

ARKANSAS CODE ANNOTATED

**TITLE 21. PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 14. NOTARIES PUBLIC
SUBCHAPTER 1. GENERAL PROVISIONS**

21-14-101. Appointment and commission.

(a)(1) The Secretary of State may appoint and commission individual persons as notaries public in this state.

(2) Effective January 1, 2006 notaries public may perform notarial acts in any part of the state for a term of ten (10) years, beginning on the date of commission or the date of renewal of a commission issued by the Secretary of State.

(b) Every applicant for appointment and commission as a notary public shall complete an application to be filed with the Secretary of State stating:

(1) That he or she is:

(A) Either is:

(i) Bona fide citizen of the United States; or

(ii) Permanent resident alien who shall file with his or her application a recorded Declaration of Domicile; and

(B) A legal resident of Arkansas or an adjoining state and employed in the State of Arkansas;

(C) Eighteen (18) years of age or older; and

(D) Able to read and write English;

(2) The address of his or her business or residence in this state; and

(3) That during the past ten (10) years, his or her commission as a notary public has not been revoked.

(c) The application shall be sent to the Secretary of State with a twenty dollar (\$20.00) fee for the notary public commission.

(d) Notaries public shall file in the office of the recorder of deeds for the county in which the notary public resides, or, in the case of a resident of an adjoining state, in the county in Arkansas in which employed, either:

(1) A surety bond executed by a surety insurer authorized to do business in Arkansas to the state for the faithful discharge of their duties, in the sum of seven thousand five hundred dollars (\$7,500), to be approved by the Secretary of State; or

(2) A surety contract guaranteeing the notaries' faithful discharge of their duties executed to the State of Arkansas for not more than an aggregate seven thousand five hundred dollars (\$7,500) issued by a general business corporation, validly organized and formed under the laws of this state pertaining to domestic corporations, and which:

(A) Has previously registered with the Insurance Commissioner on forms prescribed by him evidencing its purpose to issue only surety contracts for notaries public pursuant to the provisions of this section; and

(B) Has previously deposited and thereafter maintains with the Insurance Commissioner securities in the sum of not less than ten thousand dollars (\$10,000) executed to the State of Arkansas which are issued by a nonaffiliated corporate entity and are approved by the Insurance Commissioner; and

(C) Is not otherwise transacting any insurance business in this state which requires compliance with the provisions of the Arkansas Insurance Code, § 23-60-101 et seq.

(e)(1) The obligation of an issuer of a bond required by subsection (d) of this section:

- (A) Shall be solely to the State of Arkansas; and
- (B) Is solely for the benefit of the State of Arkansas.

(2) Under no circumstances shall the aggregate liability of the issuer exceed the amount of the bond.

(f) (1) Every notary public shall sign the following declaration in the presence of the circuit clerk for the county where the notary public resides or if a resident of another state, the circuit clerk for the county in Arkansas where employed:

“I, (name of notary), solemnly swear or affirm that I have carefully read the notary laws of this state, and I will uphold the Constitutions of the United States and the State of Arkansas and will faithfully perform to the best of my ability all notarial acts in accordance with the law.

(Signature of notary)

Subscribed and sworn to before me (name of circuit clerk), Circuit Clerk for the County of (name of county), State of Arkansas, on this _____ day of _____, (year).

(Signature of circuit clerk)”

(2) The notary public shall send an executed and signed original of the declaration to the Secretary of State.

(f) Effective January 1, 2006, the Secretary of State shall issue a commission number to each new notary public and to each notary public who renews his or her commission.

History. Acts 1874, No. 17, § 1, p. 61; C. & M. Dig., § 7969; Pope’s Dig., § 10362; Acts 1981, No. 672, § 1; 1985, No. 966, § 1; A.S.A. 1947, § 12-1401; Acts 1989, No. 304, § 2; 2001, No. 1274, § 1; 2005, No. 2274, § 1; 2009, No. 1404, § 1.

21-14-102. Change of residence.

(a) In instances where a person appointed and commissioned a notary public under § 21-14-101 changes residence, or in case of a resident of an adjoining state changes his place of employment to a county within this state other than the county wherein the notary resided or was employed on the date of commission, upon receiving notification of the change of residency, the Secretary of State shall transfer the notary’s appointment and commission to the new county of residence or employment.

(b) The original bond shall also be filed by the notary public in the new county of residence or if the notary is a resident of an adjoining state, in the new county of employment in Arkansas.

History. Acts 1983, No. 21, § 1; 1985, No. 966, § 2; A.S.A. 1947, § 12-1401.1; 2005, No. 2274, § 1.

21-14-103. Change in personal information.

(a) If any notary public has a change in his or her mailing address or status in life which alters the information on record with the Secretary of State and the circuit clerk for the county where the notary public resides or if the notary is a resident of an adjoining state, in the county in Arkansas where he or she is employed, he or she shall be responsible for providing that change of information to the Secretary of State and circuit court clerk within thirty (30) calendar days of the change.

(b) If the change in status involves a court order, the notary public shall be responsible for providing the Secretary of State with a certified copy of the order within thirty (30) calendar days of the filing of the order with the clerk.

