

TENTH GUAM LEGISLATURE  
1970 (SECOND) Regular Session

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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This certifies that Bill No. 678, "An Act to add Article IVa to Chapter IV of Part IV of Division Second of the Civil Code of Guam, and to amend Section 1189 of said Code, to adopt the Uniform Recognition of Acknowledgments Act", was on the 6th day of July, 1970, duly and regularly passed.

  
JOAQUIN C. ARRIOLA  
Speaker


ATTESTED:

  
JAMES T. SABLAN  
Legislative Secretary

-----  
This Act was received by the Governor this 17th day  
of July, 1970 at 4:07 o'clock P..M.

  
PEDRO D. PEREZ - Acting  
Secretary of Guam

APPROVED:

  
CARLOS G. CAMACHO  
Governor of Guam

DATED: AUG 4 6 1970  
3:00 P.M.

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TENTH GUAM LEGISLATURE  
1970 (SECOND) Regular Session

Bill No. 678

Introduced by \_\_\_\_\_

J. U. Torres  
J. C. Arriola  
A. C. Cruz

AN ACT TO ADD ARTICLE IVa TO CHAPTER IV OF  
PART IV OF DIVISION SECOND OF THE CIVIL  
CODE OF GUAM, AND TO AMEND SECTION 1189 OF  
SAID CODE, TO ADOPT THE UNIFORM RECOGNITION  
OF ACKNOWLEDGMENTS ACT.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Article IVa is hereby added to Chapter IV of  
3 Part IV of Division Second of the Civil Code of Guam to read  
4 as follows:

5 "ARTICLE IVa

6 Section 1208. Recognition of Notarial Acts Performed  
7 Outside Guam. For the purposes of this article, 'notarial  
8 acts' means acts which the laws and regulations of Guam  
9 authorize notaries public of Guam to perform, including  
10 the administering of oaths and affirmations, taking proof  
11 of execution and acknowledgments of instruments, and attest-  
12 ing documents. Notarial acts may be performed outside Guam  
13 for use in Guam with the same effect as if performed by a  
14 notary public of Guam by the following persons authorized  
15 pursuant to the laws and regulations of other governments  
16 in addition to any other person authorized by the laws and  
17 regulations of Guam:

18 (1) a notary public authorized to perform notarial  
19 acts in the place in which the act is performed;

20 (2) a judge, clerk, or deputy clerk of any court  
21 of record in the place in which the notarial act is  
22 performed;

23 (3) an officer of the foreign service of the United  
24 States, a consular agent, or any other person authorized  
25 by regulation of the United States Department of State  
26 to perform notarial acts in the place in which the act

1 is performed;

2 (4) a commissioned officer in active service with  
3 the Armed Forces of the United States and any other  
4 person authorized by regulation of the Armed Forces  
5 to perform notarial acts if the notarial act is  
6 performed for one of the following or his dependents:  
7 a merchant seaman of the United States, a member of the  
8 Armed Forces of the United States, or any other person  
9 serving with or accompanying the Armed Forces of the  
10 United States; or

11 (5) any other person authorized to perform  
12 notarial acts in the place in which the act is performed.  
13 Section 1209. Authentication of Authority of Officer.

14 (a) If the notarial act is performed by any of  
15 the person described in paragraphs 1 to 4, inclusive  
16 of Section 1208, other than a person authorized to  
17 perform notarial acts by the laws or regulations of  
18 a foreign country, the signature, rank, or title and  
19 serial number, if any, of the person are sufficient  
20 proof of the authority of a holder of that rank or  
21 title to perform the act. Further proof of his authority  
22 is not required.

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

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

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

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

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

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

18 Section 1210. Certificate of Person Taking Acknowledg-  
19 ment. The person taking an acknowledgment shall certify  
20 that:

21 (1) the person acknowledging appeared before him  
22 and acknowledged he executed the instrument; and

23 (2) the person acknowledging was known to the  
24 person taking the acknowledgment or that the person  
25 taking the acknowledgment had satisfactory evidence  
26 that the person acknowledging was the person described  
27 in and who executed the instrument.

28 Section 1211. Recognition of Certificate of Acknowledg-  
29 ment. The form of a certificate of acknowledgment used by  
30 a person whose authority is recognized under Section 1209  
31 shall be accepted in Guam if:

32 (1) the certificate is in a form prescribed by

1 the laws or regulations of Guam;

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

5 (3) the certificate contains the words "acknow-  
6 ledged before me," or their substantial equivalent.

