

WYOMING STATUTES

TITLE 32. NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS CHAPTER 1. NOTARIES PUBLIC

32-1-101. Qualifications; application; term.

(a) The secretary of state shall commission as a notary any qualified person who submits an application in a form prescribed by the secretary of state.

(b) To be qualified for a notarial commission a person shall:

(i) Be at least eighteen (18) years of age;

(ii) Be a resident of the state of Wyoming and the county from which making application;

(iii) Be able to read and write the English language; and

(iv) Submit an application certifying compliance with the requirements of this subsection, accompanied by a fee of thirty dollars (\$30.00).

(c) A person commissioned as a notary by the secretary of state may perform notarial acts in any part of the state for a term of four (4) years.

(d) A person holding a notarial commission who changes residence to a different county shall procure a new notary commission for the new county of residence.

32-1-102. Name changes.

(a) When a notary changes surnames, the notary may continue to use the notarial commission and seal issued to the notary provided:

(i) When a notary marries or changes surnames, the notary shall file a certified copy of the certificate of marriage or order of name change in the office of the county clerk of the county where the notary resides and send a certified copy of the marriage certificate or order of name change and a three dollar (\$3.00) filing fee to the secretary of state. The surname of the notary's spouse or the notary's new surname may then be added after the notary's name as it appears on the notary's commission;

(ii) When a notary divorces and the notary's previous name is restored by the court, the notary shall file a certified copy of the divorce decree in the office of the county clerk of the county where the notary resides and send a certified copy of the notary's divorce decree and a three dollar (\$3.00) filing fee to the secretary of state. The notary's restored surname may then be added after the notary's name as it appears on the notary's commission.

(b) Instead of adopting the surname of the notary's spouse, a notary may continue to use or be commissioned as a notary by the name by which the notary is generally known.

32-1-103. Transmittal of notarial commission to county clerks.

The secretary of state shall transmit each notarial commission to the office of the county clerk of the county in which the applicant resides where the commission shall be recorded.

32-1-104. Bond and oath; notary commission forfeited upon failure to obtain another bond.

(a) No notarial commission becomes effective until the applicant files with the county clerk within sixty (60) days after issuance of the commission an oath and bond in the amount of five hundred dollars (\$500.00) conditioned on the faithful performance of the

duties of the office. The applicant shall swear or affirm under oath to support the constitution of the United States and the constitution of Wyoming and to faithfully and impartially discharge and perform all the duties of a notary. The bond shall be executed by the applicant and two (2) sureties, to be approved by the county clerk, or by a surety company licensed in this state. Upon the filing of the oath and bond the county clerk shall transmit the notarial commission to the notary and the county clerk shall send a written notice of qualification to the secretary of state.

(b) Upon cancellation of a notarial bond by a surety as a result of claims paid by the surety to persons injured as a result of the bonded notary's negligence or misconduct, the secretary of state shall notify the notary by certified mail return receipt requested that the notary's commission shall be revoked unless within twenty (20) days after the notary receives the notice the notary files proof with the secretary of state that the notary has secured another bond in the full amount of five hundred dollars (\$500.00).

32-1-105. Powers and jurisdiction.

(a) Every notary may administer oaths and affirmations, take depositions, receive acknowledgments of deeds, mortgages and powers of attorney and other instruments in writing.

(b) A notary serves as an impartial witness to the signing of a document, establishes the identity of the person signing the document and attests that the signature on the document was made in his presence. If the person did not appear before the notary and sign the document in the notary's presence, the notary may acknowledge the person's signature when the person appears before the notary, presents proper identification, acknowledges the signature is that of the person and the document was voluntarily executed by the person.

(c) The administration of an oath or proof of acknowledgment of any instrument may be performed for use in this state with the same effect as if performed by a notary public in this state before:

- (i) A justice, judge or clerk of any court of record of the United States;
- (ii) A justice, judge or clerk of any court of record of any state or territory;
- (iii) A notary public authorized by any state or territory to perform notarial acts; or
- (iv) Any other officer of the state or territory where the oath is administered or acknowledgment is made, authorized by its laws to administer an oath or take proof or acknowledgment.