(c) If the notary public marries and the notary public’s name changes, a certified copy of the marriage certificate shall be delivered to the office of the Secretary of State and the circuit clerk for the county where the notary public resides or if the notary is a resident of an adjoining state, in the county in Arkansas where he or she is employed .

History. Rev. Stat., ch. 104, § 6; C. & M. Dig., § 7975; Pope's Dig., § 10368; A.S.A. 1947, § 12-1410; Acts 2001, No. 1274, § 2; 2005, No. 2274, § 1.

21-14-104. Power and authority generally.

The power and authority of notaries public shall be coextensive with the state for:

- (1) The purpose of swearing witnesses;
- (2) Taking affidavits and depositions; and
- (3) Taking acknowledgments of deeds and other instruments in writing and authorized by law to be acknowledged.

History. Acts 1901, No. 82, § 1, p. 148; 1905, No. 269, § 1, p. 687; C. & M. Dig., § 7970a; Pope's Dig., § 10363; A.S.A. 1947, § 12-1405.

21-14-105. Administration of oaths.

Each notary public shall have power to administer oaths in all matters incident to or belonging to the exercise of his notarial office.

History. Rev. Stat., ch. 104, § 3; C. & M. Dig., § 7970; Pope's Dig., § 10363; A.S.A. 1947, § 12-1403.

21-14-106. Acknowledgments and authentications.

A notary public may:

- (1) Take the proof or the acknowledgment of all instruments of writing relating to commerce and navigation;
- (2) Receive and authenticate acknowledgments of deeds, letters of attorney, and other instruments of writing;
- (3) Make declarations and protests; and
- (4) Certify under his official seal the truth of all matters and things done by virtue of his office.

(b) A notary public may supervise the making of a photocopy of an original document and attest that the document is a copy, if the document is neither:

- (1) A vital record in this state, another state, a territory of the United States, or another country; or
- (2) A public record, if a copy can be made by the custodian of the public record.

History. Rev. Stat., ch. 104, § 4; C. & M. Dig., § 7973; Pope's Dig., § 10366; A.S.A. 1947, § 12-1404; Acts 2001, No. 1274, § 3

21-14-107. Signature - Seal.

(a) (1) At the time of notarization, the notary public shall sign his official signature on every notary certificate.

(2) The official signature shall be the signature on file with the Secretary of State at the time of signing.

(b)(1) Under or near his official signature on every notary certificate, a notary public shall provide a seal of his office, which shall be either a rubber stamp seal or a seal embosser. The seal shall be clear and legible and capable of photographic reproduction.

(2) The seal should include:

- (A) His or her name exactly as he or she writes his or her official signature;
- (B) The name of the county where his or her bond is filed; and
- (C) The words "notary public" and "Arkansas";
- (D) The date upon which the notary public's commission expires; and
- (E) The notary public's commission number issued by the Secretary of State if the notary public has been issued a commission number.

(c) A notary seal shall not include the Seal of the State of Arkansas or an outline of the

state.

(d) The seal and certificate of the notary public commission are the exclusive property of the notary public and must be kept in the exclusive control of the notary public.

(e) The seal and certificate of commission shall not be surrendered to an employer upon termination of employment, regardless of whether or not the employer paid for the seal or for the commission.

History. Rev. Stat., ch. 104, § 7; C. & M. Dig., § 7976; Pope's Dig., § 10369; Acts 1981, No. 672, § 2; A.S.A. 1947, § 12-1402; Acts 2001, No. 1274, § 4; 2005, No. 2274, § 2.

21-14-108. Expiration date of commission.

(a)(1) All notaries public shall attach to any certificate of acknowledgment or jurat to an affidavit that he or she may make a statement of the date on which his or her commission will expire.

(2) No acknowledgment or other act of a notary shall be held invalid on account of the failure to comply with this section.

(b) No notary public shall perform any official act after the expiration of his or her commission as evidenced by his or her certificate.

(c) Thirty (30) calendar days prior to the expiration of a notary public's commission, he or she shall submit to the Secretary of State a new application along with the twenty dollar (\$20) fee for the renewal of the commission.

(d) Notaries public shall file in the office of the recorder of deeds for the county in which the notary public resides, or if the person is a resident of an adjoining state, in the county in Arkansas in which employed, either:

(1) A surety bond executed by a surety insurer authorized to do business in Arkansas for the faithful discharge of their duties, in the sum of seven thousand five hundred dollars (\$7,500), to be approved by the Secretary of State; or

(2) A surety contract guaranteeing the notaries' faithful discharge of their duties executed to the State of Arkansas for not more than an aggregate seven thousand five hundred dollars (\$7,500), issued by a general business corporation, validly organized and formed under the laws of this state pertaining to domestic corporations, and which:

(A) Has previously registered with the Insurance Commissioner on forms prescribed by the Insurance Commissioner evidencing its purpose to issue only surety contracts for notaries public pursuant to the provisions of this section;

(B) Has deposited and maintains with the Insurance Commissioner securities in the sum of not less than ten thousand dollars (\$10,000) executed to the State of Arkansas which are issued by a nonaffiliated corporate entity and are approved by the Insurance Commissioner; and

(C) Is not otherwise transacting any insurance business in this state which requires compliance with the provisions of the Arkansas Insurance Code.

