

SENATE FILE NO. SF0150

Notaries.

Sponsored by: Senator(s) Nicholas, P. and
Representative(s) Gingery

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 34-26-207 and
11 34-26-301 through 34-26-304 are created to read:

12

13 ARTICLE 2

14 POWERS OF NOTARIAL OFFICERS

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 or is not personally known to the
10 notarial officer who confirms through a telephone
11 conference that the principal signed the document;

12

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

16

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

21

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

24

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. Avoidance of influence.**

5

6 (a) While acting as a notarial officer, a notarial
7 officer shall not influence a person either to enter into
8 or avoid a transaction involving a notarial act by the
9 notarial officer, except that the notarial officer may
10 advise against a transaction if W.S. 34-26-201(b) applies.

11

12 (b) In his capacity as a notarial officer, a notarial
13 officer has neither the duty nor the authority to
14 investigate, ascertain or attest the lawfulness, propriety,
15 accuracy or truthfulness of a document or transaction
16 involving a notarial act.

17

18 **34-26-204. False certificate.**

19

20 (a) A notarial officer shall not execute a
21 certificate containing information known or believed by the
22 notarial officer to be false.

23

1 (b) A notarial officer shall not provide or send a
2 signed or sealed notarial certificate to another person
3 with the understanding that it will be completed or
4 attached to a document outside of the notarial officer's
5 place of business.

6

7 **34-26-205. Improper documents.**

8

9 (a) A notarial officer shall not notarize a signature
10 on a document without notarial certificate wording.

11

12 (b) A notarial officer shall neither certify nor
13 authenticate a photograph.

14

15 **34-26-206. Intent to deceive.**

16

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

19

20 **34-26-207. Testimonials.**

21

22 A notarial officer shall not use the official notarial
23 officer title or seal to endorse, promote, denounce or

1 oppose any product, service, contest, candidate or other
2 offering.

3

4

ARTICLE 3

5

NOTARIAL OFFICER FEES

6

7

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

8

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

12

13

34-26-302. Fees for notarial acts.

14

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

17

18 (i) For taking an acknowledgment, two dollars
19 (\$2.00) per signature;

20

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

23

1 (iii) For jurats, two dollars (\$2.00) per
2 signature;

3

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

6

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

9

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

12

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

15

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

18

19 (i) The notarial officer and the person
20 requesting the notarial act agree upon the travel fee in
21 advance of the travel; and

22

23 (ii) The notarial officer explains to the person
24 requesting the notarial act that the travel fee is both

1 separate from the notarial fee, if any, and neither
2 specified nor mandated by law.

3

4 **34-26-303. Payment prior to act.**

5

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

9

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

12

13 (i) The act was completed; or

14

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

20

21 **34-26-304. Fees of employee notarial officer.**

22

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

4

5 (b) A governmental employer who has absorbed an
6 employee's costs in becoming or operating as a notarial
7 officer shall require any fees collected for notarial acts
8 performed as part of the employee's employment either to be
9 waived or surrendered to the employer to support public
10 programs.

11

12 **Section 2.** W.S. 1-2-102(a) by creating a new
13 paragraph (xv) and (b), 2-11-105(a), 6-5-114,
14 9-1-305(a)(iii), 29-7-202(a), 32-1-105 by creating a new
15 subsection (e), 34-2-133(a), 34-5-101, 34-5-104,
16 34-26-101(b)(iii), (iv), by creating new paragraphs (vii)
17 through (xxi) and by creating a new subsection (c),
18 34-26-102(c) and (d), 34-26-103(a)(i) and by creating a new
19 subsection (d), 34-26-104(a)(i), 34-26-106(a)(i),
20 34-26-107(a) and (c), 34.1-3-505(b) and 41-7-804(a)(i) are
21 amended to read:

22

23 **1-2-102. Officers authorized to administer.**

24

1 (a) The following officers are authorized to
2 administer oaths:

3
4 (xv) Notarial officers.

5
6 (b) Except for notarial officers, officers listed in
7 this section are authorized to administer oaths, but are
8 not authorized to perform other notarial acts as defined in
9 W.S. 34-26-101(b)(iii), unless specified otherwise in W.S.
10 ~~32-1-105(c) or~~ 34-26-103(a).

11
12 **2-11-105. Procedure when foreign law does not require**
13 **probate; filing, recording and effect.**

14
15 (a) When a duly authenticated copy of a will from any
16 state or country where probate is not required by the laws
17 of the state or country, with a duly authenticated
18 certificate of the legal custodian of the original will
19 that the same is a true copy and that the will has become
20 operative by the laws of the state or country, and when a
21 copy of a notarial will in possession of a ~~notary~~ notarial
22 officer in a foreign state or country entitled to the
23 custody thereof (the laws of which state or country require
24 that the will remain in the custody of the ~~notary~~ notarial

1 officer), duly authenticated by the ~~notary~~notarial
2 officer, is presented by the executor or other persons
3 interested to the proper court in this state, the court
4 shall take the proofs as may be appropriate.

