

## OKLAHOMA STATUTES

### TITLE 49. NOTARIES PUBLIC

#### **§ 49-1. Appointment.**

The Secretary of State shall appoint and commission in this state notaries public, who shall hold their office for four (4) years. An applicant for a notary commission shall be eighteen (18) years of age or older, a citizen of the United States, and employed within this state or a legal resident of this state. All notary commissions shall run in the name and by the authority of the State of Oklahoma, be signed by the Secretary of State, and sealed with the Great Seal of the State of Oklahoma. Commissions shall not be attested. Any person filing an application for a new notary commission shall pay Twenty-five Dollars (\$25.00) to the Secretary of State with the application. Any person filing an application for a renewal of a notary commission shall pay Twenty Dollars (\$20.00) to the Secretary of State with the application. These funds shall be deposited in the Revolving Fund created for the Secretary of State pursuant to the provisions of Section 276.1[62-276.1] of Title 62 of the Oklahoma Statutes.

#### Historical Data

R.L. 1910, § 4240; Laws 1929, c. 255, p. 363, § 2; Laws 1975, c.165, § 1, emerg. eff. May 20, 1975; Laws 1978, c. 91, § 1, eff. July 1, 1978; Laws 1984, c. 1, § 83, emerg. eff. Jan. 30, 1984; Laws 1986, c. 157, § 5, emerg. eff. May 9, 1986; Laws 1990, c. 264, § 91, operative July 1, 1990; Amended by Laws 1997, c. 77, § 1, eff. November 01, 1997. This section has been amended by ENROLLED HOUSE BILL NO. 1971 of 2002

#### **§ 49-1.1. Notary Commission Application.**

The application for a notary commission shall set forth:

1. The printed name of the applicant;
2. Former names, if applicable;
3. If a resident of this state, the county of residence and street address;
4. If a resident of another state, the county and street address of employment in Oklahoma and residence address;
5. A statement that the applicant is at least eighteen (18) years of age;
6. A designation of new, renewal or expired commission including an expiration date if applicable; and
7. Signature of the applicant.

#### Historical Data

Added by Laws 2001, SB 662, c. 406 § 15, emerg. eff. June 4, 2001.

#### **§ 49-2. Oath, Signature, Bond and Seal — Fees — Revocation of Application.**

A. Before entering upon the duties of his or her office every notary public so appointed and commissioned shall file in the office of the Secretary of State, the notary's oath of office, the notary's loyalty oath, the notary's official signature, an impression of the notary's official seal, and a good and sufficient bond to the State of Oklahoma, in the sum of One Thousand Dollars (\$1,000.00), to be approved by the Secretary of State, conditioned for the faithful performance of the duties of the notary's office. The bond shall be signed by:

1. An insurance agent licensed by the State of Oklahoma;
2. An attorney-in-fact on behalf of an insurance company with a power of attorney attached; or
3. One or more individual sureties who are property owners in the county of residence

of the notary, or if a nonresident, the county of employment of the notary. The bond shall be issued for a term of four (4) years commencing on the commission's effective date and terminating on its expiration date.

B. Upon the filing of his or her bond with the Secretary of State, every notary public shall pay to the Secretary of State Ten Dollars (\$10.00) to be deposited to the credit of the Revolving Fund for the Office of the Secretary of State.

C. Upon the receipt of a final judgment against an Oklahoma notary public for performing a false or fraudulent notarial act from an Oklahoma District Court or its equivalent from a foreign jurisdiction, the Secretary of State shall revoke the appointment of said notary and notify the clerk of the district court of the county in which the notary resides of said revocation.

Historical Data

R.L. 1910, § 4241; Laws 1929, c. 255, p. 363, § 3; Laws 1943, p. 123, § 1; Laws 1959, p. 211, § 1; Laws 1975, c. 293, § 6, eff. Oct. 1, 1975; Laws 1978, c. 91, § 2, eff. July 1, 1978; Laws 1979, c. 21, § 1, eff. July 1, 1979; Amended by Laws 1997, c. 77, § 2, eff. November 01, 1997; Amended by Laws 2001, SB 662, c. 406 § 16, emerg. eff. June 4, 2001.