History. Acts 1891, No. 35, §§ 1, 2, p. 57; C. & M. Dig., §§ 7971, 7972; Pope's Dig., §§ 10364, 10365; A.S.A. 1947, §§ 12-1406, 12-1407; Acts 2001, No. 1274, § 5; 2005, No. 2274, § 2.

21-14-109. Performance of duties for corporation.

(a) It shall be lawful for any notary public who is a stockholder, director, officer, or employee of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by the corporation, or to administer an oath to any other stockholder, director, officer, employee, or agent of the corporation, or to protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes, and other negotiable instruments which may be owned or held for collection by the corporation.

(b) It shall be unlawful for any notary public to take the acknowledgment of an instrument executed by or to a bank or other corporation of which he is a stockholder, director, officer, or employee where the notary is a party to the instrument, either individually or as a representative of the corporation, or to protest any negotiable instrument owned or held for collection by the corporation, where the notary is individually a party to the instrument.

History. Acts 1953, No. 331, § 1; A.S.A. 1947, § 12-1411.

21-14-110. Admissibility of acknowledged instruments.

All declarations and protests made and acknowledgments taken by notaries public and certified copies of their records and official papers shall be received as evidence of the facts therein stated in all the courts of this state.

History. Rev. Stat., ch. 104, § 8; C. & M. Dig., § 7977; Pope's Dig., § 10370; A.S.A. 1947, § 12-1409.

21-14-111. Unlawful act - Penalty.

(a) It is unlawful for any notary public to witness any signature on any instrument unless the notary either:

(1) Witnesses the signing of the instrument and personally knows the signer or is presented proof of the identity of the signer; or

(2) Recognizes the signature of the signer by virtue of familiarity with the signature.

(b) Any notary public violating this section shall be guilty of a Class A misdemeanor.

(c) For purposes of this section, "personally knows" means having an acquaintance, derived from association with the individual, which establishes the individual's identity with at least a reasonable certainty.

History. Acts 1989, No. 304, § 3; 2001, No. 1274, § 6.

21-14-112. Denial or revocation of notary public commission.

(a) The Secretary of State may deny the application of any person for appointment or reappointment or revoke the commission of any notary public during such notary's term of appointment if the notary public:

(1) Submits an application for commission and appointment that contains substantial and material misstatement or omission of fact;

(2) Is convicted of official misconduct under the provisions of § 21-14-111;

(3) Knowingly uses false or misleading advertising in which such notary represents that such notary has powers, duties, rights, or privileges that such notary does not possess by law;

(4) Is found by a court of this state to have engaged in the unauthorized practice of law;

(5) Is found by a court to have improperly notarized documents according to the law; or

(6) Fails to complete the requirements under Section 21-14-101.

(b) The Secretary of State may investigate possible violations of this section upon a signed complaint from any person.

(c) After a notary public receives notice from the Secretary of State that such notary's commission has been revoked, unless such revocation has been enjoined such notary shall immediately send or have delivered to the Secretary of State such notary's journal of notarial acts, all other papers and copies relating to such notary's notarial acts, and such notary's official seal.

(d) A person whose notary commission has been revoked pursuant to the provisions of this section may subsequently apply for commission and appointment as a notary after five (5) years have elapsed from the date of such revocation.

History. Acts 1999, No. 1187, § 1; 2005, No. 2274, § 2.

21-14-113. Notice of revocation - Appeal.

(a) If the Secretary of State revokes a notary commission, he shall serve the notary with written notice that explains the reason or reasons for the revocation.

(b) The notary may appeal the revocation to the Pulaski County Circuit Court within thirty (30) days after service of the notice of revocation is perfected. The notary shall appeal by petitioning the court to set aside the revocation, attaching to the petition copies of the Secretary of State's Certificate of Revocation and the written notice of revocation.

(c) The court may summarily order the Secretary of State to reinstate the notary or take other action the court considers appropriate.

(d) The court's final decision may be appealed as in other civil proceedings.

History. Acts 1999, No. 1187, § 3.

21-14-114. Rules and regulations.

The Secretary of State may promulgate rules and regulations necessary to administer this chapter.

History. Acts 2005, No. 2274, § 4.

SUBCHAPTER 2. FACSIMILE SIGNATURES AND SEALS

21-14-201. Definitions.

As used in this subchapter:

(1) "Facsimile signature" means the reproduction by engraving, imprinting, stamping, or other means of a manual signature of a notary public;

(2) "Facsimile seal" means the reproduction by engraving, imprinting, stamping, or other means of the seal of office of a notary public, containing the information described in § 21-14-107(b)(2); and

(3)(A) "Commercial document" means any instrument, certificate, report, billing, affidavit, or other document which is required to bear a notary certificate by the terms of a purchase order, contract, bid specification, construction standard, testing standard, or other commercial standard, specification, or practice.

