



CHICAGO TITLE INSURANCE COMPANY

<u>TOPIC:</u>	<u>Acknowledgments, Oaths/Affirmations and Jurats:</u> <u>Notarial Certificates in North Carolina</u> <u>(Updated 08/15/2019)</u>
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The 2005 Notary Act and the Technical Corrections of 2006 changed the notarial act and the notarial certificate forms, and ultimately made the forms much more flexible. The new *certificate* forms do not in any way change the requirements for assuring *authority and current representative capacity* of the individual signing and acknowledging the document in any fiduciary capacity or on behalf of any entity, or the added statutory presumptions of affixing the corporate seal. In addition, by performing a notarial act, the notary is by statute certifying that:

1. The notary is duly commissioned to act in the particular jurisdiction;
2. The principal personally appeared before the notary;
3. The notary obtained satisfactory evidence of identification
4. "the person whose signature was notarized did not appear in the judgment of the notary to be incompetent, lacking in understanding of the nature and consequences of the transaction requiring the notarial act, or acting involuntarily, under duress, or undue influence"
5. the notary is not otherwise disqualified from acting under G.S. 10-20(c), such as by relationship, or being a party to or beneficiary of the transaction, or other the notary will receive a fee, commission or other benefit from the transaction, other than as a licensed attorney, a licensed real estate broker or salesperson, a motor vehicle dealer, or a banker."

In addition, North Carolina notary commissions do not extend outside the boundaries of this state; any notarial act pursuant to a NC notary commission must be fully completed with North Carolina and in compliance with NC law.

Many of the notarial certificate forms included herein provide a place for the notary's printed or typed name beneath the notary's signature. This is not required if the legible appearance of the notary's signature may be ascertained from the notary's typed or printed name near the notary's signature or from elsewhere in the notarial certificate or from the notary's seal.

For all acknowledgments (G.S. 10B-41(a))

(1) The notary can create an acknowledgment certificate that complies with the provisions of G.S. 10B-40(b),

(2) The notary can use forms in specific sections of Chapter 47, which include only those outlined below specifically, i.e.:

- **Individual *** G.S. 47-38
- **Husband & wife *** G.S. 47-40
- **Corporation *** G.S. 47-41.01
G.S. 47-41.02
- **Agent or Attorney in fact for Principal** G.S. 47-43
- **Subscribing Witness** G.S. 47-13.1, G.S. 47-12.2, G.S. 47-43.2
- **Proof of signature** G.S. 47-43.3
- **Officer proof of signature** G.S. 47-43.4

** The above forms marked by an asterisk (“ * “) can be used for fiduciary or representative capacities as well, such as partner of a partnership, member or manager of a limited liability companies, trustee, guardian, or executor.*

(3) G.S. 10B-41(a) form can be used, or

[state and county in which acknowledged]

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing-document: [name(s) of principal(s).]

Date: _____
(Official Seal)

Official Signature of Notary
[Notary's printed or typed name], Notary Public
My commission expires: _____

For individual acknowledgments or husband and wife (G.S. 47-38 and 47-40), or representative or fiduciary capacity:

“Safe Harbor” form of G.S. 10B-41(a) can be used, or the below:

[state and county in which acknowledged]

I [here give the name of the official and his official title], do hereby certify that [here give the name of the grantor or maker] personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the ____ day of _____, 20__.

(Official Seal)

Official Signature of Notary
[Notary's printed or typed name], Notary Public
My commission expires: _____

For corporate acknowledgments (G.S. 47-41.01 and G.S. 47-41.02), or representative of fiduciary capacity

“Safe Harbor” form of G.S. 10B-41(a) can be used, or the below:

Alternative #1: G.S. 47-41.01(b)

If the deed or other instrument is executed by an official of the corporation, signing the name of the corporation by him in his official capacity, or any other agent authorized by resolution pursuant to G.S. 47-18.3(e), is sealed with its common or corporate seal, and is attested by another person who is an attesting official of the corporation, the following form of acknowledgement is sufficient:

[state and county in which acknowledged]

I, [notary’s printed or typed name], a Notary Public of [county of notary’s commission] County, North Carolina, certify that [name of attesting corporate official] personally came before me this day and acknowledged that he (or she) is [title of attesting corporate official] of [name of corporation], a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its [title of official whose signature is being attested], sealed with its corporate seal, and attested by himself (or herself) as its [title of attesting corporate official].

