

WYOMING STATUTES

TITLE 1. CODE OF CIVIL PROCEDURE CHAPTER 2. OATHS

1-2-101. Form.

A person may be sworn by any form he deems binding on his conscience.

1-2-102. Officers authorized to administer.

(a) The following officers are authorized to administer oaths:

(i) Justices of the Wyoming supreme court;

(ii) Judges of the Wyoming district courts;

(iii) Judge of the United States district court for the district of Wyoming;

(iv) Clerks of the Wyoming supreme court, Wyoming district courts and Wyoming county courts;

(v) Clerk of the United States district court for the district of Wyoming;

(vi) Commissioners and magistrates appointed by authority of the laws of the United States or of Wyoming;

(vii) Repealed by Laws 2011, Ch. 113, § 3.

(viii) County clerks;

(ix) County treasurers;

(x) Clerks of school districts in Wyoming;

(xi) Clerks of any incorporated city or town in Wyoming;

(xii) County commissioners within their respective counties;

(xiii) Justices of the peace within their respective counties;

(xiv) Judges of the Wyoming county courts.

(xv) Notarial officers.

(b) Except for notarial officers listed in this section are authorized to administer oaths, but are not authorized to perform other notarial acts as defined in W.S. 34-26-101(a)(iii), unless specified otherwise in W.S. 34-26-103(a).

1-2-103. Affirmation in lieu of oath; manner of administering.

Persons conscientiously opposed to swearing or to taking any oath may affirm, and are subject to the penalties of perjury as in the case of swearing an oath. Whenever any person is required to take an oath in any court, or before any person or officer authorized by law to administer oaths, it is lawful for the court, officer or person administering the same, to administer it in the following manner: the person taking the oath or swearing shall, with his or her right hand uplifted, swear or take the oath, concluding with the words "so help me God".

TITLE 32. NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS CHAPTER 1. NOTARIES PUBLIC

32-1-101. Qualifications; application; term.

(a) The secretary of state shall commission as a notary any qualified person who submits an application in a form prescribed by the secretary of state.

(b) To be qualified for a notarial commission a person shall:

(i) Be at least eighteen (18) years of age;

- (ii) Be a resident of the state of Wyoming and the county from which making application;
 - (iii) Be able to read and write the English language; and
 - (iv) Submit an application certifying compliance with the requirements of this subsection, accompanied by a fee of thirty dollars (\$30.00).
- (c) A person commissioned as a notary by the secretary of state may perform notarial acts in any part of the state for a term of four (4) years.
- (d) A person holding a notarial commission who changes residence to a different county shall procure a new notary commission for the new county of residence.

32-1-102. Name changes.

- (a) When a notary changes surnames, the notary may continue to use the notarial commission and seal issued to the notary provided:
- (i) When a notary marries or changes surnames, the notary shall file a certified copy of the certificate of marriage or order of name change in the office of the county clerk of the county where the notary resides and send a certified copy of the marriage certificate or order of name change and a three dollar (\$3.00) filing fee to the secretary of state. The surname of the notary's spouse or the notary's new surname may then be added after the notary's name as it appears on the notary's commission;
 - (ii) When a notary divorces and the notary's previous name is restored by the court, the notary shall file a certified copy of the divorce decree in the office of the county clerk of the county where the notary resides and send a certified copy of the notary's divorce decree and a three dollar (\$3.00) filing fee to the secretary of state. The notary's restored surname may then be added after the notary's name as it appears on the notary's commission.
- (b) Instead of adopting the surname of the notary's spouse, a notary may continue to use or be commissioned as a notary by the name by which the notary is generally known.

32-1-103. Transmittal of notarial commission to county clerks.

The secretary of state shall transmit each notarial commission to the office of the county clerk of the county in which the applicant resides where the commission shall be recorded.

32-1-104. Bond and oath; notary commission forfeited upon failure to obtain another bond.

- (a) No notarial commission becomes effective until the applicant files with the county clerk within sixty (60) days after issuance of the commission an oath and bond in the amount of five hundred dollars (\$500.00) conditioned on the faithful performance of the duties of the office. The applicant shall swear or affirm under oath to support the constitution of the United States and the constitution of Wyoming and to faithfully and impartially discharge and perform all the duties of a notary. The bond shall be executed by the applicant and two (2) sureties, to be approved by the county clerk, or by a surety company licensed in this state. Upon the filing of the oath and bond the county clerk shall transmit the notarial commission to the notary and the county clerk shall send a written notice of qualification to the secretary of state.
- (b) Upon cancellation of a notarial bond by a surety as a result of claims paid by the surety to persons injured as a result of the bonded notary's negligence or misconduct, the secretary of state shall notify the notary by certified mail return receipt requested that the notary's commission shall be revoked unless within twenty (20) days after the notary

receives the notice the notary files proof with the secretary of state that the notary has secured another bond in the full amount of five hundred dollars (\$500.00).

