

KENTUCKY REVISED STATUTES

TITLE XXXVIII - WITNESSES, EVIDENCE, NOTARIES, COMMISSIONERS CHAPTER 423 NOTARIES PUBLIC AND COMMISSIONERS OF FOREIGN DEEDS

423.010 Appointment, term, and qualifications of notaries -- County clerk has powers of notary when acting in capacity as clerk.

(1) The Secretary of State may appoint as many notaries public as he or she deems necessary, who shall hold office for four (4) years. Any resident of the Commonwealth of Kentucky desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the Circuit Judge, circuit clerk, county judge/executive, county clerk, justice of the peace, or a member of the General Assembly of the county of the residence of the applicant or in the county in which the applicant's principal place of employment is located. A person who is not a resident of Kentucky but who is employed in Kentucky may become a notary public by making an application to the Secretary of State which has been approved by an officer specified in this section from the county in which the applicant is principally employed in Kentucky. No officer shall charge or accept any fee for approving the application. A notary public shall be eighteen (18) years of age, a resident of the county from which he or she makes his or her application or be principally employed in the county from which he or she makes his or her application, of good moral character, and capable of discharging the duties imposed upon him or her by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary of State, in his or her certificate of appointment to the applicant, shall designate the limits within which the notary is to act. Before a notary acts, he or she shall take an oath before any person authorized to administer an oath as set forth in KRS 62.020 that he or she will honestly and diligently discharge the duties of his or her office. He or she shall in the same court give an obligation with good security, which shall be proven by a notarized statement from, and not the personal appearance of, the person providing the security, for the proper discharge of the duties of his or her office. Every certificate of a notary public shall state the date of the expiration of his or her commission. The Secretary of State shall give to each notary appointed a certificate of his or her appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to the notary by the Governor of Kentucky, and receive a fee of ten dollars (\$10) for the certificate.

(2) A county clerk shall have the powers of a notary public in the exercise of the official functions of the office of clerk within his or her county, and the official actions of the county clerk shall not require the witness or signature of a notary appointed pursuant to subsection (1) of this section.

Effective: July 15, 2002 **History:** Amended 2006 Ky. Acts ch. 186, sec. 1, effective July 11, 2006. -- Amended 2002 Ky. Acts ch. 231, sec. 1, effective July 15, 2002. -- Amended 1990 Ky. Acts ch. 486, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 204, sec. 12, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 384, sec. 524, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 20, sec. 6, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 235, sec. 1. -- Amended 1968 Ky. Acts ch. 100, sec. 22. -- Amended 1952 Ky. Acts ch. 45, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3721

423.020 Notary may act in any county -- Certification of notary's authority.

(1) A notary public may exercise all the functions of his office in any county of the state, by filing in the county clerk's office in such county his written signature and a

certificate of the county clerk of the county for which he was appointed, setting forth the fact of his appointment and qualification as a notary public, and paying a fee of one dollar (\$1) to the county clerk.

(2) The county clerk of a county in whose office any notary public has so filed his signature and certificate shall, when requested, subjoin to any certificate of proof or acknowledgment signed by the notary a certificate under his hand and seal, stating that such notary public has filed a certificate of his appointment and qualifications with his written signature in his office, and was at the time of taking such proof or acknowledgment duly authorized to take the same; that he is well acquainted with the handwriting of the notary public and believes that the signature to such proof or acknowledgment is genuine.

Effective: July 1, 1992 **History:** Amended 1990 Ky. Acts ch. 88, secs. 85 and 93, effective July 1, 1992. -- Amended 1946 Ky. Acts ch. 162, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3721a. **Note:** Amendment of this section by 1990 Ky. Acts ch. 88, secs. 85 and 93 became effective July 1, 1992, in compliance with 1992 Ky. Acts ch. 324, sec. 30. .

423.030 Protests to be recorded -- Copies as evidence.

The notaries public shall record in a well bound and properly indexed book, kept by them for that purpose, all protests made by them for the nonacceptance or nonpayment of all bills of exchange, checks or promissory notes placed on the footing of bills of exchange, and on which a protest is required by law, or of which protest is evidence of dishonor. A copy of such protest certified by the notary public under his notarial seal is prima facie evidence in all the courts of this state.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3723.

423.040 Notice of dishonor -- To whom sent.

Notaries public shall upon protesting any instrument mentioned in KRS 423.030 give notice of the dishonor to such parties thereto as are required by law to be notified to fix their liability on such paper. When the residence of a party is unknown to the notary public, he shall send the notices to the holders of the paper, shall state in his protest the names of the parties to whom he gave notice, and the time and manner of giving the same and such statement in such protest shall be prima facie evidence that notices were given as therein stated.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3725.

