

*Commonwealth Of
Kentucky
Notary Public
Handbook*

Issued by
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Secretary of State

Notary Commissions
Revised March 2009

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PLEASE NOTE: As Kentucky laws and procedures are changed, updates will be made in this booklet. You may wish to periodically check with the Secretary of State's Office to request a copy of any revisions.

This pamphlet is intended as an introductory guide to the Office of Notary Public in Kentucky. It is based on the Kentucky Revised Statutes in effect at the time of publication. This pamphlet is not a replacement for the statutes or legal advice. No representation or warranty is given or implied as to this pamphlet's accuracy or completeness.



Dear Kentucky Notary:

As your Secretary of State, it is an honor to work with Kentucky's active notaries who provide such an invaluable service to the Commonwealth's business and legal system. My office holds the responsibility of appointing notaries by the provisions of Chapter 423 of the Kentucky Revised Statutes. In this capacity, I am pleased to be able to work with you.

I hope that you find this booklet a beneficial resource. It addresses common questions and concerns related to the notary function. You will find answers to many of your questions, as well as pertinent Kentucky Revised Statutes and applications for appointment, within the booklet.

Should you have any additional questions, please do not hesitate to write or call the Secretary of State's Notary Division.

Sincerely,

A handwritten signature in black ink that reads "Trey Grayson". The signature is stylized and cursive.

Trey Grayson
Secretary of State



NOTARY PUBLIC - STATE AT LARGE

Answers to Common Questions

What are the qualifications for a notary public?

A notary public must be eighteen (18) years of age, a resident of the county from which she/he makes application or be principally employed in the county from which he/she makes the application, of good moral character and capable of discharging the duties imposed upon her/him by law.

For what period of time is a notary issued?

A notary public's term of office is for four years.

What is the fee for becoming a notary?

The fee is \$10. Applicants should send the fee along with their application to the Secretary of State's Office, 152 Capitol Building, 700 Capitol Avenue, PO Box 821, Frankfort, Kentucky 40601. Make checks payable to the Kentucky State Treasurer.

What happens after you send in the application and fee?

If the Secretary of State approves your application and makes the appointment, the certificate of appointment will be sent to the county court clerk of the applicant's residence or the county from which he/she makes application as indicated on the application. At the same time this is sent, a letter notifying you of your appointment will be sent to your home address. **Within (30) days of receiving your letter**, you must go the county clerk's office and (1) take the oath of office, (2) post bond and (3) file and record your appointment.

What happens if you forget to take the oath and file the bond within the 30-day period?

If you fail to take the oath of office and post bond within the 30-day filing period or a reasonable time thereafter, your office becomes vacant. If you still wish to be appointed a notary, you will have to send another completed application and pay another \$10 fee to the Secretary of State.

What are the bond requirements?

Bond requirements vary in each county. Please contact your county clerk for specific information.

What is the procedure for cancellation of a notary bond?

This situation is not specifically addressed in the statutes but suggested courses of action could include:

- 1) The surety could contact the notary stating that they no longer wish to serve as surety and ask the notary to voluntarily obtain another surety. A subsequent posting and recording of the bond at the county clerk would then be required.
- 2) If the notary does not voluntarily obtain another surety, the surety could petition the district court to issue an order removing the surety from the notary's bond. This order of removal could then be filed with the county clerk.

If there has been a name change since the issuance of the notary certificate, what name should be used?

The name as it appears on your certificate should be used. You may put your new name in parenthesis if you would like.

What is a notary authorized to do?

A notary public can administer oaths and take proof of execution and acknowledgments of instruments.

What does acknowledge mean?

An acknowledgment is a verification that the person whose signature appears on the document is the person who appears before you and whose identity you took reasonable steps to verify.

Can I acknowledge a signature that was placed on the document before it was brought to me for notarization?

Yes. You must verify that the signature on the document matches the signature on the identification which the signer presented to you and to the signature of the signer in your journal.

What is a jurat?

A jurat is a signature made under oath. In this instance, you must watch the signer sign the document.

What is the difference between a jurat and an acknowledgment?

A jurat authenticates a signature made under oath or affirmation. A jurat proves that the signer personally appeared before the notary; the signer was positively identified by the notary; the notary placed the signer under oath; and the notary watched the signature being made.

In a jurat, the notary **does** have to see the signer sign the document and the notary must place the signer under oath before the signer signs the document.

An acknowledgment authenticates a signature. An acknowledgment proves that the signer personally appeared before a notary; the notary identified the signer; and the signature on the document matches the signature on the identification which the signer presented to you and to the signature in your journal.

