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CIVIL CODE 1183 COMPLIANCE

Frequent inquiries are made regarding necessary procedures to be followed, to comply with California Civil Code 1183, when an acknowledgment of an instrument is taken outside the United States.

The code section provides that the following officers may take acknowledgment outside the United States:

- a. A Minister, Commissioner, or Charge d' affaires of the United States.
- b. A Consul, Vice consul, or Consular Agent of the United States.
- c. A Judge of a Court of Record of the Country where the proof or acknowledgment is made.
- d. Commissioners appointed by the Governor or Secretary of State for that purpose.
- e. A Notary Public.

For the purpose of assuring that California County Recorders will accept the documents upon which the acknowledgments appear for recording, one should be aware that use of the Official set forth in (a) and (b) is the most certain manner in which to proceed. The use of a Foreign Notary Public can present special problems since the signature of that notary public must be proved or acknowledged by:

- (1) A Judge of a Court of record of the country where the proof or acknowledgment is made.
- (2) Any American Diplomatic Officer, Consul General, Consul, Vice Consul, or Consular Agent.
- (3) By an apostille (certification) affixed to the instrument pursuant to the terms of the Hague Convention abolishing the requirement of legalization for foreign public documents.

Of the three methods, (3) is the most practical and reliable. Nations who are members of the Hague Treaty are Countries from which an apostille will be acceptable. The Apostille must be made in the Country where the proof or acknowledgment was made, by an authority designated to do so by that Country.