423.050 Records of notary to be delivered to county clerk, when.

Upon the resignation of a notary public or the expiration of his term of office if he is not reappointed, he shall place his record book in the office of the county clerk in the county in which he was appointed, and if a notary dies, his representative shall deposit the record book with the clerk aforesaid.

Effective: July 1, 1992

History: Amended 1990 Ky. Acts ch. 88, secs. 86 and 93, effective July 1, 1992. -Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3724.

Note: Amendment of this section by 1990 Ky. Acts ch. 88, secs. 86 and 93 became effective July 1, 1992, in compliance with 1992 Ky. Acts ch. 324, sec. 3

423.060 Foreign notary -- When protest by is evidence.

If any commercial paper is protested in any other state of the United States in which it is made payable, and by the laws of that state a notary public or other officer authorized to protest the same is required to give notice of dishonor to the parties or if the certificate of

such notary or officer, or a copy thereof, stating that such notice was sent is evidence, in the courts of that state, then such protest, certificate or copy is admissible as evidence and shall have the same effect in the courts of this state as is given to such evidence in the courts of the other state.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky.Stat. sec. 3726.

423.070 Commissioners of foreign deeds -- Appointment, term.

The Governor may appoint and commission one (1) or more commissioners of deeds in each state of the United States for a term of two (2) years. Before entering on the duties of his office, each commissioner shall make and subscribe an affidavit, before an officer authorized to administer an oath, to well and truly execute and perform all the duties of his office. The affidavit must be filed in the office of the Secretary of State of this state.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 389.

423.080 Powers of commissioners.

Any commissioner of deeds appointed and qualified pursuant to KRS 423.070 may take the acknowledgment of proof of any instrument of writing, except wills, which instrument is required by the laws of this state to be recorded. The examination, acknowledgment or proof of any such instrument taken by a commissioner, and certified under his official seal, in the manner required by the laws of this state, shall authorize the instrument to be recorded in the proper office. A commissioner of deeds may administer any oath or take any affirmation necessary to discharge his official duties, and may take and certify depositions to be read on the trial of any action or proceeding in any of the courts of this state.

History: Amended 1974 Ky. Acts ch. 386, sec. 99. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 390, 391.

423.110 Recognition of notarial acts performed outside this state.

For the purposes of KRS 423.110 to 423.190, "notarial acts" means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state:

(1) A notary public authorized to perform notarial acts in the place in which the act is performed;

(2) A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed;

(3) An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed;

(4) A commissioned officer in active service with the Armed Forces of the United States and any other person authorized by regulation of the Armed Forces to perform notarial acts if the notarial act is performed for one (1) of the following or his dependents: a merchant seaman of the United States, a member of the Armed Forces of the United States, or any other person serving with or accompanying the Armed Forces of the United States;

(5) Any other person authorized to perform notarial acts in the place in which the act

is performed; or

(6) A person, either a resident or a nonresident of Kentucky, who is appointed by the Governor of Kentucky to perform notarial acts in or outside this state covering writings prepared for recordation in this state.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 144, sec. 1, effective July 15, 1982. – Amended 1976 Ky. Acts ch. 65, sec. 1. -- Created 1970 Ky. Acts ch. 131, sec. 1, effective July 1, 1970.

423.120 Repealed, effective July 1, 1992.

Catchline at repeal: Authentication of authority of officer.

History: Repealed 1990 Ky. Acts ch. 88, secs. 92 and 93, effective July 1, 1992. --Created 1970 Ky. Acts ch. 131, sec. 2, effective July 1, 1970.

Note: Repeal of this section became effective July 1, 1992, in compliance with 1992 Ky. Acts ch. 324, secs. 30 and 33.

423.130 Certificate of person taking acknowledgment.

The person taking an acknowledgment shall certify that:

(1) The person acknowledging appeared before him and acknowledged he executed the instrument; and

(2) The person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

Effective: July 1, 1970

History: Created 1970 Ky. Acts ch. 131, sec. 3, effective July 1, 1970.

423.140 Recognition of certificate of acknowledgment.

The form of a certificate of acknowledgment used by a person whose authority is recognized under KRS 423.110 shall be accepted in this state if:

(1) The certificate is in a form prescribed by the laws or regulations of this state;

(2) The certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or

(3) The certificate contains the words “acknowledged before me,” or their substantial equivalent.

Effective: July 1, 1970

History: 1970 Ky. Acts ch. 131, sec. 4, effective July 1, 1970.

