

TENNESSEE CODE

**TITLE 8. PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 16. NOTARIES PUBLIC
PART 1 QUALIFICATIONS**

8-16-101. Election - Residency requirement - Eligibility.

(a) There shall be elected by the members of the county legislative body as many notaries public as they may deem necessary. In addition to any other requirement imposed by law, a person must be a United States citizen or a legal permanent resident in order to hold the office of notary public. At the time of their election, all notaries must be residents of the county, or have their principal place of business in the county, from which they were elected. If an individual's principal place of business is in any county in the state of Tennessee, the individual is eligible for election as a notary in that county, although the individual may reside in a state other than Tennessee.

(b) Nothing contained within the provisions of § 5-5-102(c)(2), or any other law, shall be construed to prohibit a member of a county legislative body from also serving as a notary public; provided, that such member complies with the requirements established within this part.

(c) In addition to any other eligibility requirements, each person applying for election as a notary public shall certify under penalty of perjury that such person:

(1) Has never been removed from the office of notary public for official misconduct;

(2) Has never had a notarial commission revoked or suspended by this or any other state; and

(3) Has never been found by a court of this state or any other state to have engaged in the unauthorized practice of law.

[Code 1858, § 1792 (deriv. Acts 1835-1836, ch. 11, § 1; 1851-1852, ch. 331, § 2; 1853-1854, ch. 139, § 1); Acts 1881, ch. 64, § 1; Shan., § 3194; mod. Code 1932, § 5892; Acts 1971, ch. 142, § 1; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 8-1601; Acts 1989, ch. 334, § 1; 1993, ch. 418, § 3; 2004, ch. 854, §§ 1, 2; 2008, ch. 834, § 1.]

8-16-102. Commission.

All notaries shall be commissioned by the governor.

[Code 1858, § 1793 (deriv. Acts 1835-1836, ch. 11, § 4); Shan., § 3195; Code 1932, § 5893; T.C.A. (orig. ed.), § 8-1602.]

8-16-103. Term of office.

The term of office of notaries public shall be four (4) years, such term to begin on the date of the issuance of their commissions by the governor.

[Acts 1925, ch. 79, § 1; Shan. Supp., § 3195a1; Code 1932, § 5894; T.C.A. (orig. ed.), § 8-1603.]

8-16-104. Surety bond.

(a) Every notary public, before entering upon the duties of office, shall give bond executed by some surety company authorized to do business in Tennessee as surety, or with two (2) or more good sureties, approved by the county legislative body, in the penalty of ten thousand dollars (\$10,000), payable to the state of Tennessee, conditioned for the faithful discharge of the notary's duties. The bond shall be filed in the office of the county clerk in the county where elected.

(b) [Deleted by 2004 amendment.]

[Code 1858, § 1794 (deriv. Acts 1817, ch. 77, § 2; 1835-1836, ch. 11, § 2); Shan., § 3198, Code 1932, § 5898; Acts 1977, ch. 270, § 9; 1978, ch. 619, § 1; 1978, ch. 689, § 4; impl. am. Acts 1978, ch. 934, §§ 7, 22, 36; T.C.A. (orig. ed.), § 8-1604; Acts 1984, ch. 883, §§ 1, 2; 1993, ch. 57, § 3; 2004, ch. 854, § 3; 2007 ch. 254, § 1.

8-16-105. Oath of office.

A notary public shall also take and subscribe, before the county clerk or the clerk's deputy within the notary public's county, an oath to support the constitutions of this state and of the United States, and an oath that the notary will, without favor or partiality, honestly, faithfully, and diligently discharge the duties of notary public.

[Code 1858, § 1795 (deriv. Acts 1835-1836, ch. 11, § 2); Acts 1911, ch. 59, §§ 1, 2; Shan., § 3199; Code 1932, § 5899; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A. (orig. ed.), § 8-1605.]

8-16-106. Payment of fee - Issuance of commission.

