



LAWS OF ALASKA

1981

Source

SB 80 am H

Chapter No.

37

AN ACT

Relating to oath, affirmation, acknowledgment, notarization and verification and adopting the Uniform Recognition of Acknowledgments Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 24, 1981
Actual Effective Date: September 22, 1981



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Approved by the Governor: June 24, 1981
Actual Effective Date: September 22, 1981

AN ACT

Relating to oath, affirmation, acknowledgment, notarization and verification and adopting the Uniform Recognition of Acknowledgments Act."

* Section 1. AS 09 is amended by adding a new chapter to read:

CHAPTER 63. OATH, ACKNOWLEDGMENT AND OTHER PROOF.

Sec. 09.63.010. OATH, AFFIRMATION, AND ACKNOWLEDGMENT IN THE STATE. The following persons may take an oath, affirmation, or acknowledgment in the state:

- (1) a justice, judge, or magistrate of a court of the State of Alaska or of the United States;
- (2) a clerk or deputy clerk of a court of the State of Alaska or of the United States;
- (3) a notary public;
- (4) a United States postmaster; or
- (5) a commissioned officer under AS 09.63.050(4).

Sec. 09.63.020. CERTIFICATION OF DOCUMENTS. (a) A matter required or authorized to be supported, evidenced, established, or proven by the sworn statement, declaration, verification, certificate, oath, or affidavit, in writing of the person making it (other than a deposition, an acknowledgment, an oath of office, or an oath required to be taken before a specified official other than a notary public) may be supported, evidenced, established or proven by the person certifying in writing "under penalty of perjury" that the matter is true. The certi-

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1 fication shall state the date and place of execution, the fact that a
2 notary public or other official empowered to administer oaths is un-
3 available, and the following:

4 "I certify under penalty of perjury that the foregoing is true."

5 (b) A person who makes a false sworn certification which he does
6 not believe to be true under penalty of perjury is guilty of perjury.

7 Sec. 09.63.030. NOTARIZATION. (a) When a document is required
8 by law to be notarized, the person who executes the document shall sign
9 and swear to or affirm it before an officer authorized by law to take
10 his oath or affirmation and the officer shall certify on the document
11 that it was signed and sworn to or affirmed before him.

12 (b) The certificate required by this section may be in substan-
13 tially the following form:

14 Subscribed and sworn to or affirmed before me at _____
15 on _____
16 (date)

17 _____
18 Signature of Officer

19 _____
20 Title of Officer

21 (c) If the document is sworn to or affirmed before a notary
22 public of the state, the notary public shall

- 23 (1) endorse after his signature the date of expiration of
24 his commission;
25 (2) print or emboss his seal on the document;
26 (3) comply with AS 44.50.060 - 44.50.080 or other applicable
27 law.

28 Sec. 09.63.040. VERIFICATION. (a) When a document is required
29 by law to be verified, the person required to verify it shall certify

under oath or affirmation that he has read the document and believes its content to be true.

(b) The person who makes the verification shall sign it before a person authorized by law to take his oath or affirmation.

(c) A verification made under this section may be in substantially the following form:

_____ says on oath or affirms that he has read the foregoing (or attached) document and believes all statements made in the document are true.

Subscribed and sworn to or affirmed before me at _____
on _____.

(date)

Signature of Officer

Title of Officer

(d) If the verification is sworn to or affirmed before a notary public of the state, the notary public shall

(1) endorse after his signature the date of expiration of his commission;

(2) print or emboss his seal on the document;

(3) comply with AS 44.50.060 - 44.50.080 or other applicable law.

Sec. 09.63.050. RECOGNITION OF NOTARIAL ACTS PERFORMED OUTSIDE THE STATE. Notarial acts may be performed outside the state for use in the state with the same effect as if performed by a notary public of the state by

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

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1 (2) a justice, judge, magistrate, clerk, or deputy clerk of
2 a court of record in the place in which the notarial act is performed;

3 (3) an officer of the foreign service of the United States,
4 a consular agent, or a person authorized by regulation of the United
5 States Department of State to perform notarial acts in the place in
6 which the act is performed;

7 (4) a commissioned officer in active service with the armed
8 forces of the United States or a person authorized by regulation of the
9 armed forces to perform notarial acts if the notarial act is performed
10 for a merchant seaman of the United States, a member of the armed
11 forces of the United States, a person serving with or accompanying the
12 armed forces of the United States, or his dependents; or

13 (5) a person authorized to perform notarial acts in the
14 place in which the act is performed.

15 Sec. 09.63.060. AUTHENTICATION OF AUTHORITY OF OFFICER. (a)
16 If the notarial act is performed by a person described in AS 09.63.-
17 050(1) - (4) other than a person authorized to perform notarial acts
18 by the laws or regulations of a foreign country, the signature, rank or
19 title and, if appropriate, the serial number of the person are suffi-
20 cient proof of the authority of a person to perform the act.

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

24 (1) either a foreign service officer of the United States
25 resident in the country in which the act is performed or a diplomatic
26 or consular officer of the foreign country resident in the United
27 States certifies that a person holding that office is authorized to
28 perform the act;

29 (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 appear either in a digest of foreign law or in a list customarily used as a source of that information.

(c) If the notarial act is performed by a person other than a person described in this section, there is sufficient proof of the authority of the 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 the 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.

Sec. 09.63.070. 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 the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

Sec. 09.63.080. RECOGNITION OF CERTIFICATE OF ACKNOWLEDGMENT. The form of a certificate of acknowledgment used by a person whose authority is recognized under AS 09.63.010 or 09.63.050 shall be accepted in the state if

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

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

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1 taken; or

2 (3) the certificate contains the words "acknowledged before
3 me" or their substantial equivalent.