32-1-105. Powers and jurisdiction.

- (a) Repealed by Laws 2011, Ch. 113, § 3.
- (b) Repealed by Laws 2011, Ch. 113, § 3.
- (c) Repealed by Laws 2011, Ch. 113, § 3.

(d) A Wyoming notary public may administer oaths or proofs of acknowledgment in a contiguous state if that state recognizes the Wyoming notary public's authority within that state to perform those acts. The administration of an oath or proof of acknowledgment performed in Wyoming by a notary public of a contiguous state has the same effect under Wyoming law as if that act were performed by a Wyoming notary public, if that contiguous state grants Wyoming notaries public similar authority within that state. To implement the purposes of this subsection, the secretary of state:

- (i) May enter into agreements with contiguous states; and
- (ii) Shall adopt rules and regulations pursuant to the Wyoming Administrative Procedure Act.

(e) In addition to the powers and authority granted to notaries by this chapter, every notary receiving a commission under this chapter shall be a notarial officer and have the powers and authority vested by the Wyoming Uniform Law on Notarial Acts, W.S. 34-26-101 through 34-26-304.

32-1-106. Official seal.

(a) Each notary public before entering upon the duties of his office, shall provide himself with an official seal with which he shall authenticate all his official acts, which seal shall clearly show, when embossed, stamped, impressed or affixed to a document, his name, the words "notary public," the name of the county wherein he resides, and the word "Wyoming," and the seal of a notary public shall not be levied upon or sold. If the notary public changes his county of residence to a different county than that shown on the seal, he shall have the seal altered to indicate such change.

(b) The seal of every notary public may be affixed by a seal press or stamp that will print or emboss a seal which legibly reproduces under the photographic methods the name of the notary, the words "notary public," the name of the county in which he resides and the word "Wyoming." The seal may be circular not over two (2) inches in diameter or may be a rectangular form of not more than three-fourths of an inch in width by two and one-half (2 1/2) inches in length, with a serrated or milled edged border, and shall contain the information required by this section.

32-1-107. Notary's certificate as presumptive evidence.

In all the courts within this state the certificate of a notary public over his hand and official seal, shall be received as presumptive evidence of the facts contained in such certificate; provided, that any person interested as a party to a suit may contradict, by other evidence, the certificate of a notary public.

32-1-108. Action on notarial bond.

If any person shall be damaged or injured by the unlawful act, negligence or misconduct of any notary public, the person damaged or injured may maintain a civil action on the bond of such notary public against such notary public, and his sureties; and the recovery

in such action shall not be a bar to any future action for other cause, to the full amount of the bond.

32-1-109. Notary acting after term expires.

Whoever, having been appointed a notary public, does or performs any act as a notary public, after the expiration of his term of office, knowing that such term of office has expired, shall be fined not more than five hundred dollars (\$500.00) nor less than twenty-five dollars (\$25.00).

32-1-110.

Repealed by Laws 2011, Ch. 113, § 3.

32-1-111.

Repealed by Laws 2011, Ch. 113, § 3.

32-1-112.

Repealed by Laws 2011, Ch. 113, § 3.

32-1-113.

Repealed by Laws 2011, Ch. 113, § 3.

CHAPTER 2. COMMISSIONERS OF DEEDS

32-2-101.

Repealed by Laws 1979, ch. 8, § 1.

32-2-102.

Repealed by Laws 1979, ch. 8, § 1.

32-2-103.

Repealed by Laws 1979, ch. 8, § 1.

32-2-104.

Repealed by Laws 1979, ch. 8, § 1.

Repealed by Laws 1979, ch. 8, § 1.

**TITLE 34. PROPERTY, CONVEYANCES AND SECURITY TRANSACTIONS
CHAPTER 1. GENERAL PROVISIONS
ARTICLE 1. IN GENERAL**

34-1-104. Letters of attorney; recordation; effect as evidence.