(B) The term "commercial document" shall not include any deed or other instrument in writing for the conveyance of any real estate or by which any real estate may be affected in law or equity.

History. Acts 1995, No. 200, § 1.

21-14-202. Use of facsimile signatures and seals authorized - Filing required.

Any notary public may affix a notary certificate bearing the notary public's facsimile signature and facsimile seal in lieu of the notary public's manual signature and rubber or embossed seal on a commercial document, after filing with the Secretary of State:

(1) The notary public's manual signature certified by the notary public under oath;

(2) A general description of the types of commercial documents to be notarized by facsimile signature and seal;

(3) The name and manual signature of any other person or persons signing the commercial documents by manual or facsimile signature; and

(4) The written consent of any other person or persons signing the commercial documents to the use of the notary public's facsimile signature and facsimile seal on the commercial documents.

History. Acts 1995, No. 200, § 1.

21-14-203. Expiration and resignation.

(a) Any filing by a notary public with the Secretary of State under the terms of this subchapter shall remain in effect until the earlier of:

(1) The date on which the notary public's commission in effect on the date of filing expires;

(2) The filing is cancelled by the notary public by subsequent written filing with the Secretary of State; or

(3) The filing is cancelled pursuant to § 21-14-113.

(b)(1) A notary public who wishes to resign his or her commission, or a notary public who does not maintain legal residence or employment in this state during the entire term of appointment, or a notary public whose resignation is required pursuant to a court order of this state or any other state, shall send a signed letter of resignation to the Secretary of State and shall return his or her certificate of notary public commission.

(2) The resigning notary public shall destroy his or her official seal immediately upon resignation.

History. Acts 1995, No. 200, § 1; 2001, No. 1274, § 7.

21-14-204. Duties of notary public.

A notary public shall have the same duties when affixing a notary certificate with the notary public's facsimile signature and facsimile seal on a commercial document as when signing a notary certificate with the notary public's manual signature and rubber or embossed seal, and nothing in this subchapter shall remove any duty or responsibility imposed on a notary public by law, except as specifically provided in this subchapter.

History. Acts 1995, No. 200, § 1.

21-14-205. Force and effect.

Notary certificates which are signed by facsimile signature and sealed by facsimile seal under the provisions of this subchapter shall have the same force and effect as notary certificates signed by manual signature and bearing a rubber or embossed seal for all purposes.

History. Acts 1995, No. 200, § 1.

**CHAPTER 6. FEES
SUBCHAPTER 3. COUNTY OFFICERS**

21-6-309. Notaries public.

(a) Each notary public in this state shall charge and collect the following fees:

(1) For protest and record of same\$ 5.00

(2) For each notice of protest 5.00

(3) For each certificate and seal 5.00

(b)(1) Any notary public who shall knowingly charge, demand, or receive any fees not provided by law, or who shall charge, demand, or receive any greater fees than are provided in this section shall be deemed guilty of a misdemeanor.

(2) Upon conviction, he shall be fined in any sum not less than one hundred dollars (\$100) for each and every offense.

History. Acts 1923, No. 142, §§ 1, 2; Pope's Dig., §§ 5685, 5686; Acts 1969, No. 155, § 1; A.S.A. 1947, §§ 12-1733, 12-1739; Acts 1989, No. 304, § 1.

TITLE 16. PRACTICE, PROCEDURE, AND COURTS
SUBTITLE 4. EVIDENCE AND WITNESSES
CHAPTER 47. ACKNOWLEDGMENT AND PROOF OF INSTRUMENTS
SUBCHAPTER 1. GENERAL PROVISIONS

16-47-101. Proof or acknowledgment as prerequisite to recording real estate conveyances.

All deeds and other instruments in writing for the conveyance of any real estate, or by which any real estate may be affected in law or equity, shall be proven or duly acknowledged in conformity with the provisions of this act, before they or any of them shall be admitted to record.

History. Rev. Stat., ch. 31, § 22; C. & M. Dig., § 1525; Pope's Dig., § 1835; A.S.A. 1947, § 49-211.

16-47-102. Forms of acknowledgments - Validity - Acknowledgments of married persons.

(a) Either the forms of acknowledgments now in use in this state or any other forms which specify, in the caption or otherwise, the state and county or other place where the acknowledgment is taken, and which set out the name of the person acknowledging and, in instances where he or she acknowledges otherwise than in his or her own right, the name of the person, association, or corporation for which he or she acknowledges, and which recite in substance or the equivalent that the execution of the instrument was acknowledged by the person so named as acknowledging, or any other form of acknowledgment provided by law, may be used in the case of all deeds and other instruments in writing for the conveyance of real or personal property, or whereby such property is to be affected in law or equity, and also in any other case where such acknowledgment is for any purpose required or authorized by law. An acknowledgment in any of these forms shall be sufficient to entitle the instrument to be recorded and to be read in evidence.

(b) The acknowledgment of a married person, both as to the disposition of his or her own property and as to the relinquishment of dower, curtesy, and homestead in the property of a spouse, may be made in the same form as if he or she were sole and without any examination separate and apart from a spouse, and without necessity for a specific reference therein to the interest so conveyed or relinquished.