For an acknowledgment the notary only has to verify the signature on the document is that of the signer. The notary **does not** have to watch the signature be made.

How does a notary acknowledge a document?

A notary first identifies the signer to be the person whose name is signed to the document. The identification can be made through personal knowledge or through appropriate credentials such as a driver's license. The notary completes the certificate of acknowledgment by writing or typing on the document the appropriate "acknowledged before me" phrase and signing her or his name and commission expiration date underneath. Documents will often have the acknowledgment phrase pre-printed on them, in which case the notary merely fills in the blanks.

What types of oaths is a Kentucky notary authorized to administer?

The Kentucky notary public is empowered to administer most types of oath. These fall into two categories: (1) **oaths of office** and (2) **oaths of testimony**.

State law sets forth the form of the oath of office for most public officials. Some oaths of office must be administered by a specific official other than a notary. If you are uncertain, ask for legal advice.

The oath of testimony is used to swear a person to the truthfulness of her/his statement (written or oral). The oath is familiar: "Do you solemnly swear to tell (or write) the truth, the whole truth and nothing but the truth, so help you God?" or "Do you swear or affirm to tell (or write) the truth, the whole truth and nothing but the truth?" Depositions, affidavits, hearings and government documents are common occasions for the use of the oath of testimony.

Can I notarize something for myself?

No. Though self-notarization is not specifically prohibited by statute, the practice would defeat the entire purpose of a certificate of acknowledgment, which is to obtain independent, reliable confirmation of the act of signing a document.

Can I notarize documents for my family?

There is no specific prohibition against notarizing for a family member. You should probably avoid the practice, however, to avoid any possible challenges based upon allegation of bias, conflict of interest or other impropriety.

Can I notarize a document in which I have financial interest?

Again, this is not specifically prohibited, but is definitely a bad practice. By notarizing a document in which you have a financial interest, you are simply increasing the chances that that document -- and the underlying transaction -- might be challenged. Therefore, the practice should be avoided.

Can a Notary Public State at Large commissioned by the Commonwealth of Kentucky perform notarial acts anywhere in the United States?

No. Notarial acts must be performed within the state's borders except when the notary has received a special commission. (See page 7.)

Is the use of a seal necessary?

Kentucky notary statutes, Kentucky Revised Statutes 423.010 - 423.990, do not require the notary to use a seal. Notarizations in Kentucky are regularly performed without a stamp or seal. However, if you wish to obtain a seal of office, it should contain your name and notary public title such as "Notary Public - State at Large" or "Notary Public - Special Commission."

It should be noted that some states require a seal or stamp; therefore, if you are notarizing a deed or other document which is to be recorded or used out of state there is a possibility a seal or stamp is required.

Is a notary record or journal required to be kept?

Although many states require this by law, this is not the case in Kentucky. However, it is advisable to keep a record book of your official acts because a journal provides documentation of the notary's personal knowledge of performance of the notarization.

What physical characteristics should a journal have?

The journal should be bound with prenumbered pages to deter unauthorized removal of pages. There should be entry space to record all pertinent information. The journal should be completed before the notarization.

What information should be recorded in your journal?

- A. The document signer's signature
- B. Date and time of the notarization
- C. Date of the document
- D. Type of notarization performed and type of document notarized
- E. Document signer's address
- F. Statement on how the notary verified the signer's identity
- G. The fee, if any, charged for the notarial act
- H. Special comments about the transaction

What features of an I.D. or papers should a notary examine when verifying identification?

A notary should examine the I.D. for three features:

1. A photo of the bearer
2. Accurate physical description of the bearer

3. Signature of the bearer

Can fees be charged for notarizations?

Yes, the fees of notaries public for the following services must not be more than the following schedule:

KRS 64.300 Notaries public.

(1) The fees of notaries public for the following services shall be not more than set out in the following schedule:

Every attestation, protestation, or taking acknowledgment of any instrument of writing, and certifying the same under seal including, but not limited to, the notarization of votes of absentee voters	\$0.50
Recording same in book to be kept for that purpose	0.75
Each notice of protest	0.25
Administering oath and certificate thereof	0.20

(2) No fee or compensation shall be allowed or paid for affixing the jurat of a notary public to any application, affidavit, certificate or other paper necessary to be filed in support of any claim for the benefits of federal legislation for any person or his dependents who has served as a member of the Army, Navy, or Marine Corps of the United States.

