

1 (2) Take and subscribe an oath to faithfully perform the
2 duties of the commissioner of deed's office, which
3 shall be taken and subscribed before:

4 (A) A notary public commissioned in this State or any
5 other state;

6 (B) Any officer of the United States diplomatic or
7 consular service, resident in any foreign country
8 or port, when certified by the officer under the
9 officer's seal of office; or

10 (C) Any person authorized by the law of any foreign
11 country to take such acknowledgement or proof,
12 when such acknowledgement or proof is accompanied
13 by a certificate to the effect that the person
14 taking the same is duly authorized to do so and
15 that such acknowledgement or proof is in the
16 manner prescribed by the laws of the foreign
17 country or by treaty or international agreement
18 of the United States.

19 (b) The certificate required under paragraph (2)(c) may be
20 made by:

21 (1) A diplomatic or consular officer of the United States
22 under the seal of the officer's office;



1 (2) A diplomatic or consular officer of the foreign
2 country under the seal of the officer's office with
3 the signature or facsimile of the signature of the
4 diplomatic or consular officer of the United States;
5 or

6 (3) Apostille in the case of a foreign country that is
7 party to the Hague Convention Abolishing the
8 Requirement for Legalisation for Foreign Public
9 Documents.

10 (c) The commissioner of deed's oath of office, the
11 commissioner of deed's signature, and impression of the
12 commissioner of deed's official seal shall be transmitted to and
13 filed with the office of the lieutenant governor.

14 (d) As used in this section, "diplomatic or consular
15 officer" means any minister, consul, vice-consul, charge
16 d'affaires, consular or commercial agent, or vice-consular or
17 vice-commercial agent.

18 **§ -3 Powers; charges.** A commissioner of deeds shall
19 have the authority, in any foreign country, in international
20 waters, or in any possession, territory or commonwealth of the
21 United States outside of the fifty states, to administer oaths,
22 and to take acknowledgements and proofs of execution in



1 connection with the execution of any deed, assignment of lease,
2 apartment deed and ground lease, condominium conveyance
3 document, mortgage, deed of trust, contract, power of attorney,
4 or any other writing to be used or recorded in this State in
5 connection with a time share interest, any property subject to a
6 time share plan, or the operation of a time share plan that
7 includes any property located within this State where such
8 instrument or writing is executed outside the United States.
9 Such oaths, acknowledgements, and proofs of execution shall be
10 taken or made in accordance with law, including sections 502-42,
11 502-43, and 502-48, and certified by the commissioner of deeds
12 under the commissioner of deed's official seal. The
13 certification shall be endorsed on or annexed to the instrument
14 or writing aforesaid and shall have the same effect as if made
15 or taken in the State by a notary public commissioned in the
16 State. Charges made by commissioners of deeds for services
17 rendered shall be at the rates authorized by law for similar
18 services rendered by notaries within the jurisdictions in which
19 the services are performed.

20 **§ -4 Records.** Each commissioner of deeds shall keep a
21 record of every acknowledgement, oath, and proof of execution in
22 a book of records. Each record shall set forth, at minimum, the



1 date of the acknowledgement, the parties to the instrument, the
2 persons acknowledging, and some detail of the instrument
3 acknowledged. For oaths and affidavits, each record shall set
4 forth, at minimum, the name or names of the party or parties
5 making the oath or affidavit, the date and nature of the
6 instrument, and the date of administering the oath.

7 **§ -5 Instructions.** The lieutenant governor shall
8 prepare and forward to commissioner of deeds instructions and
9 forms in conformity with law and a copy of this chapter."

10 SECTION 2. This Act shall take effect upon its approval.

11

INTRODUCED BY: _____

Scott. Am

JAN 18 2013



H.B. NO. 424

Report Title:

Time Shares; Commissioner of Deeds

Description:

Authorizes the Governor to appoint Commissioners of Deeds to take acknowledgments, proofs of execution, or oaths in specified jurisdictions related to the conveyance of time share properties located within the State.

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