It is the duty of any person elected a notary public, who desires to qualify for such office, to pay to the county clerk of the county in which the notary resides or has principal place of business and was elected, the fee required to be paid into the office of the secretary of state for the issuance of a commission to a notary public. Thereupon, it is the duty of the county clerk to certify the notary's election to the secretary of state and forward to the latter the fee. It is the duty of the secretary of state, upon receipt of the certificate and fee, to forward such commission to the county clerk, when the same has been issued by the governor, and the county clerk shall promptly notify the person to whom such commission is issued that the same has been received in the clerk's office. The county clerk shall be entitled to a fee of seven dollars (\$7.00), due with payment of the fee to the secretary of state, for the services performed according to this section.

[Acts 1925, ch. 79, § 2; Shan. Supp., § 3195a2; Code 1932, § 5895; Acts 1971, ch. 142, § 2; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A. (orig. ed.), § 8-1606; Acts 1986, ch. 614, § 1.]

8-16-107. Delivery of commission - Clerk's record.

The county clerk shall not deliver the commission until the person elected has taken the oath and executed the bond, as required. The county clerk shall make a record of the date of the issuance and the expiration of the commission, noting the same on the bond executed by the notary public and also in the minute entry showing the notary's qualification as such notary public.

[Acts 1925, ch. 79, § 3; Shan. Supp., § 3199a1; mod. Code 1932, § 5900; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A. (orig. ed.), § 8-1607.]

8-16-108. [Repealed.]

8-16-109. Relocation of notary's residence or principal place of business to another county.

If a notary public's surname changes, or if a notary public moves such notary's residence or principal place of business out of the county from which the notary was elected and commissioned to another county in Tennessee, the notary shall notify the county clerk of the county from which the notary was elected and commissioned and shall pay to such county clerk a fee of seven dollars (\$7.00). The county clerk shall thereupon notify the secretary of state of the change of address or name change and forward to the secretary of state two dollars (\$2.00) of the seven dollar (\$7.00) fee received from the notary. [Acts 1935, ch. 193, § 1; mod. C. Supp. 1950, §

5904.1; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A. (orig. ed.), § 8-1609; Acts 1986, ch. 614, § 2; 2004, ch. 854, § 4; 2007, ch. 250 § 1.]

8-16-110. Relocation of notary's residence or principal place of business to another state - Surrender of commission.

If a notary public moves such notary's residence or principal place of business out of the state of Tennessee, such notary is no longer qualified to act as a Tennessee notary public and shall surrender such notary's commission. It is an offense for any person who has been commissioned as a Tennessee notary public to take acknowledgements or otherwise act in an official capacity after moving out of the state of Tennessee. A violation of this section is a Class C misdemeanor.

[Acts 1935, ch. 193, § 2; C. Supp. 1950, § 5904.2; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A. (orig. ed.), § 8-1610; Acts 2004, ch. 854, § 5.]

8-16-111. [Repealed.]

8-16-112. Scope of authority - Powers.

A Tennessee notary public is authorized to act in any county in the state and has the power to acknowledge signatures upon personal knowledge or satisfactory proof, to administer oaths, to take depositions, to qualify parties to bills in chancery, and to take affidavits, in all cases. Furthermore, in all such cases the notary public's seal shall be affixed and the notary public shall sign such documents in ink by the notary's own hand unless otherwise provided by law.

[Acts 1949, ch. 254, § 4; C. Supp. 1950, § 5914.4; impl. am. Acts 1978, ch. 934, §§ 7, 36; T.C.A. (orig. ed.), § 8-1613; T.C.A. § 8-16-202; 2004, ch. 854, §§ 8, 18.]

8-16-113. Title of notary public for the state of Tennessee.

Any notary public fulfilling the requirements of this part shall be known as a notary public for the state of Tennessee, and the official signature of such notary public shall so indicate.

[Acts 1949, ch. 254, § 6; C. Supp. 1950, § 5914.6; T.C.A. (orig. ed.), § 8-1616; Acts 1994, ch. 608, § 1; T.C.A. § 8-16-205; 2004, ch. 854, §§ 9, 18.]

8-16-114. Seal of notary public for the state of Tennessee - Imprinting of seal - Fee.

