

VERMONT STATUTES

**TITLE 24. MUNICIPAL AND COUNTY GOVERNMENT  
PART 1. COUNTIES  
CHAPTER 5. COUNTY OFFICERS; POWERS AND DUTIES  
SUBCHAPTER 9. NOTARIES PUBLIC**

**24 V.S.A. § 441. Appointment; jurisdiction; ex officio notaries; application.**

(a) The judges of the superior court may appoint as many notaries public for the county as the public good requires, to hold office until ten days after the expiration of the term of office of such judges, whose jurisdiction shall extend throughout the state.

(b) The clerk of the supreme court, county clerks, district court clerks, family court clerks, justices of the peace, and town clerks and their assistants shall be ex officio notaries public.

(c) Every applicant for appointment and commission as a notary public shall complete an application to be filed with the clerk of the superior court stating that the applicant is a resident of the county and has reached the age of majority, giving his business or home address and providing a handwritten specimen of the applicant's official signature.

(d) An ex officio notary public shall cease to be a notary public when he vacates the office on which his status as a notary public depends.

Amended 1973, No. 106, § 8, eff. 30 days from April 25, 1973; 1973, No. 193 (Adj. Sess.), § 3, eff. April 9, 1974; 1983, No. 194 (Adj. Sess.), § 1; 1995, No. 181 (Adj. Sess.), § 14a.

**24 V.S.A. § 441a. Nonresident notary public.**

A nonresident may be appointed as a notary public, provided the individual resides in a state adjoining this state and maintains, or is regularly employed in, a place of business in this state. Before a nonresident may be appointed as a notary public, the individual shall file with the judges of the superior court in the county where the individual's place of employment is located an application setting forth the individual's residence and the place of employment in this state. A nonresident notary public shall notify the judges of the superior court, in writing, of any change of residence or of place of employment in this state.

Added 1989, No. 37, eff. May 4, 1989.

**24 V.S.A. § 442. Oath; certificate of appointment recorded; form.**

A person appointed as notary public shall cause the certificate of his appointment to be filed and recorded in the office of the county clerk where issued. Before entering upon the duties of his office he, as well as an ex officio notary, shall take the oath prescribed by the constitution, and shall duly subscribe the same with his correct signature, which oath thus subscribed shall be kept on file by the county clerk as a part of the records of such county. The certificate of appointment shall be substantially in the following form:

STATE OF VERMONT,

ss.

County }

This is to certify that A.B. of \_\_\_\_\_ in such county, was, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, appointed by the judges of the superior court for such county a notary public for the term ending on February 10, 19 \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Judges of the  
superior court.

And at \_\_\_\_\_ in such county, on this \_\_\_\_\_ day of \_\_\_\_\_,  
19 \_\_\_\_\_ personally appeared A.B. \_\_\_\_\_ and took oath of office  
prescribed in the constitution.

Before me,

C. D. \_\_\_\_\_

(Designation of the officer administering the oath).

Amended 1973, No. 193 (Adj. Sess.), § 3, eff. April 9, 1974.

**24 V.S.A. § 443. Preservation of oaths.**

The county clerk at the end of each four-year period shall cause the oaths aforesaid to be bound into book form, which book shall then constitute the final record thereof and shall be duly attested by the clerk as such.

Amended 1989, No. 200 (Adj. Sess.), § 5.

**24 V.S.A. § 444. Repealed. 1983, No. 194 (Adj. Sess.), § 2.**

**24 V.S.A. § 445. Powers.**

Every notary public is empowered to take acknowledgements, administer oaths and affirmations, certify that a copy of a document is a true copy of another document, and perform any other act permitted by law.

Added 1983, No. 194 (Adj. Sess.), § 3.

**24 V.S.A. § 446. Liabilities.**

A notary public shall be liable to the persons involved for all damages caused by the notary's official misconduct.

Added 1983, No. 194 (Adj. Sess.), § 4.

**TITLE 27. PROPERTY**  
**CHAPTER 5. CONVEYANCE OF REAL ESTATE**  
**SUBCHAPTER 1. MANNER OF CONVEYING INTERESTS**  
**IN OR AFFECTING REALTY**

**27 V.S.A. § 305. Conveyances effected through power of attorney**

A deed or other conveyance of lands or of an estate or interest therein, made by virtue of a power of attorney, shall not be of any effect or admissible in evidence, unless such power of attorney is signed, witnessed by one or more witnesses, acknowledged and recorded in the office where such deed is required to be recorded.

(Amended 1973, No. 211 (Adj. Sess.); 1995, No. 6, § 1, eff. March 15, 1995.)