Witness my hand and official seal this the ____ day of _____, 20__.

(Official Seal) Official Signature of Notary
[Notary's printed or typed name], Notary Public
My commission expires: _____

Alternative #2: G.S. 47-41.01(c)

If the deed or other instrument is executed by an official of the corporation, signing the name of the corporation in his official capacity, or any other agent authorized by resolution pursuant to G.S. 47-18.3(e) the following form of acknowledgment is sufficient:

[state and county in which acknowledged]

I, [notary’s printed or typed name], a Notary Public of [county of notary’s commission] County, North Carolina, certify that [name of official] personally came before me this day and acknowledged that he (or she) is [title of official] of [name of corporation], and that he/she, as [title of official], being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal this the ____ day of _____, 20__.

(Official Seal) Official Signature of Notary
[Notary's printed or typed name], Notary Public
My commission expires: _____

Alternative #3: G.S. 47-41.02(c)

If the deed or other instrument is executed by the president, presiding member or trustee of the corporation, and sealed with its common seal, and attested by its secretary or assistant secretary, either of the following forms of proof and certificate thereof shall be deemed sufficient:

[state and county in which acknowledged]

This the ____ day of _____, 20__, personally came before me [notary's printed or typed name], [name of attesting secretary or assistant secretary], who, being by me duly sworn, says that he/she knows the common seal of [name of corporation], and is acquainted with [name of signing president], who is the president of said corporation, and that he/she, the said [name of attesting secretary or assistant secretary], is the secretary (or assistant secretary) of the said corporation, and saw the said president sign the foregoing (or annexed) instrument, and saw the said common seal of said corporation affixed to said instrument by said president (or that he/she, the said [name of attesting secretary or assistant secretary], secretary or assistant secretary as aforesaid, affixed said seal to said instrument), and that he/she, the said [name of attesting secretary or assistant secretary], signed his/her name in attestation of the execution of said instrument in the presence of said president of said corporation.

Witness my hand and official seal this the ____ day of _____, 20__.

Official Signature of Notary

[Notary's printed or typed name], Notary Public

My commission expires: _____

(Official Seal)

Alternative #4: G.S. 47-41.02(c)

If the deed or other instrument is executed by the president, presiding member or trustee of the corporation, and sealed with its common seal, and attested by its secretary or assistant secretary, either of the following forms of proof and certificate thereof shall be deemed sufficient:

[state and county in which acknowledged]

This is to certify that on the ____ day of _____, 20__, before me personally came [name of president, vice-president, secretary or assistant secretary], with whom I am personally acquainted, who being by me duly sworn, says that he/she is the president (or vice-president), and [name of secretary or assistant secretary] is the secretary (or assistant secretary) of the [name of corporation], the corporation described in and which executed the foregoing instrument; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and the name of the corporation was subscribed thereto by the said president (or vice-president), and that said president (or vice-president) and secretary (or assistant secretary) subscribed their names thereto, and said common seal was affixed, all by order of the board of directors of said corporation, and that the said instrument is the act and deed of said corporation.

Witness my hand and official seal this the ____ day of _____, 20__.