## **§ 2.1. Repealed by Laws 1978, c 212, § 17, eff. April 19, 1978**

### **§ 3. Blanks for bond and oath**

Blanks for bonds and oath of office shall be furnished with the commission by the Secretary of State.

R.L. 1910, § 4242.

### **§ 5. Official Seal — Types of Seals — Authentication of Documents — Penalties — Fees.**

Every notary shall obtain a notarial seal containing the words "State of Oklahoma" and "Notary Public". This seal may be either a metal seal which leaves an embossed impression or a rubber stamp used in conjunction with a stamp pad and ink. Each notary shall authenticate all official acts, attestations and instruments with this seal; and shall add to the notary's official signature the date of expiration of his or her commission as such notary public. If a rubber stamp is used, this date may be a part of the stamp. If any notary public shall neglect or refuse to attach to the notary's official signature the date of expiration of the notary's commission, the notary shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding Fifty Dollars (\$50.00). The maximum fee a notary may charge and collect for each notarial act is Five Dollars (\$5.00).

Historical Data

R.L. 1910, § 4244; Laws 1978, c. 91, § 3, eff. July 1, 1978; Laws 1982, c. 15, § 1, operative Oct. 1, 1982; Amended by Laws 1997, c. 77, § 3, eff. November 01, 1997; Amended by Laws 2001, SB 662, c. 406 § 17, emerg. eff. June 4, 2001. : This section has been amended by ENROLLED HOUSE BILL NO. 1971 of 2002

### **§ 6. Authority of notary**

Notaries public shall have authority within any county in this state to make the proof and acknowledgment of deeds and other instruments of writing required to be proved or acknowledged; to administer oaths; to demand acceptance or payment of foreign or inland bills of exchange and promissory notes, and protest the same for nonacceptance or nonpayment, as the same may require, and to exercise such other powers and duties as by law of nations and commercial usage may be performed by notaries public. A notary may

not notarize his own signature.

R.L. 1910, § 4245. Laws 1971, c. 48, § 1, eff. March 30, 1971; Laws 1975, c. 165, § 2, eff. May 20, 1975.

#### **§ 7. Record of protests**

In cases of protests for banks, notaries shall keep a register thereof in a book provided for that purpose by the bank, and the notary shall not be required to deliver such register to the county clerk, but shall leave the same in the possession of such bank.

R.L. 1910, § 4246.

#### **§ 8.-§ 9. Repealed.**

#### **§ 10. Statute of limitations.**

No suit shall be instituted against any such notary or his securities more than three (3) years after the cause of action accrues.

R.L. 1910, § 4249.

### **UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT**

#### **§§ 101 to 109. Repealed by Laws 1985, c. 131, § 12, eff. Nov. 1, 1985**

### **UNIFORM LAW ON NOTARIAL ACTS**

#### **§ 111. Short title**

Sections 1 through 11 of this act shall be known and may be cited as the Uniform Law on Notarial Acts.

Laws 1985, c. 131, § 1, eff. Nov. 1, 1985.

#### **§ 112. Definitions.** As used in the Uniform Law on Notarial Acts

1. "Notarial act" means any act that a notary public of this state is authorized to perform, and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

2. "Acknowledgment" means a declaration by a person that the person has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.

3. "Verification upon oath or affirmation" means a declaration that a statement is true made by a person upon oath or affirmation.

4. "In a representative capacity" means:

A. For and on behalf of a corporation, partnership, trust, or other entity, as an authorized officer, agent, partner, trustee or other representative;

B. as a public officer, personal representative, guardian or other representative, in the capacity recited in the instrument;

C. as an attorney in fact for a principal; or

D. in any other capacity as an authorized representative of another.

5. "Notarial officer" means a notary public or other officer authorized to perform notarial acts.

