

HOUSE BILL NO. HB0036

Uniform law on notarial acts.

Sponsored by: Representative(s) Gingery, Brown, Buchanan,
Esquibel, F., Lubnau and Petersen

A BILL

for

1 AN ACT relating to notaries and notarial acts; adopting the
2 uniform law on notarial acts; amending conflicting
3 statutes; repealing the Wyoming Acknowledgment Act;
4 repealing superseded statutes; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 34-26-101 through 34-26-110 are
10 created to read:

11

12

CHAPTER 26

13

NOTARIAL ACTS

14

15

ARTICLE 1

16

WYOMING UNIFORM NOTARIAL ACT

17

1 **34-26-101. Short title; definitions.**

2

3 (a) This act shall be known and may be cited as the
4 "Wyoming Uniform Law on Notarial Acts".

5

6 (b) As used in this act:

7

8 (i) "Acknowledgment" means a declaration by a
9 person that the person has freely and voluntarily executed
10 an instrument for the purposes stated therein and, if the
11 instrument is executed in a representative capacity, that
12 the person signed the instrument with proper authority and
13 executed it as the act of the person or entity represented
14 and identified therein and that the person acknowledges
15 that the instrument was executed and acknowledged freely
16 and voluntarily;

17

18 (ii) In a "representative capacity" means:

19

20 (A) For and on behalf of a corporation,
21 partnership, trust or other entity, as an authorized
22 officer, agent, partner, trustee or other representative;

23

1 (B) As a public officer, personal
2 representative, guardian or other representative, in the
3 capacity recited in the instrument;

4
5 (C) As an attorney in fact for a principal;
6 or

7
8 (D) In any other capacity as an authorized
9 representative of another.

10

11 (iii) "Notarial act" means any act that a
12 notarial officer of this state is authorized to perform,
13 and includes taking an acknowledgement, administering an
14 oath or affirmation, taking a verification upon oath or
15 affirmation, witnessing or attesting a signature,
16 certifying or attesting a copy and noting a protest of a
17 negotiable instrument;

18

19 (iv) "Notarial officer" means a notary public or
20 other officer authorized to perform notarial acts;

21

22 (v) "Verification upon oath or affirmation"
23 means a declaration that a statement is true made by a
24 person upon oath or affirmation;

1

2 (vi) "This act" means W.S. 34-26-101 through
3 34-26-110.

4

5 **34-26-102. Notarial acts.**

6

7 (a) In taking an acknowledgment, the notarial officer
8 shall determine, either from personal knowledge or from
9 satisfactory evidence, that the person appearing before the
10 officer and making the acknowledgment is the person whose
11 true signature is on the instrument.

12

13 (b) In taking a verification upon oath or
14 affirmation, the notarial officer shall determine, either
15 from personal knowledge or from satisfactory evidence, that
16 the person appearing before the officer and making the
17 verification is the person whose true signature is on the
18 statement verified.

19

20 (c) In witnessing or attesting a signature the
21 notarial officer shall determine, either from personal
22 knowledge or from satisfactory evidence, that the signature
23 is that of the person appearing before the officer and
24 named therein.

1

2 (d) In certifying or attesting a copy of a document
3 or other item, the notarial officer shall determine that
4 the proffered copy is a full, true and accurate
5 transcription or reproduction of that which was copied.

6

7 (e) In certifying an instrument executed by a
8 corporation or a joint-stock association the notarial
9 officer shall determine that the president or other
10 official who signed the instrument on behalf of the
11 corporation or association appeared before and was
12 personally known to the notarial officer making the
13 certification, and was by him duly sworn and upon oath
14 represented that he was the president or other officer or
15 agent of the corporation or association, that the
16 instrument was signed on behalf of the corporation or
17 association by the authority of the board of directors or
18 trustees thereof, and that the officer who executed the
19 instrument on behalf of the corporation or association
20 acknowledged the instrument to be the free act and deed of
21 the corporation or association.

22

23 (f) In certifying an instrument executed by a trustee
24 of a testamentary trust or of an express trust created by a

1 written trust instrument, the notarial officer shall
2 determine that the trustee who signed the instrument on
3 behalf of the trust appeared before and was personally
4 known to the notarial officer making the certification, and
5 was by him duly sworn and upon oath represented that he was
6 the trustee of the trust, that the instrument was signed
7 and sealed on behalf of the trust, the trustee had the
8 authority under the terms of the written trust instrument
9 to execute the instrument on behalf of the trust, and that
10 the trustee acknowledged the instrument to be the free act
11 and deed of the trust.

