

IC 32-21-9

Chapter 9. Written Instruments by Members of the Armed Forces

IC 32-21-9-1

Notarial acts before commissioned officers in United States armed forces

Sec. 1. (a) In addition to the acknowledgment of written instruments and the performance of other notarial acts in the manner and form otherwise authorized by the laws of this state, a person:

- (1) who is serving in or with the armed forces of the United States wherever located;
- (2) who is serving as a merchant seaman outside the limits of the United States included within the fifty (50) states and the District of Columbia; or
- (3) who is outside the limits of the United States by permission, assignment, or direction of any department or office of the United States government in connection with any activity pertaining to the prosecution of any war in which the United States is engaged;

may acknowledge any instruments, attest documents, subscribe oaths and affirmations, give depositions, execute affidavits, and perform other notarial acts before any commissioned officer with the rank of second lieutenant or higher in the active services of the Army of the United States or the United States Marine Corps or before any commissioned officer with the rank of ensign or higher in the active service of the United States Navy or the United States Coast Guard, or with equivalent rank in any other component part of the armed forces of the United States.

(b) The commissioned officer before whom a notarial act is performed under this section shall certify the instrument with the officer's official signature and title in substantially the following form:

With the Armed Forces (or other component part of _____)
 _____)ss
 the armed forces) of the United States at ¹ _____)
 The foregoing instrument was acknowledged this _____
 day of _____ 20__ by ² _____ serving (in) the armed forces of the
 (with) _____
 United States) _____ (as a merchant seaman outside the
 limits of the United States) (as a person not in the armed forces, but
 outside the limits of the United States by permission, assignment, or
 direction of a department of the United States Government in
 connection with an activity pertaining to the prosecution of the war),
 before me, a commissioned officer in the active service of the (Army
 of the United States) (United States Marine Corps) (United States
 Navy) (United States Coast Guard) (or equivalent rank in any other
 component part of the armed forces).

(Signature of officer)

Rank and Branch

Footnote 1. In the event that military considerations preclude disclosure of the place of execution or acknowledgment the words "an undisclosed place" may be supplied instead of the appropriate city or county, state, and country.

Footnote 2. If by a natural person or persons, insert name or names; if by a person acting in a representative or official capacity or as attorney-in-fact, then insert name of person acknowledging the instrument, followed by an accurate description of the capacity in which he acts including the name of the person, corporation, or other entity represented.

As added by P.L.2-2002, SEC.6.

IC 32-21-9-2

Prima facie evidence of authority to execute

Sec. 2. An acknowledgment or other notarial act made substantially in the form prescribed by section 1 of this chapter is prima facie evidence:

(1) that the person named in the instrument as having acknowledged or executed the instrument:

(A) appeared in person before the officer taking the acknowledgment;

(B) was personally known to the officer to be the person whose name was subscribed to the instrument; and

(C) acknowledged that the person signed the instrument as a free and voluntary act for the uses and purposes set forth in the instrument;

(2) if the acknowledgment or execution is by a person in a representative or official capacity, that the person acknowledging or executing the instrument acknowledged it to be the person's free and voluntary act in such capacity or the free and voluntary act of the principal, person, or entity represented; and

(3) if the acknowledgment or other notarial act is by a person as an officer of a corporation, that the person was known to the officer taking the acknowledgment or performing any other notarial act to be a corporate officer and that the instrument was executed and acknowledged for and on behalf of the corporation by the corporate officer with proper authority from the corporation, as the free and voluntary act of the corporation.

As added by P.L.2-2002, SEC.6.

IC 32-21-9-3

Place of execution or acknowledgment; failure to state

Sec. 3. An instrument acknowledged or executed as provided in this chapter is not invalid because of a failure to state in the instrument the place of execution or acknowledgment.

As added by P.L.2-2002, SEC.6.

IC 32-21-9-4

Proof of recited facts; filing and recording in Indiana

Sec. 4. An acknowledgment or other notarial act made substantially as provided in this chapter constitutes prima facie proof of the facts recited in the instrument and, without further or other authentication, entitles any document so acknowledged or executed to be filed and recorded in the proper offices of record and received in evidence before the courts of this state, to the same extent and with the same effect as documents acknowledged or executed in accordance with any other provision of law now in force or that may be enacted.

As added by P.L.2-2002, SEC.6.