

CHAPTER 16

Senate Bill 49

AN ACT

RELATING TO PROPERTY; ADOPTING THE UNIFORM RECOGNITION OF ACKNOWLEDGMENT ACT; ADOPTING AN ACKNOWLEDGMENTS ACT; REPEALING TITLE 33, CHAPTER 4, ARTICLE 5, ARIZONA REVISED STATUTES, AND AMENDING TITLE 33, CHAPTER 4, ARIZONA REVISED STATUTES BY ADDING NEW ARTICLES 5 AND 6.

Be it enacted by the Legislature of the State of Arizona:

Section 1. REPEAL

Title 33, chapter 4, article 5, Arizona Revised Statutes, is repealed.

Sec. 2. Title 33, chapter 4, Arizona Revised Statutes, is amended by adding a new article 5, sections 33-501 to 33-508, inclusive, to read:

ARTICLE 5. RECOGNITION OF
ACKNOWLEDGMENTS ACT

33-501. 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 ADMINIS-

TERING 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.
5. ANY OTHER PERSON AUTHORIZED TO PERFORM NOTARIAL ACTS IN THE PLACE IN WHICH THE ACT IS PERFORMED.

**New
Sec.**

33-502. AUTHENTICATION OF AUTHORITY OF OFFICER

A. IF THE NOTARIAL ACT IS PERFORMED BY ANY OF THE PERSONS DESCRIBED IN SECTION 33-501, PARAGRAPHS 1 TO 4, INCLUSIVE, 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.

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 AUTHORITY 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 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, OR

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, 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.

33-503. CERTIFICATE OF PERSON TAKING ACKNOWLEDGMENT

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.

33-504. RECOGNITION OF CERTIFICATE OF
ACKNOWLEDGMENT

THE FORM OF A CERTIFICATE OF ACKNOWLEDGMENT USED BY A PERSON WHOSE AUTHORITY IS RECOGNIZED UNDER SECTION 33-501 SHALL BE ACCEPTED IN THIS STATE IF:

1. THE CERTIFICATE IS IN A FORM PRESCRIBED BY THE LAWS OR REGULATIONS OF THIS STATE, OR
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.

**New
Sec.**

33-505. CERTIFICATE OF ACKNOWLEDGMENT

THE WORDS "ACKNOWLEDGED BEFORE ME" MEAN THAT:

1. THE PERSON ACKNOWLEDGING APPEARED BEFORE THE PERSON TAKING THE ACKNOWLEDGMENT.
2. HE ACKNOWLEDGED HE HAD EXECUTED THE INSTRUMENT.
3. 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

MENT 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.

4. THE PERSON TAKING THE ACKNOWLEDGMENT EITHER KNEW OR HAD SATISFACTORY EVIDENCE THAT THE PERSON ACKNOWLEDGING WAS THE PERSON NAMED IN THE INSTRUMENT OR CERTIFICATE.

New Sec. 33-506. SHORT FORMS OF ACKNOWLEDGMENT

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 ACKNOWLEDGEMENT" AND MAY BE REFERRED TO BY THAT NAME. THE AUTHORIZATION OF THE FOLLOWING FORMS DOES NOT PRECLUDE THE USE OF OTHER FORMS:

- 1. 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
ACKNOWLEDGEMENT)
(TITLE OR RANK)
(SERIAL NUMBER, IF ANY)

- 2. FOR A CORPORATION:
STATE OF _____
COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS (DATE) BY (NAME OF OFFICER OR AGENT, TITLE OR OFFICER OR AGENT) OF (NAME OF CORPORATION ACKNOWLEDGING) A (STATE OR PLACE OF INCORPORATION) CORPORATION, ON BEHALF OF THE CORPORATION.

(SIGNATURE OF PERSON TAKING
ACKNOWLEDGEMENT)
(TITLE OR RANK)
(SERIAL NUMBER, IF ANY)

3. 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
ACKNOWLEDGEMENT)
(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 (DATE) BY (NAME OF ATTORNEY IN FACT) AS ATTORNEY IN FACT ON BEHALF OF (NAME OF PRINCIPAL).

(SIGNATURE OF PERSON TAKING
ACKNOWLEDGEMENT)
(TITLE OR RANK)
(SERIAL NUMBER, IF ANY)

5. 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 ACKNOWLEDGEMENT)
(TITLE OR RANK)
(SERIAL NUMBER, IF ANY)

33-507. ACKNOWLEDGMENTS NOT AFFECTED BY THIS ARTICLE

A NOTARIAL ACT PERFORMED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE IS NOT AFFECTED BY THIS ARTICLE. THIS ARTICLE PROVIDES AN ADDITIONAL METHOD OF PROVING NOTARIAL ACTS. NOTHING IN THIS ARTICLE DIMINISHES OR INVALIDATES THE RECOGNITION ACCORDED TO NOTARIAL ACTS BY OTHER LAWS OR REGULATIONS OF THIS STATE.

33-508. UNIFORMITY OF INTERPRETATION

THIS ARTICLE SHALL BE SO INTERPRETED AS TO MAKE UNIFORM THE LAWS OF THOSE STATES WHICH ENACT IT.

Section 3. Title 33, chapter 4, Arizona Revised Statutes, is amended by adding article 6, sections 33-511 to 33-513, inclusive, to read:

ARTICLE 6. ACKNOWLEDGMENTS

33-511. ACKNOWLEDGMENT WITHIN THE STATE

THE ACKNOWLEDGMENT OF ANY INSTRUMENT MAY BE MADE IN THIS STATE BEFORE:

1. A JUDGE OF A COURT OF RECORD.
2. A CLERK OR DEPUTY CLERK OF A COURT HAVING A SEAL.
3. A COMMISSIONER OR RECORDER OF DEEDS.
4. A NOTARY PUBLIC.
5. A JUSTICE OF THE PEACE.
6. A COUNTY RECORDER.

33-512. ACKNOWLEDGMENT BY A MARRIED WOMAN

AN ACKNOWLEDGMENT OF A MARRIED WOMAN MAY BE MADE IN THE SAME FORM AS THOUGH SHE WERE UNMARRIED.

33-513. ACTION TO CORRECT CERTIFICATE OF ACKNOWLEDGMENT

WHEN AN ACKNOWLEDGMENT IS PROPERLY MADE, BUT DEFECTIVELY CERTIFIED, ANY PARTY INTERESTED MAY BRING AN ACTION IN THE SUPERIOR COURT TO OBTAIN A JUDGMENT CORRECTING THE CERTIFICATE.

Approved by the Governor—April 2, 1971

Filed in the Office of the Secretary of State—April 5, 1971