History through 1968: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1746.

Can a notary be liable for notarial misconduct?

A notary is liable for all damages sustained as a result of the notary’s errors, omissions, neglect, improper performance of duty, or misconduct in performing a duty. The notary not only is liable for civil damages as a result of misconduct, but is also liable to criminal prosecution if he or she signs a false or fraudulent certificate.

Can the date of a notarization be different from the actual date the notarization was made?

No, the date of the notarization should always be the date the notarization was made which is the day the signer actually appeared in person for the notarial act. You should not backdate notarizations.

If the notary is signing a certificate of acknowledgment, the document’s date of signing does not have to match the certificate date. The document could have been signed several months earlier.

If the notary is signing a jurat, the document’s date must always be the same date of the date of the notarization, since the affiant must always sign the document in the notary’s presence.

NOTARY PUBLIC - SPECIAL COMMISSION

Answers to Common Questions

What is a Notary Public - Special Commission?

A Notary Public - Special Commission is a resident or nonresident of Kentucky who is appointed by the Governor of Kentucky to perform notarial acts inside or outside this state covering documents to be recorded in this state.

Is a Notary Public - Special Commission authorized to perform the same acts as a regular notary?

No. The appointment to the office of Notary Public - Special Commission is separate from the State at Large appointment. Notaries Public - Special Commission are specifically limited to the acts described in the above paragraph.

What is the process for becoming a Notary Public - Special Commission?

An application for appointment can be obtained from the Secretary of State's office or county clerk. The completed application must be signed by a circuit judge, circuit clerk, county judge/executive, county clerk, justice of the peace (magistrate) or member of the General Assembly of the county of residence of the applicant, if a Kentucky resident. Non-residents may choose the county of application.

After the application has been filed with and approved by the Secretary of State, you will receive a Notice of Appointment. Attached to the Notice of Appointment will be a printed Oath of Office. Pursuant to KRS 62.010, you must take the Oath of Office within thirty (30) days after you receive your Notice of Appointment. After the oath has been administered, the written Oath of Office must be returned to the Secretary of State within thirty (30) days from the date of your Notice of Appointment letter. Upon receipt by the Secretary of State of the Oath of Office, the Governor, through the Secretary of State, will issue to the applicant the Commission to Office.

Who can administer this Oath of Office?

The official oath may be administered by any judge, or any county judge/executive, notary public, clerk of court or justice of the peace (magistrate), within your district or county.

What are the qualifications for a Notary Public - Special Commission?

A Notary Public - Special Commission must be eighteen (18) years of age; if a Kentucky resident, applicant must be a resident of the county from which she/he makes application; of good moral character; and capable of discharging duties imposed upon her/him by law.

For what period of time is a Notary Public - Special Commission issued?

Notaries Public - Special Commission are appointed to office for a term of four (4) years.

What is the fee for becoming a Notary Public - Special Commission?

Applicants should send \$10.00 along with their application to the Secretary of State's Office, 148 Capitol Building, 700 Capitol Avenue, PO Box 821, Frankfort, Kentucky 40601. Make checks payable to the Kentucky State Treasurer. A Notary Public - Special Commission application can be obtained from the Secretary of State's office or the office of a county clerk.

Is posting of bond necessary for Notary Public - Special Commission?

The posting of bond is not required for a Notary Public - Special Commission. However, the Oath of Office is required.

Can a person be both a Notary Public - Special Commission and a Notary Public State at Large?

A person may be appointed both a Notary Public - Special Commission and a Notary Public State at Large. Two different applications must be submitted; two different filing fees are required.

**UNOFFICIAL TEXT OF STATUTES
FOR INFORMATION ONLY**

**CHAPTER 423
NOTARIES PUBLIC AND COMMISSIONERS
OF FOREIGN DEEDS**

423.010 Appointment, term, and qualifications of notaries -- County clerk has powers of notary when acting in capacity as clerk.