Laws 1985, c. 131, § 2, eff. Nov. 1, 1985.

**§ 113. Taking acknowledgment or verification — Witnessing or attesting signature — Certifying or attesting copies — Making or noting protest — Evidence of true signature**

A. In taking an acknowledgment, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.

B. In taking a verification upon oath or affirmation, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

C. In witnessing or attesting a signature, the notarial officer must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named in the instrument.

D. In certifying or attesting a copy of a document or other item, the notarial officer must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied.

E. In making or noting a protest of a negotiable instrument the notarial officer must determine the matters set forth in Section 3-509 of the Uniform Commercial Code.

F. A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person is (1) personally known to the notarial officer, (2) identified upon the oath or affirmation of a credible witness personally known to the notarial officer or (3) identified on the basis of identification documents.

Laws 1985, c. 131, § 3. eff. Nov. 1, 1985.

**§ 114. Person who may perform notarial acts — Federal acts — Genuineness of signature**

A. A notarial act may be performed within this state by the following persons:

1. a notary public of this state;
2. a judge, secretary-bailiff of a judge, clerk, or deputy clerk of any court of this state,

or

3. all judge advocates, staff judge advocates, assistant judge advocates and all legal officers of the state military forces in performance of their official duties for military personnel and their dependents; or

4. any other person authorized to perform the specific act by the law of this state.

B. Notarial acts performed within this state under federal authority have the same effect as if performed by a notarial officer of this state.

C. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

Laws 1985, c. 131, § 4. eff. Nov. 1, 1985. Amended by Laws 1990, c. 78, § 1 eff. Sept. 1, 1990; Laws 1992, c. 89, § 1, eff. Sept. 1, 1992.

**§ 115. Notarial acts performed in another state, commonwealth, territory, district, or possession of the United States**

A. A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district or possession of the United States by any of the following persons:

1. a notary public of that jurisdiction; or
2. a judge, clerk or deputy clerk of a court of that jurisdiction; or

3. all judge advocates, staff judge advocates, assistant judge advocates and all legal officers of the state military forces; or
  4. any other person authorized by the law of that jurisdiction to perform notarial acts.
- B. Notarial acts performed in other jurisdictions of the United States under federal authority have the same effect as if performed by a notarial officer of this state.
- C. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.
- D. The signature and indicated title of an officer listed in this section conclusively establish the authority of a holder of that title to perform a notarial act.
- Laws 1985, c. 131, § 5. eff. Nov. 1, 1985. Amended by Laws 1990, c. 78, § 2, eff. Sept. 1, 1990.

#### **§ 116. Notarial acts performed by certain federal officers**

- A. A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:
1. a judge, clerk or deputy clerk of a court;
  2. a commissioned officer on active duty in the military service of the United States;
  3. an officer of the foreign service or consular officer of the United States; or
  4. any other person authorized by federal law to perform notarial acts.
- B. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.
- C. the signature and indicated title of an officer listed in this section conclusively establish the authority of a holder of that title to perform a notarial act.
- Laws 1985, c. 131, § 6. eff. Nov. 1, 1985.

#### **§ 117. Notarial acts performed by officer of foreign nation or multinational or international organization**

- A. A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by any of the following persons:
1. a notary public or notary;
  2. a judge, clerk or deputy clerk of a court of record; or
  3. any other person authorized by the law of that jurisdiction to perform notarial acts.
- B. An “Apostille” in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.
- C. A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.
- D. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.
- E. An official stamp or seal of an officer listed in this section is prima facie evidence that a person with the indicated title has authority to perform notarial acts.
- F. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is

conclusively established.  
Laws 1985, c. 131, § 7. eff. Nov. 1, 1985.

