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HOUSE BILL NO. 1116

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend and reenact § 55-113 of the Code of Virginia, relating to acknowledgments.

Patrons—McDougle, Cosgrove and Sears

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55-113 of the Code of Virginia are amended and reenacted as follows:

§ 55-113. Acknowledgment within the United States or its dependencies.

Such court or clerk as is mentioned in § 55-106 shall admit any such writing to record as to any person whose name is signed thereto in accordance with § 55-118.3, except acknowledgment of contracts for the sale of real property shall require the seller or grantor of such real property to acknowledge his signature as herein provided, except for contracts recorded after the death of the seller pursuant to § 64.1-148.

(1) Upon the certificate of such clerk or his deputy, a notary public, a commissioner in chancery, or a clerk of any court of record within the United States or in Puerto Rico, or any territory or other dependency or possession of the United States that such writing had been acknowledged before him by such person. Such certificate shall be written upon or annexed to such writing and shall be substantially to the following effect, to wit:

I,....., clerk (or deputy clerk, or a commissioner in chancery) of the..... court, (or a notary public) for the county (or corporation) aforesaid, in the State (or territory, or district) of....., do certify that E.F., or E.F. and G.H., and so forth, whose name (or names) is (or are) signed to the writing above (or hereto annexed) bearing date on the..... day of, has (or have) acknowledged the same before me in my county (or corporation) aforesaid.

Given under my hand this..... day of

(2) Upon the certificate of acknowledgment of such person before any commissioner appointed by the Governor, within the United States, so written or annexed, substantially to the following effect, to wit:

State (or territory, or district) of..... to wit:

I,....., a commissioner appointed by the Governor of the State of Virginia, for said State (or territory or district) of....., do certify that E.F. (or E.F. and G.H., and so forth) whose name (or names) is (or are) signed to the writing above (or hereto annexed) bearing date on the..... day of has (or have) acknowledged the same before me in my State (or territory or district) aforesaid.

Given under my hand this..... day of

(3) Or upon the certificate of such clerk or his deputy, a notary public, a commissioner in chancery, or a clerk of any court of record within the United States, or in Puerto Rico, or any territory or other possession or dependency of the United States, or of a commissioner appointed by the Governor, within the United States, that such writing was proved as to such person, before him, by two subscribing witnesses thereto. Such certificate shall be written upon or annexed to such writing and shall be substantially to the following effect, to wit:

State (or territory, or district) of.....; county (or corporation) of....., to wit: I,, clerk (or deputy clerk, or a commissioner in chancery) of the..... court, (or a notary public) for the county (or corporation) aforesaid, in the State (or territory or district) of..... (or a commissioner appointed by the Governor of the State of Virginia for said State, or territory, or district of.....), do certify that the execution of the writing above (or hereto annexed) bearing date on the day of, by A.B. (or A.B. and C.D., and so forth), whose name (or names) is (or are) signed thereto, was proved before me in my county (or corporation, or State) aforesaid, by the evidence on oath of E.F. and G.H., subscribing witnesses to said writing.

Given under my hand this..... day of

When authority is given in § 55-106 or in this section to the clerk of a court in or out of this Commonwealth, but within the United States, such authority may be exercised by his duly qualified deputy.

INTRODUCED

HB1116