(Official Seal)

Official Signature of Notary
[Notary's printed or typed name], Notary Public
My commission expires: _____

Alternative #5: G.S. 47-41.02(d)

If the deed or other instrument is executed by the signature of the president, vice-president, presiding member or trustee of the corporation, and sealed with its common seal and attested by its secretary or assistant secretary, the following form of proof and certificate thereof shall be deemed sufficient:

[state and county in which acknowledged]

This ____ day of _____, 20__, personally came before me [notary's printed or typed name], [name of president, vice president, presiding member, trustee], who, being by me duly sworn, says that he/she is [president, vice-president, presiding member, trustee] of the [name of corporation] , and that the seal affixed to the foregoing (or annexed) instrument in writing is the corporate seal of said company, and that said writing was signed and sealed by him/her in behalf of said corporation by its authority duly given. And the said [name of president, vice-president, presiding member, trustee] acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and official seal this the ____ day of _____, 20__.

(Official Seal)

Official Signature of Notary
[Notary's printed or typed name], Notary Public
My commission expires: _____

NOTE: G.S. 47-18.3(e) provides as follows:

Any corporation may convey an interest in real property which is transferable by instrument which is duly executed by either an officer, manager, or agent of said corporation and has attached thereto a signed and attested resolution of the board of directors of said corporation authorizing the said officer, manager, or agent to execute, sign, seal, and attest deeds, conveyances, or other instruments. This section shall be deemed to have been complied with *if an attested resolution is recorded separately in the office of the register of deeds in the county where the land lies, which said resolution shall be applicable to all deeds executed subsequently thereto and pursuant to its authority.* Notwithstanding the foregoing, this section shall not require a signed and attested resolution of the board of directors of the corporation to be attached to an instrument or separately recorded in the case of an instrument duly executed by the corporation's

chairman, president, chief executive officer, a vice-president, assistant vice-president, treasurer, or chief financial officer. All deeds, conveyances, or other instruments which have been heretofore or shall be hereafter so executed shall, if otherwise sufficient, be valid and shall have the effect to pass the title to the real or personal property described therein. [emphasis added]

Therefore, the instrument must be executed by the corporation's chairman, president, chief executive officer, a vice-president or an assistant vice-president, treasurer, or chief financial officer signing the name of such corporation by him as such officer, OR an appropriate separately recordable resolution must accompany the document.

NOTE: Effective for *mortgages and deeds of trust* entered into before, on, or after June 26, 2018, G.S. §47-18.3 has been revised as set forth below. However, it is anticipated that a technical correction will be introduced applying the provision to all documents, not just limiting to mortgages and deeds of trust.

G.S. §47-18.3. Execution of corporate instruments; authority and proof.

(a) Notwithstanding anything to the contrary in the bylaws or articles of incorporation or the operating agreement or articles of organization, when it appears on the face of an instrument registered in the office of the register of deeds that the instrument was signed in the ordinary course of business on behalf of a domestic or foreign corporation or a domestic or foreign limited liability company by its chairman, president, chief executive officer, a vice-president, assistant vice-president, treasurer, ~~or~~ chief financial officer, chief operations officer, general counsel, deputy or assistant general counsel, manager, member, director, or other fiduciary duly authorized by the applicable business entity's statutes or governing documents, such an instrument shall be as valid with respect to the rights of innocent third parties as if executed pursuant to authorization from the board of directors, unless the instrument reveals on its face a potential breach of fiduciary obligation. The subsection shall not apply to parties who had actual knowledge of lack of authority or of a breach of fiduciary obligation.

(b) Any instrument registered in the office of the register of deeds, appearing on its face to be executed by a corporation or limited liability company, foreign or domestic, and bearing a seal which purports to be the corporate seal, setting forth the name of the corporation engraved, lithographed, printed, stamped, impressed upon, or otherwise affixed to the instrument, is prima facie evidence that the seal is the duly adopted corporate seal of the corporation, that it has been affixed as such by ~~a person~~ an individual duly authorized so to do, that the instrument was duly executed and signed by individuals who were officers or agents of the corporation acting by authority duly given by the board of directors, and that any such instrument is the act of the corporation, and shall be admissible in evidence without further proof of execution.

