

HOUSE BILL NO. HB0036

Notaries.

Sponsored by: Representative(s) Gingery, Brown, Buchanan,
Illoway and Petersen and Senator(s)
Dockstader, Hastert and Massie

A BILL

for

1 AN ACT relating to notaries, notarial officers and notarial
2 acts; amending the Wyoming Uniform Law on Notarial Acts;
3 amending and repealing laws on notaries public; adopting
4 provisions of the Model Notary Act; amending notary related
5 statutes; specifying a means to satisfy acknowledgements;
6 and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 34-26-201 through 34-26-208 and
11 34-26-301 through 34-26-304 are created to read:

12

ARTICLE 2

13

POWERS OF NOTARIAL OFFICERS

14

15

16 **34-26-201. Powers and prohibitions.**

1

2 (a) A notarial officer is empowered to perform the
3 acts described in W.S. 34-26-101(b)(iii).

4

5 (b) A notarial officer, shall not perform a notarial
6 act if the principal:

7

8 (i) Is not in the notarial officer's presence at
9 the time of notarization;

10

11 (ii) Is not personally known to the notarial
12 officer or identified by the notarial officer through
13 satisfactory evidence;

14

15 (iii) Shows a demeanor which causes the notarial
16 officer to have a compelling doubt about whether the
17 principal knows the consequences of the transaction
18 requiring a notarial act; or

19

20 (iv) In the notarial officer's judgment is not
21 acting of his own free will.

22

1 (c) A notarial officer may certify the affixation of
2 a signature by mark on a document presented for
3 notarization if:

4

5 (i) The mark is affixed in the presence of the
6 notarial officer and two (2) witnesses unaffected by the
7 document;

8

9 (ii) Both witnesses sign their own names beside
10 the mark;

11

12 (iii) The notarial officer writes below the
13 mark: "Mark affixed by (name of signer by mark) in presence
14 of (names and addresses of witnesses) and undersigned
15 notarial officer under W.S. 34-26-201(c)"; and

16

17 (iv) The notarial officer notarizes the
18 signature by mark through an acknowledgment, jurat or
19 signature witnessing.

20

21 (d) A notarial officer may sign the name of a person
22 physically unable to sign or make a mark on a document
23 presented for notarization if:

24

1 (i) The person directs the notarial officer to
2 do so in the presence of two (2) witnesses unaffected by
3 the document;

4
5 (ii) The notarial officer signs the person's
6 name in the presence of the person and the witnesses;

7
8 (iii) Both witnesses sign their own names beside
9 the signature;

10
11 (iv) The notarial officer writes below the
12 signature: "Signature affixed by notarial officer in the
13 presence of (names and addresses of person and two (2)
14 witnesses) under W.S. 34-26-201(d)"; and

15
16 (v) The notarial officer notarizes the signature
17 through an acknowledgment, jurat or signature witnessing.

18
19 (e) It shall be lawful for any notarial officer who
20 is a stockholder, director, officer or employee of a bank
21 or other corporation to take the acknowledgment of any
22 party to any written instrument executed to or by said
23 corporation, or to administer an oath to any other
24 stockholder, director, officer, employee or agent of such

1 corporation, or to protest for nonacceptance, or
2 nonpayment, bills of exchange, drafts, checks, notes and
3 other negotiable instruments which may be owned or held for
4 collection by any such bank or other corporation.

5

6 **34-26-202. Disqualifications.**

7

8 (a) A notarial officer is disqualified from
9 performing a notarial act if the notarial officer:

10

11 (i) Is a party to or named in the document that
12 is to be notarized;

13

14 (ii) Will receive as a direct or indirect result
15 any commission, fee, advantage, right, title, interest,
16 cash, property or other consideration exceeding in value
17 the fees specified in W.S. 34-26-302; or

18

19 (iii) Is a spouse, ancestor, descendant or
20 sibling of the principal, including in-law, step or half
21 relative.

22

23 (b) Notwithstanding paragraph (a)(ii) of this
24 section, a notarial officer may collect a fee for an

1 assignment as a signing agent if payment of that fee is not
2 contingent upon the signing of any document.

