

**AUTHORITY OF ARMED FORCES PERSONNEL TO PERFORM
NOTARIAL ACTS**

These regulations set forth, for both Federal and non-Federal purposes, the authority of U.S. Armed Force members to administer oaths; take affidavits, sworn statements, depositions, and acknowledgments; and perform other notarial acts.

**1. Federal Authority To Administer Oaths,
and the Legal Effectiveness of Such Oaths:**

a. Federal Authority To Administer Oaths:

(1) The following U.S. Armed Force members on active duty may administer oaths for purposes of military administration, including military justice (Art. 136, UCMJ; 10 U.S.C. 936):

(a) All judge advocates of the Army and the Air Force.

(b) All law specialists.

(c) All summary courts-martial.

(d) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.

(e) All commanding officers of the Navy, Marine Corps, and Coast Guard.

(f) All staff judge advocates and legal officers, and acting or assistant staff judge advocates and legal officers.

(g) All other persons designated by Armed Forces regulations or by statute. Although otherwise qualified under a(1)(d) above, Directors of Administrative Services, Deputy Directors of Administrative Services, Chiefs of Administrative Services, Administrative Officers, and similarly titled officers are hereby so designated by the Air Force.

(2) The following U.S. Armed Force members on active duty may administer oaths to any person when it is necessary in the performance of their duties (Art. 136, UCMJ; 10 U.S.C. 936):

(a) President, law officer, trial coun-

sel, and assistant trial counsel for all general and special courts-martial.

(b) President and counsel of any court of inquiry.

(c) All officers designated to take a deposition.

(d) All persons designated to conduct an investigation.

(e) All recruiting officers.

(f) All other persons designated by Armed Forces regulations or by statute.

(3) Any U.S. Armed Force commissioned officer of any Regular or Reserve component, whether or not on active duty, may administer:

(a) Oath of enlistment (10 U.S.C. 501 and 1031).

(b) Oath required for appointment of any commissioned or warrant officer grade (10 U.S.C. 1031).

(c) Any other oath required by law in connection with enlistment or appointment of any person in any U.S. Armed Force (10 U.S.C. 1031).

b. Legal Effectiveness. Oaths administered under these authorities are proper and legally effective for the purposes stated.

**2. Federal Authority To Perform Other
Notarial Acts, and the Legal Effectiveness
of Such Acts:**

a. Federal Authority. In addition to administering oaths for purposes described in paragraph 1a, U.S. Armed Force members listed in paragraph 1a(1) have general powers of a notary public and a U.S. consul to administer oaths and take affidavits, sworn statements, depositions, and acknowl-

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edgments to be accomplished by U.S. Armed Force members, wherever they may be, and by persons serving with, employed by, or accompanying the Armed Forces outside the United States and outside the Canal Zone, Puerto Rico, Guam, and the Virgin Islands.

b. Legal Effectiveness for Federal Purposes. Federal notarial acts performed under this authority are proper and legally effective for matters wholly connected with military administration, and are believed to be legally effective for all other Federal purposes.

c. Legal Effectiveness for Non-Federal Purposes. The legal effectiveness of any notarial act generally is dependent on the laws of the jurisdiction in which the instrument is actually to be used. This jurisdiction determines who may perform notarial acts, and the conditions under which they may be performed. Federal authority contained in Art. 136, UCMJ (10 U.S.C. 936), for the performance of notarial acts by certain U.S. Armed Force members may or may not be accepted as adequate compliance with the requirements of the jurisdiction in which the instrument actually is to be used.

d. Formats. The formats for acknowledgments (figure 1) and sworn instruments (figure 2) in the attachment should be used for Federal purposes, when needed.

3. Non-Federal Authority To Perform Notarial Acts, and the Legal Effectiveness of Such Acts:

a. Non-Federal Authority. Laws of almost all States, the District of Columbia, and U.S. possessions, territories, and commonwealths authorize certain U.S. Armed Force members to perform one or more of the

following notarial acts for U.S. Armed Force members, their dependents, and accompanying civilians:

- (1) Administer oaths.
- (2) Take affidavits.
- (3) Take sworn statements.
- (4) Take depositions (see paragraph 4).
- (5) Take acknowledgements.

Armed Force members should determine the State or States where the instrument actually is to be used. They should then consult the attachment hereto to determine both who has the authority to perform these notarial functions and for whom they may be performed under the laws of the jurisdiction or jurisdictions involved.

b. Legal Effectiveness. This must be tested by the statutory requirements of the State or States in which the instrument is to be used. When a single instrument requiring acknowledgment is to be used in more than one jurisdiction, the acknowledgment must comply with the laws of *every jurisdiction* in which it is to be used. Although notarial functions performed by U.S. Armed Force members are valid when authorized by the jurisdiction in which the instrument is to be used, it is advisable to use a locally appointed notary public with seal in the United States and a U.S. consul abroad.