**27 V.S.A. § 341. Requirements generally; recording**

(a) Deeds and other conveyances of lands, or of an estate or interest therein, shall be signed by the party granting the same and acknowledged by the grantor before a town clerk, notary public, master, county clerk or judge or register of probate and recorded at length in the clerk's office of the town in which such lands lie. Such acknowledgment before a notary

public shall be valid without an official seal being affixed to his or her signature.

(b) A deed or other conveyance of land which includes a reference to a survey prepared or revised after July 1, 1988 may be recorded only if it is accompanied by the survey to which it refers, or cites the volume and page in the land records showing where the survey has previously been recorded.

(c) A lease of real property that has a term of more than one year from the making of the lease need not be recorded at length if a notice or memorandum of lease, which is executed, witnessed and acknowledged as provided in subsection (a) of this section, is recorded in the land records of the town in which the leased property is situated. The notice of lease shall contain at least the following information:

- (1) the names of the parties to the lease as set forth in the lease;
- (2) a statement of the rights of a party to extend or renew the lease;
- (3) any addresses set forth in the lease as those of the parties;
- (4) the date of the execution of the lease;
- (5) the term of the lease, the date of commencement, and the date of termination;
- (6) a description of the real property as set forth in the lease;
- (7) a statement of the rights of a party to purchase the real property or exercise a right of first refusal with respect thereto;
- (8) a statement of any restrictions on assignment of the lease; and
- (9) the location of an original lease.

(Amended 1967, No. 231 (Adj. Sess.), § 1, eff. Jan. 24, 1968; 1973, No. 249 (Adj. Sess.), § 84, eff. April 9, 1974; 1987, No. 220 (Adj. Sess.); 1993, No. 174 (Adj. Sess.), § 1; 1997, No. 86 (Adj. Sess.), § 1; 2004, No. 150.)

#### **27 V.S.A. § 342. Acknowledgment and recording required**

A deed of bargain and sale, a mortgage or other conveyance of land in fee simple or for term of life, or a lease for more than one year from the making thereof shall not be effectual to hold such lands against any person but the grantor and his heirs, unless the deed or other conveyance is acknowledged and recorded as provided in this chapter.

Source. V.S. 1947, § 2648. P.L. § 2596. G.L. § 2743. P.S. § 2581. V.S. § 2217. R.L. § 1931. G.S. 65, § 7. R.S. 60, § 6. R. 1797, p. 305, § 5. R. 1787, p. 33.

#### **27 V.S.A. § 348. Instruments concerning real property lacking statement of consideration, or witnesses or acknowledgments, validated**

When an instrument of writing shall have been on record in the office of the clerk in the proper town for a period of fifteen years, and there is a defect in the instrument because it omitted to state any consideration therefor or was not sealed, witnessed, acknowledged, validly acknowledged, or because a license to sell was not validly issued, the instrument shall, from and after the expiration of fifteen years from the filing thereof for record, be valid.

Nothing herein shall be construed to affect any rights acquired by grantees, assignees or encumbrancers under the instruments described in the preceding sentence, nor shall this section apply to conveyances or other instruments of writing, the validity of which is brought in question in any suit now pending in any courts of the state.

(Added 1977, No. 79, § 1, eff. April 27, 1977.)

#### **27 V.S.A. § 371. Proving execution when grantor dies or leaves state**

When a grantor or lessor dies or leaves the state without acknowledging his deed, the execution thereof may be proved by the testimony of a subscribing witness thereto before a justice of the supreme court, a superior judge or a judge of the superior court. If all the

subscribing witnesses to such deed are dead or out of the state, the same may be proved before the supreme or superior court by proving the handwriting of the grantor or lessor and of a subscribing witness or adducing other evidence to the satisfaction of such court. Such evidence entered on such deed or annexed thereto shall be equivalent to the grantor's or lessor's acknowledgment thereof.

(Amended 1973, No. 193 (Adj. Sess.), § 3, eff. April 9, 1974.)

**27 V.S.A. § 372. Proceedings when grantor refuses to acknowledge-Summons**

When a grantor or lessor refuses to acknowledge his deed, the grantee or lessee, or a person claiming under him, may apply to a district judge who shall thereupon issue a summons to the grantor or lessor to appear at a certain time and place before him to hear the testimony of the subscribing witnesses to the deed. Such summons, with a copy of the deed annexed, shall be served like a writ of summons, seven days at least before the time therein assigned for proving the deed.

(Amended 1973, No. 249 (Adj. Sess.), § 85, eff. April 9, 1974.)

**27 V.S.A. § 373. -Notice**

When such summons is served by leaving a copy thereof at the usual place of abode of the grantor or lessor, and it does not appear that actual notice was given, the judge shall continue the hearing from time to time, not exceeding ninety days, and direct that actual notice be given if the party resides in the state. When such notice cannot be given, the judge shall proceed in the examination as provided in section 374 of this title, and his certificate of the execution of the deed shall have the same effect as therein provided.

