WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 629

(By Mr. Myles and Mr. Buck)

PASSED FEBRUARY 5, 1971

In Effect NINETY DAYS FROM Passage
AN ACT to amend chapter thirty-nine of the Code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-a, relating to the uniform recognition of acknowledgments act, notarial acts performed outside this state, persons with authority to take acknowledgments, recognition and meaning of certificates of acknowledgment, short forms of taking acknowledgments and specifying other acknowledgments not affected or invalidated by this article.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article one-a, to read as follows:
ARTICLE 1A. UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT.

§39-1A-1. Recognition of notarial acts performed outside this state.

For the purposes of this article, "notarial acts" means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. 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:

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

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

(3) 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;

(4) 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

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


(a) If the notarial act is performed by any of the persons described in subdivisions one to four, inclusive, section one of this article, 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 per-
form the act. Further proof of his authority is not re-
quired.

(b) 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 au-
thority of that person to act if:

(1) Either a foreign service officer of the United
States resident in the country in which the act is per-
formed 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; and

(2) The official seal of the person performing the
notarial act is affixed to the document; or

(3) 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.

(c) If the notarial act is performed by a person other
than one described in subsections (a) and (b) 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.

(d) 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.


The person taking an acknowledgment shall certify that:

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

(2) 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.

§39-1A-4. Recognition of certificate of acknowledgment.

The form of a certificate of acknowledgment used by
a person whose authority is recognized under section one of this article shall be accepted in this state if:

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

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

(3) The certificate contains the words “acknowledged before me,” or their substantial equivalent.


1 The words “acknowledged before me” mean:

(1) That the person acknowledging appeared before the person taking the acknowledgment;

(2) That he acknowledged he executed the instrument;

(3) That, in the case of:

(a) A natural person, he executed the instrument for the purposes therein stated;

(b) 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;

(c) 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;

(d) 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;

(e) 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

(4) 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.
§39-1A-6. 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 forms in this section does not preclude the use of other forms.

2 (1) For an individual acting in his own right:

3 State of ........................................

4 County of ..............................................................

5 The foregoing instrument was acknowledged before me this ........................................... by

6 (date)

7 (name of person acknowledged)

8 (Signature of Person Taking Acknowledgment)

9 (Title or Rank)

10 (Serial Number, if any)
(2) For a corporation:

State of ________________________________

County of ______________________________

The foregoing instrument was acknowledged before me this ________________________________ by ________________________________ (date)

(name of officer or agent, ________________________________ of ________________________________)

title or officer or agent) (name of corporation ________________________________, a ________________________________)

acknowledging) (state or place of incorporation) (state or place of incorporation)
corporation, on behalf of the corporation.

(Signature of Person Taking Acknowledgment)

(Title or Rank)

(Serial Number, if any)

(3) For a partnership:

State of ________________________________

County of ________________________________
The foregoing instrument was acknowledged before me this __________________________ by __________________________ (date) (name of acknowledging partner or agent) partner (or agent) on behalf of ____________________________ (name of partnership) ____________________________ (Signature of Person Taking Acknowledgment) (Title or Rank) (Serial Number, if any) (4) For an individual acting as principal by an attorney in fact:

State of ____________________________ County of ____________________________ The foregoing instrument was acknowledged before me this __________________________ by __________________________ (date) __________________________ as attorney in fact (name of attorney in fact) on behalf of ____________________________ (name of principal)
70
71 (Signature of Person Taking Acknowledgment)
72
73 (Title or Rank)
74
75 (Serial Number, if any)
76 (5) By any public officer, trustee or personal repre-
77 sentative:
78 State of ________________________________
79 County of ________________________________
80 The foregoing instrument was acknowledged
81 before me this ____________________________ by
82 (date)
83 ________________________________
84 (name and title of position)
85
86 (Signature of Person Taking Acknowledgment)
87
88 (Title or Rank)
89
90 (Serial Number, if any)

§39-1A-7. Acknowledgments not affected by this article.
1 A notarial act performed prior to the effective date of
2 this article is not affected by this article. This article
3 provides an additional method of proving notarial acts.
4 Nothing in this article diminishes or invalidates the
5 recognition accorded to notarial acts by article one of
6 this chapter or by other laws or regulations of this state.

1 This article shall be so interpreted as to make uniform
2 the laws of those states which enact it.

1 This article may be cited as the “Uniform Recognition
2 of Acknowledgments Act.”
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee  

Chairman House Committee

Originated in the House.

Ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 9th day of February, 1971.

Governor