- (1) The Secretary of State may appoint as many notaries public as he or she deems necessary, who shall hold office for four (4) years. Any resident of the Commonwealth of Kentucky desiring to be appointed a notary public shall make written application to the Secretary of State. The application shall be approved by the Circuit Judge, circuit clerk, county judge/executive, county clerk, justice of the peace, or a member of the General Assembly of the county of the residence of the applicant or in the county in which the applicant's principal place of employment is located. A person who is not a resident of Kentucky but who is employed in Kentucky may become a notary public by making an application to the Secretary of State which has been approved by an officer specified in this section from the county in which the applicant is principally employed in Kentucky. No officer shall charge or accept any fee for approving the application. A notary public shall be eighteen (18) years of age, a resident of the county from which he or she makes his or her application or be principally employed in the county from which he or she makes his or her application, of good moral character, and capable of discharging the duties imposed upon him or her by this chapter, and the endorsement of the officer approving the application shall so state. The Secretary of State, in his or her certificate of appointment to the applicant, shall designate the limits within which the notary is to act. Before a notary acts, he or she shall take an oath before any person authorized to administer an oath as set forth in KRS 62.020 that he or she will honestly and diligently discharge the duties of his or her office. He or she shall in the same court give an obligation with good security for the proper discharge of the duties of his or her office. Every certificate of a notary public shall state the date of the expiration of his or her commission. The Secretary of State shall give to each notary appointed a certificate of his or her appointment under the seal of the Commonwealth of Kentucky in lieu of a commission heretofore required to be issued to the notary by the Governor of Kentucky, and receive a fee of ten dollars (\$10) for the certificate.
- (2) A county clerk shall have the powers of a notary public in the exercise of the official functions of the office of clerk within his or her county, and the official actions of the county clerk shall not require the witness or signature of a notary appointed pursuant to subsection (1) of this section.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 231, sec. 1, effective July 15, 2002. -- Amended 1990 Ky. Acts ch. 486, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 204, sec. 12, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 384, sec. 524, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 20, sec. 6, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 235, sec. 1. -- Amended 1968 Ky. Acts ch. 100, sec. 22. -- Amended 1952 Ky. Acts ch. 45, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3721.

423.020 Notary may act in any county -- Certification of notary's authority.

- (1) A notary public may exercise all the functions of his office in any county of the state, by filing in the county clerk's office in such county his written signature and a certificate of the county clerk of the county for which he was appointed, setting forth the fact of his appointment and qualification as a notary public, and paying a fee of one dollar (\$1) to the county clerk.
- (2) The county clerk of a county in whose office any notary public has so filed his signature and certificate shall, when requested, subjoin to any certificate of proof or acknowledgment signed by the notary a certificate under his hand and seal, stating that such notary public has filed a certificate of his appointment and qualifications with his written signature in his office, and was at the time of taking such proof or acknowledgment duly authorized to take the same; that he is well acquainted with the handwriting of the notary public and believes that the signature to such proof or acknowledgment is genuine.

Effective: July 1, 1992

History: Amended 1990 Ky. Acts ch. 88, secs. 85 and 93, effective July 1, 1992. -- Amended 1946 Ky. Acts ch. 162, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3721a.

Note: Amendment of this section by 1990 Ky. Acts ch. 88, secs. 85 and 93 became effective July 1, 1992, in compliance with 1992 Ky. Acts ch. 324, sec. 30.

423.030 Protests to be recorded -- Copies as evidence.

The notaries public shall record in a well bound and properly indexed book, kept by them for that purpose, all protests made by them for the nonacceptance or nonpayment of all bills of exchange, checks or promissory notes placed on the footing of bills of exchange, and on which a protest is required by law, or of which protest is evidence of dishonor. A copy of such protest certified by the notary public under his notarial seal is prima facie evidence in all the courts of this state.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3723.

423.040 Notice of dishonor -- To whom sent.

Notaries public shall upon protesting any instrument mentioned in KRS 423.030 give notice of the dishonor to such parties thereto as are required by law to be notified to fix their liability on such paper. When the residence of a party is unknown to the notary public, he shall send the notices to the holders of the paper, shall state in his protest the names of the parties to whom he gave notice, and the time and manner of giving the same and such statement in such protest shall be prima facie evidence that notices were given as therein stated.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3725.

423.050 Records of notary to be delivered to county clerk, when.

Upon the resignation of a notary public or the expiration of his term of office if he is not reappointed, he shall place his record book in the office of the county clerk in the county in which he was appointed, and if a notary dies, his representative shall deposit the record book with the clerk aforesaid.

Effective: July 1, 1992

History: Amended 1990 Ky. Acts ch. 88, secs. 86 and 93, effective July 1, 1992. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3724.

Note: Amendment of this section by 1990 Ky. Acts ch. 88, secs. 86 and 93 became effective July 1, 1992, in compliance with 1992 Ky. Acts ch. 324, sec. 30.

