

Opinion No. 55-6228

July 18, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mrs. Natalie Smith Buck, Secretary of State, Santa Fe, New Mexico

Receipt is acknowledged of your letter dated July 5, 1955, in which you request an opinion that on various legal forms there is contained a space preceded by the words "County of ____" to be filled by the notary. You request an opinion as to whether such blank space should contain the name of the county wherein the notary public is registered or, in case the notary public is acting in another county, should the blank space contain the name of such latter county.

Under Sections 35-1-1 through 35-1-24, N.M.S.A., 1953, governing notary public in New Mexico, there is no specific statute which answers your question. However, I find that in 1951 and 1952 under Opinion No. 5538, which has not been overruled, a notary public who qualifies in one county in New Mexico can administer oaths, certify to acknowledgements and perform any other duties required of him by law any where in the State of New Mexico. I also find on page 616 of 66 C.J.S., under the heading of Notaries, the following:

"Unless otherwise provided by statute, authority to take acknowledgements of deeds is not limited to deeds conveying land lying within the county for which the notary is commissioned, but includes conveyances of land wherever situate; the essential factor is the place in which the notary may act under his commission, and not the situs of the land."

Most of the acknowledgements in several of the legal forms have, State of New Mexico, County of _____. The blank space is filled in with the name of the county wherein you are taking the acknowledgement even though your commission might be in another county.

It is therefore the opinion of this office that the blank space before the wording "County of ____" which is to be filled by a notary should contain the name of the county where he is taking the acknowledgement and not the name of the county where his commission as a notary is recorded.

Trusting that this fully answers your inquiry, I remain

By Hilario Rubio

Assistant Attorney General