(c) Nothing in this section shall be deemed to exclude the power of any corporate or limited liability company representatives to bind the corporation or limited liability company pursuant to express, implied, inherent or apparent authority, ratification, estoppel, or otherwise.

(d) Nothing in this section shall relieve corporate or limited liability company officers from liability to the corporation or limited liability company or from any other liability that they may have incurred from any violation of their actual authority.

(e) Any corporation or limited liability company may convey an interest in real property which is transferable by instrument which is duly executed by either an officer, manager, member, or agent of said corporation or limited liability company and has attached thereto a signed and attested resolution of the board of directors of said corporation or the managers or members of the limited liability company authorizing the said officer, manager, member, or agent to execute, sign, seal, and attest deeds, conveyances, or other instruments. This section shall be deemed to have been complied with if an attested resolution is recorded separately in the office of the register of deeds in the county where the land lies, which said resolution shall be applicable to all deeds executed subsequently thereto and pursuant to its authority. Notwithstanding the foregoing, this section shall not require a signed and attested resolution of the board of directors of the corporation or the managers or members of the limited liability company to be attached to an instrument or separately recorded in the case of an instrument duly executed by the corporation's or limited liability company's chairman, president, chief executive officer, a vice-president, assistant vice-president, treasurer, ~~or~~ chief financial officer, chief operations officer, general counsel, deputy or assistant general counsel, manager, member, director, or other fiduciary duly authorized by the applicable business entity's statutes or governing documents. All deeds, conveyances, or other instruments which have been heretofore or shall be hereafter so executed shall, if otherwise sufficient, be valid and shall have the effect to pass the title to the real or personal property described therein.

Note regarding corporate seal: For corporations, a formally adopted official seal of the corporation should be clearly affixed near the execution by the officers, in order to have the statutory presumption of authority of the signing officers, though its absence will not alone invalidate the conveyance. G.S. 47-18.3(b). If an embossed or imprinted seal with the corporation's name in it is not available, providing a certified copy of the resolution of the board of directors of the corporation adopting the seal form to appear on the recorded documents is strongly recommended to avoid future marketability problems. The name of the corporation should appear in the seal. If a seal is not affixed, the particular notary acknowledgment should be conformed to delete reference to the corporate seal. (The notary seal requirement is, however, still mandatory.)

Certain form acknowledgments above require attestation by another person who is its secretary or assistant secretary, trust officer, assistant trust officer, associate trust officer, or, in case of a bank, its secretary, assistant secretary, cashier or assistant cashier.

For Verification or Proof by subscribing witness (either G.S. 47-43.2 or G.S. 10B-42(a)):

G.S. 47-12.2 clarifies that “The execution of an instrument may not be proved for registration by a subscribing witness who, at the time of the execution of the instrument by the subscribing

witness, is the grantee or beneficiary therein nor by proof of his signature as such subscribing witness...”

G.S. 47-43.2 certificate:

[state and county in which verification or proof occurs]

I, [notary’s printed or typed name], a Notary Public of [county of notary’s commission] County, North Carolina, certify that [name of subscribing witness] personally appeared before me this day, and being duly sworn, stated that in his presence [name of signer / maker / principal] (signed the foregoing instrument.) (acknowledged the execution of the foregoing instrument.) *[Strike out the words not applicable]*

Witness my hand and official seal this the ____ day of _____, 20__.

(Official Seal) Official Signature of Notary
[Notary's printed or typed name], Notary Public
My commission expires: _____

G.S. 10B-42(a) form can be used, or the notary can create a notarial certificate that complies with the provisions of G.S. 10B-40(c):

[state and county in which verification or proof occurs]

I certify that [name of subscribing witness] personally appeared before me this day and certified to me under oath or by affirmation that he or she is not a grantee or beneficiary of the transaction, signed the foregoing document as a subscribing witness, and either (i) witnessed [name of principal] sign the foregoing document or (ii) witnessed [name of principal] acknowledge his or her signature on the already-signed document.