423.060 Foreign notary -- When protest by is evidence.

If any commercial paper is protested in any other state of the United States in which it is made payable, and by the laws of that state a notary public or other officer authorized to protest the same is required to give notice of dishonor to the parties or if the certificate of such notary or officer, or a copy thereof, stating that such notice was sent is evidence, in the courts of that state, then such protest, certificate or copy is admissible as evidence and shall have the same effect in the courts of this state as is given to such evidence in the courts of the other state.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3726.

423.070 Commissioners of foreign deeds -- Appointment, term.

The Governor may appoint and commission one (1) or more commissioners of deeds in each state of the United States for a term of two (2) years. Before entering on the duties of his office, each commissioner shall make and subscribe an affidavit, before an officer authorized to administer an oath, to well and truly execute and perform all the duties of his office. The affidavit must be filed in the office of the Secretary of State of this state.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 389.

423.080 Powers of commissioners.

Any commissioner of deeds appointed and qualified pursuant to KRS 423.070 may take the acknowledgment of proof of any instrument of writing, except wills, which instrument is required by the laws of this state to be recorded. The examination, acknowledgment or proof of any such instrument taken by a commissioner, and certified under his official seal, in the manner required by the laws of this state, shall authorize the instrument to be recorded in the proper office. A commissioner of deeds may administer any oath or take any affirmation necessary to discharge his official duties, and may take and certify depositions to be read on the trial of any action or proceeding in any of the courts of this state.

History: Amended 1974 Ky. Acts ch. 386, sec. 99. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 390, 391.

423.110 Recognition of notarial acts performed outside this state.

For the purposes of KRS 423.110 to 423.190, "notarial acts" means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state:

- (1) A notary public authorized to perform notarial acts in the place in which the act is performed;
- (2) A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed;
- (3) An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed;
- (4) A commissioned officer in active service with the Armed Forces of the United States and any other person authorized by regulation of the Armed Forces to perform notarial acts if the notarial act is performed for one (1) of the following or his dependents: a merchant seaman of the United States, a member of the Armed Forces of the United States, or any other person serving with or accompanying the Armed Forces of the United States;
- (5) Any other person authorized to perform notarial acts in the place in which the act is performed; or
- (6) A person, either a resident or a nonresident of Kentucky, who is appointed by the Governor of Kentucky to perform notarial acts in or outside this state covering writings prepared for recordation in this state.

Effective: July 15, 1982

History: Amended 1982 Ky. Acts ch. 144, sec. 1, effective July 15, 1982. -- Amended 1976 Ky. Acts ch. 65, sec. 1. -- Created 1970 Ky. Acts ch. 131, sec. 1, effective July 1, 1970.

423.130 Certificate of person taking acknowledgment.

The person taking an acknowledgment shall certify that:

- (1) The person acknowledging appeared before him and acknowledged he executed the instrument; and
- (2) The person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

Effective: July 1, 1970

History: Created 1970 Ky. Acts ch. 131, sec. 3, effective July 1, 1970.

423.140 Recognition of certificate of acknowledgment.

The form of a certificate of acknowledgment used by a person whose authority is recognized under KRS 423.110 shall be accepted in this state if:

- (1) The certificate is in a form prescribed by the laws or regulations of this state;
- (2) The certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or
- (3) The certificate contains the words "acknowledged before me," or their substantial equivalent.

Effective: July 1, 1970

History: 1970 Ky. Acts ch. 131, sec. 4, effective July 1, 1970.

423.150 Certificate of acknowledgment.

The words "acknowledged before me" mean:

- (1) That the person acknowledging appeared before the person taking the acknowledgment;
- (2) That he acknowledged he executed the instrument;
- (3) That, in the case of:
 - (a) A natural person, he executed the instrument for the purposes therein stated;
 - (b) A corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated;
 - (c) A partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purpose therein stated;
 - (d) A person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of the principal for the purposes therein stated;
 - (e) A person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and
- (4) That the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

Effective: July 1, 1970

History: Created 1970 Ky. Acts ch. 131, sec. 5, effective July 1, 1970.

423.160 Short forms of acknowledgment.

The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as "Statutory Short Forms of Acknowledgment" and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

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

State of

County of

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

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

- (2) For a corporation:

State of

County of

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

(3) For a partnership:

State of

County of

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

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

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

State of

County of

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

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

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

State of

County of

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

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

Effective: July 1, 1970

History: Created 1970 Ky. Acts ch. 131, sec. 6, effective July 1, 1970.