Every letter of attorney, or other instrument, containing a power to convey lands as agent or attorney for the owner of such lands, and every executory contract for the sale or purchase of lands, only when acknowledged by such owner, may be recorded by the register of deeds [county clerk] of any county in which the lands to which such letter, instrument or contract relates, or any part of such lands, may be situated, and when so acknowledged, and the record thereof when recorded, or a transcript of such record duly certified, may be read in evidence in the same manner and with like effect as a

conveyance recorded in such county.

34-1-105. Letters of attorney; recordation; when revocation valid.

No letter of attorney, or other instrument so recorded, shall be deemed to be revoked by any act of the party by whom it was executed, unless the instrument containing such revocation be also recorded in the same office in which the instrument containing the power was recorded.

34-1-106. Form and capacity of conveyances.

Conveyances of land or of any estate or interest therein, may be made by instrument executed and acknowledged by the party from whom or which the estate or interest is intended to pass.

34-1-113. Acknowledgment of conveyances; generally.

Execution of deeds, mortgages or other conveyances of lands, or any interest in lands, shall be acknowledged by the party or parties executing same, before any notarial officer. The notarial officer taking such acknowledgment shall comply with the requirements of W.S. 34-26-107.

34-1-114. Acknowledgment of conveyances; notary to state date of expiration of term of office.

Every notary public and commissioner of deeds for Wyoming, who takes an acknowledgment to any written instrument to be recorded in any public office in Wyoming shall add to his certificate the date when commission or term of office expires.

34-1-115. Acknowledgment of conveyances; execution out of state.

Any deed, mortgage, conveyance, power of attorney or instrument in writing requiring an acknowledgment executed outside of this state, may be acknowledged before any officer authorized by law to take acknowledgments at the place where such acknowledgment is taken. Whenever the officer taking such acknowledgment has no seal the certificate of such officer shall have attached thereto the certificate of the clerk of the court of record, or a county clerk, of the same place, having a seal, certifying that the officer taking the acknowledgment is authorized to take the same and that he believes that the signature appended to the acknowledgment is genuine. Each instrument of writing as aforesaid executed and acknowledged as aforesaid shall be as valid and have the same force and effect as if executed in Wyoming according to the provisions of W.S. 34-1-113.

34-1-116. Effect of conveyance executed in another state.

Any deed, mortgage or conveyance executed in any other state, territory, district or country, which shall be executed according to the laws of this state, and acknowledged before a clerk of a court of record, county clerk, or a commissioner appointed as aforesaid, shall have the same effect as if executed and acknowledged within this state.

34-1-117. Execution in foreign countries; powers of attorney.

If any deeds, mortgages or conveyances of lands, or of any interest in lands, be executed in any foreign country, government, kingdom or empire, such deed, mortgage, or conveyance of land may be executed according to the laws of this state, and may be acknowledged before a consul general, consul or vice-consul of the United States; and

when so acknowledged the officer taking the acknowledgment shall certify the same over his hand and official seal or the seal of the consulate to which he is attached, if there be any such seal; and in case he has no official seal, and there be no seal of his consulate, that fact shall be stated in the certificate; and no other or further authentication shall be required to entitle such instrument to record in this state. This section shall also apply to powers of attorney executed in any such foreign country, government, kingdom or empire.

34-1-118. Where conveyance to be recorded.

A certificate of the acknowledgment of any deed, mortgage or conveyance, or proof of the execution thereof, before a notarial officer, shall entitle such deed, mortgage or conveyance, certificate or certificates aforesaid, to be recorded in the office of the county clerk in the county where the land lies.

ARTICLE 4. UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

§34-1-403. Validity of electronic documents.

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium or be in writing, the requirement is satisfied by an electronic document satisfying this act.

(b) If a law requires, as a condition for recording, that a document be signed or originally signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression or seal need not accompany an electronic signature.

CHAPTER 2. DEEDS, MORTGAGES AND LEASES GENERALLY

34-2-114.

Repealed by Laws 2008, ch. 20, § 3.

34-2-115.

Repealed by Laws 2008, ch. 20, § 3.

34-2-116.

Repealed by Laws 2008, ch. 20, § 3.

34-2-117.

Repealed by Laws 2008, ch. 20, § 3.

34-2-118.

Repealed by Laws 2008, ch. 20, § 3.

**CHAPTER 26 NOTARIAL ACTS
ARTICLE 1 WYOMING UNIFORM NOTARIAL ACT**

34-26-101. Short title; definitions.