History. Acts 1937, No. 44, § 1; Pope's Dig., § 1831; Acts 1981, No. 714, § 3; A.S.A. 1947, § 49-201.

16-47-103. Officers authorized to take proof or acknowledgment of real estate conveyances.

(a) The proof or acknowledgment of every deed or instrument of writing for the conveyance of any real estate shall be taken by one of the following courts or officers:

(1) When acknowledged or proven within this state, before the Supreme Court, the circuit court, the chancery court, or any judges thereof, the clerk of any court of record, any county or probate judge, or before any justice of the peace or notary public;

(2) When acknowledged or proven outside this state, and within the United States or its territories, or in any of the colonies or possessions or dependencies of the United States, before any court of the United States, or any state or territory, or colony or possession or dependency of the United States, having a seal, or a clerk of any such court, or before any notary public, or before the mayor of any incorporated city or town, or the chief officer of any city or town having a seal, or before a commissioner appointed by the Governor of this state;

(3) When acknowledged or proven outside the United States, before any court of any state, kingdom, or empire having a seal; any mayor or chief officer of any city or town having an official seal; or before any officer of any foreign country who by the laws of

that country is authorized to take probate of the conveyance of real estate of his own country if the officer has, by law, an official seal.

(b) The acknowledgment of any deed or mortgage, when taken outside the United States, may be taken and certified by a United States consul.

History. Rev. Stat., ch. 31, § 13; Acts 1875, No. 13, § 1, p. 58; 1887, No. 91, § 1, p. 142; 1897, No. 26, § 1, p. 33; 1899, No. 150, § 1, p. 276; C. & M. Dig., § 1516; Acts 1921, No. 233, § 1; 1923, No. 464, §§ 1, 2; Pope's Dig., § 1825; A.S.A. 1947, §§ 49-202, 49-203.

16-47-104. Attestation of acknowledgments.

(a) In cases of acknowledgment or proof of deeds or conveyances of real estate taken within the United States or territories thereof, when taken before any court or officer having a seal of office, the deed or conveyance shall be attested under the seal of office. If the officer has no seal of office, then it shall be attested under the official signature of the officer.

(b) In all cases of deeds and conveyances proven or acknowledged outside the United States or its territories, the acknowledgment or proof must be attested under the official seal of the court or officer before whom the probate is had.

History. Rev. Stat., ch. 31, §§ 14, 15; C. & M. Dig., §§ 1517, 1518; Pope's Dig., §§ 1826, 1827; A.S.A. 1947, §§ 49-204, 49-205.

16-47-105. Certificate of acknowledgment.

Every court or officer that shall take the proof or acknowledgment of any deed or conveyance of real estate, or the relinquishment of dower of any married woman in any conveyance of the real estate of her husband, shall grant a certificate thereof and cause the certificate to be endorsed on the deed, instrument, conveyance, or relinquishment of dower, which certificate shall be signed by the clerk of the court where probate is taken in court or by the officer before whom the probate is taken and sealed, if he has a seal of office.

History. Rev. Stat., ch. 31, § 16; C. & M. Dig., § 1519; Pope's Dig., § 1828; A.S.A. 1947, § 49-206.

16-47-106. Manner of making acknowledgment - Proof of deed or instrument - Proof of identity of grantor or witness.

(a) The acknowledgment of deeds and instruments of writing for the conveyance of real estate, or whereby such real estate is to be affected in law or equity, shall be by the grantor appearing in person before a court or officer having the authority by law to take the acknowledgment and stating that he had executed the deed or instrument for the consideration and purposes therein mentioned and set forth.

(b) When a deed or instrument referred to in subsection (a) of this section is to be proved, it shall be done by one (1) or more of the subscribing witnesses personally appearing before the proper court or officer and stating on oath that he saw the grantor subscribe the deed or instrument of writing or that the grantor acknowledged in his presence that he had subscribed and executed the deed or instrument for the purposes and consideration therein mentioned, and that he had subscribed the deed or instrument as a witness at the request of the grantor.

(c) If any grantor has not acknowledged the execution of a deed or instrument referred to in subsection (a) of this section, and the subscribing witnesses are dead or cannot be had, then the deed or instrument may be proved by the evidence of the handwriting of the grantor and of at least one (1) of the subscribing witnesses, which evidence shall consist of the deposition of two (2) or more disinterested persons, swearing to each signature.

(d) When any grantor in any deed or instrument that conveys real estate, or whereby any real estate may be affected in law or equity, or any witness to any like instrument,

shall present himself before any court or other officer for the purpose of acknowledging or proving the execution of the deed or instrument, if the grantor or witness shall be personally unknown to the court or officer, his identity and his being the person he purports to be on the face of such instrument of writing shall be proven to the court or officer, which proof may be made by witnesses known to the court or officer, or by the affidavit of the grantor or witness if the court or officer shall be satisfied therewith. The proof or affidavit shall also be endorsed on the deed or instrument of writing.

History. Rev. Stat., ch. 31, §§ 17-20; C. & M. Dig., §§ 1520-1523; Pope’s Dig., §§ 1829, 1830, 1832, 1833; A.S.A. 1947, §§ 49-207 - 49-210.