423.170 Acknowledgments not affected by KRS 423.110 to 423.190.

A notarial act performed prior to July 1, 1970, is not affected by KRS 423.110 to 423.190. KRS 423.110 to 423.190 provide an additional method of proving notarial acts. Nothing in KRS 423.110 to 423.190 diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

Effective: July 1, 1970

History: Created 1970 Ky. Acts ch. 131, sec. 7, effective July 1, 1970.

423.180 Uniformity of interpretation.

KRS 423.110 to 423.190 shall be so interpreted as to make uniform the laws of those states which enact it.

Effective: July 1, 1970

History: Created 1970 Ky. Acts ch. 131, sec. 8, effective July 1, 1970.

423.190 Short title.

KRS 423.110 to 423.190 may be cited as the "Uniform Recognition of Acknowledgments Act."

Effective: July 1, 1970

History: Created 1970 Ky. Acts ch. 131, sec. 9, effective July 1, 1970.

423.200 Admission of documents to the public record.

Notwithstanding any other provision of law, any certificate of an acknowledgment given and certified as provided by KRS 423.110 to 423.190 or as provided by those sections and other provisions of law, together with the instrument acknowledged, may be admitted to the public record provided for the type of instrument so acknowledged, and any instrument required to be sworn to or affirmed in order to be recorded may be admitted to record upon a jurat recognized under the provisions of KRS 423.110 to 423.190.

Effective: March 25, 1972

History: Created 1972 Ky. Acts ch. 170, sec. 1, effective March 25, 1972.

423.990 Penalties.

For each failure to record his protest as required by KRS 423.030, a notary public shall forfeit all his fees and shall be fined five dollars (\$5).

Effective: January 2, 1978

History: Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 427, effective January 2, 1978. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 3727.

OATHS

62.010 Oath of office -- When to be taken.

- (1) No officer shall enter upon the duties of his office until he takes the oath required of him by law.
- (2) Each person elected to an office shall take the oath of office on or before the day the term of office to which he has been elected begins.
- (3) Each person appointed to an office shall take the oath of office within thirty (30) days after he receives notice of his appointment.

History through 1968: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3753, 3755.

62.050 Bonds, when to be given.

- (1) Except as otherwise provided by statute, no officer required by law to give bond shall enter upon the duties of his office until he gives the bond.

- (2) Except as otherwise provided by statute, each person elected to an office who is required to give bond shall give the bond on or before the day the term of office to which he has been elected begins.
- (3) Each person appointed to an office who is required to give bond shall give the bond within thirty (30) days after he receives notice of his appointment.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 86, sec. 9, effective July 15, 1996.

History through 1968: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3753, 3755.

62.990 Penalties.

Any person who violates subsection (1) of KRS 62.010 or subsection (1) of KRS 62.050 on or after the date thirty (30) days after January 27, 1995, shall be fined not less than five hundred (500) nor more than one thousand dollars (\$1,000).

If any person violates subsection (2) or (3) of KRS 62.010, his office shall be considered vacant and he shall not be eligible for the same office for two (2) years.

Any person convicted or removed from office under subsection (2) of this section prior to January 10, 1995, may apply to the Circuit Court for relief from the disability of being unable to serve in office. The Circuit Court, upon receipt of the application, shall modify the sentence to remove the disability of holding the office. This subsection shall not be construed to require the removal from office of a person who has been appointed to fill the remainder of the term of a person removed from office under KRS 62.050 and 62.990.

Effective: January 27, 1995, retroactive to November 1, 1991

History: Amended 1995 (2d Extra. Sess.) Ky. Acts ch. 4, sec. 3, effective January 27, 1995, retroactive to November 1, 1991.

History through 1968: Amended 1966 Ky. Acts ch. 255, sec. 66. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3753, 3755.

Legislative Research Commission Note (1/27/95). The change in the fine set out in subsection (2) of this statute is effective January 27, 1995, and the other changes to this statute made by 1995 (2d Extra. Sess.) Ky. Acts ch. 4, sec. 3 are retroactively effective to November 1, 1991, pursuant to 1995 (2d Extra. Sess.) ch. 4, sec. 5.

64.300 Notaries public.

- (1) The fees of notaries public for the following services shall be not more than set out in the following schedule:

Every attestation, protestation, or taking acknowledgment of any instrument of writing, and certifying the same under seal including, but not limited to, the notarization of votes of absentee voters	\$0.50
Recording same in book to be kept for that purpose	0.75
Each notice of protest	0.25
Administering oath and certificate thereof	0.20

- (2) No fee or compensation shall be allowed or paid for affixing the jurat of a notary public to any application, affidavit, certificate or other paper necessary to be filed in support of any claim for the benefits of federal legislation for any person or his dependents who has served as a member of the Army, Navy, or Marine Corps of the United States.