(Amended 1973, No. 249 (Adj. Sess.), § 86, eff. April 9, 1974.)

**27 V.S.A. § 374. -Hearing and certificate**

When it appears from the officer's return that a copy of such summons was delivered to the grantor or lessor, the judge may take evidence of one or more of the subscribing witnesses to the execution of such deed, at the time designated for hearing or at an adjournment thereof. If such execution is proved to the satisfaction of the judge, he shall certify the same thereon and in his certificate shall note the presence or absence of the grantor or lessor and such certificate shall be equivalent to the acknowledgment of the grantor or lessor.

(Amended 1973, No. 249 (Adj. Sess.), § 87, eff. April 9, 1974.)

**27 V.S.A. § 375. -Witnesses dead or out of state**

When a grantor or lessor refuses to acknowledge his deed and the subscribing witnesses to the same are dead or out of the state, it may be proved before the supreme or any superior court by proving the handwriting of the grantor or lessor and of a subscribing witness, such court first summoning the grantor or lessor as provided in this chapter.

(Amended 1973, No. 193 (Adj. Sess.), § 3, eff. April 9, 1974.)

**27 V.S.A. § 378. -Effect of recording unacknowledged deed**

A person interested in a deed or lease not acknowledged may cause the deed or lease to be recorded without acknowledgment before or during the application to the court, or the proceedings before any of the authorities named in sections 371-376 of this title; and, when so recorded in the proper office, it shall be as effectual as though the same had been duly acknowledged and recorded for sixty days thereafter. If such proceedings for proving the execution of the deed are pending at the expiration of such sixty days, the

effect of such record shall continue until the expiration of six days after the termination of the proceedings.

Source. V.S. 1947, § 2662. P.L. § 2610. G.L. § 2757. 1915, No. 1, § 105. P.S. § 2596. V.S. § 2230. R.L. § 1944. G.S. 65, §§ 16, 17. R.S. §§ 16, 17. R. 1797, p. 307, § 7.

### **27 V.S.A. § 379. Acknowledgment out of state**

(a) If deeds and other conveyances, and powers of attorney for the conveyance of lands, the acknowledgment or proof of which is taken out of state, are certified agreeably to the laws of the state, province or kingdom in which such acknowledgment or proof is taken, they shall be as valid as though the same were taken before a proper officer or court in this state. The proof of the same may be taken, and the same acknowledged with like effect before a justice, magistrate or notary public within the United States or in a foreign country, before a commissioner appointed for that purpose by the governor of this state, or before a minister, charge d'affaires, consul or vice consul of the United States in a foreign country.

(b) Acknowledgments for deeds and other conveyances, and powers of attorney for the conveyance of lands, which are taken out of state before a proper officer of this state, shall be valid as if taken within the state.

(Amended 1993 (Adj. Sess.), No. 174, § 2.)

## **TITLE 24. MUNICIPAL AND COUNTY GOVERNMENT**

### **PART 1. COUNTIES**

#### **CHAPTER 5. COUNTY OFFICERS; POWERS AND DUTIES**

##### **SUBCHAPTER 2. COUNTY CLERK**

### **24 V.S.A. § 183. Certificate of appointment of notary public or master.**

Immediately after the appointment of a notary public or master, the county clerk shall send to the secretary of state a certificate of such appointment, on blanks furnished by such secretary, containing the name, signature, and legal residence of the appointee, and the term of office of each notary public. Such secretary shall cause such certificates to be bound in suitable volumes and to be indexed. Upon request, such secretary may certify the appointment, qualification and signature of such notary public or master on tender of his legal fees.

Source. 1949, No. 69. V.S. 1947, § 3497. P.L. § 3420. G.L. § 3909. 1910, No. 106. P.S. § 3410. R. 1906, § 3286. V.S. § 2965. R.L. § 2638. G.S. 12 § 87. 1851, No. 35, § 3. R.S. 11, § 69. 1829, No. 22, § 2. R. 1797, p. 387, § 1.