**§ 118. Certificate of notarial act**

A. A notarial act must be evidenced by a certificate signed and dated by a notarial officer. The certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of office. If the officer is a notary public, the certificate must also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the rank of the officer.

B. A certificate of a notarial act is sufficient if it meets the requirements of subsection A of this section and it:

1. is in the short form set forth in section 9 of this act;
2. is in a form otherwise prescribed by the law of this state;
3. is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or
4. sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

C. By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by Section 3 of this act.

Laws 1985, c. 131, § 8. eff. Nov. 1, 1985.

**§ 119. Short form certificates of notarial acts**

A. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by subsection A of Section 8 of this act:

1. For an acknowledgment in an individual capacity;

State of .....  
County of .....

This instrument was acknowledged before me on ....(date) by ..... (name(s) of person(s)).

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:

2. For an acknowledgment in a representative capacity:

State of .....  
County of .....

This instrument was acknowledged before me on .... (date) by ..... (name(s) of person(s)) as ..... (type of authority, e.g., officer, trustee, etc.) of .....

(name of party on behalf of whom the instrument was executed).

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

3. For a verification upon oath or affirmation:

State of .....  
County of .....

Signed and sworn to (or affirmed) before me on.... (date) by ..... (name(s) of person(s) making statement).

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

4. For witnessing or attesting a signature:

State of .....  
County of .....

Signed or attested before me on .....(date) by .....(name(s) of person(s)).

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:  
.....

5. For attestation of a copy of a document:

State of .....  
County of .....

I certify that this is a true and correct copy of a document in the possession of

.....  
Dated: .....

.....  
(Signature of notarial officer)

(Seal, if any)

.....  
Title (and Rank)  
My commission expires:

Laws 1985, c. 131, § 9. eff. Nov. 1, 1985.

**§ 120. Construction and application of act**

A notarial act performed prior to November 1, 1985 is not affected by the provisions of the Uniform Law on Notarial Acts. The Uniform Law on Notarial Acts provides an additional method of providing notarial acts. Nothing in the Uniform Law on Notarial Acts diminishes or invalidates the recognition to notarial acts by other laws or regulations of this state.

Laws 1985, c. 131, § 10. eff. Nov. 1, 1985.

**§ 121. Interpretation of act**

The Uniform Law on Notarial Acts This act shall be so interpreted as to make uniform the laws of those states which enact it.

Laws 1985, c. 131, § 11. eff. Nov. 1, 1985.

**TITLE 16. CONVEYANCES**

**§ 16-2. Witness Not Necessary.**

No subscribing witness shall be necessary to the validity of any deed, mortgage, contract, lease, bond, or other instrument conveying, affecting or relating to real estate.

**§ 16-3. Attorney-in-Fact.**

Any instrument affecting real estate may be made by an attorney-in-fact, duly appointed and empowered as hereinafter provided.

**§16-4. Necessity of Writing and Signing — Veterans' Loans — Homestead — Joinder of Husband and Wife — Effect of Record for 10 Years.**

A. No deed, mortgage, or conveyance of real estate or any interest in real estate, other than a lease for a period not to exceed one (1) year, shall be valid unless in writing and subscribed by the grantors. No deed, mortgage, or contract affecting the homestead exempt by law, except a lease for a period not exceeding one (1) year, shall be valid unless in writing and subscribed by both husband and wife, if both are living and not divorced, or legally separated, except as otherwise provided for by law.

B. Unless specifically restricted, an attorney-in-fact may execute a valid deed, mortgage or contract affecting the homestead exempt by law including the principal's personal homestead rights on behalf of:

1. A husband;
2. A wife; or
3. A husband and wife.

C. In order for the execution of an instrument affecting the exempt homestead by an attorney-in-fact to be valid, the power of attorney authorizing execution of a deed, mortgage, or contract affecting the homestead exempt by law shall be recorded with the county clerk of the counties in which the affected property is located.