12

13 (g) In making or noting a protest of a negotiable
14 instrument the notarial officer shall determine the matters
15 set forth in W.S. 34.1-3-505.

16

17 (h) A notarial officer has satisfactory evidence that
18 a person is the person whose true signature is on a
19 document if that person:

20

21 (i) Is personally known to the notarial officer;

22

1 (ii) Is identified upon the oath or affirmation
2 of a credible witness personally known to the notarial
3 officer; or

4

5 (iii) Is identified on the basis of
6 identification documents.

7

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

9

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

12

13 (i) A notary public of this state;

14

15 (ii) A judge of any court of this state;

16

17 (iii) A clerk or deputy clerk of a county;

18

19 (iv) A clerk or deputy clerk of any court of
20 this state;

21

22 (v) A district court commissioner;

23

1 (vi) A full-time magistrate as authorized by
2 W.S. 5-9-208;

3

4 (vii) A part-time magistrate as authorized by
5 W.S. 5-9-212;

6

7 (viii) Any other officer authorized under the
8 laws of this state to take acknowledgments.

9

10 (b) Notarial acts performed within this state under
11 federal authority as provided in W.S. 34-26-105, have the
12 same effect as if performed by a notarial officer of this
13 state.

14

15 (c) The signature and title of a person performing a
16 notarial act are prima facie evidence that the signature is
17 genuine and that the person holds the designated title.

18

19 **34-26-104. Notarial acts in other jurisdictions of**
20 **the United States.**

21

22 (a) A notarial act, including the acknowledgment of
23 any deed, mortgage or conveyance, has the same effect under
24 the law of this state as if performed by a notarial officer

1 of this state, if performed in another state, commonwealth,
2 territory, district or possession of the United States by
3 any of the following persons:

4
5 (i) A notary public of that jurisdiction;

6
7 (ii) A judge, clerk or deputy clerk of a court
8 of that jurisdiction; or

9
10 (iii) Any other person authorized by the law of
11 that jurisdiction to perform notarial acts.

12
13 (b) Notarial acts performed in other jurisdictions of
14 the United States under federal authority as provided in
15 W.S. 34-26-105 have the same effect as if performed by a
16 notarial officer of this state.

17
18 (c) The signature and title of a person performing a
19 notarial act are prima facie evidence that the signature is
20 genuine and that the person holds the designated title.

21
22 (d) The signature and indicated title of an officer
23 listed in paragraph (a)(i) or (ii) of this section

1 conclusively establish the authority of a holder of that
2 title to perform a notarial act.

3

4 **34-26-105. Notarial acts under federal authority.**

5

6 (a) A notarial act, including the acknowledgment of
7 any deed, mortgage or conveyance, has the same effect under
8 the law of this state as if performed by a notarial officer
9 of this state if performed anywhere by any of the following
10 persons under authority granted by the law of the United
11 States:

12

13 (i) A judge, clerk or deputy clerk of a court;

14

15 (ii) A commissioned officer on active duty in
16 the military service of the United States;

17

18 (iii) An officer of the foreign service or
19 consular officer of the United States; or

20

21 (iv) Any other person authorized by federal law
22 to perform notarial acts.

23

1 (b) The signature and title of the person performing
2 a notarial act are prima facie evidence that the signature
3 is genuine and that the person holds the designated title.
4

5 (c) The signature and indicated title of an officer
6 listed in paragraph (a)(i), (ii) or (iii) of this section
7 conclusively establish the authority of a holder of that
8 title to perform a notarial act.
9

10 **34-26-106. Foreign notarial acts.**
11

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

20 (i) A notary public or notary;
21

22 (ii) A judge, clerk or deputy clerk of a court
23 of record; or
24

1 (iii) Any person authorized by the law of the
2 jurisdiction to perform notarial acts.

3

4 (b) An "apostille" in the form prescribed by the
5 Hague Convention of October 5, 1961, conclusively
6 establishes that the signature of the notarial officer is
7 genuine and that the officer holds the indicated office.

8

9 (c) A certificate by a foreign service or consular
10 officer of the United States stationed in the nation under
11 the jurisdiction of which the notarial act was performed,
12 or a certificate by a foreign service or consular officer
13 of that nation stationed in the United States, conclusively
14 establishes any matter relating to the authenticity or
15 validity of the notarial act set forth in the certificate.

16

17 (d) An official stamp or seal of the person
18 performing the notarial act is prima facie evidence that
19 the signature is genuine and that the person holds the
20 indicated title.