423.150 Certificate of acknowledgment.

The words “acknowledged before me” mean:

(1) That the person acknowledging appeared before the person taking the acknowledgment;

(2) That he acknowledged he executed the instrument;

(3) That, in the case of:

(a) A natural person, he executed the instrument for the purposes therein stated;

(b) A corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated;

(c) A partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purpose therein stated;

(d) A person acknowledging as principal by an attorney in fact, he executed the

instrument by proper authority as the act of the principal for the purposes therein stated;

(e) A person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and

(4) That the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

Effective: July 1, 1970

History: Created 1970 Ky. Acts ch. 131, sec. 5, effective July 1, 1970.

423.160 Short forms of acknowledgment.

The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as “Statutory Short Forms of Acknowledgment” and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

(1) For an individual acting in his own right:

State of

County of

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

(2) For a corporation:

State of

County of

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

(3) For a partnership:

State of

County of

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

(4) For an individual acting as principal by an attorney-in-fact:

State of
County of

The foregoing instrument was acknowledged before me this (date) by (name of attorney in-fact) as attorney-in-fact on behalf of (name of principal).

(Signature of person taking acknowledgment)
(Title or rank)
(Serial number, if any)

(5) By any public officer, trustee, or personal representative:
State of
County of

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of person taking acknowledgment)
(Title or rank)
(Serial number, if any)

Effective: July 1, 1970
History: Created 1970 Ky. Acts ch. 131, sec. 6, effective July 1, 1970.

423.170 Acknowledgments not affected by KRS 423.110 to 423.190.

A notarial act performed prior to July 1, 1970, is not affected by KRS 423.110 to 423.190. KRS 423.110 to 423.190 provide an additional method of proving notarial acts. Nothing in KRS 423.110 to 423.190 diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

Effective: July 1, 1970
History: Created 1970 Ky. Acts ch. 131, sec. 7, effective July 1, 1970.

423.180 Uniformity of interpretation.

KRS 423.110 to 423.190 shall be so interpreted as to make uniform the laws of those states which enact it.

Effective: July 1, 1970
History: Created 1970 Ky. Acts ch. 131, sec. 8, effective July 1, 1970.

423.190 Short title.

KRS 423.110 to 423.190 may be cited as the “Uniform Recognition of Acknowledgments Act.”

Effective: July 1, 1970
History: Created 1970 Ky. Acts ch. 131, sec. 9, effective July 1, 1970.

423.200 Admission of documents to the public record.

Notwithstanding any other provision of law, any certificate of an acknowledgment given and certified as provided by KRS 423.110 to 423.190 or as provided by those sections and other provisions of law, together with the instrument acknowledged, may be admitted to the public record provided for the type of instrument so acknowledged, and any instrument required to be sworn to or affirmed in order to be recorded may be admitted to record upon a jurat recognized under the provisions of KRS 423.110 to 423.190.

Effective: March 25, 1972

History: Created 1972 Ky. Acts ch. 170, sec. 1, effective March 25, 1972.

423.990 Penalties.

For each failure to record his protest as required by KRS 423.030, a notary public shall forfeit all his fees and shall be fined five dollars (\$5).

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 427, effective January 2, 1978. --
Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3727.

TITLE VIII. OFFICES AND OFFICERS CHAPTER 62. OATHS AND BONDS

62.010 Oath of office -- When to be taken.

(1) No officer shall enter upon the duties of his office until he takes the oath required of him by law.

(2) Each person elected to an office shall take the oath of office on or before the day the term of office to which he has been elected begins.

(3) Each person appointed to an office shall take the oath of office within thirty (30) days after he receives notice of his appointment.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3753, 3755.

62.020 Persons authorized to administer official oaths -- Certification and filing.

(1) The official oath of any officer may be administered by:

(a) Any state or federal judge, with Kentucky jurisdiction; or

(b) Any county judge/executive, notary public, clerk of a court, or justice of the peace, within his district or county.

(2) For those officers listed in paragraphs (a), (b), (c), (d), and (e) of this subsection, the person administering the oath shall certify in writing that the oath of office was administered and the date of its administration. The person administering the oath shall file a written certification:

(a) In the Secretary of State's office for:

1. A member of the General Assembly;

2. An officer elected from the state at large;

3. An officer elected from a district greater than one (1) county; or

4. An officer elected from a city whose boundaries extend beyond those of a single county;

(b) In the Secretary of State's office for:

1. An officer appointed cabinet secretary; or

2. An officer appointed a deputy or assistant to an elected constitutional officer and who is required by separate statute to take the oath of office;

(c) In the Governor's office for the Secretary of State and the assistant Secretary of State;

(d) In the office of the county clerk for the county from which an officer is elected to countywide office or office for a district within the county. However, the requirements of this paragraph shall not apply when the requirements of paragraph (a) of this subsection apply; and

(e) In the office of a circuit clerk for a county clerk within the jurisdiction of that

circuit clerk.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 164, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 454, sec. 1, effective July 15, 1994. -- Amended 1980 Ky. Acts ch. 184, sec. 1, effective July 15, 1980. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3754.