Date: _____ Official Signature of Notary
(Official Seal) [Notary's printed or typed name], Notary Public
My commission expires: _____

For Agent (also known as Attorney-in-fact) signing on behalf of principal of a power of attorney (G.S. 47-43)

“Safe Harbor” form of G.S. 10B-41(a) can be used, or the below:

[state and county in which oath taken]

I (here give name of the official and the official’s title), do hereby certify that (here give name of agent) (the “Agent”), agent for (here give names of parties who executed the instrument through the Agent) (the “Principal”), personally appeared before me this day, and being by me duly sworn, says that the Agent executed the foregoing and annexed instrument for and on behalf of the Principal, and that the Agent’s authority to execute and acknowledge the instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of (here insert name of official in whose office power of attorney is recorded, and the county and state of recordation), on the (day of month, month, and year of recordation), and that this instrument was executed under and by virtue of the authority given by the instrument granting the Agent power of attorney; that the Agent acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the Principal.

Witness my hand and official seal this the ____ day of _____, 20__.

Official Signature of Notary
[Notary's printed or typed name], Notary Public
My commission expires: _____

(Official Seal)

NOTE: Effective for transactions on or after June 26, 2013, pursuant to revised N.C. Gen. Stat. § 47-28, the power of attorney must be recorded either:

- in the county in which the principal is domiciled or
- in the county in which the real property is located or
- if the principal is not a resident of North Carolina, then in any county in the state where the principal owns real property or has a significant business connection

In any situation in which the power of attorney is not recorded in the county in which the property lies, either a certified copy must be recorded in the county of the property or the instrument must include the recording information, including book, page and county for the power of attorney’s recording in another county.

For Oaths or Affirmations (Jurat) (G.S. 10B-43(a)):

(1) The notary can create a notarial certificate that complies with the provisions of G.S. 10B-40(d); or

(2) G.S. 10B-43(a) forms can be used,

[state and county in which oath or affirmation taken]

Signed and sworn to (or affirmed) before me this day by [name of principal],
which can be eliminated if signature is near jurat and therefore principal is clear from the record].

Date: _____ Official Signature of Notary
(Official Seal) [Notary's printed or typed name], Notary Public
My commission expires: _____

OR

[state and county in which oath or affirmation taken]

Sworn to (or affirmed) and subscribed before me this day by [name of principal], *which can be eliminated if signature is near jurat and therefore principal is clear from the record*].

Date: _____ Official Signature of Notary
(Official Seal) [Notary's printed or typed name], Notary Public
My commission expires: _____

For proof of signature where signer (“maker”) is unavailable (G.S. 47-43.3 & G.S. 10B-42.1)

“Safe Harbor” form provided in G.S. 10B-42.1:

[state and county in which verification or proof occurs]

I certify that [name of nonsubscribing witness] personally appeared before me this day and certified to me under oath or by affirmation that he or she is not a grantee or beneficiary of the transaction, that [name of nonsubscribing witness] recognizes the signature of [name of the principal or the subscribing witness] and that the signature is genuine.

Date: _____

(Official Seal)

Official Signature of Notary

[Notary's printed or typed name], Notary Public

My commission expires: _____

By signature of maker, if instrument is unattested (G.S. 47-13)

[state and county in which oath taken]

I, [notary's printed or typed name], a Notary Public of [county of notary's commission] County, North Carolina, certify that [name of person familiar with signer's signature] and being duly sworn, stated that he knows the handwriting of [name of maker] and that the signature to the foregoing instrument is the signature of [name of maker].

Witness my hand and official seal this the ____ day of _____, 20__.

(Official Seal)

Official Signature of Notary

[Notary's printed or typed name], Notary Public

My commission expires: _

For Proof by familiarity with signature of subscribing witness (G.S. 47-43.4):

If all subscribing witnesses have died or have left the State or have become of unsound mind or otherwise incompetent or unavailable (G.S. 47-12.1)

[state and county in which verification or proof occurs]

I, [notary's printed or typed name], a Notary Public of [county of notary's commission] County, North Carolina, certify that [name of person familiar with handwriting of subscribing witness], personally appeared before me this day, and being duly sworn, stated that he knows the handwriting of [name of subscribing witness], and that the signature of [name of subscribing witness] as a subscribing witness to the foregoing instrument is the signature of [name of subscribing witness].