16-47-107. Acknowledgment by corporations.

(a) For all deeds, conveyances, deeds of trust, mortgages, and other instruments in writing affecting or purporting to affect the title of any real estate situated in this state and executed by corporations, the form of acknowledgment shall be as follows:

“State of
County of

On this day, 19. . . . , before me,, a Notary Public, (or before any officer within this State or without the State now qualified under existing law to take acknowledgments), duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named and, (being the person or persons authorized by said corporation to execute such instrument, stating their respective capacities in that behalf), to me personally well known, who stated that they were the and of the, a corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

“IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this day of, 19.

.....
(Notary Public)”

(b) All deeds or instruments affecting or purporting to affect the title to land executed in the above and foregoing form shall be good and sufficient.

History. Acts 1919, No. 45, § 1; C. & M. Dig., § 1526; Pope’s Dig., § 1836; A.S.A. 1947, § 49-212.

16-47-108. Validation of instruments affecting title to property.

All deeds, conveyances, deeds of trust, mortgages, marriage contracts, and other instruments in writing, affecting or purporting to affect the title to any real estate or personal property situated in this state, which have been recorded and which are defective or ineffectual:

- (1) Because of failure to comply with § 18-12-403; or
- (2) Because the officer who certified the acknowledgment or acknowledgments to such instruments omitted any words required by law to be in the certificate or acknowledgments; or
- (3) Because the officer failed or omitted to attach his seal to such certificate; or
- (4) Because the officer attached to any such certificate a seal not bearing the words and devices required by law; or
- (5) Because the officer was a mayor of a city or an incorporated town in the State of Arkansas and as such was not authorized to certify to executions and acknowledgments

to such instruments, or was the deputy of an official duly authorized by law to take acknowledgments but whose deputy was not so authorized; or

(6) Because the notary public failed to state the date of the expiration of his commission on the certificate of acknowledgment, or incorrectly stated it thereon; or

(7) Because the officer incorrectly dated the certificate of acknowledgment or failed to state the county wherein the acknowledgment was taken; or

(8) Because the acknowledgment was certified in any county of the State of Arkansas by any person holding an unexpired commission as notary public under the laws of the state who had, at the time of the certification, ceased to be a resident of the county within and for which he or she was commissioned; shall be as binding and effectual as though the certificate of acknowledgment or proof of execution was in due form, bore the proper seal, and was certified to by a duly authorized officer.

History. Acts 1955, No. 101, § 1; A.S.A. 1947, § 49-213.

16-47-109. Validation of acknowledgments of personnel of armed forces.

All acknowledgments taken before March 20, 1945, and subscribed by officers of the United States armed forces acknowledging the signatures of soldiers in the armed forces are validated in every respect.

History. Acts 1945, No. 263, § 1; A.S.A. 1947, § 49-214.

16-47-110. Recorded deed or written instrument affecting real estate.

(a) Every deed or instrument in writing which conveys or affects real estate and which is acknowledged or proved and certified as prescribed by this act may, together with the certificate of acknowledgment, proof, or relinquishment of dower, be recorded by the recorder of the county where such land to be conveyed or affected thereby is located, and when so recorded may be read in evidence in any court in this state without further proof of execution.

(b) If it appears at any time that any deed or instrument duly acknowledged or proved and recorded as prescribed by this act is lost or not within the power and control of the party wishing to use the deed or instrument, the record thereof or a transcript of the record certified by the recorder may be read in evidence without further proof of execution.

(c) Neither the certificate of acknowledgment nor the probate of any such deed or instrument, nor the record or transcript thereof, shall be conclusive, but it may be rebutted.

History. Rev. Stat., ch. 31, §§ 26-28; C. & M. Dig., §§ 1530-1532; Pope's Dig., §§ 1840-1842; A.S.A. 1947, §§ 28-919 - 28-921.

SUBCHAPTER 2. UNIFORM ACKNOWLEDGMENT ACT.

16-47-201. Acknowledgment of instruments.

Any instrument may be acknowledged in the manner and form provided by the laws of this state, or as provided by this act.

History. Acts 1943, No. 169, § 1; A.S.A. 1947, § 49-101.

16-47-202. Officials authorized to take within the state.

The acknowledgment of any instrument may be made in this state before:

(1) A judge of a court of record or before any former judge of a court of record who served at least four (4) or more years;

(2) A clerk of any court of record;

(3) A commissioner or registrar or recorder of deeds;

- (4) A notary public;
- (5) A justice of the peace; or
- (6) A master in chancery or registrar in chancery.

History. Acts 1943, No. 169, § 2; 1983, No. 850, § 3; A.S.A. 1947, § 49-102.

16-47-203. Officials authorized to take within the United States.

The acknowledgment of any instrument may be without the state but within the United States or a territory or insular possession of the United States and within the jurisdiction of the officer, before:

- (1) A clerk or deputy clerk of any federal court;
- (2) A clerk or deputy clerk of any court of record of any state or other jurisdiction;
- (3) A notary public;
- (4) A commissioner of deeds;
- (5) Any person authorized by the laws of such other jurisdiction to take acknowledgments.