21

22 (e) An official stamp or seal of an officer listed in
23 paragraph (a)(i) or (ii) of this section is prima facie

1 evidence that a person with the indicated title has
2 authority to perform notarial acts.

3
4 (f) If the title of office and indication of
5 authority to perform notarial acts appears either in a
6 digest of foreign law or in a list customarily used as a
7 source for that information, the authority of an officer
8 with that title to perform notarial acts is conclusively
9 established.

10
11 **34-26-107. Certificate of notarial acts.**

12
13 (a) A notarial act shall be evidenced by a
14 certificate signed and dated by a notarial officer. The
15 certificate shall include identification of the
16 jurisdiction in which the notarial act is performed and the
17 title of the office of the notarial officer and may include
18 the official stamp or seal of the office. If the officer is
19 a notary public, the certificate shall also indicate the
20 date of expiration, if any, of the commission of office,
21 but omission of that information may subsequently be
22 corrected. If the officer is a commissioned officer on
23 active duty in the military service of the United States,
24 it shall also include the officer's rank.

1

2 (b) A certificate of a notarial act is sufficient if
3 it meets the requirements of subsection (a) of this section
4 and it:

5

6 (i) Is in the short form set forth in W.S.
7 34-26-108;

8

9 (ii) Is in a form otherwise prescribed by the
10 law of this state;

11

12 (iii) Is in a form prescribed by the laws or
13 regulations applicable in the place in which the notarial
14 act was performed; or

15

16 (iv) Sets forth the actions of the notarial
17 officer and those are sufficient to meet the requirements
18 of the designated notarial act.

19

20 (c) By executing a certificate of a notarial act, the
21 notarial officer certifies that the officer has made the
22 determinations required by W.S. 34-26-102.

23

24 **34-26-108. Short forms.**

1

2 (a) The following short form certificates of notarial
3 acts are sufficient for the purposes indicated, if
4 completed with the information required by W.S.
5 34-26-107(a):

6

7 (i) For an acknowledgment for all instruments
8 conveying, mortgaging or otherwise disposing of or
9 encumbering real estate, including homestead property, and
10 for all other instruments affecting title to real estate
11 and all other instruments required by the laws of this
12 state to be acknowledged in an individual capacity:

13

14 State of _____

15

16 County of _____

17

18 This instrument was acknowledged before me on (date)
19 by (name(s) of person(s)).

20

21

22 (Seal, if any)

(Signature of notarial officer)

23

24

1 Title (and Rank)

2

3 [My commission expires:_____]

4

5 (ii) For an acknowledgment of all instruments
6 conveying, mortgaging or otherwise disposing of or
7 encumbering real estate, including homestead property, and
8 other instruments affecting title to real estate and all
9 other instruments to be acknowledged in a representative
10 capacity:

11

12 State of_____

13

14 County of_____

15

16 This instrument was acknowledged before me on (date)
17 by (name(s) of person(s)) as (type of authority, e.g.,
18 officer, trustee, etc.) of (name of party on behalf of whom
19 instrument was executed).

20

21

22 (Seal, if any)

(Signature of notarial officer)

23

24

1 Title (and Rank)

2

3 [My commission expires:_____]

4

5 (iii) For a verification upon oath or
6 affirmation:

7

8 State of_____

9

10 County of_____

11

12 Signed and sworn to (or affirmed) before me on (date)
13 by (name(s) of person(s) making statement)

14

15 _____

16 (Seal, if any) (Signature of notarial officer)

17

18 _____

19 Title (and Rank)

20

21 [My commission expires:_____]

22

23 (iv) For witnessing or attesting a signature:

24

1 State of _____

2

3 County of _____

4

5 Signed or attested before me on (date) by (name(s)

6 of person(s)).

7

8 _____

9 (Seal, if any)

(Signature of notarial officer)

10

11 _____

12 Title (and Rank)

13

14 [My commission expires: _____]

15

16 (v) For attestation of a copy of a document:

17

18 State of _____

19

20 County of _____

21

22 I certify that this is a true and correct copy of a

23 document in the possession of _____.

24

1 Dated _____

2

3

4 (Seal, if any) (Signature of notarial officer)

5

6

7 Title (and Rank)

8

9 [My commission expires: _____]

10

11 **34-26-109. Notarial acts affected by this act.**

12

13 (a) This act applies to notarial acts performed on or
14 after its effective date.

