

OPINION
55-97

August 9, 1955 (OPINION)

RECORDING

RE: Notaries Public - Necessity of Printed Name Etc.

This is in reply to your letter requesting the opinion of this office on whether an instrument may be recorded if the stamped, typed or printed name and expiration of the commission of the notary public is not shown on the instrument, as required by section 44-0612 of the N.D.R.C. of 1943, as amended by chapter 287 of the 1955 Session Laws.

Section 44-0612 was and is a part of the chapter "Notaries Public" in the title "Offices and Officers" of the N.D.R.C. of 1943. Its obvious purpose is to prescribe the manner in which the notary public shall act in performing the duties of his office.

The statutory forms for acknowledgments are found in the chapter "Record Title" in the title "Property" of the N.D.R.C. of 1943. Its obvious purpose is to prescribe the manner in which the notary public shall act in performing the duties of his office.

The statutory forms for acknowledgments are found in the chapter "Record Title" in the title "Property" of the N.D.R.C. of 1943. The obvious purpose of this chapter would appear to be prescribing the form of execution and acknowledgment of instruments to entitle them to be recorded. This chapter contains no requirement as to the inclusion of either the printed, stamped or typed name of the notary or of the date of the expiration of his commission.

In view of the above, it is our opinion that the typed, printed or stamped name of the notary and the date of the expiration of his commission is not an essential part of the acknowledgment and that an acknowledgment may be considered complete and the instrument qualified to be recorded without such name and date of expiration of commission.

LESLIE R. BURGUM

Attorney General