

No. 203, S.]

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CHAPTER 289.

AN ACT to create chapter 329 of the statutes, relating to acknowledgments of written instruments and to make uniform the law with relation thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Chapter 329 of the statutes is created to read:

CHAPTER 329.**UNIFORM ACKNOWLEDGMENT ACT.**

329.01 ACKNOWLEDGMENT OF INSTRUMENTS. Any instrument may be acknowledged in the manner and form now provided by the laws of this state, or as provided by this chapter.

329.02 ACKNOWLEDGMENT WITHIN THE STATE. The acknowledgment of any instrument may be made in this state before:

- (1) A judge of a court of record;
- (2) A clerk or deputy clerk of a court having a seal;
- (3) A commissioner or register of deeds;
- (4) A notary public;
- (5) A justice of the peace; or
- (6) A master in chancery or register in chancery.

329.03 ACKNOWLEDGMENT WITHIN THE UNITED STATES. The acknowledgment of any instrument may be made without the state but within the United States or a territory or insular possession of the United States or the District of Columbia or the Philippine Islands and within the jurisdiction of the officer, before:

- (1) A clerk or deputy clerk of any federal court;
- (2) A clerk or deputy clerk of any court of record of any state or other jurisdiction;
- (3) A notary public;
- (4) A commissioner of deeds.

329.04 ACKNOWLEDGMENT WITHOUT THE UNITED STATES. The acknowledgment of any instrument may be made without the United States before:

- (1) An ambassador, minister, charge d'affaires, counselor to or secretary of a legation, consul general, consul, vice-consul,

commercial attache or consular agent of the United States accredited to the country where the acknowledgment is made.

(2) A notary public of the country where the acknowledgment is made.

(3) A judge or clerk of a court of record of the country where the acknowledgment is made.

329.05 REQUISITES OF ACKNOWLEDGMENT. The officer taking the acknowledgment shall know or have satisfactory evidence that the person making the acknowledgment is the person described in and who executed the instrument.

329.06 ACKNOWLEDGMENT BY A MARRIED WOMAN. An acknowledgment of a married woman may be made in the same form as though she were unmarried.

329.07 FORMS OF CERTIFICATES. An officer taking the acknowledgment shall indorse thereon or attach thereto a certificate substantially in one of the following forms:

(1) By individuals:

State of

County of

On this the day of, 19....., before me,, the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be the person whose name subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

.....

Title of Officer.

(2) By a corporation:

State of

County of

On this the day of, 19....., before me,, the undersigned officer, personally appeared, who acknowledged himself to be the of, a corporation, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as

In witness whereof I hereunto set my hand and official seal.

.....
.....

Title of Officer.

(3) By an attorney in fact :

State of

County of

On this the day of, 19....., before me,, the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be the person whose name is subscribed as attorney in fact for and acknowledged that he executed the same as the act of his principal for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

.....
.....

Title of Officer.

(4) By any public officer or deputy thereof, or by any trustee, administrator, guardian or executor :

State of

County of

On this the day of, 19....., before me,, the undersigned officer, personally appeared, of the state (county or city as the case may be) of, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

.....
.....

Title of Officer.

329.08 EXECUTION OF CERTIFICATE. The certificate of the acknowledging officer shall be completed by his signature, his official seal if he has one, the title of his office, and if he is a notary public, the date his commission expires.

329.09 AUTHENTICATION OF ACKNOWLEDGMENTS.

(1) If the acknowledgment is taken within this state or is made without the United States by an officer of the United States no authentication shall be necessary.

(2) If the acknowledgment is taken without this state, but in the United States, a territory or insular possession of the United States, the District of Columbia, or the Philippine Islands, the certificate shall be authenticated by a certificate as to the official character of such officer, executed, if the acknowledgment is taken by a clerk or deputy clerk of a court, by the presiding judge of the court or, if the acknowledgment is taken by a notary public, by a clerk of a court of record of the county, parish or district in which the acknowledgment is taken.

(3) If the acknowledgment is made without the United States and by a notary public or a judge or clerk of a court of record of the country where the acknowledgment is made, the certificate shall be authenticated by a certificate under the great seal of state of the country, affixed by the custodian of such seal, or by a certificate of a diplomatic, consular or commercial officer of the United States accredited to that country, certifying as to the official character of such officer.

329.10 ACKNOWLEDGMENTS UNDER LAWS OF OTHER STATES. Notwithstanding any provision in this chapter contained the acknowledgment of any instrument without this state in compliance with the manner and form prescribed by the laws of the place of its execution, if in a state, a territory or insular possession of the United States, or in the District of Columbia, or in the Philippine Islands, verified by the official seal of the officer before whom it is acknowledged, and authenticated in the manner provided by section 329.09 (2), shall have the same effect as an acknowledgment in the manner and form prescribed by the laws of this state for instruments executed within the state.

329.11 ACKNOWLEDGMENTS BY PERSONS IN THE ARMED FORCES OF THE UNITED STATES. In addition to the acknowledgment of instruments in the manner and form and as otherwise authorized by this chapter, any person serving in or with the armed forces of the United States may acknowledge the same wherever located before any commis-

sioned officer in active service of the armed forces of the United States. The instrument shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment shall be required but the officer taking the acknowledgment shall indorse thereon or attach thereto a certificate substantially in the following form:

On this the day of, 19....., before me,, the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be serving in or with the armed forces of the United States and to be the person whose name is subscribed to the within instrument and acknowledged that he..... executed the same for the purposes therein contained. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

Signature of Officer.

Rank of Officer and Command
to which attached.

329.12 ACKNOWLEDGMENTS VALIDATED. Any defective acknowledgment taken prior to the enactment of this chapter but which would be valid if taken under this chapter is hereby validated.

329.13 OATHS. In every instance or circumstance where an officer is authorized by section 329.11 to take an acknowledgment, he may administer an oath.

329.14 WITNESSES; SEALS. The absence of a seal or of witnesses to an instrument which is acknowledged in the manner and form provided by this chapter shall not render the instrument unrecordable.

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

329.16 NAME OF ACT. This chapter may be cited as the Uniform Acknowledgment Act.

Approved June 15, 1943.