(a) The secretary of state shall prescribe and design an official seal to be used by a Tennessee notary public. The seal of office may be imprinted by a rubber or other type of stamp. Such stamp shall imprint the seal of office in any color other than black or yellow, provided the color used to imprint the seal shall be clearly legible and appear as black when photocopied on a non-color copier. Nothing in this subsection (a) shall be construed to require a notary public to procure such a rubber or other stamp or to use a particular color of ink with the stamp prior to the expiration of the notary's term of office, and all impression notary seals shall be valid for use until the end of the notary's term of office. Notwithstanding any other provision of law or provision of this subsection (a) to the contrary, the use of an embossed notary seal after May 12, 2003, shall not render such an acknowledgement defective. No person shall incur any civil or criminal liability for failure to imprint the seal of office in a color required by this subsection (a) nor shall any document or title imprinted with a seal of the wrong color be invalid because of such failure.

(b) Every notary public shall, at such notary's own expense, procure a seal of office,

which the notary shall surrender to the county legislative body when the notary resigns, or at the expiration of such notary public's term of office, and which such notary's representatives, in case of such notary's death, shall likewise surrender, to be cancelled.

(c) At the notary public's request, the county clerk may obtain an official seal or any part thereof for the notary public. Any county clerk providing this service may charge a fee not to exceed twenty percent (20%) of the cost of the seal or part obtained for the notary public.

[Acts 1953, ch. 220, § 1 (Williams, § 5914.6); T.C.A. (orig. ed.), § 8-1617; Acts 1986, ch. 814, § 1; 1991, ch. 303, § 1; 1993, ch. 418, § 4; T.C.A. § 8-16-206; 2004, ch. 854, §§ 10, 18.]

8-16-115. Expiration of commission indicated on instruments.

Every certificate of acknowledgement officially executed by a Tennessee notary public shall include the true date of the notary's commission expiration. Failure to include the commission expiration date shall not render void or invalidate such certificate of acknowledgement.

[Acts 1925, ch. 79, §§ 5, 6; Shan. Supp., §§ 3199a3, 3199a4; Code 1932, §§ 5902, 5903; T.C.A. (orig. ed.), § 8-1621; Acts 1989, ch. 591, § 113; T.C.A. § 8-16-303; 2004, ch. 854, §§ 15, 18.]

8-16-116. Receipt of instruments in evidence.

The attestations, protestations, and other instruments of publication or acknowledgment, made by any notary public under seal, shall be received in evidence.

[Code 1858, § 1799 (deriv. Acts 1835-1836, ch. 11, § 5); Shan., § 3203; mod. Code 1932, § 5906; T.C.A. (orig. ed.), § 8-1622; T.C.A. § 8-16-304; 2004, ch. 854, § 18.]

8-16-117. Notice of deposition of notary public.

The deposition of a notary public may be taken, whether a suit be pending or not, on ten (10) days' notice to the opposite party, if resident in the state, and forty (40) days' notice out of the state, to be read as evidence between the same parties in any suit then or afterward depending, should the notary die or leave the state before the trial.

[Code 1858, § 1802 (deriv. Acts 1835-1836, ch. 11, § 7); Shan., § 3210; Code 1932, § 5912; T.C.A. (orig. ed.), § 8-1623; T.C.A. § 8-16-305; 2004, ch. 854, § 18.]

8-16-118. Recording fee.

A fee of one dollar (\$1.00) and no more is allowed to a notary public for recording in a well-bound book, to be kept by such notary for the purpose, each of the notary's attestations, protestations, and other instruments of publication.

[Code 1858, § 1803 (deriv. Acts 1817, ch. 77, § 3; 1843-1844, ch. 9, §§ 1, 2); Shan., § 3211; Code 1932, § 5913; T.C.A. (orig. ed.), § 8-1624; T.C.A. § 8-16-306; 2004, ch. 854, § 18.]

8-16-119. Protest fee.

The fee of the notary for the protestation of negotiable instruments shall be one dollar and fifty cents (\$1.50) for each instrument protested, without regard to the number of parties on each instrument.

[Acts 1895, ch. 203, § 2; Shan., § 3212; Code 1932, § 5914; T.C.A. (orig. ed.), § 8-1625; T.C.A. § 8-16-307; 2004, ch. 854, § 18.]

8-16-120. Acting after expiration of commission.