(d) A Wyoming notary public may administer oaths or proofs of acknowledgment in a contiguous state if that state recognizes the Wyoming notary public's authority within that state to perform those acts. The administration of an oath or proof of acknowledgment performed in Wyoming by a notary public of a contiguous state has the same effect under Wyoming law as if that act were performed by a Wyoming notary public, if that contiguous state grants Wyoming notaries public similar authority within that state. To implement the purposes of this subsection, the secretary of state:

- (i) May enter into agreements with contiguous states; and
- (ii) Shall adopt rules and regulations pursuant to the Wyoming Administrative Procedure Act.

32-1-106. Official seal.

(a) Each notary public before entering upon the duties of his office, shall provide himself with an official seal with which he shall authenticate all his official acts, which seal shall clearly show, when embossed, stamped, impressed or affixed to a document, his

name, the words "notary public," the name of the county wherein he resides, and the word "Wyoming," and the seal of a notary public shall not be levied upon or sold. If the notary public changes his county of residence to a different county than that shown on the seal, he shall have the seal altered to indicate such change.

(b) The seal of every notary public may be affixed by a seal press or stamp that will print or emboss a seal which legibly reproduces under the photographic methods the name of the notary, the words "notary public," the name of the county in which he resides and the word "Wyoming." The seal may be circular not over two (2) inches in diameter or may be a rectangular form of not more than three-fourths of an inch in width by two and one-half (2 1/2) inches in length, with a serrated or milled edged border, and shall contain the information required by this section.

32-1-107. Notary's certificate as presumptive evidence.

In all the courts within this state the certificate of a notary public over his hand and official seal, shall be received as presumptive evidence of the facts contained in such certificate; provided, that any person interested as a party to a suit may contradict, by other evidence, the certificate of a notary public.

32-1-108. Action on notarial bond.

If any person shall be damaged or injured by the unlawful act, negligence or misconduct of any notary public, the person damaged or injured may maintain a civil action on the bond of such notary public against such notary public, and his sureties; and the recovery in such action shall not be a bar to any future action for other cause, to the full amount of the bond.

32-1-109. Notary acting after term expires.

Whoever, having been appointed a notary public, does or performs any act as a notary public, after the expiration of his term of office, knowing that such term of office has expired, shall be fined not more than five hundred dollars (\$500.00) nor less than twenty-five dollars (\$25.00).

32-1-110. Failure of county clerk to perform duties imposed by chapter.

If any register of deeds shall fail or neglect to fulfill and perform the duties imposed on him by this chapter [§§ 32-1-101 through 32-1-108, 32-1-110, 32-1-111], such person shall be liable in the penal sum of two hundred dollars (\$200.00), to be recovered and applied as provided in the preceding section.

32-1-111. When justice may protest paper in lieu of notary.

When the holder of any instrument desires it to be protested, and no notary public can be found, it shall be lawful for any justice of the peace of the county wherein said instrument is required to be protested, to perform the services herein required to be performed by notaries public, and to be entitled to the same fees as are hereinafter provided for notaries public for similar services.

32-1-112. Fees.

A notary is entitled to receive a fee of two dollars (\$2.00) for each oath or affirmation administered or for each signature notarized.

32-1-113. Notary's interest in bank not disqualifying.

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

CHAPTER 2. COMMISSIONERS OF DEEDS

32-2-101.

Repealed by Laws 1979, ch. 8, § 1.

32-2-102.

Repealed by Laws 1979, ch. 8, § 1.

32-2-103.

Repealed by Laws 1979, ch. 8, § 1.

32-2-104.

Repealed by Laws 1979, ch. 8, § 1.

Repealed by Laws 1979, ch. 8, § 1.

**TITLE 34. CONVEYANCE OF PROPERTY
CHAPTER 1. GENERAL PROVISIONS**

34-1-104. Letters of attorney; recordation; effect as evidence.

