

**Opinion No. 17-1967**

April 5, 1917

**BY:** HARRY L. PATTON, Attorney General

**TO:** Mr. P. T. Bell, Kenna, New Mexico.

Acknowledgment Invalid Where Notary Is Grantee in the Instrument, or Member of Corporation Which Is Grantee.

**OPINION**

I am in receipt of your letter of March 30, in which you inquire as to the validity or legality of a Notary Public's taking the acknowledgment of a mortgage in which the Notary Public is the mortgagee. In reply, will say the weight of authority is to the effect that the acknowledgment of an instrument taken by a Notary Public, in which instrument the Notary Public is grantee or mortgagee, is void, on the grounds of public policy, and such is my opinion.

You further inquire as to the validity or legality of an acknowledgment to an instrument taken by a Notary who is a stockholder in a corporation, in which instrument the corporation is mortgagee. In my opinion, in the light of the authority upon such subject, such acknowledgment would be invalid.

I should state that our Supreme Court has never passed upon either of these questions, but, as I have stated, the weight of authority of the decisions of the courts of other states is in accord with the opinion herein stated by me.