It is unlawful for any person who has been commissioned as a notary public, either as a result of election or upon direct appointment by the governor, to take acknowledgments

or otherwise act in an official capacity after the expiration of such notary's commission. A violation of this section is a Class C misdemeanor.

[Acts 1925, ch. 79, § 4; Shan. Supp., § 3199a2; Code 1932, § 5091; T.C.A. (orig. ed.), § 8-1626; Acts 1989, ch. 591, § 113; T.C.A. § 8-16-308; 2004, ch. 854, § 18.]

8-16-121. Depositions taken by notaries public of other states.

A notary public, duly and lawfully commissioned by the proper authorities of another state and empowered by the law of such state to take depositions, is authorized to take depositions to be used in the courts of this state, upon the same terms that are provided for the taking of depositions by other officials in such states. But the certificate of such notary shall show the date of the commencement and expiration of the commission under which the notary may be acting.

[Acts 1885, ch. 11, §§ 1, 2; Shan., § 3197; Code 1932, § 5897; T.C.A. (orig. ed.), § 8-1627; T.C.A. § 8-16-309; 2004, ch. 854, § 18.]

**PART 2. NOTARIES AT LARGE
[REPEALED OR TRANSFERRED.]**

8-16-201. [Repealed.]

8-16-202. [Transferred.]

8-16-203. [Repealed.]

8-16-204. [Repealed.]

8-16-205. [Transferred.]

8-16-206. [Transferred.]

8-16-207. [Repealed.]

8-16-208. [Repealed.]

**PART 3. POWERS AND DUTIES
[REPEALED OR TRANSFERRED.]**

8-16-301. [Repealed.]

8-16-302. [Repealed.]

8-16-303. [Transferred.]

8-16-304. [Transferred.]

8-16-305. [Transferred.]

8-16-306. [Transferred.]

8-16-307. [Transferred.]

8-16-308. [Transferred.]

8-16-309. [Transferred.]

PART 4. CONSUMER PROTECTION

8-16-401. Notice that notary public is not an attorney.

A notary public who is not an attorney licensed to practice law in this state who advertises in any language the person's services as a notary public by radio, television, signs, pamphlets, newspapers, telephone directory or other written or oral communication, or in any other matter, shall include with such advertisement the notice set forth in this section in English and in the language used in the advertisement. The notice shall be of conspicuous size and shall state:

“I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF TENNESSEE, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.”

An advertisement on radio or television must include substantially the same message.

[Acts 2002, ch. 665, § 1.]

8-16-402. Prohibited representations or advertising.

A notary public who is not an attorney licensed to practice law is prohibited from representing or advertising that the notary public is an immigration consultant, immigration paralegal or expert on immigration matters unless the notary public is an accredited representative of an organization recognized by the board of immigration appeals pursuant to 8 CFR § 292.2(a-e) or any subsequent federal law.

[Acts 2002, ch. 665, § 1.]

8-16-403. Compliance.

Any failure to comply with the foregoing provisions constitutes an unfair or deceptive act as provided for in § 47-18-104.

[Acts 2002, ch. 665, § 1.]

8-16-404. Exceptions.

The provisions of this part shall not apply to:

(1) Notary services offered by a state or national bank, trust company, savings and loan association, savings bank or by any affiliate or subsidiary of such state or national bank, trust company, savings and loan association or savings bank or any agent or employee thereof; or

(2) Any offering of notary services or listing of fees for notary services as a part of the closing of any loan transaction, extension of credit, security instrument or transfer of title.

[Acts 2002, ch. 665, § 1.]

CHAPTER 21. FEES CHARGED

8-21-1201. Notaries public.

Notaries public are entitled to demand and receive the following fees and compensation for services:

- (1) For recording, in a well-bound book, to be kept by the notary for that purpose, each attestation, protestation, and other instrument of publication\$ 1.00
- (2) For the protestation of negotiable instruments, for each instrument protested, without regard to the number of parties on each instrument1.50
- (3) For every acknowledgment or probate of deed, or other instrument of writing, with seal attached, the same as county clerks.
- (4) For acknowledgment of notes for advances on tobacco25
- (5) For each deposition taken1.00
- (6) For any other service legally performed by the notary, the same fees allowed other officers for like services.