History through 1968: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 1746.

This printing of a portion of the Kentucky Revised Statutes does not constitute an official version of these statutes and is provided for informational purposes only. For the official text of statutes and for current supplementation, the user should consult an official edition of the Kentucky Revised Statutes.



**TREY GRAYSON
SECRETARY OF STATE**

APPLICATION FOR APPOINTMENT TO THE OFFICE OF NOTARY PUBLIC – STATE AT LARGE

PURSUANT to the provisions of KRS 423.010, the undersigned applies to the Secretary of State of the Commonwealth of Kentucky to be appointed to the Office of Notary Public for the **State at Large**. For this purpose the undersigned applicant makes the following statements:

1. Name of applicant : _____ Date of birth _____
(please print or type) (month--day--year)
2. Home address of the applicant: _____
(street)

(city) (state) (zip)
3. If a **KENTUCKY RESIDENT**, **county** of residence OR **county** in which applicant’s principal place of employment is located:
_____ County. (**official signature below must be from same county listed on line 3**)
If a person is **NOT A RESIDENT OF KENTUCKY**, but is employed in Kentucky, **county** in which the applicant’s principal place of employment is located: _____ County.
4. Application is being made for new appointment or reappointment. If a reappointment, present commission will expire: Month ____ Day ____ Year ____ . (If previously a notary public and commission has expired, please check new appointment).
5. Applicant must meet following requirements: **1)** eighteen (18) years of age; **2)** if a Kentucky resident, a resident of the above-named county or principally employed in the county from which he or she is making application and if not a resident of Kentucky and employed in Kentucky, is principally employed in the above named county from which he or she is making application; **3)** of good moral character, i.e., not a convicted felon or if a convicted felon, civil rights have been restored by executive order; and **4)** capable of discharging the duties imposed upon the Office of Notary Public.
6. Signature of applicant: _____

PLEASE NOTE

CERTIFICATE OF APPROVAL BY OFFICIAL MUST BE COMPLETED BEFORE MAILING TO THE SECRETARY OF STATE

The undersigned, an official authorized by statute to approve this application,** states that the applicant herein is over eighteen (18) years of age, if a Kentucky resident , is a resident of or principally employed in the above-named county, or if not a Kentucky resident, but is employed in Kentucky, is principally employed in the above named county, is of good moral character, and is capable of discharging the duties imposed by law upon the Office of Notary Public of the Commonwealth of Kentucky.
NOW, THEREFORE, by virtue of the foregoing statements I have made and the authority granted to me by statute, my approval to the foregoing application is hereby granted.

SIGNATURE OF OFFICIAL: _____

PLEASE PRINT OR TYPE NAME: _____

OFFICIAL TITLE (INCLUDE COUNTY): _____

****PLEASE NOTE:** The Certificate of Approval must be signed by one of the following officials: Circuit Judge, Circuit Clerk, County Judge/Executive, County Clerk, Magistrate or Member of the General Assembly of the county of residence of the applicant or in the county in which the applicant’s principal place of employment is located.

GENERAL INSTRUCTIONS

After the application has been processed by the Secretary of State, your Certificate of Appointment will be sent to the county clerk in the county of application. For a Kentucky resident, the county of application is the county where the applicant resides or is principally employed as designated in line 3. For an applicant who is not a resident of Kentucky, but is employed in Kentucky, the county of application is the county in which the non-resident is principally employed. At the same time the Secretary of State sends the Certificate of Appointment to the county clerk, a written notice will be sent to the applicant stating the Certificate of Appointment is in the county clerk's office. **Within thirty (30) days** of receiving your notice, you must go to the county clerk's office and

- (1) **Post Bond;**
- (2) **Take the Oath of Office; and**
- (3) **File and record your commission in the office of the county clerk.**

For specific information regarding these requirements, you should make direct contact with your county clerk.

INSTRUCTIONS BY LINE

- Line 1 List your name as it is to appear on the Certificate of Appointment.
- Line 2 List your home address. This is where your written notice of appointment will be mailed.
- Line 3 List county of application. For a Kentucky resident, the county of application is county where the applicant resides OR is principally employed. For an applicant who is not a Kentucky resident, but is employed in Kentucky, the county of application is the county in which he or she is principally employed.
- Line 4 Check whether a new appointment or a reappointment. If previously a notary public and your commission has expired, please check new appointment.
- Line 5 Requirements for becoming a notary.
- Line 6 Signature of applicant.