Every letter of attorney, or other instrument, containing a power to convey lands as agent or attorney for the owner of such lands, and every executory contract for the sale or purchase of lands, only when acknowledged by such owner, may be recorded by the register of deeds [county clerk] of any county in which the lands to which such letter, instrument or contract relates, or any part of such lands, may be situated, and when so acknowledged, and the record thereof when recorded, or a transcript of such record duly certified, may be read in evidence in the same manner and with like effect as a conveyance recorded in such county.

34-1-105. Letters of attorney; recordation; when revocation valid.

No letter of attorney, or other instrument so recorded, shall be deemed to be revoked by any act of the party by whom it was executed, unless the instrument containing such revocation be also recorded in the same office in which the instrument containing the power was recorded.

34-1-106. Form and capacity of conveyances.

Conveyances of land or of any estate or interest therein, may be made by instrument executed and acknowledged by the party from whom or which the estate or interest is intended to pass.

34-1-113. Acknowledgment of conveyances; generally.

Execution of deeds, mortgages or other conveyances of lands, or any interest in lands, shall be acknowledged by the party or parties executing same, before any notarial officer. The notarial officer taking such acknowledgment shall comply with the requirements of W.S. 34-26-107.

34-1-114. Acknowledgment of conveyances; notary to state date of expiration of term of office.

Every notary public and commissioner of deeds for Wyoming, who takes an acknowledgment to any written instrument to be recorded in any public office in Wyoming shall add to his certificate the date when commission or term of office expires.

34-1-115. Acknowledgment of conveyances; execution out of state.

Any deed, mortgage, conveyance, power of attorney or instrument in writing requiring an acknowledgment executed outside of this state, may be acknowledged before any officer authorized by law to take acknowledgments at the place where such acknowledgment is taken. Whenever the officer taking such acknowledgment has no seal the certificate of such officer shall have attached thereto the certificate of the clerk of the court of record, or a county clerk, of the same place, having a seal, certifying that the officer taking the acknowledgment is authorized to take the same and that he believes that the signature appended to the acknowledgment is genuine. Each instrument of writing as aforesaid executed and acknowledged as aforesaid shall be as valid and have the same force and effect as if executed in Wyoming according to the provisions of W.S. 34-1-113.

34-1-116. Effect of conveyance executed in another state.

Any deed, mortgage or conveyance executed in any other state, territory, district or country, which shall be executed according to the laws of this state, and acknowledged before a clerk of a court of record, county clerk, or a commissioner appointed as aforesaid, shall have the same effect as if executed and acknowledged within this state.

34-1-117. Execution in foreign countries; powers of attorney.

If any deeds, mortgages or conveyances of lands, or of any interest in lands, be executed in any foreign country, government, kingdom or empire, such deed, mortgage, or conveyance of land may be executed according to the laws of this state, and may be acknowledged before a consul general, consul or vice-consul of the United States; and when so acknowledged the officer taking the acknowledgment shall certify the same over his hand and official seal or the seal of the consulate to which he is attached, if there be any such seal; and in case he has no official seal, and there be no seal of his consulate, that fact shall be stated in the certificate; and no other or further authentication shall be required to entitle such instrument to record in this state. This section shall also apply to powers of attorney executed in any such foreign country, government, kingdom or empire.

34-1-118. Where conveyance to be recorded.

A certificate of the acknowledgment of any deed, mortgage or conveyance, or proof of the execution thereof, before a notarial officer, shall entitle such deed, mortgage or conveyance, certificate or certificates aforesaid, to be recorded in the office of the county clerk in the county where the land lies.

CHAPTER 2. WYOMING ACKNOWLEDGMENT ACT

34-2-114.

Repealed by Laws 2008, ch. 20, § 3.

32-2-115.

Repealed by Laws 2008, ch. 20, § 3.

32-2-116.

Repealed by Laws 2008, ch. 20, § 3.

32-2-117.

Repealed by Laws 2008, ch. 20, § 3.

32-2-118.

Repealed by Laws 2008, ch. 20, § 3.