TITLE 66. PROPERTY

CHAPTER 22. ACKNOWLEDGMENT OF INSTRUMENTS

66-22-101. Authentication.

Unless otherwise provided by law, to authenticate an instrument or document for registration or recording in the office of the county register, the maker or the natural person acting on behalf of the maker shall execute the instrument or document by that person's original signature and such signature shall be either acknowledged according to law or proved by at least two (2) subscribing witnesses. The county register may refuse to record any instrument or document not authenticated in accordance with this section.

[Code 1858, § 2038 (deriv. Acts 1805, ch. 16, § 2; 1807, ch. 85, § 3; 1831, ch. 90, § 1; 1839-1840, ch. 26, § 1); Shan., § 3712; Code 1932, § 7630; T.C.A. (orig. ed.), § 64-2201; Acts 1986, ch. 717, § 1; 2004, ch. 576, § 1.]

66-22-102. Persons authorized to take acknowledgments within state.

If the person executing the instrument resides or is within the state, the acknowledgment shall be made before the county clerk, or legally appointed deputy county clerk; or clerk and master of chancery court of some county in the state or before a notary public of some county in this state.

[Code 1858, § 2039 (deriv. Acts 1807, ch. 85, § 3; 1835-1836, ch. 53, §§ 5, 6; 1837-1838, ch. 150, § 1); Acts 1870, ch. 71, § 1; 1870-1871, ch. 11, § 1; Shan., § 3713; Acts 1919, ch. 104, §§ 1-3; Shan. Supp., §§ 3714a1-3714a3; mod. Code 1932, § 7631; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A. (orig. ed.), § 64-2202.]

66-22-103. Acknowledgment in other states or territories.

If the person executing the instrument resides or is beyond or without the limits of the state, but within the union or its territories or districts, the acknowledgment may be made:

- (1) Before any court of record, or before the clerk of any court of record; or, before a commissioner for Tennessee, appointed by the governor; or before a notary public authorized there to take proof or acknowledgments. If the acknowledgment is made before a court of record, a copy of the entry of the acknowledgment on the record shall be certified by the clerk, under the clerk's seal of office; and the judge, chief justice, or presiding magistrate of the court shall certify as to the official character of the clerk; or

(2) Before any other officer of such state, territory or district, authorized by the laws there to take the proof and acknowledgment of deed. There shall in cases under this subdivision be subjoined or attached to the certificate of proof or acknowledgment, signed by such other officer, a certificate of the secretary of state of the state or territory in which such officer resides, under the seal of such state, territory, or a certificate of the clerk of a court of record of such state, territory, or district, in the county in which the officer resides or in which the officer took such proof or acknowledgment under the seal of such court, stating that such officer was, at the time of taking such proof or acknowledgment duly authorized to take acknowledgments and proof of deeds of lands in the state, territory, or district, and that the secretary of state or clerk of court is well acquainted with the handwriting of such officer, and that the officer verily believes that the signature affixed to such certificate of proof or acknowledgment is genuine.

[Code 1858, § 2040 (deriv. Acts 1807, ch. 85, § 3); 1831, ch. 90, § 9; 1839-1840, ch. 26, §§ 2, 3, 5; 1855-1856, ch. 115, § 1; Shan., § 3715; Acts 1919, ch. 48, §§ 3, 4; Shan. Supp., §§ 3747a4, 3747a5; mod. Code 1932, § 7632; T.C.A. (orig. ed.), § 64-2203.]

66-22-104. Acknowledgment in foreign countries.

(a) If the person executing the instrument resides or is beyond the limits of the union and its territories, the acknowledgment may be made:

(1) Before a commissioner for Tennessee appointed in the country where the acknowledgment is made, having an official seal;

(2) Before a notary public of such country, having an official seal; and

(3) Before a consul, charge d'affaires, envoy, minister, or ambassador of the United States in the country to which such person is accredited and where the acknowledgment is made.

(b) When the seal affixed contains the name or official style of such officer, any error, in stating or failing to state otherwise such name or official style of the officer, shall not render the certificate defective.