15

16 (b) Any instrument which was acknowledged within this
17 state prior to the effective date of this act and in
18 accordance with the laws in effect in this state as of the
19 date of the acknowledgment of the instrument shall continue
20 to a valid instrument. All instruments deemed to be
21 properly acknowledged under W.S. 34-2-118, prior to its
22 repeal by this enactment, shall continue to be deemed and
23 regarded to be properly acknowledged after the effective
24 date of this act.

1

2 **34-26-110. Uniformity of application and**
3 **construction.**

4

5 This act shall be applied and construed to effectuate its
6 general purpose to make uniform the law with respect to the
7 subject of this act among states enacting it.

8

9 **Section 2.** W.S. 1-2-102 by creating a new subsection
10 (b), 5-9-140, 8-1-102(a) by creating a new paragraph
11 (xiii), 11-17-102(a)(intro), 15-6-406(b)(intro), 22-5-214,
12 29-1-301(a), 29-2-106(c), 29-3-111(a), 29-5-103(a)(intro),
13 31-2-104(a), 31-2-504(a), 34-1-113, 34-1-118, 35-22-403(b),
14 36-9-106, 39-13-107(b)(iii)(H) and (J), 40-2-104(a)(iv) and
15 41-3-310(c)(intro) are amended to read:

16

17 **1-2-102. Officers authorized to administer.**

18

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

23

1 **5-9-140. Appointment of special reporters;**
2 **certification of transcript.**

3

4 If the record is to be made by a stenographic reporter, the
5 judge shall appoint a special stenographic reporter to
6 report the testimony and proceedings. If the record is made
7 by means of electronic recording, the judge shall appoint a
8 special reporter to make the electronic recording, and in
9 those cases in which it is required, the judge shall
10 appoint an official stenographer to furnish with reasonable
11 diligence a typewritten transcript of the testimony and
12 proceedings. The report of the official stenographer, when
13 typewritten and certified by him as a correct transcript of
14 the testimony and proceedings in the case, shall be prima
15 facie a correct statement of such testimony and
16 proceedings. The signature of the stenographer on the
17 certification of the transcript shall be duly acknowledged
18 by him before a ~~notary public or judicial~~ notarial officer
19 of this state.

20

21 **8-1-102. Definitions.**

22

1 (a) As used in the statutes unless the legislature
2 clearly specifies a different meaning or interpretation or
3 the context clearly requires a different meaning:

4
5 (xiii) "Notarial officer" means a notary public
6 or other officer authorized to perform notarial acts as
7 defined in W.S. 34-26-101(b)(iii).

8
9 **11-17-102. Registration with department of**
10 **agriculture; contents of certificate to be filed; certain**
11 **ingredients to be listed; samples and affidavit required;**
12 **fee.**

13
14 (a) Before any manufacturer, importer, jobber or
15 person sells, offers for sale or distributes in Wyoming any
16 livestock remedy, he shall file with the state department
17 of agriculture a statement that he desires to offer the
18 livestock remedy for sale in this state, and a certificate
19 in duplicate, sworn to before a ~~notary public or other~~
20 ~~proper official~~ notarial officer, stating:

21
22 **15-6-406. Lien created; priority; filing.**

1 (b) In order to have a valid, enforceable lien under
2 this section, a lien statement sworn to before a ~~notary~~
3 ~~public~~notarial officer, shall be filed by the claimant
4 with the county clerk of the county in which the assessment
5 district is located. The county clerk shall file the
6 statement and index by date, name of claimant and property
7 owner, and by legal description. The lien statement shall
8 contain the following:

9
10 **22-5-214. Change in party affiliation.**

11
12 An elector may change his party affiliation by completing
13 an application signed before a ~~notary~~notarial officer or
14 election official, and filing it with the county clerk not
15 later than thirty (30) days before the primary election or
16 at the polls on the day of the primary or general election,
17 or when requesting an absentee ballot.

18
19 **29-1-301. Lien statement to be filed; contents;**
20 **notice; fee.**

21
22 (a) In order to have a perfected lien pursuant to
23 this title, a lien claimant shall file with the county
24 clerk a lien statement sworn to before a ~~notary~~public

1 notarial officer. The county clerk shall file the statement
2 and index by date, name of claimant and property owner, and
3 legal description.

