

SENATE, No. 390

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senator LIPMAN

1 AN ACT concerning acknowledgement of documents and amending
2 R.S.46:14-2.1 and P.L.1979, c.460.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. R.S.46:14-2.1 is amended to read as follows:

8 46:14-2.1. Acknowledgment and proof. a. To acknowledge a deed
9 or other instrument the maker of the instrument shall appear before an
10 officer specified in R.S.46:14-6.1 and acknowledge that it was
11 executed as the maker's own act. To acknowledge a deed or other
12 instrument made on behalf of a corporation or other entity, the maker
13 shall appear before an officer specified in R.S.46:14-6.1 and state that
14 the maker was authorized to execute the instrument on behalf of the
15 entity and that the maker executed the instrument as the act of the
16 entity.

17 b. To prove a deed or other instrument, a subscribing witness shall
18 appear before an officer specified in R.S.46:14-6.1 and swear that he
19 or she witnessed the maker of the instrument execute the instrument
20 as the maker's own act. To prove a deed or other instrument executed
21 on behalf of a corporation or other entity, a subscribing witness shall
22 appear before an officer specified in R.S.46:14-6.1 and swear that the
23 representative was authorized to execute the instrument on behalf of
24 the entity, and that he or she witnessed the representative execute the
25 instrument as the act of the entity.

26 c. The officer taking an acknowledgment or proof shall sign a
27 certificate stating that acknowledgment or proof. The certificate shall
28 also state:

29 (1) that the maker or the witness personally appeared before the
30 officer;

31 (2) that the officer was satisfied that the person who made the
32 acknowledgment or proof was the maker of or the witness to the
33 instrument;

34 (3) the jurisdiction in which the acknowledgment or proof was

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 taken;

2 (4) the officer's name and title;

3 (5) the date on which the acknowledgment was taken;

4 (6) a description of the specific form of identification that the
5 maker or the witness submitted to the officer.

6 d. The seal of the officer taking the acknowledgment or proof need
7 not be affixed to the certificate stating that acknowledgment or proof.
8 (cf: R.S.46:14-2.1)

9

10 2. Section 10 of P.L.1979, c.460 (C.52:7-19) is amended to read
11 as follows:

12 10. Each notary public, in addition to subscribing his autograph
13 signature to any jurat upon the administration of any oath or the taking
14 of any acknowledgement or proof, shall affix thereto:

15 a. his name in such a manner and by such means, including, but not
16 limited to, printing, typing, or impressing by seal or mechanical stamp,
17 as will enable the Secretary of State easily to read said name; and

18 b. a description of the specific form of identification that was
19 submitted to him by the person taking the oath or providing the
20 acknowledgement or proof except that, in the case of oaths,
21 acknowledgments or proofs taken without this State, this description
22 shall be required only for officers set forth in R.S.46:14-6.1.

23 (cf: P.L.1979, c.460, s.10)

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25 3. This act shall take effect on the 180th day following enactment.

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STATEMENT

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30 Prior to acknowledging deeds and other instruments and
31 administering oaths, notaries and other authorized persons are required
32 to ascertain the identity of the person who appeared before them. This
33 bill would clarify this requirement by providing that the notaries and
34 other officers must include in the document they sign a description of
35 the specific form of identification that was submitted to them.

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40 _____
41 Requires notaries and other persons authorized to acknowledge deeds
42 and other instruments to set forth the form of identification provided
by the maker of the instrument.