## **TITLE EIGHT. BANKING AND INSURANCE**

### **PART 5. FINANCIAL AND RELATED INSTITUTIONS**

#### **CHAPTER 204. POWERS OF FINANCIAL INSTITUTIONS**

##### **SUBCHAPTER 5. SAFE DEPOSIT BOXES**

### **8 V.S.A. § 14501. Failure to pay rent; removal of contents**

(a) If the amount due for the use of any safe or box in the vaults of a financial institution is not paid for one year, or such other period as may be fixed in the contract of renting of such safe or box, the financial institution, at the expiration thereof, may cause to be sent to the person in whose name the safe or box stands on its books, a notice in writing that if the amount then due for the use of the safe or box is not paid within 60 days from the date of the notice, the financial institution will then cause the safe or box to

be opened in the presence of an officer duly authorized by the governing body and of a notary public not an officer or in the employ of the financial institution, and the contents thereof, if any, will be sealed up by the notary in a package upon which the notary will distinctly mark the name and address of the person in whose name such safe or box stands upon the books of the financial institution and the estimated value thereof. The package so sealed and addressed, when marked for identification by the notary, will be placed by the notary in one of the general safes or boxes of such financial institution. The notice shall be sent in a postage prepaid registered letter directed to that person at his or her post office address as recorded upon the books of the financial institution, and at his or her last known address.

(b) The proceedings of the notary shall be fully set forth in the notary's own handwriting and official seal in a book to be kept by the financial institution for that purpose. After such contents have been so placed in general safes or boxes, the financial institution shall be required to use only the degree of care required of a bailee for the sole benefit of the bailor notwithstanding the contract of renting requires a higher degree of care during the period of renting.

(Added 1999, No. 153 (Adj. Sess.), § 2, eff. Jan. 1, 2001.)

**TITLE 11. CORPORATIONS, PARTNERSHIPS AND ASSOCIATIONS**  
**CHAPTER 1: CORPORATIONS GENERALLY**  
**SUBCHAPTER 4. DIRECTORS AND OFFICERS**

**11 V.S.A. § 231. Acknowledgments by stockholder or officer**

A person legally qualified to take acknowledgments shall not be disqualified to take such acknowledgments to an instrument in which a corporation is a party, by reason of his being a stockholder in or an officer or employee of such corporation.

**TITLE 12. COURT PROCEDURE**  
**PART 10. OATHS AND FORMS**  
**CHAPTER 211. OATHS**  
**SUBCHAPTER 2. ADMINISTRATION OF OATHS**

**12 V.S.A. § 5852. Oaths of office; by whom administered.**

When other provision is not made by law, oaths of office may be administered by any justice of the supreme court, superior judge, assistant judge, justice of the peace, judge of the district court, notary public or the presiding officer, secretary or clerk of either house of the general assembly or by the governor.

Amended 1965, No. 194, § 10, eff. July 1, 1965, operative Feb. 1, 1967; 1971, No. 185 (Adj. Sess.), § 169, eff. March 29, 1972; 1991, No. 22.

**12 V.S.A. § 5854. Oaths, administering by court clerks, justices, notaries, etc.; certification.**

The clerk of the supreme court, county clerks, justices of the peace, judges and registers of probate, judges and clerks of the district court, notaries public and masters appointed by a county court under an order of referee may administer oaths in all cases where an oath is required, unless a different provision is expressly made by law; and a notary public need not affix his official seal to a certificate of an oath administered by him. County clerks and clerks of the district court may certify the oaths administered by them under the seal of the court.

Amended 1965, No. 194, § 10, eff. July 1, 1965, operative Feb. 1, 1967; 1971, No. 185 (Adj. Sess.), § 170, eff. March 29, 1972.

**TITLE 32. TAXATION AND FINANCE**  
**SUBTITLE 1. FINANCE.**  
**CHAPTER 17. FEES AND COSTS**  
**SUBCHAPTER 1. GENERAL PROVISIONS**

**32 V.S.A. § 1403. Justices to make rules for fees.**

(a) The justices of the supreme court, under their general rule-making power, shall establish uniform rules to govern the allowance of fees not specified by law for services and expenses in the courts of the state. The court administrator shall recommend to the justices such alterations in the rules as he finds necessary. The court administrator shall endeavor to secure uniform allowances in the several counties and to correct deviations from the prescribed rules.

(b) A county clerk shall, upon application, issue to a town clerk, a state police officer, a municipal police officer, a fish and game warden, a sheriff or deputy sheriff, and a motor vehicle inspector certification of notary public without charge or fee. A town clerk, state police officer, municipal police officer, fish and game warden, sheriff or deputy sheriff, or motor vehicle inspector shall provide notary public services without charge or fee.

Amended 1959, No. 328 (Adj. Sess.), § 8; 1969, No. 222 (Adj. Sess.), § 1; 1971, No. 185 (Adj. Sess.), § 216, eff. March 29, 1972; 1975, No. 118, § 98; 1987, No. 1, § 3, eff. Jan. 30, 1987; 1991, No. 257 (Adj. Sess.), § 7.

**32 V.S.A. § 1759. Notaries public.**

Notaries public shall receive for each protest under seal and the notices, \$2.00; for each certificate under seal, \$.50.

Amended 1959, No. 37, eff. March 12, 1959.