of another document in accordance with section 12-55-120.

(d) Take depositions, affidavits, verifications, and other sworn testimony or statements;

(d.5) Perform any other act that is recognized or otherwise given effect under the law, rules, or regulations of another jurisdiction, including the United States, provided such other law, rule, or regulation authorizes a notary in this state to perform such act. However, no notary is empowered to perform an act under this paragraph (d.5) if such performance is prohibited by the law, rules, or regulations of this state.

(e) Perform any other act authorized by law, rules, or regulations;

(f) Present and give notice of dishonor and protest notes and other negotiable instruments as provided in part 5 of article 3 of title 4, C.R.S., or the corresponding laws of another jurisdiction.

(2) A notary public who has a disqualifying interest in a transaction may not legally perform any notarial act in connection with such transaction. For the purposes of this section, a notary public has a disqualifying interest in a transaction in connection with which notarial services are requested if he:

(a) May receive directly, and as a proximate result of the notarization, any advantage, right, title, interest, cash, or property exceeding in value the sum of any fee properly received in accordance with this part 1; or

- (b) Is named, individually, as a party to the transaction.
- (3) In no case shall a notary public notarize any blank document.
- (4) No notary shall sign a certificate or other statements as to a notarial act to the effect that a document or any part thereof was attested by an individual, unless:
  - (a) Such individual has attested such document or part thereof while in the physical presence of such notary; and
  - (b) Such individual is personally known to such notary as the person named in the certificate, statement, document, or part thereof, or such notary receives satisfactory evidence that such individual is the person so named. For purposes of this paragraph (b), "satisfactory evidence" includes but is not limited to the sworn statement of a credible witness who personally knows such notary and the individual so named, or a current identification card or document issued by a federal or state governmental entity containing a photograph and signature of the individual who is so named.

**12-55-110.3. Advertisements for services - unauthorized practice of law - prohibited conduct - penalties.** (1) (a) A notary public who is not a licensed attorney in the state of Colorado and who advertises, including by signage, his or her services in a language other than English shall include in the advertisement the following notice, both in English and in the language of the advertisement:

I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF COLORADO AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE. I AM NOT AN IMMIGRATION CONSULTANT, NOR AM I AN EXPERT ON IMMIGRATION MATTERS.  
IF YOU SUSPECT FRAUD, YOU MAY CONTACT THE COLORADO ATTORNEY GENERAL'S OFFICE OR THE COLORADO SUPREME COURT.

(b) All written advertisements shall include the language exactly as written in paragraph (a) of this subsection (1). Such language shall be clearly visible. Oral advertisements or solicitations, including those on radio or television, shall contain the same message but shall not be required to use the exact language.

(2) A notary public who advertises in a language other than English shall post a list of fees permitted by law for notarial services. Such list shall be written in English and in the language of the advertisement and shall be posted in a highly visible location at the notary's place of business. Such list shall include the notice included in paragraph (a) of subsection (1) of this section.

(3) (a) A notary public who is not a licensed attorney in the state of Colorado shall not represent or advertise himself or herself as an immigration consultant or an expert on immigration matters.

(b) A notary public who is not an attorney licensed to practice law in Colorado is prohibited from:

- (I) Providing any service that constitutes the unauthorized practice of law;
- (II) Stating or implying that he or she is an attorney licensed to practice law in this state;
- (III) Soliciting or accepting compensation to prepare documents for or otherwise represent

the interest of another in a judicial or administrative proceeding, including a proceeding relating to immigration to the United States, United States citizenship, or related matters;

(IV) Soliciting or accepting compensation to obtain relief of any kind on behalf of another from any officer, agency, or employee of the state of Colorado or of the United States;

(V) Using the phrase "notario" or "notario publico" to advertise the services of a notary public, whether by sign, pamphlet, stationery, or other written communication or by radio, television, or other nonwritten communication; or

(VI) Engaging in conduct that constitutes a deceptive trade practice pursuant to section 6-1-727, C.R.S.

(4) Knowing and willful violation of the provisions of this section shall constitute a deceptive trade practice pursuant to section 6-1-105, C.R.S., and shall also constitute official misconduct pursuant to section 12-55-116.

**12-55-110.5. Accommodation of physical limitations.** (1) A notary public may certify as to the subscription or signature of an individual when it appears that such individual has a physical limitation that restricts such individual's ability to sign by writing or making a mark, pursuant to the following:

(a) The name of an individual may be signed, or attached electronically in the case of an electronic record, by another individual other than the notary public at the direction and in the presence of the individual whose name is to be signed and in the presence of the notary public.