62.050 Bonds, when to be given.

(1) Except as otherwise provided by statute, no officer required by law to give bond shall enter upon the duties of his office until he gives the bond.

(2) Except as otherwise provided by statute, each person elected to an office who is required to give bond shall give the bond on or before the day the term of office to which he has been elected begins.

(3) Each person appointed to an office who is required to give bond shall give the bond within thirty (30) days after he receives notice of his appointment.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 86, sec. 9, effective July 15, 1996. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3753, 3755.

62.990 Penalties.

(1) Any person who violates subsection (1) of KRS 62.010 or subsection (1) of KRS 62.050 on or after the date thirty (30) days after January 27, 1995, shall be fined not less than five hundred (500) nor more than one thousand dollars (\$1,000).

(2) If any person violates subsection (2) or (3) of KRS 62.010, his office shall be considered vacant and he shall not be eligible for the same office for two (2) years.

(3) Any person convicted or removed from office under subsection (2) of this section prior to January 10, 1995, may apply to the Circuit Court for relief from the disability of being unable to serve in office. The Circuit Court, upon receipt of the application, shall modify the sentence to remove the disability of holding the office. This subsection shall not be construed to require the removal from office of a person who has been appointed to fill the remainder of the term of a person removed from office under KRS 62.050 and 62.990.

Effective: January 27, 1995, retroactive to November 1, 1991

History: Amended 1995 (2d Extra. Sess.) Ky. Acts ch. 4, sec. 3, effective January 27, 1995, retroactive to November 1, 1991.

History through 1968: Amended 1966 Ky. Acts ch. 255, sec. 66. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sees. 3753, 3755.

Legislative Research Commission Note (1/27/95). The change in the fine set out in subsection (2) of this statute is effective January 27, 1995, and the other changes to this statute made by 1995 (2d Extra. Sess.) Ky. Acts ch. 4, sec. 3 are retroactively effective to November 1, 1991, pursuant to 1Y95 (2d Extra. Sess.) ch. 4, sec. 5.

CHAPTER 64. FEES AND COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES

64.300 Notaries public. (1) The fees of notaries public for the following services shall be not more than set out in the following schedule:

Every attestation, protestation, or taking acknowledgment of any instrument of writing, and certifying the same under seal including, but not limited to, the notarization of votes of absentee voters0.50

Recording same in book to be kept for that purpose0.75

Each notice of protest.....0.25

Administering oath and certificate thereof.....0.20

(2) No fee or compensation shall be allowed or paid for affixing the jurat of a notary

public to any application, affidavit, certificate or other paper necessary to be filed in support of any claim for the benefits of federal legislation for any person or his dependents who has served as a member of the Army, Navy, or Marine Corps of the United States.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 360, sec. 13, effective July 15, 1982. -Amended 1970 Ky. Acts ch. 89, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1746.

289.241. Association interest does not disqualify officer taking acknowledgment.

No public officer qualified to take acknowledgments or proofs of written instruments shall be disqualified from taking the acknowledgment or proof of any instrument in writing in which an association is interested by reason of his membership in or employment by an association so interested, and any such acknowledgment or proofs heretofore taken are valid.

Effective: June 18, 1964

History: Created 1964 Ky. Acts ch. 138, sec. 63(2), effective June 18, 1964.

**TITLE XXXII - OWNERSHIP AND CONVEYANCE OF PROPERTY
CHAPTER 382. CONVEYANCES AND ENCUMBRANCES**

382.130. When deeds executed in this state to be admitted to record. —

Deeds executed in this state may be admitted to record:

- (1) On the acknowledgment, before the proper clerk, by the party making the deed;
- (2) By the proof of two (2) subscribing witnesses, or by the proof of one (1) subscribing witness, who also proves the attestation of the other;
- (3) By the proof of two (2) witnesses that the subscribing witnesses are both dead; and also like proof of the signature of one of them and of the grantor;
- (4) By like proof that both of the subscribing witnesses are out of the state, or that one (1) is so absent and the other is dead; and also like proof of the signature of one (1) of the witnesses and of the grantor; or
- (5) On the certificate of a county clerk of this state, or any notary public, that the deed has been acknowledged before him by the party making the deed or proved before him in the manner required by subsection (2), (3) or (4).

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 501.

382.160. Certificate of acknowledgment or proof of deed. —

(1) Where the acknowledgment of a deed is taken by an officer of this state or by an officer residing out of this state, he may simply certify that it was acknowledged before him, and when it was done.

(2) Where a deed is proved by persons other than the subscribing witnesses, the officer shall state the name and residence of each such person in his certificate.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 504, 507.