4. Restrictions. Commissioned officers on the active list of the Regular Air Force or Army should not take depositions under a "commission" issued by any court. Accepting such commission may terminate the officer's appointment in the Air Force or Army. (10 U.S.C. 3544(b) and 8544(b)).

BY ORDER OF THE SECRETARIES OF THE AIR FORCE

OFFICIAL

JOHN F. RASH, Colonel, USAF
Director of Administrative Services

OFFICIAL

KENNETH G. WICKHAM
Major General, United States Army
The Adjutant General

J. P. McCONNELL, General, USAF
Chief of Staff

W. C. WESTMORELAND
General, United States Army
Chief of Staff
1 Attachment
Non-Federal Statutes

Summary of Revised, Deleted, or Added Material

This revises attachment 1 to incorporate changes in State laws pertaining to authority of Armed Forces personnel to perform notarial acts.

NON-FEDERAL STATUTES

FOREWORD

This attachment explains who is authorized to execute notarial acts, for whom, and how they may be accomplished for use in each State, the District of Columbia, and U.S. possessions, territories, and commonwealths.

It includes formats for acknowledgments (figure 1) and for sworn instruments (figure 2), and general instructions for their accomplishment. These formats are legally sufficient in almost all jurisdictions, and by following the special instructions, listed alphabetically by jurisdiction, they can be made legally sufficient in any specific jurisdiction.

U.S. Armed Force members should use this attachment to avoid ineffective execution of legal instruments. *When available, a legal assistance officer or judge advocate should be consulted.* However, any instructions from a civilian attorney who prepared and forwarded an instrument for execution should be carefully followed.

GENERAL INSTRUCTIONS FOR ACKNOWLEDGMENTS AND SWORN INSTRUMENTS

1. Seal of Person Executing Document. Some State statutes require that instruments conveying real or personal property be executed under seal. Therefore, it is recommended that, immediately preceding the signature of the person selling property or appointing an attorney in fact to do so, there should appear the statement "Witness my hand and seal," or words to that effect. In most jurisdictions, the typing, printing, or writing of the word "(SEAL)" or the symbol "(LS)" after the signature will complete the sealing of the instrument.

2. Witnesses. All instruments which may affect title to real estate must be acknowledged, and since some States also require witnesses, they should also be witnessed by three persons (see figure 1). The name, grade, branch of service, SSAN/military service number, and permanent home address of each witness should be typed or printed below his signature.

3. By Whom Acknowledgments or Sworn Instruments May Be Taken. The majority of State statutes authorize any commissioned officer with the rank of 2d lieutenant or higher to take acknowledgments and sworn instruments. Therefore, in the alphabetical listing of States contained in this attachment, the word commissioned officer is used to denote officers with the rank of 2d lieutenant or higher. Where these statutes re-

quire that the commissioned officer have a higher rank, or permit commissioned or non-commissioned officers of a lower rank, to perform these acts, or restrict the authority to officers performing certain functions, these facts are stated under the alphabetical listing of States herein.

4. When, Where, and for Whom Acknowledgments and Sworn Instruments May Be Taken. Non-Federal statutes vary to such an extent that it is necessary to consult the alphabetical listing of States contained in this attachment to determine when, where, and for whom acknowledgments and sworn instruments may be taken.

5. Seal of Officer Taking Acknowledgments or Sworn Instruments. Under provisions of Art. 136, UCMJ (10 U.S.C. 936), and of all State statutes, the signature of the officer taking acknowledgments or sworn instruments is prima facie evidence of his authority, and an impressed or raised seal is not required.

6. Manner of Administering Oaths and Taking Acknowledgments. A person taking an acknowledgment or a sworn instrument should take the acknowledgment or administer the oath in person, and in the presence of the person whose acknowledgment or oath is being taken. The foregoing is mandatory since both civil and criminal penalties may attach to performing these acts *in absentia*.

WITNESS the following signature and seal this _____ day of _____, 19_____.

Signature of person whose
acknowledgment is to be taken (SEAL)

Signed, sealed and delivered in
the presence of:

(Signature of Witness)

(Name, Grade, Branch of Service, SSAN/AFSN,
and Permanent Home Address)

(Signature of Witness)

(Name, Grade, Branch of Service, SSAN/AFSN,
and Permanent Home Address)

(Signature of Witness)

(Name, Grade, Branch of Service, SSAN/AFSN,
and Permanent Home Address)

With the United States Armed Forces
At (location*)

I, _____, the undersigned officer, do hereby certify that on this ____ day of _____, 19_____, before me, personally appeared (name of person whose signature is being acknowledged), Armed Forces Service Number/SSAN whose home address is _____, and who is known to me to be (status**), and to be the identical person who is described in, whose name is subscribed to, and who signed and executed the foregoing instrument, and having first made known to him the contents thereof, he personally acknowledged to me that he signed and sealed the same, on the date it bears, as his true, free, and voluntary act and deed for uses, purposes and considerations therein set forth. And I do further certify that I am at the date of this certificate a commissioned officer of the grade, branch of service, and organization stated below in the active service of the United States Armed Forces, that by statute no seal is required on this certificate, and same is executed in my capacity as (official capacity***).