7 Section 1212. Certificate of Acknowledgment. The  
8 words "acknowledged before me" means

9 (1) that the person acknowledging appeared before  
10 the person taking the acknowledgment,

11 (2) that he acknowledged he executed the instru-  
12 ment,

13 (3) that, in the case of:

14 (i) a natural person, he executed the instru-  
15 ment for the purposes therein stated;

16 (ii) a corporation, the officer or agent acknow-  
17 ledged he held the position or title set forth in  
18 the instrument and certificate, he signed the ins-  
19 trument on behalf of the corporation by proper  
20 authority, and the instrument was the act of the  
21 corporation for the purpose therein stated;

22 (iii) a partnership, the partner or agent  
23 acknowledged he signed the instrument on behalf  
24 of the partnership by proper authority and he exe-  
25 cuted the instrument as the act of the partnership  
26 for the purposes therein stated;

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

31 (v) a person acknowledging as a public officer,  
32 trustee, administrator, guardian, or other

1 representative, he signed the instrument by proper  
2 authority and he executed the instrument in the ca-  
3 pacity and for the purposes therein stated; and

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

8 Section 1212.1. Short Forms of Acknowledgment. The  
9 forms of acknowledgment set forth in this section may  
10 be used and are sufficient for their respective purposes  
11 under any law of Guam. The forms shall be known as  
12 'Statutory Short Forms of Acknowledgment' and may be  
13 referred to by that name. The authorization of the  
14 forms in this section does not preclude the use of other  
15 forms.

16 (1) For an individual acting in his own right:

17 Territory of Guam

18 Municipality of Guam

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

22 (Signature of Person Taking Acknowledgment)

23 (Title or Rank)

24 (Serial Number, if any)

25 (2) For a corporation:

26 Territory of Guam

27 Municipality of Guam

28 The foregoing instrument was acknowledged  
29 before me this (date) by (name of officer or  
30 agent, title of officer or agent) of (name of  
31 corporation acknowledging) a (State or place of  
32 incorporation) corporation, on behalf of the

1 corporation.

2 (Signature of Person Taking Acknowledgment)

3 (Title or Rank)

4 (Serial Number, if any)

5 (3) For a partnership:

6 Territory of Guam

7 Municipality of Guam

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

12 (Signature of Person Taking Acknowledgment)

13 (Title or Rank)

14 (Serial Number, if any)

15 (4) For an individual acting as principal by  
16 an attorney in fact:

17 Territory of Guam

18 Municipality of Guam

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

23 (Signature of Person Taking Acknowledgment)

24 (Title or Rank)

25 (Serial Number, if any)

26 (5) By any public officer, trustee, or personal  
27 representative:

28 Territory of Guam

29 Municipality of Guam

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

1 (Signature of Person Taking Acknowledgment)

2 (Title or Rank)

3 (Serial Number, if any)

4 Section 1212.2. Acknowledgments Not Affected by This  
5 Article. A notarial act performed prior to the effective  
6 date of this article is not affected by this article.  
7 This article provides an additional method of proving  
8 notarial acts. Nothing in this diminishes or invalidates  
9 the recognition accorded to notarial acts by other laws  
10 or regulations of Guam.

11 Section 1212.3. Uniformity of Interpretation. This  
12 article shall be so interpreted as to make uniform the  
13 laws of those jurisdictions which enact it.

14 Section 1212.4. Short Title. This article may be  
15 cited as the Uniform Recognition of Acknowledgments Act.

16 Section 2. Section 1189 of the Civil Code of Guam  
17 is hereby amended to read:

18 "Section 1189. Form for out of Guam. The certificate  
19 of acknowledgment, unless it is otherwise in this article  
20 provided, must be substantially in the following form:

21 Territory of Guam

22 On this \_\_\_\_\_ day of \_\_\_\_\_, in the year  
23 \_\_\_\_\_, before me (here insert name and quality of  
24 the officer), personally appeared \_\_\_\_\_, known to me  
25 (or proved to me on the oath of \_\_\_\_\_) to be the person  
26 whose name is subscribed to the within instrument, and  
27 acknowledged that he (she or they) executed the same:

28 Provided, however, that any acknowledgment taken without  
29 this territory in accordance with the laws of the place  
30 where the acknowledgment is made, shall be sufficient in  
31 Guam."

32 Section 3. This Act is an urgency measure.