*Certificate of Approval by Official **MUST** be completed **BEFORE** mailing to the Secretary of State*

Please mail application along with the fee of **\$10** be made payable to the **Kentucky State Treasurer** to:

**Notary Commissions
PO Box 821
Frankfort, KY 40601**

**Revised 03/09
SSN-514**



TREY GRAYSON
Secretary of State

**APPLICATION FOR APPOINTMENT TO THE OFFICE OF NOTARY PUBLIC
SPECIAL COMMISSION**

PURSUANT to the provision of KRS 423.110(6), the undersigned hereby applies to the Governor of Kentucky to be appointed to the **Office of Notary Public-Special Commission**.

1. Name of applicant: _____ Date of birth: _____
(please print or type)
2. Residence address of the applicant: _____
(street)

(city) (state) (zip)
3. County of residence: _____ If a non-resident, the Kentucky county from which the application is being made: _____.
4. Application is being made for a new appointment or a reappointment. If a reappointment, your present commission will expire: _____ (If previously a notary public - special commission and commission has expired, please check new appointment).
5. Applicant is at least eighteen (18) years of age, a resident of the above-named county (if a Kentucky resident), of good moral character, not a convicted felon and capable of discharging the duties imposed upon the Office of Notary Public - Special Commission.
6. Signature of applicant: _____

PLEASE NOTE

CERTIFICATE OF APPROVAL BY OFFICIAL MUST BE COMPLETED BEFORE MAILING TO THE SECRETARY OF STATE

The undersigned, an official authorized by statute to approve this application,** states that the applicant herein is eighteen (18) years of age, a legal resident of the above-named county, (if a Kentucky resident), of good moral character, and capable of discharging the duties imposed by law upon Notaries Public - Special Commission of the Commonwealth of Kentucky. NOW, THEREFORE, by virtue of the foregoing statements I have made and the authority granted to me by statute, my approval to the foregoing application is hereby granted.

SIGNATURE: _____

PLEASE PRINT OR TYPE NAME: _____

OFFICIAL TITLE (INCLUDE COUNTY): _____

OFFICIAL'S OFFICE ADDRESS: _____

****PLEASE NOTE:** The Certificate of Approval must be signed by one of the following officials whose jurisdiction or district includes the county of application: Circuit Judge, Circuit Clerk, County Judge/Executive, County Clerk, Magistrate or Member of the General Assembly.

INSTRUCTIONS

General Instructions:

- You are applying for appointment to the office of Notary Public - Special Commission. A Notary Public - Special Commission is a resident or nonresident of Kentucky, who is appointed by the Governor of Kentucky to perform notarial acts in or outside this state covering writings prepared for recordation in this state. KRS 423.110(6). *Notaries receiving the appointment to this office are specifically limited to the acts described in this paragraph.*
- Once you have been appointed to the Office of Notary Public - Special Commission you should utilize the following signature format: “I _____, a Kentucky Notary Public - Special Commission, for acts performed in or outside Kentucky for recordation in Kentucky; my commission expires: _____.”
- After completing the application, mail to the Office of the Secretary of State, along with \$10, to PO Box 821, Frankfort, Kentucky 40601. Checks should be made payable to the Kentucky State Treasurer.
- After the application has been filed and approved by the Secretary of State, you will receive a Notice of Appointment. Attached to the Notice of Appointment will be a printed Oath of Office. Pursuant to KRS 62.010, you must take the Oath of Office within thirty (30) days after you receive your Notice of Appointment. After the oath has been administered, the written Oath of Office must be returned to the Secretary of State within thirty (30) days from the date of your Notice of Appointment letter. Upon receipt by the Secretary of State of the Oath of Office, the Governor, through the Secretary of State, will issue to the applicant the Commission to Office.

Instructions by Line:

Line 1: List name as it is to appear on the Commission of Appointment and your birth date.

Line 2: List home address. This is where written Oath of Office and Notice of Appointment will be mailed.

Line 3: List county of application. If an out-of-state resident, designate the county from which you are making application.

Line 4: Check whether this is a new appointment or a reappointment. If previously a Notary Public - Special Commission and your commission has expired, please check new appointment.

Certificate of Approval by Official **MUST** be completed **BEFORE** mailing to the Secretary of State

Please mail application along with the fee of \$10 to:

Notary Commissions
PO Box 821
Frankfort, Kentucky 40601

SSN-512
Revised 03/09