D. Nonjoinder of the spouse shall not invalidate the purchase of a home with mortgage loan insurance furnished by the Veteran's Administration or written contracts and real estate mortgages executed by the spouse of a person who is certified by the United States Department of Defense to be a prisoner of war or missing in action. A deed affecting the homestead shall be valid without the signature of the spouse of the grantor, and the spouse shall be deemed to have consented thereto, when said deed has been

recorded in the office of the county clerk of the county in which the real estate is located for a period of ten (10) years prior to a date six (6) months after May 25, 1953, and thereafter when the same shall have been so recorded for a period of ten (10) years, and no action shall have been instituted within said time in any court of record having jurisdiction seeking to cancel, avoid, or invalidate such deed by reason of the alleged homestead character of the real estate at the time of such conveyance.

**§ 16-5. Validation of conveyances.**

All deeds, mortgages and contracts relating to real estate or any interest therein executed since the taking effect of Chapter 8, of the Session Laws of Oklahoma, 1897, executed in accordance with the provisions of the preceding section<sup>[fn1]</sup> are hereby declared to be legal and valid.

**§ 16-6. When husband or wife may convey homestead.**

Where the title to the homestead is in the husband, and the wife voluntarily abandons him for a period of one (1) year or from any cause takes up her residence out of the state, he may convey, mortgage or make any contract relating thereto without being joined therein by her; and where the title to the homestead is in the wife and the husband voluntarily abandons her, or from any cause takes up his residence out of the state for a period of one (1) year she may convey, mortgage or make any contract relating thereto without being joined therein by him.

**§ 16-7. Husband or Wife of Incapacitated Spouse May Sell, Convey, Lease or Mortgage Homestead Held in Joint Tenancy.**

In case of a homestead held in joint tenancy, if one spouse becomes incapacitated, upon application of the other spouse to the district court of the county in which the homestead is located, and upon due proof of said incapacity, the court may issue an order permitting said other spouse to sell, convey, lease, lease for oil and gas mining purposes, or mortgage the homestead. For purposes of this section and Sections 3 and 4 of this act “incapacitated” or “incapacity” means impairment due to mental illness, mental deficiency, physical illness or disability, to the extent the individual lacks sufficient understanding or capacity to make or communicate responsible decisions.

**§ 16-8. Verified Petition to be Filed.**

The applicant shall present and file in the district court a verified petition setting forth the name and age of the incapacitated spouse, a description of the homestead, the county in which the homestead is located, and such other facts relating to the circumstances and needs of the applicant and his family that may support the petition.

**§ 16-15. Necessity of Acknowledgment and Recording — Condition for judgment lien to be binding against third persons.**

Except as hereinafter provided, no acknowledgment or recording shall be necessary to the validity of any deed, mortgage, or contract relating to real estate as between the parties thereto; but no deed, mortgage, contract, bond, lease, or other instrument relating to real estate other than a lease for a period not exceeding one (1) year and accompanied by actual possession, shall be valid as against third persons unless acknowledged and recorded as herein provided. No judgment lien shall be binding against third persons unless the judgment lienholder has filed his judgment in the office of the county clerk as provided by

and in accordance with Section 706[12-706] of Title 12 of the Oklahoma Statutes.

**§ 16-20. Power of Attorney — Execution — Recording.**

A power of attorney in fact for the conveyance of real estate or any interest therein, or for the execution or release of any mortgage therefor, shall be executed, acknowledged and recorded in the manner required by this chapter<sup>[fn1]</sup> for the execution, acknowledgment and recording of deeds and mortgages, and shall be recorded in the county where the land is situated, and no deed, mortgage or release of a mortgage executed by an attorney in fact shall be received for record or recorded until the power under which the same is executed has been duly filed for record in the same office; and the recording of any deed, mortgage or release of mortgage shall be of no effect for any purpose until the power under which it is executed has been duly filed for record in the same office. Provided that any power of attorney promulgated by any agency of the Government of the United States shall be deemed sufficiently recorded for purposes of this section if the promulgation thereof shall have been published in the Federal Registry of the Government of the United States and any instrument executed pursuant to said power of attorney recites the specific reference to said publication.