(signature of officer)

(name of officer)

(SSAN/AFSN, grade, and branch of service)

(command or organization)

(permanent home address)

*Insert Country, State, and County in which instrument is acknowledged. If military considerations preclude disclosure of exact place of execution, insert "In a Foreign Country" or "In a possession of the U.S. outside of the continental U.S."

** "U.S. Armed Forces member on active duty," or "the spouse of a U.S. Armed Force member," or "a person serving with the U.S. Armed Forces," or other appropriate description of status.

*** "a commissioned officer under statutory authority granted to me" (state authority), or "a commissioned officer assigned to duty with the JAGD (staff judge advocate, adjutant, etc.) under statutory authority granted to me" (state authority), or

"a judge advocate (staff judge advocate, adjutant etc.) under authority granted to me by Art. 136, UCMJ; 10 U.S.C. 936" (federal authority), or

"an Administrative Services Officer under authority granted me by Art. 136, UCMJ; 10 U.S.C. 936 and AFR 110-6/AR 600-11.

Figure 1. Signature Block, Witnesses, and Acknowledgment Certificate.

ACKNOWLEDGMENTS

An acknowledgment, as used herein, includes the certificate or written evidence of the act of acknowledgment made by the officer, as well as the act itself. Technically, it is a formal declaration or admission before a properly authorized official by a person who has executed an instrument that such instrument is his act or deed.

The purpose of acknowledgments generally is to entitle the instrument to be recorded and to authorize its introduction in evidence without further proof of its execution.

Acknowledgments relate primarily to instruments affecting land, and statutes require that deeds, mortgages, leases (particularly those over a certain length of years), powers of attorney to convey land or an interest therein, etc., be acknowledged.

NOTE: The format for acknowledgments (figure 1) contains all facts required under laws of the majority of jurisdictions for acknowledgments executed by U.S. Armed Force members. Special instructions begin on page 8, listed alphabetically for each State, the District of Columbia, and U.S. possessions, territories, and commonwealths. The format must be varied, amended, or altered to meet any special requirements of any jurisdiction.

Venue

With the United States Armed Forces }
At _____ (location*) }

Body

(This part of the instrument contains the substance of the affidavit, deposition, or other sworn statement.)

(signature of person making statement)

Jurat

I, _____, the undersigned officer, do hereby certify that the foregoing instrument was subscribed and sworn to before me this ____ day of _____, 19____, by (name of person making statement), (Armed Forces service number/SSAN), whose permanent home address is _____, and who is known to me to be (status**). And I do further certify that I am at the date of this certificate a commissioned officer of the grade, branch of service and organization stated below in the active service of the United States Armed Forces, that by statute no seal is required on this certificate, and same is executed in my capacity as (official capacity***).

(signature of officer)

(name of officer)

(SSAN/AFSN, grade, and branch of service)

(command or organization)

(permanent home address)

* Insert Country, State and County in which instrument is acknowledged. If military considerations preclude disclosure of exact place of execution insert "In a Foreign Country" or "In a possession of the U.S. outside of the continental U.S."

** "U.S. Armed Forces member on active duty," or "the spouse of a U.S. Armed Force member," or "a person serving with the U.S. Armed Forces," or other appropriate description of status.

*** "a commissioned officer under statutory authority granted to me" (state authority), or "a commissioned officer assigned to duty with the JAGD (staff advocate, adjutant, etc.) under statutory authority granted to me" (state authority), or

"a judge advocate (staff judge advocate, adjutant, etc.) under authority granted to me by Art. 136, UCMJ; 10 U.S.C. 936" (federal authority), or

"an Administrative Services Officer under authority granted to me by Art. 136, UCMJ; 10 U.S.C. 936 and AFR 110-6/AR 600-11."

Figure 2. Sworn Instrument.

SWORN INSTRUMENTS

Sworn instruments, as used herein, are written declarations signed by a person who declares under oath before a properly authorized official that the facts set forth therein are true to the best of his knowledge and belief. They include affidavits, sworn statements, and depositions.

They are comprised of three distinct parts:

- (1) *Statement of Venue* (place where notarial act is performed).
- (2) *Body* of instrument.
- (3) *Jurat* (clause stating that instrument was sworn to, subscribed, etc., and the date of such act).