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

8
9 A ~~notary public~~notarial officer commits a misdemeanor
10 punishable by imprisonment for not more than six (6)
11 months, a fine of not more than seven hundred fifty dollars
12 (\$750.00), or both, if he signs and affixes his seal to a
13 certificate of acknowledgment when the party executing the
14 instrument has not first acknowledged the execution of the
15 instrument before the ~~notary public~~notarial officer, if by
16 law the instrument is required to be recorded or filed and
17 cannot be filed without a certificate of acknowledgment
18 signed and sealed by a ~~notary public~~notarial officer.

19
20 **9-1-305. Fees; amounts; collection; exceptions.**

21
22 (a) The secretary of state shall collect the
23 following fees in advance for:

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

3

4 29-7-202. Notice of lien to be filed; time and place;
5 form; filing by county clerk; release; renewal.

6

7 (a) A notice of a breeder's lien shall within ninety
8 (90) days after the date of the service be filed in the
9 office of the secretary of state. The notice shall be in
10 the following format:

11

12 Notice of Breeder's Lien.

13

14 The State of Wyoming)
15) ss.
16 County of)

17

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

21

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

1

2 The above services were rendered at the request of
3 (for and on behalf of), the lawful owner of the
4 female animals.

5

6 The fee agreed upon for these services was dollars.

7

8 There is now due to from for these services, the
9 sum of dollars.

10

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

14

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

17

18

19 ~~Notary Public~~ Notarial Officer.

20

21 My Commission expires _____

22

23 **32-1-105. Powers and jurisdiction.**

24

1 (e) In addition to the powers and authority granted
2 to notaries by this chapter, every notary receiving a
3 commission under this chapter shall be a notarial officer
4 and have the powers and authority vested by the Wyoming
5 Uniform Law on Notarial Acts, W.S. 34-26-101 through
6 34-26-304.

7
8 **34-2-133. Tax deeds; possession and affidavits of**
9 **possession.**

10
11 (a) Possession by the grantee for a continuous period
12 of not less than six (6) months at any time after one (1)
13 year and six (6) months have elapsed since the date of
14 recording the tax deed extinguishes forever all the claims,
15 right, title and interest, including the right to
16 possession, of the former owner, and vests in the grantee
17 any title conveyed or purportedly conveyed by the tax deed.
18 Proof of possession by the grantee and the record of the
19 tax deed constitutes conclusive evidence of the legality
20 and effectiveness of the deed and any proceedings upon
21 which the deed is based, and of the title of the grantee.
22 As a means of proving possession and preserving evidence of
23 possession under a tax deed, the then owner or holder of
24 the title conveyed or purportedly conveyed by the tax deed

1 may, at any time after two (2) years from the date of
2 recording of the tax deed, file for record in the office of
3 the county clerk and ex officio register of deeds in which
4 the real estate is located an affidavit substantially in
5 the following form:

6

7 AFFIDAVIT OF POSSESSION AND CLAIM UNDER TAX DEED

8

9 State of)

10) ss

11 County)

12

13 I,, (name) residing at (address), being first
14 duly sworn, depose and say that on (date) a tax deed
15 was issued to (grantee) for the following described
16 real estate: that said tax deed was filed for
17 record in the office of the county clerk and ex officio
18 register of deeds for county,, on (date),
19 and appears in the records of that office in County as
20 recorded in book page of the records; that I
21 am now in possession of such real estate and claim title to
22 the same by virtue of such tax deed; that I have been in
23 possession of such real estate for a continuous period of
24 not less than six (6) months immediately preceding the date

1 of this affidavit; and that the facts concerning the
2 possession of such real estate from the date of recording
3 the tax deed to the date of this notice are, insofar as
4 known to me, as follows:

5

6

7 Subscribed and sworn to before me this day of ,
8 (year).

9

10

11

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

13

14 County

15 (state)

16

17 **34-5-101. When executed out of state; exceptions.**

18

19 All deeds and conveyances of real estate given and recorded
20 in the state of Wyoming prior to January 1, 1925, the
21 execution of which shall have been acknowledged before a
22 ~~notary public~~ notarial officer out of this state, where the
23 certificate of official character attached to such deeds or
24 other conveyance fails to state that such deed or

1 conveyance was executed and acknowledged according to the
2 laws of the state or territory in which the same was
3 executed, shall be deemed as valid and binding as if such
4 certificate had contained the statement aforesaid, and
5 shall be so construed by the courts, and the record thereof
6 shall have the same force and effect as if such certificate
7 had contained said statement; provided, that such record
8 shall in no wise affect the right or title of any person
9 acquired in good faith and for a valuable consideration
10 before the said January 1, 1925; and provided, further,
11 that this section shall not be construed to affect any
12 judgment or decree rendered by any court of the state
13 before that time.