(a) This act shall be known and may be cited as the “Wyoming Uniform Law on Notarial Acts”.

(b) As used in this act:

(i) “Acknowledgment” means a declaration by a person that the person has freely and voluntarily executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein and that the person acknowledges that the instrument was executed and acknowledged freely and voluntarily;

(ii) In a “representative capacity” means:

(A) For and on behalf of a corporation, partnership, trust or other entity, as an authorized officer, agent, partner, trustee or other representative;

(B) As a public officer, personal representative, guardian or other representative, in the capacity recited in the instrument;

(C) As an attorney in fact for a principal; or

(D) In any other capacity as an authorized representative of another.

(iii) “Notarial act,” “notarize” and “notarization” mean:

(A) Taking an acknowledgment;

(B) Administering an oath or affirmation;

(C) Taking a verification upon oath or affirmation;

(D) Witnessing or attesting a signature;

(E) Certifying or attesting a copy;

(F) Noting a protest of a negotiable instrument;

(G) Performing a jurat; and

(H) Performing other acts so authorized by the laws of this state.

(iv) “Notarial officer” means any person authorized to perform notarial acts under W.S. 34-26-103 and includes persons commissioned as notaries public under W.S. 32-1-101 through 32-1-109;

(v) “Verification upon oath or affirmation” means a declaration that a statement is true made by a person upon oath or affirmation;

(vi) Repealed by Laws 2011, Ch. 113, § 3.

(vii) “Affirmation” means a notarial act, or part thereof, which is legally equivalent to an oath and in which an individual at a single time and place:

(A) Is personally known to the notarial officer or identified by the notarial officer through satisfactory evidence; and

(B) Makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking a deity or using any form of the word “swear”.

(viii) “Commission” means both to empower to perform notarial acts and the written evidence of authority to perform those acts;

(ix) “Commissioned notarial officer” means a person who has been issued a commission to perform notarial acts by the secretary of state pursuant to W.S. 32-1-101 through 32-1-109. A commissioned notarial officer is a notary public;

(x) “Credible witness” means an honest, reliable and impartial person who personally knows an individual appearing before a notarial officer and takes an oath or affirmation from the notarial officer to vouch for that individual’s identity;

(xi) “Jurat” means a notarial act in which an individual at a single time and place:

(A) Is personally known to the notarial officer or identified by the notarial officer

through satisfactory evidence;

(B) Signs the document in the presence of the notarial officer, as provided in subparagraph (xxi)(A) of this subsection; and

(C) Takes an oath or affirmation from the notarial officer vouching for the truthfulness or accuracy of the signed document.

(xii) “Notarial certificate” and “certificate” means the certificate required by W.S. 34-26-107;

(xiii) “Notary public” and “notary” mean a commissioned notarial officer;

(xiv) “Oath” means a notarial act, or part thereof, which is legally equivalent to an affirmation and in which an individual at a single time and place:

(A) Is personally known to the notarial officer or identified by the notarial officer through satisfactory evidence; and

(B) Makes a vow of truthfulness or fidelity on penalty of perjury while invoking a deity or using any form of the word “swear”.

(xv) “Personal knowledge of identity,” “personally known to the notarial officer” and “personally knows” mean familiarity with an individual resulting from interactions with that individual over a period of time or any other reasonable corroboration sufficient to dispel any reasonable uncertainty that the individual has the identity claimed;

(xvi) “Principal” means:

(A) A person whose signature is notarized; or

(B) A person, other than a credible witness, taking an oath or affirmation from the notarial officer.

(xvii) “Regular place of work or business” means a stationary office or workspace where one spends all or some of one’s working or business hours;

(xviii) “Satisfactory evidence,” when referring to proof of identity, means identification of an individual based on:

(A) The notarial officer’s personal knowledge of identity;

(B) At least one (1) current document issued by a federal, state or tribal government agency bearing the photographic image of the individual’s face and signature and a physical description of the individual, though a properly stamped passport without a physical description is acceptable; or

(C) The oath or affirmation of one (1) credible witness unaffected by the document or transaction who is personally known to the notarial officer and who personally knows the individual, or of two (2) credible witnesses unaffected by the document or transaction who each personally knows the individual and shows to the notarial officer documentary identification as described in subparagraph (B) of this paragraph.

