

CHAPTER 43
NOTARIAL ACTS

721—43.1(9E) Certificate of notarial acts. 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 (for example, notary public, judge, clerk of court) and may include the official stamp or seal of office. A certificate of a notarial act is sufficient if it substantially meets the requirements of this rule, or other applicable law. The form of the certificate may consist of:

1. The short form set forth in rule 721—43.2(9E);
2. A form otherwise prescribed by the law of this state;
3. A form prescribed by laws or regulations applicable in the place in which the notarial act was performed; or
4. Any description of the actions of the notarial officer sufficient to meet the requirements of the designated notarial act.

By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determination required by Iowa Code section 9E.9.

721—43.2(9E) Short forms. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by rule 721—43.1(9E).

1. Acknowledgment 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)

NOTARY PUBLIC

(or title of other officer authorized to perform notarial acts)

2. Acknowledgment 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.) or (name of party on behalf of whom instrument was executed).

(Seal, if any) _____

(Signature)

NOTARY PUBLIC

(or title of other officer authorized to perform notarial acts)

3. 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)

NOTARY PUBLIC

(or title of other officer authorized to perform notarial acts)

4. Witnessing or attesting a signature:

State of _____

County of _____

Signed or attested before me on (date) by _____

(names of persons)

(Seal, if any) _____

(Signature)

NOTARY PUBLIC

(or title of other officer authorized to perform notarial acts)

5. 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)

NOTARY PUBLIC

(or title of other officer authorized to perform notarial acts)

721—43.3(9E) Notarial acts in other jurisdictions of the United States. A notarial act has the same effect in 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:

1. A notary public of that jurisdiction;
2. A judge, clerk or deputy clerk of court of that jurisdiction; or
3. Any other person authorized by law of that jurisdiction to perform notarial acts.

Notarial acts performed in other jurisdictions of the United States under federal authority as provided in rule 721—43.4(9E) have the same effect as if performed by a notarial officer of this state.

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.

The signature and indicated title of an officer relisted in rule 721—43.3(9E), item 1 or 2, conclusively establish the authority of a holder of that title to perform a notarial act.

721—43.4(9E) Notarial acts under federal authority. A notarial act 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:

1. A judge, clerk, or deputy clerk of a court;
2. A commissioned officer on active duty in the military service of the United States;
3. An officer of the foreign service or consular officer of the United States; or
4. Any other person authorized by federal law to perform notarial acts.

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.

The signature and indicated title of an officer listed in 721—43.4(9E), item 1, 2, or 3, conclusively establish the authority of a holder of that title to perform a notarial act.

721—43.5(9E) Foreign notarial acts. A notarial act 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 authority of a foreign nation or its constituent units or a multinational or international organization by any of the following persons:

1. A notary public or notary;
2. A judge, clerk, or deputy clerk of a court of record; or
3. Any other person authorized by the law of that jurisdiction to perform notarial acts.

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.

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.

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.

An official stamp or seal of an officer listed in rule 721—43.5(9E), item 1 or 2, is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

If the title of office and indication of authority to perform notarial acts appear 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.

These rules are intended to implement Iowa Code chapter 9E.

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