4

5 **29-2-106. When statement lien to be filed; rights of**
6 **subcontractor not abridged by contract between owner and**
7 **contractor; agreement to extend filing period.**

8

9 (c) Any party to a contract for which a lien may be
10 filed may agree to an extension of the time within which
11 the lien may be filed. The time agreed upon may not exceed
12 twice the time within which the lien would have to be filed
13 in accordance with subsection (a) of this section. The
14 agreement shall be acknowledged before a ~~notary public~~
15 notarial officer, and signed by the owner, the contractor
16 and any other parties to the contract before it is valid.
17 The agreement shall be filed with and recorded by the
18 county clerk in the manner provided by W.S. 29-1-301 for a
19 lien statement. The lien rights of persons not signing the
20 agreement are not affected by it.

21

22 **29-3-111. Claim against contractor submitted to**
23 **owner; reduction of subsequent payments to contractor by**

1 **owner; duty of owner to notify contractor and of contractor**
2 **to dispute or adjust claim.**

3
4 (a) Every person performing any work or furnishing
5 any material, as specified in this chapter, under contract
6 whose demand to be reimbursed for the work done or material
7 furnished has not been paid shall serve the owner by
8 certified mail return receipt requested, with an account
9 signed before a ~~notary public~~ notarial officer of the
10 amount and value of the work performed or the material
11 furnished remaining unpaid. Thereafter the owner or his
12 agent shall retain out of any subsequent payments to the
13 contractors the value of the work performed or material
14 furnished for the person making the claim.

15
16 **29-5-103. Lien statement to be filed; contents;**
17 **mistake in description not fatal; notice to purchaser or**
18 **owner.**

19
20 (a) Every person proceeding under this chapter shall
21 file a lien statement sworn before a ~~notary public~~ notarial
22 officer setting forth the amount claimed to be due him with
23 the county clerk of the county in which the crops were
24 grown, within thirty (30) days after:

1

2 **31-2-104. Transfer of ownership.**

3

4 (a) Except as otherwise provided in this section, the
5 owner of a vehicle who sells or transfers his interest in a
6 vehicle for which a certificate of title has been issued
7 shall endorse an assignment and warranty of title upon the
8 certificate for the vehicle with a statement of all liens
9 and encumbrances thereon, which assignment, warranty and
10 statement shall be subscribed by the owner before a ~~notary~~
11 ~~public~~notarial officer and acknowledged thereby in the
12 manner provided by law, to be dated and delivered to the
13 transferee at the time of delivering the vehicle. Except as
14 provided in subsection (b) of this section, the transferee
15 shall present the certificate to a county clerk and apply
16 for a new certificate of title within the same time periods
17 as required by W.S. 31-2-201(a)(ii).

18

19 **31-2-504. Transfer of ownership.**

20

21 (a) Except as otherwise provided in this section, the
22 owner of a mobile home who sells or transfers his interest
23 in a mobile home for which a certificate of title has been
24 issued shall endorse an assignment and warranty of title

1 upon the certificate for the mobile home with a statement
2 of all liens and encumbrances thereon and that all taxes
3 due thereon have been paid, which assignment, warranty and
4 statement shall be subscribed by the owner before a ~~notary~~
5 ~~public~~ notarial officer and acknowledged thereby in the
6 manner provided by law, to be dated and delivered to the
7 transferee at the time of delivering the mobile home.

8
9 **34-1-113. Acknowledgment of conveyances; generally.**

10
11 Execution of deeds, mortgages or other conveyances of
12 lands, or any interest in lands, shall be acknowledged by
13 the party or parties executing same, before any ~~judge or~~
14 ~~clerk of a court of record, or before any United States~~
15 ~~magistrate appointed under and by authority of the laws of~~
16 ~~the United States, or any county clerk, district court~~
17 ~~commissioner, notary public, or other officer authorized~~
18 ~~under the laws of the state of Wyoming to take such~~
19 ~~acknowledgments, and~~ notarial officer. The notarial officer
20 taking such acknowledgment shall ~~endorse thereon a~~
21 ~~certificate of the acknowledgment thereof, and the true~~
22 ~~date of making the same, under his hand and seal of office,~~
23 ~~if there be one~~ comply with the requirements of W.S.
24 34-26-107.

1
2 **34-1-118. Where conveyance to be recorded.**

3
4 A certificate of the acknowledgment of any deed, mortgage
5 or conveyance, or proof of the execution thereof, before a
6 ~~court of record or a justice of the peace, signed by the~~
7 ~~clerk of such court, (or by the justice) before whom the~~
8 ~~same was taken, as provided in this act, and in the cases~~
9 ~~where the same is necessary, the certificate required by~~
10 ~~W.S. 34-1-115~~ notarial officer, shall entitle such deed,
11 mortgage or conveyance, certificate or certificates
12 aforesaid, to be recorded in the office of the county clerk
13 in the county where the land lies.