3

4 **34-26-203. Refusal to notarize.**

5

6 (a) Unless required by W.S. 34-26-201(b)(iii) or
7 (iv), a notarial officer shall not refuse to perform a
8 notarial act based on the principal's status as a nonclient
9 or noncustomer of the notarial officer or the officer's
10 employer.

11

12 (b) A notarial officer shall perform any notarial act
13 described in W.S. 34-26-101(b)(iii) for any person
14 requesting such an act who tenders the appropriate fee,
15 unless:

16

17 (i) The notarial officer knows or has good
18 reason to believe that the notarial act or the associated
19 transaction is unlawful;

20

21 (ii) The act is prohibited under W.S.
22 34-26-201(b); or

23

1 (iii) The number of notarial acts requested
2 practicably precludes completion of all acts at once, in
3 which case the notarial officer shall arrange for later
4 completion of the remaining acts.

5

6 (c) A notarial officer may, but is not required to,
7 perform a notarial act outside the notarial officer's
8 regular workplace or business hours.

9

10 **34-26-204. Avoidance of influence.**

11

12 (a) While acting as a notarial officer, a notarial
13 officer shall not influence a person either to enter into
14 or avoid a transaction involving a notarial act by the
15 notarial officer, except that the notarial officer may
16 advise against a transaction if W.S. 34-26-201(b) applies.

17

18 (b) In his capacity as a notarial officer, a notarial
19 officer has neither the duty nor the authority to
20 investigate, ascertain or attest the lawfulness, propriety,
21 accuracy or truthfulness of a document or transaction
22 involving a notarial act.

23

24 **34-26-205. False certificate.**

1

2 (a) A notarial officer shall not execute a
3 certificate containing information known or believed by the
4 notarial officer to be false.

5

6 (b) A notarial officer shall not affix an official
7 signature or seal on a notarial certificate that is
8 incomplete.

9

10 (c) A notarial officer shall not provide or send a
11 signed or sealed notarial certificate to another person
12 with the understanding that it will be completed or
13 attached to a document outside of the notarial officer's
14 presence.

15

16 **34-26-206. Improper documents.**

17

18 (a) A notarial officer shall not notarize a
19 signature:

20

21 (i) On a blank or incomplete document; or

22

23 (ii) On a document without notarial certificate
24 wording.

1

2 (b) A notarial officer shall neither certify nor
3 authenticate a photograph.

4

5 **34-26-207. Intent to deceive.**

6

7 A notarial officer shall not perform any official action
8 with the intent to deceive or defraud.

9

10 **34-26-208. Testimonials.**

11

12 A notarial officer shall not use the official notarial
13 officer title or seal to endorse, promote, denounce or
14 oppose any product, service, contest, candidate or other
15 offering.

16

17 **ARTICLE 3**

18 **NOTARIAL OFFICER FEES**

19

20 **34-26-301. Imposition and waiver of fees.**

21

22 For performing a notarial act, a notarial officer may
23 charge the maximum fee specified in W.S. 34-26-302, charge
24 less than the maximum fee or waive the fee.

1

2 **34-26-302. Fees for notarial acts.**

3

4 (a) The maximum fees that may be charged by a
5 notarial officer for notarial acts are:

6

7 (i) For taking an acknowledgment, two dollars
8 (\$2.00) per signature;

9

10 (ii) For administering an oath or affirmation
11 without a signature, two dollars (\$2.00) per person;

12

13 (iii) For jurats, two dollars (\$2.00) per
14 signature;

15

16 (iv) For witnessing or attesting a signature,
17 two dollars (\$2.00) per signature;

18

19 (v) For certifying or attesting copies, two
20 dollars (\$2.00) per page certified;

21

22 (vi) For taking a verification upon oath or
23 affirmation, two dollars (\$2.00) per certificate;

24

1 (vii) For noting a protest of negotiable
2 instruments, two dollars (\$2.00) per protest.

