

Title

FREQUENTLY ASKED ^ QUESTIONS

March 2012

Q The seller in the present transaction is in a foreign country. They will sign the deed and related forms there. Is the only option for them to go to the US Consulate to have the documents acknowledged?

A No.

New Jersey law (N.J.S.A. 46:14-6.1) recognizes the following officers who may acknowledge instruments in this State as well as in any other State or foreign nation:

- 1) An attorney at law of the State of New Jersey;
- 2) A notary public of the State of New Jersey;
- 3) A New Jersey County Clerk or Deputy County Clerk;
- 4) A New Jersey Register of Deeds and Mortgages or a Deputy Register;
- 5) A New Jersey Surrogate or Deputy Surrogate.

In addition, the law authorizes the following officers to take acknowledgements;

- 1) Any officer of the United States, of a State or Territory of the United States or of a foreign nations that is at the time and place of the acknowledgement authorized by the laws of such jurisdiction to take acknowledgements.¹
- 2) A foreign commissioner of deeds for New Jersey within the jurisdiction of the commission;
- 3) A foreign service or consular officer or other representative of the United States to any foreign nation, within the territory of that nation.

It should be noted that an attorney or notary of the State of New Jersey (who is authorized in New Jersey to take acknowledgements) may travel to any jurisdiction outside the State (such as another State or country) and take an acknowledgement for an instrument affecting New Jersey property while he or she is visiting that jurisdiction. On the other hand, New Jersey law does not recognize an acknowledgement taken in this State by a visiting foreign notary.

Any instrument being recorded, including an acknowledgement, must be in English or accompanied by a written translation into English. The accuracy of any such translation must be sworn to before an officer/notary authorized to take oaths.

Another method of acknowledgement is called an "apostille" which is a method of authentication of an acknowledgement of documents executed in a foreign nation. Should you receive a document with an apostille attached, kindly contact a member of our underwriting staff.

As always, feel free to address any questions to a member of our underwriting staff.

¹ If the acknowledgement or proof does not specifically designate the officer as a "justice", "judge" or "notary", the acknowledgement itself or an affidavit appended to it must contain a statement of the officer's authority to take acknowledgements.