14

15 **34-5-104. Certificate of acknowledgment; incomplete.**

16

17 Any conveyance of real estate made ten (10) years or more
18 prior to January 1st, A.D. 1935, purporting to be
19 acknowledged before any justice of the peace, within or
20 without the state of Wyoming, where such justice of the
21 peace did not state in his certificate of acknowledgment
22 the date of expiration of his office, or where no
23 certificate, or a defective certificate is attached to such
24 deed by the county clerk or clerk of court of the county of

1 such justice of the peace as is required by law in case
2 such acknowledgment is taken before a justice of the peace
3 outside of the state of Wyoming; and any conveyance of real
4 estate made ten (10) years or more prior to January 1st,
5 A.D. 1935, purporting to be acknowledged before any ~~notary~~
6 ~~public~~ notarial officer, where such ~~notary~~ ~~public~~ notarial
7 officer did not attach his seal to such certificate of
8 acknowledgment, or did not state therein the expiration of
9 the time of his commission; and any conveyance of real
10 estate made ten (10) years or more prior to the 1st day of
11 January, A.D. 1935, where such conveyance does not purport
12 to be properly witnessed; and any conveyance of real estate
13 made ten (10) years or more, prior to the first day of
14 January, A.D. 1935, purporting to be executed by any
15 corporation, where there is any defect or irregularity in
16 the execution or acknowledgment thereof, shall, if the same
17 has been heretofore recorded ten (10) years or more prior
18 to January 1st, 1935, in the office of the county clerk of
19 the county where the real estate therein conveyed is
20 situate, be deemed as valid and as effective and binding as
21 though the defects and irregularities therein, herein
22 mentioned, did not exist and as though in these respects
23 the same had been executed in full accordance with the laws
24 of this state, and the record, or the certified copy

1 thereof, shall be admitted in evidence in all actions or
2 proceedings with the same force and effect as though the
3 defects and irregularities therein, herein mentioned, did
4 not exist, and as though in these respects the same had
5 been executed in full accordance with the laws of this
6 state.

7
8 **34-26-101. Short title; definitions;**
9 **acknowledgements.**

10
11 (b) As used in this act:

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

20
21 (A) Taking an acknowledgment;

22
23 (B) Administering an oath or affirmation;

1 (C) Taking a verification upon oath or
2 affirmation;

3
4 (D) Witnessing or attesting a signature;

5
6 (E) Certifying or attesting a copy;

7
8 (F) Noting a protest of a negotiable
9 instrument;

10
11 (G) Performing a jurat; and

12
13 (H) Performing other acts so authorized by
14 the laws of this state.

15
16 (iv) "Notarial officer" means ~~a notary public or~~
17 ~~other officer~~ any person authorized to perform notarial
18 acts under W.S. 34-26-103 and includes persons commissioned
19 as notaries public under W.S. 32-1-101 through 32-1-109;

20
21 (vii) "Affirmation" means a notarial act, or
22 part thereof, which is legally equivalent to an oath and in
23 which an individual at a single time and place:

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

4
5 (B) Makes a vow of truthfulness or fidelity
6 on penalty of perjury, based on personal honor and without
7 invoking a deity or using any form of the word "swear".

8
9 (viii) "Commission" means both to empower to
10 perform notarial acts and the written evidence of authority
11 to perform those acts;

12
13 (ix) "Commissioned notarial officer" means a
14 person who has been issued a commission to perform notarial
15 acts by the secretary of state pursuant to W.S. 32-1-101
16 through 32-1-109. A commissioned notarial officer is a
17 notary public;

18
19 (x) "Credible witness" means an honest, reliable
20 and impartial person who personally knows an individual
21 appearing before a notarial officer and takes an oath or
22 affirmation from the notarial officer to vouch for that
23 individual's identity;

24

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

3
4 (A) Is personally known to the notarial
5 officer or identified by the notarial officer through
6 satisfactory evidence;

7
8 (B) Signs the document in the presence of
9 the notarial officer; and

10
11 (C) Takes an oath or affirmation from the
12 notarial officer vouching for the truthfulness or accuracy
13 of the signed document.