3

4 (b) A notarial officer may charge a travel fee when
5 traveling to perform a notarial act if:

6

7 (i) The notarial officer and the person
8 requesting the notarial act agree upon the travel fee in
9 advance of the travel; and

10

11 (ii) The notarial officer explains to the person
12 requesting the notarial act that the travel fee is both
13 separate from the notarial fee, if any, and neither
14 specified nor mandated by law.

15

16 **34-26-303. Payment prior to act.**

17

18 (a) A notarial officer may require payment of any
19 fees specified in W.S. 34-26-302 prior to performance of a
20 notarial act.

21

22 (b) Any fees paid to a notarial officer prior to
23 performance of a notarial act are nonrefundable if:

24

1 (i) The act was completed; or

2

3 (ii) In the case of travel fees paid in
4 compliance with W.S. 34-26-302(b), the act was not
5 completed for reasons stated in W.S. 34-26-203(b)(i) or
6 (ii) after the notarial officer had traveled to meet the
7 principal.

8

9 **34-26-304. Fees of employee notarial officer.**

10

11 (a) An employer may prohibit an employee who is a
12 notarial officer from charging for notarial acts performed
13 as part of the employee's employment.

14

15 (b) A governmental employer who has absorbed an
16 employee's costs in becoming or operating as a notarial
17 officer shall require any fees collected for notarial acts
18 performed as part of the employee's employment either to be
19 waived or surrendered to the employer to support public
20 programs.

21

22 **Section 2.** W.S. 1-2-102(a) by creating a new
23 paragraph (xv) and (b), 2-11-105(a), 6-5-114,
24 9-1-305(a)(iii), 29-7-202(a), 32-1-105 by creating a new

1 subsection (e), 34-2-133(a), 34-5-101, 34-5-104,
2 34-26-101(b)(i), (iii), (iv) and by creating new paragraphs
3 (vii) through (xxii) and by creating a new subsection (c),
4 34-26-102(c) and (d), 34-26-103(a)(i) and by creating a new
5 subsection (d), 34-26-104(a)(i), 34-26-106(a)(i),
6 34-26-107(a) and (c), 34.1-3-505(b) and 41-7-804(a)(i) are
7 amended to read:

8

9 **1-2-102. Officers authorized to administer.**

10

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

13

14 (xv) Notarial officers.

15

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

20

21 **2-11-105. Procedure when foreign law does not require**
22 **probate; filing, recording and effect.**

23

1 (a) When a duly authenticated copy of a will from any
2 state or country where probate is not required by the laws
3 of the state or country, with a duly authenticated
4 certificate of the legal custodian of the original will
5 that the same is a true copy and that the will has become
6 operative by the laws of the state or country, and when a
7 copy of a notarial will in possession of a ~~notary~~notarial
8 officer in a foreign state or country entitled to the
9 custody thereof (the laws of which state or country require
10 that the will remain in the custody of the ~~notary~~notarial
11 officer), duly authenticated by the ~~notary~~notarial
12 officer, is presented by the executor or other persons
13 interested to the proper court in this state, the court
14 shall take the proofs as may be appropriate.

15

16 **6-5-114. Notarial officers; issuance of certificate**
17 **without proper acknowledgment; penalties.**

18

19 A ~~notary public~~notarial officer commits a misdemeanor
20 punishable by imprisonment for not more than six (6)
21 months, a fine of not more than seven hundred fifty dollars
22 (\$750.00), or both, if he signs and affixes his seal to a
23 certificate of acknowledgment when the party executing the
24 instrument has not first acknowledged the execution of the

1 instrument before the ~~notary public~~ notarial officer, if by
2 law the instrument is required to be recorded or filed and
3 cannot be filed without a certificate of acknowledgment
4 signed and sealed by a ~~notary public~~ notarial officer.

5

6 **9-1-305. Fees; amounts; collection; exceptions.**

7

8 (a) The secretary of state shall collect the
9 following fees in advance for:

10

11 (iii) Issuing a notarial officer commission, ~~to~~
12 ~~notary public~~, thirty dollars (\$30.00);

13

14 **29-7-202. Notice of lien to be filed; time and place;**
15 **form; filing by county clerk; release; renewal.**

16

17 (a) A notice of a breeder's lien shall within ninety
18 (90) days after the date of the service be filed in the
19 office of the secretary of state. The notice shall be in
20 the following format:

21

22 Notice of Breeder's Lien.

23

24 The State of Wyoming)

1) ss.