14
15 **35-22-403. Advance health care directives.**

16
17 (b) An adult or emancipated minor may execute a power
18 of attorney for health care, which may authorize the agent
19 to make any health care decision the principal could have
20 made while having capacity. The power must be in writing
21 and signed by the principal or by another person in the
22 principal's presence and at the principal's expressed
23 direction. The power remains in effect notwithstanding the
24 principal's later incapacity and may include individual

1 instructions. Unless related to the principal by blood,
2 marriage or adoption, an agent may not be an owner,
3 operator or employee of a residential or community care
4 facility at which the principal is receiving care. The
5 durable power of attorney must be acknowledged before a
6 ~~notary public~~ notarial officer or must be signed by at
7 least two (2) witnesses, each of whom witnessed either the
8 signing of the instrument by the principal or the
9 principal's acknowledgement of the signature or of the
10 instrument, each witness making the following declaration
11 in substance:

12

13 I declare under penalty of perjury under the laws of
14 Wyoming that the person who signed or acknowledged this
15 document is known to me to be the principal, and the
16 principal signed or acknowledged this document in my
17 presence.

18

19 **36-9-106. Place of sale; execution of leases.**

20

21 All sales of state lands shall be held at a location to be
22 determined by the board within the county in which the land
23 is located and leases for state lands may be executed in

1 the presence of a ~~notary public~~ notarial officer or other
2 officer authorized to administer oaths.

3
4 **39-13-107. Compliance; collection procedures.**

5
6 (b) The following provisions shall apply to the
7 payment of taxes, distraint of property and deferral:

8
9 (iii) The following shall apply to the deferral
10 of tax collection:

11
12 (H) If any residence is under mortgage,
13 deed of trust or purchase contract whereby the explicit
14 terms of the mortgage, deed or contract requires the
15 accumulation of reserves out of which the holder of the
16 mortgage, deed or contract is required to pay real property
17 taxes, the holder or his authorized agent shall cosign the
18 affidavit to defer either before a ~~notary public~~ notarial
19 officer or the county assessor or deputy in the county in
20 which the real property is located;

21
22 (J) If any residence is under rental and
23 the terms of the rental contract require the payment of
24 taxes by the renter, the renter may apply for the deferral

1 provided the property owner or authorized agent also
2 cosigns the affidavit to defer either before a ~~notary~~
3 ~~public~~ notarial officer or the county assessor or deputy in
4 the county in which the real property is located;

5
6 **40-2-104. Application for registration.**

7
8 (a) Subject to the limitations set forth in this act
9 and upon payment of one hundred dollars (\$100.00), any
10 person who adopts a trade name for use in this state may
11 file an application for registration of the trade name in
12 duplicate in the office of the secretary of state on forms
13 furnished by the secretary of state setting forth, but not
14 limited to, the following information:

15
16 (iv) The signature of the applicant acknowledged
17 before a ~~notary public~~ notarial officer.

18
19 **41-3-310. Alterations or repairs of dams or diversion**
20 **systems; inspections by state engineer or assistant**
21 **engineer; cost.**

22
23 (c) If the assistant engineer is not a regular
24 employee of the state of Wyoming, inspections shall be made

1 at the expense of the owner. The owner shall be furnished
2 with an estimate of the cost prior to performance of any
3 inspections, but the state engineer is not precluded from
4 collecting any or all additional costs which result from
5 performance of the inspections. Costs to be paid by the
6 owner shall include, but are not limited to, all work or
7 tests as are necessary to fully provide any information and
8 data required by the state engineer or his appointed
9 representative. If the owner refuses or neglects to turn
10 over the funds within thirty (30) days, after the
11 presentation of the bill of costs, the costs shall
12 constitute a lien upon the works or other properties of the
13 owner or owners and may be collected by appropriate action
14 in any court of competent jurisdiction. In order to have a
15 valid, enforceable lien under this section, a lien
16 statement sworn to before a ~~notary public~~ notarial officer
17 shall be filed by the claimant with the county clerk of the
18 county in which the property is located. The county clerk
19 shall file the statement and index by date, name of
20 claimant and property owner, and by legal description. The
21 lien statement shall contain the following:

22

23 **Section 3.** W.S. 34-1-114 through 34-1-117, 34-1-126
24 and 34-2-114 through 34-2-120 are repealed.

1

2 **Section 4.** This act is effective July 1, 2008.

3

4

(END)