[Code 1858, § 2041 (deriv. Acts 1839-1840, ch. 26, §§ 2-4); Shan., § 3716; Acts 1921, ch. 82, § 1; Shan. Supp., § 3747a10; mod. Code 1932, § 7633; T.C.A. (orig. ed.), § 64-2204.]

66-22-105. Authentication of instruments by or to county clerk.

The probate or acknowledgment of any deed or other instrument, made by or to a clerk of any county, may be taken and made before the judge having probate jurisdiction in the clerk's county, the clerk and master or the notary public, and the authentication entered on record in the office of the county clerk as other instruments; provided, that the clerk collect and account for the state tax on all such instruments as though the acknowledgment had been taken before the clerk.

[Code 1858, § 2069; Acts 1868-1869, ch. 32, § 1; Shan., § 3746; mod. Code 1932, § 7661; impl. am. Acts 1978, ch. 934, §§ 16, 22, 36; T.C.A. (orig. ed.), § 64-2205.]

66-22-106. Postponement pending identification.

(a) If the clerk or deputy clerk does not know, is not personally acquainted with, or does not have satisfactory evidence that, a person wishing to make acknowledgment of the execution of an instrument, the clerk or deputy clerk shall file it, and note, on the record of the probate of deeds, the date of the presentation of the instrument, and the reason of the postponement of the acknowledgment; and then, within twenty (20) days, the party may produce witnesses before the clerk or deputy clerk, to prove the identity of

the person so offering to acknowledge the same; and the deed, when acknowledged after such proof, shall take effect from the filing with the clerk.

(b) For purposes of this chapter, “know” or “personally acquainted with” means having an acquaintance, derived from association with the individual in relation to other people and based upon a chain of circumstances surrounding the individual, which establishes the individual’s identity with at least reasonable certainty.

(c) For the purposes of this chapter, “satisfactory evidence” means the absence of any information, evidence, or other circumstances which would lead a reasonable person to believe that the person making the acknowledgment is not the individual such person claims to be and any one (1) of the following:

(1) The oath or affirmation of a credible witness personally known to the officer that the person making the acknowledgment is personally known to the witness.

(2) Reasonable reliance on the presentation to the officer of any one of the following, if the document is current or has been issued within five (5) years:

(A) An identification card or driver’s license issued by the department of safety; or

(B) A passport issued by the United States department of state.

(3) Reasonable reliance on the presentation of any one (1) of the following, if the document is current or has been issued within five (5) years and contains a photograph and description of the person named on it, is signed by the person, bears a serial or other identifying number, and, in the event that the document is a passport, has been stamped by the United States immigration and naturalization service:

(A) A passport issued by a foreign government;

(B) A driver’s license issued by a state other than Tennessee;

(C) An identification card issued by a state other than Tennessee; or

(D) An identification card issued by any branch of the armed forces of the United States.

(d) An officer who has taken an acknowledgment pursuant to this section shall be presumed to have operated in accordance with the provisions of this chapter.

(e) Any party who files an action for damages based on the failure of the officer to establish the proper identity of the person making the acknowledgment shall have the burden of proof in establishing the negligence or misconduct of the officer.

[Code 1858, § 2047 (deriv. Acts 1833, ch. 92, §§ 13, 14); Shan., § 3722; Code 1932, § 7637; T.C.A. (orig. ed.), § 64-2206; Acts 1983, ch. 158, § 1.]

66-22-107. Form of certificate of acknowledgment.

(a) If the acknowledgment is made before a county clerk or deputy, or clerk and master, or notary public, or before any of the officers out of the state who are commissioned or accredited to act at the place where the acknowledgment is taken, and having an official seal, viz: those named in §§ 66-22-103 and 66-22-104, and, also, any consular officer of the United States having an official seal, such officer shall write upon or annex to the instrument the following certificate, in which the officer shall set forth such officer’s official capacity:

State of Tennessee
County of

Personally appeared before me, (name of clerk or deputy), clerk (or deputy clerk) of this county, (bargainor’s name), the within named bargainor, with whom I am personally

acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person executed the within instrument for the purposes therein contained.

Witness my hand, at office, this ____ day of _____, 19 ____.