(xix) “Seal” means a device for affixing on a document an image containing a notarial officer’s name, jurisdiction, commission expiration date and other information related to the notarial officer’s commission and identity as required by W.S. 32-1-106;

(xx) “Verification of fact” means a notarial act in which a notarial officer reviews public or vital records to ascertain or confirm any of the following facts regarding a person:

(A) Date of birth or death;

(B) Name of parent, offspring or sibling;

(C) Date of marriage or divorce; or

(D) Name of marital partner.

(xxi) “Personally appear,” “in the presence of,” and “appear before” mean for all purposes of this act except as used in paragraph (xi) of this subsection that:

- (A) The principal is in the notarial officer's presence at the time of notarization; or
 - (B) The principal confirmed to the notarial officer that the principal signed the document.
- (xxii) "This act" means W.S. 34-26-101 through 34-26-304.
- (c) A properly executed jurat satisfies any requirement for an acknowledgement.

34-26-102. Notarial acts.

- (a) In taking an acknowledgment, the notarial officer shall determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.
- (b) In taking a verification upon oath or affirmation, the notarial officer shall determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.
- (c) In witnessing or attesting a signature the principal shall be personally known to the notarial officer or identified through satisfactory evidence, shall appear in person before the notarial officer and shall make the signature in the presence of the notarial officer.
- (d) A notarial officer may certify or attest to a copy of a document or other item except that a notarial officer shall not certify or attest to a copy of a vital record, public record or publicly recordable document. In certifying or attesting a copy of a document or other item under this subsection, the notarial officer shall:
- (i) Have the document in his presence;
 - (ii) Copy or supervise the copying of the document or other item using a photographic or electronic copying process; and
 - (iii) Determine that the proffered copy is a full, true and accurate transcription or reproduction of that which was copied.
- (e) In certifying an instrument executed by a business entity the notarial officer shall determine that the person who signed the instrument on behalf of the business entity appeared before and was personally known to the notarial officer making the certification, and was by him duly sworn and upon oath represented that he was the president or other officer or agent of the business entity, that the instrument was signed on behalf of the entity pursuant to his authority to do so, and that the person who executed the instrument on behalf of the business entity acknowledged the instrument to be the free act and deed of the business entity. For purposes of this subsection "business entity" means corporation, limited liability company, partnership or other entity, whether for profit or not for profit, authorized to be formed under title 17 of the Wyoming statutes or the laws of another state that are the functional equivalent.
- (f) In certifying an instrument executed by a trustee of a testamentary trust or of an express trust created by a written trust instrument, the notarial officer shall determine that the trustee who signed the instrument on behalf of the trust appeared before and was personally known to the notarial officer making the certification, and was by him duly sworn and upon oath represented that he was the trustee of the trust, that the instrument was signed and sealed on behalf of the trust, the trustee had the authority under the terms of the written trust instrument to execute the instrument on behalf of the trust, and that the trustee acknowledged the instrument to be the free act and deed of the trust.
- (g) In making or noting a protest of a negotiable instrument the notarial officer shall

determine the matters set forth in W.S. 34.1-3-505.

(h) Repealed by Laws 2011, Ch. 113, § 3.

34-26-103. Notarial acts in Wyoming.

(a) A notarial act may be performed within this state by the following persons:

(i) A person commissioned as a notary public under W.S. 32-1-101 through 32-1-109;

(ii) A judge of any court of this state;

(iii) A clerk or deputy clerk of a county;

(iv) A clerk or deputy clerk of any court of this state;

(v) A district court commissioner;

(vi) A full-time magistrate as authorized by W.S. 5-9-208;

(vii) A part-time magistrate as authorized by W.S. 5-9-212;

(viii) Any other officer authorized under the laws of this state to take acknowledgments.

(b) Repealed by Laws 2011, Ch. 113, § 3.

(c) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

(d) All persons authorized to perform notarial acts under subsection (a) of this section may perform such acts without a commission except persons listed under paragraph (a)(i) of this section.

34-26-104. Notarial acts in other jurisdictions of the United States.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, has the same effect under the law of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district or possession of the United States by any of the following persons:

(i) A notarial officer of that jurisdiction;

(ii) A judge, clerk or deputy clerk of a court of that jurisdiction; or

(iii) Any other person authorized by the law of that jurisdiction to perform notarial acts.

(b) Notarial acts performed in other jurisdictions of the United States under federal authority as provided in W.S. 34-26-105 have the same effect as if performed by a notarial officer of this state.