14
15 (xii) "Notarial certificate" and "certificate"
16 means the certificate required by W.S. 34-26-107;

17
18 (xiii) "Notary public" and "notary" mean a
19 commissioned notarial officer;

20
21 (xiv) "Oath" means a notarial act, or part
22 thereof, which is legally equivalent to an affirmation and
23 in which an individual at a single time and place:

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

4
5 (B) 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 (xv) "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 or
13 any other reasonable corroboration sufficient to dispel any
14 reasonable uncertainty that the individual has the identity
15 claimed;

16
17 (xvi) "Principal" means:

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

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

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

(xviii) "Satisfactory evidence," when referring to proof of identity, means identification of an individual based on:

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

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

(C) The oath or affirmation of one (1) credible witness unaffected by the document or transaction who is personally known to the notarial officer and who personally knows the individual, or of two (2) credible witnesses unaffected by the document or transaction who

1 each personally knows the individual and shows to the
2 notarial officer documentary identification as described in
3 subparagraph (B) of this paragraph.

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

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

15
16 (A) Date of birth or death;

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

19
20 (C) Date of marriage or divorce; or

21
22 (D) Name of marital partner.

23

1 (xxi) "This act" means W.S. 34-26-101 through
2 34-26-304.

3

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

6

7 **34-26-102. Notarial acts.**

8

9 (c) In witnessing or attesting a signature the
10 ~~notarial officer~~ principal shall ~~determine, either from~~
11 ~~personal knowledge or from satisfactory evidence, that the~~
12 ~~signature is that of the person appearing before the~~
13 ~~officer and named therein~~ be personally known to the
14 notarial officer or identified through satisfactory
15 evidence, shall appear in person before the notarial
16 officer and shall make the signature in the presence of the
17 notarial officer.

18

19 (d) A notarial officer may certify or attest to a
20 copy of a document or other item except that a notarial
21 officer shall not certify or attest to a copy of a vital
22 record, public record or publicly recordable document. In
23 certifying or attesting a copy of a document or other item
24 under this subsection, the notarial officer shall:

1

2 (i) Have the document in his presence;

3

4 (ii) Copy or supervise the copying of the
5 document or other item using a photographic or electronic
6 copying process; and

7

8 (iii) Determine that the proffered copy is a
9 full, true and accurate transcription or reproduction of
10 that which was copied.

11

12 **34-26-103. Notarial acts in Wyoming.**

13

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

16

17 (i) A ~~notary public of this state person~~
18 commissioned as a notary public under W.S. 32-1-101 through
19 32-1-109;

20

21 (d) All persons authorized to perform notarial acts
22 under subsection (a) of this section may perform such acts
23 without a commission except persons listed under paragraph
24 (a)(i) of this section.

1

2 **34-26-104. Notarial acts in other jurisdictions of**
3 **the United States.**

4

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

11

12 (i) A ~~notary public~~notarial officer of that
13 jurisdiction;

14

15 **34-26-106. Foreign notarial acts.**

16

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

24

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

2

3 **34-26-107. Certificate of notarial acts; presumptive**
4 **evidence.**

5

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

19

20 (c) ~~By executing~~ In addition to the presumptive
21 evidence established by W.S. 32-1-107 and as otherwise
22 provided in this chapter, a certificate of a notarial act,
23 ~~the notarial officer certifies that the officer has made~~

1 ~~the determinations required by W.S. 34-26-102.~~ shall be
2 received as presumptive evidence that:

3
4 (i) If the instrument to which the certificate
5 is affixed was executed by natural persons acting in their
6 own right, that such person or persons personally appeared
7 before the notarial officer, were known to the officer to
8 be the person or persons described in and who executed such
9 instrument, and that the person or persons acknowledged
10 that the document was acknowledged freely and voluntarily;

11
12 (ii) If the instrument to which the certificate
13 is affixed was executed by an attorney-in-fact acting for a
14 natural person, that the attorney personally appeared
15 before the notarial officer, was known by the officer to be
16 the party who executed the instrument on behalf of the
17 natural person and that the attorney acknowledged that the
18 instrument was executed and acknowledged as the free and
19 voluntary act of the natural person;

20
21 (iii) If the instrument to which the certificate
22 is affixed was executed by a corporation or other entity
23 which is not a natural person, that the president or other
24 official who signed the instrument on behalf of the entity

1 appeared before and was personally known to the officer
2 making the certificate and was duly sworn and upon oath
3 represented that the person was the president or other
4 officer or agent of the corporation or entity, that the
5 seal affixed to the instrument is the corporate seal of the
6 corporation or entity, that the instrument was signed and
7 sealed on behalf of the corporation or entity by the
8 authority of the board of directors or trustees thereof and
9 that the officer who executed the instrument acknowledged
10 the instrument to be the free act and deed of the
11 corporation or entity. If the corporation or entity does
12 not have a corporate seal, a recital of that fact shall be
13 inserted at the end of the certificate by the notarial
14 officer.