2 County of)

3

4 I,, being first duly sworn, upon my oath depose and
5 say I am the lawful owner (or duly authorized agent of
6 the lawful owner) of (description of male animal).

7

8 On (or between) the day of, A.D. (year) and the
9 day of, (year), the services of the male animal
10 were had upon the following described female animals:

11

12 The above services were rendered at the request of
13 (for and on behalf of), the lawful owner of the
14 female animals.

15

16 The fee agreed upon for these services was dollars.

17

18 There is now due to from for these services, the
19 sum of dollars.

20

21 Ninety (90) days have not elapsed since the date of the
22 services, and claim a breeder's lien on the property
23 for this amount.

24

1 Subscribed in my presence and sworn to before me this
2 day of, A.D. (year).

3

4 _____

5 ~~Notary Public~~ Notarial Officer.

6

7 **32-1-105. Powers and jurisdiction.**

8

9 (e) In addition to the powers and authority granted
10 to notaries by this chapter, every notary receiving a
11 commission under this chapter shall be a notarial officer
12 and have the powers and authority vested by the Wyoming
13 Uniform Law on Notarial Acts, W.S. 34-26-101 through
14 34-26-304.

15

16 **34-2-133. Tax deeds; possession and affidavits of**
17 **possession.**

18

19 (a) Possession by the grantee for a continuous period
20 of not less than six (6) months at any time after one (1)
21 year and six (6) months have elapsed since the date of
22 recording the tax deed extinguishes forever all the claims,
23 right, title and interest, including the right to
24 possession, of the former owner, and vests in the grantee

1 any title conveyed or purportedly conveyed by the tax deed.
 2 Proof of possession by the grantee and the record of the
 3 tax deed constitutes conclusive evidence of the legality
 4 and effectiveness of the deed and any proceedings upon
 5 which the deed is based, and of the title of the grantee.
 6 As a means of proving possession and preserving evidence of
 7 possession under a tax deed, the then owner or holder of
 8 the title conveyed or purportedly conveyed by the tax deed
 9 may, at any time after two (2) years from the date of
 10 recording of the tax deed, file for record in the office of
 11 the county clerk and ex officio register of deeds in which
 12 the real estate is located an affidavit substantially in
 13 the following form:

14

AFFIDAVIT OF POSSESSION AND CLAIM UNDER TAX DEED

16

17 State of)

18) ss

19 County)

20

21 I,, (name) residing at (address), being first
 22 duly sworn, depose and say that on (date) a tax deed
 23 was issued to (grantee) for the following described
 24 real estate: that said tax deed was filed for

1 record in the office of the county clerk and ex officio
 2 register of deeds for county,, on (date),
 3 and appears in the records of that office in County as
 4 recorded in book page of the records; that I
 5 am now in possession of such real estate and claim title to
 6 the same by virtue of such tax deed; that I have been in
 7 possession of such real estate for a continuous period of
 8 not less than six (6) months immediately preceding the date
 9 of this affidavit; and that the facts concerning the
 10 possession of such real estate from the date of recording
 11 the tax deed to the date of this notice are, insofar as
 12 known to me, as follows:

13

14

15 Subscribed and sworn to before me this day of
 16 , (year).

17

18

19

20 ~~Notary Public~~ Notarial Officer in and for

21

22 County

23 (state)

24

1 **34-5-101. When executed out of state; exceptions.**

2

3 All deeds and conveyances of real estate given and recorded
4 in the state of Wyoming prior to January 1, 1925, the
5 execution of which shall have been acknowledged before a
6 ~~notary public~~ notarial officer out of this state, where the
7 certificate of official character attached to such deeds or
8 other conveyance fails to state that such deed or
9 conveyance was executed and acknowledged according to the
10 laws of the state or territory in which the same was
11 executed, shall be deemed as valid and binding as if such
12 certificate had contained the statement aforesaid, and
13 shall be so construed by the courts, and the record thereof
14 shall have the same force and effect as if such certificate
15 had contained said statement; provided, that such record
16 shall in no wise affect the right or title of any person
17 acquired in good faith and for a valuable consideration
18 before the said January 1, 1925; and provided, further,
19 that this section shall not be construed to affect any
20 judgment or decree rendered by any court of the state
21 before that time.

