

**CHAPTER 35**  
**UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT**

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**§ 35101. Recognition of Notarial Acts Performed Outside Guam.**

For the purposes of this Chapter, *notarial acts* means acts which the laws and regulations of Guam authorize Notaries Public of Guam to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside Guam for use in Guam with the same effect as if performed by a Notary Public of Guam by the following persons, authorized pursuant to the laws and regulations of other governments, in addition to any other person authorized by the laws and regulations of Guam:

- (a) a Notary Public authorized to perform notarial acts in the place in which the act is performed;
- (b) a judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed;
- (c) an officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed;
- (d) a commissioned officer in active service with the Armed Forces of the United States and any other person authorized by regulation of the Armed Forces to perform notarial acts if the notarial act is performed for one of the following or his dependents: a merchant seaman of the United States, a member of the Armed Forces of the United States, or any other

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person serving with or accompanying the Armed Forces of the United States; or

(e) any other person authorized to perform notarial acts in the place in which the act is performed.

**SOURCE:** CC §1208 enacted by P.L. 10-184.

**CROSS-REFERENCES:** The laws governing Notaries Public on Guam are found in 5 GCA Chapter 33.

**§ 35102. Authentication of Authority of Officer.**

(a) if the notarial act is performed by any of the persons described in paragraphs (a) to (d), inclusive, of § 35101, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his authority is not required.

(b) If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

(1) either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;

(2) the official seal of the person performing the notarial act is affixed to the document; or

(3) the title and indication of authority to perform notarial acts of the person appear either in a digest of foreign law or in a list customarily used as a source of such information.

(c) If the notarial act is performed by a person other than one described in subsections (a) and (b), there is sufficient proof of the authority of that person to act if the clerk of the court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

(d) The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

**SOURCE:** CC §1209 enacted by P.L. 10-184.

**§ 35103. Certificate of Person Taking Acknowledgment.**

The person taking an acknowledgment shall certify that:

(a) the person acknowledging appeared before him and acknowledged he executed the instrument; and

(b) the person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

**SOURCE:** CC §1210 enacted by P.L. 10-184.

**§ 35104. Recognition of Certificate of Acknowledgment.**

The form of a certificate of acknowledgment used by a person whose authority is recognized under § 35102 shall be accepted in Guam if:

(a) the certificate is in a form prescribed by the laws or regulations of Guam;

(b) the certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or

(c) the certificate contains the words acknowledged before me, or their substantial equivalent.

**SOURCE:** CC §1211 enacted by P.L. 10-184.

**§ 35105. Certificate of Acknowledgment.**

The words *acknowledged before me* mean

(a) that the person acknowledging appeared before the person taking the acknowledgment,

(b) that he acknowledged he executed the instrument,

(c) that, in the case of:

(1) a natural person, he executed the instrument for the purposes therein stated;

(2) a corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purposes therein stated;

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(3) a partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purposes therein stated:

(4) a person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of the principal for the purposes therein stated;

(5) a person acknowledging as a public office trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and

(d) that the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

**SOURCE:** CC §1212 enacted by P.L. 10-184.

**§ 35106. Short Forms of Acknowledgment.**

The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of Guam. The forms shall be known as “Statutory Short Forms of Acknowledgment” and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

(a) For an individual acting in his own right:

Territory of Guam

Municipality of

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged.)

(Signature of Person Taking Acknowledgment)

(Title or Rank)

(Serial Number, if any)

(b) For a corporation:

Territory of Guam

Municipality of

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

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(Signature of Person Taking Acknowledgment)  
(Title or Rank)  
(Serial Number, if any)

(c) For a partnership:

Territory of Guam  
Municipality of \_\_\_\_\_

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent), on behalf of (name of partnership), a partnership.

(Signature of Person Taking Acknowledgment)  
(Title or Rank)  
(Serial Number, if any)

(d) For an individual acting as principal by an attorney in fact:

Territory of Guam  
Municipality of \_\_\_\_\_

The foregoing instrument was acknowledged before me this (date) by (Name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of Person Taking Acknowledgment)  
(Title or Rank)  
(Serial Number, if any)

(e) By any public officer, trustee, or personal representative:

Territory of Guam  
Municipality of \_\_\_\_\_

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of Persons Taking Acknowledgment)  
(Title or Rank)  
(Serial Number, if any)

**SOURCE:** CC §1212.1 enacted by P.L. 10-184.

**§ 35107. Acknowledgments Not Affected by This Chapter.**

A notarial act performed prior to the effective date of this Chapter is not affected by this Chapter. This Chapter provides an additional method of proving notarial acts. Nothing in this diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of Guam.

**SOURCE:** CC §1212.2 enacted by P.L. 10-184.

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**§ 35108. Uniformity of Interpretation.**

This Chapter shall be so interpreted as to make uniform the laws of those jurisdictions which enact it.

**SOURCE:** CC §1212.3 enacted by P.L. 10-184.

**§ 35109. Short Title.**

This Chapter may be cited as the *Uniform Recognition of Acknowledgments Law*.

**SOURCE:** CC §1212.4 enacted by P.L. 10-184.

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