(b) Or, in the alternative, the following certificate, in case of natural persons acting in their own right:

State of Tennessee
County of

On this ____ day of _____, 19 ____, before me personally appeared _____, to me known to be the person (or persons) described in and who executed the foregoing instrument, and acknowledged that such person (or persons) executed the same as such person (or person's) free act and deed.

(c) Or, in case of natural persons acting by attorney:

State of Tennessee
County of

On this ____ day of _____, 19 ____, before me personally appeared _____, to me known (or proved to me on the basis of satisfactory evidence) to be the person who executed the foregoing instrument in behalf of _____ acknowledged that such person executed the same as the free act and deed of _____.

[Code 1858, § 2042 (deriv. Acts 1831, ch. 90, § 3); Shan., § 3717; Acts 1919, ch. 48, § 1; Shan. Supp. § 3747a2; mod. Code 1932, § 7634; impl. am. Acts 1978, ch. 934, §§ 22, 36; T.C.A. (orig. ed.), § 64-2207; Acts 1983, ch. 158, §§ 2, 3.]

66-22-108. Acknowledgment for record of corporate or partnership instrument.

(a) The authentication or acknowledgment for record of a deed or other instrument in writing executed by a corporation, whether it has a seal or not, shall be good and sufficient, when made in substantially the following form:

State of
County of

Before me, _____ of the state and county mentioned, personally appeared _____ with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be president (or other officer authorized to execute the instrument) of _____, the within named bargainor, a corporation, and that such president or officer as such _____, executed the foregoing instrument for the purpose therein contained, by personally signing the name of the corporation as _____.

Witness my hand and seal, at office, this __ day of _____, 19 ____.

Or, alternatively as follows:

State of

County of

On this ____ day of _____, 19 ____, before me appear A. B., to me personally known (or proved to me on the basis of satisfactory evidence), who, being by me duly sworn (or affirmed) did say that such person is the president (or other officer or agent of the corporation or association) of (describing the corporation or association), and that the seal affixed to the instrument is the corporate seal of the corporation (or association), and that the instrument was Signed and sealed in behalf of the corporation (or association), by authority of its Board of Directors (or Trustees) and A. B. acknowledged the instrument to be the free act and deed of the corporation (or association).

(In case the corporation or association has no corporate seal, omit the words “the seal affixed to the instrument is the corporate seal of the corporation or association and that,” and add at the end of the affidavit clause, the words “and that the corporation (or association) has no corporate seal”). (In all cases add signature and title of officer taking the acknowledgment.)

(b)(l) The authentication or acknowledgment for record of a deed or other instrument in writing executed by a partnership shall be good and sufficient when made in substantially the following form:

State of
County of

Before me, _____, of the state and county aforementioned, personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be a partner of _____ the within name bargainor, a partnership, and that such person, as such partner, executed the foregoing instrument for the purpose therein contained, by signing the name of the partnership by such person as partner.

Witness my hand and seal, this ____ day of _____, 19 ____.

(2) The signing of a certificate of acknowledgment for a partnership will not change any requirement of the partnership agreement itself.

[Acts 1899, ch. 187, § 1; Shan., § 3747a1; Acts 1919, ch. 48, § 1; Shan. Supp., § 3747a2; Code 1932, § 7663; T.C.A. (orig. ed.), § 64-2208; Acts 1982, ch. 800, §§ 1, 2; 1983, ch. 158, §§ 4-8.]

66-22-109. Acknowledgment of married person.

The acknowledgment of a married person, when required by law, may be taken in the same form as if such person were sole and without any examination separate and apart from that person’s spouse.

[Acts 1919, ch. 48, § 2; Shan., Supp., § 3747a3; Code 1932, § 7635; Acts 1975, ch. 283, § 1; T.C.A. (orig. ed.), § 64-2209.]

66-22-110. Acknowledgments under seal.

All acknowledgments shall be under the seal of office of the officer taking same.

[Code 1858, § 2043 (deriv. Acts 1839-1840, ch. 26, § 2); Shan., § 3718; mod. Code 1932, § 7636; T.C.A.]

(orig. ed.), § 64-2210.]

66-22-111. Entry of probate or acknowledgment.

