

## Chapter 2a Recognition of Acknowledgments Act

### 57-2a-1 Short title.

This chapter is known as the "Recognition of Acknowledgments Act."

Enacted by Chapter 155, 1988 General Session

### 57-2a-2 Definitions.

As used in this chapter:

(1) "Acknowledged before me" means:

- (a) that the person acknowledging appeared before the person taking the acknowledgment;
- (b) that he acknowledged he executed the document;
- (c) that, in the case of:
  - (i) a natural person, he executed the document for the purposes stated in it;
  - (ii) a corporation, the officer or agent acknowledged he held the position or title set forth in the document or certificate, he signed the document on behalf of the corporation by proper authority, and the document was the act of the corporation for the purpose stated in it;
  - (iii) a partnership, the partner or agent acknowledged he signed the document on behalf of the partnership by proper authority, and he executed the document as the act of the partnership for the purposes stated in it;
  - (iv) a person acknowledging as principal by an attorney in fact, he executed the document by proper authority as the act of the principal for the purposes stated in it; or
  - (v) a person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the document by proper authority, and he executed the document in the capacity and for the purposes stated in it; and
- (d) that the person taking the acknowledgment:
  - (i) either knew or had satisfactory evidence that the person acknowledging was the person named in the document or certificate; and
  - (ii) in the case of a person executing a document in a representative capacity, either had satisfactory evidence or received the sworn statement or affirmation of the person acknowledging that the person had the proper authority to execute the document.

(2) "Notarial act" means any act a notary public is authorized by state law to perform, including administering oaths and affirmations, taking acknowledgments of documents, and attesting documents.

Enacted by Chapter 155, 1988 General Session

### 57-2a-3 Persons authorized to perform notarial acts.

(1) Notarial acts performed in this state shall be performed by:

- (a) a judge or court clerk having a seal;
- (b) a notary public; or
- (c) a county clerk or county recorder.

(2) The following persons authorized under the laws and regulations of other governments may perform notarial acts outside this state for use in this state with the same effect as if performed by a notary public of this state:

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

- (b) a judge, clerk, or deputy clerk of any court of record in the place where 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 where 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 any of 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 where the act is performed.

Amended by Chapter 88, 1989 General Session

**57-2a-4 Proof of authority -- Prima facie evidence.**

- (1) Except as provided in Subsections (2) and (3), the signature, title or rank, branch of service, and serial number, if any, of any person described in Subsection 57-2a-3(2) are sufficient proof of his authority to perform a notarial act. Further proof of his authority is not required.
- (2) Proof of the authority of a person to perform a notarial act under the laws or regulations of a foreign country is sufficient if:
  - (a) 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) the official seal of the person performing the notarial act is affixed to 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) The signature and title or rank of the person performing the notarial act are prima facie evidence that he is a person with the designated title and that his signature is genuine.

Amended by Chapter 306, 2007 General Session

**57-2a-5 Certificate.**

A person taking an acknowledgment shall cause a certificate in a form acceptable under Section 57-2a-6 or 57-2a-7 to be endorsed on or attached to the document or other written instrument.

Enacted by Chapter 155, 1988 General Session

**57-2a-6 Form of certificate.**

The form of a certificate of acknowledgment used by a person whose authority is recognized under Section 57-2a-3 shall be accepted if:

- (1) the certificate is in a form prescribed by the laws or rules of this state;
- (2) the certificate is in a form prescribed by the laws or regulations applicable in the place where the acknowledgment is taken; or
- (3) the certificate contains the words "acknowledged before me," or their substantial equivalent.

Enacted by Chapter 155, 1988 General Session

**57-2a-7 Form of acknowledgment.**