(c) The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

(d) The signature and indicated title of an officer listed in paragraph (a)(i) or (ii) of this section conclusively establish the authority of a holder of that title to perform a notarial act.

34-26-105. Notarial acts under federal authority.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, has the same effect under the law of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:

(i) A judge, clerk or deputy clerk of a court;

(ii) A commissioned officer on active duty in the military service of the United States;

(iii) An officer of the foreign service or consular officer of the United States; or

(iv) Any other person authorized by federal law to perform notarial acts.

(b) The signature and title of the person performing a notarial act are prima facie

evidence that the signature is genuine and that the person holds the designated title.

(c) The signature and indicated title of an officer listed in paragraph (a)(i), (ii) or (iii) of this section conclusively establish the authority of a holder of that title to perform a notarial act.

34-26-106. Foreign notarial acts.

(a) A notarial act, including the acknowledgment of any deed, mortgage or conveyance, has the same effect under the law of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under the authority of a foreign nation or its constituent units or a multi-national or international organization by any of the following persons:

- (i) A notarial officer;
- (ii) A judge, clerk or deputy clerk of a court of record; or
- (iii) Any person authorized by the law of the jurisdiction to perform notarial acts.

(b) An “apostille” in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(c) A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by a foreign service or consular officer of that nation stationed in the United States, conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.

(d) An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

(e) An official stamp or seal of an officer listed in paragraph (a)(i) or (ii) of this section is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

(f) If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

34-26-107. Certificate of notarial acts.

(a) A notarial act shall be evidenced by a certificate signed and dated by a notarial officer. The certificate shall include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of the office. If the officer is a commissioned notarial officer, the certificate shall also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it shall also include the officer’s rank.

(b) A certificate of a notarial act is sufficient if it meets the requirements of subsection (a) of this section and it:

- (i) Is in the short form set forth in W.S. 34-26-108;
- (ii) Is in a form otherwise prescribed by the law of this state;
- (iii) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or
- (iv) Sets forth the actions of the notarial officer and those are sufficient to meet the

requirements of the designated notarial act.

(c) In addition to the presumptive evidence established by W.S. 32-1-107 and as otherwise provided in this chapter, a certificate of a notarial act in a form as set out in W.S. 34-26-108 shall be presumptive evidence that:

(i) If the instrument to which the certificate is affixed was executed by natural persons acting in their own right, that such person or persons personally appeared before the notarial officer, were known to the officer to be the person or persons described in and who executed such instrument, and that the person or persons acknowledged that the document was acknowledged freely and voluntarily;

(ii) If the instrument to which the certificate is affixed was executed by an attorney-in-fact acting for a natural person, that the attorney personally appeared before the notarial officer, was known by the officer to be the party who executed the instrument on behalf of the natural person and that the attorney acknowledged that the instrument was executed and acknowledged as the free and voluntary act of the natural person;

(iii) If the instrument to which the certificate is affixed was executed by a corporation or other entity which is not a natural person, that the president or other official who signed the instrument on behalf of the entity appeared before and was personally known to the officer making the certificate and was duly sworn and upon oath represented that the person was the president or other officer or agent of the corporation or entity, that the seal affixed to the instrument is the corporate seal of the corporation or entity, that the instrument was signed and sealed on behalf of the corporation or entity by the authority of the board of directors or trustees thereof and that the officer who executed the instrument acknowledged the instrument to be the free act and deed of the corporation or entity. If the corporation or entity does not have a corporate seal, a recital of that fact shall be inserted at the end of the certificate by the notarial officer.

34-26-108. Short forms.

(a) The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by W.S. 34-26-107(a):

(i) For an acknowledgment for all instruments conveying, mortgaging or otherwise disposing of or encumbering real estate, including homestead property, and for all other instruments affecting title to real estate and all other instruments required by the laws of this state to be acknowledged in an individual capacity:

State of _____

County of _____

This instrument was acknowledged before me on (date) by (name(s) of person(s)).

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires: _____]

(ii) For an acknowledgment of all instruments conveying, mortgaging or otherwise disposing of or encumbering real estate, including homestead property, and other instruments affecting title to real estate and all other instruments to be acknowledged in a representative capacity:

State of _____

County of _____

This instrument was acknowledged before me on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed).