**§ 16-21. Revocation of Power of Attorney.**

No instrument containing a power of attorney for the conveyance, mortgage, or lease of any estate or interest in real property which has been recorded, is to be deemed revoked as to third parties by any act of the person by whom it was executed, unless the instrument containing such revocation is also recorded in the same office in which the instrument containing the power of attorney was recorded.

**§ 16-26. Acknowledgment before Recording.**

No deed, mortgage or other instrument affecting the real estate shall be received for record or recorded unless executed and acknowledged in substantial compliance with this chapter<sup>[fn1]</sup>; and the recording of any such instrument not so executed and acknowledged shall not be effective for any purpose.

**§ 16-27a. Instruments recorded for five (5) years valid notwithstanding defects — Evidence.**

A. When any instrument shall have been recorded in the office of the county clerk in the proper county for the period of five (5) years, and the instrument contains any of the following defects:

1. It has not been signed by the proper representative of a legal entity;
2. The representative is not authorized to execute the instrument on behalf of the legal entity;
3. A power of attorney has not been filed of record for an attorney in fact executing the instrument;
4. The seal of the legal entity has not been impressed on such instrument or the record does not show such seal;
5. The instrument is not acknowledged;
6. A deed or conveyance does not bear endorsement of approval by the appropriate governmental planning authority having jurisdiction; or
7. Any defect in the execution, acknowledgment, recording or certificate of recording the same, such instrument shall, from and after the expiration of five (5) years from the



court, clerk of the county court, or county judge; and when taken elsewhere in the United States, or United States possessions, or Canada (including Newfoundland), it may be taken before any notary public, clerk of a court of record, or commissioner of deeds duly appointed by the Governor of the state for the county, state or territory where the same is taken; and when taken in any other foreign country, it may be taken before any court of record or clerk of such court, or before any Consul of the United States, provided, that acknowledgments relating to military business of the state may be taken before an officer in charge of any summary Court-Martial appointed under the provisions of Section 157, Title 44, Oklahoma Statutes, 1941, a certified copy of whose appointment is placed of record in the office of the Secretary of State by the Adjutant General.

**§ 16-36. Legalizing acknowledgments heretofore taken.**

In all cases where heretofore any county judge, register of deeds, United States commissioner, or United States court commissioner has taken acknowledgment of deeds or other conveyances of real estate in their respective counties, that the same be and are hereby legalized and made valid and binding; and such action shall have the same force and effect as if taken before some officer heretofore empowered by the statute to take acknowledgments.

**§ 16-37. Foreign Acknowledgments Legalized.**

All deeds, mortgages, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements, or hereditaments situated within this state, heretofore executed and acknowledged or proved in any state, territory, District of Columbia or country in conformity with the law of such state, territory, District of Columbia or country, shall be as valid as if executed within this state in conformity with the provisions of the laws of this state. Provided this act<sup>[fn1]</sup> shall not validate any acknowledgements fraudulently obtained.

<sup>[fn1]</sup> This section.

**§ 16-37a. Foreign acknowledgments validated.**

All deeds, mortgages, releases, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements, or hereditaments situated within this state, heretofore executed and acknowledged or proved in any state, territory, District of Columbia or foreign country in conformity with the law of such state, territory, District of Columbia or foreign country, shall be as valid as to execution and acknowledgment thereof, only, as if executed and acknowledged within this state in conformity with the provisions of the laws of this state. Provided this act<sup>[fn1]</sup> shall not validate any execution or acknowledgment fraudulently obtained.

<sup>[fn1]</sup> This section.