History. Acts 1943, No. 169, § 3; 1957, No. 411, § 1; A.S.A. 1947, § 49-103.

16-47-204. Officials authorized to take without the United States.

The acknowledgment of any instrument may be made without the United States before:

- (1) An ambassador, minister, charge d'affaires, counselor to or secretary of a legation, consul general, consul, vice-consul, commercial attache, or consular agent of the United States accredited to the country where the acknowledgment is made.
- (2) A notary public of the country where the acknowledgment is made.
- (3) A judge or clerk of a court of record of the country where the acknowledgment is made.

History. Acts 1943, No. 169, § 4; A.S.A. 1947, § 49-104.

16-47-205. Proof of identity of person making.

The officer taking the acknowledgment shall know or have satisfactory evidence that the person making the acknowledgment is the person described in and who executed the instrument.

History. Acts 1943, No. 169, § 5; A.S.A. 1947, § 49-105.

16-47-206. Acknowledgment by a married woman.

An acknowledgment by a married woman may be made in the same form as though she were unmarried.

History. Acts 1943, No. 169, § 6; A.S.A. 1947, § 49-106.

16-47-207. Forms of certificates.

An officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in one (1) of the following forms:

“State of
 County of

On this the day of, 19. . . . , before me,, the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

.....
.....
Title of Officer.”

(2) By a Corporation:

“State of
County of

On this the day of, 19...., before me, the undersigned officer, personally appeared, who acknowledged himself to be the of, a corporation, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as

In witness whereof I hereunto set my hand and official seal.

.....
.....
Title of Officer.”

(3) By an Attorney in Fact:

“State of
County of

On this the day of, 19...., before me,, the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be the person whose name is subscribed as attorney in fact for, and acknowledged that he executed the same as the act of his principal for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

.....
.....
Title of Officer.”

(4) By Any Public Officer or Deputy Thereof, or by Any Trustee, Administrator, Guardian, or Executor:

“State of
County of

On this the day of, 19...., before me,, the undersigned officer, personally appeared, of the State (County or City as the case may be) of, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

.....
.....
Title of Officer.”

History. Acts 1943, No. 169, § 7; A.S.A. 1947, § 49-107.

16-47-208. Execution of certificate by officer.

The certificate of the acknowledging officer shall be completed by his signature, his official seal if he has one, the title of his office, and if he is a notary public, the date his commission expires.

History. Acts 1943, No. 169, § 8; A.S.A. 1947, § 49-108.

16-47-209. Authentication of acknowledgments.

(a) If the acknowledgment is taken within this state or is made without this state but in the United States by one (1) of the officers designated in § 16-47-203, or without the United States by an officer of the United States, no authentication shall be necessary.

(b) If the acknowledgment is made without the United States and by a notary public or a judge or clerk of a court of record of the country where the acknowledgment is made, the certificate shall be authenticated by a certificate under the great seal of state of the country, affixed by the custodian of such seal, or by a certificate of a diplomatic, consular, or commercial officer of the United States accredited to that country, certifying as to the official character of such officer.

History. Acts 1943, No. 169, § 9; 1957, No. 411, § 2; 1971, No. 365, § 1; A.S.A. 1947, § 49-109.

16-47-210. Acknowledgments under laws of other states.

Notwithstanding any provision in this act contained, the acknowledgment of any instrument without this state in compliance with the manner and form prescribed by the laws of the place of its execution, if in a state, a territory or insular possession of the United States, or in the District of Columbia, or in the Philippine Islands, verified by the official seal of the officer before whom it is acknowledged, shall have the same effect as an acknowledgment in the manner and form prescribed by the laws of this state for instruments executed within the state.

History. Acts 1943, No. 169, § 10; 1971, No. 365, § 2; A.S.A. 1947, § 49-110.

16-47-211. Validation of unauthenticated writings affecting title to property.

All deeds, conveyances, deeds of trust, mortgages, mineral leases, marriage contracts, and other instruments in writing, affecting or purporting to affect title to any real estate or personal property situated in this state, which have been recorded or executed prior to July 19, 1971, and which may be defective or ineffectual because of the failure to have the authentication formerly required by Acts 1943, No. 169, §§ 9 and 10, prior to these amendments, shall be binding and effectual as though such instruments contained the required authentication.

History. Acts 1971, No. 365, § 3; A.S.A. 1947, § 49-110.1.

16-47-212. Act cumulative.

This act shall be cumulative to other acts of the General Assembly relating to acknowledgments.

History. Acts 1971, No. 365, § 4; A.S.A. 1947, § 49-110.2.

16-47-213. Acknowledgments by persons serving in or with the armed forces of the United States within or without the United States.