Witness my hand and official seal this the ____ day of _____, 20__.

Official Signature of Notary
[Notary's printed or typed name], Notary Public
My commission expires: _____

(Official Seal)

Out of state, foreign or military acknowledgments and notarial certificates:

NOTE: Acknowledgments taken out of state (i.e. by notaries of other states) can be in the form authorized by that state. The attorney should assure they have verification of the requirements of that state and compliance with its terms.

G.S. § 47-2, Officials of the United States, foreign countries, and sister states, authorizes any of the following officials to execute acknowledgments of signatories to documents to be recorded. The forms above with respect to the particular type of signatory should be used.

“The execution of all such instruments and writings as are permitted or required by law to be registered may be proved or acknowledged before any one of the following officials of the United States, of the District of Columbia, of the several states and territories of the United States, of countries under the dominion of the United States and of foreign countries: Any judge of a court of record, any clerk of a court of record, any notary public, any commissioner of deeds, any commissioner of oaths, any mayor or chief magistrate of an incorporated town or city, any ambassador, minister, consul, vice-consul, consul general, vice-consul general, associate consul, or any other person authorized by federal law to acknowledge documents as consular officers, or commercial agent of the United States, any justice of the peace of any state or territory of the United States, any officer of the United States Army or Air Force or United States Marine Corps having the rank of warrant officer or higher, any officer of the United States Navy or Coast Guard having the rank of warrant officer, or higher, or any officer of the United States Merchant Marine having the rank of warrant officer, or higher. No official seal shall be required of a military or merchant marine officer, but the officer shall sign the officer's name, designate the officer's rank, and give the name of the officer's ship or

military organization and the date, and for the purpose of certifying the acknowledgment, the officer shall use a form in substance as follows:

On this the day of,, before me, the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be accompanying or serving in or with the Armed Forces of the United States (or to be the spouse of a person accompanying or serving in or with the Armed Forces of the United States) and to be the person whose name is subscribed to the within instruments and acknowledged that ____ the person ____ executed the same for the purposes therein contained. And the undersigned does further certify that the undersigned is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the Armed Forces of the United States.

Signature of Officer

Rank of Officer and command to which attached.

If the proof or acknowledgment of the execution of an instrument is had before a justice of the peace of any state of the United States other than this State or of any territory of the United States, the certificate of the justice of the peace shall be accompanied by a certificate of the clerk of some court of record of the county in which the justice of the peace resides, which certificate of the clerk shall be under the clerk's hand and official seal, to the effect that the justice of the peace was at the time the certificate of the justice bears date an acting justice of the peace of the county and state or territory and that the genuine signature of the justice of the peace is set to the certificate.”

Sister State notarial certificate:

G.S. 47-2.2, Notary public of sister state; lack of seal or stamp or expiration date of commission, provides as follows:

(a) If the proof or acknowledgment of any instrument is had before a notary public of any state other than North Carolina and the instrument does not (i) show the seal or stamp of the notary public, (ii) provide evidence pursuant to subsection (b) of this section that a seal or stamp is not required and the expiration date of the commission of the notary public, or (iii) state that the notary's commission does not expire or is a lifetime appointment, the certificate of proof or acknowledgment made by such notary public shall be accompanied by the certificate of the county official before whom the notary qualifies for office or of a state officer authorized to issue certificates regarding notary commission status, stating that such notary public was at the time his certificate bears date an acting notary public of such state, and that such notary's genuine signature is set to his certificate. The certificate of the official herein provided for shall be under his hand and official seal.