**§ 16-37b. Foreign Execution and Acknowledgments Validated —Exceptions.**

All deeds, mortgages, releases, oil and gas leases, powers of attorney and other instruments of writing for the conveyance or encumbrance of any lands, tenements or hereditaments situated within this state, now of record or hereafter recorded which are executed and acknowledged or proved in any state, territory, District of Columbia or foreign country, in conformity with the law of such state, territory, District of Columbia or foreign country, or in conformity with the Federal Statutes, shall be as valid as to execution and acknowledgment thereof, only, as if executed and acknowledged within this state in conformity with the provisions of the laws of this state. Provided this act shall not

validate any deed, mortgage, releases, oil and gas leases, powers of attorney, and other instruments of writing for the conveyance of any lands, tenements, or hereditaments, the validity of which is in litigation upon the effective date of this act<sup>[fn1]</sup>. Provided this act shall not validate any execution or acknowledgment fraudulently obtained.

[fn1] This section.

**§ 16-38. Acknowledgments before Deputy Clerk of District Court validated.**

In all cases where heretofore any deputy clerk of the district court has taken acknowledgments of deeds, or other conveyances of real estate, in their respective counties, the same are hereby legalized and made binding, and such action shall have the same force and effect as if taken before some officer heretofore empowered by the statute to take acknowledgments.

**§ 16-39a. Record of deeds, mortgages, etc., where acknowledgment defective - Validation.**

All deeds, mortgages, conveyances, or other instruments affecting the title to real property in the state, the acknowledgment of which was taken and certificate of acknowledgment executed by a Justice of the Peace of the county wherein such real property is situated, and/or where any notarial acknowledgment was taken before a notary public of any county in this state or of any other state where the certificate of acknowledgment is defective in form, and where any such instrument has actually been filed and recorded or copied into the permanent volumes of public title records in the office of the county clerk of the county in which said property is situated for a period of five or more years and has not been canceled of record, the recording of any such instrument is and shall be and become a valid public record in all respects and for all purposes as fully as if the same had been originally acknowledged before and certificate executed by an authorized officer and in the manner and form required by law at the time of the execution thereof.

**TITLE 6. BANKS AND TRUST COMPANIES  
CHAPTER 1. OKLAHOMA BANKING CODE  
ARTICLE IX. DEPOSITS AND COLLECTIONS —  
NOTARY PUBLIC — PROTESTS.**

**§ 6-904. Stockholder, director, officer or employee of bank as notary public — Administration of oaths — Protests — Notary fee.**

It shall be lawful for any notary public who is a stockholder, director, officer or employee of a bank to take the acknowledgment of any party to any written instrument executed to or by such bank, or to administer an oath to any other stockholder, director, officer, employee or agent of such bank, 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 such bank. It shall be unlawful for any notary public to take the acknowledgment of an instrument executed by or to a bank of which the notary public is a stockholder, director, officer or employee, where such notary is a party to such instrument, either individually or as a representative of such bank, or to protest any negotiable instrument owned or held for collection by such bank where such notary is individually a party to such instrument. Nothing contained in this section shall be construed to prohibit or limit the charging of a notary fee by the notary public who is a

stockholder, director, officer, or employee of a bank.

**TITLE 21. CRIMES AND PUNISHMENTS**  
**PART VII. CRIMES AGAINST PROPERTY**  
**CHAPTER 61. FALSE PRETENSES, FALSE PERSONATIONS,**  
**CHEATS AND FRAUDS**  
**FRAUDS IN GENERAL**

**§21-1524. Falsely holding out as notary or performing notarial act — Penalty.**

A. No person in this state shall hold himself out as a notary public, attach his signature as a notary public, use a notary public seal, or perform any notarial act unless he is authorized pursuant to the provisions of Section 114 of Title 49 of the Oklahoma Statutes to perform such acts.

B. Any person convicted of knowingly and willfully violating any of the provisions of this section shall be guilty of a misdemeanor.