In addition to the acknowledgment of instruments in the manner and form and as otherwise authorized by this act, persons serving in or with the armed forces of the United States or their dependents may acknowledge the same wherever located before any commissioned officer in active service of the armed forces of the United States with the rank of second lieutenant or higher in the Army, Air Force or Marine Corps, or ensign or higher in the Navy or United States Coast Guard. The instrument shall not be rendered invalid by the failure to

state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment shall be required but the officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in the following form:

“On this day of, 19 ..., before me,, the undersigned officer, personally appeared (Serial No.) known to me or satisfactorily proven to be (serving in or with the armed forces of the United States) (a dependent of, (Serial No.) a person serving in or with the armed forces of the United States) and to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained. And the undersigned does further certify that he 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 the Officer

.....
Rank and Serial No. of Officer and Command to which attached.”

History. Acts 1943, No. 169, § 11; 1961, No. 16, § 1; A.S.A. 1947, § 49-111.

16-47-214. Acknowledgments previously taken unaffected.

No acknowledgment heretofore taken shall be affected by anything contained in this act.

History. Acts 1943, No. 169, § 12; A.S.A. 1947, § 49-112.

16-47-215. Uniformity of interpretation.

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

History. Acts 1943, No. 169, § 13; A.S.A. 1947, § 49-113.

16-47-216. Title of act.

This act may be cited as the “Uniform Acknowledgment Act”.

History. Acts 1943, No. 169, § 14; A.S.A. 1947, § 49-114.

16-47-217. Validation of prior acknowledgments - Construction of uniform act.

It is the intent and purpose of this section that all acknowledgments taken subsequent to Acts 1957, No. 411 either in accordance with the Uniform Acknowledgment Act or in accordance with the laws of this state in effect at the time of adoption of the Uniform Acknowledgment Act be cured and validated for all purposes; and that neither Acts 1957, No. 411 nor the Uniform Acknowledgment Act to which it is amendatory shall be construed to repeal or modify any laws relative to the taking of acknowledgments and the authentication thereof which were in effect in this state at the time of adoption of the Uniform Acknowledgment Act, but that the Uniform Acknowledgment Act shall be deemed to provide an alternative system for taking and authenticating acknowledgments.

History. Acts 1959, No. 127, § 2; A.S.A. 1947, § 49-115.

16-47-218. Validation of acknowledgments - Construction of acts.

All acknowledgments taken subsequent to Acts 1959, No. 127 either in accordance with the Uniform Acknowledgment Act or in accordance with the laws of this state in effect at the time of adoption of the Uniform Acknowledgment Act are cured and validated for all purposes; and neither Acts 1959, No. 127 nor the Uniform Acknowledgment Act shall be construed to repeal or modify any laws relative to the taking of acknowledgments and the authentication thereof which were in effect in this state at the time of adoption of the

Uniform Acknowledgment Act, but that the Uniform Acknowledgment Act shall be deemed to provide an alternative system for taking and authenticating acknowledgments.
History. Acts 1971, No. 352, § 1; A.S.A. 1947, § 49-115.1.

TITLE 4. BUSINESS AND COMMERCIAL LAW
SUBTITLE 7. CONSUMER PROTECTION
CHAPTER 109. USE OF “NOTARIO” AND SIMILAR TERMS.

4-109-101. Definitions.

As used in this chapter:

- (1) “Notary public” means a person duly appointed or commissioned under § 21-14-101;
- (2) “Person” means an individual, organization, association, partnership, limited liability company, or corporation, or any combination of them; and
- (3) “Practice of law” means:
 - (A) Holding out to the public as being entitled to practice law;
 - (B) Tendering or furnishing legal services or advice;
 - (C) Furnishing attorneys or counsel;
 - (D) Rendering legal services of any kind in actions or proceedings of any nature or in any other way or manner;
 - (E) Acting or in any other manner assuming to be entitled to practice law; or
 - (F) Advertising or assuming the title of lawyer or attorney, attorney at law, or equivalent terms in any language in such manner as to convey the impression that one is entitled to practice law or to furnish legal advice, service, or counsel.

History. Acts 2005, No. 66, § 1

4-109-102. Prohibited acts and practices.

It is a violation of this chapter for any person to advertise his or her services using the term “notario”, “notario publico”, or any similar term unless the person is a notary public as defined in this subchapter, and the person complies with the notice requirements in § 4-109-103.

History. Acts 2005, No. 66, § 1

4-109-103. Notice required.

(a) Any notary public who chooses to use the term “notario”, “notario publico”, or any similar term in any advertisement shall include in the advertisement the following notice: “I AM NOT A LICENSED ATTORNEY AND CANNOT ENGAGE IN THE PRACTICE OF LAW. I AM NOT A REPRESENTATIVE OF ANY GOVERNMENTAL AGENCY WITH AUTHORITY OVER IMMIGRATION OR CITIZENSHIP AND I CANNOT OFFER LEGAL ADVICE OR OTHER ASSISTANCE REGARDING IMMIGRATION.”

(b) The notice shall be provided in both English and Spanish.

History. Acts 2005, No. 66, § 1

4-109-104. Exceptions.

This chapter does not apply to an attorney licensed in this state.

History. Acts 2005, No. 66, § 1

4-109-105. Enforcement.

A violation of this chapter is an unconscionable or deceptive act or practice under §§ 4-88-101 — 4-88-115.

History. Acts 2005, No. 66, § 1