22

23 **34-5-104. Certificate of acknowledgment; incomplete.**

24

1 Any conveyance of real estate made ten (10) years or more
2 prior to January 1st, A.D. 1935, purporting to be
3 acknowledged before any justice of the peace, within or
4 without the state of Wyoming, where such justice of the
5 peace did not state in his certificate of acknowledgment
6 the date of expiration of his office, or where no
7 certificate, or a defective certificate is attached to such
8 deed by the county clerk or clerk of court of the county of
9 such justice of the peace as is required by law in case
10 such acknowledgment is taken before a justice of the peace
11 outside of the state of Wyoming; and any conveyance of real
12 estate made ten (10) years or more prior to January 1st,
13 A.D. 1935, purporting to be acknowledged before any ~~notary~~
14 ~~public~~ notarial officer, where such ~~notary~~ ~~public~~ notarial
15 officer did not attach his seal to such certificate of
16 acknowledgment, or did not state therein the expiration of
17 the time of his commission; and any conveyance of real
18 estate made ten (10) years or more prior to the 1st day of
19 January, A.D. 1935, where such conveyance does not purport
20 to be properly witnessed; and any conveyance of real estate
21 made ten (10) years or more, prior to the first day of
22 January, A.D. 1935, purporting to be executed by any
23 corporation, where there is any defect or irregularity in
24 the execution or acknowledgment thereof, shall, if the same

1 has been heretofore recorded ten (10) years or more prior
2 to January 1st, 1935, in the office of the county clerk of
3 the county where the real estate therein conveyed is
4 situate, be deemed as valid and as effective and binding as
5 though the defects and irregularities therein, herein
6 mentioned, did not exist and as though in these respects
7 the same had been executed in full accordance with the laws
8 of this state, and the record, or the certified copy
9 thereof, shall be admitted in evidence in all actions or
10 proceedings with the same force and effect as though the
11 defects and irregularities therein, herein mentioned, did
12 not exist, and as though in these respects the same had
13 been executed in full accordance with the laws of this
14 state.

15

16 **34-26-101. Short title; definitions;**
17 **acknowledgements.**

18

19 (b) As used in this act:

20

21 (i) "Acknowledgment" means ~~a declaration by a~~
22 ~~person that the person has freely and voluntarily executed~~
23 ~~an instrument for the purposes stated therein and, if the~~
24 ~~instrument is executed in a representative capacity, that~~

1 ~~the person signed the instrument with proper authority and~~
2 ~~executed it as the act of the person or entity represented~~
3 ~~and identified therein and that the person acknowledges~~
4 ~~that the instrument was executed and acknowledged freely~~
5 ~~and voluntarily;~~ an act in which an individual at a single
6 time and place:

7
8 (A) Appears in person before the notarial
9 officer and presents a document;

10
11 (B) Is personally known to the notarial
12 officer or identified by the notarial officer through
13 satisfactory evidence; and

14
15 (C) Indicates to the notarial officer that
16 the signature on the document was voluntarily affixed by
17 the individual for the purposes stated within the document
18 and, if applicable, that the individual had due authority
19 to sign in a particular representative capacity.

20
21 (iii) "Notarial act," ~~means any act that a~~
22 ~~notarial officer of this state is authorized to perform,~~
23 ~~and includes taking an acknowledgement, administering an~~
24 ~~oath or affirmation, taking a verification upon oath or~~

1 ~~affirmation, witnessing or attesting a signature,~~
2 ~~certifying or attesting a copy and noting a protest of a~~
3 ~~negotiable instrument;~~ "notarize" and "notarization" mean:

4
5 (A) Taking an acknowledgment;

6
7 (B) Administering an oath or affirmation;

8
9 (C) Taking a verification upon oath or
10 affirmation;

11
12 (D) Witnessing or attesting a signature;

13
14 (E) Certifying or attesting a copy;

15
16 (F) Noting a protest of a negotiable
17 instrument;

18
19 (G) Performing a jurat; and

20
21 (H) Performing other acts so authorized by
22 the laws of this state.