(b) The words "Signature written by" or "Signature attached by" in the case of an electronic record, "(name of individual directed to sign or directed to attach) at the direction and in the presence of (name as signed) on whose behalf the signature was written" or "attached electronically" in the case of an electronic record, or words of substantially similar effect shall appear under or near the signature.

(2) A notary public may use signals or electronic or mechanical means to take an acknowledgment from, administer an oath or affirmation to, or otherwise communicate with any individual in the presence of such notary public when it appears that such individual is unable to communicate verbally or in writing.

**12-55-111. Journal.** (1) Every notary public shall keep a journal of every notarial act of the notary and, if required, give a certified copy of or a certificate as to any such journal or any of the notary's acts, upon payment of the notary's fee.

(2) For each notarial act, a notary's journal shall contain the following information:

(a) The type and date of the notarial act;

(b) The title or type of document or proceeding that was notarized and the date of such document or proceeding, if different than the date of the notarization;

(c) The name of each person whose oath, affirmation, acknowledgment, affidavit, declaration, deposition, protest, verification, or other statement is taken;

(d) The signature and address of each person whose oath, affirmation, acknowledgment, affidavit, declaration, deposition, protest, verification, or other statement is taken;

(e) The signature, printed name, and address of each witness to the notarization;

(e.5) (Deleted by amendment, L. 2004, p. 1371, § 5, effective May 28, 2004.)

(f) Any other information the notary considers appropriate to record that concerns the notarial act.

(3) (a) Subsection (1) of this section shall not apply to any document or electronic record where the original or a copy of such document or electronic record contains the information otherwise required to be entered in the notary's journal and such original or copy or electronic record is retained by the notary's firm or employer in the regular course of business.

(b) Notwithstanding any provision of this subsection (3) to the contrary, no firm, employer, or professionally licensed person shall prohibit an employee who is a notary from maintaining a journal of his or her notarial acts in the regular course of business of such firm, employer, or professionally licensed person.

(c) For purposes of this subsection (3), "firm" includes but is not limited to an office where the business of a real estate broker, lawyer, title insurance company, title insurance agent, or other licensed professional is regularly carried on and the records of such business are regularly maintained.

(4) Except as otherwise exempted by paragraph (a) of subsection (3) of this section or by another law of this state, for each electronic record or document signed by the notary public, the notary public shall record the document authentication number issued by the secretary of state for each document authenticated in the journal pursuant to this section.

**12-55-112. Official signature - rubber stamp seal - seal embosser - notary's electronic signature.** (1) At the time of notarization, a notary public shall sign his or her official signature on every notary certificate or, in the case of an electronic record, a notary public shall affix his or her electronic signature.

(2) Under or near his or her official signature on every notary certificate, a notary public shall clearly and legibly stamp his or her official seal. The official notary seal must be rectangular. The official notary seal shall contain only the outline of the seal and the following information contained within the outline of the seal:

(a) The printed legal name of the notary;

(b) The notary's identification number, the notary's commission expiration date, the words "STATE OF COLORADO"; and

(c) The words "NOTARY PUBLIC".

(2.3) The fact that a notary attests to an instrument relating to real property by affixing a notary seal that is not in compliance with this section does not render the instrument or the attestation invalid or ineffective, nor does it render a title unmarketable.

(2.5) A notary who obtained an official seal before August 8, 2012, may continue to use his or her seal until renewal of his or her notary commission.

(3) Repealed.

(4) A notary public shall not provide, keep, or use a seal embosser.

(4.5) In the case of notarization of an electronic record, the application of a notary's electronic signature in lieu of a handwritten signature and rubber stamp seal is sufficient. A notary shall not use an electronic signature unless:

(a) The notary uses a journal if maintaining the journal is required by section 12-55-111; and

(b) The notary attaches to the document a document authentication number issued by the

secretary of state.

(5) The illegibility of any of the information required by this section does not affect the validity of a document or transaction.

(6) For purposes of this section, "notary certificate" means a certificate or other statement of a notary relating to a notarial act performed by the notary.

**12-55-113. Lost journal or official seal.** Every notary public shall send or have delivered notice to the secretary of state within thirty days after the notary loses or misplaces such notary's journal of notarial acts, or official seal, or the notary becomes aware that any other person has electronic control of his or her electronic signature. The fee payable to the secretary of state for recording notice of a lost journal, or seal, or that another person has electronic control of a notary's electronic signature shall be determined and collected pursuant to section 24-21-104 (3), C.R.S.