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:_____]

(iii) For a verification upon oath or affirmation:

State of _____

County of _____

Signed and sworn to (or affirmed) before me on (date) by (name(s) of person(s) making statement)

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:_____]

(iv) For witnessing or attesting a signature:

State of _____

County of _____

Signed or attested before me on (date) by (name(s) of person(s)).

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:_____]

(v) For attestation of a copy of a document:

State of _____

County of _____

I certify that this is a true and correct copy of a document in the possession of _____.

Dated _____

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires:_____]

34-26-109. Notarial acts affected by this act.

(a) This act applies to notarial acts performed on or after its effective date.

(b) Any instrument which was acknowledged within this state prior to the effective

date of this act and in accordance with the laws in effect in this state as of the date of the acknowledgment of the instrument shall continue to be a valid instrument. All instruments deemed to be properly acknowledged under W.S. 34-2-118, prior to its repeal by this enactment, shall continue to be deemed and regarded to be properly acknowledged after the effective date of this act.

ARTICLE 2 POWERS OF NOTARIAL OFFICERS

34-26-201. Powers and prohibitions.

(a) A notarial officer is empowered to perform the acts described in W.S. 34-26-101(b)(iii).

(b) A notarial officer, shall not perform a notarial act if the principal:

(i) Is not in the notarial officer's presence at the time of notarization or is not personally known to the notarial officer;

(ii) Is not personally known to the notarial officer or identified by the notarial officer through satisfactory evidence.

(c) A notarial officer may certify the affixation of a signature by mark on a document presented for notarization if:

(i) The mark is affixed in the presence of the notarial officer and two (2) witnesses unaffected by the document;

(ii) Both witnesses sign their own names beside the mark;

(iii) The notarial officer writes below the mark: "Mark affixed by (name of signer by mark) in presence of (names and addresses of witnesses) and undersigned notarial officer under W.S. 34-26-201(c)"; and

(iv) The notarial officer notarizes the signature by mark through an acknowledgment, jurat or signature witnessing.

(d) A notarial officer may sign the name of a person physically unable to sign or make a mark on a document presented for notarization if:

(i) The person directs the notarial officer to do so in the presence of two (2) witnesses unaffected by the document;

(ii) The notarial officer signs the person's name in the presence of the person and the witnesses;

(iii) Both witnesses sign their own names beside the signature;

(iv) The notarial officer writes below the signature: "Signature affixed by notarial officer in the presence of (names and addresses of person and two (2) witnesses) under W.S. 34-26-201(d)"; and

(v) The notarial officer notarizes the signature through an acknowledgment, jurat or signature witnessing.

(e) It shall be lawful for any notarial officer who is a stockholder, director, officer or employee of a bank or other corporation to take the acknowledgment of any party to any written instrument executed to or by said corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of such corporation, or to protest for nonacceptance, or nonpayment, bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by any such bank or other corporation.

34-26-202. Avoidance of influence.

(a) While acting as a notarial officer, a notarial officer who is not an attorney licensed

to practice in Wyoming under W.S. 33-5-101 through 33-5-117 shall not influence a person either to enter into or avoid a transaction involving a notarial act by the notarial officer.

(b) In his capacity as a notarial officer, a notarial officer has neither the duty nor the authority to investigate, ascertain or attest the lawfulness, propriety, accuracy or truthfulness of a document or transaction involving a notarial act.

34-26-203. False certificate.

(a) A notarial officer shall not execute a certificate containing information known or believed by the notarial officer to be false.

(b) A notarial officer shall not provide or send a signed or sealed notarial certificate to another person with the understanding that it will be completed or attached to a document outside of the notarial officer's place of business.

34-26-204. Improper documents.

(a) A notarial officer shall not notarize a signature on a document without notarial certificate wording.

(b) A notarial officer shall neither certify nor authenticate a photograph.

34-26-205. Intent to deceive.

A notarial officer shall not perform any official action with the intent to deceive or defraud.

34-26-206. Testimonials.

A notarial officer shall not use the official notarial officer title or seal to endorse, promote, denounce or oppose any product, service, contest, candidate or other offering.

**ARTICLE 3
NOTARIAL OFFICER FEES**

34-26-301. Imposition and waiver of fees.

For performing a notarial act, a notarial officer may charge the maximum fee specified in W.S. 34-26-302, charge less than the maximum fee or waive the fee.

34-26-302. Fees for notarial acts.