Names of these parts, indicated in the format in bold type, *should not appear in the actual instrument.*

The purpose of sworn instruments generally is to make a formal statement under oath of certain facts which are known to the person making such statement.

NOTE: The format for sworn instruments (figure 2) contains all facts required under the laws of the majority of jurisdictions for sworn instruments executed by U.S. Armed Force members. Special instructions begin on page 8, listed alphabetically for each State, the District of Columbia, and U.S. possessions, territories, and commonwealths. The formats must be varied, amended, or altered to meet any special requirements of any jurisdiction.

SPECIAL INSTRUCTIONS FOR ACKNOWLEDGMENTS AND SWORN INSTRUMENTS

ALABAMA Code of Ala., Title 47, Sec. 27.

1. **Acknowledgements.** Commissioned officers may take acknowledgements of any person, military or otherwise, at any place outside of the State of Alabama.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

ALASKA Alas Stat. 9.65.010; 34.15.160.

No local statutory authority for commissioned officers to take acknowledgments, oaths or sworn instruments, except a commanding officer of a coast guard vessel who may take oaths or affirmation at any place.

ARIZONA Ariz. Rev. Stats. Sec. 33-511.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of (a) U.S. Armed Force members and their dependents at any place; (b) merchant seamen outside the limits of the 50 States and the District of Columbia at any time; and (c) others serving outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. No provision for dependent of persons in "(b)" and "(c)" above.

2. **Oaths and Sworn Instrument.** Requisites same as for acknowledgments.

ARKANSAS Ark. Stat. Ann. Sec. 49-111 and 40-108.

1. **Acknowledgments.** Commissioned officers may take acknowledgments for persons serving in or with the Armed Forces of the United States or their dependents at any place.

2. **Oaths and Sworn Instruments.** Any person in the Armed Forces may make oath to any affidavit before any commissioned officer of any branch of service.

CALIFORNIA Calif. Civil Code, Sec. 1183.5.

1. **Acknowledgments.** Officers on active duty commissioned in or assigned or detailed

to duty with the Judge Advocate General's Department or Corps, any staff judge advocate or acting staff judge advocate, and the adjutant, assistant adjutant, personnel adjutant, or commanding officer of any command may take acknowledgments of any person serving in or with the U.S. Armed Forces, or the spouse of any U.S. Armed Force member, at any place. No provision made for acknowledgments of spouses of persons serving with the U.S. Armed Forces. NOTE: California statutes do not specifically authorize administrative services officers to take acknowledgments. Although the Air Force considers them to be "adjutants" within the meaning of the California statute, this State may not recognize such acknowledgments.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

CANAL ZONE 4 C.Z.C., Sec. 725.

1. **Acknowledgments.** Commissioned officers on active duty with the Judge Advocate General's Department, any staff judge advocate or acting staff judge advocate, and the adjutant, assistant adjutant, personnel adjutant or commanding officer of a command may take acknowledgments of any person serving in or with the U.S. Armed Forces, or the spouse of any U.S. Armed Forces member, at any place. NOTE: The Canal Zone Code does not specifically authorize administrative services officers to take acknowledgments. Although the Air Force considers them to be "adjutants" within the meaning of the Canal Zone Code, this jurisdiction may not recognize such acknowledgments.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

COLORADO Colo. Rev. Stat. (1963) Secs. 98-1-4 and 118-1-27.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of (a) U.S. Armed Force members at any place; (b) merchant seamen outside limits of the 50 States and the District of Columbia; and (c) of any person who is outside said limits by permission, assignment or direction of any department or official of the United

States Government in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. No provision is made for spouses or dependents.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

CONNECTICUT Conn Gen. Stat., Sec. 27-137.

1. **Acknowledgments.** Commissioned officers may take acknowledgments for those serving in or with U.S. Armed Forces at any place. No provisions made for spouses or dependents.

2. **Oaths and Sworn Instruments.** No local authority granted for commissioned officers to take oaths or sworn instruments.

DELAWARE Del. Code Ann., Title 25, Sec. 130.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of (a) U.S. Armed Force members at any place; (b) merchant seamen outside the limits of the 48 contiguous States and the District of Columbia at any time; and (c) other persons outside the above limits by permission, assignment, or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. No provisions made for spouses or dependents.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

DISTRICT OF COLUMBIA

No local statutory authority for any U.S. Armed Force member to take acknowledgments, oaths, or sworn instruments. (See paragraph 2a of this regulation for Federal authority to perform these functions.)

FLORIDA Fla. Sts. Sec. 90.011 and Sec. 695.031.