**12-55-114. Change of name or address.** (1) Every notary public shall notify the secretary of state within thirty days after he or she changes his or her name, business address, or residential address. In the case of a name change, the notary public shall include a sample of the notary's handwritten official signature on the notice. Pursuant to section 24-21-104 (3), C.R.S., the secretary of state shall determine the amount of, and collect, the fee, payable to the secretary of state, for recording notice of change of name or address.

(2) (Deleted by amendment, L. 2012.)

**12-55-115. Death - resignation - removal from state.** (1) If a notary public dies during the term of the notary's appointment, the notary's heirs or personal representative, as soon as reasonably possible after the notary's death, shall send or have delivered to the secretary of state the deceased notary's journal of notarial acts and the notary's seal, if available.

(2) If a notary public no longer desires to be a notary public or has ceased to have a business or residence address in this state, the notary shall send or have delivered to the secretary of state a letter of resignation, the notary's journal of notarial acts, and all other papers and copies relating to the notary's notarial acts, including the notary's seal. The notary's commission shall thereafter cease to be in effect.

**12-55-116. Official misconduct by a notary public - liability of notary or surety.** (1) A notary public who knowingly and willfully violates the duties imposed by this part 1 commits official misconduct and is guilty of a class 2 misdemeanor.

(2) A notary public and the surety or sureties on his bond are liable to the persons involved for all damages proximately caused by the notary's official misconduct.

(3) Nothing in this article shall be construed to deny a notary public the right to obtain a surety bond or insurance on a voluntary basis to provide coverage for liability.

**12-55-117. Willful impersonation.** Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a class 2 misdemeanor.

**12-55-118. Wrongful possession of journal or seal.** Any person who unlawfully possesses and uses a notary's journal, an official seal, a notary's electronic signature, or any papers, copies, or electronic records relating to notarial acts is guilty of a class 3 misdemeanor.

**12-55-119. Affirmation procedures - form.** (1) If an affirmation is to be administered by the notary public in writing, the person taking the affirmation shall sign his name thereto, and the notary public shall write or print under the text of the affirmation the fact that the document has been subscribed and affirmed, or sworn to before me in the county of \_\_\_\_\_, state of Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(official signature, seal, and commission expiration date of notary) \_\_\_\_\_.

(2) If an affirmation is to be administered by the notary public in an electronic record, the person taking the affirmation shall attach his or her electronic signature thereto. Within the affirmation, the notary shall add the fact that the document has been subscribed and affirmed, or sworn to before me in the county of \_\_\_\_\_, state of Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(notary's electronic signature) \_\_\_\_\_.

**12-55-120. Certified facsimiles of documents - procedure and form.** (1) A notary public may certify a facsimile of a document if the original of the document is exhibited to him, together with a signed written request stating that:

(a) A certified copy or facsimile of the document cannot be obtained from the office of any clerk and recorder of public documents or custodian of documents in this state; and

(b) The production of a facsimile, preparation of a copy, or certification of a copy of the document does not violate any state or federal law.

(2) The certification of a facsimile shall be substantially in the following form:

"State of \_\_\_\_\_, County (or City) of \_\_\_\_\_, I, (name of notary) \_\_\_\_\_, a Notary Public in and for said state, do certify that on (date) \_\_\_\_\_, I carefully compared with the original the attached facsimile of (type of document) \_\_\_\_\_ and the facsimile I now hold in my possession. They are complete, full, true, and exact facsimiles of the document they purport to reproduce.

(official signature, official seal, and commission expiration date of notary) \_\_\_\_\_."

**12-55-121. Fees.** (1) The fees of notaries public may be, but shall not exceed, five dollars for each document attested by a person before a notary, except as otherwise provided by law. The fee for each such document shall include the following incidental services of such notary:

(a) Receiving evidence of such person's identity as enumerated in section 12-55-110 (4);

(b) Administering an oath or affirmation to such person; and

(c) Signing and sealing a certificate or statement of such notary that is included in or attached to such document and evidences that the document was attested before such notary.

(2) In lieu of the fee authorized in subsection (1) of this section, a notary public may charge a fee, not to exceed ten dollars, for the notary's electronic signature.

**12-55-122. Applicability.** This part 1 shall apply to all applications, both new and for

reappointment, submitted to the office of secretary of state on or after July 1, 1981. Nothing in this part 1 shall be construed to revoke any notary public commission existing on July 1, 1981.

**12-55-123. Repeal of article.** This article is repealed, effective July 1, 2018. Prior to such repeal, the appointment function of the secretary of state shall be reviewed as provided for in section 24-34-104, C.R.S.

