

§ 47-2.2. Notary public of sister state; lack of seal or stamp or expiration date of commission.

(a) If the proof or acknowledgment of any instrument is had before a notary public of any state other than North Carolina and the instrument does not (i) show the seal or stamp of the notary public, (ii) provide evidence pursuant to subsection (b) of this section that a seal or stamp is not required and the expiration date of the commission of the notary public, or (iii) state, as part of the proof or acknowledgment or as part of the notary's seal, that the notary's commission does not expire or is a lifetime appointment, then the certificate of proof or acknowledgment made by the notary public shall be accompanied by the certificate of the county official before whom the notary qualifies for office or of a state officer authorized to issue certificates regarding notary commission status, stating that the notary public was at the time the certificate bears date an acting notary public of that state, and that the notary's genuine signature is set to the certificate. The certificate of the official shall be under the official's hand and official seal.

(b) A proof or acknowledgment that does not require a seal or stamp of the notary to be effective in the jurisdiction issuing the notary's commission shall include either (i) a statement by the notary within the proof or acknowledgment area of the instrument that the notary is not required to utilize a seal or stamp or (ii) a reference that purports to be the statute of the commissioning state which provides that no seal or stamp is required together with a statement that the notary is not required to utilize a seal or stamp. The register of deeds may rely upon this statement and is not responsible for confirming its validity or the authority of the person making it. A register of deeds shall not refuse to accept a record for registration because a notarial seal or stamp is omitted from the proof or acknowledgment if this subsection has been complied with in the proof or acknowledgment. The acceptance of a record for registration under this subsection gives rise to a presumption that the seal or stamp was not required to be affixed by the notary. This presumption is rebuttable and applies to all instruments whenever recorded. However, a court order finding the lack of a valid seal does not affect the rights of a person that (i) records an interest in the real property described in the instrument before the finding of a lack of a valid seal and (ii) would otherwise have an enforceable interest in the real property. (1973, c. 1016; 2013-204, s. 1.12; 2021-91, s. 6.)