CHAPTER 26 NOTARIAL ACTS ARTICLE 1 WYOMING UNIFORM NOTARIAL ACT

34-26-101. Short title; definitions.

(a) This act shall be known and may be cited as the “Wyoming Uniform Law on Notarial Acts”.

(b) As used in this act:

(i) “Acknowledgment” means a declaration by a person that the person has freely and voluntarily 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 and that the person acknowledges that the instrument was executed and acknowledged freely and voluntarily;

(ii) 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.

(iii) “Notarial act” means any act that a notarial officer of this state is authorized to perform, and includes taking an acknowledgement, 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;

(iv) “Notarial officer” means a notary public or other officer authorized to perform notarial acts;

(v) “Verification upon oath or affirmation” means a declaration that a statement is true made by a person upon oath or affirmation;

(vi) “This act” means W.S. 34-26-101 through 34-26-109.

34-26-102. Notarial acts.

(a) In taking an acknowledgment, the notarial officer shall 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 shall 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 shall determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

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

(e) In certifying an instrument executed by a business entity the notarial officer shall determine that the person who signed the instrument on behalf of the business entity appeared before and was personally known to the notarial officer making the certification, and was by him duly sworn and upon oath represented that he was the president or other officer or agent of the business entity, that the instrument was signed on behalf of the entity pursuant to his authority to do so, and that the person who executed the instrument on behalf of the business entity acknowledged the instrument to be the free act and deed of the business entity. For purposes of this subsection “business entity” means corporation, limited liability company, partnership or other entity, whether for profit or not for profit, authorized to be formed under title 17 of the Wyoming statutes or the laws of another state that are the functional equivalent.

(f) In certifying an instrument executed by a trustee of a testamentary trust or of an express trust created by a written trust instrument, the notarial officer shall determine that the trustee who signed the instrument on behalf of the trust appeared before and was personally known to the notarial officer making the certification, and was by him duly sworn and upon oath represented that he was the trustee of the trust, that the instrument was signed and sealed on behalf of the trust, the trustee had the authority under the terms of the written trust instrument to execute the instrument on behalf of the trust, and that the trustee acknowledged the instrument to be the free act and deed of the trust.

(g) In making or noting a protest of a negotiable instrument the notarial officer shall determine the matters set forth in W.S. 34.1-3-505.

(h) A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person:

- (i) Is personally known to the notarial officer;
- (ii) Is identified upon the oath or affirmation of a credible witness personally known to the notarial officer; or
- (iii) Is identified on the basis of identification documents.

34-26-103. Notarial acts in Wyoming.

(a) A notarial act may be performed within this state by the following persons:

- (i) A notary public of this state;
- (ii) A judge of any court of this state;
- (iii) A clerk or deputy clerk of a county;
- (iv) A clerk or deputy clerk of any court of this state;

(v) A district court commissioner;
(vi) A full-time magistrate as authorized by W.S. 5-9-208;
(vii) A part-time magistrate as authorized by W.S. 5-9-212;
(viii) Any other officer authorized under the laws of this state to take acknowledgments.

(b) Notarial acts performed within this state under federal authority as provided in W.S. 34-26-105, 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.

34-26-104. Notarial acts in other jurisdictions of the United States.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, 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:

(i) A notary public of that jurisdiction;
(ii) A judge, clerk or deputy clerk of a court of that jurisdiction; or
(iii) 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 as provided in W.S. 34-26-105 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 paragraph (a)(i) or (ii) of this section conclusively establish the authority of a holder of that title to perform a notarial act.

34-26-105. Notarial acts under federal authority.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, 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:

(i) A judge, clerk or deputy clerk of a court;
(ii) A commissioned officer on active duty in the military service of the United States;
(iii) An officer of the foreign service or consular officer of the United States; or
(iv) Any other person authorized by federal law to perform notarial acts.

(b) The signature and title of the 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 paragraph (a)(i), (ii) or (iii) of this section conclusively establish the authority of a holder of that title to perform a notarial act.

