

**First American Title Insurance Company
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CURRENT DEVELOPMENTS

This is a special edition of the bulletin issued to clients of First American on cases, legislation and other matters of interest. Issues of “Current Developments” are available on the Internet at www.titlelaw-newyork.com. Recipients can request future issues by email by notifying Michael J. Berey, Senior Underwriting Counsel for First American, at mberey@firstam.com.

As previously reported in Current Developments, on July 8, 1997 the New York State Real Property Law was amended by Chapter 179 of the Laws of 1997 to add Section 309-a to Article 9 (“Recording Instruments Affecting Real Property”). Section 309-a authorizes the use of two new uniform forms of acknowledgment, a certificate of acknowledgment to be used when the person executing a document appears before the individual taking the acknowledgment and a certificate for a proof of execution by a subscribing witness. Section 309-a provides that these forms are acceptable only when the acknowledgment to be taken is *within* the State of New York.

Prior to September 1, 1999, for acknowledgments taken *within* New York, county recorders are to accept both the forms previously in use under Real Property Law Article 9 and the new uniform forms. However, as of September 1, 1999, only the new uniform forms will be accepted for acknowledgements taken *within* New York State.

Section 309-a does not address the taking of acknowledgments without the State of New York of instruments affecting real property. Therefore, the RPL was amended on September 23, 1998 by Chapter 596 of the Laws of 1998 to add Section 309-b to Article 9, authorizing the use of uniform forms of certificate of acknowledgment and a certificate for execution by a subscribing witness for acknowledgments taken *outside* of New York.

The date on which the uniform form certificate of acknowledgment and certificate for a proof of execution by a subscribing witness can be used outside of New York is January 21, 1999. Section 309-b permits but does not require the use of these new uniform forms. Accordingly, under Section 309-b, county recorders will accept duly conformed acknowledgments taken *outside* of New York under Article 9 of the RPL and the new uniform forms.

The statutory uniform forms are set forth below. Questions should be directed to Stephen Farber, counsel in the New York City office of First American at 212-922-9700.

**UNIFORM FORM CERTIFICATE OF ACKNOWLEDGMENT
(Within New York State)**

State of New York)
County of _____) ss.:

On the ____ day of _____ in the year ____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of individual
taking acknowledgment

UNIFORM FORM CERTIFICATE OF ACKNOWLEDGMENT
(Outside of New York State)

State, District of Columbia, Territory, Possession, or Foreign Country
_____) ss.:

On the ___ day of _____ in the year ____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their/ capacity (ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the _____. (Insert the city or other political subdivision and the state or country or other place the acknowledgment was taken).

(Signature and office of individual
taking acknowledgment.)

UNIFORM FORM CERTIFICATE OF PROOF OF EXECUTION
BY A SUBSCRIBING WITNESS
(Within New York State)

State of New York)
County of _____) ss.:

On the ___ day of _____ in the year ____ before me, the undersigned, personally appeared _____, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in _____ (if the place of residence is in a city, include the street and street number, if any, thereof); that he/she/they know(s) _____ to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said _____ execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

Signature and Office of individual
taking proof

**UNIFORM FORM CERTIFICATE OF PROOF OF EXECUTION
BY A SUBSCRIBING WITNESS
(Outside of New York State)**

State, District of Columbia, Territory, Possession, or Foreign Country
_____) ss.:

On the __ day of _____ in the year ____ before me, the undersigned, personally appeared _____, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she resides in _____ (if the place of residence is in a city, include the street and street number, if any, thereof); that he/she knows _____ to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said _____ execute the same; that said witness at the same time subscribed his/her name as a witness thereto; and that said subscribing witness made such appearance before the undersigned in _____. (Insert the city or other political subdivision and the state or country or other place in which the proof was taken.)

**(Signature and office of individual
taking proof.)**

October 14, 1998