23

1 (iv) "Notarial officer" means ~~a notary public or~~
2 ~~other officer~~ any person authorized to perform notarial
3 acts under W.S. 34-26-103 and includes persons commissioned
4 as notaries public under W.S. 32-1-101 through 32-1-109;

5
6 (vii) "Affirmation" means a notarial act, or
7 part thereof, which is legally equivalent to an oath and in
8 which an individual at a single time and place:

9
10 (A) Appears in person before a notarial
11 officer;

12
13 (B) Is personally known to the notarial
14 officer or identified by the notarial officer through
15 satisfactory evidence; and

16
17 (C) Makes a vow of truthfulness or fidelity
18 on penalty of perjury, based on personal honor and without
19 invoking a deity or using any form of the word "swear".

20
21 (viii) "Appears in person before the notarial
22 officer" means that the person and the notarial officer are
23 physically close enough to see, hear, communicate with and
24 give identification documents to each other;

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(ix) "Commission" means both to empower to perform notarial acts and the written evidence of authority to perform those acts;

(x) "Commissioned notarial officer" means a person who has been issued a commission to perform notarial acts by the secretary of state pursuant to W.S. 32-1-101 through 32-1-109. A commissioned notarial officer is a notary public;

(xi) "Credible witness" means an honest, reliable and impartial person who personally knows an individual appearing before a notarial officer and takes an oath or affirmation from the notarial officer to vouch for that individual's identity;

(xii) "Jurat" means a notarial act in which an individual at a single time and place:

(A) Appears in person before the notarial officer and presents a document;

1 (B) Is personally known to the notarial
2 officer or identified by the notarial officer through
3 satisfactory evidence;

4
5 (C) Signs the document in the presence of
6 the notarial officer; and

7
8 (D) Takes an oath or affirmation from the
9 notarial officer vouching for the truthfulness or accuracy
10 of the signed document.

11
12 (xiii) "Notarial certificate" and "certificate"
13 means the certificate required by W.S. 34-26-107;

14
15 (xiv) "Notary public" and "notary" mean a
16 commissioned notarial officer;

17
18 (xv) "Oath" means a notarial act, or part
19 thereof, which is legally equivalent to an affirmation and
20 in which an individual at a single time and place:

21
22 (A) Appears in person before the notarial
23 officer;

24

1 (B) Is personally known to the notarial
2 officer or identified by the notarial officer through
3 satisfactory evidence; and

4
5 (C) Makes a vow of truthfulness or fidelity
6 on penalty of perjury while invoking a deity or using any
7 form of the word "swear".

8
9 (xvi) "Personal knowledge of identity,"
10 "personally known to the notarial officer" and "personally
11 knows" mean familiarity with an individual resulting from
12 interactions with that individual over a period of time
13 sufficient to dispel any reasonable uncertainty that the
14 individual has the identity claimed;

15
16 (xvii) "Principal" means:

17
18 (A) A person whose signature is notarized;
19 or

20
21 (B) A person, other than a credible
22 witness, taking an oath or affirmation from the notarial
23 officer.

24

1 (xviii) "Regular place of work or business"
2 means a stationary office or workspace where one spends all
3 or some of one's working or business hours;

4
5 (xix) "Satisfactory evidence," when referring to
6 proof of identity, means identification of an individual
7 based on:

8
9 (A) The notarial officer's personal
10 knowledge of identity;

11
12 (B) At least one (1) current document
13 issued by a federal, state or tribal government agency
14 bearing the photographic image of the individual's face and
15 signature and a physical description of the individual,
16 though a properly stamped passport without a physical
17 description is acceptable; or

18
19 (C) The oath or affirmation of one (1)
20 credible witness unaffected by the document or transaction
21 who is personally known to the notarial officer and who
22 personally knows the individual, or of two (2) credible
23 witnesses unaffected by the document or transaction who
24 each personally knows the individual and shows to the

1 notarial officer documentary identification as described in
2 subparagraph (B) of this paragraph.