15

16 **34.1-3-505. Evidence of dishonor.**

17

18 (b) A protest is a certificate of dishonor made by a
19 United States consul or vice consul, or a ~~notary public~~
20 notarial officer or other person authorized to administer
21 oaths by the law of the place where dishonor occurs. It
22 may be made upon information satisfactory to that person.
23 The protest must identify the instrument and certify either
24 that presentment has been made or, if not made, the reason

1 why it was not made, and that the instrument has been
2 dishonored by nonacceptance or nonpayment. The protest may
3 also certify that notice of dishonor has been given to some
4 or all parties.

5

6 **41-7-804. Creation; procedures generally.**

7

8 (a) The procedure for creating and incorporating a
9 district under the provisions of this act shall be in
10 accordance with the following method, to wit:

11

12 (i) A public irrigation district may be
13 organized under the provisions of this act by filing in the
14 office of the state engineer a petition in compliance with
15 the requirements hereinafter set forth, and the approval of
16 said petition by the state engineer of Wyoming as
17 hereinafter provided. Said petition shall be addressed to
18 said state engineer and state in substance that it is the
19 intent and purpose of the petitioners by said petition to
20 create a district under the provisions of this act, subject
21 to approval by said state engineer. Said petition must
22 contain: (A) the name of the proposed district. If the
23 proposed district is to engage in the business of owning or
24 operating irrigation works, such name shall include the

1 words "public irrigation district." If the proposed
2 district is also to engage in the business of acquiring,
3 manufacturing or selling or distributing electric power,
4 the name of the proposed district shall include the words
5 "public irrigation and power district"; (B) the object and
6 purpose of the system proposed to be constructed, together
7 with a general description of the nature, location and
8 method of operation of proposed irrigation works, and of
9 proposed power systems if owning and operating power plants
10 or systems is to be a part of the business of the proposed
11 district; (C) a description of the lands constituting the
12 proposed district and of the boundaries thereof; (D) the
13 location of the principal place of business of the proposed
14 district; (E) a statement that the proposed district shall
15 not have the power to levy taxes; (F) the names and
16 addresses of the members of the board of directors of the
17 proposed district (not less than five (5) nor more than
18 thirteen (13) who shall serve until their successors are
19 elected and qualified as provided for in this act. In the
20 petition, the directors named shall be divided as nearly as
21 possible into three (3) equal groups, the members of the
22 first group to hold office until their successors, elected
23 at the first district election thereafter, shall have
24 qualified; the members of the second group to hold office

1 until their successors, elected at the second district
2 election thereafter, shall have qualified, and the members
3 of the third group to hold office until their successors,
4 elected at the third district election thereafter, shall
5 have qualified. Thereafter all directors elected shall
6 serve for a term of three (3) years and until their
7 successors are elected and qualified. After the name of
8 each director shall be stated to which of said three (3)
9 groups he belongs. Said petition must be signed by twenty-
10 five percent (25%) of the freeholders or entrymen of the
11 area constituting said proposed district, or by their duly
12 authorized representatives. On each petition, set opposite
13 the signature of each petitioner, shall be stated his or
14 her name and post-office address. To each sheet for
15 petitioners' signatures shall be attached a full and
16 correct copy of the petition. Every sheet of every such
17 petition containing signatures shall have upon it and below
18 the signatures an affidavit by the circulator in
19 substantially the following form:

20

21 State of Wyoming)

22) ss

23 County of)

24

1 , being first duly sworn, deposes and says, that
2 he is the circulator of the foregoing petition containing
3 signatures; that each person whose name appears on
4 said petition sheet personally signed said petition in the
5 presence of affiant; that he believes that each of said
6 signers is a freeholder of land to be included within the
7 proposed district residing at the address written opposite
8 his or her name, and that affiant stated to every
9 petitioner before he or she affixed his or her signature
10 the legal effect and nature of said petition.

11

12

13 Circulator

14

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

17

18

19 ~~Notary Public~~ Notarial Officer;

20

21 **Section 3.** W.S. 1-2-102(a)(vii), 32-1-105(a) through
22 (d), 32-1-110 through 32-1-113, 34-26-101(b)(vi),
23 34-26-102(h) and 34-26-103(b) are repealed.

1

2 **Section 4.** This act is effective July 1, 2011.

3

4 (END)