4 Sec. 09.63.090. CERTIFICATE OF ACKNOWLEDGMENT. The words "acknow-
5 ledged before me" mean

6 (1) that the person acknowledging appeared before the person
7 taking the acknowledgment;

8 (2) that the person acknowledging acknowledged that he exe-
9 cuted the instrument;

10 (3) that, in the case of

11 (A) a natural person, the person acknowledging acknow-
12 ledged that he executed the instrument for the purposes stated in
13 it;

14 (B) an officer or agent of a corporation, the person
15 acknowledging acknowledged that he held the position or title set
16 out in the instrument and certificate, he signed the instrument on
17 behalf of the corporation by proper authority, and the instrument
18 was the act of the corporation for the purposes stated in it;

19 (C) a partner or agent of a partnership, the person
20 acknowledging acknowledged that he signed the instrument on behalf
21 of the partnership by proper authority and he executed the instru-
22 ment as the act of the partnership for the purposes stated in it;

23 (D) a person acknowledging as a principal by an attorney
24 in fact, the person acknowledging acknowledged that he executed
25 the instrument by proper authority as the act of the principal for
26 the purposes stated in it;

27 (E) a person acknowledging as a public officer, trustee,
28 administrator, guardian, or other representative, the person
29 acknowledging acknowledged that he signed the instrument in the

capacity and for the purposes stated in it; and

(4) that the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging is the person named in the instrument or certificate.

Sec. 09.63.100. FORMS OF ACKNOWLEDGMENT. (a) The forms of acknowledgment set out in this subsection may be used and are sufficient for their respective purposes under a law of the state. The authorization of the forms in this section does not preclude the use of other forms.

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

State of _____
_____ Judicial District (or County of _____)

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

Signature of Person Taking Acknowledgment

Title or Rank

Serial Number, if any

- (2) For a corporation:

State of _____
_____ Judicial District (or 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.

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Signature of Person Taking Acknowledgment

Title or Rank

Serial Number, if any

(3) For a partnership:

State of _____
_____ Judicial District (or 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

(4) For an individual acting as principal by an attorney in

fact:

State of _____
_____ Judicial District (or 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

(5) By a public officer, trustee, or personal representative:

State of _____
_____ Judicial District (or 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

(b) If a document is acknowledged before a notary public of the state, the notary public shall

(1) endorse after his signature the date of expiration of his commission;

(2) print or emboss his seal on the document;

(3) comply with AS 44.50.060 - 44.50.080 or other law.

Sec. 09.63.110. UNIFORMITY OF INTERPRETATION. AS 09.63.050 - 09.63.110 shall be interpreted as to make uniform the laws of those states which enact them.

Sec. 09.63.120. DEFINITION. In this chapter, "notarial acts" means acts that the laws and regulations of the state authorize nota-

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1 ries public of the state to perform, including the administering of
2 oaths and affirmations, taking proof of execution and acknowledgment of
3 instruments, and attesting documents.

4 Sec. 09.63.130. TITLE. AS 09.63.050 - 09.63.100 may be cited as
5 the Uniform Recognition of Acknowledgments Act.

6 * Sec. 2. AS 34.15.150(a) is amended to read:

7 (a) A conveyance executed in the state of land or an interest in
8 land in the state shall be acknowledged before a person authorized to
9 take acknowledgments in AS 09.63.010 [JUDGE, CLERK OF THE SUPERIOR
10 COURT, NOTARY PUBLIC, POSTMASTER, OR COMMISSIONER IN THE STATE] or
11 proved in accordance with AS 34.15.210 or 34.15.220. The officer
12 taking an acknowledgment shall endorse on it a certificate of the
13 acknowledgment of the conveyance and the date of making the acknowledg-
14 ment.

15 * Sec. 3. AS 34.15.160 is amended to read:

16 Sec. 34.15.160. CONVEYANCES EXECUTED OUTSIDE THE STATE. If a
17 conveyance is executed in a state, territory, or district of the United
18 States, the conveyance may be executed according to the laws of that
19 state, territory, or district, and the execution of the conveyance may
20 be acknowledged under AS 09.63.050 - 09.63.130 [BEFORE A JUDGE OF A
21 COURT OF RECORD, JUSTICE OF THE PEACE, NOTARY PUBLIC, OR OTHER OFFICER
22 AUTHORIZED BY THE LAWS OF THAT STATE, TERRITORY, OR DISTRICT TO TAKE
23 THE ACKNOWLEDGMENT OF CONVEYANCES OR BEFORE A COMMISSIONER APPOINTED
24 FOR THAT PURPOSE].

25 * Sec. 4. AS 34.15.180 is amended to read:

26 Sec. 34.15.180. EXECUTION AND ACKNOWLEDGMENT OF CONVEYANCE IN
27 FOREIGN COUNTRY. If a conveyance is executed in a foreign country it
28 may be executed according to the laws of that country and the execution
29 of it acknowledged under AS 09.63.050 - 09.63.130 [AS PROVIDED IN

AS 40.10.010 - 40.10.050].

1 * Sec. 5. A notarial act performed before the effective date of this Act
2 is not affected by AS 09.63.050 - 09.63.100 as enacted in sec. 1 of this
3 Act. Nothing in AS 09.63.050 - 09.63.100 as enacted in sec. 1 of this Act
4 diminishes or invalidates the recognition accorded to notarial acts by other
5 laws or regulations of this state.

6 * Sec. 6. AS 09.65.010 - 09.65.012; AS 34.15.170, 34.15.190 - 34.15.200;
7 AS 40.10, and AS 44.53 are repealed.
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