(a) The maximum fees that may be charged by a notarial officer for notarial acts are:

(i) For taking an acknowledgment, five dollars (\$5.00) per signature;

(ii) For administering an oath or affirmation without a signature, five dollars (\$5.00)

per person;

(iii) For jurats, five dollars (\$5.00) per signature;

(iv) For witnessing or attesting a signature, five dollars (\$5.00) per signature;

(v) For certifying or attesting copies, five dollars (\$5.00) per page certified;

(vi) For taking a verification upon oath or affirmation, five dollars (\$5.00) per certificate;

(vii) For noting a protest of negotiable instruments, five dollars (\$5.00) per protest.

(b) A notarial officer may charge a travel fee when traveling to perform a notarial act if:

(i) The notarial officer and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

(ii) The notarial officer explains to the person requesting the notarial act that the

travel fee is both separate from the notarial fee, if any, and neither specified nor mandated by law.

34-26-303. Payment prior to act.

(a) A notarial officer may require payment of any fees specified in W.S. 34-26-302 prior to performance of a notarial act.

(b) Any fees paid to a notarial officer prior to performance of a notarial act are nonrefundable if:

(i) The act was completed; or

(ii) In the case of travel fees paid in compliance with W.S. 34-26-302(b), the act was not completed for reasons stated in W.S. 34-26-202(b)(i) or (ii) after the notarial officer had traveled to meet the principal.

34-26-304. Fees of employee notarial officer.

(a) An employer may prohibit an employee who is a notarial officer from charging for notarial acts performed as part of the employee's employment.

(b) A governmental employer who has absorbed an employee's costs in becoming or operating as a notarial officer shall require any fees collected for notarial acts performed as part of the employee's employment either to be waived or surrendered to the employer to support public programs.

**TITLE 40. CHAPTER 21.
UNIFORM ELECTRONIC TRANSACTIONS ACT**

40-21-111. Notarization and acknowledgment.

If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

WYOMING REGULATIONS

**SECRETARY OF STATE
NOTARY RULES**

Chapter 1 – Notary Rules

SOS-NOT-1 § 1. Authority.

These rules are promulgated pursuant to the authority granted the Secretary of State in W.S. 32-1-105 (d) to adopt such rules, regulations and enter into agreements as are necessary to implement the provisions of said act.

Chapter 2 – Definitions of Notary Terms

SOS-NOT-2 § 1. Authorized Contiguous State.

Means any of the states of Colorado, Idaho, Montana, Nebraska, South Dakota, or Utah which has enacted a law or rule or regulation allowing a Wyoming Notary to perform acts within that state.

SOS-NOT-2 § 2. Notarial Certificate.

Means the opening segment, declarative wording, official signature, dates and seal contained in the notarization.

SOS-NOT-2 § 3. Notarial Act.

When referring to a notary public of a contiguous state means the administration of an oath or proof acknowledgment.

SOS-NOT-2 § 4. Oath.

Means a notarial act or part thereof in which a notary certifies that a person made a vow in the presence of the notary on penalty of perjury.

SOS-NOT-2 § 5. Opening Segment.

Means the two parts of a notarization that requires a description of the location where the notarial act took place. The word “Wyoming” will always fill the first blank and the name of the county where the notarization took place, typed or written in the second blank. The following is an example of an opening segment:

State of Wyoming ss County of

SOS-NOT-2 § 6. Presence of the Notary.

Means the signer must be in the actual physical presence of the notary before the Notary may lawfully act.

Chapter 3 – Controlling Law, Authority for Service of Process

SOS-NOT-3 § 1. Good Standing of a Notary Commission.

A notary public of a contiguous state shall at all times while administering oaths and proofs of acknowledgments within Wyoming be in good standing as a commissioned notary in the state of residency.

SOS-NOT-3 § 2. Consent to Service of Process.

A notary public of a contiguous state who performs oaths or proofs of acknowledgment within the state of Wyoming thereby consents to service of process by service upon the agency issuing the notary’s commission with one (1) copy of the process in the manner provided by law for service of process under the law of the commissioning state.

Chapter 4 – Authorized Seal

SOS-NOT-4 § 1. Seal.

A notary public of a contiguous state shall authenticate all his official acts performed within the state of Wyoming with the authorized seal of the state wherein the notary is commissioned.

Chapter 5 – Regulated Fee

SOS-NOT-5 § 1. Fees.

A notary public of a contiguous state performing duties within the state of Wyoming shall not charge more than the fees allowed a notary commissioned by the state of Wyoming.