The clerk shall enter, in a well-bound book, the probate or acknowledgment of every deed or other instrument of writing proved or acknowledged before the clerk, which entry shall state:

- (1) The date of the presentation of the paper where it is filed with the clerk, but is not proven or acknowledged because the witnesses fail or refuse to attend, or the clerk is not acquainted with the maker of the instrument;
- (2) The date of the probate or acknowledgment;
- (3) The names of the maker of the instrument and the person to whom it is made;
- (4) The number of acres of land or town lots, or parts or portions of tracts of land or town lots, or other property mentioned in the paper; and
- (5) A county or town in which the property is situated.

[Code 1858, § 2087 (deriv. Acts 1833, ch. 92, § 15); Shan., § 3767; Code 1932, § 7678; T.C.A. (orig. ed.), § 64-2211.]

66-22-112. Fees of clerk.

For the clerk’s services in this behalf, the clerk shall have the following fees:

- (1) For issuing a subpoena for each witness required to be summoned to prove the execution of a writing \$.25
- (2) For filing and entering the date of the presentation of a deed or other instrument, when its authentication is not completed at the time of presentation, in addition to the fees allowed by law for taking probates and acknowledgments of deeds and other instruments, and certifying the same \$.10

[Code 1858, § 2088 (deriv. Acts 1833, ch. 92, § 17); impl. am. Acts 1899, ch. 323, § 1; Shan., § 3768; Code 1932, § 7679; T.C.A. (orig. ed.), § 64-2212.]

66-22-113. Liability of officer for failure to carry out duties.

If the clerk or other officer who takes the probate or acknowledgment of a deed or other instrument fails or refuses to comply with and discharge the duties required of the clerk or officer, the clerk or officer shall forfeit and pay the sum of one hundred dollars (\$100) for the use of the county in which the clerk or officer resides, which may be recovered by action of debt, in the name of the trustee of the county, in the circuit or chancery court; and the clerk or officer shall, moreover, be liable to the party injured for all damages the clerk or officer may sustain by such failure or refusal, together with costs, to be recovered by action on the case in the circuit or chancery court.

[Code 1858, § 2089 (deriv. Acts 1833, ch. 92, § 18); Shan., § 3769; mod. Code 1932, § 7680; T.C.A. (orig. ed.), § 64-2213.]

66-22-114. Certificate of acknowledgment form.

(a) If the acknowledgment be made before any of the officers who are authorized to take such acknowledgment under the provisions of this chapter or any consular officer of the United States having an official seal, such officer shall write upon or annex to the instrument a certificate of acknowledgment. The following form shall constitute a valid certificate of acknowledgment:

State of

County of

Personally appeared before me, (name of officer), (official capacity of officer), (name of the natural person executing the instrument), with whom I am personally acquainted, and who acknowledged that such person executed the within instrument for the purposes therein contained (the following to be included only where the natural person is executing as agent), and who further acknowledged that such person is the (identification of the agency position of the natural person executing the instrument, such as “attorney-in-fact” or “president” or “general partner”) of the maker or a constituent of the maker and is authorized by the maker or by its constituent, the constituent being authorized by the maker, to execute this instrument on behalf of the maker.

Witness my hand, at office, this _____ day of _____, 19 _____.

(b) Any certificate clearly evidencing intent to authenticate, acknowledge or verify a document shall constitute a valid certificate of acknowledgment for purposes of this chapter and for any other purpose for which such certificate may be used under the law. It is the legislative intent that no specific form or wording be required in such certificate and that the ownership of property, or the determination of any other right or obligation, shall not be affected by the inclusion or omission of any specific words.

[Acts 1986, ch. 717, § 2; 1987, ch. 125, §§ 1, 2.]

66-22-115. Recognition of certificate of acknowledgment. -- (a) The form of a certificate of acknowledgment used by a person whose authority is recognized under § 66-22-103 and 66-22-104, shall be accepted in this state if the

- (1) Certificate is in a form prescribed by the laws or regulations of this state;
- (2) Certificate is in a form prescribed by the laws or regulations applicable in the other state, or territory, or foreign country in which the acknowledgment is taken.

(b) A notarial act performed prior to March 29, 1995, is not affected by this section. This section provides an additional method of proving notarial acts. Nothing in this section diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

[Acts 1995, ch. 52, § 1.]