## PART 2

### UNIFORM RECOGNITION OF ACKNOWLEDGMENTS

**12-55-201. Short title.** This part 2 shall be known and may be cited as the "Uniform Recognition of Acknowledgments Act".

**12-55-202. Definitions.** As used in this part 2, unless the context otherwise requires:

(1) "Notarial acts" means acts which the laws and regulations of this state authorize notaries public of this state to perform, including, but not limited to, the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents.

**12-55-203. Recognition of notarial acts performed outside this state.** (1) Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments, in addition to any other person authorized by the laws and regulations of this state:

(a) A notary public authorized to perform notarial acts in the place in which the act is performed;

(b) A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed;

(c) An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States department of state to perform notarial acts in the place in which the act is performed;

(d) A commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for one of the following or his dependents: A merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States; or

(e) Any other person authorized to perform notarial acts in the place in which the act is performed.

**12-55-204. Authentication of authority of officer.** (1) If the notarial act is performed by any of the persons described in section 12-55-203 (1) (a) to (1) (d), other than a person authorized

to perform notarial acts by the laws or regulations of a foreign country, the signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his authority is not required.

(2) If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

(a) Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;

(b) Either the official seal of the person performing the notarial act is affixed to the document, or, in the case of an electronic record, such information that is required in lieu of a notary seal by the laws of the place granting notarial authority to the person performing the notarial act is attached to or logically associated with the document; or

(c) The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

(3) If the notarial act is performed by a person other than one described in subsections (1) and (2) of this section, there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

(4) The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

**12-55-205. Certificate of person taking acknowledgment.** (1) The person taking an acknowledgment shall certify that:

(a) The person acknowledging appeared before him and acknowledged he executed the instrument; and

(b) The person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

**12-55-206. Recognition of certificate of acknowledgment.** (1) The form of a certificate of acknowledgment used by a person whose authority is recognized under section 12-55-203 shall be accepted in this state if:

(a) The certificate is in a form prescribed by the laws or regulations of this state; or

(b) The certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or

(c) The certificate contains the words "acknowledged before me", or their substantial equivalent.

**12-55-207. Certificate of acknowledgment.** (1) "Acknowledged before me" means:

(a) That the person acknowledging appeared before the person taking the acknowledgment; and

(b) That he acknowledged he executed the instrument; and

(c) That, in the case of:

(I) A natural person, he executed the instrument for the purposes therein stated;  
(II) A corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated;

(III) A partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purposes therein stated;

(IV) A person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of the principal for the purposes therein stated;

(V) A person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and

(d) That the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

**12-55-208. Short forms of acknowledgment.** (1) The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as "Statutory Short Forms of Acknowledgment" and may be referred to by that name. The authorization of the following forms does not preclude the use of other forms:

(a) For an individual acting in his own right:

"State of .....  
County of ....."

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged).

(signature of person taking acknowledgment)  
(title or rank)  
(serial number, if any)";

(b) For a corporation:

"State of .....  
County of ....."

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation, corporation, on behalf of the corporation.

(signature of person taking acknowledgment)  
(title or rank)  
(serial number, if any)";

(c) For a partnership:

"State of .....  
County of ....."

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(signature of person taking acknowledgment)  
(title or rank)  
(serial number, if any)";

(d) For an individual acting as principal by an attorney in fact:

"State of .....  
County of ....."

The foregoing instrument was acknowledged before me this (date) by (name of attorney-in-fact) as attorney in fact on behalf of (name of principal).

(signature of person taking acknowledgment)  
(title or rank)  
(serial number, if any)";

(e) By any public officer, trustee, or personal representative:

"State of .....  
County of ....."

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(signature of person taking acknowledgment)  
(title or rank)  
(serial number, if any)".

**12-55-209. Acknowledgments not affected by this part 2.** A notarial act performed prior to July 1, 1969, is not affected by this part 2. This part 2 provides an additional method of proving notarial acts. Nothing in this part 2 diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

**12-55-210. Uniformity of interpretation.** This part 2 shall be so interpreted as to make uniform the laws of those states which enact it.

**12-55-211. Seals.** Whenever any law, rule, or regulation requires the use of a seal, it shall be sufficient that a rubber stamp with a facsimile affixed thereon of the seal required to be used is placed or stamped upon the document requiring the seal with indelible ink or, in the case of an electronic record, attachment of such information that is required in lieu of a notary seal by the laws of the place granting notarial authority to the person performing the notarial act shall be sufficient in lieu of any other form of notary seal.