34-26-106. Foreign notarial acts.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, 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 the authority of a foreign nation or its constituent units or a multi-national or international organization by

any of the following persons:

- (i) A notary public or notary;
- (ii) A judge, clerk or deputy clerk of a court of record; or
- (iii) Any person authorized by the law of the 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 paragraph (a)(i) or (ii) of 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.

34-26-107. Certificate of notarial acts.

(a) A notarial act shall be evidenced by a certificate signed and dated by a notarial officer. The certificate shall 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 the office. If the officer is a notary public, the certificate shall 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 shall also include the officer’s rank.

(b) A certificate of a notarial act is sufficient if it meets the requirements of subsection (a) of this section and it:

- (i) Is in the short form set forth in W.S. 34-26-108;
- (ii) Is in a form otherwise prescribed by the law of this state;
- (iii) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or
- (iv) 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 W.S. 34-26-102.

34-26-108. Short forms.

(a) The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by W.S. 34-26-107(a):

(i) For an acknowledgment for all instruments conveying, mortgaging or otherwise disposing of or encumbering real estate, including homestead property, and for all other instruments affecting title to real estate and all other instruments required by the laws of

this state to be acknowledged in an individual capacity:

State of _____
County of _____

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

(Signature of notarial officer)

Title (and Rank)
[My commission expires: _____]

(ii) For an acknowledgment of all instruments conveying, mortgaging or otherwise disposing of or encumbering real estate, including homestead property, and other instruments affecting title to real estate and all other instruments to be acknowledged 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 instrument was executed).
(Seal, if any)

(Signature of notarial officer)

Title (and Rank)
[My commission expires: _____]

(iii) 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)

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)
[My commission expires: _____]

(iv) For witnessing or attesting a signature:

State of _____
County of _____

Signed or attested before me on (date) by (name(s) of person(s)).
(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires: _____]

(v) 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 _____
(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires: _____]

34-26-109. Notarial acts affected by this act.

(a) This act applies to notarial acts performed on or after its effective date.

(b) Any instrument which was acknowledged within this state prior to the effective date of this act and in accordance with the laws in effect in this state as of the date of the acknowledgment of the instrument shall continue to be a valid instrument. All instruments deemed to be properly acknowledged under W.S. 34-2-118, prior to its repeal by this enactment, shall continue to be deemed and regarded to be properly acknowledged after the effective date of this act.

**TITLE 1. CODE OF CIVIL PROCEDURE
CHAPTER 2. OATHS**

1-2-101. Form.

A person may be sworn by any form he deems binding on his conscience.

1-2-102. Officers authorized to administer.

(a) The following officers are authorized to administer oaths:

(i) Justices of the Wyoming supreme court;

(ii) Judges of the Wyoming district courts;

(iii) Judge of the United States district court for the district of Wyoming;

(iv) Clerks of the Wyoming supreme court, Wyoming district courts and Wyoming county courts;

(v) Clerk of the United States district court for the district of Wyoming;

(vi) Commissioners and magistrates appointed by authority of the laws of the United States or of Wyoming;

(vii) Notaries public;

(viii) County clerks;

(ix) County treasurers;

(x) Clerks of school districts in Wyoming;

(xi) Clerks of any incorporated city or town in Wyoming;

(xii) County commissioners within their respective counties;

(xiii) Justices of the peace within their respective counties;

(xiv) Judges of the Wyoming county courts.

(b) Officers listed in this section are authorized to administer oaths, but are not authorized to perform other notarial acts as defined in W.S. 34-26-101(a)(iii), unless specified otherwise in W.S. 32-1-105(c) or 34-26-103(a).

1-2-103. Affirmation in lieu of oath; manner of administering.

Persons conscientiously opposed to swearing or to taking any oath may affirm, and are subject to the penalties of perjury as in the case of swearing an oath. Whenever any person is required to take an oath in any court, or before any person or officer authorized by law to administer oaths, it is lawful for the court, officer or person administering the same, to administer it in the following manner: the person taking the oath or swearing shall, with his or her right hand uplifted, swear or take the oath, concluding with the words "so help me God".