(b) A proof or acknowledgement which does not require a seal or stamp of the notary to be effective in the jurisdiction issuing the notary's commission shall include either (i) a

statement by the notary within the proof or acknowledgement area of the instrument that the notary is not required to utilize a seal or stamp or (ii) a reference that purports to be the statute of the commissioning state which provides that no seal or stamp is required together with a statement that the notary is not required to utilize a seal or stamp. The register of deeds may rely upon this statement and is not responsible for confirming its validity or the authority of the person making it. A register of deeds may not refuse to accept a record for registration because a notarial seal or stamp is omitted from the proof or acknowledgement if the provisions of this subsection have been complied with in the proof or acknowledgement. The acceptance of a record for registration under this subsection shall give rise to a presumption that the seal or stamp was not required to be affixed by the notary. This presumption is rebuttable and shall apply to all instruments whenever recorded. However, a court order finding the lack of a valid seal shall not affect the rights of a person who (i) records an interest in the real property described in the instrument before the finding of a lack of a valid seal and (ii) would otherwise have an enforceable interest in the real property.

Embassy or Overseas Acknowledgment Form

The Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents establishes recognition among signatory countries. Contacts for signatory countries are on-line at

http://www.hcch.net/index_en.php?act=conventions.authorities&cid=41 and more information about the Hague Convention and its implications are on-line at www.hcch.net. Basically, for member countries, no authentication by the U.S. Department of State is required. However, for non-member countries, the U.S. Department of State would be needed for authentication. As noted on the U.S. Department of State web site for Authentications (<http://www.state.gov/m/a/auth/c16921.htm>), “Documents destined for use in participating countries and their territories should be certified by one of the officials in the jurisdiction in which the document has been executed.” More details regarding applicability, contacts, forms, fees and timing for requests are on-line at: <http://www.state.gov/m/a/auth/>

Any notarial certificate not in English should be accompanied with a certified English translation, typically notarized by acknowledgment of the translator before an English-speaking notary or other official (noted above), in order to obtain an apostille authenticating same as well as to record locally with the register of deeds in the North Carolina county applicable.

Information about obtaining authentication of a foreign document for use in the United States is available from the Overseas Citizens Services, American Citizens Services and Crisis Management, of the U.S. Department of State through the U.S. Embassy. For U.S. Embassy acknowledgment, specific information about U.S. Embassy notarial services for each individual country can also be found on-line at the U.S. Embassy site, by searching “U.S. Embassy Notarial Services” for the particular country in which the notarial service will be needed, for example:

Britain: <https://uk.usembassy.gov/u-s-citizen-services/notary-services-for-all-nationalities/>

Japan: <https://jp.usembassy.gov/u-s-citizen-services/notarial-services/>

France: <https://fr.usembassy.gov/u-s-citizen-services/notarial-services-all-nationalities-3/>

Germany: <https://de.usembassy.gov/u-s-citizen-services/notaries-public/>

Overseas Embassy Acknowledgment Form #1

(Name of Country)

Embassy of the United States of America

Before me, the undersigned authority, a _____(insert name of position)_____ of the United States of America resident in _____(insert country)_____, duly commissioned and qualified, on this day personally appeared _____(insert name of person being acknowledged)_____, known to me or proven to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal this _____ day of _____, 200__.

Notary Public Signature

(seal)

Printed Name

My commission expires: _____

Overseas Acknowledgment Form #2

Acknowledgment by One of the Following United States Officers: Ambassador, Minister, Consul, Vice-Consul, Consul General, Vice-Consul General, or Commercial Agent.

UNITED STATES OF AMERICA

I, _____, an Officer of the United States of America, to wit: _____, currently serving and having full authority in that capacity, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official seal this _____ day of _____, 20__.

(OFFICIAL SEAL)

An Officer of the United States of America
TO WIT:_____

Overseas Acknowledgment Form #3

Acknowledgment by a Foreign Judge of the Court of Record, Clerk of Court, Notary Public, Commissioner of Deeds, Commissioner of Oaths, or Mayor or Chief Magistrate of an Incorporated Town or City of a Foreign Nation.