1. **Acknowledgments.** Commissioned officers may take acknowledgments for those serving in or with U.S. Armed Forces, and for spouses of U.S. Armed Forces members, at any place. No provision made for spouses of persons serving with the U.S. Armed

Forces. No provision made for dependents other than spouses of U.S. Armed Forces members.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

GEORGIA Ga. Code Ann., Title 71, Secs. 401 and 404.

1. **Acknowledgments:**

a. Section 401 provides that all commissioned officers are ex officio notaries public for the purpose of taking acknowledgments of any person, at any place, concerning Georgia property only.

b. Section 404 provides that commissioned officers may take acknowledgments generally of (a) U.S. Armed Force members at any place; (b) merchant seamen outside the limits of the 48 contiguous States and the District of Columbia; and (c) other persons outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. No provision made for spouses or dependents.

2. **Oaths and Sworn Instruments:**

a. Section 401 requisites same as for acknowledgments when oaths and sworn instruments concern Georgia property only.

b. Section 404 requisites same as for acknowledgments.

GUAM Govt. Code, Sec. 22200.

1. **Acknowledgments.** Commissioned officers on active duty authorized by UCMJ to administer oaths may take acknowledgments of any person on active duty.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

HAWAII Rev. Laws, Sec. 343-31.

1. **Acknowledgments.** Any U.S. Armed Force officer authorized by Congress to perform duties of a notary public may take acknowledgment for any U.S. Armed Force member, at any place, and for any person while outside the United States. (See paragraph 2a of this regulation for Federal authority to perform these functions.)

2. **Oaths and Sworn Instruments.** No local authority granted for any U.S. Armed Force member to take oaths or sworn instruments.

AFR 110-6
AR 600-11

IDAHO Idaho Code, Sec. 55-705.

1. **Acknowledgments.** "Any officer of any component of any branch of the Armed Forces of the United States as may be designated to take a deposition . . ." may take the acknowledgment at any place of persons in any of the Armed Forces or otherwise subject to military law, and their wives and dependents.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

ILLINOIS Illinois Ann. Stat., Sec. 30-19 and Sec. 101-2.

1. **Acknowledgments.** Commissioned officers may take acknowledgments, at any place, for those serving in or with U.S. Armed Forces and for their spouses or former spouses. No provision made for dependents other than spouses or former spouses.

2. **Oaths and Sworn Statements.** Commissioned officers may take all oaths or sworn instruments, at any place, from any person whether or not connected with the U.S. Armed Forces.

INDIANA Burns Ind. Stat., Sec. 56-130a.

1. **Acknowledgments.** Commissioned officers may take acknowledgments for (a) those serving in or with U.S. Armed Forces at any place; (b) merchant seamen outside the limits of the 48 contiguous States and the District of Columbia; and (c) any person who is outside said limits by permission, assignment or direction of any department or office of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. No provision made for spouses or dependents.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

IOWA Iowa Code Ann., Sec. 558.26; Rules for Civil Procedure, Sec. 153.

1. **Acknowledgments.** Commissioned officers may take acknowledgments for those serving in or with U.S. Armed Forces at any place. No provision made for spouses or dependents.

2. **Oaths and Sworn Instruments.** Depositions may be taken by any commissioned

officer under whose command the person giving the deposition is serving, or by any commissioned officer of the Judge Advocate General Department or Corps. No local authority granted for any U.S. Armed Force member to take other oaths or sworn instruments.

KANSAS K. S. A. 58-2216c.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of any person, or his spouse or dependents if such person is either (a) a member of the Armed Forces of the United States; (b) a merchant seaman outside the limits of the 50 States and the District of Columbia; or (c) is outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

KENTUCKY Ky. Rev. Stat., Sec. 384.080.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of (a) U.S. Armed Force members at any place; (b) merchant seamen outside the limits of the United States and (c) others outside said limits by permission, assignment or direction of any department or official of the United States Government, at any time. No provision made for spouses or dependents by the terms of the statute itself. Note however, that the Attorney General of Kentucky has stated that the statute also applies to dependents of military personnel and to civilian employees of the Armed Forces and their dependents who are outside the limits of the United States (OAG 63-86).

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

LOUISIANA Rev. Stats., Sec. 35.7

1. **Acknowledgments.** Commissioned officers may take acknowledgments of persons serving in or with the U.S. Armed Forces, at any place; acknowledgments authorized for others, including spouses, only outside the United States and the District of Columbia.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments.

NOTE: Sec. 35.11 provides as follows:

"Whenever notaries pass any acts they shall give the marital status of all parties to the act, viz;

If either or any party or parties are men, they shall be described as single, married, or widower. If married or a widower, the Christian and family name of the wife shall be given. If either or any party or parties are women, they shall be described as single, married, or widow. If married or widow, their Christian and family name shall be given, adding that she is the wife of or widow of. . . the husband's name."