3

4 (xx) "Seal" means a device for affixing on a
5 document an image containing a notarial officer's name,
6 jurisdiction, commission expiration date and other
7 information related to the notarial officer's commission
8 and identity as required by W.S. 32-1-106;

9

10 (xxi) "Verification of fact" means a notarial
11 act in which a notarial officer reviews public or vital
12 records to ascertain or confirm any of the following facts
13 regarding a person:

14

15 (A) Date of birth or death;

16

17 (B) Name of parent, offspring or sibling;

18

19 (C) Date of marriage or divorce; or

20

21 (D) Name of marital partner.

22

23 (xxii) "This act" means W.S. 34-26-101 through
24 34-26-304.

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(c) A properly executed jurat satisfies any requirement for an acknowledgement.

34-26-102. Notarial acts.

(c) In witnessing or attesting a signature the ~~notarial officer~~ principal 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~~ be personally known to the notarial officer or identified through satisfactory evidence, shall appear in person before the notarial officer and shall make the signature in the presence of the notarial officer.

(d) In certifying or attesting a copy of a document or other item, the notarial officer shall:

(i) Be present with the document or other item which is neither a vital record, a public record nor publicly recordable;

1 (ii) Copy or supervise the copying of the
2 document or other item using a photographic or electronic
3 copying process; and

4
5 (iii) Determine that the proffered copy is a
6 full, true and accurate transcription or reproduction of
7 that which was copied.

8
9 **34-26-103. Notarial acts in Wyoming.**

10
11 (a) A notarial act may be performed within this state
12 by the following persons:

13
14 (i) A ~~notary public of this state~~ person
15 commissioned as a notary public under W.S. 32-1-101 through
16 32-1-109;

17
18 (d) All persons authorized to perform notarial acts
19 under subsection (a) of this section may perform such acts
20 without a commission except persons listed under paragraph
21 (a)(i) of this section.

22
23 **34-26-104. Notarial acts in other jurisdictions of**
24 **the United States.**

1

2 (a) A notarial act, including the acknowledgment of
3 any deed, mortgage or conveyance, has the same effect under
4 the law of this state as if performed by a notarial officer
5 of this state, if performed in another state, commonwealth,
6 territory, district or possession of the United States by
7 any of the following persons:

8

9 (i) A ~~notary public~~ notarial officer of that
10 jurisdiction;

11

12 **34-26-106. Foreign notarial acts.**

13

14 (a) A notarial act, including the acknowledgment of
15 any deed, mortgage or conveyance, has the same effect under
16 the law of this state as if performed by a notarial officer
17 of this state if performed within the jurisdiction of and
18 under the authority of a foreign nation or its constituent
19 units or a multi-national or international organization by
20 any of the following persons:

21

22 (i) A ~~notary public or notary~~ notarial officer;

23

1 **34-26-107. Certificate of notarial acts; presumptive**
2 **evidence.**

3
4 (a) A notarial act shall be evidenced by a
5 certificate signed and dated by a notarial officer. The
6 certificate shall include identification of the
7 jurisdiction in which the notarial act is performed and the
8 title of the office of the notarial officer and may include
9 the official stamp or seal of the office. If the officer is
10 a ~~notary public~~ commissioned notarial officer, the
11 certificate shall also indicate the date of expiration, if
12 any, of the commission of office, but omission of that
13 information may subsequently be corrected. If the officer
14 is a commissioned officer on active duty in the military
15 service of the United States, it shall also include the
16 officer's rank.

17
18 (c) ~~By executing~~ In addition to the presumptive
19 evidence established by W.S. 32-1-107 and as otherwise
20 provided in this chapter, a certificate of a notarial act,
21 ~~the notarial officer certifies that the officer has made~~
22 ~~the determinations required by W.S. 34-26-102~~ shall be
23 received as presumptive evidence that the notarial officer
24 made all findings required by this chapter and that any

1 circumstances which would prevent a notarial act under W.S.
2 34-26-201(b) were not present at the time of the notarial
3 act; provided that any person interested as a party to a
4 suit may contradict, by other evidence, the certificate.

