

Important Advisory:
Recent Amendments Clarify
Rules on Notarial Certificates

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Effective January 1, 2003, subdivisions 1 and 2 of § 309-b of the real property law, as added by chapter 596 of the laws of 1998, are amended and a new subdivision 6 is added to read as follows:

§ 309-b. Uniform forms of certificates of acknowledgement or proof without this state.

1. The certificate of an acknowledgement, without this state, of a conveyance or other instrument with respect to real property situate in this state, by a person, may conform substantially with the following form, the blanks being properly filled:

State, District of Columbia,)
Territory, Possession, or) ss.:
Foreign Country)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgement.)

2. The certificate for a proof of execution by a subscribing witness, without this state, of a conveyance or other instrument made by any person in respect to real property situate in this state, may conform substantially with the following form, the blanks being properly filled:

State, District of Columbia,)
Territory, Possession, or) ss.:
Foreign Country)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____, the subscribing witness to

the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she resides in _____ (if the place of residence is in a city, include the street and street number, if any, thereof); that he/she knows _____ to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said _____ execute the same; and that said witness at the same time subscribed his/her name as a witness thereto.

(Signature and office of individual taking proof.)

3. No provision of this section shall be construed to:

- modify the choice of laws afforded by §§299-a and 301-a of this article pursuant to which an acknowledgment or proof may be taken;
- modify any requirement of §307 of this article;
- modify any requirement for a seal imposed by subdivision one of §308 of this article;
- modify any requirement concerning a certificate of authentication imposed by §308, 311, 312, 314, or 318 of this article; or
- modify any requirement imposed by any provision of this article when the certificate of a acknowledgment or proof purports be take in the manner prescribed by the laws of another state, the District of Columbia, territory, possession, or foreign country.

4. A certificate of an acknowledgment or proof taken under §300 of this article shall include the additional information required by that section.

5. For the purposes of this section, the term "person" means a person as defined in subdivision 4 of §309-a of this article.

6. The inclusion within the body (other than the jurat) of a certificate of acknowledgment or proof made under this section of the city or other political subdivision and the state or country' or other place the acknowledgment was taken shall be deemed a non-substantial variance from the form of a certificate authorized by this section.