MAINE Title 33, M.R.S.A., Sec. 203.

1. Acknowledgments. Commissioned officers may take acknowledgments, at any place, for U.S. Armed Force members. No provision made for any other acknowledgments.

2. Oaths and Sworn Instruments. No local authority granted for any U.S. Armed Forces member to take oaths or sworn instruments.

MARYLAND Md. Code Ann., Art. 18, Secs. 11 and 15.

1. Acknowledgments. Commissioned officer in active service of the Armed Forces of the United States may take acknowledgments of (a) any persons serving in or with the Armed Forces of the United States, and their spouses or dependents, at any place; (b) any persons serving as merchant seamen outside the 48 contiguous States and the District of Columbia; or (c) any persons outside the 48 contiguous States and the District of Columbia by permission, assignment or direction of any department or official of the United States Government in connection with any activity pertaining to the prosecution of any way in which the United States is then engaged. No provision made for acknowledgments of spouses or dependents of persons described in "(b)" or "(c)" of this paragraph.

2. Oaths and Sworn Instruments. Any commissioned officer in active service of the Armed Forces of the United States may take oaths and sworn instruments for (a) any member of the Armed Forces of the United States; (b) any persons serving as merchant seamen outside the 48 contiguous States and the District of Columbia; or (c) any person

outside the 48 contiguous States and the District of Columbia by permission, assignment or direction of any department or official of the United States Government in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. No provision made for spouses or dependents.

MASSACHUSETTS Ann. Laws, Vol. 7A, Ch. 222, Sec. 11.

1. Acknowledgments. Commissioned officers may take acknowledgments of persons serving in or with the Armed Forces of the United States and their dependents at any place. In case of dependents, the officer's certificate must state name and serial number of the person serving in the Armed Forces on whom the person is dependent.

2. Oaths and Sworn Instruments. No local authority for any U.S. Armed Forces member to take oaths or sworn instruments.

MICHIGAN Mich. Stat. Ann., 26.601(1) and 27A1440

1. Acknowledgments. Commissioned officers may take acknowledgments, at any place for persons serving in or with the Armed Forces of the United States or civilian employees thereof, or in each case their spouses and dependents.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments, except that here the statute uses the word "dependents" instead of the words "spouses and dependents" which occur in the statute relating to acknowledgments.

NOTE: The oath prescribed is more extensive than the jurat prescribed in attachment 1 and is more in the nature of a verification and should contain in addition to the matter prescribed in attachment 1 the following: "made oath that he or she knows the contents thereof and the same is true of his own knowledge except as to matter stated therein to be on information and belief, and as to those matters he or she believes is to be true."

MINNESOTA Minn. Sts. Ann., Secs. 358.09 and 358.27.

1. Acknowledgments. Commissioned officers may take acknowledgments for those

serving in or employed by the U.S. Armed Forces, and their spouses, at any place.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments.

MISSISSIPPI Miss. Code Ann., Sec. 4025-01.

1. Acknowledgments. Commissioned officers may take acknowledgments of (a) members of the U.S. Armed Forces or their spouses at any place; (b) merchant seamen outside the limits of the 48 contiguous States and the District of Columbia; and (c) persons outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged.
(NOTE: No provision is made for the spouses of persons in (b) and (c).)

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments.

MISSOURI Vernon's Ann. Stat., Secs. 442.160 and 492.070.

1. Acknowledgments. Commissioned officers may take acknowledgments for U.S. Armed Force members on active duty; and their spouses when joint or separate acknowledgment to same instrument is required. No local authority granted for any other acknowledgment.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments, except that there is no provision for taking oaths of spouses.

MONTANA (1961) Rev. Mont. Code Sec. 39-106.

1. Acknowledgments. Commissioned officers may take acknowledgments of (a) U.S. Armed Force members at any place; (b) merchant seamen outside the limits of the 48 contiguous States and the District of Columbia; and (c) persons outside the limits of the United States of America by permission, assignment or direction of any department or official of the United States Government in connection with any activity pertaining to the prosecution of any war in which the

United States is then engaged. No provision made for spouses or dependents.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments.

NEBRASKA (Reissue 1966) Rev. Stat., Sec. 76-227.

1. Acknowledgments. Commissioned officers may take acknowledgments of any persons, at any place.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments.

NEVADA NRS 111.805.

1. Acknowledgments. Commissioned officers may take acknowledgments for any person serving in or with the U.S. Armed Forces, or any person whose duties require his presence with the U.S. Armed Forces, at any place. No provision made for spouses or dependents.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments.

NEW HAMPSHIRE Rev. Stat. Ann., Ch. 456.12.