_____ OF _____
COUNTRY OF _____

On this _____ day of _____, 20__, before me,

_____ (name of officer), the undersigned officer, duly authorized to take oaths and acknowledgments, personally appeared _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledge that (he)(she)(they) executed the same for the purposes therein contained. The undersigned does further certify that the undersigned is at the date of this certificate duly authorized by law as a _____ (title of the officer) to take oaths and acknowledgments.

This ____ day of _____, 20 ____ . Witness my hand and official seal.

Signature of Officer

(AFFIX OFFICIAL SEAL OF CERTIFYING OFFICER)

If applicable, my commission expires: _____

Acknowledgment of armed forces personnel

Pursuant to G.S. 47-81.2, Before United States Army, etc., officers, and other service members, as revised effective June 26, 2013:

In all cases where instruments and writings have been proved or acknowledged before any commissioned officer of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard or any officer of the United States Merchant Marine having the rank of lieutenant, senior grade, or higher, such proofs or acknowledgments, where valid in other respects, are hereby ratified, confirmed and declared valid. All proofs or acknowledgments made by any military personnel authorized by the Congress of the United States are hereby ratified, confirmed, and declared valid and shall not require the affixation of a seal where valid in other respects.

In addition to the above provisions, military acknowledgments are also allowed under Title 10, United States Code, Section 1044a and 1044b.

10 USCS § 1044a. Authority to act as notary

(a) The persons named in subsection (b) have the general powers of a notary public and of a consul of the United States in the performance of all notarial acts to be executed by any of the following:

- (1) Members of any of the armed forces.
- (2) Other persons eligible for legal assistance under the provisions of section 1044 of this title [10 USCS § 1044] or regulations of the Department of Defense.
- (3) Persons serving with, employed by, or accompanying the armed forces outside the United States and outside the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.
- (4) Other persons subject to the Uniform Code of Military Justice (chapter 47 of this title [10 USCS §§ 801 et seq.]) outside the United States.

(b) Persons with the powers described in subsection (a) are the following:

(1) All judge advocates, including reserve judge advocates when not in a duty status.

(2) All civilian attorneys serving as legal assistance attorneys.

(3) All adjutants, assistant adjutants, and personnel adjutants, including reserve members when not in a duty status.

(4) All other members of the armed forces, including reserve members when not in a duty status, who are designated by regulations of the armed forces or by statute to have those powers.

(5) For the performance of notarial acts at locations outside the United States, all employees of a military department or the Coast Guard who are designated by regulations of the Secretary concerned or by statute to have those powers for exercise outside the United States.

(c) No fee may be paid to or received by any person for the performance of a notarial act authorized in this section.

(d) The signature of any such person acting as notary, together with the title of that person's offices, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.

10 USCS § 1044b. Military powers of attorney: requirement for recognition by States

(a) Instruments to be given legal effect without regard to State law. A military power of attorney--

(1) is exempt from any requirement of form, substance, formality, or recording that is provided for powers of attorney under the laws of a State; and

(2) shall be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the State concerned.

(b) Military power of attorney. For purposes of this section, a military power of attorney is any general or special power of attorney that is notarized in accordance with section 1044a of this title [10 USCS § 1044a] or other applicable State or Federal law.

(c) Statement to be included.

(1) Under regulations prescribed by the Secretary concerned, each military power of attorney shall contain a statement that sets forth the provisions of subsection (a).

(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a military power of attorney that does not include a statement described in that paragraph.

(d) State defined. In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States.

Federal Prisoners

Under 18 U.S.C. Section 4004,

“The wardens and superintendents, associate wardens and superintendents, chief clerks, record clerks, and parole officers, of Federal penal or correctional institutions, may administer oaths to and take acknowledgments of officers, employees, and inmates of such institutions, but shall not demand or accept any fee or compensation therefor.”