DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2009 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 3.

 UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT

**SECTION 26‑3‑10.** Citation of chapter

This chapter may be cited as the Uniform Recognition of Acknowledgments Acts.

**SECTION 26‑3‑20.** “Notarial acts” defined; notarial acts performed outside of State.

For the purposes of this chapter, “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 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, and, further, such commissioned officers and other authorized persons, in the manner and under the conditions prescribed by this chapter, also may perform notarial acts inside this State for use in this State with the same effect as if performed by a notary public of this State;

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

**SECTION 26‑3‑30.** Proof of authority.

(a) If the notarial act is performed by any of the persons described in items (1) to (4), inclusive, of Section 26‑3‑20, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his authority is not required.

(b) If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

(1) Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;

(2) The official seal of the person performing the notarial act is affixed to the document; or

(3) The title and indication of authority to perform notarial acts of the person appear either in a digest of foreign law or in a list customarily used as a source of such information.

(c) If the notarial act is performed by a person other than one described in subsections (a) and (b), there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

(d) The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

**SECTION 26‑3‑40.** Substance of certification.

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.

**SECTION 26‑3‑50.** Form of certification.

The form of a certificate of acknowledgment used by a person whose authority is recognized under Section 26‑3‑20 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.

**SECTION 26‑3‑60.** “Acknowledged before me” defined.

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 purposes 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.

**SECTION 26‑3‑70.** Statutory 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)

**SECTION 26‑3‑80.** Application of chapter.

A notarial act performed prior to May, 8, 1972 is not affected by this chapter. This chapter provides an additional method of proving notarial acts. Nothing in this chapter diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this State.

**SECTION 26‑3‑90.** Construction.

This chapter shall be so interpreted as to make uniform the laws of those states which enact it.