1. Acknowledgments. Commissioned officers may take acknowledgments of those serving in or with the Armed Forces of the United States or their dependents wherever located.

2. Oaths and Sworn Instruments. No local authority granted for any U.S. Armed Forces member to take oaths or sworn instruments.

NEW JERSEY NJ Stats. Ann., Secs. 38:23A-1; 46:2B-1, 2, 3, and 46:2C-1, 2, and 5.

1. Acknowledgments. Commissioned officers may take acknowledgments of (a) U.S. Armed Force members and their spouses at any place; (b) merchant seamen outside the limits of the 48 contiguous States and the District of Columbia; and (c) a person outside said limits by permission, assignment or direction of any department or official of the United States Government in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. No provision is made for spouses of persons in "(b)" and "(c)" above.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments.

NEW MEXICO NM Stats. Ann., Sec. 43-1-7.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of (a) U.S. Armed Force members at any place; (b) merchant seamen outside the limits of the 48 contiguous States and the District of Columbia; and (c) persons who are outside those limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. No provision made for spouses or dependents.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

NEW YORK Real Property Law, Sec. 300; CPLR, Secs. 2309 and 4538.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of persons serving in or with the Armed Forces of the United States or of any dependent of any such persons wherever located, or of any person attached to or accompanying the Armed Forces wherever located. No authentication now required.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

NOTE: Where an oath of acknowledgment is by a member of the Armed Forces or by a dependent of such member the serial number of the member must appear.

NORTH CAROLINA Gen. Stat. Sec. 47-2.

1. **Acknowledgments.** Any warrant officer or other officer of higher rank may take acknowledgments of any persons, at any place.

2. **Oaths and Sworn Instruments.** No local authority granted for any U.S. Armed Force member to take oaths or sworn instruments.

NORTH DAKOTA Century Code, Title 47, Secs. 19-17 and 19-17.1.

1. **Acknowledgments.** Sergeants, warrant officers, and other officers of higher rank may take acknowledgments for those serving in or with the U.S. Armed Forces, at any place. No provision made for spouses or dependents.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

OHIO Ohio Rev. Code Ann., Sec. 147.38.

1. **Acknowledgments.** Commissioned officers may take acknowledgments, at any place, for U.S. Armed Force members and their dependents, and of persons serving with, employed by or accompanying the Armed Forces outside the United States, and their dependents.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

OKLAHOMA Stats. Ann., Title 72, Secs. 50.1 and 50.2.

1. **Acknowledgments.** Sergeants, warrant officers, and other officers of higher rank may take acknowledgments for U.S. Armed Force members on active duty; and their spouses when joint or separate acknowledgment to the same instrument is required. No local authority granted for any other acknowledgments.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

OREGON Ore. Rev. Stat., Secs. 194.410, 194.420, and 194.430.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of members of the U.S. Armed Forces or U.S. Merchant Marine, and the spouses of such members, and civilian employees of the U.S. and their spouses, so long as any of the above are serving outside the boundaries of any of the 50 States and the District of Columbia.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

PENNSYLVANIA Purdon's Pa. Stat. Ann., Title 21, Sec. 291.10a and Title 57, Sec. 54b to 54f.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of (a) Armed Force members and their spouses and dependents at any place; (b) persons serving with the Armed Forces and their dependents at any place; (c) merchant seamen outside the limits of the 48 States and the District of Columbia; and (d) persons outside said limits by permission, assignment



or direction of any department or official of the United States Government in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. No provision made for the spouses and dependents of persons in "(c)" and "(d)" above. Further, any person having powers of a notary public under Title 50 United States Code, Section 732 (now Title 10 United States Code, Section 936 or Article 136 UCMJ) may take acknowledgments of any U.S. Armed Force member on active duty.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments except that the word "and dependents" are omitted from "(a)" as it appears in paragraph 1 above and no provision for personnel described in 1b above.

PUERTO RICO

No local statutory authority for any U.S. Armed Force member to take acknowledgments, oaths, or sworn instruments. (See paragraph 2a of this regulation for Federal authority to perform these functions.)

RHODE ISLAND Gen. Laws, Sec. 34-12-5.

1. Acknowledgments. Commissioned officers may take acknowledgments of any person without the limits of the United States.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments.

SOUTH CAROLINA Code of Laws, 60-51.

1. Acknowledgments. Affidavit of one subscribing witness (see paragraphs 2 and 3 below) takes the place of an acknowledgment by person executing instrument.

2. Oaths and Sworn Instruments. Commissioned officers may administer oaths, and take affidavits and sworn statements, for any U.S. Armed Force member on active duty outside of the State of South Carolina, and for any U.S. Armed Force civilian employee on active duty outside of the continental confines of the United States. No provision made for spouses or dependents.