5
6 **34.1-3-505. Evidence of dishonor.**

7
8 (b) A protest is a certificate of dishonor made by a
9 United States consul or vice consul, or a ~~notary public~~
10 notarial officer or other person authorized to administer
11 oaths by the law of the place where dishonor occurs. It
12 may be made upon information satisfactory to that person.
13 The protest must identify the instrument and certify either
14 that presentment has been made or, if not made, the reason
15 why it was not made, and that the instrument has been
16 dishonored by nonacceptance or nonpayment. The protest may
17 also certify that notice of dishonor has been given to some
18 or all parties.

19
20 **41-7-804. Creation; procedures generally.**

21
22 (a) The procedure for creating and incorporating a
23 district under the provisions of this act shall be in
24 accordance with the following method, to wit:

1

2 (i) A public irrigation district may be
3 organized under the provisions of this act by filing in the
4 office of the state engineer a petition in compliance with
5 the requirements hereinafter set forth, and the approval of
6 said petition by the state engineer of Wyoming as
7 hereinafter provided. Said petition shall be addressed to
8 said state engineer and state in substance that it is the
9 intent and purpose of the petitioners by said petition to
10 create a district under the provisions of this act, subject
11 to approval by said state engineer. Said petition must
12 contain: (A) the name of the proposed district. If the
13 proposed district is to engage in the business of owning or
14 operating irrigation works, such name shall include the
15 words "public irrigation district." If the proposed
16 district is also to engage in the business of acquiring,
17 manufacturing or selling or distributing electric power,
18 the name of the proposed district shall include the words
19 "public irrigation and power district"; (B) the object and
20 purpose of the system proposed to be constructed, together
21 with a general description of the nature, location and
22 method of operation of proposed irrigation works, and of
23 proposed power systems if owning and operating power plants
24 or systems is to be a part of the business of the proposed

1 district; (C) a description of the lands constituting the
2 proposed district and of the boundaries thereof; (D) the
3 location of the principal place of business of the proposed
4 district; (E) a statement that the proposed district shall
5 not have the power to levy taxes; (F) the names and
6 addresses of the members of the board of directors of the
7 proposed district (not less than five (5) nor more than
8 thirteen (13)) who shall serve until their successors are
9 elected and qualified as provided for in this act. In the
10 petition, the directors named shall be divided as nearly as
11 possible into three (3) equal groups, the members of the
12 first group to hold office until their successors, elected
13 at the first district election thereafter, shall have
14 qualified; the members of the second group to hold office
15 until their successors, elected at the second district
16 election thereafter, shall have qualified, and the members
17 of the third group to hold office until their successors,
18 elected at the third district election thereafter, shall
19 have qualified. Thereafter all directors elected shall
20 serve for a term of three (3) years and until their
21 successors are elected and qualified. After the name of
22 each director shall be stated to which of said three (3)
23 groups he belongs. Said petition must be signed by twenty-
24 five percent (25%) of the freeholders or entrymen of the

1 area constituting said proposed district, or by their duly
 2 authorized representatives. On each petition, set opposite
 3 the signature of each petitioner, shall be stated his or
 4 her name and post-office address. To each sheet for
 5 petitioners' signatures shall be attached a full and
 6 correct copy of the petition. Every sheet of every such
 7 petition containing signatures shall have upon it and below
 8 the signatures an affidavit by the circulator in
 9 substantially the following form:

10 State of Wyoming)
 11) ss
 12 County of)

13
 14, being first duly sworn, deposes and says, that
 15 he is the circulator of the foregoing petition containing
 16 signatures; that each person whose name appears on
 17 said petition sheet personally signed said petition in the
 18 presence of affiant; that he believes that each of said
 19 signers is a freeholder of land to be included within the
 20 proposed district residing at the address written opposite
 21 his or her name, and that affiant stated to every
 22 petitioner before he or she affixed his or her signature
 23 the legal effect and nature of said petition.

24