3. Affidavit for Recording Deeds and Other Instruments. All instruments to be recorded must be witnessed by two or more persons,

and one of these subscribing witnesses must make an affidavit as to the proper execution of such instrument. The following format may be used for the venue and body of the affidavit, and the jurat (see figure 2) must be added:

With the U.S. Armed Forces
At (location)

Personally appeared before me (name of witness making affidavit) and made oath that he saw the within named (name of person executing the attached instrument) sign, seal, as his act and deed, and deliver the attached written instrument for the uses and purposes therein mentioned, and that he, with (name of other witness or witnesses), witnessed the execution thereof.

(Signature of witness making affidavit)

SOUTH DAKOTA SD 1960 Supp., Secs. 48.0801-1 and 51.1608-1.

1. Acknowledgments. Commissioned officers may take acknowledgments for those serving in or with U.S. Armed Forces at any place. No provision made for spouses or dependents.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments except that no provision is made for persons serving with U.S. Armed Forces other than officers of the Public Health Service.

TENNESSEE Tenn. Code Ann., Title 7, Secs. 305-307.

1. Acknowledgments. Commissioned officers may take acknowledgments of U.S. Armed Force members on active duty, and their spouses if they are accompanying their husbands in such service, at any place.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments.

TEXAS Vernon's Civil Stats., Title 1, Art. 26; and Title 115, Ch. 2, Arts. 6602 and 6607.

1. Acknowledgments. Commissioned officers may take acknowledgements of U.S. Armed Force members, auxiliaries thereto, or their spouses, at any place.

2. Oaths and Sworn Instruments. Requisites same as for acknowledgments but limited to U.S. Armed Forces members and auxiliaries thereto.

UTAH Code Ann., Title 57-2-4.

1. **Acknowledgments.** Commissioned officers may take acknowledgments for those serving in or with U.S. Armed Forces at any place. No provision made for spouses or dependents.

2. **Oaths and Sworn Instruments.** No local authority granted for any U.S. Armed Force member to take oaths or sworn instruments.

VERMONT Vt. Sts. Ann., Title 12, Sec. 5855.

1. **Acknowledgments.** Commissioned officers with the rank of captain in the Army or Air Force, or higher rank, or any officer with equivalent rank in other branches of the U.S. Armed Forces, may take acknowledgments of any person, at any place.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

VIRGINIA Va. Code Secs. 55-114.1 and 55-115.

1. **Acknowledgments.** Commissioned officers and commissioned officers of any State National Guard that is federally recognized may take the acknowledgment of U.S. Armed Force members on active duty and their spouses at any place. Additionally, persons who are authorized to take acknowledgments under Title 10, United States Code, Section 936 (Art. 136, UMCJ), as that section existed on October 30, 1963, may take acknowledgments of (a) members of the Armed Forces at any place; (b) of persons employed by or accompanying such Armed Forces outside the United States and outside the Canal Zone, Guam, and the Virgin Islands; and (c) of any person subject to the Uniform Code of Military Justice outside the United States.

2. **Oaths and Sworn Instruments.** No local authority granted for any U.S. Armed Forces member to take oaths or sworn instruments.

VIRGIN ISLANDS 5 V.I.C. 694 and 28 V.I.C. 91.

1. **Acknowledgments.** Commissioned officers may take acknowledgments for those serving in or with U.S. Armed Forces at any place. No provision made for spouses or dependents. (See paragraph 2a of this regulation for Federal authority to perform these functions.)

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

WASHINGTON RCWA 73.20.010.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of (a) U.S. Armed Force members at any place; (b) merchant seamen outside the limits of the 48 States and the District of Columbia, at any time; and (c) persons outside said limits by permission, assignment or direction of any department or official of the United States Government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged. No provision made for spouses or dependents.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

WEST VIRGINIA W. Va. Code, Secs. 39-1-4a and 57-5-9.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of U.S. Armed Force members, and their spouses, at any place.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments, except no provision made for spouses. However, body of sworn instrument (see figure 2) must contain the statement: "I am a member of the U.S. Armed Forces."

WISCONSIN Wisc. Stats., Secs. 235.19 (11) and 887.01(3).

1. **Acknowledgments.** Commissioned officers may take acknowledgments for persons serving in or with the U.S. Armed Forces, or their dependents, wherever located.

2. **Oaths and Sworn Instruments.** Requisites same as for acknowledgments.

WYOMING Wyoming Statutes Sec. 19-5.

1. **Acknowledgments.** Commissioned officers may take acknowledgments of persons serving in or with the Armed Forces or their dependents wherever located.

2. **Oaths and Sworn Instruments.** No local authority granted for any U.S. Armed Force member to take oaths or sworn instruments.

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